



# Kansas Register

Ron Thornburgh, Secretary of State

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In this issue . . .	Page
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	195
<b>Social and Rehabilitation Services</b>	
Notice of hearing on proposed administrative regulations.....	195
Requests for proposals for peer-to-peer support methods.....	195, 196
<b>City of Overland Park and City of Olathe</b>	
Notice of public information meeting.....	196
<b>Marmaton Watershed Joint District No. 102</b>	
Notice to bidders.....	196
<b>Kansas Department of Transportation</b>	
Request for comments on the Statewide Transportation Improvement Program.....	196
Notice to contractors.....	197
<b>Secretary of State</b>	
Code mortgage rate for March.....	197
Usury rate for March.....	198
<b>Kansas Judicial Council</b>	
Notice of meetings.....	198
<b>Department of Administration—Division of Health Policy and Finance</b>	
Notices of hearing on proposed administrative regulations.....	198, 199
<b>Wildlife and Parks Commission</b>	
Notice of hearing on proposed administrative regulations.....	199
<b>Kansas State Fair Board</b>	
Notice of meeting.....	200
<b>Legislative bills and resolutions introduced February 16-22.....</b>	200
<b>Kansas Department of Agriculture</b>	
Notice of hearing on proposed permanent quarantine.....	202
<b>City of Lenexa</b>	
Notice to bidders.....	203
<b>Notice of Bond/Note Sale</b>	
Unified Government of Wyandotte County/Kansas City.....	203
City of Bucklin.....	205
<b>Department of Health and Environment</b>	
Requests for comments on proposed air quality permits.....	206, 207
Notice of hearing on proposed administrative regulations.....	207
Request for comments on infant-toddler grant application.....	209

(continued on next page)

**Kansas Development Finance Authority**  
 Notices of hearing on proposed revenue bonds..... 209

**Department of Administration—Division of Purchases**  
 Notice to bidders for state purchases ..... 210

**Permanent Administrative Regulations**  
 Kansas Insurance Department ..... 210  
 Board of Healing Arts..... 213

**Temporary Administrative Regulations**  
 Kansas Lottery ..... 217

**New State Laws**  
**House Bill 2630**, regulating traffic; concerning the weight limitations of certain vehicles..... 224  
**House Bill 2629**, regulating traffic; concerning the size limitations of certain vehicles ..... 224  
**House Bill 2698**, concerning sales taxation; relating to retailers’ sales tax in Sherman county ..... 224

**Index to administrative regulations..... 228**

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**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 2-27-06 through 3-5-06**

Term	Rate
1-89 days	4.49%
3 months	4.59%
6 months	4.72%
1 year	4.80%
18 months	4.73%
2 years	4.69%

Derl S. Treff  
Director of Investments

Doc. No. 032901

**State of Kansas  
Social and Rehabilitation Services**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Friday, May 19, in the SRS board room, sixth floor, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of amendments to an existing rule and regulation on a permanent basis effective July 1, 2006. Telephone conference is not available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in K.S.A. 2005 Supp. 77-421(a)(3). All interested parties may submit written comments prior to the hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, but 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 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 Hope Burns at (785) 296-3274 or by calling the Kansas Relay Center at (800) 766-3777.

The adoption of the regulation will take place at 9 a.m. Tuesday, May 30, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

Copies of the regulation and the economic impact statement may be obtained by contacting Hope Burns or from the SRS Web site at [www.srskansas.org](http://www.srskansas.org), under SRS News. A summary of the proposed regulation and the economic impact follows:

**Article 4.—PUBLIC ASSISTANCE PROGRAM**

**30-4-90. Eligibility factors specific to the GA program.**

This regulation is being amended to reflect changes in the

process and standards required to determine GA eligibility. These changes will focus on ensuring that the intent of the GA program providing benefits to individuals with a high probability of being eligible for Social Security disability benefits is met.

**Economic Impact:** This change is expected to result in a savings of \$1,607,664 in GA cash benefits (all state general funds).

**Bearer of cost:** N/A.

**Affected Parties:** This change will result in a decrease in the average monthly GA caseload of approximately 839 cases. The caseload will benefit from earlier access to Medicaid benefits as this change will be tied to the Presumptive Disability Determination process and will result in GA consumers receiving Medicaid instead of MediKan.

**Other Methods:** Other methods were considered, but ultimately this approach was taken as it more closely met the intent of the intended GA service population while providing access to Federal Medicaid benefits.

Gary J. Daniels  
Secretary of Social and  
Rehabilitation Services

Doc. No. 032922

**State of Kansas  
Social and Rehabilitation Services**

**Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for proposals by Health Care Policy/Mental Health to fund organizations that use peer-to-peer support methods to empower individuals and groups within the adult SPMI population to be proactive in their recovery processes, thereby reducing dependence on more costly services.

Participation in self-help groups and consumer-run organizations has been found to lessen feelings of isolation, increase practical knowledge, sustain coping efforts, replace self-defeating thoughts and actions with wellness-promoting activities, improve vocational involvement, and contribute greatly to empowerment and realistic hopes for the future. Successful applicants will use this recognized method to foster an environment and/or events that provide opportunities for leadership, education, training and research.

These above opportunities are to be provided on a voluntary, noncoercive basis. Further essential characteristics of successful applicants include the use of person-first language and philosophy; responsiveness to the special needs of individuals; and a clear, focused effort to serve the target population of this grant.

Groups interested in receiving a request for proposal should contact Diana Marsh at SRS/HCP/MH, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296- 3471 or fax (785) 296-6142. Complete proposals must be received not later than 5 p.m. May 9.

Gary J. Daniels  
Secretary of Social and  
Rehabilitation Services

Doc. No. 032927

(Published in the Kansas Register March 2, 2006.)

**City of Overland Park, Kansas  
City of Olathe, Kansas**

**Notice of Public Information Meeting**

The cities of Overland Park and Olathe will conduct their third public meeting regarding the roadway improvement plan for 151st Street, Quivira Road to Antioch Road. This meeting has been scheduled to discuss the construction schedule for this project.

The public meeting will be held at 6 p.m. Thursday, March 9, at the Blue Valley Baptist Church, 8925 W. 151st St., Overland Park.

The cities of Overland Park and Olathe want to ensure that the public is aware of this meeting. Members of the Overland Park, Olathe and Johnson County communities are encouraged to attend and share their thoughts and ideas about this project.

For more information, contact Wayne Gudenkauf, senior civil engineer, city of Overland Park, at (913) 895-6042.

Mary Lou McCann  
Contract Specialist  
Public Works Department  
City of Overland Park, Kansas

Doc. No. 032920

**State of Kansas  
Social and Rehabilitation Services**

**Request for Proposals**

The Department of Social and Rehabilitation Services announces the release of a request for proposals by Health Care Policy/Mental Health to fund statewide Consumer-Run Self-Help (CRSH) Special Purpose Grants. All programs receiving funding under this initiative provide technical assistance, training and leadership development services that promote education and recovery for adults who experience severe and persistent mental illness (SPMI), children who experience serious emotional disturbances (SED) and/or family members of persons who experience severe persistent mental illness or serious emotional disturbances. The state of Kansas recognizes the value of peer support methods in providing these services, and successful applicants for this grant will incorporate peer support services and philosophy into their grant-funded programs.

Groups interested in receiving a request for proposal should contact Diana Marsh at SRS/HCP/MH, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-3471 or fax (785) 296-6142. Complete proposals must be received not later than 5 p.m. May 9.

Gary J. Daniels  
Secretary of Social and  
Rehabilitation Services

Doc. No. 032930

**State of Kansas  
Department of Transportation  
Request for Comments**

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2006-2008 by adding the following project:

**Project X-2216-07**, Preliminary Engineering for Statewide Railroad Crossing Inspections

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude April 3.

Deb Miller  
Secretary of Transportation

Doc. No. 032931

(Published in the Kansas Register March 2, 2006.)

**Marmaton Watershed Joint District No. 102**

**Notice to Bidders**

Separate sealed bids for the construction of a 92,005 cubic yard floodwater detention dam, Site C-2, with a 30" prestressed concrete cylinder pipe primary spillway will be received by the Marmaton Watershed Joint District No. 102 at 1000 Promontory Drive, Uniontown, 66779, until 7 p.m. March 23 and then at said office publicly opened and read aloud.

Qualified parties interested in bidding should contact Agricultural Engineering Associates at the address above or by calling (620) 756-1000 or fax at (620) 756-4600. Interested contractors who have not both built one or more watershed dams for the Marmaton or Mill Creek watersheds in the past five years are required to submit acceptable prequalification documentation before bid documents will be issued.

The contract documents may be examined at the office of Agricultural Engineering Associates. Copies of the contract documents may be obtained upon payment of a \$50 nonrefundable fee. A pre-bid conference has been scheduled for 10 a.m. March 13 at the address above followed by a tour of the project site.

Dwayne Neil  
President

Doc. No. 032910

## State of Kansas

## Secretary of State

## Code Mortgage Rate for March

Pursuant to the provisions of K.S.A. 2005 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of March 1, 2006 through March 31, 2006, is 12 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 032918

## 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 Eisenhower State Office Building, fourth floor, west wing, until 2 p.m. March 15 and then publicly opened:

## District One — Northeast

**Jackson**—16-43 K-9631-01 — K-16 over North Cedar Creek drainage, 5.4 miles southeast of the junction of K-116, culvert construction. (State Funds)

**Johnson**—46 C-3966-01 - Lexington Avenue from the county line to K-10, 4.2 miles, grading and surfacing. (Federal Funds)

**Marshall**—58 C-4184-01 — County road, 1.2 miles east of Winifred, 0.4 mile, grading, bridge and surfacing. (Federal Funds)

**Osage**—56-70 KA-0163-01 — U.S. 56, 110 Mile Creek bridge, 2 miles west of the junction of U.S. 75, bridge overlay. (State Funds)

**Wabaunsee**—18-99 K-9626-01 — K-18, Kansas River drainage bridge, 0.8 mile east of the Riley-Wabaunsee county line, bridge deck. (State Funds)

## District Two — Northcentral

**Geary**—18-31 K-6795-01 — K-18 north of the east junction of I-70 northeast to the Geary-Riley county line, 2.7 miles, grading, bridge and surfacing. (Federal Funds)

**Jewell**—28-45 K-9635-01 — K-28, 5 miles east of the junction of K-14, culvert construction. (State Funds)

**Jewell**—28-45 K-9660-01 — K-28 over the Buffalo Creek drainage, 5.9 miles east of the south junction of K-14, bridge replacement. (Federal Funds)

**Morris**—4-64 K-9659-01 — K-4 bridges over Parkers Creek and Parkers Creek drainage, bridge replacement. (Federal Funds)

**Morris**—4-64 K-9634-01 — K-4 over Munkers Creek drainage, culvert construction. (State Funds)

**Morris**—4-64 KA-0207-01 — K-4 culvert, 0.8 mile north of K-149, culvert construction. (State Funds)

**Republic**—148-79 K-9636-01 — Four K-148 culverts 3.7 and 2.7 miles west of the junction of U.S. 81 and 2.1 miles and 8.8 miles east of the junction of U.S. 81, culvert construction. (State Funds)

## District Three — Northwest

**Cheyenne**—12 C-4101-01 — County road, 0.5 mile north and 0.5 mile west of St. Francis, 0.1 mile, grading and bridge. (Federal Funds)

## District Four — Southeast

**Bourbon**—65-6 K-9640-01 — K-65, Little Osage River drainage, culvert construction. (State Funds)

**Miami**—61 C-3987-01 — County road 0.9 mile north and 3.5 miles west of New Lancaster, 0.2 mile, grading, bridge and Surfacing. (Federal Funds)

**Neosho**—39-67 K-7433-02 — Cherry Street to Walnut Street on Grant Avenue and Walnut Street east to K-39 in Chanute, surfacing. (State Funds)

**Miami**—61 U-2010-01 — Baptiste Drive from Silver Street east to U.S. 169 in Paola, 2.2 miles, grading and surfacing. (Federal Funds)

## District Five — Southcentral

**Barton**—5 C-4125-01 — County road 1.2 miles west and 3 miles north of Beaver, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

**Cowley**—77 K-9180-01 - Intersection of U.S. 77B and Kansas Avenue in Arkansas City, 0.1 mile, grading and surfacing. (State Funds)

**Kingman**—54-48 K-7340-02 — U.S. 54, from east of the junction of K-17 west 6.4 miles, overlay. (Federal Funds)

## District Six — Southwest

**Seward**—54-88 U-1982-01 — U.S. 54 (Pancake Boulevard) and Kansas (Main Street) in Liberal, intersection improvement. (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. 032929

## State of Kansas

## Secretary of State

## Usury Rate for March

Pursuant to the provisions of K.S.A. 2005 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of March 1, 2006 through March 31, 2006, is 7.58 percent.

Ron Thornburgh  
Secretary of State

Doc. No. 032917

## State of Kansas

## Kansas Judicial Council

## Notice of Meetings

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

Date	Committee	Time	Location
March 9	District Court Rules	9:30 a.m.	Room 259
March 10	Administrative Procedure	9:30 a.m.	Room 259
March 10	Legal Forms	9:30 a.m.	Room 269
March 17	Probate Law	9:30 a.m.	Room 259
March 17	PIK Civil	9:30 a.m.	Room 269
March 24	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259
April 13	District Court Rules	9:30 a.m.	Room 259
April 14	Legal Forms	9:30 a.m.	Room 259
April 21	PIK Civil	9:30 a.m.	Room 259
April 28	Juvenile Offender/Child in Need of Care	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci  
Chair

Doc. No. 032903

## State of Kansas

Department of Administration  
Division of Health Policy and FinanceNotice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10:30 a.m. Wednesday, May 3, in Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a new regulation on a permanent basis effective 15 days after publication in the Kansas Register. K.S.A. 2005 Supp. 75-7413 transferred specific powers, duties, and regulatory authority of the Secretary of Social and Rehabilitation Services on an interim basis to a new Division of Health Policy and Finance (DHPF) within the Department of Administration created under K.S.A. 2005 Supp. 75-7406, effective July 1, 2005. The statute provides that DHPF will be the single state agency for Medicaid, Medikan and HealthWave in Kansas. The statute also establishes the Kansas Health Policy Authority (HPA), which will eventually assume these programs as well as

other medical programs for the state of Kansas. The Division of Health Policy and Finance is revoking regulation 30-5-118 and replacing it with the new proposed regulation. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in K.S.A. 2005 Supp. 77-421(a)(3). All interested parties may submit written comments before the hearing to Rita Haverkamp, Division of Health Policy and Finance, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or by e-mail at [rszh@srskansas.org](mailto:rszh@srskansas.org). At the hearing, the Division of Health Policy and Finance will give all interested parties a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes. A copy of the regulation and the economic impact statement may be obtained by contacting Rita Haverkamp at (785) 296-5107 or from the DHPF Web site at [www.da.state.ks.us/hpf](http://www.da.state.ks.us/hpf).

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 before the hearing by contacting Rita Haverkamp or by calling the Kansas Relay Center at (800) 766-3777.

The adoption of the new regulation will take place at 1:30 p.m. Thursday, May 4, in Room 900-N of the Landon State Office Building. Telephone conference will not be available.

A summary of the regulation and the economic impact follows:

**Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENT FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM**

**30-5-118. Prior authorization.** This regulation is being revoked and replaced with the new proposed regulation.

**Economic Impact:** This change is not expected to have any discernable economic impact.

**129-5-118. Scope of federally qualified health center services.** The following changes will be made in replacing regulation 30-5-118 with 129-5-118 regarding scope of federally qualified health center services:

The proposed change removes dental assistants from the K.A.R. because they are not recognized as independent providers.

**Federal Mandate:** This regulation change is not federally mandated.

**Economic Impact:** It is anticipated there would be no fiscal impact.

**Bearer of Cost:** Not applicable.

**Affected Parties:** Federally qualified health center services dental assistants and Division of Health Policy and Finance (DHPF).

**Other Methods:** There were no other appropriate methods for the desired outcome.

Robert M. Day, Ph.D.  
Director of Health Policy and Finance

Doc. No. 032907

## State of Kansas

**Department of Administration  
Division of Health Policy and Finance**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10:30 a.m. Wednesday, May 3, in Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a new regulation on a permanent basis effective 15 days after publication in the Kansas Register. K.S.A. 2005 Supp. 75-7413 transferred specific powers, duties, and regulatory authority of the Secretary of Social and Rehabilitation Services on an interim basis to a new Division of Health Policy and Finance (DHPF) within the Department of Administration, created under K.S.A. 2005 Supp. 75-7406, effective July 1, 2005. The statute provides that DHPF will be the single state agency for Medicaid, Medikan and HealthWave in Kansas. The statute also establishes the Kansas Health Policy Authority (HPA), which will eventually assume these programs as well as other medical programs for the state of Kansas. The Division of Health Policy and Finance is revoking regulation 30-5-118b and replacing it with the new proposed regulation. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in K.S.A. 2005 Supp. 77-421(a)(3). All interested parties may submit written comments before the hearing to Rita Haverkamp, Division of Health Policy and Finance, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or by e-mail at [rszh@srskansas.org](mailto:rszh@srskansas.org). At the hearing, the Division of Health Policy and Finance will give all interested parties a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes. A copy of the regulation and the economic impact statement may be obtained by contacting Rita Haverkamp at (785) 296-5107 or from the DHPF Web site at [www.da.state.ks.us/hpf](http://www.da.state.ks.us/hpf).

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 before the hearing by contacting Rita Haverkamp or by calling the Kansas Relay Center at (800) 766-3777.

The adoption of the new regulation will take place at 1:30 p.m. Thursday, May 4, in Room 900-N of the Landon State Office Building. Telephone conference will not be available.

