



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, April 20, in the offices of Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amounts. The bond will be issued to assist the borrowers named below (who will be the owner and operator of the 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 project. The project shall be located as shown:

Project No. 000663—Maximum Principal Amount: \$157,000. Owner/Operator: Ronald A. and Stephanie J. Swiercinsky. Description: Acquisition of 326 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 Ronald A. and Stephanie J. Swiercinsky, and is located at the East Half of the Southeast Quarter of Section 8, Township 3, Range W3 (115 acres), and the Northeast Quarter of Section 8, Township 3, Range W3 (58 acres), Republic County, Kansas, located north of Belleville on US-81 and 3 miles west on Hickory Road; the South Half of the Southeast Quarter of Section 3, Township 2, Range W4 (77 acres), Republic County, Kansas, located north of Belleville on US-81 and 7 miles west on Hickory Road; and the West Half of the Southwest Quarter of Section 10,

Township 2, Range W4 (76 acres), Republic County, Kansas, located north of Belleville on US-81 and 9 miles west on Hickory Road and .5 mile south.

Project No. 000664—Maximum Principal Amount: \$248,527.92. Owner/Operator: Jay A. and Amy A. Derley. 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 Jay A. and Amy A. Derley, and is located at the Northeast Quarter of Section 11, Township 23, Range 17, Pawnee County, Kansas, approximately 6 miles south of Larned on State Highway 19 and 3 miles west.

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. 033034

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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. This is for the Therapeutic Services to Preschool Children grant to maintain the existing array of community-based mental health services for very young children who experience, or are at risk for, a serious emotional disturbance. Successful applicants will use recognized methods to provide services to infants and young children who are considered at risk for abuse, neglect, and future emotional, social or behavioral disorders, thereby preventing or minimizing social-emotional/mental health deficits in very young children. Further essential characteristics of successful applicants include responsiveness to the special needs of individuals and families and a clear, focused effort to serve the target population of this grant.

Groups interested in receiving a request for proposal should contact Pam Raiman, SRS/HCP/MH, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272 or fax (785) 296-6142. Complete proposals must be received not later than 5 p.m. May 19.

Gary Daniels
Secretary of Social and
Rehabilitation Services

Doc. No. 033032

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. This is for the Therapeutic Preschool Programs — Early Childhood Mental Health Consultation grant to assist early childhood professionals and families with understanding and incorporating a mental health perspective in their work and interactions with young children. Successful applicants will use recognized methods aimed at preventing, identifying, treating and reducing the impact of mental health problems among children from birth through age five. Further essential characteristics of successful applicants include use of capacity building intervention within a collaborative relationship between a professional consultant with mental health expertise and one of more individuals with other areas of expertise — primarily child care professionals, early education and child development professionals, and families.

Groups interested in receiving a request for proposal should contact Pam Raiman, SRS/HCP/MH, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, (785) 296-7272 or fax (785) 296-6142. Complete proposals must be received not later than 5 p.m. May 19.

Gary Daniels
Secretary of Social and
Rehabilitation Services

Doc. No. 033033

State of Kansas

Secretary of State

Usury Rate for April

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 April 1, 2006 through April 30, 2006, is 7.82 percent.

Ron Thornburgh
Secretary of State

Doc. No. 033017

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 23-29 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.

House Bills

HB 3020, An act concerning lotteries; enacting the Kansas expanded lottery act; authorizing operation of certain gaming facilities, electronic gaming machines and other lottery games at certain locations; prohibiting certain acts and providing penalties for violations; amending K.S.A. 60-2102, 74-8702, 74-8710, 74-8716, 74-8723, 74-8810, 74-8814, 74-8823, 74-8830, 74-8832 and 74-8838 and K.S.A. 2005 Supp. 12-4516, 19-101a, 21-4619, 74-8711 and 79-4805 and repealing the existing sections.

House Concurrent Resolutions

HCR 5045, A concurrent resolution urging Congress to include an extension of the 15 percent tax rate on capital gains and dividend income as part of the final conference agreement of the Tax Relief Act.

House Resolutions

HR 6020, A resolution urging the United States Congress to adopt Senate Joint Resolution 13, proposing an amendment to the Constitution of the United States relative to marriage.

Senate Resolutions

SR 1825, A resolution congratulating and commending the Iola High School girls basketball team and Coach Becky Carlson for winning the 2006 Class 4A State Basketball Championship.

SR 1826, A resolution congratulating and commending Krista Spindler.

SR 1827, A resolution in support of the Inge Center for the Arts' rural arts initiative.

SR 1828, A resolution concerning the consumption of alcoholic beverages by persons 21 years of age or younger.

SR 1829, A resolution congratulating and commending the Oakley High School economics challenge team.

SR 1830, A resolution congratulating and commending the Norton Community High School wrestling team and Coach Bill Johnson for winning the 2006 Class 3-2-1A state wrestling championship.

SR 1831, A resolution congratulating and commending the Trego Community High School boys basketball team and Coach Don Shubert for winning the 2006 Class 2A State Basketball Championship.

SR 1832, A resolution congratulating and commending the Scott City High School boys basketball team and Coach Glenn O'Neil for winning the 2006 Class 4A State Basketball Championship.

Doc. No. 033015

State of Kansas

Secretary of State

Code Mortgage Rate for April

Pursuant to the provisions of K.S.A. 2005 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of April 1, 2006 through April 30, 2006, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 033018

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 9 a.m. Wednesday, June 7, in Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed administrative regulations on a permanent basis effective 15 days after publication in the Kansas Register. Telephone conference is not available.

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.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations 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. 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 regulations and the economic impact statements may be obtained by contacting Rita Haverkamp at (785) 296-5107 or from the DHPF Web site at 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 regulations and economic impact statements 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 regulations will take place at 10 a.m. Wednesday, July 5, in Room 900-N of the Landon State Office Building. Telephone conference will not be available.

A summary of the regulations and the economic impacts follows:

**Article 14.—CHILDREN'S HEALTH
INSURANCE PROGRAM**

30-14-22. Rights of applicants and recipients. 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.

129-14-22. Rights of applicants and recipients. The following change will be made in replacing regulation 30-14-22 with 129-14-22 regarding rights of applicants and recipients. The proposed change excludes persons eligible only for presumptive HealthWave eligibility the right to a fair hearing. In addition, such persons are not entitled to a written notice of action except that provided by the qualified entity.

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: This change will have a minimal administrative impact on DHPF eligibility staff and related contractors.

This change will have a minimal impact on persons eligible under presumptive medical assistance and qualified entities.

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

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

30-6-38. Rights of applicants and recipients. 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.

129-6-38. Rights of applicants and recipients. The following changes will be made in replacing regulation 30-6-38 with 129-6-38 regarding rights of applicants and recipients. The proposed change excludes persons eligible only for presumptive medical assistance eligibility the right to a fair hearing. In addition, such persons are not entitled to a written notice of action except that provided by the qualified entity.

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: This change will have a minimal administrative impact on DHPF eligibility staff and related contractors.

This change will have a minimal impact on persons eligible under presumptive medical assistance and qualified entities.

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. 033022

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 9 a.m. Wednesday, June 7, in Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed administrative regulations on a permanent basis effective 15 days after publication in the Kansas Register. Telephone conference is not available.

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 (DHPPF) within the Department of Administration, created under K.S.A. 2005 Supp. 75-7406, effective July 1, 2005. The statute provides that DHPPF 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.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations 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. 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 regulations and the economic impact statements may be obtained by contacting Rita Haverkamp at (785) 296-5107 or from the DHPPF Web site at 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 regulations and economic impact statements 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 regulations will take place at 10:30 a.m. Wednesday, June 7, in Room 900-N of the Landon State Office Building. Telephone conference will not be available.

A summary of the regulations and the economic impacts follows:

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

129-6-151. Presumptive eligibility. The proposed new regulation is added to provide presumptive medical assistance to children under age 19 who meet the income guidelines for poverty-level medical assistance. Children must be determined eligible by a designated medical assistance provider, or qualified entity, using a tool developed by the agency. Time-limited eligibility begins on the

date the qualified entity makes a presumptive determination. Persons determined eligible must complete a full medical assistance application by the end of the following month or coverage terminates.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: It is anticipated that up to 2,597 children will qualify for Title XIX-funded presumptive eligibility in Kansas at the cost of \$1,050 per child, resulting in a total fiscal impact of \$2.73 million (\$1.06 million state general fund).

Bearer of Cost: The taxpayers of the state of Kansas will bear the cost of this regulation through increased state and federal costs.

Affected Parties: This change will have a moderate administrative impact on DHPPF eligibility staff and related contractors.

This change will provide quicker access to medical care for children most likely to be eligible for public health benefits.

This change will provide a medical assistance providers payments for covered services in a timely manner.

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

129-6-152. Presumptive eligibility to be determined by qualified entities. The proposed new regulation is added to provide guidelines for a qualified entity in order to make a determination of presumptive eligibility. A qualified entity must be a medical assistance provider designated by DHPPF. The qualified entity must make the finding of presumptive eligibility using a tool provided by DHPPF. The qualified entity is required to provide a written notice of the results of the presumptive determination. The entity also is required to assist the consumer with completing a full application for medical assistance. The entity shall notify the agency of all determinations within five working days.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: It is anticipated there will be no fiscal impact due to this change.

Bearer of Cost: Not applicable.

Affected Parties: This change will have a moderate administrative impact on DHPPF eligibility staff and related contractors.

This change will provide quicker access to medical care for children most likely to be eligible for public health benefits.

This change will provide a medical assistance provider's payments for covered services in a timely manner.

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

30-6-77. Poverty-level pregnant women and children; determined eligibles. 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.

129-6-77. Poverty-level pregnant women and children; determined eligibles. The following change will be made in replacing regulation 30-6-77 with 129-6-77 regarding poverty level pregnant women and children; de-

(continued)

terminated eligibles. The proposed change prohibits the establishment of a continuous eligibility period for children based on a finding of presumptive eligibility for medical assistance.

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: This change will have a minimal administrative impact on DHPF eligibility staff and related contractors.

This change will have a minimal impact on persons eligible under presumptive medical assistance.

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

Article 7.—APPEALS, FAIR HEARINGS AND TAF/GA DISQUALIFICATION HEARINGS

129-7-65. Notice to recipients of intended action. This proposed new regulation excludes persons found eligible for presumptive eligibility under Title XXI or XIX from receiving timely or adequate notice regarding case actions. Persons will receive a notice from the qualified entity at the time of the determination providing notification of eligibility. No additional notice is required by the agency unless the individual files a full application.

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: This change will have a minimal administrative impact on DHPF eligibility staff and related contractors.

This change will have a minimal impact on persons eligible under presumptive medical assistance.

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

Article 14.—CHILDREN'S HEALTH INSURANCE PROGRAM

30-14-27. Financial eligibility. 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.

129-14-27. Financial eligibility. The following change will be made in replacing regulation 30-14-27 with 129-14-27 regarding financial eligibility. The proposed change prohibits the establishment of a continuous eligibility period for children based on a finding of presumptive eligibility for HealthWave.

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: This change will have a minimal administrative impact on DHPF eligibility staff and related contractors.

This change will have a minimal impact on persons eligible under presumptive medical assistance.

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

129-14-51. Presumptive eligibility for HealthWave. The proposed new regulation is added to provide presumptive medical assistance to uninsured children under age 19 who meet the income guidelines for HealthWave coverage. Children must be determined eligible by a designated medical assistance provider, or qualified entity, using a tool developed by the agency. Time-limited eligibility begins on the date the qualified entity makes a presumptive determination. Persons determined eligible must complete a full medical assistance application by the end of the following month or coverage terminates.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: It is anticipated that up to 1,683 children will qualify for Title XXI-funded presumptive eligibility in Kansas at the cost of \$1,050 per child, resulting in a total fiscal impact of \$1.77 million (\$480,000 state general fund).

Bearer of Cost: The taxpayers of the state of Kansas will bear the cost of this regulation through increased state and federal costs.

Affected Parties: This change will have a moderate administrative impact on DHPF eligibility staff and related contractors.

This change will provide quicker access to medical care for children most likely to be eligible for public health benefits.

This change will provide a medical assistance provider's payments for covered services in a timely manner.

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

129-14-52. HealthWave presumptive eligibility to be determined by qualified entities. The proposed new regulation is added to provide guidelines for a qualified entity in order to make a determination of presumptive eligibility. A qualified entity must be a medical assistance provider designated by DHPF. The qualified entity must make the finding of presumptive eligibility using a tool provided by DHPF. The qualified entity is required to provide a written notice of the results of the presumptive determination. The entity also is required to assist the consumer with completing a full application for medical assistance. The entity shall notify the agency of all determinations within five working days.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: It is anticipated there will be no fiscal impact due to this change.

Bearer of Cost: Not applicable.

Affected Parties: This change will have a moderate administrative impact on DHPF eligibility staff and related contractors.

This change will provide quicker access to medical care for children most likely to be eligible for public health benefits.

This change will provide a medical assistance provider's payments for covered services in a timely manner.

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. 033023

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 9 a.m. Monday, May 8, in Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of amendments to an existing rule and regulation on a permanent basis effective 15 days after publication in the Kansas Register. Telephone conference is not available.

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.

This 30-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. 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.

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 regulation will take place at 10:30 a.m. Monday, May 8, 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**

129-5-1. Prior authorization. The following changes will be made to regulation 129-5-1 regarding prior authorization of pharmaceutical products:

To ensure the most clinically appropriate utilization of these drugs in the most cost-effective manner, the follow-

ing drugs will require prior authorization. These therapeutic classes of drugs have been evaluated by the Preferred Drug List Advisory Board and found to be clinically equivalent:

- antirheumatics: abatacept;
- all growth hormones and growth hormone stimulating factor, including the following: mecasermin rinfabate;
- drugs for the treatment of obesity: phentermine;
- narcotic analgesics: fentanyl lozenge;
- tramadol and all opioids, opioid combinations, and skeletal muscle relaxants, at any dose greater than the maximum recommended dose in a 31-day period.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: It is expected that this change will reduce Medicaid expenditures by \$400,000 SGF and \$600,000 FFP.

Bearer of Cost: The cost of reviewing prior authorization (PA) will be borne by DHPF. If a Medicaid consumer wishes to have a drug despite a PA denial, the cost will be borne by the consumer.

Affected Parties: Medicaid consumers, pharmacists and the Medicaid agency.

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. 033027

(Published in the Kansas Register April 6, 2006.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, May 5, for the following project:

**(KDOT Project No. TE-0254-01/472-84272/205934)
(OCA Code 706928)**

Paving

K-96 Bike Path Trailhead Landscaping

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

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

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

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 033021

State of Kansas

University of Kansas

Notice to Bidders

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

Monday, April 17, 2006

RFQ 45826

Technical Rescue Support Trailer

IFB 86025

Security Guard Service — Hutchinson

IFB 86023

Automotive Lubricants

Barry Swanson

Associate Comptroller/

Director of Purchasing Services

Doc. No. 033037

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-06-071/082

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Pauly's Five Star Dairy, Inc. Jay Pauly 953 W. 119th Conway Springs, KS 67031	SW/4 of Section 34, T29S, R03W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M010
This is a renewal permit for an existing facility for 150 head (210 animal units) of mature dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Hofmeister Hogs Fred Hofmeister 941 N.E. 200th Road Claflin, KS 67525	NW/4 of Section 24, T16S, R12W, Barton County	Smoky Hill River Basin

Kansas Permit No. A-SHBT-S001
This is a renewal permit for an existing facility that is downsizing to 1,200 head (480 animal units) of swine each weighing more than 55 pounds. The facility was previously permitted for 2,200 head (880 animal units) of swine each weighing more than 55 pounds and 1,010 head (101 animal units) of swine each weighing 55 pounds or less.

