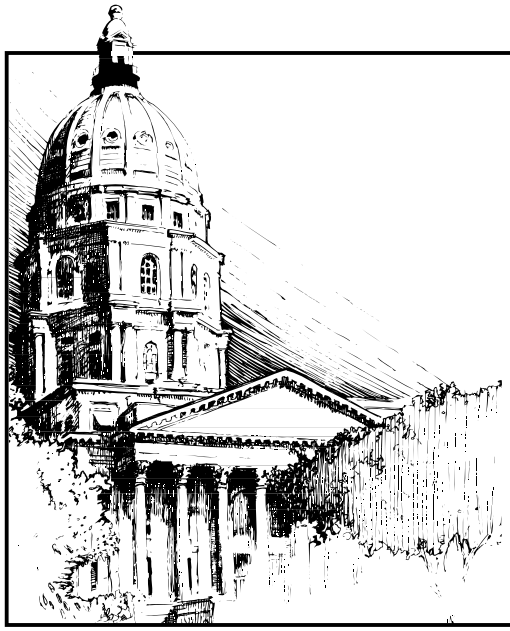

# Kansas Register

**Ron Thornburgh, Secretary of State**

**Vol. 26, No. 20 May 17, 2007 Pages 801-864**

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**State of Kansas**

## Kansas Rehabilitation Services

### Notice of Hearing

Kansas Rehabilitation Services (KRS) invites individuals and organizations interested in employment services for people with disabilities to participate in a public hearing from 1 to 2:30 p.m. Friday, June 22. The hearing will be an interactive Webcast facilitated by Michael Donnelly, KRS director. The focus of the information and discussions will be the submission of the agency's 2008-2010 State Plan for Vocational Rehabilitation and Supported Employment Services.

The interactive Webcast will use technology to connect people in 12 Kansas communities through a live audio and video broadcast. In addition, participants in each location will be able to share their comments or questions, which will be broadcast live to the following locations:

**Emporia**
Myers Conference Room, SRS Service Center
1701 Wheeler

**Hays**
Gray Room, SRS Service Center
300 Broadway

**Hutchinson (South)**
Kansas Room, SRS Service Center
600 Andrew

**Garden City**
Bunker Conference Room, SRS Service Center
1710 Palace Drive

**Kansas City**
5th Floor Conference Room, SRS Service Center
400 State, Gateway I

**Lawrence**
Conference Room 1, SRS Service Center
1901 Delaware

**Manhattan**
SRS Service Center
2709 Amherst

**Overland Park**
Sunflower Room, SRS Service Center
8915 Lenexa Drive

**Parsons**
SRS Service Center
300 N. 17th

**Topeka**
SRS Learning Center
2nd and MacVicar

**Salina**
SRS Service Center
901 Westchester

**Wichita**
Conference Room 5082, SRS Service Center
Finney State Office Building
230 E. William

Prior to the hearing, individuals may review the draft state plan at www.srskansas.org/rehab/text/state_plan/2008.htm.

Individuals who wish to submit comments in writing may e-mail their comments to krsstateplan@srs.ks.gov.

To request a sign language interpreter or other accommodation for the hearing, please e-mail the address above or call toll-free (866) 213-9079 or (800) 432-0698 (TDD) not later than June 12. All hearing sites are accessible.

Kansas Rehabilitation Services, a part of the Kansas Department of Social and Rehabilitation Services, supports individuals with disabilities to pursue and achieve their employment goals.

Michael Donnelly
Director

**Doc. No. 034444**

**State of Kansas**

## Kansas Development Finance Authority

### Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 31, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower 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. 000695—Maximum Principal Amount: $43,654.82.** Owner/Operator: Darcy and Keela Nickel. Description: Acquisition of 80 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 Darcy and Keela Nickel and is located at Section 19, West Branch Township, Marion County, Kansas, approximately 1 mile west of Goessel then 2.5 miles south.

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. 034449**

**State of Kansas**

## University of Kansas

### Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web sight at http://www.purchasing.ku.edu/ for a complete list of all goods and services currently out for bid. For persons without Internet access, paper postings of all open bids may be reviewed at the Purchasing Services office, 1246 W. Campus Road, Room 7, Lawrence. Copies of current bids may be requested by contacting the Purchasing Services office at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at purchasing@ku.edu.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

**Doc. No. 034427**

**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:

| | | |
|---|---|---|
| 05/29/2007 | 10449 | Compact Wheel Loader |
| 05/29/2007 | 10451 | Sweeper, Vacuum Street |
| 05/29/2007 | 10453 | Miscellaneous Groceries, Canned and Frozen Foods |
| 05/29/2007 | 10461 | Underground Fuel Storage Tank |
| 05/30/2007 | 10470 | Furnish and Install Chain Link Fence |
| 05/31/2007 | 10466 | Abandoned Well Plugging |
| 05/31/2007 | 10467 | Abandoned Well Plugging |
| 06/01/2007 | 07962-Rebid | Clothing, Seasonal |
| 06/12/2007 | 10469 | Janitorial Services |
| 06/12/2007 | 10479 | Furnish and Install — Plasma Spray Coating System |
| 06/13/2007 | 10473 | Consulting Services — Expanded Lottery Act, 2007 |

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

http://www.da.ks.gov/purch/

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. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

| | | |
|---|---|---|
| 05/31/2007 | A-010423 | Brennan Hall 2 and 3 Carpet Replacement, Wichita State University |
| 05/31/2007 | A-010437 | Roof Replacement — Grace Memorial Chapel, Wichita State University |
| 06/05/2007 | A-010405 | Facility Window Replacement — Various Locations, Atchison Juvenile Correctional Facility |
| 06/12/2007 | A-010237 | District 1 Office Tuckpoint and Waterproof, Topeka |
| 06/12/2007 | A-010416 | Steam and Chilled Water Piping Replacement, Corbin Education Center, Wichita State University |
| 06/12/2007 | A-010282 | Lighting Improvements — Parking Lot 9E and 9W, Wichita State University |
| 06/12/2007 | A-010363 | Campus Stand-by Power Generators, Kansas Soldiers' Home, Fort Dodge |

Chris Howe
Director of Purchases

**Doc. No. 034450**

**State of Kansas**

## Department of Revenue

### Notice of Available Publications

Listed below are all the Private Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for March and April 2007. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

**Private Letter Rulings**

| | |
|---|---|
| P-2007-001 | Breeding of horses for resale. |
| P-2007-002 | Host site for a community-wide grocery relief program. |
| P-2007-003 | Labor services related to original construction. |

**Opinion Letters**

No New Publications

**Final Written Determinations**

No New Publications

**Revenue Rulings**

No New Publications

**Notices**

No New Publications

**Memorandums**

No New Publications

**Property Valuation Division Directives**

No New Publications

**Q&A's**

No New Publications

**Information Guides**

| | |
|---|---|
| Info Guide | Lawn & Garden Care, Pest Control, Fertilizer Application |
| EDU-30 | Landscaping & Retail Sales |
| Info Guide | Tanning Salons Self-Audit Fact Sheet |

Joan Wagnon
Secretary of Revenue

**Doc. No. 034435**

**State of Kansas**

## Board of Emergency Medical Services

### Notice of Meetings

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 1, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Committee meetings will be held beginning at 9 a.m. Thursday, May 31, at the same location. Items on the agenda for the board meeting can be found on the board's Web site at http://www.ksbems.org.

All meetings of the board are open to the public. For more information, contact the administrator, Room 1031, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1228, (785) 296-7296.

Robert Waller
Administrator

**Doc. No. 034443**

**State of Kansas**

## Kansas Lottery

### Application and Review Procedures for Lottery Gaming Facility Manager Contracts Pursuant to the Kansas Expanded Lottery Act

**Introduction.**

Senate Bill 66 (SB 66), otherwise known as the Kansas Expanded Lottery Act (KELA), was enacted by the 2007 Kansas Legislature. The Act became effective on April 19, 2007. SB 66 may be viewed on the official Website of the Kansas Lottery at www.kslottery.com. Applicants desiring to become a ''Lottery Gaming Facility Manager'' (Manager) within any ''Gaming Zone'' in the State of Kansas, as those terms are defined in the KELA, are advised to familiarize themselves with the provisions of SB 66 and any amendments thereto.

The Kansas Lottery (Lottery) shall own and operate, and the Kansas Racing and Gaming Commission (KRGC) shall regulate, all gaming conducted at the Gaming Facilities authorized by SB 66. SB 66 places with the Lottery full, complete and ultimate ownership and operational control of all such gaming operations. The Lottery's ownership and operational control include, but are not limited to, the following rights and authorities:

1. To designate what table games and electronic gaming machines will be played at each facility;
2. To require the manager to lease or purchase gaming machines on behalf of the Lottery;
3. The ability to deactivate any or all machines from play at any time;
4. The right to choose the central computer system operating the games;
5. The power to audit all aspects of the gaming operations;
6. To determine qualifications of employees at the gaming facilities; and,
7. The ability to overrule any action of the Manager affecting the gaming operation without prior notice.

Nothing contained in the following application and review procedure is in any way intended to limit or otherwise affect the Lottery's rights of ownership and operational control.

**Application and Review Procedure.**

**1. Duty to Monitor Website.** These procedures and other matters pertaining thereto will be posted on the official Website of the Kansas Lottery as referenced above, and are subject to amendment at any time. All prospective Managers shall be responsible for monitoring said Website for any changes or additions to this procedure or matters pertaining thereto. Once in final form, an application form will also be posted on said Website.

**2. Definitions.** All definitions set forth in the K.S.A. 74-8702, and amendments thereto, shall apply to the procedures set forth herein, unless the context of the word or term clearly indicates a contrary meaning.

**3. Application Procedure for Lottery Gaming Facility Manager Applicant.**

(a) All persons or other entities applying to become a Lottery Gaming Facility Manager pursuant to the KELA shall meet the minimum requirements as provided in the KELA, New Section 2(g). In order to have an application to become a Lottery Gaming Facility Manager considered by the Kansas Lottery Commission (Commission), an applicant shall provide information to the Commission and otherwise prove to the satisfaction of the Commission that it:

(1) has sufficient access to financial resources to support the activities required of a Lottery Gaming Facility Manager under the KELA;

(2) has no less than three (3) consecutive years' experience in the management of gaming which would be class III gaming, as defined in K.S.A. 46-2301, and amendments thereto, operated pursuant to state or federal law; and,

(3) is current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the State of Kansas and any taxing subdivision where such prospective manager is located in the State of Kansas, excluding items under formal appeal pursuant to applicable statutes, except that the requirements set forth in this subsection 3 shall not apply to any resident Kansas American Indian tribe.

(b) Each applicant shall complete all information upon the written application form provided by the Commission, and shall include the following as an appendage thereto:

(1) a proposed contract that includes at a minimum the terms and conditions set forth in the KELA, new sections 3(h) and 3(l), along with such other terms and conditions as may be required by the Commission along with those proposed by the applicant. Once completed by the Lottery, minimum mandatory standard contract provisions will be posted on the Lottery's official Website;

(2) all documents and other attachments as may be required in the application;

(3) such additional documents and other information as the Commission may at any time require; and,

(4) a table of contents for the application and all appendages thereto, with all sections and appendages clearly tab indexed.

*(continued)*

(c) Responses to all application questions, and all documents supporting the application, shall be typed or printed on 8.5 by 11-inch white paper in 12-point font or larger, with margins on each page of no less than one inch in width. All pages shall be numbered in continuous numerical sequence. Each and every question on the application shall be answered with no question left blank. In the event a question does not apply to applicant the words ''Not applicable'' or ''N/A'' shall be inserted.

(d) Each applicant shall disclose, and as applicable provide supporting documentation for, the following:

(1) A detailed rendering and other descriptions of the proposed ''Lottery Gaming Enterprise,'' as that term is defined in the KELA, New Section 1(k), including but not necessarily limited to the size of the gaming facility itself, the site, buildings, parking, amenities, and all other improvements proposed for the Lottery Gaming Enterprise;

(2) the geographic area in the State of Kansas in which the Lottery Gaming Enterprise is to be located, including the name of the governing municipality;

(3) an analysis of the proposed Lottery Gaming Enterprise's location as a tourist and entertainment destination designed to attract consumers residing outside the immediate area of the enterprise;

(4) an estimate of the number of patrons that would be attracted to the proposed Lottery Gaming Enterprise each year, including an estimate of the number of tourist patrons that reside outside the State of Kansas;

(5) an estimate of the number of patrons that would be attracted to the proposed Lottery Gaming Facility each year, including an estimate of the number of tourist patrons that reside outside the State of Kansas;

(6) the number and type of Lottery Facility Games, as that term is defined in the KELA, proposed to be operated at the gaming facility at start-up of the operation and a projection of any anticipated expansion over the next five (5) years;

(7) proposals and agreements related to all Ancillary Lottery Gaming Facility Operations, as that term is defined in the KELA;

(8) utilizing the date of final execution of a binding contract to operate a Lottery Gaming Enterprise as the point of beginning, an estimated timeline for all major events related to the project, including but not necessarily limited to:

(a) approval of zoning and planning requirements by the city and/or county in which the Lottery Gaming Enterprise is to be located;

(b) commencement of construction on the Lottery Gaming Facility;

(c) commencement of construction on the Ancillary Gaming Facility Operations;

(d) completion of construction on the Lottery Gaming Facility;

(e) completion of construction on the Ancillary Gaming Facility Operations;

(f) commencement of actual gaming in the Lottery Gaming Facility, and if the facility will not be completely operational on that date, the expected percentage of gaming that will be in operation;

(g) commencement of activities in each of the Ancillary Gaming Facility Operations; and,

(h) such other key dates or milestones the applicant deems relevant.

(9) information sufficient to demonstrate that:

(a) the proposed Lottery Gaming Enterprise, will consist of an investment in infrastructure of no less than $225,000,000, except in the Southwest Kansas Gaming Zone as defined in K.S.A. 74-8702(f), which shall be in an amount no less than $50,000,000;

(b) none of the minimum amount of said investment in infrastructure will be derived from or financed by state or local retailers' sales tax revenues, and no part of the financing for the Lottery Gaming Facility will be derived from revenue bonds, tax increment financing, or similar financing;

(c) the power of eminent domain has not been used, and will not be used, to acquire any interest in real property for use in the lottery gaming enterprise;

(d) applicant owns the real property upon which the Lottery Gaming Enterprise is to be located, has a binding option to purchase said real property, or otherwise has the right to occupy said real property for said purposes;

(e) applicant has received, or a disclosure of when applicant is expected to receive, any necessary approval under planning and zoning requirements of the municipality and/or county in which the Lottery Gaming Facility is to be located; and,

(f) applicant has received a resolution of endorsement from the city governing body, if the proposed Lottery Gaming Enterprise is within the corporate limits of a city, or from the county commission, if the proposed Lottery Gaming Enterprise is located in the unincorporated area of the county.

(10) a description of:

(a) the equipment and plans proposed by applicant to directly link all gaming machines in the Lottery Gaming Facility to a central computer system to provide monitoring, auditing and other available program information to the Lottery;

(b) the equipment and plans proposed by applicant to require all gaming machines to be on-line and in constant communication with a central computer situated at a location determined by the Executive Director of the Lottery; and,

(c) the ability of each machine to be individually deactivated by order of the Executive Director of the Lottery.

(11) the name, address, telephone number, and other identifying information regarding each ''affiliated person'' and ''state or local official,'' as those terms are defined in the KELA, New Section 31, who holds, directly or indirectly, an interest in, is to be employed by, or will represent or appear for the lottery gaming facility, or for the Lottery Gaming Facility Manager, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter; and,

(12) the name, address, telephone number, and other identifying information regarding any ''person,'' as defined by K.S.A. 74-8702(x), in any way affiliated with the applicant who is, or who is proposed to be, the manager of a racetrack gaming facility located in the same gaming zone as the Lottery Gaming Facility proposed by the application.

(e) Each application and all documents appended thereto shall be submitted as a single package. An original and twenty (20) copies of the application and documents shall be filed with the Executive Director as provided in section (f). Each application shall be verified under oath by the authorized officer or officers of the applicant, shall be dated, and shall be manually signed in ink.

(f) In order for an application to be considered, and unless otherwise extended by the Commission or Governor of the State of Kansas, the application along with all documents and other items supporting the application shall be delivered by applicant or common carrier to the Executive Director of the Kansas Lottery, 128 N. Kansas Avenue, Topeka, Kansas 66603. The application and all documents and other items supporting the application must be actually received by the Kansas Lottery at said address not later than 5:00 p.m. CDST on the ninetieth (90th) calendar day following the later of:

(1) Official certification of the results of the special election required by the KELA, New Section 6, in the county in which the proposed Lottery Gaming Facility is to be located; or,

(2) Official certification of the results of the special election required by the KELA, New Section 6, in the other county (if any) within the same Gaming Zone in which the Lottery Gaming Facility is to be located.

In either instance if the ninety-day period expires on a weekend, holiday, or other non-business day of the Kansas Lottery, the deadline shall be extended to the next business day of the Kansas Lottery.

(g) All applications and supporting documents shall also be subject to the following:

(1) They shall be delivered in sturdy boxes or other containers clearly marked with the name of the applicant and which boxes or containers comprise the original and each set of copies;

(2) If delivered by common carrier, applicant shall cause written proof of delivery to be included in the delivery thereof and produce a copy of said proof of delivery if so requested by the Commission;

(3) If delivered other than by common carrier, the applicant will be provided a written receipt of delivery by the Lottery; and,

(4) Applications and supporting documents may also be delivered on any Kansas Lottery business day prior to the deadline set forth above, but if delivery will be prior to said date it is requested the applicant notify the Executive Director of the Lottery at least one business day prior to delivery if other than by common carrier, or the estimated day of delivery if by common carrier.

(h) The Commission or the Executive Director may in their sole discretion require any or all applicants to produce or provide by a date certain such additional documents, information, testimony, or other items as they deem appropriate under the circumstances.

(i) Each exhibit, statement, report, paper or other document submitted in support of the application shall be current, accurate and complete, and any change in any of said items shall be reported immediately to the Executive Director.

**4. Review of Applications and Execution of a Contract.**

(a) Upon expiration of the deadline established by the Commission for the receipt of applications for Lottery Gaming Facility Managers, the Commission shall review all applications and related documents submitted as provided by the procedures herein.

(b) The Commission may conduct hearings, solicit testimony, consult with experts, request additional information, seek clarification, or take such other action as may be deemed appropriate by the Commission in order to determine if a contract and related documents submitted as provided by these rules meet the minimum requirements set forth in the KELA and these procedures.

(c) Not later than ninety (90) days after the deadline for submission of proposals as provided in these rules, or as otherwise extended by the Governor of the State of Kansas as provided in the KELA, the Executive Director and each qualifying prospective Lottery Gaming Facility Manager shall execute a contract.

(d) Not later than thirty (30) days after approval of a contract by the Commission, the prospective Lottery Gaming Facility Manager shall pay to the Treasurer of the State of Kansas for deposit into the Lottery Gaming Facility Manager fund the statutory privilege fee of $25,000,000, except that the privilege fee for a prospective Lottery Gaming Facility manager in the Southwest Kansas Gaming Zone shall be $5,500,000. In the event any privilege fee is not paid within thirty (30) days of approval of the underlying contract, that contract shall be deemed null and void.

(e) Pursuant to the KELA, New Section 4, all contracts executed as provided in subsection (c) shall be transmitted to the Lottery Gaming Facility Review Board (Board) for further review and consideration.

(f) In the event the Board returns any proposed contract to the Executive Director for further negotiations, the Executive Director shall take such other and further action on the application as is deemed appropriate by the Executive Director.

(g) In the event the Board refers a prospective Manager to the KRGC for the background investigation required by the KELA, but the KRGC does not approve the background of the prospective Lottery Gaming Facility Manager, or the directors, officers and other persons having an interest in such prospective Manager, the Executive Director shall recommence the process for selection of said Lottery Gaming Facility Manager.

**Questions and Other Inquiries.**

In the event you have questions or would like to make further inquiry about the application and review process for Lottery Gaming Facility Managers under the KELA, you are urged to first review the information provided on the Kansas Lottery's official Website (www.kslottery.com), which information may be amended or otherwise revised from time to time (see ''Duty to Monitor Website,'' above). If further inquiry is required, you may contact Keith Kocher, Assistant Attorney General, Kansas Lottery, 128 N. Kansas Ave., Topeka, KS 66603-3638, (785) 296-5706, (785) 296-5722 (fax), keith.kocher@kslottery.net.

Ed Van Petten
Executive Director

Doc. No. 034430

(Published in the Kansas Register May 17, 2007.)

## 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, June 15, for the following project:

**(KDOT Project No. 87 TE-155-01/472-84405/207429)**
**(OCA Code 706963)**
**Paving**

Arkansas River Bike Path Enhancement Project

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. 034440**

**State of Kansas**

## Department of Health and Environment

### Notice of Intent to Terminate Permits/Certificates

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued permits:

| Project/Facility | Project City | Document No. |
|---|---|---|
| Stonecreek (Phase II) | Manhattan | S-KS38-0018 |
| Bardshar Acres | Mt. Hope | S-AR62-0001 |
| Ferluga Yard | Edwardsville | S-KS14-0006 |
| Whispering Ridge | Kansas City | S-MO25-0002 |
| City of Topeka Project 70197-02 | Topeka | S-KS72-0098 |
| Walnut Creek Meadows | Wellsville | S-MC48-0007 |
| Excel Energy Phase II 345-kV to Lamar | Holcomb | S-UA18-0001 |
| Ted's Montana Grill | Leawood | S-KS32-0022 |
| Timber Lake | Overland Park | S-KS55-0020 |
| City of Shawnee - Monticello Park | Shawnee | S-KS68-0098 |
| Cedarcrest | Lenexa | S-KS34-0047 |
| Hillsboro Water System (Part 2) | Hillsboro | S-NE35-0002 |
| Haskell County Landfill (MSWLF) | Sublette | S-CI21-0002 |
| Kansas Army National Guard - Nickell Center | Topeka | S-KS72-0108 |
| Croco Plaza Subdivision Project | Topeka | S-KS72-0104 |
| New Horizons Center | Wichita | S-AR94-0167 |
| Remington Place | Wichita | S-AR94-0052 |
| Carmax Auto Superstore | Wichita | S-AR94-0298 |
| American Dream Building | Lenexa | S-KS34-0088 |
| Jo Co Wastewater Blue River #15 | Overland Park | S-KS55-0087 |
| Insight Properties | Overland Park | S-KS55-0088 |
| Gleason Glen | Lenexa | S-KS34-0016 |
| Jo Co Wastewater - Cedar Creek #3, Cont #4 | Lenexa | S-KS34-0050 |
| Falcon Valley Commercial, Lot 12 | Lenexa | S-KS34-0090 |
| Dickinson Theatres South Glen | Overland Park | S-KS55-0051 |
| Ranch Villas at Prairie Haven | Olathe | S-MO14-0023 |
| Town & Country Landscape | Stillwell | S-MO32-0005 |
| Jo Co Wastewater - Mill Creek #15 | Lenexa | S-KS34-0096 |
| Prairie Haven - 2nd Plat - Phase I | Olathe | S-KS52-0011 |
| BWR Project Prairie Ridge Plaza | Olathe | S-KS52-0067 |
| Holly Ridge Townhomes | Overland Park | S-KS55-0033 |
| Metcalf 159 Commercial Park | Overland Park | S-KS55-0034 |
| Tuscany Reserve | Leawood | S-KS32-0004 |
| Meadowlark Townhomes | Kansas City | S-KS27-0013 |
| Ashbury Addition #3 | Lawrence | S-KS31-0032 |
| Whispering Woods Villas | Bonner Springs | S-KS06-0004 |
| Grandview Country Addition | Colwich | S-AR24-0001 |
| Topeka - So Kansas River Sewer | Topeka | S-KS72-0076 |
| East Shawnee Lake Estates Sub. | Topeka | S-KS72-0021 |
| Estates of Prairie Haven - 4th Plat | Olathe | S-KS52-0030 |
| Burkdoll Addition | Edgerton | S-MC08-0003 |
| Midpoint Corporate Centre | Montezuma | S-KS14-0008 |
| Willowbrooke Farm | Lenexa | S-KS34-0014 |
| Fossil Rim Estates | Wichita | S-AR94-0062 |
| Sunflower Electric Wind Farm | Leoti | S-UA26-0004 |

Proposed Action: The Kansas Department of Health and Environment issued authorizations for stormwater discharges under of the Construction Stormwater General Permit for the above-named projects. K.A.R. 65-166a requires the secretary of KDHE to assess appropriate annual fees for authorizations/permits issued by the department and provides that failure to pay the annual fee shall be cause for revocation/termination of the authorization/permit. The authorized entities named above have failed to comply with the requirement to pay the annual fee. Therefore, pursuant to K.S.A. 65-166a, K.A.R. 28-16-60 and K.A.R. 28-16-62, KDHE is hereby providing notice of intent to terminate the authorizations associated with the projects named herein. The entity may reinstate the authorization by paying the appropriate annual fees.

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Pursuant to the requirements of K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued certificate:

| Name and Address | Legal Location | Document No. |
|---|---|---|
| Carp Brothers LLC<br>c/o Wallace Carp<br>2714 N. Hoover Road<br>Wichita, KS 67205 | NW¼, S2, T27S, R1W, Sedgwick County | A-ARSG-HA02 |

Description: The Kansas Department of Health and Environment issued Kansas Water Pollution Control Certificate No. A-ARSG-HA02 to Carp Brothers LLC, dba Carp Bros. Feedlot, 2714 N. Hoover Road, Wichita, KS 67205, for an 8,000-head swine feeding facility. During an inspection at the facility March 31, 2005, KDHE found that the facility represented a significant pollution potential and needed pollution controls to protect groundwater in the area. Kansas law requires a permit rather than a certification for facilities of this size and for facilities needing water pollution controls because of a significant pollution potential. Pursuant to K.S.A. 65-166a, KDHE is hereby providing notice of its intent to terminate the certificate to operate the swine facility until appropriate controls have been put in place and the permit is issued.