A summary of the regulation and the economic impact follows:

**Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENT FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM**

**30-5-118b. Prior authorization.** This regulation is being revoked and replaced with the new proposed regulation.

**Economic Impact:** This change is not expected to have any discernable economic impact.

**129-5-118b. Cost reimbursement principles for federally qualified health center services and other ambulatory services.** The following changes will be made in replacing regulation 30-5-118b with 129-5-118b regarding cost reimbursement principles for federally qualified health center services and other ambulatory services:

The proposed changes further define and clarify reimbursement for Kansas medical assistance program services provided by federally qualified health centers (FQHCs). Grants were being deducted from FQHCs revenues and DHPF is not required to do this. Revenues are part of the cost report. The cost report is not the DHPF's, so the DHPF cannot define how to fill it out. There are a set of national instructions for filling out cost reports that FQHCs are to follow. If something on the cost report is filled out incorrectly the DHPF refers them to the instructions, not the regulations. These proposed changes will further align Kansas Medicaid with Medicare.

**Federal Mandate:** This regulation change is not federally mandated.

**Economic Impact:** It is expected that this change will reduce Medicaid expenditures by \$120,000 SGF and \$180,000 FFP, annually.

**Bearer of Cost:** The cost will be borne by Medicaid.

**Affected Parties:** Federally qualified health center providers enrolled as Medicaid providers and Division of Health Policy and Finance (DHPF).

**Other Methods:** There were no other appropriate methods for the desired outcome.

Robert M. Day, Ph.D.  
Director of Health Policy and Finance

Doc. No. 032908

## State of Kansas

**Wildlife and Parks Commission**

**Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, April 27, at the Courtyard Marriott, 310 Hammons Drive, Junction City, to consider the approval and adoption of proposed administrative regulations of the Kansas Department of Wildlife and Parks.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. April 27 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. April 28 at the same location.

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 ac-

*(continued)*

commodation should be made at least five working days in advance of the hearing by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave, Suite 200, Topeka, 66612, or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard, in addition to the regulation contained in the previously published 60-day notice, during the regulatory hearing portion of the meeting are as follows:

**K.A.R. 115-25-7.** This permanent regulation sets the antelope open season, bag limit and permits. The proposed changes for 2006 include increasing firearms and muzzleloader allocations by a combined total of 18 permits and offering unlimited nonresident archery permits.

**Economic Impact Summary:** The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-25-8.** This permanent regulation sets the elk open season, bag limit and permits. The proposed changes for 2006 include increasing any-elk allocations by five total permits and the allowance for unlimited hunt-on-your-own-land permits authorized over the entire state.

**Economic Impact Summary:** The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies or the public.

**K.A.R. 115-25-9.** This permanent regulation sets the deer open season, bag limit and permits. The proposed changes for 2006 include shortening the January antlerless season by one day, allowing for the purchase of antlerless permits and game tags without the necessity of an antlered permit after December 30, and removing checkstation provisions in the western part of the state.

**Economic Impact Summary:** The proposed amendment is not anticipated to have any appreciable economic impact on the department, other agencies or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the commission at the address above, electronically on the department's Web site at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us), or by calling (785) 296-2281.

John R. Dykes  
Chairman

Doc. No. 032916

## State of Kansas

### State Fair Board

#### Notice of Meeting

The Kansas State Fair Board will meet at 10 a.m. Tuesday, March 7, in Hutchinson. For more information, call Denny Stoecklein at (620) 669-3600.

Robba Moran  
President

Doc. No. 032904

## State of Kansas

### Legislature

#### Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced February 16-22 by the 2006 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

#### House Bills

**HB 2953,** An act concerning limitations on testamentary power; amending K.S.A. 59-602 and repealing the existing section, by Committee on Appropriations.

**HB 2954,** An act concerning the conveyance of certain state property located in Miami county to the city of Osawatimie, Kansas, by the secretary of social and rehabilitation services, by Committee on Appropriations.

**HB 2955,** An act concerning flavored malt beverages; relating to taxation and labeling, by Committee on Federal and State Affairs.

**HB 2956,** An act concerning the Kansas water pollution control revolving fund; relating to allocations from such fund; amending K.S.A. 65-3322 and repealing the existing section, by Committee on Appropriations.

**HB 2957,** An act making and concerning appropriations for the fiscal years ending June 30, 2007, and June 30, 2008, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2958,** An act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2959,** An act concerning property taxation; relating to exemptions; community housing development organizations; amending K.S.A. 2005 Supp. 79-201z and repealing the existing section, by Committee on Taxation.

**HB 2960,** An act concerning sales taxation; relating to countywide retailers' sales tax; Marion county; amending K.S.A. 2005 Supp. 12-187 and 12-189 and repealing the existing sections, by Committee on Taxation.

**HB 2961,** An act concerning security officers appointed by the adjutant general; relating to powers as law enforcement officers; amending K.S.A. 48-204 and K.S.A. 2005 Supp. 74-5602 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2962,** An act concerning alcoholic liquor; relating to removal of partially consumed containers of wine from certain licensed premises; amending K.S.A. 8-1599 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2963,** An act concerning minors; relating to services provided by domestic violence or sexual assault crisis intervention centers, by Committee on Federal and State Affairs.



**HB 2964**, An act concerning eminent domain; amending K.S.A. 26-509 and 26-513 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2965**, An act concerning real estate sales validation questionnaires; amending K.S.A. 2005 Supp. 79-1437f and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2966**, An act concerning the militia; amending K.S.A. 48-241 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2967**, An act concerning the Kansas national guard; relating to periods of state active duty; cost of certain health insurance; amending K.S.A. 2005 Supp. 79-32,213 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2968**, An act making and concerning appropriations for the fiscal year ending June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 55-193 and K.S.A. 2005 Supp. 2-223, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Appropriations.

**HB 2969**, An act regulating traffic; concerning reckless driving; amending K.S.A. 8-1566 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2970**, An act concerning taxation; relating to sales tax receipts; creating the county ad valorem tax reduction fund; providing for transfers thereto and allocations and distributions therefrom, by Committee on Taxation.

**HB 2971**, An act concerning the department of health and environment; relating to education and screening for congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases and disorders; assistance for certain expenses; amending K.S.A. 65-180 and repealing the existing section, by Committee on Appropriations.

**HB 2972**, An act concerning sales taxation; relating to refunds of sales tax paid upon food; amending K.S.A. 2005 Supp. 79-3635 and repealing the existing section, by Committee on Taxation.

**HB 2973**, An act concerning business entities; relating to annual reports; extension of time for filing; amending K.S.A. 56-1a606, 56-1a607, 56-1a610, 56a-1201, 56a-1202 and 56a-1204 and K.S.A. 2005 Supp. 17-1618, 17-2036, 17-2718, 17-4634, 17-4677, 17-7503, 17-7504, 17-7505, 17-7514 and 17-76,139 and repealing the existing sections, by Committee on Taxation.

**HB 2974**, An act concerning the state fire marshal; relating to education requirements of certain employees and agents, by Committee on Appropriations.

**HB 2975**, An act concerning fire prevention and safety products and services; requiring registration with the state fire marshal, by Committee on Appropriations.

**HB 2976**, An act relating to the state fire marshal; providing for interpretive guidelines for rules and regulations By Committee on Appropriations.

**HB 2977**, An act concerning the state fire marshal; relating to fire prevention and education opportunities for certain persons, by Committee on Appropriations.

**HB 2978**, An act concerning fire inspections; providing for an informal dispute resolution procedure, by Committee on Appropriations.

**HB 2979**, An act concerning teachers; relating to licensure; amending K.S.A. 2005 Supp. 72-1388 and repealing the existing section, by Select Committee on School Finance.

**HB 2980**, An act relating to purchases and payments by certain state educational institutions; providing for a pilot project relating thereto, by Committee on Appropriations.

**HB 2981**, An act concerning income taxation; relating to compensation of certain persons serving in armed forces; amending K.S.A. 79-3221 and K.S.A. 2005 Supp. 79-32,117 and repealing the existing sections, by Committee on Taxation.

**HB 2982**, An act enacting the Kansas intrastate emergency mutual aid act; providing for a system of intrastate mutual aid between participating political subdivisions in cases of declared disasters and drills and exercises in preparation for such disasters, by Committee on Federal and State Affairs.

### House Resolutions

**HR 6012**, A resolution observing February 17 as Armed Forces Appreciation Day.

**HR 6013**, A resolution memorializing the Congress of the United States to repeal the Real ID Act portion of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror and Tsunami Relief, 2005.

**HR 6014**, A resolution in support of the patriot patrol riders.

**HR 6015**, A resolution in memory of Clinton R. Upchurch.

### Senate Bills

**SB 569**, An act concerning claims against the state; relating to payment by state agencies for certain personal injuries and property damages or losses authorized; limitations; amending K.S.A. 46-922 and repealing the existing section, by Committee on Ways and Means.

**SB 570**, An Act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

**SB 571**, An act making and concerning appropriations for the fiscal years ending June 30, 2007, and June 30, 2008, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

**SB 572**, An act relating to public libraries; concerning the basis for property tax levies thereof; amending K.S.A. 75-2551 and 79-2930 and repealing the existing sections, by Committee on Ways and Means.

**SB 573**, An act making and concerning appropriations for the fiscal year ending June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 55-193 and K.S.A. 2005 Supp. 2-223, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Ways and Means.

**SB 574**, An act concerning land conveyance; authorizing the secretary of administration to transfer certain land; amending the property description of such land; amending K.S.A. 2005 Supp. 76-2135 and repealing the existing section, by Committee on Ways and Means.

**SB 575**, An act enacting the Topeka/Shawnee county riverfront authority act; creating a riverfront authority and prescribing the powers and duties thereof, by Committee on Federal and State Affairs.

**SB 576**, An act concerning natural gas; relating to gas gathering facilities; amending K.S.A. 55-1,101, 55-1,102, 55-1,103, 55-1,104, 55-1,105, 55-1,107, 55-1,108 and 55-1,109 and K.S.A. 2005 Supp. 66-105a and repealing the existing sections, by Committee on Ways and Means.

**SB 577**, An act concerning state officers and employees; relating to salaries, compensation and certain expense allowances; providing for certain salary bonus payments and for step movement or base pay rate increases under the pay plan for the classified service under the Kansas civil service act and for certain base salary increases for the unclassified service for the fiscal year ending June 30, 2007; making and concerning appropriations for the fiscal year ending June 30, 2007; amending K.S.A. 40-102 and K.S.A. 2005 Supp. 75-3101, 75-3103, 75-3104, 75-3108, 75-3110 and 75-3111a and repealing the existing sections, by Committee on Ways and Means.

### Senate Concurrent Resolutions

**SCR 1622**, A proposition to amend section 5 of article 3 of the constitution of the state of Kansas, relating to the selection of justices of the supreme court.

**SCR 1623**, A concurrent resolution concerning funeral picketing.

### Senate Resolutions

**SR 1813**, A resolution urging divestiture of investments in Sudan.

**SR 1814**, A resolution honoring General Richard B. Myers, a great Kansan and a great American.

Doc. No. 032902

## State of Kansas

## Department of Agriculture

Notice of Hearing on Proposed  
Permanent Quarantine

Pursuant to the provisions of K.S.A. 2-2117, a hearing will be conducted at 10 a.m. Thursday, March 23, in Room 401, Kansas Department of Agriculture, 109 S.W. 9th, Topeka, in the matter of the issuance of a permanent quarantine prohibiting *Tamarix* spp. into and within the state of Kansas. The proposed quarantine would affect the entire state of Kansas.

All interested persons may attend the hearing and will be given the opportunity to express comments either orally or in writing, or both. Interested parties may appear in person or by counsel.

Written comments and requests for information concerning the proposed quarantine should be directed to Bill Scott, Manager, Plant Protection and Weed Control Section, Kansas Department of Agriculture, Forbes Field, Building 282, P.O. Box 19282, Topeka, 66619, at or before the time of hearing. For persons intending to present oral testimony at the hearing, prior notice to the department would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the quarantine in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

The proposed quarantine order is as follows:

**BEFORE THE SECRETARY OF AGRICULTURE,  
TOPEKA, KANSAS  
TAMARIX QUARANTINE**

On this \_\_\_\_ day of \_\_\_\_\_, 2006 the Secretary of the Kansas Department of Agriculture, pursuant to authority authorized by K.S.A. 2-2117, hereby determines that quarantine action is necessary to prevent the further introduction of *Tamarix* spp. into the State of Kansas and also the further spread of *Tamarix* spp. within the State of Kansas.

The Secretary does hereby make the following findings relevant to this plant:

WHEREAS, the Kansas Department of Agriculture has determined that *Tamarix* spp. are plant pests as defined in K.S.A. 2-2113;

WHEREAS, the Kansas Department of Agriculture has located established non-cultivated populations of *Tamarix* spp. in Kansas;

WHEREAS, *Tamarix* spp. may reproduce, survive, and spread in Kansas.

WHEREAS, *Tamarix* spp. is known to deplete certain water resources in Kansas;

WHEREAS, *Tamarix* spp. is a terrestrial plant believed to have innate tendencies for invasiveness which requires

that an exterior and interior quarantine of *Tamarix* spp. be established in the State of Kansas;

WHEREAS, public agencies and private landowners are committing resources to control populations of *Tamarix* spp. in Kansas.

**THE SECRETARY DOES THEREFORE ORDER THAT:**

In order to prevent, retard, suppress, and control the spread of *Tamarix* spp. in the State of Kansas, the movement of *Tamarix* spp. into the State of Kansas from any other state of the United States by any person is forbidden. Further, the movement of *Tamarix* spp. within the State of Kansas by any person is prohibited unless authorized as a control measure by the Secretary of Agriculture.

**DEFINITIONS**

This quarantine shall apply to any Aperson@ as defined by K.S.A. 2-2113, and all other terms used within this quarantine shall have the meanings as defined or established in K.S.A. 2-2113 et seq. as amended and supplemented.

*Tamarix* spp. means any and all species of plants classified in the genus *Tamarix* including species with the common names salt cedar and tamarisk.

**REGULATED AREAS**

All area within the borders of the State of Kansas shall be subject to the restrictions of this quarantine. As established by K.S.A. 2-2115, the Secretary shall have the right to enter and inspect any property in the state for the purpose of enforcement of this act, except for private residences, or to inspect any means of conveyance, upon probable cause that it contains material subject to this quarantine.

**REGULATED ARTICLES**

*Tamarix* spp. plants or parts of plants capable of growing or propagation are prohibited. Forage, hay, or any other commodity containing *Tamarix* spp. plants or parts of plants shall be subject to the restrictions of this quarantine.

**EFFECTIVE DATE OF QUARANTINE**

This order will become effective upon issuance and shall remain in effect until rescinded or modified by further order of the Secretary of the Kansas Department of Agriculture.

**VIOLATION OF THIS QUARANTINE**

Any person who knowingly moves an article in violation of this quarantine may be subject to prosecution pursuant to K.S.A. 2-2124 and 2-2125.

Dated and signed this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Adrian J. Polansky, Secretary of Agriculture

Adrian J. Polansky  
Secretary of Agriculture

Doc. No. 032914

(Published in the Kansas Register March 2, 2006.)

**City of Lenexa, Kansas**

**Notice to Bidders**

Sealed bids for **87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway**, will be accepted by the city of Lenexa, Kansas, at the Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 10:30 a.m. March 21, 2006, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Planning Department customer service staff in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: 87th Street Parkway, Quivira Road to Pflumm Road & Quivira Road, 85th Street to 87th Street Parkway."

Copies of plans, specifications, bidding documents and other contract documents are on file at Planning Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above upon payment of \$150, which amount is non-refundable.

In lieu of picking up plans and specifications at Lenexa City Hall, bidders may download plans and specs free of charge from the city of Lenexa's Web site at <http://www.ci.lenexa.ks.us/publicworks/index.html>.

Note: Davis-Bacon wage rates apply to this project.

Contractors should read and be fully familiar with all contract documents, including addenda, before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid Form.
- b. 5% Bid Security—Bid Bond, Cashier's Check or Certified Check (see below).

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by city of Lenexa until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of

the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 10 a.m. March 14 in the executive conference room on the main level of the Lenexa City Hall.

Mary Sue Fry, City Clerk  
City of Lenexa, Kansas

Doc. No. 032890

(Published in the Kansas Register March 2, 2006.)

**Summary Notice of Sale  
Unified Government of Wyandotte County/  
Kansas City, Kansas**

**\$36,610,000\***

**Municipal Temporary Notes  
Series 2006-I**

**\$4,625,000\***

**Municipal Temporary Notes  
Series 2006-II**

**\$655,000\***

**Taxable Municipal Temporary Notes  
Series 2006-III**

**\$36,955,000\***

**General Obligation Improvement Bonds  
Series 2006-A**

**\$3,575,000\***

**Taxable General Obligation Improvement Bonds  
Series 2006-B**

**(General obligations payable from  
unlimited ad valorem taxes)**

**Bids**

Sealed, facsimile and electronic (as explained below) bids for the purchase of the following securities of the Unified Government of Wyandotte County/Kansas City, Kansas (the Unified Government), will be received (1) in the case of sealed bids, by the director of revenue/treasury at the address hereinafter set forth; (2) in the case of facsimile bids, by the Unified Government's financial advisor, Springsted Incorporated, at (651)223-3046; and (3) in

*(continued)*

the case of electronic bids, through PARITY electronic bid submission system, until the following times, all on Thursday, March 9, 2006:

Series	Time of Sale
\$36,610,000* Municipal Temporary Notes, Series 2006-I (the "Series 2006-I Notes")	11:30 a.m.
\$4,625,000* Municipal Temporary Notes, Series 2006-II (the "Series 2006-II Notes")	11:30 a.m.
\$655,000* Taxable Municipal Temporary Notes, Series 2006-III (the "Series 2006-III Notes")	11:30 a.m.
\$36,955,000* General Obligation Improvement Bonds, Series 2006-A (the "Series 2006-A Bonds")	12:00 p.m. (noon)
\$3,575,000* Taxable General Obligation Improvement Bonds, Series 2006-B (the "Series 2006-B Bonds")	12:00 p.m. (noon)

at which time such bids will be publicly read and will be acted upon by the governing body at its meeting to be held at 7 p.m. that day. No oral or auction bids will be considered.