Name and Address of Applicant	Legal Description	Receiving Water
Brethour Brothers Ranch 40388 Antelope Creek Road Wamego, KS 66547	NW/4 of Section 30, T11S, R13E, Wabaunsee County	Kansas River Basin

Kansas Permit No. A-KSWB-B001
This is a renewal permit for an existing facility with a maximum capacity of 990 head (990 animal units) of beef cattle each weighing more than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Leon Huser Dairy 2758 Antonino Road Victoria, KS 67671	NE/4 of Section 04, T15S, R16W, Ellis County	Smoky Hill River Basin

Kansas Permit No. A-SHEL-M004
This is a renewal permit for an existing facility with a maximum capacity of 50 head (70 animal units) of mature dairy cows and 10 head (5 animal units) of beef cattle less than 700 pounds that were maintained on site but not described in the previous permit. The total maximum capacity is 60 head (75 animal units).

Name and Address of Applicant	Legal Description	Receiving Water
Larry Low 39505 Lone Star Road Fontana, KS 66026	SW/4 of Section 08, T19S, R23E, Miami County	Marais des Cygnes River Basin

Kansas Permit No. A-MCMI-S011
This is a renewal permit for an existing facility with a maximum capacity of 430 head (172 animal units) of swine each weighing more than 55 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Manhattan Commission Co., Inc. 8424 E. Highway 24 Manhattan, KS 66502	SW/4 of Section 10, T10S, R08E, Pottawatomie County	Kansas River Basin

Kansas Permit No. A-KSPT-B006
This is a new permit for an existing public livestock market with a modification to include proposed construction of a sediment basin and grass filter treatment system. Due to a change in Kansas law regarding the method of calculating permitted animal units (a.u.) for public livestock auctions, the facility is being downsized to 247 a.u. from the average capacity identified on the current certification of 1,500 cattle and 500 hogs per week.

Name and Address of Applicant	Legal Description	Receiving Water
Pioneer, Inc. Jim Keller 1021 County Road CC Oakley, KS 67748	N/2 of SW/4 of Section 18, & NW/4 of Section 19, T11S, R31W, Gove County	Smoky Hill River Basin

Kansas Permit No. A-SHGO-C003 Federal Permit No. KS0115860
This is a renewal permit for an existing facility for 40,000 head (40,000 animal units) of cattle weighing more than 700 pounds that has proposed to modify a wastewater retention structure by raising the embankment 6 feet. There will be no change in cattle pen area or animal capacity.

Name and Address of Applicant	Legal Description	Receiving Water
Strickler Holstein Farm Steve Strickler 1650 North Dakota Road Iola, KS 66749	SW/4 of Section 24, T24S, R18E, Allen County	Neosho River Basin

Kansas Permit No. A-NEAL-M003

This is a renewal permit for a dairy facility expanding to a maximum capacity of 400 head (560 animal units) of mature dairy cattle, 200 head (100 animal units) of dairy calves, and 239 head (239 animal units) of beef cattle weighing more than 700 pounds, for a total of 899 animal units. The facility capacity includes 169 head of replacement heifers and 100 head of calves that have historically been part of the existing operation but were not described in the previous permits. The proposed expansion consists of replacing existing calf hutches for 92 calves with four confinement buildings and enlarging the open lot pens by 1.1 acres for an additional 70 head of beef cattle weighing more than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Wagon Bed Feeders, L.L.C. Lee Isaac P.O. Box 521 Hugoton, KS 67951	W/2 of Section 25, T30S, R37W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-C007 Federal Permit No. KS0096363

This is a renewal permit for an existing and expanding facility for 5,000 head (2,500 animal units) of beef cattle weighing less than 700 pounds and 2,000 head (2,000 animal units) of beef cattle weighing more than 700 pounds. No new waste storage structures or pens will be built or modified. The permit will be for the same number of head; only the animal units will increase.

Name and Address of Applicant	Legal Description	Receiving Water
Ray Coble 1863 30th St. Severy, KS 67137	SE/4 of Section 34, T27S, R11E, Greenwood County	Verdigris River Basin

Kansas Permit No. A-VEGW-M002

This is a renewal permit for an existing facility for 75 head (105 animal units) of mature dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Kopfer Dairy Merlin Kopfer 2129 17th Road Clay Center, KS 67432	SW/4 of Section 09, T08S, R04E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-M005

This is a renewal permit for an expanding facility for 80 head [40 animal units (a.u.)] of cattle weighing less than 700 pounds and 100 head (140 a.u.) weighing 700 pounds or more, for a total of 180 head (180 a.u.) of dairy cattle. No new construction or modification of the waste storage system or pens will occur.

Name and Address of Applicant	Legal Description	Receiving Water
Triple Valley Farms, Inc. William Wagner 5153 CR 2800 Liberty, KS 67351	SE/4 of Section 06, T34S, R17E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-M002

This is a renewal permit for an existing facility for 200 head (280 animal units) of mature dairy cattle, 30 head (30 animal units) of replacement heifers weighing more than 700 pounds, and 20 head (10 animal units) of dairy calves weighing 700 pounds or less, for an expanded total of 320 animal units. The increase in animal units represents livestock already in existence but not previously described in the permit.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and En-

vironment if they wish to have the comments considered in the decision making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before May 6 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-06-071/082) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdhe.state.ks.us/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033031

State of Kansas

Department of Health
and Environment

Notice of Hearing on Proposed
Administrative Regulations

The Kansas Department of Health and Environment, Division of Health, Bureau of Epidemiology, will conduct a public hearing at 1 p.m. Monday, June 12, in the Crumline Conference Room, fifth floor, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of a proposed amendment to K.A.R. 28-1-26.

K.A. R. 28-1-26 addresses the protection of confidentiality of information regarding individuals with HIV infection. The amendment of K.S.A. 65-6002 in 2000, which added the reporting of HIV infection in addition to the reporting of an AIDS diagnosis, began the process of providing information to begin the process of performing the voluntary and confidential federally guided disease prevention and control activity known as Partner Counseling and Referral Services or PCRS.

The passage of K.S.A. 65-6002 to include HIV reporting in Kansas also affected K.S.A. 65-6003. This statute under

(continued)

subsection (a) charges the Secretary of Health and Environment with investigating cases of persons who have HIV infection or AIDS and monitoring such cases during their continuance. The statute also notes that the secretary "may" adopt and enforce rules and regulations for the prevention and control of HIV infection or AIDS as may be necessary to protect the public health. This statute also was amended under subsection (a) to incorporate a specific requirement that the secretary "shall" adopt rules and regulations for maintaining confidentiality of information under this act that at a minimum are as strict as the Centers for Disease Control and Prevention (CDC).

K.A.R. 28-1-26 was adopted in February 2000 in accordance with the amendment to K.S.A. 65-6003. K.S.A. 65-6002 also addresses the specific circumstances under which information regarding persons with HIV infection or AIDS may be disclosed. K.S.A. 65-6002 (d) (3) reinforces the charge of the secretary and states that information may be disclosed "if the disclosure is necessary, and only to the extent necessary, as specified by rules and regulations of the secretary, to protect the public health."

The proposed changes to K.A.R. 28-1-26 will specify the necessity of the disclosure in accordance with K.S.A. 65-6002 (d) (3) and resolve any lack of clarity, while addressing all elements of the investigation and monitoring charge made to the secretary by the Legislature in relation to HIV infection or AIDS. The changes are based upon CDC guidelines to ensure compatibility with the statute on that issue.

"HIV prevention counseling" and "HPC" were added to incorporate the guidelines and principles that the CDC recommends in association with activities for HIV counseling and testing and referral. This is done to align specified prevention and control activities that are at a minimum as strict as the CDC guidelines as specified in K.S.A. 65-6003.

"Partner counseling and referral services" and "PCRS" were added to incorporate the guidelines and principles that the CDC recommends in association with PCRS activities associated with HIV prevention. This also is done to align specified prevention and control activities with statute language, "which are at a minimum as strict as the CDC guidelines," as specified in K.S.A. 65-6003.

The CDC guidance regarding PCRS also has specific guidance for protecting confidentiality at one point stating, ". . . Of equal importance is not revealing any identifying information about the original client, including the person's sex, name or physical description, or time, type, or frequency of exposure."

Subsection (n) was added to make explicit the prevention and control activity being performed and utilizes language like that which is incorporated into K.S.A. 65-6004 and CDC guidance on this issue. The language in K.S.A. 65-6004 allows physicians to inform spouses or partners of their potential exposure to HIV infection or AIDS.

Subsection (o) was added to specify that the communications necessary to support surveillance and PCRS are addressed and to utilize language that is incorporated into K.S.A. 65-6002 in order to ensure that the regulation is aligned with statute.

Subsection (q) was changed to more clearly define public health agencies that assist in PCRS activities are specified not only to be able to communicate information necessary to provide PCRS services but to ensure they are incorporated within the regulation.

Other changes to K.A.R. 28-1-26 include editorial changes in conjunction with the Department of Administration that do not alter the scope of the regulation and have been introduced to clarify its intent and meaning.

Economic Impact

Cost to the agency:

There will be no increase in cost to the agency or change in existing activities. All activities are presently being performed by KDHE or public health agencies contracted to perform such activities.

Cost to persons who will bear the costs and those who will be affected:

As noted, there will be no added costs as all activities are presently being performed.

Costs to other governmental agencies or units:

As noted, there will be no added costs as all activities are presently being performed.

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 the hearing to Sharon Wenger, Bureau of Epidemiology, Suite 210, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612, or e-mail at kwenger@kdhe.state.ks.us. 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 statement may be obtained from the Bureau of Epidemiology by calling Sharon Wenger, (785) 296-7032. Questions pertaining to these proposed amendments also should be directed to Sharon Wenger.

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 Sharon Wenger.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 033025

**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 4-3-06 through 4-9-06

Term	Rate
1-89 days	4.85%
3 months	4.62%
6 months	4.82%
1 year	4.85%
18 months	4.83%
2 years	4.82%

Derl S. Treff
Director of Investments

Doc. No. 033014

(Published in the Kansas Register April 6, 2006.)

**Statutory Notice of Bond Sale
City of Overland Park, Kansas
\$34,885,000**

**Internal Improvement Bonds
Series 2006A**

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

\$45,135,000*

**Internal Improvement Refunding Bonds
Series 2006B**

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

Sealed and Electronic Bids

Sealed bids for bonds, submitted in separate sealed envelopes and marked either "Bid for Series 2006A Bonds" or "Bid for Series 2006B Bonds," will be received by the undersigned director of finance, budget and administration for the city of Overland Park, Kansas, at Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until noon Monday, April 17, 2006, for the purchase of all of the city's \$34,885,000 principal amount of Internal Improvement Bonds, Series 2006A, and all of the city's \$45,135,000* principal amount of Internal Improvement Refunding Bonds, Series 2006B (collectively, the bonds), as hereinafter described. Electronic bids for the purchase of all of the Series 2006A Bonds and for the purchase of all of the Series 2006B Bonds will only be accepted through PARITY electronic bid submission system. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the requirements of the complete notice of bond sale. If any provisions in this statutory notice of bond sale conflict with information provided by PARITY, this statutory notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements, may be obtained from i-Deal, LLC, 1359 Broadway, 2nd Floor, New York,

NY 10018, Customer Support: (212) 849-5067. The city assumes no responsibility or liability for bids submitted through PARITY. The city is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for each series of the bonds. PARITY is not an agent of the city.

All bids will be publicly opened on the date and at the time set forth above and acted upon by the City Council at a regular meeting to be held at 7:30 p.m., or soon thereafter as practicable, on said sale date. No oral, telephone, telefax or auction bids will be considered. Arrangements may be made with the financial advisor, Public Financial Management, 45 S. Seventh St., Suite 2800, Minneapolis, MN 55402, (612) 338-3535, Attention: Heather Casperson, to deliver the sealed bid(s) for the bonds to the city.

No bid of less than 99.2 percent of the principal amount of the Series 2006A Bonds, plus accrued interest thereon to the date of delivery, will be considered. No bid of less than 99.4 percent of the principal amount of the Series 2006B Bonds, plus accrued interest thereon to the date of delivery, will be considered. No bid of more than 100.5 percent of the principal amount of the Series 2006B bonds, plus accrued interest thereon to the date of delivery, will be considered.

The city reserves the right, after bids are opened and prior to award, to increase or reduce the principal amount of the Series 2006B Bonds by not more than \$500,000 principal amount per maturity and \$4,000,000 principal amount in total. The dollar amount of the purchase price proposed by the successful bidder of the Series 2006B Bonds will be changed if the principal amount of the Series 2006B Bonds is adjusted as described herein. Generally, any premium offered or discount taken will be increased or reduced by a percentage equal to the percentage by which the principal amount of the Series 2006B Bonds is increased or reduced; provided the city's financial advisor will make every effort to ensure that the net compensation to the successful bidder of the Series 2006B Bonds as a percentage of the adjusted par amount does not increase or decrease from what it would have been if no adjustment had been made to the principal amounts shown in the maturity schedule for the Series 2006B Bonds.

The city has established a minimum level of interest savings desired for this refunding. The city reserves the right to cancel the sale of the Series 2006B Bonds and, if offered for sale, to reject all bids for the Series 2006B Bonds if that minimum interest savings cannot be or is not met.

Bond Details

The bonds will be in book-entry form only. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof; will be dated May 15, 2006; will be issued in the principal amount of \$34,885,000 for the Series 2006A Bonds and \$45,135,000* for the Series 2006B Bonds; and will become due serially on September 1 in each of the years as follows:

Maturity Schedule

Series 2006A		Principal Amount
Maturity		
September 1		
2006		\$2,070,000

(continued)

2007	2,070,000
2008	2,070,000
2009	2,070,000
2010	2,070,000
2011	2,070,000
2012	2,070,000
2013	2,065,000
2014	2,065,000
2015	2,065,000
2016	1,420,000
2017	1,420,000
2018	1,420,000
2019	1,420,000
2020	1,420,000
2021	1,420,000
2022	1,420,000
2023	1,420,000
2024	1,420,000
2025	1,420,000

**Maturity Schedule*
Series 2006B**

Maturity September 1	Principal Amount
2006	\$ 490,000
2007	130,000
2008	135,000
2009	140,000
2010	145,000
2011	150,000
2012	1,305,000
2013	1,345,000
2014	1,395,000
2015	1,445,000
2016	1,500,000
2017	1,555,000
2018	1,620,000
2019	1,685,000
2020	2,325,000
2021	2,425,000
2022	2,530,000
2023	2,645,000
2024	2,755,000
2025	2,880,000
2026	3,015,000
2027	3,155,000
2028	3,300,000
2029	3,450,000
2030	3,615,000

Bids for the bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption.

The Series 2006A Bonds will bear interest from their date at the rates to be determined when the Series 2006A Bonds are sold as provided in the notice of bond sale, payable semiannually on September 1 and March 1 in each year, commencing September 1, 2006.

The Series 2006B Bonds will bear interest from their date at the rates to be determined when the Series 2006B

Bonds are sold as provided in the notice of bond sale, payable semiannually on September 1 and March 1 in each year, commencing September 1, 2006.

Delivery and Payment

The bonds will be delivered to the successful bidder(s) properly prepared, executed and registered without cost within approximately 30 days after the date of their sale in New York, New York.