Roderick L. Bremby
Secretary of Health
and Environment

**Doc. No. 034442**

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-07-148/153 Pending Permits for Confined Feeding Facilities

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|---|
| George Bollin<br>17673 Logan Road<br>Leavenworth, KS 66048 | SE/4 of Section 29 & NW/4 of Section 33, Leavenworth County | Missouri River Basin |

Kansas Permit No. A-MOLV-S001

This is a renewal permit with a decrease in animal units for an existing facility for 522 head (208.8 animal units) of swine weighing greater than 55 pounds and 460 head (46 animal units) of swine weighing 55 pounds or less, for a total of 254.8 animal units of swine. The decrease in animal units is due to cattle no longer being confined on site.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|---|
| Meier Dairy, Inc.<br>Duane Meier<br>1571 3rd Road<br>Palmer, KS 66962 | S/2 of Section 16, T05S, R03E, Washington County | Big Blue River Basin |

Kansas Permit No. A-BBWS-D001 Federal Permit No. KS0092681

This is a renewal permit with an increase in animal units for an existing facility for 840 head (1,176 animal units) of mature dairy cattle and 230 head (115 animal units) of dairy calves for, a total of 1,291 animal units of dairy cattle. The increase in animal units is due to a change in the calculation of animal units.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|---|
| Belden Pork<br>Gary Belden<br>1196 320 Road<br>Beloit, KS 67420 | NW/4 of Section 11, T08S, R07W, Mitchell County | Solomon River Basin |

Kansas Permit No. A-SOMC-S020

This is a renewal permit for an existing facility with a maximum capacity of 936 head (374.4 animal units) of swine more than 55 pounds and 800 head (80 animal units) of swine 55 pounds or less.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|---|
| Francis R. Taphorn<br>862 14th Road<br>Marysville, KS 66508 | SW/4 of Section 08, T02S, R08E, Marshall County | Big Blue River Basin |

Kansas Permit No. A-BBMS-S001

This is a renewal permit for an existing facility for 850 head (340 animal units) of swine weighing greater than 55 pounds.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|---|
| Roger Koester<br>1442 N. 210 Road<br>Concordia, KS 66901 | NW/4 of Section 23, T06S, R02W, Cloud County | Lower Republican River Basin |

Kansas Permit No. A-LRCD-S007

This is a renewal permit with a modification for an existing facility for 496 head (198.4 animal units) of swine weighing greater than 55 pounds, 200 head (20 animal units) of swine weighing 55 pounds or less and 80 head (40 animal units) of cattle weighing less than 700 pounds, for a total of 258.4 animal units of swine and cattle. The permit modification is due to the addition of 40 animal units of cattle.

## Notice of Intent to Terminate

Pursuant to the requirements of K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued certificate.

| Name and Address | Legal Location | Document No. |
|---|---|---|
| Carp Brothers LLC<br>c/o Wallace Carp<br>2714 N. Hoover Road<br>Wichita, KS 67205 | NW¼, S2, T27S, R1W, Sedgwick County | A-ARSG-HA02 |

Description: The Kansas Department of Health and Environment issued Kansas Water Pollution Control Certificate No. A-ARSG-HA02 to Carp Brothers LLC, dba Carp Bros. Feedlot, 2714 N. Hoover Road, Wichita, KS 67205, for an 8,000 head swine feeding facility. During an inspection at the facility March 31, 2005, KDHE found that the facility represented a significant pollution potential and needed pollution controls to protect groundwater in the area. Kansas law requires a permit rather than a certification for facilities of this size and for facilities needing water pollution controls because of a significant pollution potential. Pursuant to K.S.A. 65-166a, KDHE is hereby providing notice of its intent to terminate the certificate to operate the swine facility until appropriate controls have been put in place and the permit is issued.

## Public Notice No. KS-07-034/038

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---|---|
| Conway Springs, City of<br>P.O. Box 187<br>Conway Springs, KS 67031 | Arkansas River via Slate Creek | Domestic Wastewater |

Kansas Permit No. M-AR25-OO01 Federal Permit No. KS0030651

Legal: NE¼, NE¼, SW¼, S34, T30S, R3W, Sumner County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, fecal coliform/E. coli, sulfates and pH. Contained in the permit is a schedule of compliance requiring the permittee to abide by the provisions of the Consent Agreement #06-E-0140 affecting this facility. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---|---|
| Lawrence, City of<br>P.O. Box 708<br>Lawrence, KS 66044 | Wakarusa River | Domestic Wastewater |

Kansas Permit No. M-KS31-OO03 Federal Permit No. KS0099031

*(continued)*

Legal: SE¼, SE¼, SW¼, S16, T13S, R20E, Douglas County

Facility Description: The proposed action is to issue a new permit for a planned new wastewater treatment facility. This facility is being built to support increased growth and relieve some load from the existing facility. The facility will consist of headworks with grit removal, a two train aerated biological nutrient removal activated sludge process with pre-anoxic basins, anaerobic basins, anoxic basins and aeration basins, two final clarifiers, UV disinfection system, a backup chemical feed system for odor and enhanced phosphorus removal, if required, and sludge dewatering equipment. The facility is designed for 7.0 MGD (dry weather) and 14.0 MGD (wet weather) flow with a 3.5 MG peak flow equalization basin. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli, dissolved oxygen, total phosphorus, total nitrogen and pH. Monitoring for nitrate, nitrite, total Kjeldahl nitrogen and effluent flow and stream flow also will be required. The permittee shall be required to perform annual chronic whole effluent toxicity tests and a priority pollutant scan during the term of this permit. A schedule of compliance has been included to require the permittee to conduct studies to assess the condition of the quality of the water and biota in the Wakarusa River prior to and two years after the initiation of discharge from this facility. An antidegradation review and the supporting documents for the Wakarusa River below the proposed facility have been completed and are available at the address noted at the end of this public notice. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---|---|
| McPherson, City of<br>P.O. Box 1008<br>McPherson, KS 67460 | Turkey Creek via Dry Turkey Creek | Domestic Wastewater |

Kansas Permit No. M-LA11-OO01 Federal Permit No. KS00361960

Legal Description: NE¼, NW¼, SE¼, S33, T19S, R3W, McPherson County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. This is a mechanical treatment plant consisting of an aerated grit removal, three unit sequencing batch reactors, reaeration of effluent, UV disinfection, aerobic digestion, gravity belt thickening and irrigation of public lands. The permittee plans to upgrade the facility, primarily with improved headworks and sludge storage and dewatering equipment. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli, dissolved oxygen and pH. Monitoring of temperature, stream flow, chlorides, total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable zinc and selenium, and effluent flow also will be required. The permittee will be required to perform a chronic whole effluent toxicity (WET) test annually as well as a priority pollutant scan once during the term of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---|---|
| St. Marys, City of<br>P.O. Box 130<br>St. Marys, KS 66536 | Doyle Creek | Domestic Wastewater |

Kansas Permit No. M-KS67-OO01 Federal Permit No. KS0020974

Legal: SE¼, NE¼, SW¼, S9, T10S, R12E, Pottawatomie County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment plant treating primarily domestic wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform/E. coli and pH. Monitoring for total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable zinc and effluent flow also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---|---|
| Wichita, City of -<br>Public Works Dept.<br>City Hall, 8th Floor<br>455 N. Main St.<br>Wichita, KS 67202 | Arkansas River | Groundwater Remediation |

Kansas Permit No. I-AR94-PO83 Federal Permit No. KS0093874

Facility Name: Brooks Landfill Groundwater Remediation Project

Facility Address: 4100 N. West St., Wichita, KS 67205

Facility Description: The proposed action is to reissue an existing permit for discharge during the operation of an existing groundwater remediation project. This facility is a municipal solid waste landfill permitted through KDHE's Bureau of Waste Management. Contaminated groundwater is extracted through one well located southeast of the landfill. The groundwater is directed to a five-module air stripping system for treatment. As part of the BER's Monitored Natural Attenuation (MNA) policy, in October 2005, the air stripper was deactivated and all discharges were eliminated. Under the contingency plan, the air stripper is maintained, in case it needs to be quickly brought back online in the event future groundwater sampling shows sustained contamination levels. This permit is being renewed for such contingency discharge at a flow rate of 0.432 MGD. The proposed permit contains limits for vinyl chloride, cis-1,2 dichloroethylene and pH. Monitoring is required for biochemical oxygen demand, total suspended solids, ammonia, alpha-terpineol, benzoic acid, p-cresol, total zinc and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

## Notice of Intent to Terminate

Pursuant to the requirements of K.A.R. 28-16-60 and K.A.R. 28-16-62, the Kansas Department of Health and Environment hereby provides notice of intent to terminate the following KDHE-issued authorizations.

| Project/facility | Project City | Document No. |
|---|---|---|
| Stonecreek (Phase II) | Manhattan | S-KS38-0018 |
| Bardshar Acres | Mt. Hope | S-AR62-0001 |
| Ferluga Yard | Edwardsville | S-KS14-0006 |
| Whispering Ridge | Kansas City | S-MO25-0002 |
| City of Topeka Project 70197-02 | Topeka | S-KS72-0098 |
| Walnut Creek Meadows | Wellsville | S-MC48-0007 |
| Excel Energy Phase II 345-kV to Lamar | Holcomb | S-UA18-0001 |
| Ted's Montana Grill | Leawood | S-KS32-0022 |
| Timber Lake | Overland Park | S-KS55-0020 |
| City of Shawnee - Monticello Park | Shawnee | S-KS68-0098 |
| Cedarcrest | Lenexa | S-KS34-0047 |
| Hillsboro Water System (Part 2) | Hillsboro | S-NE35-0002 |
| Haskell County Landfill (MSWLF) | Sublette | S-CI21-0002 |
| Kansas Army National Guard - Nickell Center | Topeka | S-KS72-0108 |
| Croco Plaza Subdivision Project | Topeka | S-KS72-0104 |
| New Horizons Center | Wichita | S-AR94-0167 |
| Remington Place | Wichita | S-AR94-0052 |
| Carmax Auto Superstore | Wichita | S-AR94-0298 |
| American Dream Building | Lenexa | S-KS34-0088 |
| Jo Co Wastewater Blue River #15 | Overland Park | S-KS55-0087 |
| Insight Properties | Overland Park | S-KS55-0088 |
| Gleason Glen | Lenexa | S-KS34-0016 |
| Jo Co Wastewater - Cedar Creek #3, Cont #4 | Lenexa | S-KS34-0050 |
| Falcon Valley Commercial, Lot 12 | Lenexa | S-KS34-0090 |
| Dickinson Theatres South Glen | Overland Park | S-KS55-0051 |
| Ranch Villas at Prairie Haven | Olathe | S-MO14-0023 |
| Town & Country Landscape | Stillwell | S-MO32-0005 |
| Jo Co Wastewater - Mill Creek #15 | Lenexa | S-KS34-0096 |
| Prairie Haven - 2nd Plat - Phase I | Olathe | S-KS52-0011 |
| BWR Project - Prairie Ridge Plaza | Olathe | S-KS52-0067 |
| Holly Ridge Townhomes | Overland Park | S-KS55-0033 |
| Metcalf 159 Commercial Park | Overland Park | S-KS55-0034 |

| | | |
|---|---|---|
| Tuscany Reserve | Leawood | S-KS32-0004 |
| Meadowlark Townhomes | Kansas City | S-KS27-0013 |
| Ashbury Addition #3 | Lawrence | S-KS31-0032 |
| Whispering Woods Villas | Bonner Springs | S-KS06-0004 |
| Grandview Country Addition | Colwich | S-AR24-0001 |
| Topeka - So Kansas River Sewer | Topeka | S-KS72-0076 |
| East Shawnee Lake Estates Sub. | Topeka | S-KS72-0021 |
| Estates of Prairie Haven - 4th Plat | Olathe | S-KS52-0030 |
| Burkdoll Addition | Edgerton | S-MC08-0003 |
| Midpoint Corporate Centre | Montezuma | S-KS14-0008 |
| Willowbrooke Farm | Lenexa | S-KS34-0014 |
| Fossil Rim Estates | Wichita | S-AR94-0062 |
| Sunflower Electric Wind Farm | Leoti | S-UA26-0004 |

Proposed Action: The Kansas Department of Health and Environment issued authorizations for stormwater discharges under the Construction Stormwater General Permit for the above-named projects. K.A.R. 65-166a requires the secretary of KDHE to assess appropriate annual fees for authorizations/permits issued by the department and provides that failure to pay the annual fee shall be cause for revocation/termination of the authorization/permit. The authorized entities named above have failed to comply with the requirement to pay the annual fee. Therefore, pursuant to K.S.A. 65-166a, K.A.R. 28-16-60 and K.A.R. 28-16-62, KDHE is hereby providing notice of intent to terminate the authorizations associated with the projects named herein. The entity may reinstate the authorization by paying the appropriate annual fees.

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 Environment 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 June 16 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-07-148/153, KS-07-034/038) 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. 034438

**State of Kansas**

## Department of Health and Environment

### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Renewable Energy Group (REG, Inc.) has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct a biodiesel manufacturing plant. Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter ($PM_{10}$), volatile organic compounds (VOCs), oxides of nitrogen (NOx), sulfur oxides (SOx), carbon monoxide (CO) and hazardous air pollutants (HAPs) were evaluated during the permit review process.

REG, Inc. proposes to own and operate a stationary source located in Lyon County, located in the East Park III (Woods Track) Industrial Park, east of Emporia, at which a 72-million-gallon-per-year biodiesel plant is to be constructed and operated.

A public comment period has been established until noon June 18 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. All comments should be submitted in writing to Terry T. Tavener, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. Comments also may be presented at the public hearing.

Any member of the public may request to hold a public hearing to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Sherry Walker at the address listed above or by fax to (785) 291-3953 and must be received by noon June 18. If a request is received, a public hearing is tentatively scheduled by KDHE at 7 p.m. June 19 at the Flint Hills Technical College, conference room, 3301 W. 18th, Emporia. If no requests to hold the public hearing are received by this date and time, the public hearing will be cancelled.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka. Also, a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Terry Tavener, (785) 296-1581, at the KDHE central office; and to review the proposed permit only, contact the air quality district representative, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034441

**State of Kansas**

## Department of Health and Environment

### Request for Comments

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

Dorchester Minerals Operating LP, 2201 Civic Circle, Suite 216, Amarillo, Texas, owns and operates James Ford Compressor Station located at Section 17, T34S, R38W, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Josh Weil, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business June 18.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sherry Walker, Bureau of Air and Radiation, not later than the close of business June 18 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Jon Knodel, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7622, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

**Doc. No. 034448**

**State of Kansas**

## Secretary of State

### Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of April 2007 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

### Domestic Corporations

A-LEXX Inc., Kansas City, KS.
Allen Drilling Company, Denver, CO.
Anbar Corporation, Olathe, KS.
Associated Health Service, Inc., Wichita, KS.
Automation Advantages, Inc., Overland Park, KS.
B & L Electric, Inc., Clinton, MO.
B & L Sheet Metal, Inc., Pittsburg, KS.
Bayer Stone Trucking, Inc., St. Marys, KS.
Belveal Service, Inc., Nortonville, KS.
Bilco, Etc., Inc., Abilene, KS.
Bio Environmental Systems Technologies, Corp., Kansas City, KS.
Blackburn Midwest, Inc., Pawnee, OK.
Blasi Tire Center, Inc., Wichita, KS.
BNDR Enterprises, Inc., Bennington, KS.
Bob Binder & Son, Inc., Hays, KS.
Bobs Sirloin Room, Inc., Seneca, KS.
BWSI, Inc., Tulsa, OK.
C R N A Inc., Wichita, KS.
Central Plains Laboratories, LLC, Lenexa, KS.
Central State Hearing Aid Center, Inc., Wichita, KS.
Chiropractic Treatment Center, P.A., Overland Park, KS.
Clawson Printing, Inc., Frankfort, KS.
Commercial Tire Centers, Inc., Salina, KS.
Computers 4 Tots Inc., Kansas City, KS.
Consider It Esold! Inc., Topeka, KS.
Damon, Inc., Blue Springs, MO.
Dazz Inc., Overland Park, KS.
Design-Build.com, LLC, Shawnee, KS.
Diaz Construction Company, Inc., Kansas City, MO.
DLLS Farms, Inc., Winona, KS.
Fatman Racing Incorporated, Kansas City, KS.
Fisher's Auto Service Inc., Wichita, KS.
Fitness Equipment, Inc., Merriam, KS.
Fleet Auto Rent Inc., Overland Park, KS.
Gajewski Construction Inc., Lawrence, KS.
Glass Central, Inc., Wichita, KS.
H. Z. Smith Motors, Inc., Lawrence, KS.
Hart Enterprises, Inc., Manhattan, KS.
Helmuth Country Bakery, Inc., Hutchinson, KS.

HMS Rehabilitation, Inc., Kingman, KS.
Hoss's Preservation and Maintenance Inc., Wichita, KS.
Huck Boyd Foundation, Phillipsburg, KS.
Industrial Components Corp., Lawrence KS.
J & R Associates, Inc., Wichita, KS.
J-KO Limited, Shawnee, KS.
Jim Hartness Electric, Inc., Pauline, KS.
Johnson Investments, Inc., Wamego, KS.
K.A.L. Incorporated, Shawnee Mission, KS.
Kansas Chapter of Triangle, Lawrence, KS.
Kristine H. Fletcher, O.D., P.A., Council Grove, KS.
L & R Hardwood Floors, Inc., Holton, KS.
L.G. Construction, Inc., Olathe, KS.
La Cygne Ready Mix, Inc., La Cygne, KS.
Lady Brown Construction L.L.C., Leavenworth, KS.
Liko Tech. Inc., Olathe, KS.
Logan and Company, Inc., Coffeyville, KS.
Lukins, Inc., Kiowa, KS.
M S & F Corporation, El Dorado, KS.
McClure Plumbing & Heating, Inc., Goodland, KS.
Meier & Co., Inc., Topeka, KS.
Melchert Enterprises, Inc., Liberal, KS.
Midwest Brokerage, Inc., Topeka, KS.
Midwest Contractors, Inc., Norton, KS.
Millwalk Enterprises, Inc., Hutchinson, KS.
Moon Abstract Co., Emporia, KS.
Mulvane 1455 Property Investments, LLC, Mulvane, KS.
Open Arms Employment Agency, Inc., Madison, KS.
Optum-Glow Corporation, Wichita, KS.
Osborne Publishing Company, Inc., Osborne, KS.
Outler & Company, Inc., Mission, KS.
Overland Tow Service, Inc., Olathe, KS.
Pals of Gymnastics, Inc., Wichita, KS.
Pennant Rent-a-Car Midwest, Inc., Mission Hills, KS.
Personalized Lawn Care, Inc., De Soto, KS.
Power Control Devices, Inc., Olathe, KS.
Pratt Interiors, Inc., Pratt, KS.
Pro-Mill Co., Inc., Wellington, KS.
Red Cloud Exploration, L.C., Wichita, KS.
Redemption Center Ministries Inc., Wichita, KS.
Regional Medical Laboratory of Southeast Kansas, LLC, Pittsburg, KS.
Renaissance Academy Foundation of Kansas, Wichita, KS.
Reyes Inc., Wichita, KS.
Rigg Medical Arts Pharmacy, Inc., Wichita, KS.
Rivco Distributors, Inc., Wichita, KS.
Robert Coastal, Inc., Osage City, KS.
SL Walker Enterprises, Inc., Hutchinson, KS.
Sloan Properties LLC, Paola, KS.
Split End, Inc., Topeka, KS.
Squires 66 Service, Inc., Wichita, KS.
St. James Place Enterprises, Inc., Wichita, KS.
Sterling Evangelical Bible Church, Inc., Sterling, KS.
Sunflower Management Co. of Hoxie, Inc., Hoxie, KS.
Swan & Associates, Inc., Lawrence, KS.
T Barnes Construction Inc., Derby, KS.
TD Miller Enterprises, Inc., Hutchinson, KS.
TE Processing, LLC, Hutchinson, KS.
Temple Chiropractic, Professional Association, Salina, KS.
The Lenora Mercantile Association, Ozawkie, KS.
The Plainville Industrial Development Corporation, Inc., Plainville, KS.
TMW Investments, Inc., Wichita, KS.
Topeka, Wholesale Motors, Inc., Topeka, KS.
Transfirst Health Services, Inc., Overland Park, KS.
Travel Host of Wichita, Inc., Wichita, KS.
V R Trucking Inc., Eudora, KS.
VW Services Corporation, Leavenworth, KS.
Weaver's A-OK Exterminators, Inc., Merriam, KS.
Weisser and Associates, Ltd., Stilwell, KS.
Welch Heating and Air Conditioning, Inc., Hutchinson, KS.
Wendell's Fertilizer of Kansas, Inc., Colby, KS.
Whetstine Logging, Inc., Troy, KS.
Wichita, Centro Hispano De Aprendizaje Corp., Wichita, KS.
Wichita, Theatre Organ, Inc., Wichita, KS.
Wild Backyards, Incorporated, Prairie Village, KS.

**Foreign Corporations**

Aeriform Corporation, Houston, TX.
APAC-Missouri, Inc., Lexington, KY.
APAC-Southeast, Inc., Lexington, KY.
APAC, Inc., Lexington, KY.
Apple Inc., Cupertino, CA.
Ashwood Towing, Inc., Sapulpa, OK.
Best Manufacturing Group LLC, Jersey City, NJ.
Central Parking Systems of Missouri, Inc., Topeka, KS.
Charlotte Russe, Inc., San Diego, CA.
Chris Axtell Roofing, Inc., Weatherford, OK.
Cinergy Communications Company, Overland Park, KS.
Columbine Logging, Inc., Henderson, CO.
Consolidated Energy Co., LLC Jesup, IA.
Covalence Specialty Materials Corp., Princeton, NJ.
Critical Illness Benefit Group, Ltd., Valhalla, NY.
Delphax Technologies Inc., Minnetonka, MN.
Diaz Construction Company Midwest, Inc., Kansas City, MO.
Dillon Schramm Vercor, Inc., Okoboji, IA.
Drehmann Paving and Flooring Company, Pennsauken, NJ.
En Pointe Technologies Sales, Inc., El Segundo, CA.
Farrell Construction, Inc., Neosho, MO.
First Fidelity Centers, Inc., Woodland Hills, CA.
Fisk Electric Company, Houston, TX.
George Will Company, Kansas City, MO.
Gradeco Construction Co., Pleasant Hill, MO.
Greater Kansas City, Painters, Inc., Kansas City, MO.
Hagman Construction, Inc., Minneapolis, MN.
Herman Watson, M.D., Inc., Kansas City, MO.
Industrial Gunite, Inc., Pasadena, TX.
International Pipe Lining U.S. Inc., Nashville, TN.
Iowa Paint Manufacturing Company, Incorporated, Des Moines, IA.
Iowa Veterinary Supply Co. Iowa Falls, IA.
Keystone Electrical Manufacturing Co., Des Moines, IA.
Ness Global Services, Inc., Canonsburg, PA.
One Source Building Technologies, Inc., Houston, TX.
Ormco Corporation, Newport Beach, CA.
Peppertree Enterprizes Inc., Junction City, KS.
Precision Machine Technology, Inc., Lenexa, KS.
Primexx Operating Corporation, Dallas, TX.
QIS, Inc., Goodwell, OK.
Reachone, Inc., Lacey, WA.
Rent-Way, Inc., Erie, PA.
SHL USA, Inc., Chicago, IL.
Sonitrol Corporation, Westlake, TX.
Strategic Advantage Associates, Inc., Fairfield, NJ.
Support Contract Services, Inc., Augusta, GA.
TELS Corporation, Salt Lake City, UT.
Texas Triumph Seed Co. Inc., Ralls, TX.
The Solvis Group, Inc., Rochester Hills, MI.
Thyssenkrupp Elevator Corporation, Troy, MI.
Tuttle, Inc., Snyder, TX.
Vimas Painting Company, Inc., Campbell, OH.
Zurn Industries, Inc., Erie, PA.

Ron Thornburgh
Secretary of State

**Doc. No. 034432**

State of Kansas

## Department of Transportation

### Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. A response may be submitted by e-mail to neil@ksdot.org or seven signed copies of the response can be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Responses shall be limited to four pages and must be received by 1 p.m. June 14 for the consulting engineering firm to be considered.

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

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

**400-11 KA-0740-01**
**400-50 KA-0741-01**
**Cherokee and Labette Counties**

The rehabilitation of US-400 from 0.4 mile west of RS-1138 (Strauss) in Labette County, east 14.36 miles to K-7 in Cherokee County. The projects are scheduled for field check in April 2010. The consultant will provide all needed surveys. The construction cost is estimated to be $29,274,000.

**47-67 KA-0699-01**
**Neosho County**

The replacement of the Neosho River Bridge (043), 3 miles east of US-59. The consultant will provide all needed surveys. The project is scheduled for field check in April 2010. The construction cost is estimated to be $5, 545,000.

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

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

Deb Miller
Secretary of Transportation

Doc. No. 034436

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 5-14-07 through 5-20-07**

| Term | Rate |
|---|---|
| 1-89 days | 5.25% |
| 3 months | 4.77% |
| 6 months | 4.87% |
| 1 year | 4.94% |
| 18 months | 4.84% |
| 2 years | 4.69% |

Derl S. Treff
Director of Investments

Doc. No. 034426

State of Kansas

## State Corporation Commission

### Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, July 19, at the State Corporation Commission office, 130 S. Market, Room 2078, Wichita, to consider the adoption of proposed permanent regulations for the conservation of crude oil and natural gas.

The 60-day notice period from the date of this publication to the date of the public hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Written comments may be submitted by mail to John McCannon, Assistant General Counsel, State Corporation Commission, Room 2078, Finney State Office Building, 130 S. Market, Wichita, 67202, or by e-mail to oilandgasregcomments@kcc.ks.gov.

Any person requiring special accommodations under the Americans with Disabilities Act needs to give notice to the commission at least 10 days prior to the scheduled hearing date.

Copies of the proposed regulations and the economic impact statements may be obtained from the commission's office at the address above or from the commission's Web site at http://kcc.ks.gov. Persons requesting a copy of the proposed regulations and economic impact statements, in accordance with K.S.A. 45-129, will be required to compensate the commission for the cost of reproduction.

All interested parties will be given a reasonable opportunity at the hearing to present their views orally or in writing in regard to the adoption of the proposed regulations. All written or oral comments submitted by interested parties on or before July 19 will be considered by the commission as a basis for making changes to these proposed permanent regulations.

The following is a brief summary of the proposed regulations and economic impact statements:

**K.A.R. 82-3-119.** This regulation is being repealed because wells drilled for fresh water are regulated by the Kansas Department of Health and Environment.

Economic Impact Statement: There will be no economic impact from the repeal of this regulation to the industry, agency, other governmental agencies or the general public.

**K.A.R. 82-3-123, 82-3-123a, 82-3-124, 82-3-131, 82-3-140, 82-3-300 and 82-3-408.**

These regulations each deal with filing a different application with the commission. These regulations require an operator to provide notice of the application in accordance with commission regulation 82-3-135a. References to the notice requirements are being clarified by these proposed amendments. These amendments will not change the application processes that have been followed by oil and gas operators.

Economic Impact Statement: These amendments will have no economic impact on the agency, industry, other governmental agencies or the general public because no additional requirements or prohibitions are being imposed.

Susan K. Duffy
Executive Director

Doc. No. 034434

(Published in the Kansas Register May 17, 2007.)