**The Notes**

The Series 2006-I Notes, the Series 2006-II Notes and the Series 2006-III Notes shall be collectively referred to herein as the "notes."

**Note Details**

The notes for each series shall consist of either (a) one fully registered note in the full principal amount of such series of notes, or (b) fully registered notes issued in book-entry form only, in the denomination of \$5,000 or any integral multiple thereof. Notes issued in book-entry form only shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment of principal of and interest on the notes will be made, and individual purchases of notes will be made in book-entry form only; purchasers will not receive certificates representing their interest in notes purchased. As an alternative to the notes being issued in book-entry form only, a successful bidder on a series of notes may choose to receive one fully registered note without coupons for the full principal amount of such series. The notes shall be dated March 15, 2006, and shall become due on the dates shown in the following table:

Series	Maturity Date
Series 2006-I Notes	April 1, 2007
Series 2006-II Notes	November 1, 2006
Series 2006-III Notes	November 1, 2006

The Series 2006-I Notes will bear interest from the dated date at a rate to be determined when the Series 2006-I Notes are sold as hereinafter provided, which interest will be payable on May 1, 2006 and April 1, 2007, or on prior redemption. The Series 2006-II Notes and the Series 2006-III Notes will bear interest from the dated date at a rate to be determined when the Series 2006-II Notes and Series 2006-III Notes are sold as hereinafter provided, which interest will be payable at maturity (November 1, 2006), or on prior redemption. Interest on the notes will be calculated on the basis of a 360-day year of 12 30-day months.

**Redemption of Notes Prior to Maturity**

The notes shall be redeemable at the option of the Unified Government at any time upon not less than 15 days' notice given by publication once in the official newspaper of the Unified Government, or in writing to the holder(s) of the notes.

**The Bonds**

The Series 2006-A Bonds and the Series 2006-B Bonds shall be collectively referred to herein as the "bonds."

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payment 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 March 15, 2006. The bonds will become due as follows:

**Series 2006-A Bonds**

Maturity Date (August 1)	Principal Amount*
2006	\$2,000,000
2007	1,275,000
2008	1,320,000
2009	1,370,000
2010	1,415,000
2011	1,470,000
2012	1,525,000
2013	1,580,000
2014	1,645,000
2015	1,710,000
2016	1,780,000
2017	1,855,000
2018	1,930,000
2019	2,015,000
2020	2,100,000
2021	2,190,000
2022	2,285,000
2023	2,390,000
2024	2,495,000
2025	2,605,000

**Series 2006-B Bonds**

Maturity Date (August 1)	Principal Amount*
2006	\$215,000
2007	110,000
2008	115,000
2009	120,000
2010	125,000
2011	135,000
2012	140,000
2013	145,000
2014	155,000
2015	160,000
2016	170,000
2017	180,000
2018	185,000
2019	195,000

2020	210,000
2021	220,000
2022	230,000
2023	240,000
2024	255,000
2025	270,000

The Series 2006-A Bonds will bear interest from the dated date at rates to be determined when such bonds are sold, which interest will be payable semiannually on February 1 and August 1 in each year, beginning August 1, 2006. The Series 2006-B Bonds will bear interest from the dated date at rates to be determined when such bonds are sold, which interest will be payable semiannually on February 1 and August 1 in each year, beginning August 1, 2006.

**Redemption of Bonds Prior to Maturity**

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

**Good Faith Deposit**

A good faith deposit is not required for bids on the notes. Each bid for a series of the bonds shall be accompanied by a good faith deposit in the form of a certified or cashier’s check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds of such series, payable to the order of the Unified Government.

**Pre-Bid Revisions**

The Unified Government reserves the right to issue a Supplemental Notice of Sale not later than 48 hours prior to the sale date via the MUNIFACTS News Service. If issued, the Supplemental Notice of Sale may (i) modify the principal amount of one or more series of the notes or bonds, (ii) withdraw one or more series of the notes or bonds from the sale, and/or (iii) modify such other terms of this notice of sale as the Unified Government determines.

**Adjustment of Issue Size**

The Unified Government reserves the right on the date of the award to, in its sole discretion, increase or decrease the total principal amount of a series of the notes or bonds and/or to increase or decrease individual principal maturities, depending on the interest rates bid and the issue price specified, in order to properly structure the financing for the projects to be paid for with proceeds of the notes and bonds.

**Delivery and Payment**

The Unified Government will pay for preparing the bonds and notes. The bonds and notes will be delivered in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about March 30, 2006.

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the Unified Government is \$1,126,234,802, of which \$1,100,156,257 is within the city of Kansas City, Kansas. The total general obligation bonded indebtedness of the Unified Government as of the date of the notes and the bonds, including the notes and bonds being issued, but excluding the bonds and tem-

porary notes to be retired with the proceeds of the notes and bonds and other funds of the Unified Government, is \$219,410,218, of which \$219,100,218 is indebtedness of the Unified Government payable only from taxes on taxable tangible property within the city of Kansas City, Kansas.

**Approval of the Notes and Bonds**

The notes and bonds will be sold subject to the approving legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, which opinion will be furnished and paid for by the Unified Government and will accompany the notes and bonds and be delivered to the successful bidder when the notes and bonds are delivered.

**Additional Information**

Additional information regarding the notes and bonds may be obtained from the office of the director of revenue/treasury at (913) 573-5270; from Springsted Incorporated, the Unified Government’s financial advisor, at (612) 223-3000; or from bond counsel, Gilmore & Bell, P.C., 2405 Grand Blvd., Suite 1100, Kansas City, MO 64108, at (816) 221-1000.

Dated February 23, 2006.

Unified Government of Wyandotte County/  
 Kansas City, Kansas  
 Charles A. Henry  
 Director of Revenue/Treasury  
 Municipal Office Building, Suite 330  
 One McDowell Plaza  
 701 N. 7th St.  
 Kansas City, KS 66101-3064

\* Preliminary, subject to change.

Doc. No. 032924

(Published in the Kansas Register March 2, 2006.)

**Summary Notice of Note Sale**

**City of Bucklin, Kansas**

**\$1,301,000**

**Temporary Notes, Series 2006**

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

**Bids**

Subject to the notice of note sale dated February 14, 2006, written bids will be received on behalf of the clerk of the city of Bucklin, Kansas (the issuer), at the address set forth below, until 4 p.m. March 14, 2006, for the purchase of the above-referenced notes. No bid of less than 98.5 percent of the principal amount of the notes and accrued interest thereon to the date of delivery will be considered.

**Note Details**

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof, except one note in the denomination of \$1,000 (or such amount added to \$5,000, or any integral multiple thereof). The notes will be dated March 15, 2006, and will become due March 1, 2008.

(continued)

The notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2007.

#### Optional Book-Entry-Only System

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

#### Paying Agent and Note Registrar

Kansas State Treasurer, Topeka, Kansas.

#### Delivery

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about March 28, 2006, at DTC at 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.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2005 is \$3,963,080. The total general obligation indebtedness of the issuer as of the date of delivery of the notes, including the notes being sold, is \$1,469,788.

#### Approval of Notes

The notes 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 notes will be furnished and paid for by the issuer, printed on the notes and delivered to the successful bidder when the notes are delivered.

#### Additional Information

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

#### Written and Facsimile Bid Delivery Address:

Brenda Koon, Clerk  
City Hall  
117 W. Oak  
Bucklin, KS 67834  
(620) 826-3581  
Fax (620) 826-3894  
E-mail: cityofbucklin@rurallink.net

#### Financial Advisor - Address:

Ranson Financial Consultants, L.L.C.  
209 E. William, Suite 401  
Wichita, KS 67202  
Attn: John Haas  
(316) 264-3400  
Fax (316) 265-5403  
E-mail: jhaas@ransonfinancial.com

Dated February 14, 2006.

City of Bucklin, Kansas

Doc. No. 032925

#### 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. Tyson Fresh Meats, Inc. 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.

Tyson Fresh Meats, Inc., 800 Stevens Port Drive, Dakota Dunes, South Dakota, owns and operates a meat packing and processing plant. The facility has boilers, cookers, driers and product silos located at 2101 W. Sixth Ave., Emporia, Lyon County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Amer Safadi, (785) 296-1993, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amer Safadi, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 3.

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 Sherry Walker, Bureau of Air and Radiation, not later than the close of business April 3 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. 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 Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, 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. 032923

#### 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. BP America Production Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

BP America Production Company, Houston, Texas, owns and operates a Class I Operating Permit for the Ulysses West C compressor station located at Section 9, Township 27 South, Range 38 West, Grant County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KHDE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business April 3.

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 Christy Thurman, Bureau of Air and Radiation, not later than the close of business April 3 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. 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 Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, 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. 032926

#### State of Kansas

### Department of Health and Environment

#### Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment, Division of Environment, Bureau of Environmental Remediation (BER), Surface Mining Section (SMS) will conduct a public hearing at 10 a.m. Thursday, May 11, in the office of the Surface Mining Section, 4033 Parkview Drive, Frontenac, to consider the adoption of proposed surface mining regulations.

In a letter dated August 23, 2000, the Office of Surface Mining (OSM) required Kansas to update its regulations and bring them into compliance with federal regulations. Some of the Kansas regulations are being amended in response to this federal action. Other amendments to the regulations not mandated by OSM occur throughout the regulations. These amendments are the adoption by reference of the July 1, 2001, federal regulations at 30 CFR. The adoption by reference of the federal regulations will add continuity to the Kansas regulations, making them all adopted on the same date. Also, terms and cross-references were updated to make the adoption by reference grammatically and legally correct. There will be no additional fiscal impact with the implementation of these regulations. A general description of the regulations changed are as follows:

**K.A.R. 47-2-75** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

*(continued)*

**K.A.R. 47-3-2 and 47-3-42** were amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in these regulations in an effort to bring continuity to the regulations in general. Also, in **K.A.R. 47-3-42**, the regulations governing certification and updating of existing permits, required applicant ownership and control information, permit history, provisions for entering information into and reviewing of the Applicant Violator System (AVS), permit eligibility determinations, requirements for improvidently issued permits, and challenges to ownership and control were adopted by reference bringing the Kansas regulations into compliance with their federal counterparts.

**K.A.R. 47-4-14a** was amended in several places to make the administrative procedures coincide with federal regulations and the existing KDHE requirements.

**K.A.R. 47-5-5a** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general. This article also was brought into compliance with the federal regulations through the adoption of regulations that deal with individual civil penalties.

**K.A.R. 47-6-1** was amended to clarify procedures for permit review. Changes were made to **K.A.R. 47-6-2** to help clarify the regulation. **K.A.R. 47-6-3, 47-6-4, 47-6-6, 47-6-8, 47-6-9 and 47-6-10** were amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in these regulations in an effort to bring continuity to the regulations in general. **K.A.R. 47-6-11** was enacted to establish post permit issuance requirements for AVS.

**K.A.R. 47-7-2** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

**K.A.R. 47-8-9** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

**K.A.R. 47-9-1 and 47-9-4** were amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in these regulations in an effort to bring continuity to the regulations in general.

**K.A.R. 47-10-1** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

**K.A.R. 47-11-8** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

**K.A.R. 47-12-4** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general. This article also was required to be amended by OSM in a letter dated August 23, 2000. The article was amended to bring the regulations governing valid existing rights into compliance with the federal regulations at 30 CFR 761.5, 761.12, 761.14, 761.15, 761.16 and 761.17.

**K.A.R. 47-13-4** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

**K.A.R. 47-14-7** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general.

**K.A.R. 47-15-1a** was amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in this regulation in an effort to bring continuity to the regulations in general. The term "director" was replaced by "secretary" and regulations pertaining to a compliance conference was added.

**K.A.R. 47-16-9 and 47-16-10** were amended to clarify and update terms and cross-references. The federal regulations as of July 1, 2001, were adopted in these regulations in an effort to bring continuity to the regulations in general. **K.A.R. 47-16-10** was amended to include the exclusion of certain non-coal reclamation for abandoned mined land (AML) eligibility. **K.A.R. 47-16-12** was promulgated to provide for AML reclamation projects that receive less than 50 percent government funding.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. All interested parties may submit written comments prior to 5 p.m. on the day of the hearing to Murray Balk, Kansas Department of Health and Environment, Bureau of Environmental Remediation, Surface Mining Section, 4033 Parkview Drive, Frontenac, 66763, by fax to (620) 231-0753, or by e-mail to mbalk@kdhe.state.ks.us. The proposed regulations can be accessed on the KDHE Web site at <http://www.kdheks.gov/mining>. All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes.

Copies of the proposed amendments and the economic impact and environmental benefit statements may be obtained from the Kansas Department of Health and Environment, Bureau of Remediation, Surface Mining Section, by calling Sheila DoByns at (620) 231-8540 or sdobyns@kdhe.state.ks.us. Questions pertaining to these proposed amendments should be directed to Murray Balk, (620) 231-8540 or mbalk@kdhe.state.ks.us.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Murray Balk.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032913



## State of Kansas

Department of Health  
and Environment

## Request for Comments

The Kansas Department of Health and Environment is soliciting comments and recommendations from the public regarding the FFY 2006 Kansas Infant-Toddler grant application under Part C of the Individuals with Disabilities Education Act (IDEA), as amended by the Individuals with Disabilities Education Improvement Act of 2004. Funds from this grant will enable the continuance of a statewide comprehensive, coordinated, multidisciplinary system of services for infants and toddlers with disabilities and their families.

The grant application may be reviewed for 60 days from the publication of this notice on the KDHE Web site at <http://www.kdheks.gov/its/index.html> or a hard copy may be requested by calling (785)-296-6135 or (800) 332-6262 (V/TTY).

In order to be assured consideration in this grant process, all comments and recommendations must be submitted on or before April 14 to the Kansas Department of Health and Environment, Children's Developmental Services, Suite 220, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612-1274. Comments also may be sent by e-mail to [dpeterson@kdhe.state.us](mailto:dpeterson@kdhe.state.us).

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 032919

## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, March 16, in the conference room in the office of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue approximately \$9 million principal amount Housing Development Revenue Bonds for KC Venture Group, L.L.C., a Missouri limited liability company, or an affiliated entity (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 et seq., to finance the costs of acquisition and rehabilitation of an existing 149-unit multifamily housing complex to be operated as Tree House Apartments and located in Overland Park, Johnson County, Kansas, and related improvements and equipment to be used for public housing purposes (the project).

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

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

Steven R. Weatherford  
President

Doc. No. 032921

## State of Kansas

## Kansas Development Finance Authority

## Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, March 16, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the respective project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower, for the purposes of acquiring the respective project. Each project shall be located as shown:

**Project No. 000658—Maximum Principal Amount: \$25,500.** Owner/Operator: Nicholas Biggs. Description: Acquisition of livestock to be used by the owner/operator for farming purposes. The project is being financed by the lender for Nicholas Biggs and is located at the Southeast Quarter of the Northeast Quarter of Section 12, Township 10, Range 7, Lincoln County, Kansas, approximately 1 mile north of Barnard on 250th Road.

**Project No. 000659—Maximum Principal Amount: \$204,000.** Owner/Operator: Paul A. and Jodi M. Twombly. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Paul A. and Jodi M. Twombly and is located at the Northeast Quarter of Section 14, Township 2, Range 19, Doniphan County, Kansas, approximately 1 mile north and .5 mile east of Highland.

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

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

Stephen R. Weatherford  
President

Doc. No. 032928

## 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:

03/13/2006	09194	Chairs, Tablet Arm Type
03/14/2006	09191	Operator Services
03/14/2006	09200	Laboratory Services
03/14/2006	09212	Bituminous Plant Mixture — District #1
03/15/2006	09216	Advertising, Market Expansion Plan
03/16/2006	09221	Spectrometer
03/22/2006	09179	Bookstore Operation
03/23/2006	09219	Janitorial Services — Wellington
03/27/2006	09208	National Archery in Schools Program
04/05/2006	09211	Identify and Align Lesson Plans and Resource Materials
06/16/2006	09222	HealthWave Managed Care Services

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:

03/21/2006	A-010119	Reroof Area Office/Shop — Osage City
03/23/2006	A-010097	Butterfly Lane Improvements — Danforth and All Faiths Chapel — Kansas State University
03/30/2006	A-010144- Revised	Shawnee Indian Mission State Historic Site — Fairway

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. 032932

## State of Kansas

**Kansas Insurance Department**

**Permanent Administrative  
Regulations**

**Article 1.—GENERAL**

**40-1-43. Risk-based capital instructions for health organizations.** The following document prepared by the national association of insurance commissioners and dated July 16, 2004 is hereby adopted by reference:

“2004 NAIC health risk-based capital report including overview and instructions for companies, as of December

31, 2004.” Pages XR001 through XR023, which are dated July 15, 2004, are also adopted by reference. (Authorized by K.S.A. 40-2d29; implementing K.S.A. 40-2d02(a) and 40-2d03(a); effective Dec. 28, 2001; amended July 5, 2002; amended Oct. 17, 2003; amended April 23, 2004; amended March 17, 2006.)