Good Faith Deposit

A good faith deposit for each bid for the Series 2006A Bonds in the form of a certified or cashier's check or financial surety bond in the amount of \$697,700 must be furnished at or prior to the time of sale by each bidder.

A good faith deposit for each bid for the Series 2006B Bonds in the form of a certified or cashier's check or financial surety bond in the amount of \$902,700 must be furnished at or prior to the time of sale by each bidder.

Costs

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion of Kutak Rock LLP, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

Assessed Valuation and Indebtedness

For the computation of the debt limitation relating to the bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 2005, is \$2,765,471,134. The applicable total general obligation bonded indebtedness of the city as of the date of the bonds is \$136,895,000, which includes the Series 2006A Bonds. A portion of the proceeds of the Series 2006B Bonds will be used to refund in advance of their maturities a portion of the city's outstanding Internal Improvement Bonds, Series 2001, in the principal amount of \$42,920,000.

Additional Information

A complete notice of bond sale for the bonds, official statement and bid forms approved by the city will be mailed to all interested parties. Bidders may be required to be qualified in a manner established by the city before submitting a bid. Additional information regarding the bonds may be obtained from the financial advisor, Public Financial Management, at (612) 338-3535, or Kristy Stallings, the city's director of finance, budget and administration, at (913) 895-6152. Arrangements may be made with the financial advisor to deliver a sealed bid(s) for the bonds to the city.

City of Overland Park, Kansas
By Kristy Stallings
Director of Finance, Budget
and Administration
Overland Park City Hall
8500 Santa Fe Drive
Overland Park, KS 66212

*Preliminary, subject to change.

Doc. No. 033035

State of Kansas

Kansas State University

Notice to Bidders

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

**Tuesday, April 18, 2006
#6125**

Spectrometer with Two Beam Splitters

Carla K. Bishop
Director of Purchasing

Doc. No. 033036

(Published in the Kansas Register April 6, 2006.)

Summary Notice of Bond Sale

City of Andale, Kansas

\$200,000

General Obligation Bonds

Series 2006

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

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated March 27, 2006, of the city of Andale, Kansas, in connection with the city's General Obligation Bonds, Series 2006, hereinafter described, sealed, written bids shall be received at the office of the city clerk at City Hall, 326 N. Main, Andale, KS 67001, or by telefacsimile at (316) 444-2322, at or prior to 7 p.m Monday, April 24, 2006, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time, and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or from the city's financial advisor. Bids may be submitted by mail, by telefacsimile at (316) 444-2322, or may be delivered in person, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$200,000 and shall bear a dated date of May 1,

2006. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing March 1, 2007, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 5,000	9/1/2007
\$10,000	9/1/2008
\$10,000	9/1/2009
\$10,000	9/1/2010
\$10,000	9/1/2011
\$10,000	9/1/2012
\$15,000	9/1/2013
\$15,000	9/1/2014
\$15,000	9/1/2015
\$15,000	9/1/2016
\$15,000	9/1/2017
\$15,000	9/1/2018
\$15,000	9/1/2019
\$20,000	9/1/2020
\$20,000	9/1/2021

Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities as set forth in the official notice of bond sale. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as one term bond, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the city of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

(continued)

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before Thursday, May 11, 2006, to DTC or at such bank or trust company or other qualified depository in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle Elkouri Law Firm L.L.C., Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable Tangible	
Property	\$4,887,719
Taxable Value of Motor Vehicles	918,463
Assessed Tangible Valuation for	
Computation of Bonded Debt Limitations	\$5,806,182

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of May 1, 2006, the city's gross outstanding debt (including the bonds) is \$1,885,000. The total indebtedness (including the bonds) after statutory adjustments, as of May 1, 2006, is \$983,410, which is 20.31 percent of the assessed valuation of the city.

Form of Bonds

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York (DTC).

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered by the successful bidder at its expense.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an ag-

gregate principal amount of \$1,000,000 or more (an offering).

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, Dave Malone, Cooper Malone McClain, Inc., 7701 E. Kellogg, Suite 700, Wichita, KS 67207, (316) 685-5777.

Virginia Edwards, City Clerk
City Hall
326 N. Main
Andale, KS 67001
(316) 444-2351

State of Kansas

**Department of Administration
Division of Facilities Management**

**Notice of Commencement of Negotiations for Civil
and Environmental Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" civil and environmental engineering services for restricted (small) projects for Kansas State University, Manhattan. One civil engineering firm and one environmental engineering firm will be selected. Contracts will be for one year, renewable for two additional one-year periods.

For more information concerning the scope of services, contact Mark Taussig, (785) 532-1732.

To be considered, five bound proposals of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, an SF330 Part II, and a copy of the firm's certificate of insurance for each firm and consultant. Also required is one CD with one PDF file of the same information. Proposals should be concise and follow the 2006 State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are needed, contact Phyllis Fast, (785) 296-5796. Submittals should be received at Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, by Phyllis Fast before noon April 21.

D. Keith Meyers
Director, Division of
Facilities Management

Doc. No. 033028

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:

04/17/2006	09320	Warewashing Machine, Furnish and Install
04/18/2006	09302	Computer Peripherals and Accessories
04/19/2006	09303	Vending Machine Services — Business Enterprise Program
04/19/2006	09312	Tires and Tubes
04/19/2006	09323	Truck with Boom Mower
04/20/2006	09314	Abandoned Well Plugging Savage Lease — Miami County
04/20/2006	09321	Abandoned Well Plugging — Various Locations
04/20/2006	09324	Remediation Project — Running Turkey Creek South
04/20/2006	09328	Client Registration System
04/20/2006	09329	Ready Mix Concrete
04/27/2006	09308	Rate Setting — Nursing Facilities (NF) and NF-Mental Health (MH)

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:

04/18/2006	A-010139	Fire Alarm System Upgrade — Weede P.E. Building, Pittsburg State University
04/27/2006	A-010100	Convert Terrace to Offices — Wesco Hall, University of Kansas
04/27/2006	A-010138(Rev)	Campus Exterior Improvements — Phase 3, Fort Hays State University
05/04/2006	A-9637	Rehabilitation of the Guardhouse, Fort Hays State University

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):

www.aeplans.com

Chris Howe
 Director of Purchases

Doc. No. 033038

State of Kansas
 Department of Commerce
 Permanent Administrative
 Regulations

Article 9.—SALES TAX REVENUE BONDS

110-9-1. Definitions. As used in these regulations, the following terms shall have these meanings:

(a) "Applicant" means a city in Kansas seeking to finance a redevelopment project using STAR bonds.

(b) "City" means the governing body of an incorporated Kansas municipality.

(c) "County" means any county recognized under K.S.A. 18-101 et seq., and amendments thereto.

(d) "Direct expenditures" means visitors' spending that directly supports the jobs and incomes of people and firms that deal directly with visitors brought to an area by a tourism attraction.

(e) "Direct job creation" means the establishment of any position in which a person will be employed by a business to perform duties in connection with the operation of the business on one of the following bases:

- (1) A year-round, full-time basis;
- (2) a part-time basis, if the person is customarily performing the duties at least 20 hours each week throughout the taxable year; or
- (3) a seasonal basis, if the person performs the duties for substantially all of the season customary for the position in which the person is employed.

(f) "Eligible area" has the meaning specified in K.S.A. 12-1770a, and amendments thereto. This term may include noncontiguous land if the secretary determines that a sufficient connection exists appropriate for the proposed project.

(g) "Enabling effects" means the pattern of business development of compatible industries in an area or region due to direct, indirect, or induced expenditures and the environmental effects of a tourism attraction.

(h) "Fixtures" means goods, as defined in the uniform commercial code, K.S.A. 84-1-101 et seq. and amendments thereto, that have become so related to specific real property that an interest in them arises under real property law.

(i) "Indirect expenditures" means the amount of money expended in regional sectors that supply goods and services in support of the direct expenditures resulting from a tourism attraction.

(j) "Induced expenditures" means the increased sales within a region resulting from a tourism attraction.

(k) "Principal" means one or more persons with the primary responsibility for the development of a STAR bond project.

(l) "Secretary" means the secretary of the department of commerce.

(m) "STAR bonds" means sales tax revenue bonds payable from the revenue sources identified in K.S.A. 12-1774(a)(1)(D) and K.S.A. 12-1774(a)(1)(F), and amendments thereto. (Authorized by K.S.A. 2005 Supp. 74-5002r; implementing K.S.A. 2005 Supp. 74-5002r and 74-5005; effective April 21, 2006.)

(continued)

110-9-2. Special bond project plan; additional documentation. Each applicant that desires to use STAR bonds to finance a special bond project in Kansas shall apply to the secretary for a determination that the project qualifies as a major commercial entertainment or tourism area. If the project is to be located in a redevelopment district that is wholly within a county but not within the geographic limits of an incorporated Kansas city, then after the governing body of the county approves the creation of the district, a city within the county shall agree by interlocal agreement to be the county's sponsoring applicant.

(a) Each applicant shall provide the secretary with a special bond project plan prepared pursuant to K.S.A. 12-1780c, and amendments thereto. Each applicant shall also provide the following:

(1) Documentation that the city has met all resolution, hearing, and ordinance requirements;

(2) a statement on how the proposed project meets the eligibility limitations on bond authority set forth in K.S.A. 12-1770a(g), and amendments thereto;

(3) a project budget; and

(4) any other relevant information required by the secretary.

(b) The summary of the feasibility study included as part of the special bond project plan shall be prepared by an independent party with recognized expertise in preparing this type of study and shall include the following:

(1) The information required by K.S.A. 12-1770a(k), and amendments thereto;

(2) a description of any project submitted under K.S.A. 12-1771d, and amendments thereto, to satisfy the requirements of K.S.A. 12-1770a(l), and amendments thereto;

(3) a statement of how the jobs and taxes obtained from the project will contribute significantly to the economic development of the state and region;

(4) a statement concerning whether a portion of the sales taxes collected pursuant to K.S.A. 12-187, and amendments thereto, is committed to other uses and unavailable as revenue for the redevelopment project. If a portion of sales taxes is so committed, the applicant shall describe the following:

(A) The percentage of sales taxes collected that is so committed; and

(B) the date or dates on which this diverted revenue can be pledged for repayment of special obligation bonds;

(5) an anticipated principal and interest payment schedule on the bonds; and

(6) a copy of the minutes of the governing body meeting or meetings of any city whose bonding authority will be utilized in the project, evidencing that a redevelopment plan has been created, discussed, and adopted by the city in a regularly scheduled open public meeting.

(c) If any of the items specified in this regulation are not included, the applicant shall be notified about the items or information required to be provided to the secretary before the secretary will respond. (Authorized by K.S.A. 2005 Supp. 74-5002r; implementing K.S.A. 2005 Supp. 12-1770a, 12-1771d, 12-1780b, 12-1780c, and 74-5005; effective April 21, 2006.)

110-9-3. Certain findings; timing. If a finding by the secretary is required under K.S.A. 12-1774(a)(1)(D)

and amendments thereto, the finding shall be made by the secretary within 60 days of the secretary's receipt of the information required by K.A.R. 110-9-2. A copy of this finding, when made, shall be mailed to the applicant. (Authorized by K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 12-1770a, as amended by L. 2005, ch. 186, § 7, K.S.A. 2004 Supp. 12-1774(a)(1)(D), as amended by L. 2005, ch. 132, § 6, and K.S.A. 74-5005, as amended by L. 2005, ch. 104, § 9; effective April 21, 2006.)

110-9-4. Secretary's review. Upon completion of the secretary's review of each special bond project plan, each applicant shall receive a written response containing a determination or seeking further information. If the written response requests further information, the 60-day time frame specified in K.A.R. 110-9-3 shall exclude the period beginning on the date on which the letter requesting further information is mailed through the date on which the information is received by the secretary. (Authorized by K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 12-1770a(g), as amended by L. 2005, ch. 186, § 7, K.S.A. 2004 Supp. 12-1774(a)(1)(D), as amended by L. 2005, ch. 132, § 6, and K.S.A. 74-5005, as amended by L. 2005, ch. 104, § 9; effective April 21, 2006.)

110-9-5. Due diligence. Before the secretary approves the use of STAR bonds to finance any special bond project, the applicant shall provide the secretary with evidence that the applicant has with due diligence explored the background and financial viability of the principals. If any principal has been convicted of a felony or a misdemeanor involving moral turpitude or business or financial improprieties, or is now or has ever been charged with or convicted of any civil or criminal offense relating to the conduct of the business of the principal or the issuance, sale, or solicitation for sale of any type of security, the applicant shall disclose this information. (Authorized by K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 12-1774(a)(1)(D), as amended by L. 2005, ch. 132, § 6, and K.S.A. 74-5005, as amended by L. 2005, ch. 104, § 9; effective April 21, 2006.)

110-9-6. Major commercial entertainment and tourism area; criteria. The following criteria shall be utilized by the secretary to determine whether a proposed project constitutes a major commercial entertainment and tourism area:

(a) Visitation, which shall include the following:

(1) Out-of-state visitation;

(2) visitation drawn from more than 100 miles distant from the community where the proposed project would be located; and

(3) the total annual visitation;

(b) economic impact, which shall include the following:

(1) Direct expenditures;

(2) indirect expenditures;

(3) induced expenditures;

(4) enabling effects; and

(5) direct job creation;

(c) the unique quality of the proposed project, in terms of any of the following:

(1) The national destination attraction market;

- (2) a defined multistate market area;
- (3) the Kansas destination attraction market;
- (4) the ability of the proposed project to utilize the nature, culture, or heritage that is unique to Kansas; or
- (5) the ability of the proposed project to provide Kansas with a valuable, national market brand identity;

(d) the ability of the proposed project to gain sufficient market share to meet the following conditions:

(1) Remain profitable past the term of repayment of the STAR bonds; and

(2) maintain status as a significant factor for travel decisions;

(e) integration and collaboration with other resources or businesses, as determined by any of the following:

- (1) Creation of overnight stays;
- (2) collaboration or competition with other available retail and destination attractions; and

(3) the ability of the proposed project to utilize the nature, culture, or heritage that is unique to Kansas;

(f) the quality of service and experience provided, as measured against national consumer standards for the specific target market; and

(g) proposed project accountability, measured according to best industry practices. (Authorized by K.S.A. 2004 Supp. 74-5002r; implementing K.S.A. 2004 Supp. 12-1770a, as amended by L. 2005, ch. 186, § 7, K.S.A. 2004 Supp. 12-1774(a)(1)(D), as amended by L. 2005, ch. 132, § 6, and K.S.A. 74-5005, as amended by L. 2005, ch. 104, § 9; effective April 21, 2006.)

110-9-7. Audit reports. The period to be audited for the purpose of the annual audit reports shall be July 1 through the following June 30. Each audit report shall be submitted to the secretary on or before October 1 of the year in which that audited period ends. (Authorized by K.S.A. 2004 Supp. 74-5002r; implementing L. 2005, ch. 132, § 13, and K.S.A. 74-5005, as amended by L. 2005, ch. 104, § 9; effective April 21, 2006.)

110-9-8. Bond payments; subsequent special bond projects. (a) Each bond trustee shall distribute all revenues that have been pledged to pay the principal and interest on the special obligation bonds issued by a city to finance a special bond project in accordance with the provisions of the applicable bond resolution or trust indenture, upon distribution of the revenues by the Kansas department of revenue to the bond trustee.

(b) A city that has received STAR bond funding shall not receive additional STAR bond funding for any subsequent special bond project in the same redevelopment district without first receiving approval for each subsequent special bond project from the secretary. (Authorized by K.S.A. 2005 Supp. 74-5002r; implementing K.S.A. 2005 Supp. 12-1774 and 74-5005; effective April 21, 2006.)