**Summary Notice of Bond Sale**
**City of Towanda, Kansas**
**$375,000**
**General Obligation Bonds**
**Series A, 2007**

**Details of the Sale**

Subject to the terms and requirements of the official notice of bond sale dated May 9, 2007, of the city of Towanda, Kansas, bids to purchase the city's General Obligation Bonds, Series A, 2007, will be received at the office of the city clerk at City Hall, 110 S. 3rd, Towanda, KS 67144, or by telefacsimile at (316) 536-2737, until 2 p.m. Wednesday, May 30, 2007. The bids will be considered by the governing body at its meeting at 7 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

**Good Faith Deposit**

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond, in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds are dated June 15, 2007, and will be issued as registered bonds in the denomination of $5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on April 1 and October 1 of each year, beginning April 1, 2008. Principal of the bonds becomes due on October 1 in the years and amounts as shown below:

**Maturity Schedule**

| Principal Amount | Maturity Date |
|---|---|
| $10,000 | 2008 |
| 15,000 | 2009 |
| 15,000 | 2010 |
| 20,000 | 2011 |
| 20,000 | 2012 |
| 20,000 | 2013 |
| 20,000 | 2014 |
| 20,000 | 2015 |
| 20,000 | 2016 |
| 25,000 | 2017 |
| 25,000 | 2018 |
| 25,000 | 2019 |
| 25,000 | 2020 |
| 25,000 | 2021 |
| 30,000 | 2022 |

**Payment of Principal and Interest**

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

**Book-Entry Bonds**

The bonds will be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

**Delivery of the Bonds**

The city will prepare the bonds at its expense and will deliver the registered bonds to DTC on or about June 20, 2007.

**Legal Opinion**

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

**Financial Matters**

The city's current assessed valuation for purposes of calculating statutory debt limitations is $7,251,040. As of June 15, 2007, the city's total outstanding general obligation debt (including the bonds) is $755,000, which excludes temporary notes outstanding in the amount of $355,000, which will be retired out of the proceeds of the bonds herein offered for sale. The city's total indebtedness that is subject to debt limitation, as of June 15, 2007, is estimated to be $96,536, which is 1.33 percent of the assessed valuation of the city.

**Additional Information**

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, Larry A. Kleeman, M&I Marshall & Ilsley Bank, 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

City of Towanda, Kansas
By Paul Erickson, City Clerk
City Hall, 110 S. 3rd
Towanda, KS 67144
(316) 536-2243
Fax (316) 536-2737

Doc. No. 034445

**State of Kansas**

## Board of Technical Professions

### Notice of Meetings

The Kansas State Board of Technical Professions will conduct its Complaint Committee meeting at 8:30 a.m. and its regular board meeting at 10 a.m. Thursday, May 24, in Room 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Also, as previously published in the Kansas Register February 22, 2007, the board will conduct a public hearing on rules and regulations at 11 a.m. May 24 in the same location. All meetings are open to the public.

Betty L. Rose
Executive Director

**Doc. No. 024439**

(Published in the Kansas Register May 17, 2007.)

### Summary Notice of Bond Sale
### City of Oxford, Kansas
### $121,000
### General Obligation Bonds, Series 2007

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

**Bids**

Subject to the notice of bond sale dated May 8, 2007, written bids will be received on behalf of the clerk of the city of Oxford, Kansas (the issuer), at the address set forth below until 3 p.m. June 5, 2007, for the purchase of the above-referenced bonds. No bid of less than 98.5 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of $5,000 or any integral multiple thereof, except one bond in the denomination of $1,000 (or such amount added to $5,000 or any integral multiple thereof). The bonds will be dated June 15, 2007, and will become due on December 1 in the years as follows:

| Year | Principal Amount |
|---|---|
| 2008 | $ 1,000 |
| 2009 | 5,000 |
| 2010 | 5,000 |
| 2011 | 5,000 |
| 2012 | 5,000 |
| 2013 | 10,000 |
| 2014 | 10,000 |
| 2015 | 10,000 |
| 2016 | 10,000 |
| 2017 | 10,000 |
| 2018 | 10,000 |
| 2019 | 10,000 |
| 2020 | 10,000 |
| 2021 | 10,000 |
| 2022 | 10,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2008.

**Optional Book-Entry-Only System**

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of $2,420 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 26, 2007, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2006 is $5,000,301. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, but excluding temporary notes to be retired in conjunction therewith, is $171,000.

**Approval of Bonds**

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

**Additional Information**

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

**Written and Facsimile Bid and Good Faith Deposit Delivery Address:**

Betty Oliver, Clerk
121 S. Sumner
Oxford, KS 67119
(620) 455-2223
Fax (620) 455-2917
E-mail: cityofoxford@sutv.com

**Financial Advisor - Facsimile Bid Address:**

Ranson Financial Advisors, L.L.C.
151 S. Whittier
Wichita, KS 67207
Attn: Charles Young
(316) 689-4295
Fax (316) 681-4499
E-mail: charlesyoung@omnibizcenter.com

Dated May 8, 2007.

City of Oxford, Kansas

**Doc. No. 034452**

**State of Kansas**

## Council on Developmental Disabilities

### Notice of Available Grant Funding

The Kansas Council on Developmental Disabilities announces the availability of $110,000 in funding for innovative projects in the areas of housing, employment and dental care for individuals with developmental disabilities. To request an application, call (785) 296-2608 or e-mail kcdd@alltel.net. The application deadline is July 6.

Jane Rhys
Executive Director

**Doc. No. 034437**

**State of Kansas**

## Department of Corrections

### Permanent Administrative Regulations

### Article 6.—GOOD TIME CREDITS AND SENTENCE COMPUTATION

**44-6-101. Definitions.** (a) For purposes of sentence computation, as used in this article, terms dealing with good time credits shall be defined as follows:

(1) ''Establishment of good time credits'' means the creation of that pool of credits that decreases part of the term of actual imprisonment for good work and behavior over a period of time. Good time credits shall not forgive or eliminate the sentence but shall function only to allow the inmate to earn the privilege of being released from incarceration earlier than the full minimum, maximum, or guidelines prison sentence, subject to conditions specified and imposed pursuant to applicable law. Following a revocation of parole or conditional release, good time credits shall not be available to reduce the period of incarceration before a Kansas parole board hearing for reparole. Following a revocation of postrelease supervision, good time credits shall be available to reduce the incarceration penalty period as authorized by applicable statutes.

(2) ''Allocation of good time credits'' means the breakdown of the total number of established good time credits into groups of credits that are available to the inmate in separate time periods.

(3) To ''earn good time credits'' means that the inmate has acted in a way that merits a reduction of the term of actual imprisonment by those credits.

(4) ''Award of good time credits'' means the act of the unit team, as approved by the program management committee and the warden or designee, granting all or part of the allocation of credits available for the time period under review.

(5) ''Application of good time credits'' means the entry of the credits of forfeitures into the official record of the inmate and the consequent adjustment of parole eligibility, conditional release, the guidelines release date, or the guidelines sentence discharge date.

(6) ''Forfeiture of good time credits'' means the removal of the credits and consequent reinstatement of a term of actual imprisonment by the disciplinary board according to article 12 and article 13, as published in the inmate rule book.

(b) For purposes of sentence computation, as used in this article, terms dealing with sentence structure shall be defined as follows:

(1) ''Composite sentence'' means any sentence formed by the combination of two or more sentences.

(2) ''Concurrent sentence'' means two or more sentences imposed by the court with minimum and maximum terms, respectively, to be merged, or two or more sentencing guidelines sentences imposed by the court with their prison terms to be merged.

(3) ''Consecutive sentence'' means a series of two or more sentences imposed by the court in which the minimum terms and the maximum terms, respectively, are to be aggregated, or a series of two or more sentencing guidelines sentences in which the prison terms are to be aggregated pursuant to K.S.A. 21-4720 and amendments thereto.

(4) ''Controlling sentence'' means the sentence made up of the controlling minimum term and the controlling maximum term of any sentence or composite sentence or the sentencing guidelines sentence made up of two or more sentences, whether concurrent or consecutive, that results in the longest prison term.

(5) ''Aggregated controlling sentence'' means a controlling sentence composed of two or more sentences. An aggregated controlling sentence has a minimum term consisting of the sum of the minimum terms and a maximum term consisting of the sum of the maximum terms. In the case of sentencing guidelines sentences, an aggregated controlling sentence has a prison term that is the sum of all the prison terms of the sentences that are aggregated, pursuant to K.S.A. 21-4720 and amendments thereto. The term ''aggregated'' shall be applied only to consecutive sentences.

(c) For purposes of sentence computation, as used in this article, terms dealing with sentence service credits, other than good time credits, shall be defined as follows:

(1) ''Jail credit'' and ''JC'' mean the time spent in confinement, pending the disposition of the case, before the sentencing to the custody of the secretary of corrections pursuant to K.S.A. 21-4614, and amendments thereto, or on or after May 19, 1988, time spent in a residential center while on probation or assignment to a community correctional residential services program, pursuant to K.S.A. 21-4614a and amendments thereto.

(2) ''Maximum sentence credit'' means the total period of incarceration served on a sentence beyond the limitation for credit awarded as prior penal credit. This credit shall be used to adjust the maximum expiration date of the sentence.

(3) ''Prior penal credit'' means the penal time credited for time the inmate previously was incarcerated on the sentence. Prior penal credit shall be given for time spent incarcerated on a sentence that has subsequently been aggregated due to the imposition of a consecutive sentence. This credit shall be limited to the time spent incarcerated on the previous sentence but shall not exceed an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been

*(continued)*

earned on the minimum sentence under the law in effect at that time.

(d) For purposes of sentence computation, as used in this article, terms dealing with terms or length of sentences shall be defined as follows:

(1) ''Controlling minimum term'' means the length of the sentence to be served to reach the controlling minimum date as determined according to applicable case, statutory, and regulatory law.

(2) ''Controlling maximum term'' means the length of the maximum sentence imposed by the court that constitutes the longest required period of incarceration, determined according to applicable case and statutory law and these regulations.

(e) For purposes of sentences computation, as used in this article, terms dealing with calculation of specific dates in the execution of sentences shall be defined as follows:

(1) ''Sentencing date'' means the date on which the sentence is imposed by the court upon conviction. ''Sentencing date'' is also known as the sentence imposition date.

(2) ''Sentence begins date'' means the calendar date on which service of the sentence is to begin running. This date, as established by the court, shall reflect the time allowances as defined in jail time credit. This date shall be adjusted by department of corrections staff if prior penal credit is applicable. If no jail credit is involved but prior penal credit exists, the prior penal credit shall be subtracted from the sentence imposition date to determine the sentence begins date.

(3) ''Controlling minimum date'' means the calendar date derived by adding the controlling minimum term to the sentence begins date.

(4) ''Controlling maximum date'' means the calendar date derived by adding the controlling maximum term imposed by the court to the sentence begins date.

(5) ''Guidelines release date'' means, for offenders with sentences imposed pursuant to the sentencing guidelines act, K.S.A. 21-4701 et seq. and amendments thereto, the date yielded by adding the prison portion of the sentence to the sentence, less any good time credits earned and awarded pursuant to K.S.A. 21-4722 and amendments thereto, plus any good time credits forfeited.

(6) ''Conditional release date'' and ''CR date'' mean the controlling maximum date minus the total number of authorized good time credits not forfeited.

(7) ''Parole eligibility'' means the status that results if the inmate has served the sentence required by law to the extent that the law allows the inmate's immediate release if the Kansas parole board grants a parole to that inmate.

(f) For purposes of sentence computation, as used in this article, terms dealing with loss of forfeiture of sentence service credit while on parole or postrelease supervision status as well as escape status shall be defined as follows:

(1) ''Postincarceration supervision'' means supervision of any offender released to the community after service of the requisite term of incarceration. This term shall include both parole and postrelease supervision.

(2) ''Abscond'' means departing without authorization from a geographical area or jurisdiction prescribed by the conditions of one's parole or postrelease supervision.

(3) ''Delinquent time lost on postincarceration status'' and ''DTLOPIS'' mean the time lost on the service of sentence from which the offender was paroled or released to postrelease supervision due to being on absconder status after a condition violation warrant was issued and until the warrant was served.

(4) ''Forfeited good time on postincarceration status'' means the amount of good time ordered forfeited by the Kansas parole board from the amount earned from the date of authorized release to the date delinquent time on parole or postincarceration began or to the date of admission to a department of corrections facility.

(5) ''Time lost on escape'' means the time not counted on the service of sentence while the inmate is on escape status. This term shall mean the time from which the escape took place to the time of apprehension. (Authorized by K.S.A. 2005 Supp. 21-4722, K.S.A. 2005 Supp. 75-5210, K.S.A. 2005 Supp. 75-5217, K.S.A. 75-5251; implementing K.S.A. 21-4608, K.S.A. 2005 Supp. 21-4722, K.S.A. 2005 Supp. 22-3717, as amended by L. 2006, Ch. 212, Sec. 19, K.S.A. 2005 Supp. 22-3725, K.S.A. 2005 Supp. 75-5210, K.S.A. 2005 Supp. 75-5217, K.S.A. 75-5251; effective May 1, 1981; amended, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 6, 2002; amended June 1, 2007.)

**44-6-125. Good time forfeitures not restored; exceptions; limits; parole; guidelines release date.** (a) On and after May 1, 1981, no good time restored. For all inmates, good time that was forfeited on and after May 1, 1981 shall not be restored at a later date. An exception may be requested by the warden in order that standards of basic fairness, equity, and justice may be met. In such a case, good cause for restoration of good time credits shall be shown, in writing, by the warden to the secretary or the secretary's designee. Restoration of good time credits by exception shall be granted only upon written approval by the secretary or the secretary's designee. Good time forfeited before the first effective date of this regulation, May 15, 1980, may be restored in accordance with the secretary of corrections' policies and procedures then in force and effect. Good time credits that are eligible for award but have not yet actually been awarded due to an administrative error or omission may be forfeited.

(b) Forfeit only on minimum until parole eligibility. Before parole eligibility, forfeited good time credits shall be subtracted from the amount of good time credits earned toward the parole eligibility only, and not from those credits used to create the conditional release date. After parole eligibility is achieved, subsequent forfeited credits shall be subtracted from the credits used to form the conditional release date.

(c) Forfeitures limited to awards; no extension of maximum. Good time credits shall not be forfeited in an amount in excess of the good time earned before the disciplinary conviction. If an inmate receives an award of jail credit from the sentencing court after issuance of the original journal entry of sentencing and the sentence computation is revised accordingly, previous forfeitures of good time credits shall not be revised or modified. In cases of a new sentence conviction, disciplinary offenses occurring before the effective date of the new sentence

that result in the forfeiture of good time credits shall not be applied to the computation. In no case shall forfeiture of good time credits extend the controlling maximum sentence, nor shall the forfeiture interfere with or bypass any statutorily fixed parole eligibility that is not controlled by good time credits.

(d) No parole eligibility if forfeited time remains unserved. If good time credits on the term have been forfeited, an inmate shall not be eligible for parole until the inmate has served the time that otherwise would have been subtracted from the term by the application of the credits, or has obtained a restoration of those credits.

(e) In the case of an offender serving a guidelines sentence, forfeiture of good time credits shall affect the guidelines release date. Good time credits shall not be forfeited in an amount in excess of good time previously earned and awarded.

(f) Forfeitures made by disciplinary process. Forfeiture of good time credits may be ordered by the disciplinary board or hearing officer as a penalty for the inmate's commission of certain offenses as set out in articles 12 and 13 of these regulations. (Authorized by K.S.A. 2005 Supp. 21-4722, K.S.A. 2005 Supp. 75-5210, K.S.A. 75-5251; implementing K.S.A. 2005 Supp. 21-4722, K.S.A. 2005 Supp. 22-3717, as amended by L. 2006, Ch. 212, Sec. 19; K.S.A. 2005 Supp. 75-5210, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Nov. 12, 1990; amended April 6, 1992; amended Sept. 6, 2002; amended June 1, 2007.)

**44-6-136. Delinquent time lost on postincarceration supervision (DTLOPIS).** (a) Delinquent time lost on postincarceration supervision shall be computed from the date on which the secretary's parole violation warrant, the conditional release violation warrant, or parole officer's arrest and detain order was issued to the date of the service of the warrant as shown on the warrant, or as reflected on the transportation memo issued pursuant to applicable internal management policy and procedure. This information shall be entered by the arresting officer on the back of the signed warrant or shall be reflected on the transportation memo. If the warrant is issued after confinement, no DTLOPIS shall be accrued. DTLOPIS shall be added to the controlling maximum date, and the conditional release date shall be adjusted by that same amount.

(b) Except as specified in subsection (c), delinquent time lost on postincarceration supervision shall accumulate only during the period of time in which the offender is classified as an absconder. Once the initial warrant has been served, delinquent time shall stop accumulating and time after service of the warrant shall not be considered when the sentences are adjusted for delinquent time lost on postincarceration supervision. Credit shall be allowed for any time spent in jail awaiting disposition on revocation hearings.

(c) If the offender is arrested in another state for reasons other than the Kansas parole violation warrant, delinquent time lost on postincarceration supervision shall continue to the date the offender is first available to be returned to Kansas.

(d) Delinquent time may be assessed and applied to the offender's sentence computation by the secretary, in accordance with this regulation, whether the offender's postincarceration supervision status is revoked or continued by the Kansas parole board.

(e) The arresting officer shall endorse, on the back of the condition violation warrant or the arrest and detain order, the date or dates of service, arrest, and incarceration. For offenders apprehended in another state, this endorsement shall not be required, and the transportation memo shall instead reflect the date when the offender is first made available for return to Kansas. (Authorized by K.S.A. 75-5251; implementing K.S.A. 2005 Supp. 75-5217, K.S.A. 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-86-5, March 22, 1985; amended May 1, 1986; amended May 1, 1988; amended Sept. 6, 2002; amended June 1, 2007.)

## Article 11.—COMMUNITY CORRECTIONS

**44-11-111. Definitions.** (a) ''Active cases'' means those cases that have been supervised in a manner that is consistent with contact standards adopted by the secretary.

(b) ''Community corrections agency'' means the structure that exists or is proposed to exist within a planning unit and that delivers the community corrections services outlined in a comprehensive plan.

(c) ''Community corrections grant funds'' means funds made available to a planning governing authority by the department of corrections, pursuant to the Kansas community corrections act, K.S.A. 75-5290 et seq. and amendments thereto.

(d) ''Comprehensive plan'' means the working document developed by a local corrections advisory board at a frequency prescribed by the secretary, setting forth the objectives and services planned for a local community corrections agency.

(e) ''Corrections advisory board'' means a board appointed by a governing authority to develop and oversee a comprehensive plan.

(f) ''Governing authority'' means any county or group of cooperating counties that has established a local corrections advisory board for the purpose of establishing a community corrections agency.

(g) ''Grant years'' means the years covered in an agency's comprehensive plan. The first of these grant years shall be deemed to begin at the start of a state fiscal year.

(h) ''Line items'' means specific components comprising a major budget category.

(i) ''Offender fees'' means charges for drug and alcohol testing, electronic monitoring services, supervision services, housing in a residential center, and other services and assistance provided by community corrections agencies.

(j) ''Out-year report'' means the report that details amendments to the comprehensive plan. The report is submitted each year in which a comprehensive plan is not required to be submitted.

(k) ''Program'' means an adult intensive supervision program (AISP) or adult residential program (ARES) operated by a community corrections agency.

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(l) ''Reimbursements'' means income generated by community corrections agencies and fees assessed and collected by community corrections agencies in prior fiscal years or in the current fiscal year, for expenses incurred.

(m) ''Secretary'' means the secretary of corrections.

(n) ''Service'' means a community corrections activity directed by a public or private agency to deliver interventions to offenders and assistance to victims, offenders, or the community.

(o) ''Standards'' means the minimum requirements of the secretary for the operation and management of community corrections agencies.

(p) ''Unexpended funds'' means state funds remaining in a program's accounts at the close of a fiscal year that are not obligated for expenses incurred during that fiscal year or that have not been approved for expenditure by the secretary beyond the fiscal year. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2005 Supp. 75-5291, K.S.A. 2005 Supp. 75-5292, K.S.A. 75-5295, K.S.A. 75-5296, K.S.A. 2005 Supp. 75-5297, K.S.A. 75-52,102, K.S.A. 75-52,103, K.S.A. 2005 Supp. 75-52,105, K.S.A. 2005 Supp. 75-52,110; effective May 1, 1981; amended May 1, 1984; amended Feb. 6, 1989; amended March 5, 1990; amended July 23, 1990; amended March 29, 2002; amended June 1, 2007.)

**44-11-113. Comprehensive plan; comprehensive plan review.** (a) The comprehensive plan shall be developed by the community corrections agency in collaboration with the corrections advisory board. The plan shall minimally include the following:

(1) An agency profile;

(2) signatory approval of the community corrections agency's director, the chairperson of the corrections advisory board, and the governing authority;

(3) a list of the members of the advisory board, with descriptors that demonstrate compliance with K.S.A. 75-5297 and amendments thereto;

(4) the name, mailing address, and phone number of the chairperson of the governing authority and, if any, the chairperson's fax number and e-mail address;

(5) an agency summary of programmatic changes and significant events;

(6) an organization chart;

(7) personnel data;

(8) new position data;

(9) a description of collaboration that occurred or will occur to identify and address the community's correctional needs;

(10) a program description, including goals and objectives to be achieved, data elements to be collected, and services to be provided;

(11) a new service description;

(12) an explanation of the relationship among the governing authority, corrections advisory board, community corrections director, and the program or programs described in the comprehensive plan;

(13) a process for the advisory board to monitor the progress of the program or programs described in the plan;

(14) a timeline for implementation of the plan; and

(15) any other information requested by the secretary in the comprehensive plan form.

(b) A detailed budget, addressing awarded community corrections grant funds and reimbursements maintained and anticipated to be collected or expended or both, and a narrative describing each line item shall also be submitted annually as prescribed by the secretary.

(c) Agency outcomes shall be submitted on or before May 1 of each year in a format prescribed by the secretary.

(d) An out-year report shall be submitted on or before May 1 of each year in which a comprehensive plan is not required, in a format prescribed by the secretary.

(e) Each county desiring to establish a community corrections agency shall issue a resolution indicating this intent and include a copy of the resolution in its initial comprehensive plan. A county desiring to enter into an interlocal agreement with another county for the provision of community corrections services, as prescribed in K.S.A. 12-2901 through K.S.A. 12-2907 and amendments thereto, shall include an interlocal agreement, approved by the attorney general, in its initial comprehensive plan.

(f) A program review committee shall be appointed by the secretary to review each comprehensive plan. The committee shall make a recommendation to the secretary. The comprehensive plan shall be accepted, rejected, or accepted subject to specified modifications by the secretary. (Authorized by K.S.A. 75-5294, K.S.A. 75-5296, K.S.A. 75-52,102; implementing K.S.A. 2005 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-5299, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended March 29, 2002; amended June 1, 2007.)

**44-11-123. Changes in the comprehensive plan, budget, agency outcomes, and out-year report.** (a) If a community corrections agency wishes to change or deviate from the comprehensive plan, budget, agency outcomes, or out-year report during any fiscal year, the agency may do so if signatory approval of the corrections advisory board and the governing authority is first obtained. Documentation of signatory approval shall be submitted to the secretary before making the change or deviation.

(b) Each transfer of funds from the budget of one program to the budget of another program shall require the prior approval of the secretary. The signatory approval of the corrections advisory board and governing authority shall be submitted to the secretary along with a description of and justification for the proposed transfer. (Authorized by K.S.A. 75-5294, 75-5296; implementing K.S.A. 2005 Supp. 75-5292, K.S.A. 75-5296, K.S.A. 75-52,102; effective May 1, 1981; amended Feb. 6, 1989; amended May 15, 1989; amended March 5, 1990; amended July 23, 1990; amended March 29, 2002; amended June 1, 2007.)

## Article 15.—GRIEVANCE PROCEDURE FOR INMATES

**44-15-101a. Grievance procedure distribution; orientation; applicability; remedies; advisory committee; investigation.** (a) Grievance procedure regulations

shall be distributed or made readily available to all employees and inmates in each correctional facility.

(b) Each inmate and employee, upon admittance to or employment by the facility, shall receive an oral explanation of the grievance procedure, including an opportunity to have questions regarding the procedure answered orally. Explanatory materials and the oral presentation shall be available in any language spoken by a significant portion of the facility's population. To the extent feasible, inmates who do not understand English shall receive an explanation of the grievance procedure in a language in which the inmate is fluent. Mentally impaired and physically handicapped inmates shall receive explanations in a manner comprehensible to them. Parole officers shall provide each parolee with a brief grievance procedure orientation that explains the manner in which the system functions for parolees. Following the explanation, each inmate and each parolee shall sign a statement indicating that the required explanation has been given.

(c) All employees of the facility who are directly involved in the operation of the grievance procedure shall receive training in the skills necessary to operate, or participate in, the grievance procedure.

(d) (1) The grievance procedure shall be applicable to a broad range of matters that directly affect the inmate, including the following:

(A) Complaints by inmates regarding policies and conditions within the jurisdiction of the facility or the department of corrections; and

(B) actions by employees and inmates, and incidents occurring within the facility.

(2) The grievance procedure shall not be used in any way as a substitute for, or as part of, the inmate disciplinary procedure, the classification decision-making process, the property loss or personal injury claims procedure, or the procedure for censorship of publications specified in the secretary's internal management policy and procedure.

(e) The remedies available to the inmate may include action by the warden of the facility to correct the problem or action by the secretary of corrections to cause the problem to be corrected. Relief may include an agreement by facility officials to remedy an objectionable condition within a reasonable, specified time, or to change a facility policy or practice.

(f) A procedure shall be established by the warden for investigating the allegations and establishing the facts of each grievance. An inmate or employee who appears to be involved in the matter shall not participate in any capacity in the resolution of the grievance.

(g) A copy of the grievance response at each level shall be delivered to the unit team, to the inmate, and to the warden last responding. (Authorized by and implementing K.S.A. 2005 Supp. 75-5210, K.S.A. 75-5251; effective May 1, 1984; amended May 1, 1985; amended Feb. 15, 2002; amended June 1, 2007.)

**44-15-102. Procedure.** (a) Grievance step one: preliminary requirement; informal resolution and problem solving at unit team level.

(1) Each inmate shall first seek information, advice, or help on any matter from the inmate's unit team, or from a member of the team. If unable to solve the problem, the unit team shall refer the inmate to the proper office or department. The unit team shall assist those inmates who are unable to complete the form themselves.

(2) If an inmate does not receive a response from the unit team within 10 calendar days, a grievance report may be sent to the warden without the unit team signature or signatures. Each grievance report form shall include an explanation of the absence of the signature or signatures.

(b) Grievance step two: complaint to the warden. If any inmate receives a response but does not obtain a satisfactory solution to the problem through the informal resolution process within 10 calendar days, the inmate may fill out an inmate grievance report form and submit it, within three calendar days after the deadline for informal resolution, to a staff member for transmittal to the warden.

(1) The inmate shall attach a copy of each inmate request form used to attempt to solve the problem and shall indicate on the inmate grievance report the following information:

(A) A specific complaint that states what or who is the subject of the complaint, related dates and places, and what effect the situation, problem, or person is having on the inmate that makes the complaint necessary;

(B) the title and number, if possible, of any order or regulation that could be the subject of the complaint;

(C) the action that the inmate wants the warden to take to solve the problem;

(D) the name and signature of the responsible institution employee or employees or of the parole officer from whom the inmate sought assistance. This signature shall be on either an inmate request form or the grievance report form. The date on which the help was sought shall be entered by the employee on the form; and

(E) the date on which the completed grievance report was delivered to the staff member for transmittal to the office of the warden.