**Article 3.—FIRE AND CASUALTY INSURANCE**

**40-3-22. Marine, inland marine, and transportation insurance.** (a) Risks and coverage that may be classified under Kansas insurance laws as marine, inland marine, or transportation insurance shall be those specified in this regulation. This regulation shall not limit the insuring powers granted under charters and licenses.

(b) Unless otherwise permitted, marine, inland marine, and transportation insurance shall not insure any of the following:

(1) Storage of insured’s merchandise, unless specially permitted by this regulation;

(2) merchandise during manufacture that is the property of the manufacturer and is on the manufacturer’s premises;

(3) furniture and fixtures, or other improvements to buildings; or

(4) money and securities stored in safes, vaults, and safety deposit vaults at any bank, or on the insured’s premises, except while being transported.

(c) Any marine, inland marine, or transportation policy may insure the following:

(1) Imported property wherever located, if the coverage includes risks of transportation. Property shall qualify for coverage as an import if the property maintains its separate identity and has not become mixed with other property in general commerce until one of the following occurs:

(A) The property is sold or delivered by the importer;

(B) the property is taken from its place of storage and put on sale as part of the importer’s stock in trade at any sale or distribution point; or

(C) the property is delivered for manufacture, processing, or change in form;

(2) exported property wherever located, if the coverage includes risks of transportation. Property shall qualify for coverage as an export if it meets the following conditions:

(A) Is designated for export or is being prepared for export; and

(B) has not been diverted for domestic trade;

(3) a domestic shipment that begins and ends within the United States, if the coverage includes risks of transportation, including the following:

(A) Property on consignment while it is for sale or distribution; for exhibit, trial, approval, or auction; in transit; in the custody of others; or being returned. Coverage shall not apply to property while on any premises owned, leased, or operated by the consignor;

(B) property that is not on consignment, except under either of the following conditions:

(i) The property is on any manufacturing premises; or

(ii) the property has arrived at any premises owned, leased, or operated by the insured or purchaser;

(4) an instrumentality of transportation or communication, excluding buildings and their improvements, furniture, furnishings, ordinary contents, and stored supplies. Instrumentalities of transportation or communication shall include the following:

(A) Bridges, tunnels, and similar transportation facilities, including their auxiliary structures and equipment;

(B) piers, wharves, docks, slips, dry docks, and marine railways;

(C) pipelines, including on-line propulsion, regulating, and other related appurtenant equipment and excluding property at manufacturing, producing, refining, converting, treating, or conditioning plants;

(D) power transmission lines or telephone and telegraph lines, excluding all property at generating, converting, or transforming stations, substations, and exchanges;

(E) radio and television communication equipment, including towers and antennae with their auxiliary equipment and appurtenant electrical operating and control apparatus; and

(F) outdoor cranes, loading bridges, or similar equipment used for loading, unloading, and transport;

(5) a policy for an individual, including the following:

(A) A personal effects policy;

(B) a personal property policy;

(C) a government service policy;

(D) a personal fur policy;

(E) a personal jewelry policy;

(F) a wedding present policy, for up to 90 days after the wedding day;

(G) a silverware policy;

(H) a fine art policy, insuring paintings, etchings, pictures, tapestries, art glass windows, and other works of art that are rare or that have historical value or artistic merit;

(I) a stamp and coin policy;

(J) a musical instrument policy. "Musical instrument" shall not include a radio, television, or record player, or any combination of these items;

(K) a mobile articles policy covering identified property of a mobile nature common to a household. A floater shall not cover furniture and fixtures that are customarily used on the premises where the property is usually kept;

(L) a machinery and equipment policy, except for policies covering motor vehicles, auto homes, trailers, or semitrailers designed for highway use. Trailers or semitrailers hauled by a tractor not designed for highway use may be covered under this policy, however;

(M) an installment sales and leased property policy covering property, except for motor vehicles designed for highway use, that is in transit and meets either of the following conditions:

(i) Is sold under a conditional contract of sale, partial payment contract, or installment sales contract; or

(ii) is leased. This policy shall not cover beyond the termination of seller's or lessor's interest in the property; or

(N) a live animal policy; or

(6) a commercial property policy for business or professions, including the following:

(A) A radium policy;

(B) a physicians' and surgeons' instrument policy. The policy may also cover furniture, fixtures, and the insured's interest in improvements to buildings located in those portions of the premises occupied by the insured for professional purposes;

(C) a pattern and die policy;

(D) a theatrical policy. However, the policy shall not cover buildings and their improvements and furniture and fixtures that do not travel with theatrical troupes;

(E) a film policy covering either of the following:

(i) A film during production; or

(ii) a completed negative, positive, and sound recording;

(F) a salesmen's samples policy;

(G) an exhibition policy covering property while on exhibition and while in transit to or from an exhibition;

(H) a live animal policy;

(I) a builders' risk or installation risk policy, covering machinery, equipment, building materials, or supplies being used with and during installation, testing, building, renovating, or repairing. A policy may cover property designated for and awaiting specific installation, building, renovating, or repairing under any of the following conditions:

(i) While at a point or place where work is being performed;

(ii) while in transit; or

(iii) during temporary storage or deposit. The policy shall cover against perils in addition to fire and extended coverage perils. Coverage shall cease when an insured owner completes and accepts the building or installation and the insured seller's or contractor's interest ceases;

(J) a mobile articles policy covering identified property of a mobile nature that is in the custody or control of a party who intends to use the property for its manufactured or created purpose. The policy shall not cover furniture and fixtures that are not customarily used away from the premises where the property is usually kept;

(K) a machinery and equipment policy, except for a motor vehicle or snow plow designed for highway use, an auto home, or a trailer or semitrailer unless hauled by a tractor not designed for highway use;

(L) a bailment policy covering property in the custody of any bailee and while in transit to or from the bailee. Any bailment policy may include coverage that will indemnify the owner of the property for loss from specific perils subject to approval by the commissioner of insurance pursuant to K.S.A. 40-216(a) and amendments thereto. The application of an additional or separate charge for the indemnity coverage shall not constitute the transaction of the business of insurance if the charge does not exceed the premium approved by the commissioner and the bailee and if the bailee's employees or other organizations receive no compensation or other valuable consideration for performing the administrative tasks associated with the insurance coverage. The policy shall not insure property if either of the following conditions is met:

(i) The property is owned by the bailee at the bailee's premises; or

(continued)

(ii) the property is in the custody of any bailee owned, controlled, or operated by the bailor;

(M) an installment sales and leased property policy covering property, except a motor vehicle designed for highway use, that is in transit and meets either of the following conditions:

(i) Is sold under a conditional contract of sale, partial payment contract, or installment sales contract; or

(ii) is leased. The policy shall not cover any point beyond the termination of the seller's or lessor's interest in the property and shall not cover machinery and equipment subject to certain "lease-back" contracts. A "lease-back" contract shall mean a contract, expressed or implied, under which the property is purchased by the lessor for the benefit and use of the lessor. This provision shall not apply to "lease-back" contracts involving machinery and equipment for which marine or inland marine coverage is otherwise permitted by this definition while the machinery and equipment are in the custody of the lessee;

(N) a garment contractors policy;

(O) a furrier or fur storer policy covering specified articles belonging to a customer for which the furrier or fur storer issues a certificate or receipt to the customer;

(P) an accounts receivable policy and valuable papers and records policy;

(Q) a floor plan policy covering property for sale, except for an automobile or other motor vehicle designed for highway use, while in transit and while in possession of any dealer under a plan by which the dealer borrows money from a bank or lending institution with which to pay the manufacturer. In addition, the following requirements shall be met:

(i) The property shall be specifically identifiable as encumbered to the bank or lending institution;

(ii) the dealer's right to sell or otherwise dispose of the property shall be conditioned upon its being released from encumbrance by the bank or lending institution; and

(iii) the policy shall not cover any point beyond the termination of the dealer's interest in the property;

(R) a sign and street clock policy. The policy may include insurance of a neon sign, an automatic or mechanical sign, and a street clock while in use;

(S) a fine art policy for the account of a museum, gallery, university, business, municipality, or other similar interest, covering paintings, etchings, pictures, tapestries, art glass windows, and other works of art that are rare or have historical value or artistic merit;

(T) a dealers policy insuring a dealer in personal property that may be covered specifically under an inland marine policy by the ultimate purchaser. A policy under this paragraph may cover money stored in locked safes or vaults on the insured's premises, furniture, fixtures, tools, machinery, patterns, molds, dies, and the insured's interest as a tenant in improvements to buildings. This policy may include the following:

(i) Any musical instrument dealer covering property consisting principally of musical instruments and their accessories. Musical instruments shall not include radios, televisions, record players, and any combinations of these items;

(ii) any camera dealer covering property consisting principally of cameras and their accessories;

(iii) any fur dealer covering property consisting principally of furs and fur garments;

(iv) any equipment dealer covering mobile agricultural and construction equipment and accessories, except for motor vehicles designed for highway use;

(v) any stamp or coin dealer covering property of a philatelic or numismatic nature;

(vi) any jeweler's block; and

(vii) any fine art dealer;

(U) a woolgrower's policy;

(V) a domestic bulk liquid policy, covering tanks and domestic bulk liquids stored in them;

(W) a difference-in-conditions policy. The policy shall not insure against fire and extended coverage perils; and

(X) any electronic data processing policy. (Authorized by K.S.A. 40-103; implementing K.S.A. 40-901; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1986; amended Jan. 6, 1992; amended March 17, 2006.)

**40-3-40. Fire and casualty insurance; unfair rate discrimination; certain acts and practices included.** (a) Unfair rate discrimination practices between individuals of the same rating class, as prohibited by K.S.A. 40-953 and amendments thereto, shall include the following:

(1) Refusing to insure;

(2) refusing to continue to insure;

(3) limiting the amount, extent, or kind of coverage available to an individual; and

(4) charging an individual a different rate for the same coverage solely because of the geographic location of the risk.

(b) When an act or practice is permitted by rate filings in accordance with K.S.A. 40-955 and amendments thereto, the provisions of subsection (a) shall not apply. (Authorized by K.S.A. 40-103 and 40-961; implementing K.S.A. 40-953; effective May 1, 1979; amended May 1, 1986; amended March 17, 2006.)

**40-3-44. Automobile insurance; underwriting information; restrictions.** (a) Except as otherwise specified in subsection (b), information regarding motor vehicle accidents, traffic violations, or related convictions occurring more than three years before the date of the application shall not be requested or utilized by insurers in connection with or in making an underwriting decision.

(b) Any information regarding convictions for violations enumerated in K.S.A. 8-285, and amendments thereto, occurring no more than five years before the date of the application may be utilized for underwriting purposes. (Authorized by K.S.A. 40-103 and 40-961; implementing K.S.A. 40-954; effective May 15, 1989; amended March 17, 2006.)

**40-3-48. Insurance companies; managing general agents; definitions; requirements.** (a) The terms "managing general agent" and "MGA," as defined in K.S.A. 40-2,130(d) and amendments thereto, shall include any person who, in addition to the criteria set forth in that statute, adjusts or pays any claim in excess of \$10,000 per claim or negotiates reinsurance on behalf of the insurer.

(b) The term "total annual written premium" shall include all direct premiums written by a managing general agent regardless of where the risks are located.

(c)(1) Each managing general agent shall acquire and maintain a fidelity bond for the protection of the insurer contracting with the managing general agent. The bond shall be in the amount of at least \$100,000 or 10 percent of the managing general agent's total annual written premium nationwide that was produced by the MGA for the insurer in the prior calendar year. The bond shall not exceed \$500,000. The bond amount shall be adjusted accordingly on or before April 1 of each year.

(2) Coverage shall not be written by the insurer or an affiliate of the insurer contracting with the managing general agent. The bond shall be executed by a fidelity insurer admitted to do business in Kansas, or an insurer appearing on the list maintained by the commissioner pursuant to K.S.A. 40-246e and amendments thereto, on a form supplied by the department.

(3) A copy of the executed bond shall be filed with the department.

(d) Each contract entered into between a managing general agent and a domestic insurer shall be retained by the insurer.

(e) Each managing general agent shall keep the usual and customary records pertaining to transactions taking place under the managing general agent agreements at the managing general agent's place of business. All books, bank accounts, and records shall be kept available and open to the inspection of the commissioner or the commissioner's representatives at any time during business hours. These records shall be retained by the managing general agent until the insurer and the business to which the records pertain has been the subject of an examination pursuant to the provisions of K.S.A. 40-222 and amendments thereto.

(f) If the contract between an insurer and a managing general agent is terminated for any reason, the managing general agent shall, upon request of the insurer, deliver all records to the insurer within 90 days of the request.

(g) Each managing general agent shall send the insurer a claim file when the managing general agent first knows that the claim might exceed a limit set by the insurer, or one-quarter of one percent of the policyholder surplus as reported in the last annual statement of the insurer, whichever is less.

(h) Each managing general agent shall send the insurer a claim file when the managing general agent first knows that the claim file is closed by payment of an amount set by the insurer, or an amount in excess of one-quarter of one percent of the policyholder surplus as reported in the last annual statement of the insurer, whichever is less.

(i) Each insurer licensed to write business in the state of Kansas shall file with the department, on or before March 1 of each year, a current list of names and addresses of all managing general agents with which the insurer has a contract and the name of an officer of the insurer responsible for the contract. The insurer shall provide written notification of changes to the list on a continuing basis.

(j) An independent audit by a certified public accountant shall be conducted annually upon managing general

agents currently under contract and shall be contracted for by the insurer. The independent audit shall include the following:

- (1) A report of an independent certified public accountant;
- (2) a balance sheet;
- (3) a statement of income;
- (4) a statement of cash flows;
- (5) a statement of income and retained earnings;
- (6) the notes to financial statements required by generally accepted accounting principles; and
- (7) a listing of all exceptions and internal control weaknesses noted in the course of the audit.

(k) Each insurer shall retain a current independent audit report by a certified public accountant of each managing general agent with which the insurer has done business.

(l) The authority to examine a managing general agent shall be retained by the commissioner, notwithstanding termination of the managing general agent's contractual authority. The insurer employing the managing general agent shall reimburse the department for the expense of the examination according to the provisions of K.S.A. 40-223 and amendments thereto. (Authorized by K.S.A. 40-103 and K.S.A. 40-2,136; implementing K.S.A. 40-2,130(d)(1), K.S.A. 2004 Supp. 40-2,131, K.S.A. 40-2,132, and K.S.A. 40-2,133; effective Dec. 16, 1991; amended Dec. 5, 2003; amended March 17, 2006.)

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 032905

## State of Kansas

### Board of Healing Arts

#### Permanent Administrative Regulations

#### Article 25.—OFFICE REQUIREMENTS

**100-25-1. Definitions.** As used in this article, the following terms shall have the meanings specified in this regulation. (a) "General anesthesia" means a drug that, when administered to a patient, results in the patient's controlled state of unconsciousness accompanied by a loss of protective reflexes, including the loss of the independent and continuous ability to maintain the airway and a regular breathing pattern, and the loss of the ability to respond purposefully to verbal commands or tactile stimulation.

(b) "Local anesthesia" means a drug that, when administered to a localized part of the human body by topical application or by local infiltration in close proximity to a nerve, produces a transient and reversible loss of sensation. This term shall include lidocaine injections not exceeding seven milligrams per kilogram of body weight and also tumescent local anesthesia.

(c) "Medical care facility" has the meaning specified in K.S.A. 65-425 and amendments thereto.

(d) "Minimal sedation" means an oral sedative or oral analgesic administered in doses appropriate for the unsupervised treatment of insomnia, anxiety, or pain.

(continued)

(e) "Minor surgery" means surgery that meets both of the following conditions:

(1) Any complication from the surgery requiring hospitalization is not reasonably foreseeable.

(2) The surgery can safely and comfortably be performed either on a patient who has received no anesthesia or on a patient who has received local anesthesia or topical anesthesia.

(f) "Office" means any place intended for the practice of the healing arts in the state of Kansas. This term shall not include a medical care facility, as defined by K.S.A. 65-425 and amendments thereto, that is licensed by the Kansas department of health and environment.

(g) "Office-based surgery" means any surgery that requires any anesthesia, parenteral analgesia, or sedation and that is performed by or upon the order of a physician in an office. Office-based surgery shall not include minor surgery.

(h) "Physician" means a person licensed to practice medicine and surgery or osteopathic medicine and surgery in the state of Kansas.

(i) "Reportable incident" means any act by a licensee or a person performing professional services under the licensee's supervision, order, or direction that meets either of the following criteria:

(1) Could be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or

(2) could be grounds for disciplinary action by the board.

(j) "Sedation" means a depressed level of consciousness in which the patient retains the independent and continuous ability to perform the following:

(1) Maintain adequate cardiorespiratory functioning;

(2) maintain an open airway;

(3) maintain a regular breathing pattern;

(4) maintain the protective reflexes; and

(5) respond purposefully and rationally to tactile stimulation and verbal commands.

(k) "Special procedure" means any patient care service that involves any potentially painful contact with the human body, with or without instruments, for the purpose of diagnosis or therapy and for which the applicable standard of care necessitates any anesthesia to prevent or reduce pain. This term shall include a diagnostic or therapeutic endoscopy, invasive radiology, manipulation under anesthesia, and an endoscopic examination. This term shall include the conduct of pain management when performed using anesthesia levels exceeding local anesthesia.

(l) "Surgery" means a manual or operative method that involves the partial or complete excision or resection, destruction, incision, or other structural alteration of human tissue by any means, including the use of lasers, performed upon the human body for the purpose of preserving health, diagnosing or treating disease, repairing injury, correcting deformity or defects, prolonging life, terminating pregnancy, or relieving suffering, or for aesthetic, reconstructive, or cosmetic purposes.