Howard R. Fricke
Secretary of Commerce

Doc. No. 033020

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
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 269
April 21	Probate Law	9:30 a.m.	Room 259
April 28	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259
May 5	End of Life Decisions	9:30 a.m.	Room 259
May 11	District Court Rules	9:30 a.m.	Room 259
May 12	Administrative Procedure	9:30 a.m.	Room 259
May 12	Legal Forms	9:30 a.m.	Room 269
May 19	Probate Law	9:30 a.m.	Room 259
May 19	PIK Civil	9:30 a.m.	Room 269
May 26	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Room 259

Hon. Donald L. Allegrucci
Chair

Doc. No. 033016

State of Kansas

Animal Health Department

**Permanent Administrative
Regulations**

Article 32.—SCRAPIE IN SHEEP AND GOATS

9-32-1. Definitions. (a) Only the following terms and their definitions from part I of "scrapie eradication: uniform methods and rules," publication APHIS 91-55-079 of the United States department of agriculture's animal and plant health inspection service (USDA/APHIS), dated June 1, 2005, are hereby adopted by reference, except as modified in this regulation:

- (1) "Accredited veterinarian";
- (2) "administrator";
- (3) "animal";
- (4) "APHIS";
- (5) "APHIS representative";
- (6) "approved test";
- (7) "breed associations and registries";
- (8) "breeding sheep and goats";
- (9) "certificate";
- (10) "commingled, commingling";
- (11) "direct movement to slaughter";
- (12) "electronic implant";
- (13) "exposed animal";
- (14) "exposed flock";
- (15) "female animal";
- (16) "flock or herd";
- (17) "flock of origin";
- (18) "flock plan";
- (19) "high-risk animal";
- (20) "infected flock";
- (21) "interstate commerce";

(continued)

- (22) "male animal";
- (23) "noncompliant flock";
- (24) "official eartag";
- (25) "official identification";
- (26) "owner";
- (27) "owner statement";
- (28) "permit";
- (29) "postexposure management and monitoring plan (PEMMP)";
- (30) "premises";
- (31) "premises identification";
- (32) "premises identification number";
- (33) "premises number";
- (34) "scrapie";
- (35) "scrapie-positive animal";
- (36) "slaughter channels";
- (37) "source flock";
- (38) "state";
- (39) "state representative";
- (40) "state veterinarian";
- (41) "suspect animal";
- (42) "terminal feedlot"; and
- (43) "trace."

(b) The definitions of the following terms adopted in subsection (a) shall be modified as specified in this subsection:

(1) The following sentence shall be added at the end of the definition of "certificate": "The terms 'health certificate' and 'certificate of veterinary inspection' are synonyms for 'certificate.'"

(2) In the last sentence of the definition of "flock or herd," the following phrase shall be deleted: "in accordance with the guidelines published in 9 CFR 54.7."

(3) In the definition of "flock plan," the last sentence shall be deleted.

(4) The following sentence shall be added at the end of the definition of "permit": "The term 'shipping permit' is a synonym for 'permit.'"

(5) In the definition of "postexposure management and monitoring plan (PEMMP)," the following modifications shall be made:

(A) The following text shall be added after "A written agreement": "approved by the livestock commissioner and the administrator that is."

(B) The last sentence of this definition shall be deleted.

(6) In the definition of "state veterinarian," the word "veterinary" shall be deleted.

(7) In the first sentence of the definition of "suspect animal," the following phrase shall be deleted: "in accordance with 9 CFR 79.4."

(c) The following terms and definitions shall be added:

(1) "Exhibition. The commingling of animals for the purpose of showing or judging contests or for any other type of public display."

(2) "In commerce. The term describing any animal that is to be traded, sold, bartered, slaughtered, or otherwise exchanged or any animal being moved for any of these purposes." (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-2. Identification requirements. (a) Before any change of ownership, the following categories of sheep

and goats shall be individually identified with official identification sufficient to trace the sheep and goats to the premises of origin:

(1) All sexually intact animals, except any lamb or kid under eight weeks of age accompanied by its dam;

(2) all animals for exhibition purposes, except any lamb or kid under eight weeks of age accompanied by its dam; and

(3) all sheep and goats over 18 months of age, as evidenced by the presence of the second set of permanent incisors.

(b) All animals in the following categories shall be permanently and individually identified with official identification before movement of any kind from the premises on which the animals currently reside:

(1) All exposed animals and high-risk animals regardless of age, reproductive status, or genetic susceptibility as determined by an official genotype test; and

(2) all suspect animals and scrapie-positive animals.

(c) The seller shall be required to ensure that all sheep and goats requiring official identification have been identified accordingly and that records are maintained showing either the name of the purchaser of these animals or the name of the market and the date on which the animals were consigned.

(d) Any sheep or goat required to have official identification that is sold at a licensed Kansas livestock market may be identified accordingly at the market if the market maintains records sufficient to trace the animal back to the consignor and the buyer of that animal.

(e) For purposes including genetic testing, exhibition, and interstate movement, any designated agent approved to apply official identification under agreement with the livestock commissioner and the USDA/APHIS may apply the identification to sheep and goats, if the agent maintains records sufficient to trace the animals back to the individual or premises for which the identification was applied.

(f) All sheep and goats in commerce requiring official identification that have not yet been identified and are to be commingled with animals from a different flock shall be identified by the person delivering, hauling, or handling these animals.

(g) If a sheep or goat requiring official identification is received without this identification on a premises where the animal is to be commingled with animals from different flocks, the receiver of the animal shall be required to apply official identification to that animal.

(h) The following categories of sheep and goats shall not be required to be identified:

(1) Wethers under 18 months of age in slaughter channels;

(2) sheep or goats, or both, from a single premises maintained in a separate trailer or section of a transport and accompanied by an owner statement sufficient to allow the slaughter plant or slaughter market to identify the animals; and

(3) sheep or goats, or both, moved for grazing or similar management purposes whenever the animals are moved without a change of ownership from a premises owned or leased by the owner of the animals to another premises owned or leased by the owner of the animals. (Author-

ized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-3. Movement of scrapie-infected or scrapie-exposed sheep and goats. (a) No sheep or goat known to be or suspected of being infected with scrapie and no exposed animal from any flock that is not in compliance with a flock plan shall be imported into Kansas.

(b) No sheep or goat from a Kansas premises that is known to be or suspected of being infected with scrapie and no sheep or goat from a flock that is not in compliance with a flock plan shall be allowed to be moved from the premises without being individually identified with official identification recorded on a shipping permit issued by the Kansas livestock commissioner or the commissioner's deputy. All movement of these sheep and goats shall be only for the purpose of direct movement to slaughter or to a designated facility for euthanasia or research purposes.

(c) Scrapie-exposed sheep and goats from out-of-state flocks that are in compliance with a flock plan in the state of origin shall be allowed to be imported into Kansas, moved to a Kansas livestock market, or slaughtered at a licensed Kansas slaughter facility if the animals are individually identified with official identification and a special permit number issued by the Kansas animal health department is obtained before movement. The official identification numbers of all sheep and goats in each consignment shall be listed on the certificate of veterinary inspection or the owner statement, along with a statement that the animals listed are known to have been exposed to scrapie.

(d) Any scrapie-exposed sheep or goats from Kansas flocks that are in compliance with a flock plan may be sold privately, moved within the state to a licensed livestock market, or moved to a licensed Kansas slaughter facility if the sheep or goats are individually identified with official identification and are accompanied by an owner statement or certificate of veterinary inspection identifying them as exposed animals and listing the official identification numbers of the sheep or goats in the consignment. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-4. Movement into Kansas of sheep and goats intended for breeding. (a)(1) All sheep and goats imported into Kansas for breeding purposes, except those moving directly to a licensed Kansas livestock market, shall be accompanied by a certificate of veterinary inspection issued by a veterinarian licensed and accredited in the state of origin stating that the consigned animals show no clinical signs of, and are not known to be infected with or exposed to, any infectious or contagious disease. The certificate of veterinary inspection shall state the full name and complete physical address of the premises from which the consignment originated, as well as the full name and complete physical address of the premises of destination in Kansas.

(2) If a special permit number from the Kansas animal health department is required before movement of any

sheep or goats, the special permit number shall be included on the certificate of veterinary inspection.

(b) All sheep and goats listed on the certificate of veterinary inspection shall meet one of the following requirements:

(1) Be individually identified with official identification; or

(2) be permanently identified to the premises of origin including the type of official identification used, which may include registered brands or tattoos, electronic implants, official ear tags, radio frequency identification, and premises identification tags or tattoos. The number of sheep or goats, or both, included in the consignment shall be listed on the certificate of veterinary inspection.

(c)(1) In addition to the certificate of veterinary inspection, all sheep and goats shall be accompanied by an owner statement declaring one of the following:

(A) No sheep or goats in the consignment are known to be high-risk animals or known to be infected with or exposed to scrapie or to have originated from a source flock.

(B) The sheep or goats in the consignment are scrapie-exposed animals that originate from a flock in compliance with an approved flock plan in the state of origin. These sheep and goats shall have a special permit number obtained from the Kansas animal health department before movement of any shipment containing these animals. This special permit number shall appear on the certificate of veterinary inspection or the owner statement.

(2) The owner statement required by paragraph (c)(1) may be signed by a veterinarian, rather than the owner, at an approved livestock market if both of the following conditions are met:

(A) All consignors of sheep or goats are notified in writing or by signs posted at the livestock market that any sheep or goat known to be an exposed animal, suspect animal, or high-risk animal is required to be identified as such to the market upon consignment.

(B) The identification of these animals is maintained throughout the sale. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-607a, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-5. Movement into Kansas of sheep and goats intended for slaughter. (a) All sheep and goats moving interstate into Kansas directly to a licensed slaughter facility shall be accompanied by a certificate of veterinary inspection or by an owner statement as defined in K.A.R. 9-32-1. In addition, all sheep and goats in the consignment, except wethers under 18 months of age as evidenced by the absence of the second set of permanent incisors, shall be identified in one of the following ways to enable the animals to be traced to the flock of origin:

(1) Have official identification, with the type of identification listed on the owner statement or certificate of veterinary inspection; or

(2) be maintained as a separate and distinct group, without commingling, from the time the sheep and goats leave the premises of origin until they arrive at the licensed slaughter facility within Kansas if the slaughter facility performs the following:

(continued)

(A) Keeps these sheep or goats, or both, separate and apart from all other animals;

(B) slaughters the sheep or goats, or both, consecutively as a group to maintain their identity; and

(C) maintains records sufficient to trace the sheep or goats, or both, from the consignment to the premises of origin.

(b) All sheep and goats moving into Kansas directly to a terminal feedlot, except wethers under 18 months of age as determined by the absence of the second set of permanent incisors, shall be accompanied by a certificate of veterinary inspection and have official identification. The type of official identification used and the number of sheep or goats, or both, consigned shall be recorded on the certificate of veterinary inspection.

(c) Wethers under 18 months of age, as determined by the absence of the second set of permanent incisors, shall not be required to be identified but shall be accompanied by a certificate of veterinary inspection or an owner statement. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-6. Exhibition sheep and goats. All exhibition sheep and goats in Kansas, except any lamb or kid under two months of age accompanying its dam, shall be individually identified by a means of official identification, regardless of their sex or premises of origin. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-7. Sheep and goats consigned to Kansas livestock markets. (a) Any sheep or goat originating outside Kansas may be consigned to a Kansas livestock market if the sheep or goat is accompanied by an owner statement.

(b) All sexually intact sheep and goats and all wethers over 18 months of age, as evidenced by the presence of the second set of permanent incisors, shall be individually identified with official identification before being sold. All sheep and goats requiring official identification that have not been identified before movement to the market shall be identified at the market, which shall maintain records sufficient to trace these animals back to the flock of origin.

(c) Wethers less than 18 months of age, as evidenced by the absence of the second set of permanent incisors, shall not be required to be identified. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-8. Recordkeeping requirements. (a) Each individual who applies official identification to an animal shall maintain the associated records for a minimum of five years from the date of application. These records shall be made available upon request during normal business hours to any authorized employee of the USDA or the Kansas animal health department upon presentation of the employee's official agency credentials. Each record shall show the following:

- (1) The official identification number applied;
- (2) the number of animals identified, by species;

(3) the type of official identification; and
(4) the date on which the official identification was applied.

(b) In addition to maintaining the records specified in subsection (a), each individual who applies official identification shall provide the following, upon request:

(1) The name, premises, mailing address, and, if available, phone number of the individual for which the official identification was applied;

(2) the name and address of the owner of the flock of birth, if the flock of birth is known; and

(3) the name, premises, mailing address, and, if available, phone number of the individual or premises that purchased or otherwise received these animals.

(c) Each individual or entity who receives, purchases, acquires, sells, or disposes of any sheep or goats shall keep records of each transaction for a minimum of five years from the date of the transaction. Each record shall include the following:

(1) The number of animals included in the transaction;

(2) the date of the transaction;

(3) the name, address, and, if available, the phone number of the second party involved in the transaction;

(4) the species and breed of the animals involved;

(5) a copy of the brand inspection certificate or certificate of veterinary inspection for all animals that have official identification consisting of brands or ear notches; and

(6) all business records, including yardage receipts, sale tickets, invoices, and waybills. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

George Teagarden
Kansas Livestock Commissioner

Doc. No. 033024

State of Kansas

State Corporation Commission

Temporary Administrative Regulations

Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

82-4-3a. Hours of service. (a) With the following exceptions, 49 C.F.R. Part 395, as in effect on October 1, 2005, is hereby adopted by reference:

(1) 49 C.F.R. 395.0 shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 395.1:

(A) 49 C.F.R. 395.1(a)(2), 49 C.F.R. 395.1(h), and 49 C.F.R. 395.1(i) shall be deleted.

(B) 49 C.F.R. 395.1(k) shall be deleted and replaced by the following:

“(k)(1) The provisions of this regulation shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes in the state if the transportation meets the following conditions:

“(A) Is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies; and

“(B) is conducted within the planting and harvesting seasons.

“(2) ‘Planting and harvesting seasons’ means the time periods for planting and harvesting that occur between January 1 and December 31.

“(3) ‘Agricultural commodities’ means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, sunflowers, and soybeans. Agricultural commodities shall not include livestock and livestock products, milk, honey, poultry products, timber products, and nursery stock, nor shall the term include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded.

“(4) ‘Farm supplies’ means supplies or equipment for use in the planting or harvesting of agricultural commodities, but shall not include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded.

“(5) ‘Hazardous materials of the type or quantity that requires the vehicle to be placarded,’ as used in 49 C.F.R. 395.1(k)(3) and (4), means materials that require placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20, but shall not include fertilizer, animal waste used as fertilizer, anhydrous ammonia, and pesticides.”

(3) The following revisions shall be made to 49 C.F.R. 395.2:

(A) The definition of “sleeper berth” shall be deleted and replaced by the following: “‘Sleeper berth’ means a berth conforming to the requirements of 49 C.F.R. 393.76, as adopted in K.A.R. 82-4-3(a)(4).”

(B) The phrase “found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section,” which appears in the definition of “transportation of construction materials and equipment,” shall be deleted and replaced by “requiring placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20.”

(4) The following revisions shall be made to 49 C.F.R. 395.8:

(A) The last sentence in 49 C.F.R. 395.8(a)(1) shall be deleted.

(B) The “Note” that appears between 49 C.F.R. 395.8(c) and (d) shall be deleted.

(C) The “Note” that appears between 49 C.F.R. 395.8(h)(5) and (i) shall be deleted.