(2) The staff member shall forward the report to the warden before the end of the next working day and shall give a receipt to the inmate.

(3) Warden's response.

(A) (i) Upon receipt of each grievance report form, a serial number shall be assigned by the warden or designee, and the date of receipt shall be indicated on the form by the warden or designee. The nature of the grievance shall be ascertained by the warden or designee.

(ii) Each inmate grievance shall be returned to the inmate, with an answer, within 10 working days from the date of receipt.

(B) Each answer shall contain findings of fact, conclusions drawn, the reasons for those conclusions, and the action taken by the warden. Each answer shall inform the inmate that the inmate may appeal by submitting the appropriate form to the secretary of corrections.

(C) In all cases, the original and one copy of the grievance report shall be returned by the warden to the inmate. The copy shall be retained by the inmate for the inmate's files. The original may be used for appeal to the secretary

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if the inmate desires. The necessary copies shall be provided by the warden.

(D) A second copy shall be retained by the warden.

(E) Each facility shall maintain a file on grievance reports indexed by inmate name and subject matter. Grievance report forms shall not be placed in the inmate's institution file.

(F) Any grievance report form may be rejected by the warden if the form does not document any unit team action as required for the preliminary informal resolution process. The grievance report form shall then be sent back to the unit team for an immediate answer to the inmate.

(G) If no response is received from the warden in the time allowed, any grievance may be sent by an inmate to the secretary of corrections with an explanation of the reason for the delay.

(c) Grievance step three: appeal to the secretary of corrections.

(1) If the warden's answer is not satisfactory, the inmate may appeal to the secretary's office by indicating on the grievance appeal form exactly what the inmate is displeased with and what action the inmate believes the secretary should take. The inmate's appeal shall be made within three calendar days of receipt of the warden's decision, or within three calendar days of the deadline for that decision, whichever is earlier.

(2) The appeal shall then be sent directly and promptly by U.S. mail to the department of corrections central office in Topeka.

(3) When an appeal of the warden's decision is made to the secretary, the secretary shall then have 20 working days from receipt to return the grievance report form to the inmate with an answer. The answer shall include findings of fact, conclusions made, and actions taken.

(4) If a grievance report form is submitted to the secretary without prior action by the warden, the form may be returned to the warden. If the warden did not respond in a timely manner, the form shall be accepted by the secretary.

(5) An appropriate official may be designated by the secretary to prepare the answer.

(d) General provisions: page limits; partial responses; repetitive filings.

(1) At each step of the grievance procedure, the total number of pages of inmate grievance text shall not exceed 10 pages. Text appearing on the front and back of a page shall count as two pages. Any page of text beyond 10 pages shall not be considered when determining the merits of the grievance.

(2) Responding to parts of grievances that are procedurally or substantively appropriate shall not constitute a waiver of defects with the remaining parts of the grievance that are not procedurally or substantively appropriate.

(3) No offender shall abuse the grievance system by repeatedly filing the same complaint.

(A) Each offender who has been identified as being abusive of the grievance system by filing the same complaint on more than one occasion shall be notified in writing of this finding by the warden or secretary's designee responsible for responding to inmate grievance appeals who receives the repeated filing.

(i) The notification shall be given at the time of the repeated filing.

(ii) The repeated filing shall be returned to the offender with the notification but without further substantive response.

(iii) The notification shall contain reference to the matter of which the grievance is repetitive.

(B) If, following this notification, an offender continues to file the same complaint, the warden or secretary's designee may make application to the secretary to impose sanctions to remedy the abuse.

(C) Upon the finding by the secretary of an abusive filing, a fee of not more than five dollars may be imposed on the offender.

(D) Any application for sanctions submitted to the secretary by a warden or secretary's designee for consideration may be referred by the secretary to a designee other than a person responsible for responding to grievance or grievance appeals. (Authorized by and implementing K.S.A. 75-5210, K.S.A. 75-5251; effective May 1, 1980; amended May 1, 1984; amended May 1, 1985; amended May 1, 1988; amended April 20, 1992; amended Feb. 15, 2002; amended June 1, 2007.)

**44-15-104. Reprisals prohibited.** (a) Inmates. No adverse action shall be taken against any inmate for use of the grievance procedure unless the inmate uses the grievance procedure for any of the following purposes:

(1) To communicate a threat to another person or to the security of the facility;

(2) to make a complaint knowing that it is false, malicious, or made in bad faith; or

(3) to commit any unlawful act.

(b) Employees. No adverse action shall be taken against any employee for good faith participation in the grievance procedure. Employees shall be entitled to grieve reprisals for participation in inmate grievance systems by use of the department of corrections' employee grievance system. (Authorized by and implementing K.S.A. 2005 Supp. 75-5210, K.S.A. 75-5251; effective May 1, 1984; amended June 1, 2007.)

## Article 16.—REPORTING AND CLAIMS; LOST OR DAMAGED PROPERTY OR PERSONAL INJURY

**44-16-104a. Inmate claims for personal injury.** (a) Each inmate claim for personal injury shall be submitted to the facility and secretary of corrections within 10 calendar days of the claimed personal injury.

(b) Each claim described in subsection (a) shall be submitted and processed in accord with the department of corrections' internal management policies and procedures.

(c) The requirement that the inmate submit the claim as described in subsection (a) shall apply whether or not the inmate pursues a grievance pursuant to article 15 and whether or not the inmate files a claim with the legislative joint committee on special claims against the state. (Authorized by K.S.A. 75-5251; implementing K.S.A. 75-52,138; effective June 1, 2007.)

Roger K. Werholtz
Secretary of Corrections

Doc. No. 034431

State of Kansas

## State Corporation Commission

### Permanent Administrative Regulations

### Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

**82-3-303. Determination of open flow of a gas well.** In the absence of field rules to the contrary, the open flow capacity of a gas well shall be determined by flowing the well into a pipeline for a period of 24 to 72 hours, as required to attain stabilization through approved metering equipment. This procedure shall be known as a one point stabilized flow test. The rate of flow shall be recorded on a standard orifice meter chart, either graphically or mathematically, or recorded electronically in a flow computer connected to a metering device. The rate of flow at the end of the period shall be extrapolated to atmospheric pressure by using the characteristic well slope as determined from a multipoint back-pressure test.

(a) Multipoint back-pressure test. A multipoint back-pressure test shall be taken for determination of characteristic well slope, ''n,'' as determined from the equation

$$Q = C(P_c^2 - P_w^2)^n$$

where:

- $Q$ = the rate of flow, using MCF per day at 14.65 pounds per square inch absolute and 60°F;
- $C$ = the performance coefficient of the well;
- $P_c$ = wellhead shut-in pressure, expressed in pounds per square inch absolute and using the casing or tubing pressure, whichever is higher;
- $P_w$ = static wellhead working pressure, expressed in pounds per square inch absolute, at the termination of each flow period. Except as otherwise provided, the casing pressure shall be used if the annulus is open to the formation. If the annulus is not open to the formation so that the pressure cannot be measured on a static column, the tubing pressure shall be used if the flowing pressure is corrected for friction. All squared pressures shall be expressed in thousands; and
- $n$ = a numerical exponent characteristic of the particular well, referred to as ''slope.''

Multipoint back-pressure tests shall be limited to one per commercial gas well. A second test shall be permitted for a commercial gas well only if the well is recompleted into a separate common source of supply or for good cause shown.

The basic procedures for taking a multipoint back-pressure test shall be as follows:

(1) The well shall be shut in for 72 hours, plus or minus six hours, and the shut-in pressure shall be taken. This shut-in pressure shall be considered stabilized unless readings taken with commission-approved equipment at a shorter period are higher. In this event, the highest recorded pressure during the test shall be used as the shut-in pressure. If the shut-in period appreciably affects the surface pressure, appropriate correction of the surface pressure shall be made in order to account for the pressure due to the liquid column.

(2) If the well being tested has a pipeline connection, it shall be flowed for at least 24 hours before the shut-in period at a rate high enough to clear the well of liquids.

(3) A series of at least four flow tests shall be taken. The tests shall be run in an increasing flow rate sequence. In the case of high liquid-to-gas ratio wells, a decreasing flow rate sequence may be used if the increasing sequence method will not give point alignment. If the decreasing sequence method is used, a statement giving the reasons why the use of this method is necessary, with a copy of the data taken on increasing sequence, shall be furnished to the commission.

(4) Each flow test shall extend for not more than two hours. If the wellhead working pressure does not decline more than 0.1 percent of the wellhead shut-in pressure during any 15-minute period before the end of the two-hour flow period, the pressure may be recorded and the next flow test started. All subsequent flow periods shall be of the same duration.

(5) If the back-pressure curve cannot be drawn through at least three of the plotted points, the well shall be retested. If upon retest a curve cannot be drawn through at least three of the plotted points, an average curve shall be drawn through the points of the test if the slope of the curve will be not more than 1.0 and not less than 0.5.

(6) If the curve drawn through at least three points of the back-pressure test has a slope greater than 1.0 or less than 0.5, the well shall be retested. If upon retest the slope of the curve is greater than 1.0, a curve with a slope of 1.0 shall be drawn through the data point corresponding to the highest rate of flow. If upon retest the slope of the curve is less than 0.5, a curve with a slope of 0.5 shall be drawn through the data point corresponding to the lowest rate of flow.

(7) All tests shall be subject to review and approval by a representative of the state corporation commission.

(8) The lowest rate of flow on the test shall be at a rate high enough to keep the well clear of liquids.

(9) If possible, the working wellhead pressure at the lowest rate of flow shall be drawn down at least five percent of the well's shut-in pressure and, if possible, 25 percent of the well's shut-in pressure at the highest rate of flow. If data cannot be obtained in accordance with this paragraph, a written explanation shall be furnished to the commission.

(10) Correction for the compressibility of flowing gas shall be made in accordance with approved commission methods.

(11) If the static wellhead working pressure reading cannot be obtained due to packer or dual completion, the pressure shall be calculated by using appendix A in the document adopted by reference in paragraph (b)(4).

(12) If a satisfactory test cannot be obtained on wells whose indicated open flow is 500 mcf or less, an exception to the foregoing procedure may be granted by the commission and a slope of 0.85 may be assigned to the well.

(13) Upon completion of the test, all the calculations shall be shown on any approved form and shall be accompanied by a back-pressure curve neatly plotted on equal scale log paper of at least three-inch cycles.

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(b) One-point stabilized flow test.

(1) An initial one-point stabilized flow test shall be made within 30 days from the date of first production of gas into a pipeline and additional tests shall be taken yearly or as ordered by the commission. Upon the completion of all flow tests, a copy of the flow calculations shall be submitted to the commission.

(2) Immediately after the shut-in wellhead pressure is taken, the well shall be opened into the pipeline and gas shall be produced for the subsequent 24 to 72 hours at the test rate as required to reach stabilization. During this time, the working pressure at the wellhead shall be maintained as nearly as possible at 85 percent of the wellhead shut-in pressure, expressed in pounds per square inch gauge, or as close to 85 percent as operating conditions in the field will permit.

(3) The wellhead working pressure shall never be more than 95 percent or less than 75 percent of the wellhead shut-in pressure of the well being tested unless, in the judgment of the commission's representative, it is impractical to maintain the pressure within these limits. In this case, the well shall be produced at maximum capacity through either the tubing or the annulus, whichever will give the greater drawdown.

(4) The open flow shall be calculated by use of the formula specified in this paragraph. Flow shall be measured by an approved meter throughout the test period, and the wellhead and meter pressures shall be measured at the close of the test period by gauges approved for use in the state corporation commission's ''manual of back pressure testing of gas wells,'' written pursuant to commission order dated May 15, 1957, docket number 34,780-C (C-1825), which is hereby adopted by reference, including the appendices.

The rate at which the well is producing at the end of the flow period shall be considered the stabilized producing rate corresponding to the wellhead working pressure existing at that time, if the rate is not greater than the average producing rate for the entire flow period. The observed stabilized producing rate shall be converted to open flow by use of the following formula:

$$OF = R \text{ times } \left[ \frac{(P_c^2 - P_a^2)}{(P_c^2 - P_w^2)} \right]^n$$

where:

OF = Open flow, expressed in MCF/D.

R = Stabilized producing rate, expressed in MCF per day at 14.65 pounds per square inch absolute and 60°F.

$P_a$ = Atmospheric pressure, expressed in pounds per square inch absolute.

$P_c$ = Wellhead shut-in pressure of the well, expressed in pounds per square inch absolute.

$P_w$ = Stabilized wellhead working pressure at rate R, expressed in pounds per square inch absolute.

n = Characteristic well slope as determined by the multipoint back-pressure test.

(5) Shut-in wellhead pressure shall be measured after the well has been shut in for approximately 72 hours. The well shall have been shut in for not less than 66 hours and not more than 78 hours when the shut-in pressure is taken. If the representative of the commission believes that the shut-in pressure taken upon a well is incorrect, the representative may require that the well be blown to clean fluids from the well bore or may take any other reasonable steps that may be necessary to get a true pressure reading upon the well. If more than one shut-in pressure is taken upon a well during the test period, the highest shut-in pressure obtained shall be used in calculating the open flow of the well.

(c) Metering devices. An orifice meter, a critical flow prover, or a turbine meter in good operating condition and properly calibrated in accordance with the manufacturer's recommendation shall be the only acceptable metering devices. The owner of the metering device shall have documentation of any recalibration or refurbishment of the metering device and shall furnish the documentation to the conservation division upon request.

(d) Gas venting. Gas shall not be vented except when absolutely necessary. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1987; amended April 23, 1990; amended June 1, 2007.)

**82-3-304. Tests of gas wells; penalty.** (a) Initial certified tests.

(1) Initial certified tests run on gas wells to determine the standard daily allowable as a percentage of the well's actual open-flow potential shall be conducted in conformance with K.A.R. 82-3-303 or special orders of the commission. These tests shall be completed and filed by the well operator with the commission within 60 days of the first gas sales. The well operator shall conduct the tests under the supervision of the conservation division, and a representative of the commission may be present to witness these tests. A test of any individual well may be required by the commission at any time.

(2) The operator of any gas wells producing a minimum allowable of 250 mcf or less of gas per day in nonprorated fields shall not be required to perform an initial certified test in conformance with K.A.R. 82-3-303. Each operator of a minimum allowable gas well shall perform an initial test consisting of a 24-hour shut-in pressure test within 30 days of the first gas sales. The operator of the well shall report the results of the shut-in pressure test to the commission on a prescribed form within 30 days of the test date.

(3) In prorated fields, all gas produced into a pipeline shall be counted against the allowable.

(b) Test witnessing; notification. Tests may be witnessed by a representative of any producer, purchaser, or transporter in the gas field from which the well produces. Any producer, purchaser, or transporter may request notification of the time the tests will commence from the operator of the well on which a test is to be run.

(c) Annual testing.

(1) An annual test shall be run, in accordance with these regulations, on all gas wells not covered by a proration order or special order, unless these wells are exempt pursuant to subsection (d) below. The test shall be

effective during the following year. The test shall become effective the first day of the month following receipt of test results by the conservation division.

(2) Each operator who fails to submit an annual gas well test shall shut in the well until the annual well test has been submitted.

(d) Exemption from annual testing. If the well does not produce gas with more than 30 grains per 100 cubic feet of $H_2S$ and, if applicable, the operator has submitted an open-flow test in accordance with K.A.R. 82-3-303, the following shall be exempt from annual testing requirements:

(1) Gas wells used for domestic purposes where gas is not sold;

(2) gas wells that produce 250 mcf of gas or less per day;

(3) water-prone gas wells equipped with a plunger lift;

(4) gas wells used exclusively for secondary oil recovery; and

(5) gas wells employing a vacuum to recover gas.

(e) Request for exemption. Each operator shall request the exemption from annual testing each year on forms prescribed by the commission, shall perform a shut-in pressure test during each year, and shall furnish the results of the test to the commission with the request for exemption.

(f) Coalbed natural gas exemption.

(1) Any operator of a well producing only coalbed natural gas may seek an exemption from subsections (a) and (c) by filing an application for exemption with the conservation division stating that only coalbed natural gas is produced from the well and that the testing would be physically impossible or contrary to prudent practices for the wells. No well shall be deemed exempt unless the application for exemption has been approved by the conservation division. The conservation division's approval shall be deemed granted 30 days after the application has been filed, unless the conservation division has notified the applicant before the expiration of the 30-day time period that the application has been denied. Each notice of denial shall be in writing and shall include the procedure for the applicant to appeal the denial.

(2) If this exemption is granted, the exemption shall continue until the well no longer meets the criteria for exemption under this subsection. The operator shall notify the conservation division immediately if the well begins producing oil or gas other than coalbed natural gas or if the well characteristics change so that testing becomes possible.

(g) Responsibility for conducting test; confirmation of allowable. Each operator of a gas well shall be responsible for conducting all tests required to obtain an allowable for the well. Each operator shall submit one copy of the test required under subsection (c) to the conservation division and one copy to the purchaser to confirm the allowable as determined by these regulations or by special orders.

(h) Illegal production. All gas produced and sold without the required test shall be considered illegal production.

(i) Penalty. The failure to submit an annual gas well test shall be punishable by a $500.00 penalty. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-164 and K.S.A. 55-703; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended April 23, 1990; amended Aug. 29, 1997; amended Jan. 25, 2002; amended Jan. 14, 2005; amended June 1, 2007.)

Susan K. Duffy
Executive Director

Doc. No. 034433

**State of Kansas**

## Department of Health and Environment

### Permanent Administrative Regulations

### Article 15.—APPLICATION FOR PERMITS; DOMESTIC WATER SUPPLY

**28-15-35. Conditions of accreditation.** (a) Definitions. For the purposes of this article, the following definitions shall be used:

(1) ''Accreditation'' means the issuance of a document by the secretary attesting to the fact that a laboratory meets the minimum requirements specified in K.A.R. 28-15-35, 28-15-36, 28-15-36a, and 28-15-37. For the purposes of this article, the terms ''accreditation'' and ''certification'' are equivalent.

(A) ''Primary accreditation'' means the accreditation granted to a laboratory based on a review of the laboratory by the department for conformance with accreditation requirements.

(B) ''Secondary accreditation'' means the accreditation granted by reciprocity, which is based on primary accreditation granted by another state.

(2) ''Accredited,'' when used to describe a laboratory, means that the laboratory meets all of the requirements for accreditation as specified in K.A.R. 28-15-35, 28-15-36, 28-15-36a, and 28-15-37.

(3) ''Accrediting authority'' means a territorial, state, federal, or international governmental agency that has responsibility and accountability for environmental laboratory accreditation and that grants accreditation.

(4) ''Analyst'' means a person who performs the analytical methods and associated techniques and who is responsible for applying required laboratory practices and other pertinent quality controls to meet the required level of quality.

(5) ''Clean water act'' and ''CWA'' mean U.S. public law 92-500, as amended by public law 92-217, public law 95-576, public law 96-483, and public law 97-117, and 33 U.S.C. 1251 et seq., as in effect on February 4, 1987, which governs water pollution control programs.

(6) ''Denial'' means the department's refusal to accredit a laboratory after submission of an application.

(7) ''Department'' means the Kansas department of health and environment.

(8) ''EPA'' means the U.S. environmental protection agency.

(9) (A) ''Field of accreditation'' means the following:

*(continued)*

(i) The matrix;
(ii) the technology or method, or both; and
(iii) the analyte or analyte group, or both.
(B) The matrices shall include the following:
(i) Drinking water;
(ii) nonpotable water, including all aqueous samples that are not public drinking water;
(iii) solid and chemical materials, including soils, sediments, other solids, and nonaqueous liquids; and
(iv) air and emissions, including ambient air and stack emissions.
(10) ''Field of proficiency testing'' means studies of proficiency testing by the following:
(A) The matrix;
(B) the technology; and
(C) the analyte or analyte group, or both.
(11) ''Field laboratory'' means any Kansas environmental laboratory performing compliance analyses limited to one or more of the following fields of accreditation:
(A) Chlorine;
(B) dissolved oxygen;
(C) hydrogen ion (pH);
(D) sulfite;
(E) temperature; or
(F) turbidity.
(12) ''Interim accreditation'' means accreditation issued for either of the following:
(A) An additional field of accreditation utilizing a technology previously inspected by the laboratory accreditation officer and for which the laboratory meets all other accreditation requirements including acceptable proficiency testing studies, if available; or
(B) a field laboratory before inspection.
(13) ''Laboratory'' means a legally identifiable facility performing environmental analyses in a controlled and scientific manner.
(14) ''Laboratory accreditation officer'' means any person determined by the secretary to have adequate credentials to evaluate laboratories supplemented by successful completion of the EPA drinking water laboratory accreditation officers' training course, nationally approved assessor training courses, and refresher training courses.
(15) ''Laboratory technical director'' means a person whose functions are to direct technical personnel and evaluate the quality of test procedures performed in the laboratory.
(16) ''Proficiency testing sample'' and ''PT'' mean a sample the composition of which is unknown to the analyst. The PT samples are used to test whether or not the laboratory can produce analytical results within specific performance limits.
(17) ''Reciprocity'' means the secretary's recognition of the validity of the accreditation granted by another accrediting authority, in order to issue Kansas accreditation based upon the evaluation conducted by that accrediting authority.
(18) ''Resource conservation and recovery act'' and ''RCRA'' mean 42 U.S.C. 6921, as amended by the solid waste disposal act of 1980, public law 94-482, as in effect on October 21, 1980, and as amended by the hazardous and solid waste act of 1984, public law 96-616, as in effect on November 8, 1984, which governs solid and hazardous waste programs.
(19) ''Revocation'' means the withdrawal of a laboratory's accreditation.
(20) ''Safe drinking water act'' and ''SDWA'' mean 42 U.S.C. §300f et seq., as in effect on August 8, 2005, formerly public law 104-182 et seq., which governs drinking water programs.
(21) ''Secretary'' means the secretary of the Kansas department of health and environment.
(22) ''Supplemental accreditation'' means accreditation based upon state-of-the-art technology for which the EPA has not given method approval and for which monitoring is required by the department.
(23) ''Suspension'' means the temporary removal of a laboratory's accreditation for a period of time that shall not exceed six months.
(24) ''Technology'' means a specific arrangement of analytical instruments, detection systems, or preparation techniques, or any combination of these.
(b) Application for accreditation. The requirements for applying for and maintaining accreditation shall be as follows:
(1) A complete application shall be submitted on forms provided by the department.
(2) Each laboratory, to maintain uninterrupted accreditation, shall file an application for renewal at least 60 calendar days before the current accreditation expires.
(3) Each applicant shall be subject to the payment of fees as specified in K.A.R. 28-15-37.
(4) When applications are submitted by accredited laboratories requesting accreditation for an additional field of accreditation, the expiration date for the additional accreditation shall be the same date indicated on the certificate currently in effect for that laboratory. Additional fees shall be assessed for each additional method for each scope of accreditation as specified in K.A.R. 28-15-37.
(c) Scope of accreditation. Laboratories may be accredited for any of the following:
(1) Drinking water (SDWA);
(2) wastewater (CWA);
(3) solid and hazardous waste (RCRA); or
(4) field laboratory. Accreditation of field laboratories shall be limited to the fields of accreditation specified in paragraph (a)(11) of this regulation.
(d) On-site assessment.
(1) Each on-site assessment of a laboratory shall be conducted by a laboratory accreditation officer at least once every two years. Each on-site assessment shall be conducted to determine whether the laboratory meets the minimum requirements for accreditation as specified in K.A.R. 28-15-35 and 28-15-36.
(2) Each on-site assessment of a field laboratory shall be conducted by a laboratory accreditation officer at least once every three years. On-site assessments shall be conducted to determine whether the laboratory meets the minimum requirements for accreditation as specified in K.A.R. 28-15-35 and 28-15-36a.
(3) Additional on-site assessments may be performed to resolve problems indicated by deficiencies from proficiency testing, deficiencies from prior on-site assessments, or changes that an accredited laboratory makes in

location, personnel, or methodology. Other on-site assessments may be conducted to resolve complaints.

(4) If deficiencies are identified during the on-site assessment, a deficiency report shall be submitted to the laboratory by the department. The laboratory shall respond to the deficiency report with corrective action within 30 days of receiving the deficiency report. If corrective action is considered not acceptable by the laboratory accreditation officer, the laboratory shall have an additional 30 days after notification of nonacceptance to submit a revised plan for corrective action. Failure to comply with this requirement shall result in denial, suspension or revocation of accreditation as established in paragraphs (g)(1), (g)(3), and (g)(5) of this regulation.

(e) Proficiency testing. For initial and continuing accreditation, each laboratory, excluding field laboratories, shall participate in proficiency testing studies obtained from a nationally accredited proficiency test provider. Each laboratory shall demonstrate the successful performance of each test method for each proficiency testing field of accreditation for which the laboratory seeks or maintains accreditation. Laboratories shall be permitted to report multiple results for the same field of proficiency testing from one PT sample by using more than one method and type of technology.

(1) For initial accreditation, the laboratory shall meet the following requirements:

(A) Successfully complete two proficiency testing studies out of the three most recent rounds attempted; and

(B) schedule proficiency testing studies at least 15 days after the closing date of the previous study analyzed by the laboratory. The most recent three rounds attempted shall have occurred within 18 months of the date the laboratory submitted an application for accreditation. A result shall be considered unacceptable if the laboratory reports values for a field of proficiency testing outside of the acceptance limits.

(2) (A) For continuing accreditation, the laboratory shall meet the following requirements:

(i) Participate in a proficiency testing study twice per year. The completion dates of successive PT studies shall be approximately six months apart; and

(ii) maintain a performance history of at least two acceptable proficiency testing studies out of the three most recent studies. A result shall be considered unacceptable when either the laboratory reports values outside of the acceptance limits or the laboratory fails to participate in a study.

(B) Failure to maintain the acceptable performance history as specified in paragraph (e)(2)(A)(ii) shall result in suspension of the method related to the affected field of accreditation.

(C) A laboratory may elect to analyze a remedial proficiency testing sample after obtaining unacceptable results. The remedial sample shall be scheduled at least 15 days after the closing date of the previous study analyzed by the laboratory. The remedial sample shall be considered part of the laboratory's corrective action. The result shall count as part of the historical two-out-of-three performance criteria. If the result from the remedial sample is unacceptable, the laboratory shall be subject to suspension of the affected field of accreditation.

(3) After loss of accreditation of a field of accreditation due to nonacceptable performance, the laboratory shall complete two acceptable proficiency testing studies out of the three most recent studies attempted for the failed field of accreditation before accreditation may be reinstated. Each study shall be scheduled at least 15 days after the closing date of the previous study analyzed by the laboratory.

(4) Proficiency test providers shall report the laboratory results for proficiency test samples in the format listed in ''proficiency testing electronic data formats,'' published April 2003 by the department and hereby adopted by reference.

(5) During participation in a proficiency testing study and before the release of the results of the study, all of the following requirements shall be met:

(A) The laboratory's management and all analysts shall ensure that all PT samples are handled, managed, analyzed, and reported utilizing the staff, methods, procedures, equipment, quality controls, facilities, and frequency of analysis that are used for routine analysis of real environmental samples.