(m) "Topical anesthesia" means a drug applied to the skin or mucous membranes for the purpose of producing

a transient and reversible loss of sensation to a circumscribed area.

(n) "Tumescent local anesthesia" means local anesthesia administered in large volumes of highly diluted lidocaine not exceeding 55 milligrams per kilogram of body weight, epinephrine not exceeding 1.5 milligrams per liter of solution, and sodium bicarbonate not exceeding 15 milliequivalents per liter of solution in a sterile saline solution by slow infiltration into subcutaneous fat. Tumescent local anesthesia shall not include the concomitant administration of any sedatives, analgesics, or hypnotic drugs, or any combination of these, at any dosage that poses a significant risk of impairing the patient's independent and continuous ability to maintain adequate cardiorespiratory functioning, an open airway, a regular breathing pattern, and protective reflexes and to respond purposefully to tactile stimulation and verbal commands. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2837; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)

**100-25-2. General requirements.** (a) Except in an emergency, a person licensed to practice a branch of the healing arts shall not perform direct patient care in an office unless all of the following conditions are met:

(1) The office at which the direct patient care is performed is sanitary and safe.

(2) Smoking is prohibited in all patient care areas and all areas where any hazardous material is present.

(3) Medical services waste is segregated, stored, collected, processed, and disposed of in accordance with K.A.R. 28-29-27.

(b) On and after July 1, 2006, each person licensed to practice a branch of the healing arts who maintains an office within this state shall adopt and follow a written procedure for sanitation and safety that includes at least the following:

(1) Standards for maintaining the cleanliness of the office. The standards shall specify the following:

(A) The methods for and the frequency of cleaning and decontaminating the walls, ceilings, floors, working surfaces, furniture, and fixtures. The written procedure shall identify the types of disinfectants and cleaning materials to be used; and

(B) the methods to prevent the infestation of insects and rodents and, if necessary, to remove insects and rodents;

(2) standards for infection control and the disposal of biological waste. The standards shall be at least as stringent as the standards in all applicable laws pertaining to the disposal of medical and hazardous waste and shall specify the following:

(A) The procedures to limit the spread of infection among patients and personnel through universal precautions, hand hygiene, and the proper handling and disposal of sharp objects;

(B) the methods to decontaminate infected items with germicidal, virucidal, bactericidal, tuberculocidal, and fungicidal products; and

(C) the procedures to sterilize reusable medical instruments and devices;

(3) standards for maintaining drugs, supplies, and medical equipment. The standards shall be at least as

stringent as the standards in all applicable laws pertaining to the supply, storage, security, and administration of controlled drugs and shall specify the following:

(A) The manner of storing drugs and supplies to guard against tampering and theft;

(B) the procedures for disposal of expired drugs and supplies; and

(C) the procedures for maintaining, testing, and inspecting medical equipment;

(4) standards for maintaining the safety of physical facilities. The standards shall require that all of the following conditions are met:

(A) The office is properly equipped and maintained in good repair as necessary to prevent reasonably foreseeable harm to patients, personnel, and the public;

(B) the lighting, ventilation, filtration, and temperature control are adequate for the direct patient care to be performed;

(C) the floors, walls, and ceilings have surfaces that can be cleaned, disinfected, sterilized, or replaced as appropriate for the direct patient care to be performed;

(D) adequate measures are in place to deter any unauthorized individuals from entering the treatment rooms; and

(E) all passageways are free of clutter; and

(5) a plan for reporting each reportable incident pursuant to K.S.A. 65-28,122 and K.S.A. 65-4923 and amendments thereto. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2837; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)

**100-25-3. Requirements for office-based surgery and special procedures.** A physician shall not perform any office-based surgery or special procedure unless the office meets the requirements of K.A.R. 100-25-2. Except in an emergency, a physician shall not perform any office-based surgery or special procedure on and after January 1, 2006 unless all of the following requirements are met:

(a) Personnel.

(1) All health care personnel shall be qualified by training, experience, and licensure as required by law.

(2) At least one person shall have training in advanced resuscitative techniques and shall be in the patient's immediate presence at all times until the patient is discharged from anesthesia care.

(b) Office-based surgery and special procedures.

(1) Each office-based surgery and special procedure shall be within the scope of practice of the physician.

(2) Each office-based surgery and special procedure shall be of a duration and complexity that can be undertaken safely and that can reasonably be expected to be completed, with the patient discharged, during normal operational hours.

(3) Before the office-based surgery or special procedure, the physician shall evaluate and record the condition of the patient, any specific morbidities that complicate operative and anesthesia management, the intrinsic risks involved, and the invasiveness of the planned office-based surgery or special procedure or any combination of these.

(4) The physician or a registered nurse anesthetist administering anesthesia shall be physically present during

the intraoperative period and shall be available until the patient has been discharged from anesthesia care.

(5) Each patient shall be discharged only after meeting clinically appropriate criteria. These criteria shall include, at a minimum, the patient's vital signs, the patient's responsiveness and orientation, the patient's ability to move voluntarily, and the ability to reasonably control the patient's pain, nausea, or vomiting, or any combination of these.

(c) Equipment.

(1) All operating equipment and materials shall be sterile, to the extent necessary to meet the applicable standard of care.

(2) Each office at which office-based surgery or special procedures are performed shall have a defibrillator, a positive-pressure ventilation device, a reliable source of oxygen, a suction device, resuscitation equipment, appropriate emergency drugs, appropriate anesthesia devices and equipment for proper monitoring, and emergency airway equipment including appropriately sized oral airways, endotracheal tubes, laryngoscopes, and masks.

(3) Each office shall have sufficient space to accommodate all necessary equipment and personnel and to allow for expeditious access to the patient, anesthesia machine, and all monitoring equipment.

(4) All equipment shall be maintained and functional to ensure patient safety.

(5) A backup energy source shall be in place to ensure patient protection if an emergency occurs.

(d) Administration of anesthesia. In an emergency, appropriate life-support measures shall take precedence over the requirements of this subsection. If the execution of life-support measures requires the temporary suspension of monitoring otherwise required by this subsection, monitoring shall resume as soon as possible and practical. The physician shall identify the emergency in the patient's medical record and state the time when monitoring resumed. All of the following requirements shall apply:

(1) A preoperative anesthetic risk evaluation shall be performed and documented in the patient's record in each case. In an emergency during which an evaluation cannot be documented preoperatively without endangering the safety of the patient, the anesthetic risk evaluation shall be documented as soon as feasible.

(2) Each patient receiving intravenous anesthesia shall have the blood pressure and heart rate measured and recorded at least every five minutes.

(3) Continuous electrocardiography monitoring shall be used for each patient receiving intravenous anesthesia.

(4) During any anesthesia other than local anesthesia and minimal sedation, patient oxygenation shall be continuously monitored with a pulse oximeter. Whenever an endotracheal tube or laryngeal mask airway is inserted, the correct functioning and positioning in the trachea shall be monitored throughout the duration of placement.

(5) Additional monitoring for ventilation shall include palpation or observation of the reservoir breathing bag and auscultation of breath sounds.

(6) Additional monitoring of blood circulation shall include at least one of the following:

(A) Palpation of the pulse;

*(continued)*

- (B) auscultation of heart sounds;
- (C) monitoring of a tracing of intra-arterial pressure;
- (D) pulse plethysmography; or
- (E) ultrasound peripheral pulse monitoring.

(7) When ventilation is controlled by an automatic mechanical ventilator, the functioning of the ventilator shall be monitored continuously with a device having an audible alarm to warn of disconnection of any component of the breathing system.

(8) During any anesthesia using an anesthesia machine, the concentration of oxygen in the patient's breathing system shall be measured by an oxygen analyzer with an audible alarm to warn of low oxygen concentration.

(e) Administrative policies and procedures.

(1) Each office shall have written protocols in place for the timely and safe transfer of the patients to a prespecified medical care facility within a reasonable proximity if extended or emergency services are needed. The protocols shall include one of the following:

(A) A plan for patient transfer to the specified medical care facility;

(B) a transfer agreement with the specified medical care facility; or

(C) a requirement that all physicians performing any office-based surgery or special procedure at the office have admitting privileges at the specified medical care facility.

(2) Each physician who performs any office-based surgery or special procedure that results in any of the following quality indicators shall notify the board in writing within 15 calendar days following discovery of the event:

(A) The death of a patient during any office-based surgery or special procedure, or within 72 hours thereafter;

(B) the transport of a patient to a hospital emergency department;

(C) the unscheduled admission of a patient to a hospital within 72 hours of discharge, if the admission is related to the office-based surgery or special procedure;

(D) the unplanned extension of the office-based surgery or special procedure more than four hours beyond the planned duration of the surgery or procedure being performed;

(E) the discovery of a foreign object erroneously remaining in a patient from an office-based surgery or special procedure at that office; or

(F) the performance of the wrong surgical procedure, surgery on the wrong site, or surgery on the wrong patient. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2837; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)

**100-25-4. Office-based surgery and special procedures using general anesthesia or a spinal or epidural block.** (a) In addition to meeting the requirements stated in K.A.R. 100-25-2 and 100-25-3, a physician shall not perform any office-based surgery or special procedure using general anesthesia or a spinal or epidural block unless the office is equipped with the following:

(1) Medications and equipment available to treat malignant hyperthermia when triggering agents are used. At a minimum, the office shall have a supply of dantrolene

sodium adequate to treat each patient until the patient is transferred to an emergency facility;

(2) tracheotomy and chest tube kits;

(3) an electrocardiogram that is continuously displayed from the induction and during the maintenance of general anesthesia or the spinal or epidural block;

(4) a means readily available to measure the patient's temperature; and

(5) qualified, trained personnel available and dedicated solely to patient monitoring.

(b) On and after July 1, 2006, each physician who performs any office-based surgery or special procedure using general anesthesia or a spinal or epidural block shall perform the office-based surgery or special procedure only in an office that meets at least one of the following sets of standards, all of which are hereby adopted by reference except as specified:

(1) Sections 110-010 through 1031-02 in the "standards and checklist for accreditation of ambulatory surgery facilities" by the American association for accreditation of ambulatory surgery facilities, inc., revised in 2005;

(2) "section two: accreditation" and the glossary, except the definition of "physician," in "accreditation requirements for ambulatory care/surgery facilities" by the healthcare facilities accreditation program of the American osteopathic association, 2001-2002 edition;

(3) section 1 and section 2 in "accreditation manual for office-based surgery practices" by the joint commission on accreditation of healthcare organizations, second edition, dated 2005;

(4) "accreditation standards for ambulatory facilities" by the institute for medical quality, 2003 edition. The appendices are not adopted; or

(5) chapters 1 through 6, 8 through 10, 15, 16, 19, 22, and 24 and appendices A and I in the "accreditation handbook for ambulatory health care" by the accreditation association for ambulatory health care, inc., 2005 edition.

(c) A physician who maintains an office shall not permit any office-based surgery or special procedure involving general anesthesia or a spinal or epidural block to be performed in that office unless the office meets at least one of the five sets of standards adopted in subsection (b).

(d) Accreditation of an office by an organization whose standards are adopted in subsection (b) shall be prima facie evidence that those standards are currently being met.

(e) This regulation shall not apply to any professional service performed in an emergency. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2837; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)

**100-25-5. Standard of care.** Each person licensed to practice a branch of the healing arts who performs direct patient care in an office or who performs any office-based surgery or special procedures in an office shall meet the standard of care established by the regulations in this article. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2837; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)



**Article 26.—SERVICES RENDERED TO  
INDIVIDUALS LOCATED IN THIS STATE;  
OUT-OF-STATE PRACTITIONERS**

**100-26-1. Services rendered to individuals located in this state.** (a) Except as authorized by K.S.A. 65-2872 and amendments thereto and this article, each person, regardless of location, who performs any act specified in K.S.A. 65-2802(a) and amendments thereto or who issues an order for any service that constitutes the practice of the healing arts on an individual located in this state shall be deemed to be engaged in the practice of the healing arts in this state.

(b) Nothing in this article shall be construed to prohibit an out-of-state practitioner, as defined by K.A.R. 100-26-2, from providing verbal, written, or electronic communication that is incidental to the services lawfully provided by the out-of-state practitioner and that is conveyed to any of the following individuals located in this state:

- (1) Any health professional;
- (2) any patient; or

(3) any individual authorized to act on behalf of a patient. (Authorized by K.S.A. 65-2865 and 65-2872, as amended by L. 2005, Ch. 117, §1; implementing K.S.A. 65-2872, as amended by L. 2005, Ch. 117, §1; effective June 20, 1994; amended, T-100-8-22-05, Aug. 22, 2005; amended, T-100-12-20-05, Dec. 20, 2005; amended March 17, 2006.)

**100-26-2. Definitions.** As used in this article, the following definitions shall apply: (a) "Diagnostic professional service" means the testing of a human being for the detection or evaluation of a disease, ailment, deformity, or injury within this state pursuant to the valid order of an out-of-state practitioner.

(b) "Health care facility" means an entity licensed by the secretary of the Kansas department of health and environment or by the secretary of the department of social and rehabilitation services of the state of Kansas to provide any service that constitutes the practice of the healing arts. This term shall include any persons who are employed by the health care facility to implement the orders issued by licensees of the board.

(c) "Health professional" means an individual who is licensed, registered, or certified by a Kansas regulatory agency and who renders services, directly or indirectly, for the purpose of any of the following:

- (1) Preventing physical, mental, or emotional illness;
- (2) detecting, diagnosing, and treating illness;
- (3) facilitating recovery from illness; or
- (4) providing rehabilitative or continuing care following illness.

(d) "Licensee" means a person licensed by the board to practice the healing arts.

(e) "Out-of-state practitioner" means an individual who is licensed in another state to practice a branch of the healing arts without suspension or disciplinary limitation to issue a valid order, if that individual does not maintain an office or appoint a place to regularly meet patients or receive calls within the state of Kansas.

(f) "Therapeutic professional service" means any treatment for the cure, relief, palliation, adjustment, or correction of any human disease, ailment, deformity, or injury.

(g) "Valid order" means an order by an out-of-state practitioner for a diagnostic professional service or therapeutic professional service that is transmitted orally, electronically, or in writing, if all of the following conditions are met:

(1) The order is within the lawful scope of authority of the out-of-state practitioner.

(2) The order may be lawfully ordered or provided by a licensee in this state who practices the same branch of the healing arts as that of the out-of-state practitioner.

(3) The order is issued by an out-of-state practitioner who is not any of the following:

(A) A licensee whose license is suspended;

(B) an individual who previously was a licensee whose license is revoked under K.S.A. 65-2836 and amendments thereto; or

(C) a licensee whose license has a limitation by the board that prohibits the order. (Authorized by and implementing K.S.A. 65-2872, as amended by L. 2005, Ch. 117, § 1; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)

**100-26-3. Orders for diagnostic professional services and therapeutic professional services.** (a) Any health care facility may perform a diagnostic professional service or therapeutic professional service pursuant to the valid order of an out-of-state practitioner.

(b) Any health professional may perform a diagnostic professional service outside of a health care facility pursuant to the valid order of an out-of-state practitioner. (Authorized by and implementing K.S.A. 65-2872, as amended by L. 2005, Ch. 117, § 1; effective, T-100-8-22-05, Aug. 22, 2005; effective, T-100-12-20-05, Dec. 20, 2005; effective March 17, 2006.)

Lawrence T. Buening, Jr.  
Executive Director

Doc. No. 032912

State of Kansas

Kansas Lottery

Temporary Administrative  
Regulations

**Article 4.—INSTANT TICKET GAMES  
AND DRAWINGS**

**TEXAS HOLD 'EM SECOND CHANCE DRAWING**

**111-4-2342. Name of drawing.** The Kansas lottery shall conduct a drawing entitled "Texas Hold 'Em Second Chance Drawing" and will accept entries on and after the day Kansas lottery "Texas Hold 'Em" instant tickets are first offered for sale to the general public and ending on Tuesday, May 23, 2006, as specified in K.A.R. 111-4-2345. The drawing will be held on Friday, May 26, 2006, at Kansas lottery headquarters in Topeka, Kansas. Rules applicable to the "Texas Hold 'Em Second Chance Drawing" are contained in K.A.R. 111-4-2342 through 111-4-2347, and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-16-06, Nov. 16, 2005.)

*(continued)*

**111-4-2343. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Texas Hold 'Em Second Chance Drawing" means the act of drawing prizes conducted by the Kansas lottery at lottery headquarters in Topeka, Kansas, on the date set forth in K.A.R. 111-4-2345, in which participants are selected to win prizes as described in K.A.R. 111-4-2344.

(c) "Non-winning ticket" means any valid Kansas lottery "Texas Hold 'Em" instant game lottery ticket not eligible to win a prize under the rules of that instant game.

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

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-16-06, Nov. 16, 2005.)

**111-4-2344. Prizes.** (a) A total of three prize packages shall be awarded at the "Texas Hold 'Em Second Chance Drawing." The winner of a prize at the drawing shall receive a prize package consisting of the following: round-trip coach airfare for two as approved by the lottery in its sole discretion; double occupancy hotel room for seven days and six nights at a hotel chosen by the lottery; round trip ground transfers; \$1,000 cash; one entry into a "World Series of Poker" poker tournament chosen by the winner from various tournaments selected by the lottery and having a buy-in of \$5,000 or less; two tickets to the final event of said tournament (or only one ticket if the winner advances to the final event as a participant); two poker merchandise packages selected by the lottery; and mandatory state and federal withholding taxes.

(b) The following restrictions shall apply to each prize awarded in this drawing:

(1) The Kansas lottery is not responsible for any losses caused by delay or cancellation of any flights or tournament events.