(D) The “Note,” including the graphic, that appears after 49 C.F.R. 395.8(k)(2) shall be deleted.

(5) The following revisions shall be made to 49 C.F.R. 395.13:

(A) 49 C.F.R. 395.13(c)(2) shall be deleted and replaced by the following:

“Within fifteen days following the date any driver is placed out of service, the motor carrier that employed the driver shall personally deliver or place in the U.S. mail to the division administrator or the state director of the federal motor carrier safety administration a signed certification in a form acceptable to the commission. Any signed certification acceptable to the commission shall include the following information:

“(i) All violations have been corrected;

“(ii) action has been taken to assure compliance with 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15; and

“(iii) the motor carrier understands that false certification can result in appropriate enforcement action.”

(B) The phrase “as adopted in K.A.R. 82-4-3k” shall be added before the phrase “pertaining to attendance and surveillance of commercial motor vehicles,” which appears in 49 C.F.R. 395.13(d)(4).

(6) The last sentence in 49 C.F.R. 395.15(b)(3) shall be deleted.

(7)(A) The phrase “special agent of the Federal Motor Carrier Safety Administration (as defined in appendix B to this subchapter),” which appears in 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, shall be deleted and replaced by “any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(B) The phrases “Federal Motor Carrier Safety Administration” and “FMCSA,” which appear in 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, shall be deleted and replaced by “commission.”

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted.

(c) No wrecker or tow truck, as defined by K.S.A. 66-1329 and amendments thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less shall be subject to this regulation. (Authorized by and implementing K.S.A. 2005 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2005 Supp. 66-1,129; effective, T-82-12-16-03, Jan. 4, 2004; effective, T-82-4-27-04, May 3, 2004; effective, T-82-8-23-04, Aug. 31, 2004; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended, T-82-10-25-05, Nov. 1, 2005; amended Feb. 17, 2006; amended, T-82-3-21-06, March 21, 2006.)

Susan K. Duffy
Executive Director

Doc. No. 033000

State of Kansas

Department of Agriculture

Temporary Administrative Regulations

Article 8.—NOXIOUS WEEDS

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

(b) “Aminopyralid” means 4-amino-3,6-dichloropyridine-2-carboxylic acid.

(continued)

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

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

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

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

(g) "Diflufenzopyr" means 2-[1-[[[(3,5-difluorophenyl)amino]carbonyl]hydrazono]ethyl]-3-pyridinecarboxylic acid.

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

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

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

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

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

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

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

(o) "MSMA" means monosodium methanearsonate.

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

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

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

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

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

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

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

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

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

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

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

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

(bb) "Trifluralin" means 2,6-dinitro-N,N-dipropyl-4-(trifluoromethyl)benzenamine. (Authorized by and implementing K.S.A. 2005 Supp. 21315; effective Oct. 21,

1991; amended Jan. 25, 1993; amended Sept. 27, 1993; amended Oct. 27, 2000; amended, T-4-5-27-04, May 27, 2004; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006.)

4-8-27. Adoption of musk thistle control program.

(a) The control practices contained in the "official musk thistle control program," published by the Kansas department of agriculture on April 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of musk thistle in the state of Kansas. In addition, the biological control plans specified in K.A.R. 4-8-41 may also be used for the control and eradication of musk thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2005 Supp. 2-1315; effective May 1, 1988; amended Jan. 22, 1990; amended June 1, 1992; amended Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006.)

4-8-33. Adoption of Canada thistle control program.

(a) The control practices contained in the "official Canada thistle control program," published by the Kansas department of agriculture on April 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of Canada thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2005 Supp. 2-1315; effective May 1, 1988; amended Jan. 25, 1993; amended Aug. 6, 2004; amended, T-4-3-29-06, March 29, 2006.)

4-8-34. Adoption of leafy spurge control program.

(a) The control practices contained in the "official leafy spurge control program," published by the Kansas department of agriculture on April 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of leafy spurge in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2005 Supp. 2-1315; effective May 1, 1988; amended Oct. 29, 1990; amended Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-5-20-05, May 20, 2005; amended, T-4-3-29-06, March 29, 2006.)

4-8-42. Adoption of bull thistle control program.

(a) The control practices contained in the "official bull thistle control program," published by the Kansas department of agriculture on April 1, 2006, are hereby adopted by reference and shall apply to the control and eradication of bull thistle in the state of Kansas.

(b) Copies of this publication shall be available from the Kansas department of agriculture, in the Topeka, Kansas office. (Authorized by and implementing K.S.A. 2005 Supp. 2-1315; effective Oct. 27, 2000; amended Aug. 6, 2004; amended, T-4-3-29-06, March 29, 2006.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 033029

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-187. Leiszler Oil Chain No. 1011 instant ticket promotion. (a) During the period beginning March 1, 2006, and ending March 31, 2006, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating Leiszler Oil lottery retailers located in Kansas an opportunity to participate in an instant ticket sales promotion. The chain will be separated into two groups according to their Kansas lottery retailer numbers, as follows:

Group 1	Group 2
10058	16537
10059	16538
10060	16539
10061	16540
10062	16541
13717	16542
14115	16543
14177	
14312	
15199	
15536	

(b) At the end of the promotion, the store with the greatest percentage increase in instant ticket sales for the period from March 1, 2006, through March 31, 2006, over the base sales period of March 1, 2005, through March 31, 2005, for each group, will win a \$250 gift certificate (two gift certificates for a total of \$500). Promotional items chosen by the lottery will also be awarded to all retail locations that show an increase in instant ticket sales over the base period. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-3-15-06, Feb. 15, 2006.)

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2383. "Wishing Well" instant ticket lottery game number 558. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Wishing Well" commencing on or after March 3, 2006. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2383.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
20 ⁰⁰	TWENTY
40 ⁰⁰	FORTY
50 ⁰⁰	FIFTY

\$100\$

\$500\$

\$3,000

MAYBE NEXT TIME

GOOD LUCK

ONE-HUN

FIVE-HUN

THRTHOU

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

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

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

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

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

(g) "Wishing Well" features two games. Game 1 is a match three of six game. The player will remove the latex covering the play area to reveal six prize amounts. If a player gets three like prize amounts, the player wins that amount. A player can win up to one time in this play area.

Game 2 is an instant win game. If a player reveals any prize amount, the player wins that amount. A player can win up to one time in this play area.

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

Game 1	Game 2	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's		Free Ticket	52,000	\$0
	\$1.00	\$1	20,000	20,000
3 - \$1.00's		\$1	18,000	18,000
	\$1.00	\$2	7,400	14,800
		\$2	7,400	14,800
	\$5.00	\$5	5,000	25,000
3 - \$5.00's		\$5	5,000	25,000
		\$10	3,000	30,000
3 - \$10.00's	\$10.00	\$10	3,000	30,000
		\$20	1,300	26,000
3 - \$20.00's	\$10.00	\$20	1,300	26,000
	\$20.00	\$20	1,200	24,000
3 - \$40.00's	\$10.00	\$50	200	10,000
3 - \$50.00's		\$50	200	10,000
3 - \$100.00's		\$100	120	12,000
3 - \$500.00's		\$500	20	10,000
3 - \$3,000.00's		\$3,000	8	24,000
TOTAL			<u>125,148</u>	<u>\$319,600</u>

(k) The odds of winning a prize in this game are ap-
(continued)

proximately one in 4.79. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2384. "21 or Better" instant ticket lottery game number 559. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "21 or Better" commencing on or after March 3, 2006. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2384.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1 ⁰⁰	ONE\$
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THREE\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
15 ⁰⁰	FIFTEEN
20 ⁰⁰	TWENTY
25 ⁰⁰	TWEN-FIV
50 ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$2,100	TWONEHUN
1	ONE
2	TWO
3	THRE
4	FOUR
5	FIVE
6	SIX
7	SEVN
8	EGHT
9	NINE
10	TEN
11	ELVN

(c) For this game, a play symbol shall appear in each of 15 play spots within the play area or areas.

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

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

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
THR	=	\$3.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

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

(g) The "\$21 or Better" ticket features an add-up game. A player will remove the scratch-off material to reveal nine play symbols and six prize amounts. If three play

symbols in any one horizontal row or vertical column add up to 21 or higher, the player wins the prize shown for that row or column.

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

Game 1	Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	50,000	\$0
\$1	\$1	28,000	28,000
\$1 + \$1	\$2	16,000	32,000
\$3	\$3	12,000	36,000
\$1 + \$2	\$3	8,000	24,000
\$5	\$5	4,600	23,000
\$2 + \$3	\$5	4,600	23,000
\$10	\$10	3,200	32,000
\$5 + \$5	\$10	3,200	32,000
\$25	\$25	500	12,500
\$10 + \$15	\$25	500	12,500
\$5 + \$20	\$25	500	12,500
\$50	\$50	172	8,600
\$25 + \$25	\$50	172	8,600
\$100	\$100	50	5,000
\$50 + \$50	\$100	50	5,000
\$500	\$500	20	10,000
\$2,100	\$2,100	8	16,800
TOTAL		<u>131,572</u>	<u>\$321,500</u>

(k) The odds of winning a prize in this game are approximately one in 4.56. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2385. "Magic 3's" instant ticket lottery game number 560. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Magic 3's" commencing on or after March 3, 2006. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2385.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
15 ⁰⁰	FIFTEEN
20 ⁰⁰	TWENTY
50 ⁰⁰	FIFTY
\$100\$	ONEHUN
\$1000	ONETHOU
"3" symbol	THREE

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

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

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer

validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
TWO	=	\$2.00
THR	=	\$3.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
TRY	=	\$30.00
FTY	=	\$50.00
HUN	=	\$100.00
THH	=	\$300.00

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

(g) "Magic 3's" combines two different game plays within the same play area. A player can win by matching three of six prize amounts or by revealing one or more "3" symbols and winning a prize according to the prize legend on the ticket front. A player will remove the scratch-off material covering the game play area to reveal six prize/play symbols. If three of the six prize amounts are identical, the player wins that prize amount. If a player reveals from one to four "3" symbols, the player wins a prize according to the prize legend on the ticket front.

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

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

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

Method 1	Method 2	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's		Free Ticket	60,000	\$0
3 - \$2.00's		\$2	30,000	60,000
	ONE 3	\$3	16,400	49,200
3 - \$5.00's		\$5	9,000	45,000
3 - \$10.00's		\$10	3,200	32,000
3 - \$15.00's		\$15	2,000	30,000
3 - \$20.00's		\$20	1,000	20,000
	TWO 3s	\$30	600	18,000
3 - \$50.00's		\$50	300	15,000
3 - \$100.00's		\$100	120	12,000
	THREE 3s	\$300	14	4,200
3 - \$1,000.00's		\$1,000	4	4,000
	FOUR 3s	\$3,333	8	26,664
TOTAL			<u>122,646</u>	<u>\$316,064</u>

(k) The odds of winning a prize in this game are approximately one in 4.89. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2386. "Easy Money" instant ticket lottery game number 561. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Easy Money" commencing on or after March 3, 2006. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2386.

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

Play Symbols	Play Symbol Captions
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
25 ⁰⁰	TWEN-FIV
50 ⁰⁰	FIFTY
\$500\$	FIVE-HUN
\$2,000	TWOTHOU
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QRTER
50¢	HALF

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

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

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

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
TWF	=	\$25.00
FTY	=	\$50.00
FHN	=	\$500.00

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

(g) "Easy Money" is an add-up game. A player will remove the scratch-off material to reveal five coin play symbols and one prize symbol. If the five coins add up to \$1.00 or more, the player wins the prize in the prize box.

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

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

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

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	86,000	\$0
\$2	24,740	49,480
\$5	16,000	80,000
\$10	6,800	68,000
\$25	1,750	43,750
\$50	770	38,500
\$500	18	9,000
\$2,000	6	12,000
TOTAL	<u>136,084</u>	<u>\$300,730</u>

(k) The odds of winning a prize in this game are approximately one in 4.41. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

(continued)

111-4-2387. "Home on the Range" instant ticket lottery game number 562. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Home on the Range" commencing on or after March 3, 2006. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2387.

(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
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

(c) For this game, a play symbol shall appear in each of 17 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) "Home on the Range" 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 corresponding prize. 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.

(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 Ticket	Free Ticket	40,000	\$0
2	\$2	25,000	50,000
	\$2	25,000	50,000
\$4	\$4	10,000	40,000
\$2	\$4	10,000	40,000
\$2 + \$3	\$5	6,000	30,000
\$2	\$5	6,000	30,000
\$5	\$5	6,000	30,000
	\$5	6,000	30,000
\$10	\$10	2,250	22,500
\$2 + \$3	\$10	2,250	22,500
(\$5 x 2)	\$10	2,250	22,500
	\$10	2,250	22,500
\$20	\$20	1,200	24,000
	\$20	1,200	24,000
(\$2 x 8)	\$20	1,200	24,000
(\$5 x 4)	\$20	1,200	24,000
\$40	\$40	250	10,000
(\$4 x 8)	\$40	230	9,200
(\$10 x 4)	\$40	200	8,000
\$50	\$50	120	6,000
(\$10 x 3) + (\$4 x 5)	\$50	120	6,000
(\$5 x 8)	\$50	120	6,000
\$100	\$100	60	6,000
(\$20 x 5)	\$100	60	6,000
\$1,000	\$1,000	4	4,000
(\$500 x 2)	\$1,000	4	4,000
\$10,000	\$10,000	6	60,000
Subtotal		148,974	\$611,200
Second-Chance Drawing Prizes,			
Range Rovers		2	77,865
Total		148,976	\$689,065

(k) The odds of winning a prize in this game are approximately one in 4.03. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

**KANSAS SPEEDWAY \$200 GRAND
SECOND CHANCE DRAWING**

111-4-2389. Name, time, and place of drawing. (a) The Kansas lottery shall conduct an instant ticket drawing on July 1, 2006, entitled "Kansas Speedway \$200 Grand Second Chance Drawing."

(b) The drawing shall take place at the Kansas Speedway on July 1, 2006.

(c) Rules applicable to this drawing are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2389 through 111-4-2393. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2390. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and amendments thereto and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Kansas Speedway \$200 Grand Second Chance Drawing" means the act of drawing for prizes conducted by the Kansas lottery at the Kansas Speedway in Kansas City, Kansas, in which participants are selected to win prizes as described in K.A.R. 111-4-2392.

(c) "Entry" means the forty-five (45) valid entries previously selected during the drawing entitled "\$200 Grand ARCA Second Chance Drawing" as set forth in K.A.R. 111-4-2378 through 111-4-2382, and amendments thereto, or the name of each entrant named thereon.

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

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a non-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2391. Entry into drawing. (a) Entry into the "Kansas Speedway \$200 Grand Second Chance Drawing" ("drawing") is accomplished automatically by the forty-five (45) winners selected in the "\$200 Grand ARCA Second Chance Drawing," as set forth in K.A.R. 111-4-2378 through 111-4-2382, and amendments thereto, or if applicable the person to whom an entry has been transferred pursuant to said drawing rules.

(b) At a time and place designated by the lottery, all entries or the names of all persons named on said entries shall be placed into the drawing receptacle. Entrants need not be present to have their name or entry placed into the drawing receptacle.

(c) Entrants are required to be present at the time of the drawing to be determined a winner.

(d) All eligible entrants must be at least 18 years of age.