(B) The laboratory shall not send proficiency testing samples to another laboratory for any analysis for which the laboratory seeks accreditation.

(C) The laboratory shall not knowingly accept proficiency testing samples from another laboratory for any analysis for which the sender is seeking accreditation.

(D) The laboratory personnel shall not exchange or offer information about proficiency testing sample results with personnel from another laboratory.

(E) The laboratory personnel shall not attempt to obtain the true values of any proficiency testing samples from the provider.

(f) Notification of accreditation. A certificate shall be issued by the secretary to each laboratory satisfactorily meeting all requirements of K.A.R. 28-15-35, 28-15-36, 28-15-36a, and 28-15-37. The fields of accreditation for which the laboratory is accredited shall be noted. An accreditation number shall be assigned to each accredited laboratory and shall be included on the certificate. The certificate shall be issued for a 12-month period.

(g) Denial, suspension, or revocation of accreditation.

(1) Denial of accreditation. Laboratory accreditation shall be denied in part or in total for any of the following reasons:

(A) Failure to submit a complete application;

(B) failure to meet the requirements specified in this regulation and in K.A.R. 28-15-36 and K.A.R. 28-15-36a;

(C) failure to successfully analyze and report proficiency testing samples as required in subsection (e) of this regulation;

(D) failure to demonstrate to the laboratory accreditation officer that the laboratory meets the required standards for accreditation, based upon an on-site assessment;

(E) failure to respond to the deficiency report with acceptable corrective action after an on-site assessment within the time period established in paragraph (d)(4) of this regulation;

(F) failure to implement corrective action;

*(continued)*

(G) misrepresentation or omission of material facts;

(H) denial of entry during normal business hours for an on-site assessment;

(I) failure to pay the required fees as established in K.A.R. 28-15-37;

(J) failure to ensure that essential laboratory personnel are available for participation, as needed, for the satisfactory completion of an on-site assessment;

(K) any prior sustained charges of administrative violations of state or federal laws and regulations related to the provision of environmental laboratory services or reimbursement for these services, against the owner or owners or laboratory technical director or directors, individually or jointly, or against any laboratory owned or directed by these individuals; or

(L) conviction for a crime that is related to environmental laboratory services and involves theft or fraud.

(2) Accreditation after denial.

(A) Accreditation shall not be granted until a laboratory has demonstrated to the laboratory accreditation officer that the deficiencies that caused the denial have been corrected.

(B) If the laboratory is not successful in correcting the deficiencies that caused the denial, the laboratory shall wait six months before submitting a new application.

(C) After denial of accreditation in part, the laboratory shall reapply for accreditation of the affected fields of accreditation. After denial of accreditation in total, the laboratory shall submit a complete application to the department.

(3) Suspension of accreditation. Any accredited laboratory's accreditation may be suspended in part or in total for any of the following reasons:

(A) Failure to notify the laboratory accreditation officer in writing within 30 days of changes in ownership, laboratory personnel, laboratory location, or methods that involve a change in technology or instrumentation;

(B) failure to successfully analyze and report proficiency testing samples as required in subsection (e);

(C) failure to respond to the deficiency report with acceptable corrective action after an on-site assessment;

(D) failure to respond to the deficiency report after an on-site assessment within the time period established in paragraph (d)(4);

(E) failure to implement corrective action after an on-site assessment; or

(F) failure to maintain compliance with this regulation and with K.A.R. 28-15-36, 28-15-36a, and 28-15-37.

(4) Accreditation after suspension.

(A) Accreditation after suspension shall not be granted until a laboratory has demonstrated to the laboratory accreditation officer that the deficiencies that caused suspension have been corrected.

(B) After suspension of accreditation in part, the laboratory shall reapply for accreditation of the affected fields of accreditation. After suspension of accreditation in total, the laboratory shall submit a complete application to the department.

(C) If the laboratory does not correct the deficiencies that caused the suspension within six months, the laboratory accreditation shall be revoked in part or in total.

(5) Revocation of accreditation.

(A) An accreditation may be revoked in part or in total if it is determined that there has been any of the following:

(i) Failure to maintain compliance with K.A.R. 28-15-35, 28-15-36, 28-15-36a, and 28-15-37;

(ii) reporting, as official compliance data, any field of accreditation or analytical result for which accreditation has not been obtained;

(iii) failure to respond to the deficiency report with acceptable corrective action after an on-site assessment;

(iv) failure to respond to the deficiency report after an on-site assessment within the time period established in paragraph (d)(4); or

(v) failure to implement corrective action after an on-site assessment.

(B) An accreditation may be revoked in total if it is determined that there has been any of the following:

(i) Misrepresentation or omission of material facts;

(ii) failure to participate in proficiency testing studies as required in subsection (e);

(iii) denying entry to a laboratory accreditation officer during the laboratory's working hours;

(iv) failure to ensure that essential laboratory personnel are available for participation, as needed, for the satisfactory completion of an on-site assessment;

(v) any prior sustained charges of administrative violations of state or federal laws and regulations related to the provision of environmental laboratory services or reimbursement for such services, against the owner or owners or laboratory technical director or directors, individually or jointly, or against any laboratory owned or directed by these individuals; or

(vi) conviction for a crime that is related to environmental laboratory services and involves theft or fraud.

(6) Accreditation after revocation.

(A) After revocation, accreditation shall not be granted until a laboratory has corrected the reason for revocation and has met all the requirements of the revocation order.

(B) After revocation of accreditation in part, the laboratory shall reapply for accreditation of the affected fields of accreditation. After revocation of accreditation in total, the laboratory shall submit a complete application to the department.

(h) Analytical results obtained after an accreditation has been suspended or revoked shall not be submitted to the department as official compliance data.

(i) Reciprocity.

(1) Establishment of reciprocity for the accreditation of laboratories located outside of the state of Kansas. Laboratories located outside of the state of Kansas that perform laboratory services as specified in K.S.A. 65-163 through K.S.A. 65-171t and amendments thereto, this regulation, and K.A.R. 28-16-28b, K.A.R. 28-16-63, and K.A.R. 28-31-4 may be accredited by the department, if the laboratory is accredited by a national environmental laboratory accrediting authority that the secretary recognizes as having standards equivalent to those standards established in this regulation and K.A.R. 28-15-36.

(2) Each out-of-state laboratory shall submit an application to the department with a copy of the current certificate issued by the primary accrediting authority or au-

thorities, and the accreditation fees specified in K.A.R. 28-15-37.

(3) Laboratories located outside of Kansas shall not be approved as field laboratories.

(4) The laboratory shall be accredited only for the requested fields of accreditation for which it holds accreditation from its primary accrediting authority or authorities. The laboratory shall be accredited by the department for only fields of accreditation included in the Kansas scope of accreditation.

(5) In lieu of reciprocity, any out-of-state laboratory may apply for primary accreditation from the department if all of the following criteria are met:

(A) The on-site assessment of the laboratory is conducted by a third-party assessor contracted by the department.

(B) All fees and expenses for the on-site assessment of the laboratory are paid by the laboratory directly to the third-party assessor.

(C) The laboratory meets all other requirements for accreditation as specified in this regulation and in K.A.R. 28-15-36 and 28-15-37.

(j) Laboratory withdrawal of accreditation. Any laboratory may withdraw its application for accreditation at any time during the accreditation process. Any laboratory may withdraw from accreditation at any time during the accreditation period. In both cases, each laboratory shall notify the department in writing. The fees submitted to the department up to the time of the notification shall not be refunded, as specified in K.A.R. 28-15-37.

(k) The change in legal status, ownership, or location of an accredited laboratory.

(1) Each accredited laboratory shall notify the department, in writing, of any change in legal status, ownership or location, or any combination of these, within 30 calendar days of the change.

(2) Accreditation shall be transferred if the change in legal status or ownership of the accredited laboratory does not affect the laboratory's staff, equipment, and organization.

(3) Accreditation shall not be transferred if the change in legal status or ownership of the accredited laboratory affects the laboratory's staff, equipment, and organization. The laboratory shall be required to apply for accreditation as specified in subsection (b).

(4) Any change in the legal status, ownership, or location, or any combination of these, may require an on-site assessment of the laboratory by a laboratory accreditation officer.

(5) If a change in ownership occurs, all records and analyses that have been performed and that pertain to accreditation shall be retained for a minimum of five years and shall be subject to inspection by the department during this period without prior notification to the laboratory. (Authorized by K.S.A. 65-1,109a; implementing K.S.A. 65-171l and 65-1,109a; effective, E-79-14, June 23, 1978; effective May 1, 1979; amended May 1, 1983; amended May 1, 1986; amended May 1, 1988; amended Jan. 24, 1994; amended May 25, 2001; amended March 26, 2004; amended June 1, 2007.)

**28-15-36. Requirements for accreditation of environmental laboratories other than field laboratories.** (a) For the purposes of this regulation, the definitions in the ''environmental laboratory accreditation glossary,'' published August 2006 by the department and hereby adopted by reference, shall apply.

(b) The requirements for the approval of environmental laboratories shall be those requirements listed in sections 2.1.3, 2.2.3, 4.1.1, 4.1.8, 5.4, and 5.5 and appendices C, D.1, D.2, D.3, and D.4 of chapter 5 of ''2003 NELAC standard,'' EPA/600/R-04/003, approved at the ninth NELAC annual meeting on June 5, 2003. The sections and appendices specified in this subsection are hereby adopted by reference.

(c) Each environmental laboratory shall meet all of the following requirements for the use of NELAC accreditation:

(1) Not misrepresent its fields of accreditation, methods, or analytes or its accreditation status on any document. These documents shall include laboratory reports, catalogs, advertising, business solicitations, proposals, quotations, and other materials;

(2) post or display its most recent accreditation certificate or its fields of accreditation in a prominent place in the laboratory facility;

(3) make accurate statements concerning its fields of accreditation and accreditation status;

(4) include at least the phrase ''NELAP accredited'' and the laboratory's accreditation number or other identifier if the accrediting authority's name is used on general literature, including catalogs, advertising, business solicitations, proposals, quotations, laboratory analytical reports, and any other materials; and

(5) not use its certificate, its accreditation status, the NELAC or NELAP logo, or both logos to imply endorsement by the department. (Authorized by K.S.A. 65-1,109a; implementing K.S.A. 65-171l and 65-1,109a; effective, E-79-14, June 23, 1978; effective May 1, 1979; amended May 1, 1983; amended May 1, 1986; amended May 1, 1988; amended Jan. 24, 1994; amended May 25, 2001; amended March 26, 2004; amended June 1, 2007.)

**28-15-36a. Requirements for accreditation of field laboratories.** (a) Accreditation of a field laboratory shall be granted only to those laboratories performing environmental analyses limited to one or more of the following fields of accreditation:

(1) Chlorine;

(2) dissolved oxygen;

(3) hydrogen ion (pH);

(4) sulfite;

(5) temperature; or

(6) turbidity.

(b) Personnel. Each staff member performing analytical procedures shall meet the following minimum qualifications:

(1) A high school diploma or equivalent;

(2) knowledge of the use of analytical equipment and support equipment used for the analysis of the fields of accreditation listed in subsection (a); and

(3) one month's experience in performing the analyses being considered for approval.

(c) Supplies, reagents, standards, and equipment.

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(1) All items necessary for the performance of the analyses shall be available.

(2) Reagents and standards shall not exceed their expiration date.

(3) Equipment shall be properly maintained and in working order.

(4) Automated on-line equipment shall be maintained and calibrated according to manufacturer's instructions. The calibration and maintenance of automated equipment shall be documented.

(d) Analytical methods. Drinking water samples shall be analyzed in accordance with methods approved by the laboratory accreditation officer as required by the safe drinking water act. Environmental water samples analyzed under the clean water act shall be analyzed in accordance with methods approved by the laboratory accreditation officer as required by the clean water act. Environmental samples analyzed under the resource conservation and recovery act shall be analyzed in accordance with methods approved by the laboratory accreditation officer as required by the resource conservation and recovery act.

(e) Sample collection and handling. All samples collected for field laboratory analysis shall be analyzed immediately after collection or on-site. The temperature of each sample shall be read and recorded at the sample site.

(f) Quality assurance.

(1) Each field laboratory shall implement and maintain a detailed, written standard operating procedure for collection, analysis, reporting, and data handling.

(2) Each instrument shall be calibrated on each day of use.

(3) Each calibration shall be verified with a quality control standard.

(4) Each aliquot of a solution used for calibration and quality control shall be used only once.

(g) Data handling.

(1) All records relating to data reported for regulatory compliance purposes shall be retained by the laboratory for at least five years. This requirement shall include the following if applicable:

(A) Calibration or standardization information, or both;

(B) quality controls, including standards and duplicates;

(C) calculations;

(D) sampling and analytical information; and

(E) reports.

(2) The sampling and analytical data to be retained shall include the following:

(A) The date, time, and location of sampling and analysis;

(B) the name of the person collecting the sample;

(C) the name of the analyst; and

(D) the type of analysis, method utilized, and results.

(h) The person in charge of each accredited field laboratory shall notify the accreditation officer, in writing, within 30 days of any changes in analytical equipment, personnel, facility location, facility name, or facility ownership. If any changes in personnel take place, the person in charge of the accredited field laboratory shall be responsible for the placement and training of individuals meeting the qualifications requirements specified in subsection (b). (Authorized by K.S.A. 65-1,109a; implementing K.S.A. 65-171l and 65-1,109a; effective Jan. 24, 1994; amended May 25, 2001; amended June 1, 2007.)

**28-15-37. Fees.** (a) (1) The accreditation fees for primary accreditation for laboratories located in the state of Kansas shall be as follows:

(A) (i) $1,000.00 for aquatic toxicity;

(ii) $300.00 for microbiology field of accreditation for one scope of accreditation and $500.00 for more than one scope of accreditation;

(iii) $500.00 for metal field of accreditation for each scope of accreditation;

(iv) $1,000.00 for organic chemistry field of accreditation for each scope of accreditation;

(v) $500.00 for inorganic chemistry field of accreditation for each scope of accreditation; and

(vi) $1,000.00 for radiochemistry field of accreditation for each scope of accreditation;

(B) $200.00 for each supplemental accreditation; and

(C) $200.00 for each laboratory operating more than one facility in different physical locations and accredited under the same certificate, in addition to any of the accreditation fees.

(2) The accreditation fee for primary accreditation for each laboratory located out of the state of Kansas shall be $1,750.00 for each scope of accreditation. The laboratory shall be responsible for all fees and expenses for the assessment of the laboratory that are paid by the laboratory directly to a third-party assessor contracted by the department.

(3) The accreditation fee for each laboratory accredited by reciprocity shall be $1,250.00 for each scope of accreditation.

(4) The accreditation fees for each field laboratory shall be $200.00 for one field of accreditation and $350.00 for more than one field of accreditation.

(b) The person in charge of each laboratory shall submit the applicable fees specified in subsection (a) with the application forms provided by the department.

(c) For each scope of accreditation, each laboratory shall be assessed a $75.00 fee for each field of accreditation added within that scope of accreditation during the accreditation period.

(d) All fees shall be remitted in full before the issuance of the certificate. Fees shall not be refunded except in the case of overpayment. Payment of fees shall be made to the Kansas division of health and environmental laboratories. (Authorized by and implementing K.S.A. 65-1,109a; effective, E-79-14, June 23, 1978; effective May 1, 1979; amended May 1, 1986; amended Jan. 24, 1994; amended May 25, 2001; amended June 1, 2007.)

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 034428

**State of Kansas**

## Secretary of State

### Certification of New State Laws

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

Ron Thornburgh
Secretary of State

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(Published in the Kansas Register May 17, 2007.)

## HOUSE BILL No. 2267

AN ACT concerning municipalities; amending K.S.A. 12-105a, 12-6a02, 12-6a14, 12-6a19 and 12-1232 and K.S.A. 2006 Supp. 12-6a01 and repealing the existing sections.

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

Section 1. K.S.A. 12-6a19 is hereby amended to read as follows: 12-6a19. *(a)* Whenever the construction of any water, *stormwater* or sanitary sewer improvement is initiated by petition pursuant to ~~subsection (2)~~ of K.S.A. 12-6a04, and amendments thereto, the governing body of the city may require the owners of property, which benefits from such *water, stormwater or sanitary sewer* improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, to be served by such improvement.

The amount of such benefit fee shall not exceed the amount of the assessment, including principal and interest, which would have been levied against the property had it been included in the original improvement district. The benefit fee shall be assessed only against the property described in the petition requesting service by the *water, stormwater or sanitary sewer* improvement. Unless otherwise provided by the city, such benefit fee shall be due and payable at the time the property begins being served by the *water, stormwater or sanitary sewer* improvement, and shall be subject to the same interest, as assessments against property originally included in the improvement district for such *water, stormwater or sanitary sewer* improvement. Any benefit fees paid hereunder shall be applied: ~~(a)~~ *(1)* To the remaining principal and outstanding interest on the bonds issued to finance the *water, stormwater or sanitary water* improvement, with a resulting pro rata reduction of the assessments against property originally included in the improvement district for such *water, stormwater or sanitary sewer* improvement; or ~~(b)~~ *(2)* the city general bond and interest fund if any of the cost of the *water, stormwater or sanitary sewer* improvement was paid by the city at large.

*(b) Whenever the construction of any arterial street improvement is initiated by petition pursuant to of K.S.A. 12-6a04, and amendments thereto, the governing body of the city may require the owners of property, which benefits from such arterial street improvement but which was not included within the original improvement district, to pay a benefit fee at the time the owners of such property request, by petition, to construct a new street or improve an existing street that will be or is connected to such arterial street improvement and thereby benefited by such arterial street improvement. The amount of such benefit fee shall not exceed the amount of assessment, including principal and interest, which would have been levied against the property had it been included in the original improvement district. The benefit fee shall be assessed only against the property described in the petition requesting the construction of streets that will be connected to such arterial street improvement. Unless otherwise provided by the city, such benefit fee shall be due and payable at the conclusion of construction of the street improvement described in the petition, and shall be subject to the same interest, as assessments against property originally included in the improvement district for such arterial street improvement.*

*Any benefit fees paid hereunder shall be applied: (1) To the remaining principal and outstanding interest on the bonds issued to finance the arterial street improvement, with a resulting pro rata reduction of the assessments against property originally included in the improvement district for such arterial street improvement; or (2) the city general bond and interest fund if any of the cost of the arterial street improvement was paid by the city at large.*

*For purposes of this section, the term ''arterial street'' shall mean a street, boulevard, avenue or part thereof within the city or extending not more than three miles from the boundaries of the city, the primary function of which is, or shall be, the movement of through traffic between areas of concentrated activity within or without the city or the connection of one or more existing or proposed subdivisions within or without the city to other streets within the city.*

*The governing body of the city may designate, by resolution, all or any portion of a street or proposed street as an arterial street; such determination to be final and conclusive.*

*(c)* The provisions of this act shall be supplemental to any legal authority cities may exercise in imposing hookup or connection fees or other user or regulatory charges for water, *stormwater* or sanitary sewer service. The amount of any hookup or connection fee imposed pursuant to this section shall not exceed the actual cost of connecting the property to the water, *stormwater* or sanitary sewer.

Sec. 2. K.S.A. 2006 Supp. 12-6a01 is hereby amended to read as follows: 12-6a01. For the purpose of this act, the terms defined in this section shall have the meanings ascribed to them as follows:

(a) ''Improvement'' means any type of improvement made under authority of this act and the singular may include the plural, and includes reimprovement of a prior improvement.

(b) ''To improve'' means to construct, reconstruct, maintain, restore, replace, renew, repair, install, equip, extend or to otherwise perform any work which will provide a new facility or enhance, extend or restore the value or utility of an existing facility.

(c) ''Acquire'' means the acquisition of property or interests in property by purchase, gift, condemnation or other lawful means*, including improvements authorized to be constructed under this act,* and may include the acquisition of existing property and improvements already owned by the city and previously financed by the issuance of revenue bonds, such acquisition to constitute a refunding of such revenue bonds and no additional refunding authority shall be required but nothing herein shall be construed to require a holder of any such revenue bonds to surrender bonds for refunding unless the provisions of such bonds allow the redemption thereof.

(d) ''Cost'' means all costs necessarily incurred for the preparation of preliminary reports, the preparation of plans and specifications, the preparation and publication of notices of hearings, resolutions, ordinances and other proceedings, necessary fees and expenses of consultants and interest accrued on borrowed money during the period of construction together with the cost of land, materials, labor and other lawful expenses incurred in planning and doing any improvement and may include a charge of not to exceed 5% of the total cost of an improvement or the cost of work done by the city to reimburse the city for the services rendered by the city in the administration and supervision of such improvement by its general officers, *any necessary reserves* and where property and improvements already owned by the city and previously financed by the issuance of revenue bonds is acquired the cost shall include not

*(continued)*

to exceed the principal amount of such outstanding revenue bonds plus the amount of matured interest, interest maturing within 90 days, and the amount of any call premium or purchase premium required.

(e) ''Consultant'' means engineers, architects, planners, attorneys and other persons deemed competent to advise and assist the governing body in planning and making of improvements.

(f) ''Improvement district'' means:

(1) An area deemed by the governing body to be benefited by an improvement and subject to special assessment for all or a portion of the cost of the improvement; or

(2) an area described in a petition submitted in accordance with subsection (c) or (d) of K.S.A. 12-6a04, and amendments thereto, and subject to a special assessment for all or a portion of the cost of the improvement.

(g) ''Street'' means street, alley, avenue, boulevard, or other public way or any part thereof.

(h) ''Newspaper'' means the official designated newspaper of the city, or if there is no newspaper published therein or no official newspaper, a newspaper of general circulation in the city authorized to publish legal notices.

(i) ''Asbestos'' means the asbestiform varieties of chrysotile (serpentine), crocidolite (riebeckite), amosite (cummingtonite-grunerite), anthophyllite, tremolite and actinolite.

(j) ''Asbestos-containing material'' means any material or product which contains more than 1% asbestos.

(k) ''Asbestos control project'' means any activity which is necessary or incidental to the control of asbestos-containing material in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

(1) The removal or encapsulation of asbestos-containing material;

(2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;

(3) conducting inspections, reinspections and periodic surveillance of buildings;

(4) performing response actions;

(5) developing, implementing and updating operations and maintenance programs and management plans; and

(6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(l) ''Lead control project'' means any activity which is necessary or incidental to the control of any lead hazard in any municipally owned building or privately owned building, which has been declared by the governing body to be for a public purpose and a benefit to the general health, safety and welfare or to the general economic development of the area within such privately owned buildings are located. Such project shall include, but not by way of limitation, any activity undertaken for:

(1) The removal of lead-based paint and lead-contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil;

(2) any remodeling, renovation, replacement, rehabilitation or other restoration necessitated by such removal or encapsulation;

(3) conducting inspections, reinspections and periodic surveillance of buildings;

(4) performing response actions;

(5) developing, implementing and updating operations and maintenance programs and management plans; and

(6) all preparation, cleanup, disposal and postabatement clearance testing measures associated with such activities.

(m) ''Lead hazard'' means any condition which causes exposure to lead that would result in adverse human health effects.

*(n) ''Bonds'' means general obligation bonds or special obligation bonds.*

Sec. 3. K.S.A. 12-6a02 is hereby amended to read as follows: 12-6a02. As a complete alternative to all other methods provided by law, the governing body of any city is hereby authorized to make, or cause to be made, municipal works or improvements which confer a special benefit upon property within a definable area of the city and may levy and collect special assessments upon property in the area deemed by the governing body to be benefited by such improvement for special benefits conferred upon such property by any such municipal work or improvement and to provide for the payment of all or any part of the cost of the work or improvement out of the proceeds of such special assessments as hereinafter provided. Such work or improvements may include the following without limitation because of enumeration:

(a) Acquisition of *(1)* property or interest in property when necessary for any of the purposes authorized by this act *and (2) any improvement authorized to be constructed under this act*.

(b) To open, widen and extend streets and otherwise to improve paving and other surfacing, gutters, curbs, sidewalks, crosswalks, driveway entrances and structures, drainage works incidental thereto, and service connections from sewer, water, gas and other utility mains, conduits or pipes necessarily lying within curb lines.

(c) To improve main and lateral storm water drains and sanitary sewer systems and appurtenances thereto.

(d) To improve street lights and street lighting systems.

(e) To improve waterworks systems owned by the city and water distribution systems owned and operated by a water district established pursuant to K.S.A. 19-3501 et seq., and amendments thereto.

(f) To improve parks, playgrounds and recreational facilities.

(g) To improve any street or other facility by landscaping, planting of trees, shrubs and other perennial plants.

(h) To improve dikes, levees and other flood control works, gates, lift stations, bridges and streets appurtenant thereto.

(i) To improve vehicle and pedestrian bridges, overpasses and tunnels.

(j) To improve retaining walls and area walls on public ways or land abutting thereon.

(k) To improve property for off-street parking facilities including construction and equipment of buildings thereon for such purpose.

(l) Asbestos control projects and lead control projects.

Sec. 4. K.S.A. 12-6a14 is hereby amended to read as follows: 12-6a14. The total cost of any improvement made under the authority of this act shall be paid as follows:

(a) All costs made payable by the city at large which may be paid from general funds legally available for such purposes or from other general improvement funds available for such purposes may be paid from such funds.

(b) Costs payable by special assessments which have been paid in full prior to the date set by the governing body as provided in K.S.A. 12-6a10*, and amendments thereto,* shall be paid from assessments so collected.

(c) Costs payable by special assessments, to be paid in installments, and costs made payable by the city at large and not payable from available general funds, or other general improve-

ment funds available to the governing body for such purpose, shall be paid by the issuance and sale of bonds of the city as provided by law.

(d) During the progress of any improvement the governing body may issue temporary notes of the city as provided by law *or may issue special obligation temporary notes of the city* to pay such costs, and upon completion of the work, bonds of the city shall be issued and sold as provided hereinbefore.

(e) The costs of more than one ~~(1)~~ improvement may be paid from a single issue and sale of bonds without other consolidation of the proceedings prior to the bond issue.

(f) The amount of any such general obligation bonds outstanding at any one time shall not exceed the bonded debt limitations of such city under the provisions of any law applicable thereto.

*(g) Any city may also issue special obligation bonds to refund any bonds and repay any temporary notes previously issued under this act.*

Sec. 5. K.S.A. 12-105a is hereby amended to read as follows: 12-105a. As used in this act and the act of which this section is amendatory, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the context shall otherwise require:

(a) ''Municipality'' means and includes county, township, city, school district of whatever name or nature, community junior college, municipal university, *city, county or district hospital,* drainage district, cemetery district, fire district, and other political subdivision or taxing unit, and including their boards, bureaus, commissions, committees and other agencies, such as, but not limited to, library board, park board, recreation commission, hospital board of trustees having power to create indebtedness and make payment of the same independently of the parent unit.