(2) The trip package is transferable one time but cannot be redeemed for cash.

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

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

(5) The trip must be taken during the years 2006 or 2007.

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

(7) All participants in "World Series of Poker" tournaments must be at least 21 years of age. If allowed by the rules and regulations of a tournament, the winner may designate another person to play in the tournament.

(8) All trips and tournaments are subject to availability.

(9) Winners and their guests under the age of 21 must be accompanied by another person who is at least 21 years of age in order to check into the hotel, unless otherwise provided by said hotel.

(10) Unless otherwise provided by the selected hotel, the winner shall be required to present a valid credit card or post a cash deposit at the time of check-in; and

(11) Unless otherwise provided by the rules and regulations of a casino, persons under the age of 21 are not allowed in casino gaming areas.

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

(d) The winner of a prize shall return to the lottery a completed claim form as provided by the lottery within 30 calendar days in which his or her ticket was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to subsection (e) of K.A.R. 111-4-2347 shall be declared the winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-16-06, Nov. 16, 2005.)

**111-4-2345. Method of entry.** (a) Entry into the "Texas Hold 'Em Second Chance Drawing" shall be accomplished as follows:

(1) Obtain a valid "Texas Hold 'Em" Kansas lottery instant lottery ticket.

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

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

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

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

(6) Entries may also be mailed with proper postage to "Texas Hold 'Em Drawing, c/o Kansas Lottery, P. O. Box 750980, Topeka, Kansas 66675-0980." Mailed entries must be received by morning mail pickup on Tuesday, May 23, 2006. More than one entry may be mailed in one envelope.

(7) The holder of the ticket is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) The drawing will be conducted on Friday, May 26, 2006.

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

(c) Only valid non-winning "Texas Hold 'Em" tickets which are mailed to the address set forth above with

proper postage and received by the morning mail pickup in Topeka, Kansas, on the date indicated above and non-winning "Texas Hold 'Em" tickets entered at locations as may be specifically designated by the lottery, shall be eligible for the drawing.

(d) Eligible entrants in the "Texas Hold 'Em Second Chance Drawing" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-16-06, Nov. 16, 2005.)

**111-4-2346. Certification of drawing.** (a) The "Texas Hold 'Em Second Chance Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (hereinafter "event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-16-06, Nov. 16, 2005.)

**111-4-2347. Selection of winners.** The following process shall be used for the selection of winners in the "Texas Hold 'Em Second Chance Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "Texas Hold 'Em Second Chance Drawing" tickets at the United States Post Office in Topeka, Kansas, with the final pickup at the Topeka post office in the morning mail pickup on Tuesday, May 23, 2006. Following the morning mail pickup on said date, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries and entries retained from any other locations as specifically designated by the lottery shall also be placed in the drawing receptacle or drum.

(b) The drawing shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At the drawing, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed with a shovel or by other means prior to the drawing.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove three entries, one at a time, from the receptacle or drum and mark them in order drawn: 1, 2, and 3. The person whose name appears on each entry shall be the winner of a prize package identified in K.A.R. 111-4-2344, subject to validation by the lottery as set forth in these rules.

(e) After the three prize entries have been drawn, and the entries have been verified as valid, three more entries will be drawn, one at a time. The last three entries drawn will serve as alternate entries for the prize packages. The alternate entries will be marked in order drawn: 1A, 2A, and 3A. The alternate entries will be used only if one or more of the original prize winners cannot be located or is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. of the thirtieth calendar day following the drawing. The alternates will be used, if necessary, in the order drawn. If an alternate winner cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. of the thirtieth calendar day following the claim form being given or sent to the alternate winner, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Texas Hold 'Em Second Chance Drawing" in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. Each winner shall be given or sent a prize claim form to be completed and returned to the lottery within 30 calendar days of the drawing.

(g) If the entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until valid selections are obtained.

(h) Only non-winning "Texas Hold 'Em" instant tickets as defined by these rules are eligible for the drawing.

(i) All "Texas Hold 'Em" tickets remaining in the drum or receptacle after the winners and alternates have been selected in the drawing, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-2-16-06, Nov. 16, 2005.)

**111-4-2348. "Texas Hold 'Em" instant ticket lottery game number 535.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Texas Hold 'Em" commencing on or after December 1, 2005. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2348.

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

Play Symbols	Play Symbol Captions
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
15. <sup>00</sup>	FIFTEEN
20. <sup>00</sup>	TWENTY
25. <sup>00</sup>	TWFENFIV
50. <sup>00</sup>	FIFTY
75. <sup>00</sup>	SVTYFIV
\$100\$	ONE-HUN
\$500\$	FIV-HUN
\$1000	ONETHOU

(continued)

\$5000	FIV-THOU
\$25000	25-THOU
2 of diamonds	2DMD
2 of hearts	2HRT
2 of clubs	2CLB
2 of spades	2SPD
3 of diamonds	3DMD
3 of hearts	3HRT
3 of clubs	3CLB
3 of spades	3SPD
4 of diamonds	4DMD
4 of hearts	4HRT
4 of clubs	4CLB
4 of spades	4SPD
5 of diamonds	5DMD
5 of hearts	5HRT
5 of clubs	5CLB
5 of spades	5SPD
6 of diamonds	6DMD
6 of hearts	6HRT
6 of clubs	6CLB
6 of spades	6SPD
7 of diamonds	7DMD
7 of hearts	7HRT
7 of clubs	7CLB
7 of spades	7SPD
8 of diamonds	8DMD
8 of hearts	8HRT
8 of clubs	8CLB
8 of spades	8SPD
9 of diamonds	9DMD
9 of hearts	9HRT
9 of clubs	9CLB
9 of spades	9SPD
10 of diamonds	10DMD
10 of hearts	10HRT
10 of clubs	10CLB
10 of spades	10SPD
J of diamonds	JDMD
J of hearts	JHRT
J of clubs	JCLB
J of spades	JSPD
Q of diamonds	QDMD
Q of hearts	QHRT
Q of clubs	QCLB
Q of spades	QSPD
K of diamonds	KDMD
K of hearts	KHRT
K of clubs	KCLB
K of spades	KSPD
A of diamonds	ADMD
A of hearts	AHRT
A of clubs	ACLB
A of spades	ASPD

(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 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:

FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
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 \$5.00 each.

(g) "Texas Hold 'Em" is a poker game. A player will remove the scratch-off material to reveal five "DEALS." Each "DEAL" will consist of "YOUR 2 CARDS," "THEIR 2 CARDS," five "COMMUNITY CARDS," and one prize amount. In each "DEAL," the player combines "YOUR 2 CARDS" with the five "COMMUNITY CARDS" to make "YOUR" best five-card poker hand. "THEIR 2 CARDS" are combined with the five "COMMUNITY CARDS" to make "THEIR" best five-card poker hand. If the ranking of "YOUR" best five-card poker hand beats "THEIR" best five-card poker hand (as shown on the ticket back), the player wins the prize shown for that "DEAL."

The following list of possible poker hands will appear on the ticket back. Ranking of poker hands from lowest to highest is as follows: (1) One pair (any two cards of the same value);

(2) Two pair (any two pairs);

(3) Three of a kind (any three cards of the same value);

(4) Straight (any five consecutive cards, can be of any suit);

(5) Flush (any five cards of the same suit);

(6) Full house (any three of a kind plus one pair);

(7) Four of a kind (any four cards of the same value);

(8) Straight flush (any five consecutive cards of the same suit); and

(9) Royal flush (A, K, Q, J, and 10 of the same suit).

(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
\$5	90,000	\$450,000
\$10	8,000	80,000
\$10 (\$5 x 2)	8,000	80,000
\$10 (\$2 x 5)	10,800	108,000
\$15	2,400	36,000
\$15 (\$5 + \$10)	2,800	42,000
\$15 (\$5 x 3)	2,800	42,000
\$25	2,000	50,000
\$25 (\$10 x 2) + \$5	2,400	60,000
\$25 (\$5 x 5)	2,400	60,000
\$50	1,600	80,000
\$50 (\$10 x 5)	1,600	80,000
\$50 (\$20 x 2) + \$10	1,600	80,000
\$75	800	60,000

\$75 (\$25 x 3)	\$75	1,000	75,000
\$75 (\$20 x 3) + \$10 + \$5	\$75	1,000	75,000
\$100	\$100	300	30,000
\$100 (\$25 x 4)	\$100	300	30,000
\$100 (\$20 x 5)	\$100	300	30,000
\$500	\$500	128	64,000
\$1,000	\$1,000	6	6,000
\$1,000 (\$500 x 2)	\$1,000	6	6,000
\$5,000	\$5,000	6	30,000
\$25,000	\$25,000	6	150,000
SUBTOTAL		140,252	1,804,000
Grand Prize Packages	\$15,643	3	46,929
Merchandise packages	\$475	210	99,750
TOTAL		<u>140,465</u>	<u>\$1,950,679</u>

(k) The odds of winning a prize in this game are approximately one in 4.27. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-16-06, Nov. 16, 2005.)

**111-4-2349. "Kansas Chopper" instant ticket lottery game number 540.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Kansas Chopper" commencing on or after December 1, 2005. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2349.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2.00	TWO\$
\$3.00	THR\$
\$4.00	FOUR\$
\$5.00	FIVE\$
\$8.00	EGT\$
10.00	TEN\$
20.00	TWENTY
40.00	FORTY
50.00	FIFTY
\$100\$	ONE-HUN
\$500\$	FIV-HUN
\$1000	ONETHOU
\$10000	10-THOU
FREE BUTTON	
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EGHTN
19	NINTN

20	TWNTY
21	TWYONE
22	TWYTWO
23	TWYTHR
24	TWYFOR
25	TWYFIV

MAYBE NEXT TIME  
GOOD LUCK

(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 149.

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

FRE	=	Free Ticket
TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00

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

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

The bonus game is an instant win game. If a player reveals any prize amount, the player wins that amount instantly. If a player reveals the "FREE BUTTON," the player wins a button for the 2006 Wichita River Festival. A player can only win once in this play area.

(h) Each ticket in this game may win up to nine 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	40,000	\$0
\$2	25,000	50,000
\$2	25,000	50,000
\$4	10,000	40,000
\$4	10,000	40,000
\$2	9,200	36,800
\$2 + \$3	5,000	25,000
\$2	5,000	25,000

(continued)

\$5		\$5	5,000	25,000
	\$5	\$5	5,000	25,000
\$10		\$10	2,250	22,500
(\$2 x 5)		\$10	2,250	22,500
(\$2 x 4)	\$2	\$10	2,250	22,500
	\$10	\$10	2,250	22,500
\$20		\$20	1,200	24,000
	\$20	\$20	1,200	24,000
(\$2 x 8)	\$4	\$20	1,200	24,000
\$5 + \$10	\$5	\$20	1,200	24,000
\$40		\$40	250	10,000
(\$4 x 8)	\$8	\$40	250	10,000
(\$10 x 4)		\$40	250	10,000
\$50		\$50	140	7,000
(\$10 x 3) + (\$4 x 5)		\$50	140	7,000
(\$5 x 8)	\$10	\$50	140	7,000
\$100		\$100	80	8,000
(\$20 x 5)		\$100	80	8,000
\$1,000		\$1,000	4	4,000
(\$500 x 2)		\$1,000	4	4,000
\$10,000		\$10,000	6	60,000
SUBTOTAL			154,344	\$637,800
Free Button to Wichita River Festival	\$3		5,000	15,000
Big Dog Motorcycle Package	1		40,500	\$40,500
TOTAL			159,345	\$693,300

(k) The odds of winning a prize in this game are approximately one in 3.77. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-2-16-06, Nov. 16, 2005.)

**Article 6.—ON-LINE GENERIC GAME RULES**

**111-6-1. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 74- 8701 *et seq.*) and amendments thereto, and lottery regulations adopted pursuant to the Kansas lottery act are hereby incorporated by reference.

(b) "On-line Game" or "game" means a lottery game in which a player selects a combination of numbers or symbols, the type of game and amount of play, and the drawing date(s) by use of a computer. In return for paying the appropriate fee, the player receives a computer-generated ticket with the player's selection printed on it. The Kansas lottery will conduct a drawing to determine the winning combination in accordance with the rules of the specific game being played. Each ticket holder whose valid ticket includes a winning combination shall be entitled to a prize if the ticket and a valid claim form are submitted within the specified time period.

(c) "On-line Retailer" or "retailer" means a person or business authorized by the Lottery to sell on-line tickets.

(d) "On-line Terminal (OLT)" or "terminal" means the computer hardware by which an on-line retailer or player enters the combination selected by the player and by which on-line tickets are generated and claims are validated.

(e) "On-line Ticket" or "ticket" means a computer-generated ticket issued by an on-line terminal to a player as a receipt for the combination a player had selected, including an exchange ticket. That ticket shall be the only

acceptable evidence of the combination of numbers or symbols selected.

(f) "Drawing" includes the procedure determined by the executive director by which the lottery selects the winning combination in accordance with the rules of the game or the procedure of removing non-winning tickets or other types of entry forms from a receptacle or drum in a drawing event conducted by the lottery. Various types of drawings and procedures involve the following:

(1) Those utilizing ball sets are open to the public, and are required to be witnessed by a lottery security officer and a drawing manager. Furthermore, the equipment used in any drawing must be inspected by the lottery security official present before the drawing.

(2) Winning number combinations may be generated through the use of a computer-driven random number generator located at lottery headquarters as provided by specific game rules. The generator shall be statistically analyzed, tested, and certified by an independent qualified statistician for integrity. Periodic checks shall be made to ensure the security and integrity of the system at least quarterly.

(3) Drawing events requiring non-winning tickets or entry forms from a receptacle or drum shall be conducted in accordance with specific game rules and K.A.R. 111-6-6.

(4) All drawings and inspections are required to be recorded on both video and audio tape.

(g) "Quick pick" or "computer pick" means the random selection of numbers or symbols which appear on a ticket and are played by a player in a game.

(h) "Winning combination" means one or more numbers or symbols randomly selected at each on-line game drawing which shall be used to determine winning plays contained on a game ticket.

(i) "Validation" means the process of determining whether an on-line ticket presented for payment is a winning ticket.

(j) "Ticket holder" or "holder" means the person who has possession of an unsigned ticket or the person whose signature appears in the area upon a ticket designated for signature.

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

(l) "Social environment establishment" means a retailer licensed to serve cereal malt beverage and/or alcohol for consumption on premises.

(m) "Attempt(s) to cancel" means that a retailer enters cancellation data into an on-line terminal or is informed by a player, prior to the first drawing for which the ticket was eligible, that the ticket was produced in error either because of a terminal malfunction or by miscommunication between a player and a retailer.

(n) "Problem ticket" means any on-line ticket erroneously produced either by terminal malfunction or by miscommunication between a player and a retailer.

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

(p) "Day," "business day" or "operations day," when referring to an on-line game, means the 21-hour period starting at 5:00 a.m. and ending at 2:00 a.m., the following day, unless specified otherwise in individual game rules.

(q) "Exchange ticket" means a computer-generated ticket issued by an on-line terminal to a player in exchange for an original ticket containing consecutive games or multi-draws where one or more games have been won on the original ticket but the original ticket is still valid for any games for which one or more drawings have not yet been conducted.

(r) "Win-check" means the act of scanning the bar code of an online ticket on a Kansas lottery terminal or other device supplied by the Kansas lottery to determine if said ticket contains a winning combination, but without validating the ticket.

(s) These amendments shall take effect November 21, 2005. (Authorized by and implementing K.S.A. 74-8710; effective, T-89-4, Jan. 21, 1988; amended, T-111-1-27-89, Jan. 26, 1989; amended, T-111-10-10-90, Sept. 15, 1990; amended, T-111-12-21-90, Dec. 14, 1990; amended, T-111-9-20-91, Sept. 20, 1991; amended, T-111-7-1-92, June 26, 1992; amended, T-111-9-1-92, Aug. 28, 1992; amended, T-111-3-26-93, March 19, 1993; amended, T-111-3-3-94, Feb. 25, 1994; amended, T-111-7-22-96, July 19, 1996; amended, T-111-9-4-96, Aug. 16, 1996; amended, T-111-3-4-98, Jan. 16, 1998; amended, T-111-3-31-00, March 17, 2000; amended, T-111-9-16-04, Sept. 10, 2004; amended, T-111-2-16-06, Nov. 16, 2005.)

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

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

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

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

(f) Prize tiers:

(1) "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 21-hour period starting at 5:00 a.m. and ending at 2:00 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.

(p) These amendments shall take effect November 21, 2005. (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; amended, T-111-2-16-06, Nov. 16, 2005.)

Ed Van Petten  
Executive Director

Doc. No. 032906

## State of Kansas

## Secretary of State

## Certification of New State Laws

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

Ron Thornburgh  
Secretary of State

(Published in the Kansas Register March 2, 2006.)

## HOUSE BILL No. 2630

AN ACT regulating traffic; concerning the weight limitations of certain vehicles; amending K.S.A. 8-1909a and repealing the existing section.

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

Section 1. K.S.A. 8-1909a is hereby amended to read as follows: 8-1909a. Nothing in this act shall authorize any gross weight of a vehicle, combination of vehicles or axle or axles of a vehicle on the national system of interstate and defense highways greater than permitted by laws of the United States Congress, *except that this section shall not apply to a truck tractor and dump semitrailer or truck trailer combination authorized under the provisions of subsection (a)(3) of K.S.A. 8-1909, and amendments thereto.*

Sec. 2. K.S.A. 8-1909a is hereby repealed.

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

(Published in the Kansas Register March 2, 2006.)