(e) Employees, agents, successors, and assignees of Kansas Speedway, its advertising agencies, and promo-

tional companies involved in this drawing and contest, as well as immediate family and household members of the same, shall be ineligible to participate in the drawing or contest and shall be ineligible for any prize awarded therein. Names and likenesses of the drawing and contest winner(s) may be used by Kansas Speedway and Kansas Speedway's designee(s) for promotional purposes without further compensation to Kansas Speedway or the drawing and contest winner(s). (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2392. Determination of "Kansas Speedway \$200 Grand Second Chance Drawing" winners and prizes. (a) At least five minutes before the drawing, a lottery drawing official designated by the executive director shall announce to the audience that the winner selection process will begin.

(b) The drawing receptacle or drum containing the names or entries (hereinafter "entries") shall be rotated a minimum of 10 times to ensure random selection.

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

(d) The selection of two winners shall be accomplished by the individual designated by the drawing official, using a bare arm technique, removing two entries from the drawing receptacle or drum, one at a time. Each entry drawn shall be marked in the order drawn, 1 and 2.

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

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

(continued)

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

(h) Each of the two contestants competing in the contest shall also receive a race weekend prize package for two consisting of reserved admission to races conducted at the Kansas Speedway on September 30 and October 1, 2006, double-occupancy hotel accommodations on September 29 and 30, 2006, food and beverages in the lottery's hospitality chalet located at the racetrack, and \$2,000 cash, together with payment by the lottery of all mandatory income withholding taxes on the prize, except that a contestant winning the \$200,000 prize shall not receive an additional \$2,000 cash or payment of mandatory income withholding taxes on the \$200,000 prize.

(i) Each winner of a prize as a result of the drawing shall return to lottery headquarters a completed claim form as provided by the lottery, which claim form must be actually received by lottery no later than 5:00 p.m. on the fourteenth day following the drawing or the person will no longer be eligible for the prize.

(j) In the event there are fewer than 20 drivers actually participating in the ARCA RE/MAX race on July 1, 2006, or as postponed, this contest shall not be conducted and shall be declared null and void. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-4-2393. Certification of drawing. (a) The "Kansas Speedway \$200 Grand Second Chance Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery ("event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

Article 5.—MULTI-STATE ON-LINE GAMES

111-5-126. Name of the game; rules and regulations. The Kansas lottery shall conduct a lotto game entitled "Hot Lotto" conducted twice weekly on Wednesdays and Saturdays beginning on or after March 12, 2006.

The rules and regulations for "Hot Lotto" game are contained in K.A.R. 111-5-126 through 111-5-138, and applicable generic rules are contained in K.A.R. 111-6-1 *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-127. Definitions. The following definitions shall apply to the "Hot Lotto" game:

(a) "Computer pick" means the random selection of two-digit numbers by the computer system, which appear on a ticket and are played by a player in the game.

(b) "Drawing" means the formal process of selecting winning numbers which determine the number of winners for each prize level of the game.

(c) "Game board" or "boards" means that area of the play slip which contains two sets of numbered squares to be marked by the player, the first set containing 39 squares, number one through 39, and the second set containing 19 squares, number one through 19.

(d) "Game ticket" or "ticket" means a computer generated ticket issued by a terminal to a person as a receipt for the combination a person has selected.

(e) "MUSL" means the Multi-State Lottery Association, a government-benefit association wholly owned and operated by the party lotteries.

(f) "MUSL Board" means the governing body of the MUSL which is comprised of the chief executive officer of each party lottery.

(g) "Multi-draw" means the optional ability for a player to purchase the same play(s) in one or more future drawings.

(h) "On-line lottery game" means a lottery game connected by telephone lines, satellite, radio, or other similar communication methodology, owned or controlled by the lottery, to a central computer in which each player selects numbers out of a larger predetermined set or sets of numbers.

(i) "Party Lottery" means a state lottery or lottery of a political subdivision or entity which has joined the MUSL and, in the context of these Powerball product group rules, which has joined in selling the Powerball game.

(j) "Product group" means the group of lotteries which has joined together to offer a product pursuant to the terms of the multi-state lottery agreement and the group's own rules.

(k) "Play" means the six numbers, the first five from a field of 39 numbers and the last one from a field of 19 numbers, that appear on a ticket as a single lettered selection and are to be played by a player in the game.

(l) "Play slip" means a card used in marking a player's game plays and containing one or more boards and if the multi-draw option is available for play, the play slip shall include a box to mark the number of draws chosen.

(m) "Retailer" or "agent" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(n) "Set Prize" means all other prizes except the grand prize that are advertised to be paid by a single cash payment and, except in rare instances, outlined in these rules, will be equal to the prize amount established by the MUSL Board for the prize level.

(o) "Terminal" means a device authorized by a party lottery to function in an on-line, interactive mode with the lottery's computer system for the purpose of issuing lottery tickets and entering, receiving and processing lottery transactions, including purchases, validating tickets and transmitting reports.

(p) "Validation" or "validate" means the process of determining whether a ticket presented for a prize is a winning ticket.

(q) "Winning numbers" means the six numbers, the first five from a field of 39 numbers and the last one from a field of 19 numbers, randomly selected at each drawing which shall be used to determine winning plays contained on a game ticket. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-128. Game description; retail sale of tickets.

(a) "Hot Lotto" is a five out of 39 plus one out of 19 online lottery game which pays the grand prize, at the election of the player made in accordance with the rules or by a default election made in accordance with these rules at the time of play purchase, either on an annuitized parimutuel basis, or as a cash lump sum payment of the total cash held for this prize on a parimutuel basis. Except as provided in these rules, all other prizes are paid on a set cash basis. To play "Hot Lotto," a player shall select five different numbers from one to 39 and one additional number from one to 19 for input into a terminal. The additional number may be the same as one of the first five numbers selected by the player

(b) A "Hot Lotto" game ticket shall sell for one dollar.

(c) Tickets shall not be sold to any person under the age of 18 years. Each retailer may require a person purchasing tickets to produce proof of age.

(d) Each ticket shall be purchased from a terminal operated by a retailer. The player may select a set of five numbers and one additional number by:

- (1) communicating the six numbers to the retailer;
- (2) marking six numbered squares in any one or more game boards on a play slip and submitting the play slip to the retailer; or
- (3) requesting a "computer pick" or "quick pick" from the retailer.

If available at the time, a player may choose the multi-draw option by marking the appropriate box on the play slip or by communicating that desire to the retailer. If the multi-draw option is chosen, it shall apply to all boards played on that play slip. For each play upon which the multi-draw option is chosen, the player shall pay one additional dollar. The retailer shall then issue a ticket from the terminal containing the selected set or sets of numbers, each of which constitutes a game play, and if applicable, whether or not the multi-draw option has been chosen for all plays on that play slip.

(e) A validated ticket shall be the only proof of a game play or plays. The only method of claiming a prize or prizes shall be the submission of the winning ticket to and receipt of the ticket by the lottery or its authorized agent. A play slip shall have no pecuniary or prize value and shall not be used as evidence of a ticket purchase or of numbers selected.

(f) A ticket shall not be voided or cancelled by returning the ticket to the selling retailer, including tickets that are printed in error.

(g) Ticket sales will end at approximately 8:59 p.m. central time on Wednesdays and Saturdays and will resume at approximately 9:05 p.m.

(h) Drawings will be conducted twice weekly, on Wednesdays and Saturdays at approximately 9:58 p.m. central time (CT), after the game is closed at approximately 8:59 p.m. central time (CT) and the external au-

ditor has verified that the game is closed, under conditions and procedures promulgated by the executive director of the lottery.

(i) Each player shall be responsible for verifying the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the on-line retailer who is deemed to be acting on behalf of the player in entering the play or plays. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8718; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-129. Prize pool; reserve account. (a) The prize pool for all prize categories shall consist of 50% of each drawing period's sales, including tax, after the prize reserve accounts are funded to the amounts set by the product group. Any amount remaining in the prize pool at the end of this game shall be carried forward to a replacement game or expended in a manner as directed by the product group.

(b) An amount equal to up to one percent of sales shall be placed in trust in one or more prize reserve accounts when the annuitized grand prize exceeds \$2,000,000, with an additional amount equal to two percent of lottery's sales placed in trust in one or more prize reserve accounts when the annuitized grand prize exceeds \$5,000,000 until such time as the lottery's share of the reserve account(s) reach(es) the amounts designated by the product group. When the prize reserve accounts exceed the designated amount, the excess shall become part of the grand prize pool. Any amount remaining in prize reserve accounts at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the product group in accordance with state law. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8731; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-130. Expected prize payout. (a) The grand prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set cash prizes with the following expected approximate prize payout percentages:

Number of Matches Per Play	Prize Payment	Prize Pool Percentage Allocated to Prize
All five (5) of first set plus one (1) of second set	Grand Prize	52.5763%
All five (5) of first set and none of second set	\$10,000	3.2909%
Any four (4) of first set plus one (1) of second set	\$500	1.5540%
Any four (4) of first set and none of second set	\$50	2.7972%
Any three (3) of first set plus one (1) of second set	\$50	5.1283%
Any three (3) of first set and none of second set	\$4	7.3847%
Any two (2) of first set plus one (1) of second set	\$4	4.3761%
Any one (1) of first set and one (1) of second set	\$3	12.7181%
None of first set plus one (1) of second set	\$2	10.1745%

(b) The prize money allocated to the grand prize cate-

(continued)

gory shall be divided equally by the number of game boards winning the grand prize.

(c) The prize pool percentage allocated to the set prizes (the cash prizes of \$10,000 or less) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw. If the total of the set prizes awarded in a drawing exceeds the percentage of the prize pool allocated to the set prizes, then the amount needed to fund the set prizes awarded shall be drawn from the following sources, in the following order: (1) the amount allocated to the set prizes and carried forward from previous draws, if any; (2) an amount from the prize reserve account, if available, not to exceed the balance of the account. If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded, then the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels. In that instance the money available from the funding sources listed in this rule shall be divided among the winning plays in proportion to their respective prize percentages. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-131. Probability of winning. (a) The following table sets forth the probability of winning and the probable distribution of winners in and among each prize category based upon the total number of possible combinations in Powerball:

Number of Matches Per Ticket	Probability	Probable/Set Prize Amount
All five (5) of first set plus one (1) of second set	1:10,939,383.000000	\$5,176,367
All five (5) of first set and none of second set	1:607,743.500000	\$10,000
Any four (4) of first set plus one (1) of second set	1:64,349.311765	\$500
Any four (4) of first set and none of second set	1:3,574.961765	\$50
Any three (3) of first set plus one (1) of second set	1:949.979144	\$50
Any three (3) of first set and none of second set	1:108.332175	\$4
Any two (2) of first set plus one (1) of second set	1:182.810545	\$4
Any one (1) of first set plus one (1) of second set	1:47.176915	\$3
None of first set plus one (1) of second set	1:39.314096	\$2
Overall	1:16.091706	

(b) The grand prize amount is estimated using a 25-year deferred-payment factor of 1.8 (this factor is a variable dependent upon market conditions as determined by MUSL). The amount does not include the prize reserve account deduction or any other deductions, if any. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-132. Prize payments; annuitized and cash prizes. (a) Grand prizes shall be paid, at the election of

the player made no later than 60 days after the player becomes entitled to a prize with either a per winner annuity or cash payment. If the payment election is not made at the time of purchase and is not made by the player within 60 days after the player becomes entitled to the prize, then the prize shall be paid as an annuity prize. An election for an annuity payment made by a player before ticket purchase or by system default or design may be changed to a cash payment at the election of the player until the expiration of 60 days after the player becomes entitled to the prize. The election to take the cash payment may be made at the time of the prize claim or within 60 days after the player becomes entitled to the prize. An election made after the winner becomes entitled to the prize is final and cannot be revoked, withdrawn or otherwise changed. Shares of the grand prize shall be determined by dividing the cash available in the grand prize pool equally among all winners of the grand prize. Winner(s) who elected a cash payment shall be paid their share(s) in a single cash payment. The annuitized option prize shall be determined by multiplying a winner's share of the grand prize pool by the MUSL annuity factor. The MUSL annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-approved brokers made after it is determined that the prize is to be paid as an annuity prize or after the expiration of 60 days after the winner becomes entitled to the prize. Neither MUSL nor the party lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL. In certain instances announced by the product group, the grand prize shall be a guaranteed amount and shall be determined pursuant to subsection (f) of K.A.R. 111-5-28. If individual shares of the cash held to fund an annuity are less than \$250,000, the product group, in its sole discretion, may elect to pay the winners their share of the cash held in the grand prize pool of the annuity. All annuitized prizes shall be paid annually in 25 equal payments with the initial payment being made in cash, to be followed by 24 payments funded by the annuity. Annual payments after the initial payment shall be made by the lottery on the anniversary date, or if such date falls on a non-business day, then on the first business day following the anniversary date of the selection of the jackpot winning numbers. Funds for the initial payment of an annuitized prize shall be made available by MUSL for payment by a party lottery by the fifteenth calendar day following the drawing or the next banking day if the fifteenth day is a holiday. A state may elect to make the initial payment from its own funds after validation, with notice to MUSL.

(b) In the event of the death of a lottery winner during the annuity payment period, the product group, in its sole discretion, upon the petition of the estate of the lottery winner to the Kansas lottery, may accelerate the payment of all of the remaining lottery proceeds to the estate. If the product group makes such a determination, then securities and/or cash held to fund the deceased lottery winner's annuitized prize, may be distributed to the estate. The identification of the securities to fund the annuitized prize shall be at the sole discretion of the product group.

(c) All low tier cash prizes, which are all prizes except the grand prize, shall be paid in cash through the party lottery which sold the winning ticket(s). A party lottery may begin paying low-tier cash prizes after receiving authorization to pay from the MUSL central office.

(d) Annuitized payments of the grand prize or a share of the grand prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized grand prize win shall be added to the first cash payment to the winner or winners. Prizes other than the grand prize, which, under these rules, may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(e) If the grand prize is not won in a drawing, the prize money allocated for the grand prize shall roll over and be added to the grand prize pool for the following drawing.

(f) The product group may offer guaranteed minimum grand prize amounts or minimum increases in the grand prize amount between drawings or make other changes in the allocation of prize money where the product group finds that it would be in the best interest of the game. If a minimum grand prize amount or a minimum increase in the grand prize amount between drawings is offered by the product group, then the grand prize shares shall be determined as follows. If there are multiple grand prize winners during a single drawing, each selecting the annuitized option prize, then a winner's share of the guaranteed annuitized grand prize shall be determined by dividing the guaranteed annuitized grand prize by the number of winners. If there are multiple grand prize winners during a single drawing and at least one of the grand prize winners has elected the annuitized option prize, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized grand prize. If no winner of the grand prize during a single drawing has elected the annuitized option prize, then the amount of cash in the grand prize pool shall be an amount equal to the guaranteed annuitized amount divided by the average annuity factor of the most recent three best quotes provided by MUSL's pre-approved qualified brokers submitting quotes. In no case, shall quotes be used which are more than two weeks old and if less than three quotes are submitted, then MUSL shall use the average of all quotes submitted. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, set out in these rules. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in K.A.R. 111-5-130 becomes necessary.

(g) The holder of a winning ticket may win only one prize per board in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category.

(h) All prizes must be claimed within 365 days of the day of the drawing in which the prize was won. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710

and K.S.A. 74-8731; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-133. Ticket validation requirements. To be a valid ticket and eligible to receive a prize, a multi-state lottery (MUSL) ticket shall satisfy all the requirements established by the Kansas lottery for validation of winning tickets sold through its on-line system and any other validation requirements established by the product group and published as the confidential MUSL minimum games securing standards. The MUSL and the Kansas lottery shall not be responsible for tickets which are altered in any manner. (Authorized by and implementing K.S.A. Supp. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-134. Claiming prizes; procedure and time period. (a) Prior to the payment of any prize, each ticket shall be validated by the retailer or lottery office pursuant to this act.