(b) ''Governing body'' means and includes the board of county commissioners, the governing body of a city, the township board (trustee, clerk and treasurer), board of education or other governing body of a school district, board of trustees of a community junior college, board of regents of a municipal university, the body of a special district (such as a drainage, cemetery, fire or other) which has the power to create indebtedness and is charged with the duty of paying the same, and the board, bureau, commission, committee or other body of an independent agency of a parent unit.

(c) ''Claim'' means the document relating to and stating an amount owing to the claimant by a municipality for material or service furnished to the municipality, or some action taken by or for the municipality and for which the municipality may or may not be responsible in a liquidated or an unliquidated amount. A claim is liquidated when the amount due or to become due is made certain by agreement of the parties or is fixed by law.

(d) ''Warrant'' means an instrument ordering the treasurer of a municipality to pay out of a designated fund a specified sum to a named person or party who or which has filed a claim against the municipality.

(e) ''Check'' means an ordinary check drawn on a depository bank of a municipality by the treasurer of such municipality and payable to the holder of a warrant or warrants issued by the municipality.

(f) ''Warrant check'' means a combination of warrant and check. It is a negotiable instrument which orders a depository bank to pay to the order of the payee therein named. A warrant check authorizes the bank upon which drawn to charge the municipality's account with the amount stated therein.

(g) For the purposes of this act the term ''audit'' shall be construed to mean to examine and render an opinion as to allowance or rejection in whole or in part.

Sec. 6. K.S.A. 12-1232 is hereby amended to read as follows: 12-1232. The library board of a regional library shall consist of six ~~(6)~~ appointed members and, in addition thereto, the official head of each participating county or township shall *appoint a member of the governing body to* be an ex officio member with the same powers as appointed members. Each county or township participating in a regional library shall be equally represented on the library board, but in case such uniform representation cannot be obtained because of the number of counties or townships participating, the governing body shall agree on a method of rotating representation among the participating counties or townships. The official head of each participating county or township, with the approval of the governing body thereof, shall appoint the members from such county or township.

Terms of all members of the library board of any township library previously established under the authority of K.S.A. 80-804 shall expire on the effective date of this act and successors to such members shall be appointed in the manner and for the terms prescribed in this section.

The members first appointed shall be appointed, one ~~(1)~~ for a term expiring the first April 30th following date of appointment, two ~~(2)~~ for terms expiring the second April 30th following date of appointment, one ~~(1)~~ for a term expiring the third April 30th following date of appointment, and two ~~(2)~~ for terms expiring the fourth April 30th following date of appointment. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four ~~(4)~~ years. Vacancies occasioned by removal from the county or township, resignation or otherwise, shall be filled by appointment for the unexpired term. Except for the ex officio members of the board, no person holding any office in a participating county or township shall be a member of the library board while holding such office, and no person who has been appointed for two ~~(2)~~ four-year terms to the library board shall be eligible for further appointment to such board.

New Sec. 7. The board of directors of drainage district No. 2 of Finney county shall provide by the passage of a resolution for the staggering of terms of the board. At the next election of directors, one director shall be elected for a two-year term and two directors shall be elected for three-year terms. Election of directors thereafter shall be for three-year terms.

Sec. 8. K.S.A. 12-105a, 12-6a02, 12-6a14, 12-6a19 and 12-1232 and K.S.A. 2006 Supp. 12-6a01 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

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(Published in the Kansas Register May 17, 2007.)

## HOUSE BILL No. 2062

AN ACT concerning crimes, punishment and criminal procedure; amending K.S.A. 65-4153 and K.S.A. 2006 Supp. 21-3219, 21-3448, 21-3731, 21-4704, 65-1643, 65-4113, 65-4150, 65-4151, 65-4152 and 65-7006 and repealing the existing sections; also repealing K.S.A. 21-3440 and K.S.A. 2006 Supp. 21-3441.

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

Section 1. K.S.A. 2006 Supp. 21-3219 is hereby amended to read as follows: 21-3219. (a) A person who uses force which, subject to the provisions of K.S.A. 21-3214, and amendments thereto, is justified pursuant to K.S.A. 21-3211, 21-3212 or 21-3213, and amendments thereto, is immune from criminal prosecution and civil action for the use of such force, unless the person against whom force was used is a law enforcement officer who was acting in the performance of such officer's official duties and the officer identified the officer's self in accordance

*(continued)*

with any applicable law or the person using force knew or reasonably should have known that the person was a law enforcement officer. As used in this subsection, ''criminal prosecution'' includes arrest, detention in custody and charging or prosecution of the defendant.

(b) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (a), but the agency shall not arrest the person for using force unless it determines that there is probable cause for the arrest.

*(c) A county or district attorney or other prosecutor may commence a criminal prosecution upon a determination of probable cause.*

Sec. 2. K.S.A. 2006 Supp. 21-3731 is hereby amended to read as follows: 21-3731. (a) Criminal use of explosives is the*:*

*(1)* Possession, manufacture or transportation of commercial explosives; chemical compounds that form explosives; *a combination of chemicals, compounds or materials, including, but not limited to, the presence of an acid, a base, dry ice or aluminum foil, that are placed in a container for the purpose of generating a gas or gases to cause a mechanical failure, rupture or bursting of the container;* incendiary or explosive material, liquid or solid; detonators; blasting caps; military explosive fuse assemblies; squibs; electric match or functional improvised fuse assemblies; or any completed explosive devices commonly known as pipe bombs or molotov cocktails. For purposes of this section, explosives shall not include ~~class ''c'' fireworks,~~ legally obtained and transferred commercial explosives by licensed individuals and ammunition and commercially available loading powders and products used as ammunition~~.~~*, and consumer fireworks, as defined in 27 C.F.R. 555.11, in effect on the effective date of the act, unless such consumer fireworks are modified or assembled as a device that deflagrates or explodes when used for a purpose not intended by the manufacturer; or*

*(2) possession, creation or construction of a simulated explosive, destructive device, incendiary, radiological, biological or poison gas, bomb, rocket, missile, mine, grenade, dispersal device or similar simulated device, with intent to intimidate or cause alarm to another person.*

(b) (1) Criminal use of explosives as defined in subsection (a)*(1)* is a severity level ~~8~~ *6*, person felony.

(2) Criminal use of explosives as defined in subsection (a)*(1)* if: (A) The possession, manufacture or transportation is intended to be used to commit a crime or is delivered to another with knowledge that such other intends to use such substance to commit a crime; (B) a public safety officer is placed at risk to defuse such explosive; or (C) the explosive is introduced into a building in which there is another human being, is a severity level ~~6~~ *5*, person felony.

*(3) Criminal use of explosives as defined in subsection (a)(2) is a severity level 8, person felony.*

*(c) The provisions of subsection (a)(1) shall not prohibit law enforcement officials, the United States military, public safety officials, accredited educational institutions or licensed or registered businesses, and associated personnel, from engaging in legitimate public safety training, demonstrations or exhibitions requiring the authorized construction or use of such simulated devices or materials.*

Sec. 3. K.S.A. 2006 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

**SENTENCING RANGE - NONDRUG OFFENSES**

| Category → | A | B | C | D | E | F | G | H | I |
|---|---|---|---|---|---|---|---|---|---|
| Severity Level ↓ | 3 + Person Felonies | 2 Person Felonies | 1 Person & 1 Nonperson Felonies | 1 Person Felony | 3 + Nonperson Felonies | 2 Nonperson Felonies | 1 Nonperson Felony | 2 + Misdemeanors | 1 Misdemeanor No Record |
| I | 653 620 592 | 618 586 554 | 285 272 258 | 267 253 240 | 246 234 221 | 226 214 203 | 203 195 184 | 186 176 166 | 165 155 147 |
| II | 493 467 442 | 460 438 416 | 216 205 194 | 200 190 181 | 184 174 165 | 168 160 152 | 154 146 138 | 138 131 123 | 123 117 109 |
| III | 247 233 221 | 228 216 206 | 107 102 96 | 100 94 89 | 92 88 82 | 83 79 74 | 77 72 68 | 71 66 61 | 61 59 55 |
| IV | 172 162 154 | 162 154 144 | 75 71 68 | 69 66 62 | 64 60 57 | 59 56 52 | 52 50 47 | 48 45 42 | 43 41 38 |
| V | 136 130 122 | 128 120 114 | 60 57 53 | 55 52 50 | 51 49 46 | 47 44 41 | 43 41 38 | 38 36 34 | 34 32 30 |
| VI | 46 43 40 | 41 39 37 | 38 36 34 | 36 34 32 | 32 30 28 | 29 27 25 | 26 24 22 | 21 20 19 | 19 18 17 |
| VII | 34 32 30 | 31 29 27 | 29 27 25 | 26 24 22 | 23 21 19 | 19 18 17 | 17 16 15 | 14 13 12 | 13 12 11 |
| VIII | 23 21 19 | 20 19 18 | 19 18 17 | 17 16 15 | 15 14 13 | 13 12 11 | 11 10 9 | 11 10 9 | 9 8 7 |
| IX | 17 16 15 | 15 14 13 | 13 12 11 | 13 12 11 | 11 10 9 | 10 9 8 | 9 8 7 | 8 7 6 | 7 6 5 |
| X | 13 12 11 | 12 11 10 | 11 10 9 | 10 9 8 | 9 8 7 | 8 7 6 | 7 6 5 | 7 6 5 | 7 6 5 |

| LEGEND |
|---|
| Presumptive Probation |
| Border Box |
| Presumptive Imprisonment |

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sen-

tence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of ~~K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or~~ K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer ~~and amendments thereto~~ *committed prior to July 1, 2006, or K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer*, which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections.

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, ''persistent sex offender'' means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, ''criminal street gang'' means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) *(1)* The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or

*(continued)*

(b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

*(2) The sentence for a violation of K.S.A. 21-3715, and amendments thereto, when such person being sentenced has two or more prior convictions for violations of K.S.A. 21-3715, and amendments thereto, or a prior conviction of K.S.A. 21-3715 and 21-3716, and amendments thereto, shall be presumed imprisonment and the defendant shall be sentenced to prison as provided by this section. Such sentence shall not be considered a departure and shall not be subject to appeal.*

(m) The sentence for a violation of K.S.A 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is available and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.

New Sec. 4. (a) This section shall be known and may be cited as Alexa's law.

(b) As used in this section:

(1) ''Abortion'' means an abortion as defined by K.S.A. 65-6701, and amendments thereto.

(2) ''Unborn child'' means a living individual organism of the species homo sapiens, in utero, at any stage of gestation from fertilization to birth.

(c) This section shall not apply to:

(1) Any act committed by the mother of the unborn child;

(2) any medical procedure, including abortion, performed by a physician or other licensed medical professional at the request of the pregnant woman or her legal guardian; or

(3) the lawful dispensation or administration of lawfully prescribed medication.

(d) As used in K.S.A. 21-3401, 21-3402, 21-3403, 21-3404, 21-3405, 21-3412, 21-3414 and 21-3439, and K.S.A. 2006 Supp. 21-3442, and amendments thereto, ''person'' and ''human being'' also mean an unborn child.

(e) The provisions of this act shall be part of and supplemental to the Kansas criminal code.

Sec. 5. K.S.A. 2006 Supp. 21-3448 is hereby amended to read as follows: 21-3448. (a) Battery against a mental health employee is a battery, as defined in K.S.A. 21-3412, and amendments thereto, committed against a mental health employee by a person in the custody of the secretary of social and rehabilitation services, while such employee is engaged in the performance of such employee's duty.

(b) Battery against a mental health employee is a severity level 7, person felony.

(c) As used in this section ''mental health employee'' means an employee of the department of social and rehabilitation services working ~~in the state security program located~~ at Larned state hospital*, Osawatomie state hospital and Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center* and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto~~, at the sexually violent predator program located in Larned~~.

(d) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 6. K.S.A. 2006 Supp. 65-4150 is hereby amended to read as follows: 65-4150. As used in this act:

(a) ''Controlled substance'' means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) ''Deliver'' or ''delivery'' means actual, constructive or attempted transfer from one person to another, whether or not there is an agency relationship.

(c) ''Drug paraphernalia'' means all equipment and materials of any kind which are used, or *primarily* intended *or designed* for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance *and* in violation of the uniform controlled substances act. ''Drug paraphernalia'' shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived.

(2) Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances.

(3) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance.

(4) Testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances.

(5) Scales and balances used or intended for use in weighing or measuring controlled substances.

(6) Diluents and adulterants, ~~such as~~ *including, but not limited to,* quinine hydrochloride, mannitol, mannite, dextrose and lactose, which are used or intended for use in cutting controlled substances.

(7) Separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marihuana.

(8) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances.

(9) Capsules, balloons, envelopes*, bags* and other containers used or intended for use in packaging small quantities of controlled substances.

(10) Containers and other objects used or intended for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body.

(12) Objects used, or *primarily* intended *or designed* for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish, ~~or~~ hashish oil*, phenylacetone (PCP), methamphetamine or amphetamine* into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes*, bongs or smoking pipes designed to draw smoke through water or another cooling device*;

(C) carburetion ~~tubes and devices~~ *pipes, glass or other heat resistant tubes or any other device used or intended to be used, designed to be used to cause vaporization of a controlled substance for inhalation*;

(D) smoking and carburetion masks;

(E) roach clips (objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand);

(F) miniature cocaine spoons and cocaine vials;

(G) chamber *smoking* pipes;

(H) carburetor *smoking* pipes;
(I) electric *smoking* pipes;
(J) air-driven *smoking* pipes;
(K) chillums;
(L) bongs; ~~and~~
(M) ice pipes or chillers*;*
*(N) any smoking pipe manufactured to disguise its intended purpose;*
*(O) wired cigarette papers; or*
*(P) cocaine freebase kits*.

(d) ''Person'' means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(e) ''Simulated controlled substance'' means any product which identifies itself by a common name or slang term associated with a controlled substance and which indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 7. K.S.A. 2006 Supp. 65-4151 is hereby amended to read as follows: 65-4151. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or person in control of the object concerning its use.

(b) Prior convictions, if any, of an owner or person in control of the object, under any state or federal law relating to any controlled substance.

(c) The proximity of the object, in time and space, to a direct violation of the uniform controlled substances act.

(d) The proximity of the object to controlled substances.

(e) The existence of any residue of controlled substances on the object.

(f) Direct or circumstantial evidence of the intent of an owner or person in control of the object, to deliver it to a person the owner or person in control of the object knows, or should reasonably know, intends to use the object to facilitate a violation of the uniform controlled substances act. The innocence of an owner or person in control of the object as to a direct violation of the uniform controlled substances act shall not prevent a finding that the object is intended for use as drug paraphernalia.

(g) Oral or written instructions provided with the object concerning its use.

(h) Descriptive materials accompanying the object which explain or depict its use.

(i) National and local advertising concerning the object's use.

(j) The manner in which the object is displayed for sale.

(k) Whether the owner or person in control of the object is a legitimate supplier of similar or related items to the community, such as a distributor or dealer of tobacco products.

(l) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise.

(m) The existence and scope of legitimate uses for the object in the community.

(n) Expert testimony concerning the object's use.

(o) Any evidence that alleged paraphernalia can or has been used to store a controlled substance or to introduce a controlled substance into the human body as opposed to any legitimate use for the alleged paraphernalia.

*(p) Advertising of the item in magazines or other means which specifically glorify, encourage or espouse the illegal use, manufacture, sale or cultivation of controlled substances.*

Sec. 8. K.S.A. 2006 Supp. 65-4152 is hereby amended to read as follows: 65-4152. (a) No person shall use or possess with intent to use:

(1) Any simulated controlled substance;

(2) any drug paraphernalia to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substances act;

(3) any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the uniform controlled substances act; or

(4) anhydrous ammonia or pressurized ammonia in a container not approved for that chemical by the Kansas department of agriculture.

(b) Violation of subsection (a)(1) or (a)(2) is a class A nonperson misdemeanor.

(c) Violation of subsection (a)(3), other than as described in paragraph (d), or subsection (a)(4) is a drug severity level 4 felony.

(d) Violation of subsection (a)(3) which involves the possession of drug paraphernalia for the planting, propagation, growing or harvesting of less than five marijuana plants is a class A nonperson misdemeanor.

(e) For persons arrested and charged under paragraph (a)(4), bail shall be at least $50,000 cash or surety, unless the court determines, on the record, that the defendant is not likely to re-offend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

*(f) The fact that an item has not yet been used or did not contain a controlled substance at the time of the seizure is not a defense to a charge that the item was possessed with the intention for use as drug paraphernalia.*

Sec. 9. K.S.A. 65-4153 is hereby amended to read as follows: 65-4153. (a) No person shall *sell, offer for sale, have in such person's possession with intent to sell,* deliver, possess with intent to deliver, manufacture with intent to deliver or cause to be delivered within this state:

(1) Any simulated controlled substance;

(2) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of K.S.A. 65-4162, and amendments thereto;

(3) any drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to use, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of the uniform controlled substances act, except K.S.A. 65-4162, and amendments thereto; or

(4) any drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, sell or distribute a controlled substance in violation of the uniform controlled substances act.

(b) *Except as provided further,* violation of subsection (a)(1) is a nondrug severity level 9, nonperson felony.

(c) *Except as provided further,* violation of subsection (a)(2) is a class A nonperson misdemeanor. Any person who violates subsection (a)(2) by delivering or causing to be delivered within this state drug paraphernalia to a person under 18 years of age is guilty of a nondrug severity level 9, nonperson felony.

(d) *Except as provided further,* violation of subsection (a)(3) is a nondrug severity level 9, nonperson felony. Any person who violates subsection (a)(3) by delivering or causing to be delivered within this state drug paraphernalia to a person under 18 years of age is guilty of a drug severity level 4 felony.

*(continued)*

(e) *Except as provided further*, violation of subsection (a)(4) is a drug severity level 4 felony.

*(f) Violation of subsection (a)(1) is a nondrug severity level 7, nonperson felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12.*

*(g) Violation of subsection (a)(2) is a nondrug severity level 9, nonperson felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12.*

*(h) Violation of subsection (a)(3) is a drug severity level 4 felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12.*

*(i) Violation of subsection (a)(4) is a drug severity level 3 felony if such person is 18 or more years of age and the items involved were possessed with intent to sell, deliver or distribute; sold or offered for sale in or on, or within 1,000 feet of any school property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12.*

*(j) Nothing in this section shall be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the description above, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.*

*(k) As used in this section, the term ''or under circumstances where one reasonably should know'' that an item will be used in violation of this section, shall include, but not be limited to, the following:*

*(1) Actual knowledge from prior experience or statements by customers;*

*(2) inappropriate or impractical design for alleged legitimate use;*

*(3) receipt of packaging material, advertising information or other manufacturer supplied information regarding the item's use as drug paraphernalia; or*

*(4) receipt of a written warning from a law enforcement or prosecutorial agency having jurisdiction that the item has been previously determined to have been designed specifically for use as drug paraphernalia.*

New Sec. 10. (a) The legislature recognizes the important public health benefits of the appropriate and legal medical use of controlled substances, and also the significant risk to public health that can arise due to the illegal diversion or abuse of such substances. The legislature finds that an electronic controlled substances prescription monitoring system could be a timely resource for physicians and other practitioners to assist them in the delivery of appropriate health care services, and also to be an investigative resource for law enforcement agencies to assist their efforts to discourage illegal diversion of controlled substances.

(b) In order to promote the public health and discourage the abuse of controlled substances, there is hereby established a controlled substances monitoring task force which shall develop a plan for the creation and implementation of: (1) A controlled substances prescription monitoring program; and (2) an electronic purchase log, which shall be capable of, in real-time, checking compliance with all state, federal and local laws concerning the sale of ephedrine and pseudoephedrine. Such plan shall include suggestions for future action by the legislature in regard to the prescription monitoring program and electronic purchase log. It is not the intent of the legislature, nor shall the prescription monitoring program developed by the task force be used to discourage or interfere with the prescribing of controlled substances by physicians and other practitioners for legitimate medical purposes.

(c) The task force shall consist of 11 members as follows: The attorney general or the attorney general's designee, one member appointed by the Kansas health policy authority, one member appointed by the director of the Kansas bureau of investigation, two members appointed by the board of pharmacy, one member appointed by the board of healing arts, one member appointed by the Kansas medical society, one member appointed by the Kansas association of osteopathic medicine, one member appointed by the Kansas pharmacists' association, one member appointed by the Kansas state dental association and one member appointed by the Kansas hospital association.

(d) The appointments shall be made within 30 days after the effective date of this act. The initial meeting of the task force shall be convened within 90 days after the effective date of this act by the board of pharmacy at a time and place designated by the board. The task force shall elect a chairperson and may elect any additional officers from among its members necessary to discharge its duties. All task force members shall serve without compensation.

(e) The task force shall report its findings and conclusions to the legislature on or before January 14, 2008.

Sec. 11. K.S.A. 2006 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection (u) of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy student without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy student registration fee of $25 to the board.

(j) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662 and amendments thereto and any rules and regulations adopted pursuant thereto.

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist; ~~and~~

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log *and enters in the log, or allows the seller to enter in the log, such person's address and the date and time of sale*. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer; ~~or~~

*(C) the seller determines that the name entered in the log corresponds to the name provided on such identification and that the date and time entered are correct; and*

*(D) the seller enters in the log the name of the controlled substance and the quantity sold; or*

(2) there is a lawful prescription.

~~(l) For any person to sell or distribute in a pharmacy four or more packages or containers of any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, to a specific customer within any seven-day period.~~

*(l) For any pharmacy to allow customers to have direct access to any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto. Such controlled substance shall be placed behind the counter or stored in a locked cabinet that is located in an area of the pharmacy to which customers do not have direct access.*

*(m) A seller who in good faith releases information in a log pursuant to subsection (k) to any law enforcement officer is immune from civil liability for such release unless the release constitutes gross negligence or intentional, wanton or willful misconduct.*

Sec. 12. K.S.A. 2006 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing the following narcotic drug or its salts:

Buprenorphine ..... 9064

(c) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose) ..... 8161

(2) Pyrovalerone ..... 1485

(e) ~~Except as provided in subsection (g),~~ Any compound,

*(continued)*

mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.

(f) ~~Except as provided in subsection (g),~~ Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

~~(g) The scheduling of the substances in subsections (e) and (f) shall not apply to any compounds, mixtures or preparations of ephedrine or pseudoephedrine which are in liquid, liquid capsule or gel capsule form.~~

Sec. 13. K.S.A. 2006 Supp. 65-7006 is hereby amended to read as follows: 65-7006. (a) It shall be unlawful for any person to possess ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers with intent to use the product to manufacture a controlled substance.

(b) It shall be unlawful for any person to market, sell, distribute, advertise, or label any drug product containing ephedrine, pseudoephedrine, red phosphorus, lithium metal, sodium metal, iodine, anhydrous ammonia, pressurized ammonia or phenylpropanolamine, or their salts, isomers or salts of isomers if the person knows or reasonably should know that the purchaser will use the product to manufacture a controlled substance.

(c) It shall be unlawful for any person to market, sell, distribute, advertise or label any drug product containing ephedrine, pseudoephedrine, or phenylpropanolamine, or their salts, isomers or salts of isomers for indication of stimulation, mental alertness, weight loss, appetite control, energy or other indications not approved pursuant to the pertinent federal over-the-counter drug final monograph or tentative final monograph or approved new drug application.

(d) *It shall be unlawful for any person to purchase, receive or otherwise acquire at retail any compound, mixture or preparation containing more than 3.6 grams of pseudoephedrine base or ephedrine base in any single transaction or any compound, mixture or preparation containing more than nine grams of pseudoephedrine base or ephedrine base within any 30-day period.*

*(e)* For persons arrested and charged under ~~this section~~ *subsection (a), (b) or (c)*, bail shall be at least $50,000 cash or surety, unless the court determines on the record that the defendant is not likely to re-offend, the court imposes pretrial supervision or the defendant agrees to participate in a licensed or certified drug treatment program.

~~(e)~~ *(f)* A violation of ~~this section~~ *subsection (a), (b) or (c)* shall be a drug severity level 2 felony. *A violation of subsection (d) shall be a class A nonperson misdemeanor.*

New Sec. 14. The provisions of this act are declared to be severable and if any provision, word, phrase or clause of the act or the application thereof to any person shall be held invalid, such invalidity shall not affect the validity of the remaining portions of this act.

Sec. 15. K.S.A. 21-3440 and 65-4153 and K.S.A. 2006 Supp. 21-3219, 21-3441, 21-3448, 21-3731, 21-4704, 65-1643, 65-4113, 65-4150, 65-4151, 65-4152 and 65-7006 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

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(Published in the Kansas Register May 17, 2007.)

## HOUSE Substitute for SENATE BILL No. 11

AN ACT concerning public health; enacting the foundations of health reform of 2007; relating to administration, review and expansion of state medicaid plans and programs; amending the pharmacy act and the physical therapy practice act; relating to health care information; adult care homes and facilities for safety net clinics; amending K.S.A. 40-2123, 46-2601, 65-1,172, 65-1627, 65-1645, 65-1655 and 65-3505 and K.S.A. 2006 Supp. 60-4403, 65-180, 65-1626, 65-1635a, 65-1643, 65-2901, 65-2912, 75-2973, 75-4319 and 75-7408 and repealing the existing sections; also repealing K.S.A. 39-719d and K.S.A. 2006 Supp. 65-1626c.

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

New Section 1. The Kansas health policy authority in consultation with the joint committee on health policy oversight shall consider as part of the health reform in Kansas various medicaid reform options including, but not limited to: The experience of other states, long-term care, waste, fraud and abuse, health opportunity accounts, tax credits, vouchers and premium assistance, and wellness as provided through the federal deficit reduction act of 2005. Such medicaid reforms should result in improved health outcomes for medicaid recipients, long-term cost controls and encourage primary and preventive care which will result in cost savings for the state.

New Sec. 2. (a) On or before November 1, 2007, the Kansas health policy authority shall develop and deliver to the governor, the joint committee on health policy oversight, the speaker of the house of representatives, the majority leader of the house of representatives, the minority leader of the house of representatives, the president of the senate, the majority leader of the senate and the minority leader of the senate, health care finance reform options for enactment by the legislature during the 2008 regular session, including an analysis of a Kansas health care insurance connector, a model for a voluntary health insurance connector, and draft legislation for the proposed health care finance reform options. In developing such options, the Kansas health policy authority shall solicit and consider information and recommendations from advisory committees established under subsection (c) of K.S.A. 75-7403, and amendments thereto, and shall advise and consult with the joint committee on health policy oversight regularly and on a continuing basis. The Kansas health policy authority shall develop and analyze other pertinent initiatives and policies designed to increase access to affordable health insurance and to otherwise promote health in developing the options.

(b) The Kansas health policy authority shall analyze and develop health care finance reform options with the goals of (1) financing health care and health promotion in a manner that is equitable, seamless and sustainable for consumers, providers, purchasers and government, (2) promoting market-based solutions that encourage fiscal and individual responsibility, (3) protecting the health care safety net in the development of such options, (4) facilitate purchasing of health insurance, and facilitating access to private sector health insurance by small businesses and individuals.