## HOUSE BILL No. 2629

AN ACT regulating traffic; concerning the size limitations of certain vehicles; amending K.S.A. 8-1904 and repealing the existing section.

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

Section 1. K.S.A. 8-1904 is hereby amended to read as follows: 8-1904. (a) No vehicle including any load thereon shall exceed a height of 14 feet, except that a vehicle transporting cylindrically shaped bales of hay as authorized by subsection (e) of K.S.A. 8-1902, and amendments thereto, may be loaded with such bales secured to a height not exceeding 14½ feet. Should a vehicle so loaded with bales strike any overpass or other obstacle, the operator of the vehicle shall be liable for all damages resulting therefrom. The secretary of transportation may adopt rules and regulations for the movement of such loads of cylindrically shaped bales of hay.

(b) No motor vehicle including the load thereon shall exceed a length of 45 feet extreme overall dimension, excluding the front and rear bumpers, except as provided in subsection (d).

(c) Except as otherwise provided in K.S.A. 8-1914 and 8-1915, and amendments thereto, and subsections (d), (e), (f), ~~and~~ (g) and (h), no combination of vehicles coupled together shall exceed a total length of 65 feet.

(d) The length limitations in subsection (b) shall not apply to a truck tractor. No semitrailer which is being operated in combination with a truck tractor shall exceed 59½ feet in length. No semitrailer or trailer which is being operated in a combination consisting of a truck tractor, semitrailer and trailer shall exceed 28½ feet in length.

(e) The limitations in this section governing maximum length of a semitrailer or trailer shall not apply to vehicles operating in the daytime when transporting poles, pipe, machinery or other objects of a structural nature which cannot readily be dismembered, except

that it shall be unlawful to operate any such vehicle or combination of vehicles which exceeds a total length of 85 feet unless a special permit for such operation has been issued by the secretary of transportation or by an agent or designee of the secretary pursuant to K.S.A. 8-1911, and amendments thereto. For the purpose of authorizing the issuance of such special permits at motor carrier inspection stations, the secretary of transportation may contract with the superintendent of the Kansas highway patrol for such purpose, and in such event, the superintendent or any designee of the superintendent may issue such special permit pursuant to the terms and conditions of the contract. The limitations in this section shall not apply to vehicles transporting such objects operated at nighttime by a public utility when required for emergency repair of public service facilities or properties or when operated under special permit as provided in K.S.A. 8-1911, and amendments thereto, but in respect to such night transportation every such vehicle and the load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load.

(f) The limitations of this section governing the maximum length of combinations of vehicles shall not apply to a combination of vehicles consisting of a truck tractor towing a house trailer, if such combination of vehicles does not exceed an overall length of 97 feet.

(g) The length limitations of this section shall not apply to stinger-steered automobile or boat transporters, ~~drive-away saddle-mount vehicle transport combinations~~ or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, as defined in subsection (d) of K.S.A. 8-143j, and amendments thereto. A stinger-steered automobile or boat transporter, ~~drive-away saddle-mount vehicle transport combination~~ or one truck and one trailer vehicle combination, loaded or unloaded, used in transporting a combine to be engaged in farm custom harvesting operations, as defined in subsection (d) of K.S.A. 8-143j, and amendments thereto, shall not exceed an overall length limit of 75 feet, exclusive of front and rear overhang.

(h) *The length limitations of this section shall not apply to drive-away saddle-mount or drive-away saddle-mount with fullmount vehicle transporter combination. A drive-away saddle-mount or drive-away saddle-mount with fullmount vehicle transporter combination shall not exceed an extreme overall dimension of 97 feet.*

Sec. 2. K.S.A. 8-1904 is hereby repealed.

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

(Published in the Kansas Register March 2, 2006.)

## HOUSE BILL No. 2698

AN ACT concerning sales taxation; relating to retailers' sales tax in Sherman county; amending K.S.A. 12-195b and K.S.A. 2005 Supp. 12-187 and 12-189 and repealing the existing sections.

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

Section 1. K.S.A. 2005 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) (1) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(2) The governing body of any class B city located in any county which does not impose a countywide retailers' sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing



a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Jefferson, Lyon, Montgomery, Neosho, Osage, Ottawa, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the

county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow

*(continued)*

the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of ~~.25%, .5% or .75%~~ 1% and pledging the revenue received therefrom for the purpose of financing the costs of ~~the county roads 64 and 65 construction and improvement project~~ *street and roadway improvements to the electors at an election called and held thereon*. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit ~~to~~ the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax in the amount of .5% being levied by a city on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance so providing. In addition to any city retailers' sales tax being levied by a city on July 1, 1990, any such city may adopt an additional city retailers' sales tax in the amount of .25% or .5%, provided that such additional tax is adopted and approved in the manner provided for the adoption and approval of a city retailers' sales tax. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) A class D city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, the governing body of any class D city may submit the question of imposing an additional city retailers' sales tax in the amount of .125%, .25%, .5% or .75% and pledging the revenue received therefrom for economic development initiatives, strategic planning initiatives or for public infrastructure projects including buildings to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than five years from the date of imposition thereof, except that any such tax imposed by any class D city after the effective date of this act shall expire no later than 10 years from the date of imposition thereof.

(f) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except

that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(g) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(h) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2005 Supp. 12-189 is hereby amended to read as follows: 12-189. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class A, class B or class C city retailers' sales tax shall be fixed in the amount of .25%, .5%, .75% or 1% which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; and the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at ~~1.5%, 1.75% or 2%~~ 2.25%;

(g) the board of county commissioners of Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; or

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The dis-

(continued)

trict attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 12-195b is hereby amended to read as follows: 12-195b. The governing body of any city or county by the appropriate ordinance or resolution, may authorize the issuance of general obligation bonds to provide for the payment of all or any portion of the cost of any public facilities or improvements for which such city or county is otherwise authorized pursuant to the constitution or laws of this state to issue general obligation bonds. The governing body may pledge revenues received from countywide or city retailers' sales taxes imposed pursuant to K.S.A. 12-187 et seq., and amendments thereto, for the payment of such bonds. The pledge of revenues received from countywide or city retailers' sales taxes for payment of such bonds shall constitute an irrevocable pledge of the revenues and shall be made a lien on the revenues for the benefit of bondholders. Any bonds issued under this section shall be subject to the following requirements:

(a) Before the governing body of any city or county shall issue any general obligation bonds as authorized herein, the governing body shall cause to be prepared a comprehensive feasibility study showing that revenues received from a countywide or city retailers' sales tax would be sufficient to retire such bonds.

(b) Such bonds shall constitute a general obligation of the city or county payable from the pledged revenue received from countywide or city retailers' sales taxes and if not so paid such bonds shall be payable from ad valorem taxes which for the purpose of paying such bonds may be levied without limit as to rate or amount by the city or county, and shall be printed as provided in K.S.A. 10-112, and amendments thereto.

(c) Any bonds issued under the provisions of this section and the interest thereon, shall be exempt from all taxes levied by the state of

Kansas or any political or taxing subdivision thereof, except inheritance taxes.

(d) All bonds which are to be financed in accordance with the provisions of this section shall be subject to any statutory limitation of bonded indebtedness imposed on a city or county unless:

(1) The law authorizing the issuance of such bonds specifically excludes such bonds from any statutory limitation of bonded indebtedness;

(2) the bonds are excluded from the computation of bonded indebtedness pursuant to K.S.A. 10-307 or 10-309, and amendments thereto; or

(3) the bonds are issued by a class C city or Douglas county or Sherman county.

(e) In the event the governing body of a city or county proposes to issue such bonds, and the question of issuing bonds as authorized herein has not previously been submitted to and approved by the voters of the city or county such proposition shall be published once each week for two consecutive weeks in its official newspaper. If within 30 days after the last publication of the proposition, a petition is filed with the county election officer signed by not less than 5% of the electors of the city or county who voted in the last preceding general election of the city or county, then no such bonds shall be issued unless the proposition is submitted to and approved by a majority of the voters of the city or county voting at an election held thereon. Any such elections shall be called and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto, or in accordance with the provisions of the mail ballot election act.

Sec. 4. K.S.A. 12-195b and K.S.A. 2005 Supp. 12-187 and 12-189 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the Kansas Register issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2003 Volumes and 2005 Supplement of the Kansas Administrative Regulations.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Table with 3 columns: Reg. No., Action, Register. Lists administrative regulations from 1-1-1 to 1-5-20.

Table with 3 columns: Reg. No., Action, Register. Lists administrative regulations from 1-5-24 to 1-14-11.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 3 columns: Reg. No., Action, Register. Lists agricultural regulations from 4-8-14a to 4-15-7.

Table with 3 columns: Reg. No., Action, Register. Lists agricultural regulations from V. 24, p. 853 to V. 24, p. 868.

Table with 3 columns: Reg. No., Action, Register. Lists regulations from 4-15-8 to 4-28-7.

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Lists water resource regulations from 5-16-1 to 5-16-5.

AGENCY 7: SECRETARY OF STATE

Table with 3 columns: Reg. No., Action, Register. Lists secretary of state regulations from 7-34-2 to 7-43-6.

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Lists animal health regulations from 9-2-32 to 9-32-1 through 9-32-8.

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Table with 3 columns: Reg. No., Action, Register. Lists bureau of investigation regulations from 10-22-1.

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-11-1 through 11-11-7	Revoked	V. 24, p. 1798

**AGENCY 14: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
14-14-12	Revoked	V. 24, p. 798

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-1-7	Amended	V. 24, p. 95
16-4-2	New	V. 24, p. 95
16-4-3	New	V. 24, p. 95
16-4-4	New	V. 24, p. 96
16-6-1	Amended	V. 24, p. 96
16-10-1	New (T)	V. 24, p. 1176
16-10-2	New (T)	V. 24, p. 1176
16-10-3	New (T)	V. 24, p. 1176
16-10-1	New	V. 24, p. 1690
16-10-2	New	V. 24, p. 1690
16-10-3	New	V. 24, p. 1691

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-39-144	New	V. 24, p. 1629
26-39-243	New	V. 24, p. 1631
26-39-278	New	V. 24, p. 1632
26-39-427	New	V. 24, p. 1632
26-39-438 through 26-39-441	New	V. 24, p. 1243

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-4-1400	New (T)	V. 24, p. 1142
28-4-1400	New	V. 24, p. 1531
28-16-28g	Amended	V. 24, p. 753
28-16-58	Amended	V. 24, p. 52
28-16-160 through 28-16-174	New	V. 24, p. 754-764
28-17-1	Amended	V. 24, p. 178
28-17-6	Amended	V. 24, p. 179
28-17-20	Amended	V. 24, p. 179
28-17-22	New	V. 24, p. 181
28-19-22	Revoked	V. 24, p. 1437
28-19-517	Amended	V. 24, p. 1437
28-19-542	Amended	v. 24, p. 1438
28-19-546	Amended	V. 24, p. 1438
28-19-561	Amended	V. 24, p. 1438
28-19-562	Amended	v. 24, p. 1439
28-19-563	Amended	v. 24, p. 1440
28-19-575 through 28-19-578	Revoked	V. 24, p. 1440
28-30-200 through 28-30-207	New	V. 24, p. 1470-1474
28-35-135	Revoked	V. 24, p. 1830
28-35-135a through 28-35-135i	New	V. 24, p. 1830
28-35-135k through 28-35-135y	New	V. 24, p. 1830
28-35-136	Revoked	V. 24, p. 1830
28-35-148	New	V. 24, p. 1830
28-35-154	Amended	V. 24, p. 1830
28-35-160	Amended	V. 24, p. 1830
28-35-162	Amended	V. 24, p. 1830
28-35-167	New	V. 24, p. 1830
28-35-168	New	V. 24, p. 1830
28-35-169	New	V. 24, p. 1830
28-35-175a	Amended	V. 24, p. 1830
28-35-176a	Amended	V. 24, p. 1830
28-35-177a	Amended	V. 24, p. 1830
28-35-178a	Amended	V. 24, p. 1830
28-35-178j	New	V. 24, p. 1830
28-35-180a	Amended	V. 24, p. 1830
28-35-180b	New	V. 24, p. 1830
28-35-181e	Amended	V. 24, p. 1830
28-35-181g	Amended	V. 24, p. 1830
28-35-181h	Amended	V. 24, p. 1830

28-35-181l	Amended	V. 24, p. 1830
28-35-181m	Amended	V. 24, p. 1830
28-35-181s	New	V. 24, p. 1830
28-35-184a	Amended	V. 24, p. 1830
28-35-184b	Amended	V. 24, p. 1830
28-35-185a	Amended	V. 24, p. 1830
28-35-193b	Revoked	V. 24, p. 1830
28-35-195a	Amended	V. 24, p. 1830
28-35-199a	Revoked	V. 24, p. 1830
28-35-204	New	V. 24, p. 1830
28-35-205	New	V. 24, p. 1830
28-35-205a	New	V. 24, p. 1830
28-35-205b	New	V. 24, p. 1830
28-35-206	New	V. 24, p. 1830
28-35-211c	New	V. 24, p. 1831
28-35-211d	Amended	V. 24, p. 1831
28-35-212a	Amended	V. 24, p. 1831
28-35-212b	Amended	V. 24, p. 1831
28-35-212d	Amended	V. 24, p. 1831
28-35-212e	Amended	V. 24, p. 1831
28-35-213b	Amended	V. 24, p. 1831
28-35-216a	Amended	V. 24, p. 1831
28-35-217a	Amended	V. 24, p. 1831
28-35-219a	Amended	V. 24, p. 1831
28-35-220a	Amended	V. 24, p. 1831
28-35-222a	Amended	V. 24, p. 1831
28-35-223a	Amended	V. 24, p. 1831
28-35-224a	Amended	V. 24, p. 1831
28-35-227d	Amended	V. 24, p. 1831
28-35-227f	Amended	V. 24, p. 1831
28-35-227g	Amended	V. 24, p. 1831
28-35-227h	Amended	V. 24, p. 1831
28-35-227j	Amended	V. 24, p. 1831
28-35-228a	Amended	V. 24, p. 1831
28-35-230a	Amended	V. 24, p. 1831
28-35-230b	Revoked	V. 24, p. 1831
28-35-230d	Amended	V. 24, p. 1831
28-35-231a	Amended	V. 24, p. 1831
28-35-231b	New	V. 24, p. 1831
28-35-231c	New	V. 24, p. 1831
28-35-241	Amended	V. 24, p. 1831
28-35-242	Amended	V. 24, p. 1831
28-35-242a	New	V. 24, p. 1831
28-35-242b	New	V. 24, p. 1831
28-35-243	Revoked	V. 24, p. 1831
28-35-243a	New	V. 24, p. 1831
28-35-244	Revoked	V. 24, p. 1831
28-35-244a	New	V. 24, p. 1831
28-35-247	Revoked	V. 24, p. 1831
28-35-247a	New	V. 24, p. 1831
28-35-248a	New	V. 24, p. 1831
28-35-249	Revoked	V. 24, p. 1831
28-35-250a	Revoked	V. 24, p. 1831
28-35-251	Amended	V. 24, p. 1831
28-35-252	Revoked	V. 24, p. 1831
28-35-253	Revoked	V. 24, p. 1831
28-35-254	Revoked	V. 24, p. 1831
28-35-255	Amended	V. 24, p. 1831
28-35-256	New	V. 25, p. 116
28-35-261	Revoked	V. 24, p. 1831
28-35-262	Revoked	V. 24, p. 1831
28-35-263	Revoked	V. 24, p. 1831
28-35-264	New	V. 24, p. 1831
28-35-274	Amended	V. 24, p. 1831
28-35-276	Amended	V. 24, p. 1831
28-35-277	Revoked	V. 24, p. 1831
28-35-277a	New	V. 24, p. 1831
28-35-278	Amended	V. 24, p. 1831
28-35-279	Amended	V. 24, p. 1831
28-35-280	Amended	V. 24, p. 1831
28-35-281	Amended	V. 24, p. 1831
28-35-282	Amended	V. 24, p. 1831
28-35-282a	New	V. 24, p. 1831
28-35-282b	New	V. 24, p. 1831
28-35-282c	New	V. 24, p. 1831
28-35-282d	New	V. 24, p. 1831
28-35-283	Amended	V. 24, p. 1831
28-35-284	Amended	V. 24, p. 1831
28-35-285	Amended	V. 24, p. 1831
28-35-287	Amended	V. 24, p. 1831
28-35-288	Amended	V. 24, p. 1831
28-35-289	Amended	V. 24, p. 1831
28-35-290	Amended	V. 24, p. 1831
28-35-291	Amended	V. 24, p. 1831
28-35-292	New	V. 24, p. 1831
28-35-293	New	V. 24, p. 1831
28-35-298	Amended	V. 24, p. 1831
28-35-299	Amended	V. 24, p. 1831
28-35-308	Amended	V. 24, p. 1831