(b) The procedures for payment of a "Hot Lotto" prize on any single game ticket of \$599 or less are as follows:

(1) The claimant of a ticket purchased in Kansas may present the ticket to any Kansas lottery on-line retailer. Upon validation of the ticket, the retailer shall immediately make payment for the prize to the claimant. If the retailer cannot validate the ticket, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form together with the ticket to any office of the Kansas lottery. If the ticket is validated, then payment shall be made to the claimant by mail.

(2) The claimant may bring the ticket to any office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the ticket, and completion of a claim form, payment shall be processed for the claimant.

(3) The claimant may mail the ticket with a completed claim form in any envelope to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon receipt of the ticket and completed claim form and validation of the ticket, payment shall be processed for the claimant.

If any evidence of alteration, mutilation, tear, or other ambiguity appears on the ticket, the retailer shall not make direct payment of a prize. The claimant shall submit a claim form with the ticket to the lottery.

(c) The procedure for the payment of a Hot Lotto prize on any single game ticket which totals \$600.00 or more shall be as follows:

(1) The claimant may bring the signed ticket to any office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the ticket and completion of a claim form, payment shall be processed for the claimant.

(2) The claimant may mail the ticket with a completed claim form to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon receipt of the ticket and completed claim form and validation of the ticket, payment shall be processed for the claimant.

(d) Although tickets and claim forms may be presented or mailed to any Kansas lottery office, such prizes may only be paid by lottery headquarters.

(continued)

(e) All prizes shall be claimed within 365 days of the drawing in which the prize was won. Any prize or prizes not claimed within the time specified shall be forfeited. If a prize is claimed by mail, the ticket and claim form must actually be received by the lottery within the claim period. (Authorized by K.S.A. Supp. 74-8710; implementing K.S.A. Supp. 74-8710 and 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-135. Ticket responsibility. (a) Until such time as a signature, mark or name is placed on the back of a ticket in the area designated for a signature, mark or name, a ticket shall be owned by the holder of the ticket. When a signature, mark or name is placed on a ticket in the place designated, the person whose signature, mark or name appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto.

(b) If the signature of more than one person appears on the back of the ticket in the designated place, the lottery shall make payment to the person presenting the ticket whose signature appears on both the ticket and the winner claim form. If all persons whose signatures appear in the appropriate space cannot identify one person to whom payment should be made, the lottery shall keep the prize until a determination of entitlement is made by the parties. In no event shall more than one person be entitled to a particular prize.

(c) The product group, the MUSL and Kansas lottery shall not be responsible for lost or stolen tickets. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and 74-8720; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-136. Ineligible players. (a) All provisions of K.S.A. 74-8718 and K.S.A. 74-8719, and amendments thereto, apply to the "Hot Lotto" game.

(b) A ticket or share issued by the MUSL or any of its party lotteries shall not be purchased by, and a prize won by any such ticket or share shall not be paid to:

- (1) a MUSL employee, officer or director;
- (2) a contractor or consultant under agreement with the MUSL to review the MUSL audit and security procedures; or
- (3) an immediate family member of an individual described in subsections (1) and (2) and residing in the same household. (Authorized by K.S.A. Supp. 74-8710; implementing K.S.A. Supp. 74-8718 and 74-8719; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-137. Multi-Draw. (a) In addition to a single play for each \$1.00, a player may also have his or her selections entered in multiple drawings. Multi-draw tickets must be purchased for consecutive drawings beginning with the next drawing. This is done by marking one of the multi-draw boxes designated by 2, 3, 4, 5, 6, or 7 on the play slip. The additional draw period(s) for which the ticket is valid will then appear on the computer generated ticket given to the player by the retailer.

(b) A player must pay an additional \$1.00 per play for each additional drawing in which he or she wishes to play.

(c) Unless one of the multi-draw boxes is marked and the additional amount paid, the play will only be eligible

for the current drawing up to 8:59 p.m. the day of the drawing.

(d) A player may purchase only the same numbers on the same boards for multiple drawings. (Authorized by and implementing K.S.A. Supp. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

111-5-138. Entry of plays. Plays may only be entered manually using the lottery terminal keypad or touch screen or by means of a play slip provided by the lottery and hand-marked by the player or by such other means approved by the lottery. Retailers shall not permit the use of facsimiles of play slips, copies of play slips, or other materials that are inserted into the terminal's play slip reader that are not printed or approved by the lottery. Retailers shall not permit any device to be connected to a lottery terminal to enter plays, except as approved by the lottery. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-15-06, Feb. 15, 2006.)

Ed Van Petten
Executive Director

Doc. No. 033004

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 6, 2006.)

SENATE BILL No. 362

An Act concerning solid waste; relating to solid waste disposal areas; amending K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-3402 and repealing the existing sections.

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

Section 1. K.S.A. 2005 Supp. 65-3402 is hereby amended to read as follows: 65-3402. As used in this act, unless the context otherwise requires:

(a) "Solid waste" means garbage, refuse, waste tires as defined by K.S.A. 65-3424, and amendments thereto, and other discarded materials, including, but not limited to, solid, semisolid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

(b) "Solid waste management system" means the entire process of storage, collection, transportation, processing, and disposal of solid wastes by any person engaging in such process as a business, or by any state agency, city, authority, county or any combination thereof.

(c) "Solid waste processing facility" means incinerator, composting facility, household hazardous waste facility, waste-to-energy facility, transfer station, reclamation facility or any other location where solid wastes are consolidated, temporarily stored, salvaged or otherwise processed prior to being transported to a final disposal site.

This term does not include a scrap material recycling and processing facility.

(d) "Solid waste disposal area" means any area used for the disposal of solid waste from more than one residential premises, or one or more commercial, industrial, manufacturing or municipal operations. "Solid waste disposal area" includes all property described or included within any permit issued pursuant to K.S.A. 65-3407, and amendments thereto.

(e) "Person" means individual, partnership, firm, trust, company, association, corporation, individual or individuals having controlling or majority interest in a corporation, institution, political subdivision, state agency or federal department or agency.

(f) "Waters of the state" means all streams and springs, and all bodies of surface or groundwater, whether natural or artificial, within the boundaries of the state.

(g) "Secretary" means the secretary of health and environment.

(h) "Department" means the Kansas department of health and environment.

(i) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water.

(j) "Open dumping" means the disposal of solid waste at any solid waste disposal area or facility which is not permitted by the secretary under the authority of K.S.A. 65-3407, and amendments thereto, or the disposal of solid waste contrary to rules and regulations adopted pursuant to K.S.A. 65-3406, and amendments thereto.

(k) "Generator" means any person who produces or brings into existence solid waste.

(l) "Monitoring" means all procedures used to (1) systematically inspect and collect data on the operational parameters of a facility, an area or a transporter, or (2) to systematically collect and analyze data on the quality of the air, groundwater, surface water or soils on or in the vicinity of a solid waste processing facility or solid waste disposal area.

(m) "Closure" means the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volume specified in the permit and preparing the area for the long-term care.

(n) "Postclosure" means that period of time subsequent to closure of a solid waste disposal area when actions at the site must be performed.

(o) "Reclamation facility" means any location at which material containing a component defined as a hazardous substance pursuant to K.S.A. 65-3452a and amendments thereto or as an industrial waste pursuant to this section is processed.

(p) "Designated city" means a city or group of cities which, through interlocal agreement with the county in which they are located, is delegated the responsibility for preparation, adoption or implementation of the county solid waste plan.

(q) "Nonhazardous special waste" means any solid waste designated by the secretary as requiring extraordinary handling in a solid waste disposal area.

(r) "Recyclables" means any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. "Recyclables" includes, but is not limited to, paper, glass, plastic, municipal water treatment residues, as defined by K.S.A. 65-163 and amendments thereto, and metal, but does not include yard waste.

(s) "Scrap material processing industry" means any person who accepts, processes and markets recyclables.

(t) "Scrap material recycling and processing facility" means a fixed location that utilizes machinery and equipment for processing only recyclables.

(u) "Construction and demolition waste" means solid waste resulting from the construction, remodeling, repair and demolition of

structures, roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; treated wood from construction or demolition projects; small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles; furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act; solid waste consisting of motor vehicle window glass; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm-related cleanup. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, nonasbestos insulation and construction related packaging. "Construction and demolition waste" shall not include waste material containing friable asbestos, garbage, furniture and appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities. Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.

(v) "Construction and demolition landfill" means a permitted solid waste disposal area used exclusively for the disposal on land of construction and demolition wastes. This term shall not include a site that is used exclusively for the disposal of clean rubble.

(w) "Clean rubble" means the following types of construction and demolition waste: Concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary.

(x) "Industrial waste" means all solid waste resulting from manufacturing, commercial and industrial processes which is not suitable for discharge to a sanitary sewer or treatment in a community sewage treatment plant or is not beneficially used in a manner that meets the definition of recyclables. Industrial waste includes, but is not limited to: Mining wastes from extraction, beneficiation and processing of ores and minerals unless those minerals are returned to the mine site; fly ash, bottom ash, slag and flue gas emission wastes generated primarily from the combustion of coal or other fossil fuels; cement kiln dust; waste oil and sludges; waste oil filters; and fluorescent lamps.

(y) "Composting facility" means any facility that composts wastes and has a composting area larger than one-half acre.

(z) "Household hazardous waste facility" means a facility established for the purpose of collecting, accumulating and managing household hazardous waste and may also include small quantity generator waste or agricultural pesticide waste, or both. Household hazardous wastes are consumer products that when discarded exhibit hazardous characteristics.

(aa) "Waste-to-energy facility" means a facility that processes solid waste to produce energy or fuel.

(bb) "Transfer station" means any facility where solid wastes are transferred from one vehicle to another or where solid wastes are stored and consolidated before being transported elsewhere, but shall not include a collection box provided for public use as a part of a county-operated solid waste management system if the box is not equipped with compaction mechanisms or has a volume smaller than 20 cubic yards.

(cc) "Municipal solid waste landfill" means a solid waste disposal area where residential waste is placed for disposal. A municipal solid waste landfill also may receive other nonhazardous wastes, including commercial solid waste, sludge and industrial solid waste.

(dd) "Construction related packaging" means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction re-

(continued)

lated packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging wastes generated during maintenance of existing structures.

(e) "Industrial facility" includes all operations, processes and structures involved in the manufacture or production of goods, materials, commodities or other products located on, or adjacent to, an industrial site and is not limited to a single owner or to a single industrial process. For purposes of this act, it includes all industrial processes and applications that may generate industrial waste which may be disposed at a solid waste disposal area which is permitted by the secretary and operated for the industrial facility generating the waste and used only for industrial waste.

Sec. 2. K.S.A. 65-3407 is hereby amended to read as follows: 65-3407. (a) Except as otherwise provided by K.S.A. 65-3407c, and amendments thereto, no person shall construct, alter or operate a solid waste processing facility or a solid waste disposal area of a solid waste management system, except for clean rubble disposal sites, without first obtaining a permit from the secretary.

(b) Every person desiring to obtain a permit to construct, alter or operate a solid waste processing facility or disposal area shall make application for such a permit on forms provided for such purpose by the rules and regulations of the secretary and shall provide the secretary with such information as necessary to show that the facility or area will comply with the purpose of this act. Upon receipt of any application and payment of the application fee, the secretary, with advice and counsel from the local health authorities and the county commission, shall make an investigation of the proposed solid waste processing facility or disposal area and determine whether it complies with the provisions of this act and any rules and regulations and standards adopted thereunder. The secretary also may consider the need for the facility or area in conjunction with the county or regional solid waste management plan. If the investigation reveals that the facility or area conforms with the provisions of the act and the rules and regulations and standards adopted thereunder, the secretary shall approve the application and shall issue a permit for the operation of each solid waste processing or disposal facility or area set forth in the application. If the facility or area fails to meet the rules and regulations and standards required by this act the secretary shall issue a report to the applicant stating the deficiencies in the application. The secretary may issue temporary permits conditioned upon corrections of construction methods being completed and implemented.

(c) Before reviewing any application for permit, the secretary shall conduct a background investigation of the applicant. The secretary shall consider the financial, technical and management capabilities of the applicant as conditions for issuance of a permit. The secretary may reject the application prior to conducting an investigation into the merits of the application if the secretary finds that:

(1) The applicant currently holds, or in the past has held, a permit under this section and while the applicant held a permit under this section the applicant violated a provision of subsection (a) of K.S.A. 65-3409, and amendments thereto; or

(2) the applicant previously held a permit under this section and that permit was revoked by the secretary; or

(3) the applicant failed or continues to fail to comply with any of the provisions of the air, water or waste statutes, including rules and regulations issued thereunder, relating to environmental protection or to the protection of public health in this or any other state or the federal government of the United States, or any condition of any permit or license issued by the secretary; or if the secretary finds that the applicant has shown a lack of ability or intention to comply with any provision of any law referred to in this subsection or any rule and regulation or order or permit issued pursuant to any such law as indicated by past or continuing violations; or

(4) the applicant is a corporation and any principal, shareholder, or other person capable of exercising total or partial control of such corporation could be determined ineligible to receive a permit pursuant to subsection (c)(1), (2) or (3) above.

(d) Before reviewing any application for a permit, the secretary may request that the attorney general perform a comprehensive criminal background investigation of the applicant; or in the case of a corporate applicant, any principal, shareholder or other person capable of exercising total or partial control of the corporation. The secretary may reject the application prior to conducting an investigation into the merits of the application if the secretary finds that serious criminal violations have been committed by the applicant or a principal of the corporation.

(e) (1) The fees for a solid waste processing or disposal permit shall be established by rules and regulations adopted by the secretary. The fee for the application and original permit shall not exceed \$5,000. Except as provided by paragraph (2), the annual permit renewal fee shall not exceed \$2,000. No refund shall be made in case of revocation. In establishing fees for a construction and demolition landfill, the secretary shall adopt a differential fee schedule based upon the volume of construction and demolition waste to be disposed of at such landfill. All fees shall be deposited in the state treasury and credited to the solid waste management fund. A city, county, other political subdivision or state agency shall be exempt from payment of the fee but shall meet all other provisions of this act.

(2) The annual permit renewal fee for a solid waste disposal area which is permitted by the secretary, owned ~~and~~ or operated by the facility generating the waste and used only for industrial waste generated by such facility shall be not less than \$1,000 nor more than \$4,000. In establishing fees for such disposal areas, the secretary shall adopt a differential fee schedule based upon the characteristics of the disposal area sites.

(f) Plans, designs and relevant data for the construction of solid waste processing facilities and disposal sites shall be prepared by a professional engineer licensed to practice in Kansas and shall be submitted to the department for approval prior to the construction, alteration or operation of such facility or area. In adopting rules and regulations, the secretary may specify sites, areas or facilities where the environmental impact is minimal and may waive such preparation requirements provided that a review of such plans is conducted by a professional engineer licensed to practice in Kansas.

(g) Each permit granted by the secretary, as provided in this act, shall be subject to such conditions as the secretary deems necessary to protect human health and the environment and to conserve the sites. Such conditions shall include approval by the secretary of the types and quantities of solid waste allowable for processing or disposal at the permitted location.