(c) The Kansas health policy authority shall identify and analyze policies that are designed to increase portability, to increase individual ownership of health care policies, to utilize pre-tax dollars for the purchase of health insurance, and to expand consumer responsibility for making health care decisions.

(d) The Kansas health policy authority shall obtain economic and actuarial analyses by an entity or entities that are recognized as having specific experience in the subject matter of all health care finance reform options proposed under subsection (a) to determine (1) the economic impact of proposed reforms on consumers, providers, purchasers, businesses and government and (2) the number of uninsured Kansans who have the potential to receive coverage as a result of the options proposed under subsection (a).

(e) The Kansas health policy authority shall investigate and identify possible public funding sources for the options proposed under subsection (a), including medicaid and other federal programs, specifically including possible waivers to specific federal program requirements.

(f) In collaboration with the United States department of health and human services, the Kansas health policy authority shall investigate (1) the development and availability of federal affordable choices initiatives funding, (2) waiver and funding opportunities under the federal deficit reduction act of 2005, and (3) waivers under the federal health insurance flexibility and accountability demonstration initiative to expand health services to low income populations. To the extent feasible, the Kansas health policy authority shall include such federal programs in the options proposed under subsection (a).

(g) In collaboration with the commissioner of insurance, the Kansas health policy authority shall analyze the potential for reinsurance and state subsidies for reinsurance as mechanisms to reduce premium volatility in the small group insurance market, to increase predictability in premium trends, to lower costs and to increase coverage as a component of the options proposed under subsection (a).

New Sec. 3. (a) The Kansas department of insurance shall conduct a study on the impact of extending continuation benefits under COBRA for a period of 18 months pursuant to K.S.A. 40-19c06, and amendments thereto, and other applicable statutes and other policy changes to make health insurance more competitive, affordable and portable. The commissioner of insurance shall prepare a report on its findings and present such report to the Kansas health policy authority and the joint committee on health policy oversight.

(b) The legislative coordinating council shall appoint a legislative study committee during the 2007 interim period to study and review various options for tax credits and benefits for the purchase of long-term care insurance, health earned income tax credits, health insurance and health savings accounts.

Sec. 4. K.S.A. 2006 Supp. 75-7408 is hereby amended to read as follows: 75-7408. (a) On and after July 1, 2006, the Kansas health policy authority shall coordinate health care planning, administration, and purchasing and analysis of health data for the state of Kansas with respect to the following health programs administered by the state of Kansas:

(1) Developing, implementing, and administering programs that provide medical assistance, health insurance programs, or waivers granted thereunder for persons who are needy, uninsured, or both, and that are financed by federal funds or state funds, or both, including the following:

(A) The Kansas program of medical assistance established in accordance with title XIX of the federal social security act, 42 U.S.C. § 1396 et seq., and amendments thereto;

(B) the health benefits program for children established under K.S.A. 38-2001 et seq., and amendments thereto, and developed and submitted in accordance with federal guidelines established under title XXI of the federal social security act, section 4901 of public law 105-33, 42 U.S.C.§ 1397aa et seq., and amendments thereto;

(C) any program of medical assistance for needy persons financed by state funds only, to the extent appropriations are made for such a program;

(D) the working healthy portion of the ticket to work program under the federal work incentive improvement act and the medicaid infrastructure grants received for the working healthy portion of the ticket to work program; ~~and~~

(E) the medicaid management information system (MMIS); and

*(F) a phased-in premium assistance plan to assist eligible low income Kansas residents with the purchase of private insurance or other benefits that are actuarially equivalent to the Kansas state employee health plan under a program authorized under subsection (a)(1). In program years one and two, subject to appropriation of funds and other eligibility requirements, eligible participants shall consist of families at and under 50% of the federal poverty level. Subject to appropriation of funds and other eligibility requirements, eligible participants in program year three shall consist of families at and under 75% of the federal poverty level. Subject to appropriation of funds and other eligibility requirements, eligible participants in program year four shall consist of families at and under 100% of the federal poverty level. The Kansas health policy authority is authorized to seek any approval from the centers for medicare and medicaid services necessary to accomplish the development or expansion of premium assistance programs for families;*

(2) the restrictive drug formulary, the drug utilization review program, including oversight of the medicaid drug utilization review board, and the electronic claims management system as provided in K.S.A. 39-7,116 through 39-7,121 and K.S.A. 2006 Supp. 39-7,121a through 39-7,121e, and amendments thereto; and

(3) administering any other health programs delegated to the Kansas health policy authority by the governor or by a contract with another state agency.

(b) Except to the extent required by its single state agency role as designated in K.S.A. 2006 Supp. 75-7409, and amendments thereto, or as otherwise provided pursuant to this act the Kansas health policy authority shall not be responsible for health care planning, administration, purchasing and data with respect to the following:

(1) The mental health reform act, K.S.A. 39-1601 et seq., and amendments thereto;

(2) the developmental disabilities reform act, K.S.A. 39-1801 et seq., and amendments thereto;

(3) the mental health program of the state of Kansas as prescribed under K.S.A. 75-3304a, and amendments thereto;

(4) the addiction and prevention services prescribed under K.S.A. 65-4001 et seq., and amendments thereto; or

(5) any institution, as defined in K.S.A. 76-12a01, and amendments thereto.

New Sec. 5. The provisions of sections 5 through 11 and amendments thereto shall be known and may be cited as the primary care safety net clinic capital loan guarantee act.

New Sec. 6. As used in the primary care safety net clinic capital loan guarantee act:

(a) ''Act'' means the primary care safety net clinic capital loan guarantee act;

(b) ''community health center'' means an entity that receives funding under section 330 of the federal health center consolidation act of 1996 and meets all of the requirements of 42 USC section 254b, relating to serving a population that is medically underserved, or a special medically underserved population comprised of migratory and seasonal agricultural workers, the homeless, and residents of public housing, by providing, either through staff and supporting resources of the center or through contracts or cooperative arrangements, all required primary health services as defined by 42 USC section 254b;

(c) ''federally-qualified health center look-alike'' means an entity which has been determined by the federal health resources and services administration to meet the definition of a federally qualified health center as defined by section 1905(l)(2)(B) of the federal social security act, but which does not receive funding under section 330 of the federal health center consolidation act of 1996;

(d) ''financial institution'' means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas, any agency of the United States or other state with an office in Kansas which is approved by the secretary for the purposes of this act;

(e) ''indigent health care clinic'' means an outpatient medical care clinic operated on a not-for-profit basis which has a

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contractual agreement in effect with the secretary of health and environment under K.S.A. 75-6120 and amendments thereto to provide health care services to medically indigent persons;

(f) ''loan transaction'' means a transaction with a financial institution or the Kansas development finance authority to provide capital financing for the renovation, construction, acquisition, modernization, leasehold improvement or equipping of a primary care safety net clinic;

(g) ''medically indigent person'' means a person who lacks resources to pay for medically necessary health care services and who meets the eligibility criteria for qualification as a medically indigent person established by the secretary of health and environment under K.S.A. 75-6120 and amendments thereto;

(h) ''primary care safety net clinic'' means a community health center, a federally-qualified health center look-alike or an indigent health care clinic; and

(i) ''secretary'' means the secretary of health and environment.

New Sec. 7. (a) The secretary is hereby authorized to enter into agreements with primary care safety net clinics, financial institutions, the Kansas development finance authority and other public or private entities, including agencies of the United States government to provide capital loan guarantees against risk of default for eligible primary care safety net clinics in Kansas in accordance with this act. Except as provided in section 10, and amendments thereto, for payment for a loan guarantee for which the primary care safety net clinic loan guarantee fund is liable, no claim against the state under this act shall be paid by the state, the secretary of health and environment or any other state agency other than pursuant to an appropriation act of the legislature after such claim has been filed with and considered by the joint committee on special claims against the state.

(b) To be eligible for a capital loan guarantee under this act, a primary care safety net clinic shall offer a sliding fee discount for health care and other services provided that is based upon household income and shall serve all persons regardless of ability to pay. The policies to determine patient eligibility based upon income or insurance status may be determined by each primary care safety net clinic, but shall be posted in the primary care safety net clinic and available to potential patients. The patient eligibility policies of a primary care safety net clinic shall reflect the mission of the primary care safety net clinic to provide affordable, accessible primary care to underserved populations in Kansas to be eligible for a capital loan guarantee under this act.

(c) The secretary shall administer the provisions of this act and shall adopt rules and regulations which the secretary deems necessary for the implementation or administration of this act. The loan guarantee agreement with the secretary shall include reporting requirements and financial standards that are appropriate for the type of loan for the borrower. The secretary may enter into contracts that the secretary deems necessary for the implementation or administration of this act. The secretary may impose fees and charges as may be necessary to recover costs incurred for the administration of this act.

New Sec. 8. (a) Each agreement entered into by the secretary to guarantee against default on a loan transaction shall be backed by the primary care safety net capital loan guarantee fund and shall receive prior approval by the primary care safety net clinic loan guarantee review committee established under section 9, and amendments thereto.

(b) Each loan transaction eligible for a guarantee under this act shall be for renovation, construction, acquisition, modernization, leasehold improvement or equipping of a primary care safety net clinic. Eligible costs may include land and building purchases, renovation and new construction costs, equipment and installation costs, pre-development costs that may be capitalized, financing, capitalized interest during construction, limited working capital during a start-up phase and consultant fees which do not include staff costs.

(c) The aggregate principal amount of outstanding loan guarantees for any single borrowing organization shall not exceed $3,000,000. The aggregate outstanding amount of all loan guarantees for borrowing organizations, under this act shall not exceed $15,000,000 at any time.

(d) Eligible tax-exempt bonds or conventional loans may be guaranteed up to 100% under this act, subject to the other provisions of this act and the rules and regulations adopted by the secretary of health and environment therefor. Each eligible loan transaction shall require an equity investment by the borrowing organization and shall have a loan-to-value ratio of at least 66%.

(e) The maximum term for an eligible loan transaction under this act for machinery or equipment shall be 10 years. The maximum term for an eligible loan transaction under this act for renovation, remodeling or leasehold improvements shall be 10 years. The maximum term for an eligible loan transaction under this act for new construction or land acquisition shall be 25 years.

New Sec. 9. (a) There is hereby established the primary care safety net clinic loan guarantee review committee within the department of health and environment. The committee shall consist of five members.

(b) The members of the primary care safety net clinic loan guarantee review committee shall be appointed by the secretary in accordance with the following: (1) Two members shall be representatives of the department of health and environment selected by the secretary, (2) one member shall be appointed by the secretary who is nominated by the Kansas development finance authority, (3) one member shall be appointed by the secretary who is nominated by the Kansas health policy authority, and (4) one member shall be appointed by the secretary who is nominated by the Kansas association for the medically underserved.

(c) The secretary may appoint persons as members of the primary care safety net clinic loan guarantee review committee who are officers or employees of the agencies or organizations they are nominated by or that they are appointed to represent. Not more than three members of the committee shall be affiliated with the same political party. Members shall serve at the pleasure of the secretary.

(d) The primary care safety net clinic loan guarantee review committee shall review all proposals for loan financing guarantees under this act and shall approve those proposals that the committee deems to represent reasonable risks and to have a sufficient likelihood of repayment. The committee shall advise the secretary on matters regarding the administration of this act when requested by the secretary and may provide such advice when deemed appropriate by the committee.

(e) The secretary or the secretary's designee shall serve as a nonvoting chairperson of the primary care safety net clinic loan guarantee review committee, and the committee shall annually elect a vice-chairperson from among its members. The committee shall meet upon call of the chairperson or upon call of any two of its members. Three voting members shall constitute a quorum for the transaction of business.

(f) Members of the primary care safety net clinic loan guarantee review committee attending meetings of the committee, or attending a subcommittee meeting thereof authorized by the committee, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

New Sec. 10. (a) Subject to appropriations there is hereby established the primary care safety net clinic loan guarantee

fund in the state treasury for the purposes of facilitating the financing for the acquisition and modernization of primary care safety net clinics in Kansas and the refinancing of capital improvements and acquisition and installation of equipment therefor. The primary care safety net clinic loan guarantee fund shall be administered by the secretary. All moneys in the primary care safety net clinic loan guarantee fund shall be used to provide guarantees against capital loan risks in accordance with this act and to pay for the administrative costs associated with the act as may be certified by the secretary. All expenditures from the primary care safety net clinic loan guarantee fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee.

(b) All fees and charges imposed by the secretary and other moneys received by the secretary for the purposes of this act shall be remitted 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 primary care safety net clinic loan guarantee fund.

(c) Upon certification by the secretary to the director of accounts and reports that the unencumbered balance in the primary care safety net clinic loan guarantee fund is insufficient to pay an amount for a loan guarantee for which the fund is liable under this act, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the primary care safety net clinic loan guarantee fund. The secretary shall transmit a copy of each such certification to the director of the budget and to the director of legislative research at the same time that the secretary submits a certification to the director of accounts and reports under this subsection.

(d) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the primary care safety net clinic loan guarantee fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas export loan guarantee fund for the preceding month; and

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

New Sec. 11. The secretary shall prepare an annual report of the loan guarantee activity under this act, including new loans, loan repayment status and other relevant information regarding activities under this act and shall submit the report of its activities to the legislature at the beginning of each regular session by submitting the annual report to the committee on ways and means of the senate, or to the appropriate subcommittee thereof, or to its successor committee, and to the committee on appropriations of the house of representatives, or to the appropriate budget committee, or its successor committee.

New Sec. 12. (a) All third parties, including health insurers, self-insured plans, group health plans (as defined in section 607(1) of the employee retirement income security act of 1974), service benefit plans, managed care organizations, pharmacy benefit managers or other parties that are, by statute, contract or agreement, legally responsible for payment of a claim for a health care item or service to pay for care and services available under the plan, shall not, in enrolling an individual or in making any payments for benefits to the individual or on the individual's behalf, take into account that the individual is eligible for or is provided medical assistance under the Kansas state plan under title XIX of the social security act, commonly known as medicaid or medical assistance, administered by the Kansas health policy authority, or under any such plan of any other state.

(b) All third parties described in subsection (a), shall provide, with respect to individuals who are eligible for, or are provided, medical assistance under such state plan, upon the request of the authority, information to determine during what period individuals or their spouses or their dependents may be (or may have been) covered by a health insurer and the nature of the coverage that is or was provided by the health insurer (including the name, address and identifying number of the plan) in a manner prescribed by the United States secretary of health and human services.

(c) All third parties described in subsection (a) shall: (1) Accept the authority's right of recovery and the assignment to the authority of any right of an individual or other entity to payment from the party for an item or service for which payment has been made under the state plan; (2) respond to any inquiry by the authority or its designee regarding a claim for payment for any health care item or service that is submitted not later than three years after the date of the provision of such health care item or service; and (3) agree not to deny a claim submitted by the authority solely on the basis of the date of submission of the claim, the type or format of the claim form or a failure to present proper documentation at the point-of-sale that is the basis of the claim, if: (A) The claim is submitted by the authority within the three-year period beginning on the date on which the item or service was furnished; and (B) any action by the authority to enforce its rights with respect to such claim is commenced within six years of the authority's submission of such claim.

(d) As used in this section, ''Kansas health policy authority'' or ''authority'' means the Kansas health policy authority established by K.S.A. 2006 Supp. 75-7401, and amendments thereto.

New Sec. 13. (a) In order to encourage and to expand the use of cafeteria plans authorized by 26 U.S.C. 125, by small employers, there is hereby established the small employer cafeteria plan development program.

(b) Subject to the provisions of appropriations acts and in accordance with the provisions of this act, the secretary of the department of commerce may provide grants to small employers for the purpose of establishing a cafeteria plan authorized by 26 U.S.C. 125. The provisions of this section shall not apply to any small employer who has a cafeteria plan established prior to the effective date of this act.

(c) The secretary of commerce shall develop and implement marketing strategies to ensure that small employers are aware of the state program and to demonstrate the benefits of establishing a cafeteria plan to both the employer and employee.

(d) The secretary of commerce may contract with third party administrators of cafeteria plans authorized by 26 U.S.C. 125, for the purpose of helping in the development and implementation of the provisions of this section.

(e) There is hereby established in the state treasury the small employer cafeteria plan development program fund. The secretary of commerce shall administer such fund and expenditures from the small employer cafeteria plan development program fund for the purpose of providing grants in accordance with this section. All expenditures from the small employer cafeteria plan development program fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the designee of the secretary.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the small employer cafeteria plan development program fund interest earnings based on:

(1) The average daily balance of moneys in the small employer cafeteria plan development program fund for the preceding month; and

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

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(g) For the purpose of this section ''small employer'' means any employer that employs 50 or less employees.

(h) The secretary of commerce may adopt rules and regulations to implement the provisions of this section.

(i) The provisions of this section shall expire on July 1, 2009.

New Sec. 14. (a) The secretary of commerce is hereby authorized to make grants or no interest loans for the purpose of financing the initial costs associated with the forming and organizing of associations to assist members of the association to obtain access to quality and affordable health care plans. Such grants or loans may be used to pay for actuarial or feasibility studies.

(b) Such grants and loans shall be made upon such terms and conditions as the secretary of commerce may deem appropriate, except that: (1) Such loans shall be made interest free and with recourse, and (2) the association shall provide a match for such grant or loan. Such grants and loans shall be made from funds credited to the association assistance plan fund.

(c) There is hereby established in the state treasury the association assistance plan fund. The secretary of commerce shall administer such fund and expenditures from the association assistance plan fund for the purpose of providing grants and no interest loans in accordance with this section. All expenditures from the association assistance plan fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of commerce or the designee of the secretary.

(d) On July 1, 2007, the director of accounts and reports shall transfer $500,000 from the state general fund to the association assistance plan fund.

(e) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the association assistance plan fund interest earnings based on:

(1) The average daily balance of moneys in the association assistance plan fund for the preceding month; and

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

(f) For the purpose of this section:

(1) ''Association'' means a small business or an organization of persons having a common interest; and

(2) ''small business'' means any business that employs 50 or less employees.

(g) The secretary of commerce may adopt rules and regulations to implement the provisions of this section.

(h) Any health care plans offered through any association funded in whole or in part with grants or loans pursuant to this section shall be underwritten by an insurance company or health maintenance organization that holds a valid Kansas certificate of authority as verified by the commissioner of insurance and any such association shall be subject to the provisions of K.S.A. 40-2209, 40-2209a through 40-2209p and 40-2222, and amendments thereto.

New Sec. 15. (a) As used in this section:

(1) ''Attorney general'' means the attorney general, employees of the attorney general or authorized representatives of the attorney general.

(2) ''Benefit'' means the receipt of money, goods, items, facilities, accommodations or anything of pecuniary value.

(3) ''Claim'' means an electronic, electronic impulse, facsimile, magnetic, oral, telephonic or written communication that is utilized to identify any goods, service, item, facility or accommodation as reimbursable to the state medicaid program, or its fiscal agents, the state mediKan program or the state children's health insurance program or which states income or expense.

(4) ''Client'' means past or present beneficiaries or recipients of the state medicaid program, the state mediKan program or the state children's health insurance program.

(5) ''Contractor'' means any contractor, supplier, vendor or other person who, through a contract or other arrangement, has received, is to receive or is receiving public funds or in-kind contributions from the contracting agency as part of the state medicaid program, the state mediKan program or the state children's health insurance program, and shall include any subcontractor.

(6) ''Contractor files'' means those records of contractors which relate to the state medicaid program, the state mediKan program or the state children's health insurance program.

(7) ''Fiscal agent'' means any corporation, firm, individual, organization, partnership, professional association or other legal entity which, through a contractual relationship with the state of Kansas receives, processes and pays claims under the state medicaid program, the state mediKan program or the state children's health insurance program.

(8) ''Health care provider'' means a health care provider as defined under K.S.A. 65-4921, and amendments thereto, who has applied to participate in, who currently participates in, or who has previously participated in the state medicaid program, the state mediKan program or the state children's health insurance program.

(9) ''Kansas health policy authority'' or ''authority'' means the Kansas health policy authority established under K.S.A. 2006 Supp. 75-7401, and amendments thereto, or its successor agency.

(10) ''Managed care program'' means a program which provides coordination, direction and provision of health services to an identified group of individuals by providers, agencies or organizations.

(11) ''Medicaid program'' means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(12) ''Person'' means any agency, association, corporation, firm, limited liability company, limited liability partnership, natural person, organization, partnership or other legal entity, the agents, employees, independent contractors, and subcontractors, thereof, and the legal successors thereto.

(13) ''Provider'' means a person who has applied to participate in, who currently participates in, who has previously participated in, who attempts or has attempted to participate in the state medicaid program, the state mediKan program or the state children's health insurance program, by providing or claiming to have provided goods, services, items, facilities or accommodations.

(14) ''Recipient'' means an individual, either real or fictitious, in whose behalf any person claimed or received any payment or payments from the state medicaid program, or its fiscal agent, the state mediKan program or the state children's health insurance program, whether or not any such individual was eligible for benefits under the state medicaid program, the state mediKan program or the state children's health insurance program.

(15) ''Records'' means all written documents and electronic or magnetic data, including, but not limited to, medical records, X-rays, professional, financial or business records relating to the treatment or care of any recipient; goods, services, items, facilities or accommodations provided to any such recipient; rates paid for such goods, services, items, facilities or accommodations; and goods, services, items, facilities or accommodations provided to nonmedicaid recipients to verify rates or amounts of goods, services, items, facilities or accommodations provided to medicaid recipients, as well as any records that the state medicaid program, or its fiscal agents, the state mediKan program or the state children's health insurance program require providers to maintain. ''Records'' shall not include any report or record

in any format which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(16) ''State children's health insurance program'' means the state children's health insurance program as provided in K.S.A. 38-2001 et seq., and amendments thereto.

(b) (1) There is hereby established within the Kansas health policy authority the office of inspector general. All budgeting, purchasing and related management functions of the office of inspector general shall be administered under the direction and supervision of the executive director of the Kansas health policy authority. The purpose of the office of inspector general is to establish a full-time program of audit, investigation and performance review to provide increased accountability, integrity and oversight of the state medicaid program, the state mediKan program and the state children's health insurance program within the jurisdiction of the Kansas health policy authority and to assist in improving agency and program operations and in deterring and identifying fraud, waste, abuse and illegal acts. The office of inspector general shall be independent and free from political influence and in performing the duties of the office under this section shall conduct investigations, audits, evaluations, inspections and other reviews in accordance with professional standards that relate to the fields of investigation and auditing in government.

(2) (A) The inspector general shall be appointed by the Kansas health policy authority with the advice and consent of the senate and subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided in K.S.A. 46-2601, and amendments thereto, no person appointed to the position of inspector general shall exercise any power, duty or function of the inspector general until confirmed by the senate. The inspector general shall be selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office of inspector general. The inspector general shall possess demonstrated knowledge, skills, abilities and experience in conducting audits or investigations and shall be familiar with the programs subject to oversight by the office of inspector general.

(B) No former or current executive or manager of any program or agency subject to oversight by the office of inspector general may be appointed inspector general within two years of that individual's period of service with such program or agency. The inspector general shall hold at time of appointment, or shall obtain within one year after appointment, certification as a certified inspector general from a national organization that provides training to inspectors general.

(C) The term of the person first appointed to the position of inspector general shall expire on January 15, 2009. Thereafter, a person appointed to the position of inspector general shall serve for a term which shall expire on January 15 of each year in which the whole senate is sworn in for a new term.

(D) The inspector general shall be in the classified service and shall receive such compensation as is determined by law, except that such compensation may be increased but not diminished during the term of office of the inspector general. The inspector general may be removed from office prior to the expiration of the inspector general's term of office in accordance with the Kansas civil service act. The inspector general shall exercise independent judgment in carrying out the duties of the office of inspector general under subsection (b). Appropriations for the office of inspector general shall be made to the Kansas health policy authority by separate line item appropriations for the office of inspector general. The inspector general shall report to the executive director of the Kansas health policy authority.

(E) The inspector general shall have general managerial control over the office of the inspector general and shall establish the organization structure of the office as the inspector general deems appropriate to carry out the responsibilities and functions of the office.

(3) Within the limits of appropriations therefor, the inspector general may hire such employees in the unclassified service as are necessary to administer the office of the inspector general. Such employees shall serve at the pleasure of the inspector general. Subject to appropriations, the inspector general may obtain the services of certified public accountants, qualified management consultants, professional auditors, or other professionals necessary to independently perform the functions of the office.

(c) (1) In accordance with the provisions of this section, the duties of the office of inspector general shall be to oversee, audit, investigate and make performance reviews of the state medicaid program, the state mediKan program and the state children's health insurance program, which programs are within the jurisdiction of the Kansas health policy authority.

(2) In order to carry out the duties of the office, the inspector general shall conduct independent and ongoing evaluation of the Kansas health policy authority and of such programs administered by the Kansas health policy authority, which oversight includes, but is not limited to, the following:

(A) Investigation of fraud, waste, abuse and illegal acts by the Kansas health policy authority and its agents, employees, vendors, contractors, consumers, clients and health care providers or other providers.

(B) Audits of the Kansas health policy authority, its employees, contractors, vendors and health care providers related to ensuring that appropriate payments are made for services rendered and to the recovery of overpayments.

(C) Investigations of fraud, waste, abuse or illegal acts committed by clients of the Kansas health policy authority or by consumers of services administered by the Kansas health policy authority.

(D) Monitoring adherence to the terms of the contract between the Kansas health policy authority and an organization with which the authority has entered into a contract to make claims payments.

(3) Upon finding credible evidence of fraud, waste, abuse or illegal acts, the inspector general shall report its findings to the Kansas health policy authority and refer the findings to the attorney general.

(d) The inspector general shall have access to all pertinent information, confidential or otherwise, and to all personnel and facilities of the Kansas health policy authority, their employees, vendors, contractors and health care providers and any federal, state or local governmental agency that are necessary to perform the duties of the office as directly related to such programs administered by the authority. Access to contractor or health care provider files shall be limited to those files necessary to verify the accuracy of the contractor's or health care provider's invoices or their compliance with the contract provisions or program requirements. No health care provider shall be compelled under the provisions of this section to provide individual medical records of patients who are not clients of the state medicaid program, the state mediKan program or the state children's health insurance program. State and local governmental agencies are authorized and directed to provide to the inspector general requested information, assistance or cooperation.

(e) Except as otherwise provided in this section, the inspector general and all employees and former employees of the office of inspector general shall be subject to the same duty of confidentiality imposed by law on any such person or agency with regard to any such information, and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality. The duty of confidentiality imposed on the inspector general and all employees and former employees

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of the office of inspector general shall be subject to the provisions of subsection (f), and the inspector general may furnish all such information to the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas pursuant to subsection (f). Upon receipt thereof, the attorney general, Kansas bureau of investigation or office of the United States attorney in Kansas and all assistants and all other employees and former employees of such offices shall be subject to the same duty of confidentiality with the exceptions that any such information may be disclosed in criminal or other proceedings which may be instituted and prosecuted by the attorney general or the United States attorney in Kansas, and any such information furnished to the attorney general, the Kansas bureau of investigation or the United States attorney in Kansas under subsection (f) may be entered into evidence in any such proceedings.