28-35-312	Revoked	V. 24, p. 1831
28-35-314	Amended	V. 24, p. 1831
28-35-316	Amended	V. 25, p. 116
28-35-318	Amended	V. 24, p. 1831
28-35-319	Amended	V. 24, p. 1831
28-35-333	Amended	V. 24, p. 1831
28-35-342	Amended	V. 24, p. 1831
28-35-343	Amended	V. 24, p. 1831
28-35-345	Amended	V. 24, p. 1831
28-35-346	Amended	V. 24, p. 1831
28-35-349	Amended	V. 24, p. 1831
28-35-350	Amended	V. 24, p. 1831
28-35-351	Amended	V. 24, p. 1831
28-35-352	Amended	V. 24, p. 1831
28-35-353	Amended	V. 24, p. 1831
28-35-354	Amended	V. 24, p. 1831
28-35-355	Amended	V. 24, p. 1831
28-35-357	Amended	V. 24, p. 1831
28-35-359	Amended	V. 24, p. 1831
28-35-359a	New	V. 24, p. 1831
28-35-360	Amended	V. 24, p. 1831
28-35-375	New	V. 24, p. 1832
28-35-400 through 28-35-411	New	V. 24, p. 1832
28-35-450	New	V. 24, p. 1832
28-35-500 through 28-35-505	New	V. 24, p. 1832
28-36-1	Revoked	V. 24, p. 146
28-36-32	Revoked	V. 24, p. 146
28-36-60	Revoked	V. 24, p. 146
28-36-120	Revoked	V. 24, p. 146
28-61-1	Amended	V. 24, p. 1242
28-70-1	Amended	V. 24, p. 1177
28-70-2	Amended	V. 24, p. 1177
28-70-3	Amended	V. 24, p. 1178

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-5-64	Revoked	V. 24, p. 1595
30-5-81u	Amended	V. 24, p. 271
30-10-1a	Amended	V. 24, p. 489
30-10-1b	Amended	V. 24, p. 491
30-10-1d	Amended	V. 24, p. 492
30-10-11	Amended	V. 24, p. 492
30-10-17	Amended	V. 24, p. 494
30-10-18	Amended (T)	V. 24, p. 23
30-10-18	Amended	V. 24, p. 334
30-10-19	Amended	V. 24, p. 495
30-10-20	Amended	V. 24, p. 496
30-10-23a	Amended	V. 24, p. 496
30-10-23b	Amended	V. 24, p. 497

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-41-1 through 36-41-5	New (T)	V. 24, p. 273, 274
36-41-1 through 36-41-5	New	V. 24, p. 1111, 1112

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-42	Amended	V. 24, p. 1734
40-1-44	Amended	V. 24, p. 848
40-1-51	Amended	V. 24, p. 1735
40-2-14a	Amended	V. 24, p. 1735
40-2-14b	Revoked	V. 24, p. 1735
40-3-5	Amended	V. 25, p. 182
40-3-12	Amended	V. 25, p. 182
40-3-13	Amended	V. 24, p. 1371
40-3-18	Amended	V. 24, p. 1371
40-3-24	Amended	V. 24, p. 1371
40-3-43	Amended	V. 25, p. 183
40-3-46	Revoked	V. 25, p. 183
40-3-47	Amended	V. 25, p. 183
40-3-50	Revoked	V. 24, p. 848
40-3-53	New (T)	V. 24, p. 15
40-3-53	New	V. 24, p. 615
40-4-35	Amended	V. 24, p. 1264
40-7-7	Amended	V. 24, p. 1829
40-7-7a	Revoked	V. 24, p. 1829

(continued)

40-7-9	Amended	V. 24, p. 1829
40-7-22	Amended	V. 24, p. 1371
40-7-23	Amended	V. 24, p. 1371

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-49-1	Amended	V. 25, p. 25
49-49-1a	Amended	V. 25, p. 25

**AGENCY 51: DEPARTMENT OF LABOR—  
DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-2-5	Amended	V. 24, p. 1647
51-9-7	Amended	V. 24, p. 1734

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-3-106a	Amended	V. 24, p. 1145
60-3-107	Amended	V. 24, p. 1145
60-3-108	Amended	V. 24, p. 1145
60-3-112	Amended	V. 24, p. 1145
60-11-113	Amended	V. 24, p. 1145
60-11-120	Amended	V. 24, p. 1145
60-11-121	Amended	V. 24, p. 1145
60-13-112	Amended	V. 24, p. 1146
60-15-101	Amended	V. 24, p. 1146
60-15-104	Amended	V. 24, p. 1147
60-16-103	Amended	V. 24, p. 1147
60-16-104	Amended	V. 24, p. 1148
60-17-111	Amended	V. 24, p. 1149

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-4-1	Amended	V. 24, p. 1629

**AGENCY 66: BOARD OF TECHNICAL  
PROFESSIONS**

Reg. No.	Action	Register
66-6-4	Amended	V. 24, p. 79
66-8-4	Amended	V. 25, p. 44
66-8-8	New	V. 24, p. 80
66-9-4	Amended	V. 25, p. 73
66-9-6	Amended	V. 24, p. 80
66-9-7	New	V. 24, p. 80
66-10-1	Amended	V. 25, p. 44
66-10-9	Amended	V. 25, p. 44
66-10-11	Amended	V. 25, p. 44
66-10-12	Amended	V. 25, p. 45
66-10-14	Amended	V. 25, p. 45
66-11-5	Amended	V. 25, p. 45
66-14-3	Amended	V. 24, p. 80
66-14-5	Amended	V. 24, p. 81

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-5-16	New (T)	V. 24, p. 1377

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-4	Amended (T)	V. 24, p. 14
69-1-4	Amended	V. 24, p. 392

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-2-2	Amended	V. 24, p. 1828
71-8-1	through	
71-8-9	New	V. 25, p. 99, 100

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-1a	Amended	V. 24, p. 794
74-4-8	Amended	V. 24, p. 794
74-5-2	Amended	V. 24, p. 795
74-5-101	Amended	V. 24, p. 795
74-5-102	Amended	V. 24, p. 796
74-5-103	Amended	V. 24, p. 796
74-5-104	Amended	V. 24, p. 796
74-5-201	Amended	V. 24, p. 796
74-5-202	Amended	V. 24, p. 796
74-5-203	Amended	V. 24, p. 797
74-5-205	Revoked	V. 24, p. 797
74-5-301	Amended	V. 24, p. 797
74-5-401	Amended	V. 24, p. 797
74-5-403	Amended	V. 24, p. 797
74-11-6	Amended	V. 24, p. 797

74-11-15	Amended	V. 24, p. 798
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**AGENCY 75: OFFICE OF THE STATE  
BANK COMMISSIONER—DIVISION OF  
CONSUMER AND MORTGAGE LENDING**

Reg. No.	Action	Register
75-6-30	Amended	V. 24, p. 1849
75-6-31	Amended	V. 24, p. 1849
75-6-35	New	V. 24, p. 1849

**AGENCY 81: OFFICE OF THE  
SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-4-4	New (T)	V. 24, p. 1372
81-4-4	New	V. 24, p. 1775
81-5-15	New (T)	V. 24, p. 1372
81-5-15	New	V. 24, p. 1775

**AGENCY 82: STATE CORPORATION  
COMMISSION**

Reg. No.	Action	Register
82-4-3	Amended (T)	V. 24, p. 97
82-4-3	Amended	V. 24, p. 463
82-4-3a	through	
82-4-3m	New (T)	V. 24, p. 97-122
82-4-3a	through	
82-4-3m	New	V. 24, p. 463-488
82-4-3a	Amended (T)	V. 24, p. 1687
82-4-3a	Amended	V. 25, p. 101

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-3-29	New (T)	V. 24, p. 959
86-3-29	New	V. 24, p. 1690

**AGENCY 91: DEPARTMENT OF  
EDUCATION**

Reg. No.	Action	Register
91-1-203	Amended	V. 24, p. 1178
91-1-213	Revoked	V. 24, p. 1181
91-1-220	New	V. 24, p. 1181
91-1-221	New	V. 24, p. 1182
91-15-1	Amended	V. 24, p. 272
91-35-1	through	
91-35-4	Revoked	V. 24, p. 272

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-12-113	New	V. 24, p. 423
92-19-49a	Revoked	V. 24, p. 798
92-19-49b	New	V. 24, p. 798
92-19-49c	New	V. 24, p. 799
92-19-49d	New	V. 24, p. 801
92-19-81	Amended	V. 24, p. 802
92-51-34a	Amended	V. 24, p. 423

**AGENCY 99: DEPARTMENT OF  
AGRICULTURE—DIVISION OF WEIGHTS  
AND MEASURES**

Reg. No.	Action	Register
99-25-1	Amended	V. 24, p. 1264
99-25-9	Amended	V. 24, p. 1265
99-25-10	New	V. 24, p. 1265

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-15-2	Revoked	V. 24, p. 1113
100-15-4	through	
100-15-7	New	V. 24, p. 1113, 1114
100-25-1	through	
100-25-5	New (T)	V. 24, p. 1874-1877
100-26-1	Amended (T)	V. 24, p. 1877
100-26-2	New (T)	V. 24, p. 1877
100-26-3	New (T)	V. 24, p. 1878
100-28a-14	Amended	V. 24, p. 1114
100-28a-17	New	V. 24, p. 1114
100-28a-18	New	V. 24, p. 1115
100-54-1	Amended	V. 24, p. 1441
100-54-6	Amended	V. 24, p. 1441
100-54-8	Amended	V. 24, p. 1441
100-54-10	New	V. 24, p. 1442

100-54-11	New	V. 24, p. 1442
100-69-1	Amended	V. 24, p. 1346
100-69-2	Amended	V. 24, p. 1347
100-69-3	Amended	V. 24, p. 1347
100-69-4	Revoked	V. 24, p. 1347
100-69-6	Amended	V. 24, p. 1347
100-69-7	Amended	V. 24, p. 1347
100-69-8	Revoked	V. 24, p. 1347
100-69-9	Amended	V. 24, p. 1347
100-69-10	Amended	V. 24, p. 1348
100-69-11	Amended	V. 24, p. 1349
100-72-6	Amended	V. 24, p. 1115
100-73-1	through	

100-73-6	New (T)	V. 24, p. 1142-1144
100-73-1	through	
100-73-6	New	V. 24, p. 1443, 1444

**AGENCY 102: BEHAVIORAL SCIENCES  
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-5a	Amended	V. 25, p. 183
102-1-12	Amended	V. 25, p. 184
102-1-13	Amended	V. 24, p. 424
102-1-18	Amended	V. 24, p. 424
102-2-3	Amended	V. 24, p. 424
102-2-8	Amended	V. 24, p. 424
102-2-12	Amended	V. 24, p. 426
102-2-14	Amended	V. 24, p. 427
102-3-2	Amended	V. 24, p. 428
102-3-3a	Amended (T)	V. 24, p. 330
102-3-4a	Amended	V. 24, p. 1211
102-3-15	Amended	V. 24, p. 428
102-4-2	Amended	V. 24, p. 428
102-4-15	Amended	V. 24, p. 428
102-5-2	Amended	V. 24, p. 428
102-5-5	Amended	V. 25, p. 187
102-5-14	Amended	V. 24, p. 429

**AGENCY 105: BOARD OF  
INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 24, p. 1597
105-4-1	Amended	V. 25, p. 101
105-11-1	New (T)	V. 24, p. 1598
105-11-1	New	V. 25, p. 101

**AGENCY 108: STATE EMPLOYEES  
HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-1	Amended	V. 24, p. 1846
108-1-4	Amended	V. 25, p. 180

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-11-1	New	V. 24, p. 429
110-11-2	New	V. 24, p. 429
110-11-3	New	V. 24, p. 429
110-12-1	through	
110-12-6	New	V. 24, p. 371
110-13-1	through	
110-13-10	New	V. 24, p. 1209-1211

**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. A list of regulations filed by the Kansas Lottery from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register.

**AGENCY 112: RACING AND GAMING  
COMMISSION**

Reg. No.	Action	Register
112-4-1a	Amended	V. 24, p. 1851
112-10-5	Amended	V. 24, p. 1263
112-11-20	Amended	V. 24, p. 1852

**AGENCY 115: DEPARTMENT OF  
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 24, p. 1688
115-2-4	Amended	V. 24, p. 1689

115-3-2	Amended	V. 24, p. 148
115-4-2	Amended	V. 24, p. 420
115-4-4	Amended	V. 24, p. 421
115-4-4a	New	V. 24, p. 422
115-4-6	Amended	V. 24, p. 148
115-4-6a	New	V. 24, p. 151
115-4-11	Amended	V. 24, p. 151
115-4-13	Amended	V. 24, p. 422
115-5-1	Amended	V. 24, p. 152
115-5-4	New	V. 24, p. 752
115-7-2	Amended	V. 24, p. 153
115-9-4	Amended	V. 24, p. 153
115-9-9	New	V. 24, p. 1112
115-11-1	Amended	V. 24, p. 752
115-11-2	Amended	V. 24, p. 153
115-15-1	Amended	V. 24, p. 154
115-15-2	Amended	V. 24, p. 155
115-18-1	Amended	V. 24, p. 156
115-18-7	Amended	V. 24, p. 159
115-18-10	Amended	V. 24, p. 753
115-18-14	Amended	V. 24, p. 1689
115-20-1	Amended	V. 24, p. 159
115-20-2	Amended	V. 24, p. 160
115-21-1	Revoked	V. 24, p. 1690
115-21-2	Revoked	V. 24, p. 1690
115-21-4	Revoked	V. 24, p. 1690

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-2-2a	New	V. 24, p. 1079
117-2-3	Amended (T)	V. 24, p. 1141
117-2-3	Amended	V. 24, p. 1595
117-3-2a	New	V. 24, p. 1079
117-3-3	Amended (T)	V. 24, p. 1141
117-3-3	Amended	V. 24, p. 1595
117-4-2a	New	V. 24, p. 1080
117-4-3	Amended (T)	V. 24, p. 1141
117-4-3	Amended	V. 24, p. 1595
117-5-2a	New	V. 24, p. 1080
117-6-3	Amended	V. 24, p. 77
117-7-1	Amended	V. 24, p. 78
117-8-1	Amended	V. 24, p. 78

**AGENCY 118: STATE HISTORICAL SOCIETY**

Reg. No.	Action	Register
118-5-10	Amended	V. 24, p. 1632

**AGENCY 120: HEALTH CARE DATA GOVERNING BOARD**

Reg. No.	Action	Register
120-1-1	Revoked (T)	V. 24, p. 1377
120-1-1	Revoked	V. 24, p. 1734

120-1-2	New (T)	V. 24, p. 1377
120-1-2	New	V. 24, p. 1734

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

Reg. No.	Action	Register
123-1-101	New	V. 24, p. 301
123-2-105	New	V. 24, p. 338
123-2-110	New	V. 24, p. 338
123-5-101	New	V. 24, p. 339
123-5-106	New	V. 24, p. 339
123-5-111	New	V. 24, p. 339
123-5-112	New	V. 24, p. 340
123-5-505	New	V. 24, p. 340
123-12-101		
through		
123-12-107	New	V. 24, p. 301, 302
123-12-201		
through		
123-12-210	New	V. 24, p. 302, 303
123-12-301		
through		
123-12-315	New	V. 24, p. 303-305
123-12-317	New	V. 24, p. 305
123-12-318	New	V. 24, p. 305
123-12-319	New	V. 24, p. 306
123-12-321		
through		
123-12-325	New	V. 24, p. 306
123-12-327	New	V. 24, p. 306
123-12-328	New	V. 24, p. 307
123-12-401	New	V. 24, p. 307
123-12-501		
through		
123-12-505	New	V. 24, p. 307, 308
123-12-505b	New	V. 24, p. 308
123-12-506	New	V. 24, p. 308
123-12-601	New	V. 24, p. 308
123-12-602	New	V. 24, p. 310
123-12-702	New	V. 24, p. 310
123-12-801	New	V. 24, p. 310
123-12-901	New	V. 24, p. 310
123-12-902	New	V. 24, p. 310
123-12-1001	New	V. 24, p. 311
123-12-1002	New	V. 24, p. 311
123-12-1101	New	V. 24, p. 311
123-12-1201	New	V. 24, p. 312
123-12-1202	New	V. 24, p. 312
123-12-1301	New	V. 24, p. 312
123-12-1302	New	V. 24, p. 312
123-12-1303	New	V. 24, p. 312
123-12-1306	New	V. 24, p. 312
123-12-1308	New	V. 24, p. 313

123-13-101	New	V. 24, p. 342
123-13-101a	New	V. 24, p. 343
123-13-103	New	V. 24, p. 343
123-13-105	New	V. 24, p. 343
123-13-106	New	V. 24, p. 343
123-13-201	New	V. 24, p. 343
123-13-201b	New	V. 24, p. 344
123-13-202	New	V. 24, p. 345
123-13-203	New	V. 24, p. 345
123-13-306	New	V. 24, p. 345
123-13-307	New	V. 24, p. 346
123-13-401		
through		
123-13-404	New	V. 24, p. 346-348
123-13-405a	New	V. 24, p. 349
123-13-406	New	V. 24, p. 349
123-13-408	New	V. 24, p. 350
123-13-409	New	V. 24, p. 350
123-13-501	New	V. 24, p. 350
123-13-502a	New	V. 24, p. 350
123-13-505		
through		
123-13-509	New	V. 24, p. 350, 351
123-13-601	New	V. 24, p. 351
123-13-602	New	V. 24, p. 351
123-13-603	New	V. 24, p. 351
123-13-610	New	V. 24, p. 351
123-13-701		
through		
123-13-704	New	V. 24, p. 352, 353
123-13-706	New	V. 24, p. 353
123-13-707	New	V. 24, p. 353
123-15-101	New	V. 24, p. 353
123-15-101a	New	V. 24, p. 354
123-15-101b	New	V. 24, p. 354
123-15-102	New	V. 24, p. 354
123-15-104	New	V. 24, p. 355
123-15-105	New	V. 24, p. 355
123-15-105a	New	V. 24, p. 356
123-15-106	New	V. 24, p. 356
123-15-201	New	V. 24, p. 356
123-16-102	New	V. 24, p. 356
123-16-105	New	V. 24, p. 357

**AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION**

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

**AGENCY 129: DEPARTMENT OF ADMINISTRATION—DIVISION OF HEALTH POLICY AND FINANCE**

Reg. No.	Action	Register
129-5-1	New	V. 24, p. 1595

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