(h) ~~As a condition of granting~~ Before issuing or renewing a permit to operate ~~any~~ a solid waste processing facility or solid waste disposal area ~~for solid waste~~, the secretary shall require the permittee to: ~~demonstrate that funds are available to ensure payment of the cost of closure and postclosure care and provide liability insurance for accidental occurrences at the permitted facility.~~ (1) ~~Provide~~ If the permittee owns the land where the solid waste processing facility or disposal area is located or the permit for the facility was issued before the date this act is published in the Kansas register, the permittee shall satisfy the financial assurance requirement for closure and postclosure care by providing a trust fund, a surety bond guaranteeing payment, an irrevocable letter of credit or insurance policy, ~~to pay the costs of closure and postclosure care, or~~ (2) ~~pass~~ by passing a financial test or ~~obtain~~ obtaining a financial guarantee from a related entity, to guarantee the future availability of funds ~~to pay the costs of closure and postclosure care.~~ The secretary shall prescribe the methods to be used by a permittee to demonstrate sufficient financial strength to become eligible to use a financial test or a financial guarantee procedure in lieu of providing the ~~other~~ financial instruments ~~listed in (1) above.~~ Solid waste processing facilities or disposal areas, except municipal solid waste landfills, may also demonstrate financial assurance ~~for closure and postclosure care~~ costs by use of ad valorem taxing power. ~~In addition, the~~ (2) ~~If the permittee does not own the land where the solid waste processing facility or disposal area is located and the permit for the facility is issued after~~

the date this act is published in the Kansas register, the permittee shall satisfy the financial assurance requirement for closure and post-closure care by providing a trust fund, a surety bond guaranteeing payment, or an irrevocable letter of credit.

(3) The secretary shall require ~~the~~ each permittee of a solid waste processing facility or disposal area to provide liability insurance coverage during the period that the facility or area is active, and during the term of the facility or area is subject to postclosure care, in such amount as determined by the secretary to insure the financial responsibility of the permittee for accidental occurrences at the site of the facility or area. Any such liability insurance as may be required pursuant to this subsection or pursuant to the rules and regulations of the secretary shall be issued by an insurance company authorized to do business in Kansas or by a licensed insurance agent operating under authority of K.S.A. 40-246b, and amendments thereto, and shall be subject to the insurer's policy provisions filed with and approved by the commissioner of insurance pursuant to K.S.A. 40-216, and amendments thereto, except as authorized by K.S.A. 40-246b, and amendments thereto. Nothing contained in this subsection shall be deemed to apply to any state agency or department or agency of the federal government.

(i) (1) Permits granted by the secretary as provided by this act shall not be transferable except as follows:

(A) A permit for a solid waste disposal area may be transferred if the area is permitted for only solid waste produced on site from manufacturing and industrial processes or on-site construction or demolition activities and the only change in the permit is a name change resulting from a merger, acquisition, sale, corporate restructuring or other business transaction.

(B) A permit for a solid waste disposal area or a solid waste processing facility may be transferred if the secretary approves of the transfer based upon information submitted to the secretary sufficient to conduct a background investigation of the new owner as specified in subsections (c) and (d) of K.S.A. 65-3407, and amendments thereto, and a financial assurance evaluation as specified in subsection (h) of K.S.A. 65-3407, and amendments thereto. Such information shall be submitted to the secretary not more than one year nor less than 60 days before the transfer. If the secretary does not approve or disapprove the transfer within 30 days after all required information is submitted to the secretary, the transfer shall be deemed to have been approved.

(2) Permits granted by the secretary as provided by this act shall be revocable or subject to suspension whenever the secretary shall determine that the solid waste processing or disposal facility or area is, or has been constructed or operated in violation of this act or the rules and regulations or standards adopted pursuant to the act, or is creating or threatens to create a hazard to persons or property in the area or to the environment, or is creating or threatens to create a public nuisance, or upon the failure to make payment of any fee required under this act.

(3) The secretary also may revoke, suspend or refuse to issue a permit when the secretary determines that past or continuing violations of the provisions of K.S.A. 65-3409, subsection (c)(3) of K.S.A. 65-3407 or K.S.A. 65-3424b, and amendments thereto, have been committed by a permittee, or any principal, shareholder or other person capable of exercising partial or total control over a permittee.

(j) Except as otherwise provided by subsection (i)(1), the secretary may require a new permit application to be submitted for a solid waste processing facility or a solid waste disposal area in response to any change, either directly or indirectly, in ownership or control of the permitted real property or the existing permittee.

(k) In case any permit is denied, suspended or revoked the person, city, county or other political subdivision or state agency may request a hearing before the secretary in accordance with K.S.A. 65-3412, and amendments thereto.

(l) (1) No permit to construct or operate a solid waste disposal area shall be issued on or after the effective date of this act if such area is located within ½ mile of a navigable stream used for interstate

commerce or within one mile of an intake point for any public surface water supply system.

(2) Any permit, issued before the effective date of this act, to construct or operate a solid waste disposal area is hereby declared void if such area is not yet in operation and is located within ½ mile of a navigable stream used for interstate commerce or within one mile of an intake point for any public surface water supply system.

(3) The provisions of this subsection shall not be construed to prohibit: (A) Issuance of a permit for lateral expansion onto land contiguous to a permitted solid waste disposal area in operation on the effective date of this act; (B) issuance of a permit for a solid waste disposal area for disposal of a solid waste by-product produced on-site; (C) renewal of an existing permit for a solid waste area in operation on the effective date of this act; or (D) activities which are regulated under K.S.A. 65-163 through 65-165 or 65-171d, and amendments thereto.

(m) Before reviewing any application for a solid waste processing facility or solid waste disposal area, the secretary shall require the following information as part of the application:

(1) Certification by the board of county commissioners or the mayor of a designated city responsible for the development and adoption of the solid waste management plan for the location where the processing facility or disposal area is or will be located that the processing facility or disposal area is consistent with the plan. This certification shall not apply to a solid waste disposal area for disposal of only solid waste produced on site from manufacturing and industrial processes or from on-site construction or demolition activities.

(2) If the location is zoned, certification by the local planning and zoning authority that the processing facility or disposal area is consistent with local land use restrictions or, if the location is not zoned, certification from the board of county commissioners that the processing facility or disposal area is compatible with surrounding land use.

(3) For a solid waste disposal area permit issued on or after July 1, 1999, proof that the ~~permittee~~ applicant either owns the land where the disposal area will be located or operates the solid waste disposal area for an adjacent or on-site industrial facility, if the disposal area is: (A) A municipal solid waste landfill; or (B) a solid waste disposal area that has: (i) A leachate or gas collection or treatment system; (ii) waste containment systems or appurtenances with planned maintenance schedules; or (iii) an environmental monitoring system with planned maintenance schedules or periodic sampling and analysis requirements. ~~This requirement~~ If the applicant does not own the land, the applicant shall also provide proof that the applicant has acquired and duly recorded an easement to the landfill property. The easement shall authorize the applicant to carry out landfill operations, closure, post-closure care, monitoring, and all related construction activities on the landfill property as required by applicable solid waste laws and regulations, as established in permit conditions, or as ordered or directed by the secretary. Such easement shall run with the land if the landfill property is transferred and the easement may only be vacated with the consent of the secretary. These requirements shall not apply to a permit for lateral or vertical expansion contiguous to a permitted solid waste disposal area in operation on July 1, 1999, if such expansion is on land leased by the permittee before April 1, 1999.

Sec. 3. K.S.A. 65-3415b is hereby amended to read as follows: 65-3415b. (a) There is hereby imposed a state solid waste tonnage fee of \$1.00 for each ton or equivalent volume of solid waste disposed of at any solid waste disposal area in this state other than solid waste enumerated in subsection (c) or solid waste disposal authorized by the secretary pursuant to subsection (a) of K.S.A. 65-3407c, and amendments thereto.

(b) There is hereby imposed a state solid waste tonnage fee of \$1.00 for each ton or equivalent volume of solid waste transferred out of Kansas through a transfer station, other than waste enumerated in subsection (c).

(continued)

- (c) The fees imposed by this section shall not apply to:
 - (1) Any waste tire, as defined by K.S.A. 65-3424, and amendments thereto, disposed in or at a permitted solid waste disposal area;
 - (2) sludges from public drinking water supply treatment plants, when disposed of at a monofill permitted by the secretary;
 - (3) clean rubble;
 - (4) solid waste solely consisting of vegetation from land clearing and grubbing, utility maintenance and seasonal or storm-related cleanup but such exception shall not apply to yard waste;
 - (5) construction and demolition waste disposed of by the federal government, by the state of Kansas, or by any city, county or other unit of local government in the state of Kansas, or by any person on behalf thereof; and
 - (6) industrial waste disposed of at a solid waste disposal area which is permitted by the secretary, ~~and is owned and operated by the~~ or operated by or for the industrial facility generating the waste and which is used only for industrial waste generated by such industrial facility.
- (d) The operator of a solid waste disposal area or transfer station shall pay the fee imposed by this section.
- (e) The secretary of health and environment shall administer, enforce and collect the fee imposed by this section. The secretary

shall have the authority to waive such fee when large quantities of waste are generated due to major natural disasters such as floods, tornados and fires unless persons paying such fees are able to recover such fees from the federal government. Except as otherwise provided by subsections (a) and (b), all laws and rules and regulations of the secretary of revenue relating to the administration, enforcement and collection of the retailers' sales tax shall apply to such fee insofar as they can be made applicable. The secretary of health and environment shall adopt any other rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

(f) The secretary of health and environment shall remit all monies collected from fees imposed pursuant to subsections (a) and (b) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the solid waste management fund created by K.S.A. 65-3415a, and amendments thereto.

Sec. 4. K.S.A. 65-3407 and 65-3415b and K.S.A. 2005 Supp. 65-3402 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*.

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1-2-30	Revoked	V. 24, p. 849
1-2-31	Amended	V. 24, p. 849
1-2-43a	New	V. 24, p. 849
1-2-44	Amended	V. 24, p. 849
1-2-46	Amended	V. 24, p. 849
1-2-74	Amended	V. 24, p. 850
1-2-84a	Revoked	V. 24, p. 850
1-2-84b	Revoked	V. 24, p. 850
1-2-97	Amended	V. 24, p. 850
1-3-2	Revoked	V. 24, p. 850
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1-4-5	Amended	V. 24, p. 850
1-4-7	Amended	V. 24, p. 850
1-4-8	Amended	V. 24, p. 851
1-5-8	Amended	V. 24, p. 851
1-5-9	Amended	V. 24, p. 852
1-5-14	Amended	V. 24, p. 852
1-5-15	Amended	V. 24, p. 852
1-5-19c	Amended	V. 24, p. 853
1-5-20	Amended	V. 24, p. 853
1-5-24	Amended	V. 24, p. 853
1-5-30	Amended	V. 24, p. 855
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1-6-8	Amended	V. 24, p. 855
1-6-27	Amended	V. 24, p. 856
1-6-29	Amended	V. 24, p. 856
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1-7-10	Amended	V. 24, p. 858
1-7-11	Amended	V. 24, p. 858

1-7-12	Amended	V. 24, p. 859
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1-8-4	Amended	V. 24, p. 859
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1-8-6	Amended	V. 24, p. 860
1-9-1	Amended	V. 24, p. 860
1-9-2	Amended	V. 24, p. 860
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1-9-19	Amended	V. 24, p. 861
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1-9-20	Amended	V. 24, p. 863
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1-9-27	Revoked	V. 24, p. 865
1-10-6	Revoked	V. 24, p. 865
1-10-7	Revoked	V. 24, p. 865
1-10-10	Revoked	V. 24, p. 865
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1-11-1	Amended	V. 24, p. 865
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1-12-1	Amended	V. 24, p. 865
1-12-2	Amended	V. 24, p. 865
1-13-1a	Amended	V. 24, p. 866
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4-8-34	Amended (T)	V. 24, p. 958
4-15-7	Amended	V. 24, p. 550
4-15-8	Amended	V. 24, p. 550
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5-16-5	Amended	V. 24, p. 1850

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7-41-1	Amended	V. 24, p. 1244
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7-42-1 through 7-42-5	New	V. 24, p. 1469, 1470
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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
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28-16-58	Amended	V. 24, p. 52
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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		
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28-19-578	Revoked	V. 24, p. 1440
28-30-200		
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28-30-207	New	V. 24, p. 1470-1474
28-35-135	Revoked	V. 24, p. 1830
28-35-135a		
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28-35-135i	New	V. 24, p. 1830
28-35-135k		
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28-35-135y	New	V. 24, p. 1830
28-35-136	Revoked	V. 24, p. 1830
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28-35-154	Amended	V. 24, p. 1830
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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
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28-35-176a	Amended	V. 24, p. 1830
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28-35-178a	Amended	V. 24, p. 1830
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28-35-180a	Amended	V. 24, p. 1830
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28-35-193b	Revoked	V. 24, p. 1830
28-35-195a	Amended	V. 24, p. 1830
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28-35-212b	Amended	V. 24, p. 1831
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28-35-212e	Amended	V. 24, p. 1831
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28-35-217a	Amended	V. 24, p. 1831
28-35-219a	Amended	V. 24, p. 1831
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28-35-224a	Amended	V. 24, p. 1831
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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
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28-35-247	Revoked	V. 24, p. 1831
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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
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28-35-261	Revoked	V. 24, p. 1831
28-35-262	Revoked	V. 24, p. 1831
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28-35-274	Amended	V. 24, p. 1831
28-35-276	Amended	V. 24, p. 1831
28-35-277	Revoked	V. 24, p. 1831
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28-35-278	Amended	V. 24, p. 1831
28-35-279	Amended	V. 24, p. 1831
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28-35-281	Amended	V. 24, p. 1831
28-35-282	Amended	V. 24, p. 1831
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28-35-283	Amended	V. 24, p. 1831
28-35-284	Amended	V. 24, p. 1831
28-35-285	Amended	V. 24, p. 1831
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28-35-288	Amended	V. 24, p. 1831
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28-35-292	New	V. 24, p. 1831
28-35-293	New	V. 24, p. 1831
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28-35-299	Amended	V. 24, p. 1831
28-35-308	Amended	V. 24, p. 1831
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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
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28-35-350	Amended	V. 24, p. 1831
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28-35-357	Amended	V. 24, p. 1831
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30-10-19	Amended	V. 24, p. 495
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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

**AGENCY 75: OFFICE OF THE
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
92-12-4	Revoked	V. 25, p. 252
92-12-4a	New	V. 25, p. 252
92-12-5	Revoked	V. 25, p. 254
92-12-113	New	V. 24, p. 423
92-12-120	New	V. 25, p. 254
92-12-121	New	V. 25, p. 254
92-12-130	New	V. 25, p. 254
92-19-22a	Amended	V. 25, p. 254
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
92-51-41	Amended	V. 25, p. 255
92-51-41a	New	V. 25, p. 255

**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
100-25-1	through	
100-25-5	New	V. 25, p. 213-216
100-26-1	Amended (T)	V. 24, p. 1877
100-26-1	Amended	V. 25, p. 217
100-26-2	New (T)	V. 24, p. 1877
100-26-2	New	V. 25, p. 217
100-26-3	New (T)	V. 24, p. 1878
100-26-3	New	V. 25, p. 217
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. The following regulations were filed after January 1, 2006:

Reg. No.	Action	Register
111-4-2342		
through		
111-4-2349	New	V. 25, p. 217-221
111-4-2350		
through		
111-4-2362	New	V. 25, p. 311-319
111-4-2363		
through		
111-4-2382	New	V. 25, p. 339-351
111-6-1	Amended	V. 25, p. 222
111-7-81	Amended	V. 25, p. 319
111-9-130		
through		
111-9-133	New	V. 25, p. 351-353
111-11-1	Amended	V. 25, p. 223

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. 25, p. 335
115-2-4	Amended	V. 25, p. 336
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. 25, p. 336
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
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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		
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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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