(f) All investigations conducted by the inspector general shall be conducted in a manner that ensures the preservation of evidence for use in criminal prosecutions or agency administrative actions. If the inspector general determines that a possible criminal act relating to fraud in the provision or administration of such programs administered by the Kansas health policy authority has been committed, the inspector general shall immediately notify the office of the Kansas attorney general. If the inspector general determines that a possible criminal act has been committed within the jurisdiction of the office, the inspector general may request the special expertise of the Kansas bureau of investigation. The inspector general may present for prosecution the findings of any criminal investigation to the office of the attorney general or the office of the United States attorney in Kansas.

(g) To carry out the duties as described in this section, the inspector general and the inspector general's designees shall have the power to compel by subpoena the attendance and testimony of witnesses and the production of books, electronic records and papers as directly related to such programs administered by the Kansas health policy authority. Access to contractor files shall be limited to those files necessary to verify the accuracy of the contractor's invoices or its compliance with the contract provisions. No health care provider shall be compelled to provide individual medical records of patients who are not clients of the authority.

(h) The inspector general shall report all convictions, terminations and suspensions taken against vendors, contractors and health care providers to the Kansas health policy authority and to any agency responsible for licensing or regulating those persons or entities. If the inspector general determines reasonable suspicion exists that an act relating to the violation of an agency licensure or regulatory standard has been committed by a vender, contractor or health care provider who is licensed or regulated by an agency, the inspector general shall immediately notify such agency of the possible violation.

(i) The inspector general shall make annual reports, findings and recommendations regarding the office's investigations into reports of fraud, waste, abuse and illegal acts relating to any such programs administered by the Kansas health policy authority to the executive director of the Kansas health policy authority, the legislative post auditor, the committee on ways and means of the senate, the committee on appropriations of the house of representatives, the joint committee on health policy oversight and the governor. These reports shall include, but not be limited to, the following information:

(1) Aggregate provider billing and payment information;

(2) the number of audits of such programs administered by the Kansas health policy authority and the dollar savings, if any, resulting from those audits;

(3) health care provider sanctions, in the aggregate, including terminations and suspensions; and

(4) a detailed summary of the investigations undertaken in the previous fiscal year, which summaries shall comply with all laws and rules and regulations regarding maintaining confidentiality in such programs administered by the Kansas health policy authority.

(j) Based upon the inspector general's findings under subsection (c), the inspector general may make such recommendations to the Kansas health policy authority or the legislature for changes in law, rules and regulations, policy or procedures as the inspector general deems appropriate to carry out the provisions of law or to improve the efficiency of such programs administered by the Kansas health policy authority. The inspector general shall not be required to obtain permission or approval from any other official or authority prior to making any such recommendation.

(k) (1) The inspector general shall make provision to solicit and receive reports of fraud, waste, abuse and illegal acts in such programs administered by the Kansas health policy authority from any person or persons who shall possess such information. The inspector general shall not disclose or make public the identity of any person or persons who provide such reports pursuant to this subsection unless such person or persons consent in writing to the disclosure of such person's identity. Disclosure of the identity of any person who makes a report pursuant to this subsection shall not be ordered as part of any administrative or judicial proceeding. Any information received by the inspector general from any person concerning fraud, waste, abuse or illegal acts in such programs administered by the Kansas health policy authority shall be confidential and shall not be disclosed or made public, upon subpoena or otherwise, except such information may be disclosed if (A) release of the information would not result in the identification of the person who provided the information, (B) the person or persons who provided the information to be disclosed consent in writing prior to its disclosure, (C) the disclosure is necessary to protect the public health, or (D) the information to be disclosed is required in an administrative proceeding or court proceeding and appropriate provision has been made to allow disclosure of the information without disclosing to the public the identity of the person or persons who reported such information to the inspector general.

(2) No person shall:

(A) Prohibit any agent, employee, contractor or subcontractor from reporting any information under subsection (k)(1); or

(B) require any such agent, employee, contractor or subcontractor to give notice to the person prior to making any such report.

(3) Subsection (k)(2) shall not be construed as:

(A) Prohibiting an employer from requiring that an employee inform the employer as to legislative or auditing agency requests for information or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the employer;

(B) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(C) authorizing an employee to represent the employee's personal opinions as the opinions of the employer; or

(D) prohibiting disciplinary action of an employee who discloses information which (A) the employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act, or (C) is confidential or privileged under statute or court rule.

(4) Any agent, employee, contractor or subcontractor who alleges that disciplinary action has been taken against such agent, employee, contractor or subcontractor in violation of this section may bring an action for any damages caused by such violation in district court within 90 days after the occurrence of the alleged violation.

(5) Any disciplinary action taken against an employee of a state agency or firm as such terms are defined under subsection (b) of K.S.A. 75-2973, and amendments thereto, for making a report under subsection (k)(1) shall be governed by the provisions of K.S.A. 75-2973, and amendments thereto.

(l) The scope, timing and completion of any audit or investigation conducted by the inspector general shall be within the discretion of the inspector general. Any audit conducted by the inspector general's office shall adhere and comply with all provisions of generally accepted governmental auditing standards promulgated by the United States government accountability office.

(m) Nothing in this section shall limit investigations by any state department or agency that may otherwise be required by law or that may be necessary in carrying out the duties and functions of such agency.

(n) The Kansas health policy authority, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed, executive meeting under the open meetings act, K.S.A. 75-4317 through 75-4320a, and amendments thereto, to discuss with the inspector general any information, records or other matters that are involved in any investigation or audit under this section. All information and records of the inspector general that are obtained or received under any investigation or audit under this section shall be confidential, except as required or authorized pursuant to this section.

Sec. 16. K.S.A. 2006 Supp. 75-4319 is hereby amended to read as follows: 75-4319. (a) Upon formal motion made, seconded and carried, all bodies and agencies subject to the open meetings act may recess, but not adjourn, open meetings for closed or executive meetings. Any motion to recess for a closed or executive meeting shall include a statement of (1) the justification for closing the meeting, (2) the subjects to be discussed during the closed or executive meeting and (3) the time and place at which the open meeting shall resume. Such motion, including the required statement, shall be recorded in the minutes of the meeting and shall be maintained as a part of the permanent records of the body or agency. Discussion during the closed or executive meeting shall be limited to those subjects stated in the motion.

(b) No subjects shall be discussed at any closed or executive meeting, except the following:

(1) Personnel matters of nonelected personnel;

(2) consultation with an attorney for the body or agency which would be deemed privileged in the attorney-client relationship;

(3) matters relating to employer-employee negotiations whether or not in consultation with the representative or representatives of the body or agency;

(4) confidential data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships;

(5) matters relating to actions adversely or favorably affecting a person as a student, patient or resident of a public institution, except that any such person shall have the right to a public hearing if requested by the person;

(6) preliminary discussions relating to the acquisition of real property;

(7) matters permitted to be discussed in a closed or executive meeting pursuant to K.S.A. 74-8804 and amendments thereto;

(8) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (d)(1) of K.S.A. 38-1507 and amendments thereto or subsection (e) of K.S.A. 38-1508 and amendments thereto;

(9) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (j) of K.S.A. 22a-243 and amendments thereto;

(10) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (e) of K.S.A. 44-596 and amendments thereto;

(11) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (g) of K.S.A. 39-7,119 and amendments thereto;

(12) matters required to be discussed in a closed or executive meeting pursuant to a tribal-state gaming compact;

(13) matters relating to security measures, if the discussion of such matters at an open meeting would jeopardize such security measures, that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; (C) a public body or agency, public building or facility or the information system of a public body or agency; or (D) private property or persons, if the matter is submitted to the agency for purposes of this paragraph. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments; ~~and~~

(14) matters permitted to be discussed in a closed or executive meeting pursuant to subsection (f) of K.S.A. 65-525, and amendments thereto*; and*

*(15) matters permitted to be discussed in a closed or executive meeting pursuant to section 15, and amendments thereto.*

(c) No binding action shall be taken during closed or executive recesses, and such recesses shall not be used as a subterfuge to defeat the purposes of this act.

(d) Any confidential records or information relating to security measures provided or received under the provisions of subsection (b)(13), shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 17. K.S.A. 2006 Supp. 75-2973 is hereby amended to read as follows: 75-2973. (a) This section shall be known and may be cited as the Kansas whistleblower act.

(b) As used in this section:

(1) ''Auditing agency'' means the (A) legislative post auditor, (B) any employee of the division of post audit, (C) any firm performing audit services pursuant to a contract with the post auditor, ~~or~~ (D) any state agency or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities*, or (E) the inspector general created under section 15 and amendments thereto.*

(2) ''Disciplinary action'' means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(3) ''State agency'' and ''firm'' have the meanings provided by K.S.A. 46-1112 and amendments thereto.

(c) No supervisor or appointing authority of any state agency shall prohibit any employee of the state agency from discussing the operations of the state agency or other matters of public concern, including matters relating to the public health, safety and welfare either specifically or generally, with any member of the legislature or any auditing agency.

*(continued)*

(d) No supervisor or appointing authority of any state agency shall:

(1) Prohibit any employee of the state agency from reporting any violation of state or federal law or rules and regulations to any person, agency or organization; or

(2) require any such employee to give notice to the supervisor or appointing authority prior to making any such report.

(e) This section shall not be construed as:

(1) Prohibiting a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority as to legislative or auditing agency requests for information to the state agency or the substance of testimony made, or to be made, by the employee to legislators or the auditing agency, as the case may be, on behalf of the state agency;

(2) permitting an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to leaves, unless the employee is requested by a legislator or legislative committee to appear before a legislative committee or by an auditing agency to appear at a meeting with officials of the auditing agency;

(3) authorizing an employee to represent the employee's personal opinions as the opinions of a state agency; or

(4) prohibiting disciplinary action of an employee who discloses information which: (A) The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity, (B) the employee knows to be exempt from required disclosure under the open records act, or (C) is confidential or privileged under statute or court rule.

(f) Any officer or employee of a state agency who is in the classified service and has permanent status under the Kansas civil service act may appeal to the state civil service board whenever the officer or employee alleges that disciplinary action was taken against the officer or employee in violation of this act. The appeal shall be filed within 90 days after the alleged disciplinary action. Procedures governing the appeal shall be in accordance with subsections (f) and (g) of K.S.A. 75-2949 and amendments thereto and K.S.A. 75-2929d through 75-2929g and amendments thereto. If the board finds that disciplinary action taken was unreasonable, the board shall modify or reverse the agency's action and order such relief for the employee as the board considers appropriate. If the board finds a violation of this act, it may require as a penalty that the violator be suspended on leave without pay for not more than 30 days or, in cases of willful or repeated violations, may require that the violator forfeit the violator's position as a state officer or employee and disqualify the violator for appointment to or employment as a state officer or employee for a period of not more than two years. The board may award the prevailing party all or a portion of the costs of the proceedings before the board, including reasonable attorney fees and witness fees. The decision of the board pursuant to this subsection may be appealed by any party pursuant to law. On appeal, the court may award the prevailing party all or a portion of the costs of the appeal, including reasonable attorney fees and witness fees.

(g) Each state agency shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of the state agency.

(h) Any officer or employee who is in the unclassified service under the Kansas civil service act who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring an action pursuant to the act for judicial review and civil enforcement of agency actions within 90 days after the occurrence of the alleged violation. The court may award the prevailing party in the action all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

(i) Nothing in this section shall be construed to authorize disclosure of any information or communication that is confidential or privileged under statute or court rule.

Sec. 18. K.S.A. 46-2601 is hereby amended to read as follows: 46-2601. (a) There is hereby established the confirmation oversight committee which shall have six members. Except as provided by this subsection, members of the confirmation oversight committee shall be appointed in the manner provided by senate rule for the appointment of members of standing committees of the senate. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number. One of the members of the committee shall be the majority leader, or the majority leader's designee, who shall be the chairperson. One of the members of the committee shall be the minority leader, or the minority leader's designee, who shall be the vice-chairperson. The committee shall meet on the call of the chairperson or any three members of the committee.

(b) If a vacancy occurs in the membership of a board, commission, council, committee, authority or other governmental body *or in the position of inspector general created under section 15, and amendments thereto,* and the appointment to fill such vacancy is subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, the confirmation oversight committee may authorize, by a majority vote thereof, the person appointed to fill such vacancy to exercise the powers, duties and functions of the office until such appointment is confirmed by the senate in the manner provided by K.S.A. 75-4315b, and amendments thereto, at the next regular or special session of the legislature.

Prior to authorizing any person to exercise the powers, duties and functions of an office pursuant to this section, the confirmation oversight committee may require such person to appear before the committee.

(c) (1) If the confirmation oversight committee authorizes a person appointed to fill a vacancy to exercise the powers, duties and functions of an office as provided by this section, such person shall not be subject to confirmation by the senate if at the time of such person's appointment there is less than six months in the unexpired term of such.

(2) The provisions of this subsection shall not apply to appointments to the state board of regents.

Sec. 19. K.S.A. 2006 Supp. 65-2901 is hereby amended to read as follows: 65-2901. As used in article 29 of chapter 65 of the Kansas Statutes Annotated and acts amendatory of the provisions thereof or supplemental thereto:

(a) ''Physical therapy'' means examining, evaluating and testing individuals with mechanical, anatomical, physiological and developmental impairments, functional limitations and disabilities or other health and movement-related conditions in order to determine a diagnosis solely for physical therapy, prognosis, plan of therapeutic intervention and to assess the ongoing effects of physical therapy intervention. Physical therapy also includes alleviating impairments, functional limitations and disabilities by designing, implementing and modifying therapeutic interventions that may include, but are not limited to, therapeutic exercise; functional training in community or work integration or reintegration; manual therapy; therapeutic massage; prescription, application and, as appropriate, fabrication of assistive, adaptive, orthotic, prosthetic, protective and supportive devices and equipment; airway clearance techniques; integumentary protection and repair techniques; debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; patient-related instruction; reducing the risk of injury, impairments, functional limitations and dis-

ability, including the promotion and maintenance of fitness, health and quality of life in all age populations and engaging in administration, consultation, education and research. Physical therapy also includes the care and services provided by a physical therapist or a physical therapist assistant under the direction and supervision of a physical therapist that is licensed pursuant to this act. Physical therapy does not include the use of roentgen rays and radium for diagnostic and therapeutic purposes, the use of electricity for surgical purposes, including cauterization, the practice of any branch of the healing arts and the making of a medical diagnosis.

(b) ''Physical therapist'' means a person who is licensed to practice physical therapy pursuant to this act. Any person who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist and may designate or describe oneself as a physical therapist, physiotherapist, licensed physical therapist, P.T., Ph. T., M.P.T., D.P.T. or L.P.T. ~~physical therapists may evaluate patients without physician referral but may initiate treatment only after consultation with and approval by a physician licensed to practice medicine and surgery, a licensed podiatrist, a licensed physician assistant or an advanced registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, a licensed chiropractor or a licensed dentist in appropriately related cases or a therapeutic licensed optometrist pursuant to subsection (e) of K.S.A. 65-1501, and amendments thereto.~~

(c) ''Physical therapist assistant'' means a person who is certified pursuant to this act and who works under the direction of a physical therapist, and who assists the physical therapist in selected components of physical therapy intervention. Any person who successfully meets the requirements of K.S.A. 65-2906 and amendments thereto shall be known and designated as a physical therapist assistant, and may designate or describe oneself as a physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst.

(d) ''Board'' means the state board of healing arts.

(e) ''Council'' means the physical therapy advisory council.

*(f) ''Physician'' means a person licensed to practice medicine and surgery.*

Sec. 20. K.S.A. 2006 Supp. 65-2912 is hereby amended to read as follows: 65-2912. (a) The board may refuse to grant a license to any physical therapist or a certificate to any physical therapist assistant, or may suspend or revoke the license of any licensed physical therapist or certificate of any certified physical therapist assistant, or may limit the license of any licensed physical therapist or certificate of any certified physical therapist assistant or may censure a licensed physical therapist or certified physical therapist assistant for any of the following grounds:

(1) Addiction to or distribution of intoxicating liquors or drugs for other than lawful purposes;

(2) conviction of a felony if the board determines, after investigation, that the physical therapist or physical therapist assistant has not been sufficiently rehabilitated to warrant the public trust;

(3) obtaining or attempting to obtain licensure or certification by fraud or deception;

(4) finding by a court of competent jurisdiction that the physical therapist or physical therapist assistant is a disabled person and has not thereafter been restored to legal capacity;

(5) unprofessional conduct as defined by rules and regulations adopted by the board;

(6) the treatment or attempt to treat ailments or other health conditions of human beings other than by physical therapy and as authorized by this act;

(7) failure to refer patients to other health care providers if symptoms are present for which physical therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the scope of knowledge of the licensed physical therapist;

~~(8) initiating treatment without prior consultation and approval by a physician licensed to practice medicine and surgery, by a licensed podiatrist, by a licensed physician assistant or by an advanced registered nurse practitioner working pursuant to the order or direction of a person licensed to practice medicine and surgery, by a licensed chiropractor, by a licensed dentist or by a therapeutic licensed optometrist pursuant to subsection (e) of K.S.A. 65-1501, and amendments thereto~~

*(8) evaluating or treating patients in a manner not consistent with section 21 and amendments thereto*; and

(9) knowingly submitting any misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement.

(b) All proceedings pursuant to article 29 of chapter 65 of the Kansas Statutes Annotated, and acts amendatory of the provisions thereof or supplemental thereto, shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the act for judicial review and civil enforcement of agency actions.

New Sec. 21. (a) Except as otherwise provided in subsection (b), (c) or (d), a physical therapist may evaluate patients without physician referral but may initiate treatment only after approval by a licensed physician, a licensed podiatrist, a licensed physician assistant or an advanced registered nurse practitioner working pursuant to the order or direction of a licensed physician, a licensed chiropractor, a licensed dentist or licensed optometrist in appropriately related cases. Physical therapists may initiate physical therapy treatment with the approval of a practitioner of the healing arts duly licensed under the laws of another state and may provide such treatment based upon an order by such practitioner in any setting in which physical therapists would be authorized to provide such treatment with the approval of a physician licensed by the board, notwithstanding any provisions of the Kansas healing arts act or any rules and regulations adopted by the board thereunder.

(b) Physical therapists may evaluate and treat a patient for no more than 30 consecutive calendar days without a referral under the following conditions: (1) The patient has previously been referred to a physical therapist for physical therapy services by a person authorized by this section to approve treatment; (2) the patient's referral for physical therapy was made within one year from the date a physical therapist implements a program of physical therapy treatment without a referral; (3) the physical therapy being provided to the patient without referral is for the same injury, disease or condition as indicated in the referral for such previous injury, disease or condition; and (4) the physical therapist transmits to the physician or other practitioner identified by the patient a copy of the initial evaluation no later than five business days after treatment commences. Treatment for more than 30 consecutive calendar days of such patient shall only be upon the approval of a person authorized by this section to approve treatment.

(c) Physical therapists may provide, without a referral, services which do not constitute treatment for a specific condition, disease or injury to: (1) Employees solely for the purpose of education and instruction related to workplace injury prevention; or (2) the public for the purpose of fitness, health promotion and education.

(d) Physical therapists may provide services without a referral to special education students who need physical therapy services to fulfill the provisions of their individualized education plan (IEP) or individualized family service plan (IFSP).

New Sec. 22. The provisions of K.S.A. 65-2901 through 65-2920 and section 21, and amendments thereto, shall be known and may be cited as the physical therapy practice act.

*(continued)*

Sec. 23. K.S.A. 2006 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen. This educational program shall include information about the nature of such conditions and examinations for the detection thereof in early infancy in order that measures may be taken to prevent the mental retardation or morbidity resulting from such conditions.

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment *or its designee* for all infants born in the state. Such services shall be performed without charge ~~for a fee of not more than $30 per newborn~~.

(c) Provide a follow-up program by providing test results and other information to identified physicians; locate infants with abnormal newborn screening test results; with parental consent, monitor infants to assure appropriate testing to either confirm or not confirm the disease suggested by the screening test results; with parental consent, monitor therapy and treatment for infants with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria or other genetic diseases being screened under this statute; and establish ongoing education and support activities for individuals with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases being screened under this statute and for the families of such individuals.

(d) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent mental retardation or morbidity.

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies. In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual meets medicaid eligibility, such individuals' needs shall be covered under the medicaid state plan. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual is not medicaid eligible, but is below 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of between 50% to 100% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual exceeds 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of an amount not to exceed 50% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment.

(f) Provide state assistance to an applicant pursuant to subsection (e) only after it has been shown that the applicant has exhausted all benefits from private third-party payers, medicare, medicaid and other government assistance programs and after consideration of the applicant's income and assets. The secretary of health and environment shall adopt rules and regulations establishing standards for determining eligibility for state assistance under this section.

(g) (1) Except for treatment products provided under subsection (e), if the medically necessary food treatment product for diagnosed cases must be purchased, the purchaser shall be reimbursed by the department of health and environment for costs incurred up to $1,500 per year per diagnosed child age 18 or younger at 100% of the product cost upon submission of a receipt of purchase identifying the company from which the product was purchased. For a purchaser to be eligible for reimbursement under this subsection (g)(1), the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(2) As an option to reimbursement authorized under subsection (g)(1), the department of health and environment may purchase food treatment products for distribution to diagnosed children in an amount not to exceed $1,500 per year per diagnosed child age 18 or younger. For a diagnosed child to be eligible for the distribution of food treatment products under this subsection (g)(2), the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(3) In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection (g).

(h) The department of health and environment shall continue to receive orders for both necessary treatment products and necessary food treatment products, purchase such products, and shall deliver the products to an address prescribed by the diagnosed individual. The department of health and environment shall bill the person or persons who have legal responsibility for the diagnosed patient for a pro-rata share of the total costs, in accordance with the rules and regulations adopted pursuant to this section. ~~The department of health and environment and the Kansas health policy authority shall combine the purchasing resources for the purpose of this subsection and shall enter into a joint contract for the purchase of all products for both medicaid and nonmedicaid eligible clients.~~

*(i) Not later than July 1, 2008, the secretary of health and environment shall adopt rules and regulations as needed to require, to the extent of available funding, newborn screening tests to screen for treatable disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American college of medical genetics entitled ''Newborn Screening: Toward a Uniform Screening Panel and System'' or another report determined by the department of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable disorders.*

*(j) In performing the duties under subsection (i), the secretary of health and environment shall appoint an advisory council to advise the department of health and environment on implementation of subsection (i).*

*(k) The department of health and environment shall periodically review the newborn screening program to determine the efficacy and cost effectiveness of the program and determine whether adjustments to the program are necessary to protect the health and welfare of newborns and to maximize the number of newborn screenings that may be conducted with the funding available for the screening program.*

Sec. 24. K.S.A. 65-1,172 is hereby amended to read as follows: 65-1,172. *(a)* Confidential data collected pursuant to this act shall be securely locked and used only for the following purposes:

~~(a)~~ *(1)* Ensuring the quality and completeness of the registry data.

~~(b)~~ *(2)* Investigating the nature and cause of abnormal clusterings of cancer and the possible cancer risk related to having an abortion.

~~(c)~~ *(3)* Offering through the personal physician, to persons with cancer, access to cancer diagnostics and treatments not available except through clinical trials. As long as such trials are conducted with the informed, written consent of the cancer patient, the confidential data is approved for release by the secretary for the purpose of such clinical trials and the clinical trials are approved by the clinical entity.

~~(d)~~ *(4)* Releasing data back to the institution or individual which reported cases as long as such release includes only those cases previously reported by the requesting institution or individual.

~~(e)~~ *(5)* As part of an exchange agreement with another state, confidential data collected on a resident of another state may be released to the cancer registry of that person's state of residence if that state has confidentiality requirements that provide assurance of protection of confidentiality equivalent to that provided by Kansas under this act.

~~(f)~~ *(6)* Releasing information upon consent, in writing, of the person who is the subject of the information, or if such person is under 18 years of age, by such person's parent or guardian.

*(7) Follow up for public health purposes. With the approval of the health and environmental institutional review board as provided for in title 45, part 46 of the code of federal regulations, the secretary of health and environment or the secretary's designee, may contact individuals who are the subjects of the reports made pursuant to K.S.A. 65-1,169, and amendments thereto. The secretary shall inform such individuals that the participation in such projects is voluntary and may only be conducted with the written consent of the person who is the subject of the information or with the informed consent of a parent or legal guardian if the person is under 18 years of age. Informed consent is not required if the person who is the subject of the information is deceased.*

*(b) The secretary shall adopt rules and regulations to define who may be authorized to conduct such follow up studies and to develop criteria for obtaining informed consent.*

New Sec. 25. (a) This section shall be cited as the umbilical cord donation information act.

(b) A health care provider providing health care services to a pregnant woman during the last trimester of such pregnancy, which health care services are directly related to such pregnancy, shall whenever practical advise such person of options to donate an umbilical cord following the delivery of a newborn child. Provision in a timely manner of information prepared by the department of health and environment pursuant to subsection (c) shall constitute compliance with this subsection.

(c) The department of health and environment shall, by July 1, 2007, prepare and make information available on its website that includes the following:

(1) The medical processes involved in the collection of umbilical cords;

(2) the medical risks to a mother and the newborn child of umbilical cord collection;

(3) the current and potential future medical uses and benefits of umbilical cord collection to the birth mother, the newborn child and the biological family;

(4) the current and potential future medical uses and benefits of umbilical cord collection to persons who are not biologically related to the birth mother or the newborn child;

(5) any costs that may be incurred by a pregnant woman who chooses to make an umbilical cord donation;

(6) options for ownership and future use of the donated material; and

(7) the availability in this state of umbilical cord donations.

Sec. 26. K.S.A. 65-3505 is hereby amended to read as follows: 65-3505. (a) Every individual who holds a valid license as an administrator issued by the board shall apply to the board for renewal of such license in accordance with rules and regulations adopted by the board and report any facts requested by the board on forms provided for such purpose.

(b) Upon making an application for a renewal of license, such individual shall pay a renewal fee to be fixed by rules and regulations and shall submit evidence satisfactory to the board that during the period immediately preceding application for renewal the applicant has attended a program or course of study as provided by the rules and regulations of the board. Any individual who submits an application for a renewal of license within 30 days after the date of expiration shall also pay a late renewal fee fixed by rules and regulations. Any individual who submits an application for a renewal of license after the thirty-day period following the date of expiration shall be considered as having a license that has lapsed for failure to renew and shall be reissued a license only after the individual has been reinstated under subsection (d).

(c) Upon receipt of such application for renewal of license, the renewal fee and the evidence required, the board shall issue a license to such administrator.

(d) An administrator who has been duly licensed in this state, whose license has not been revoked or suspended, and whose license has expired because of temporary abandonment of the practice of nursing home administration, or has moved from the state, or for such other reason, may be licensed within the state upon complying with the provisions of this section for renewal of license, filing with the board an application, and submission of a renewal fee and reinstatement fee fixed by rules and regulations.

(e) ~~Notwithstanding the foregoing provisions of this section, the board may enter into reciprocal relations with boards of other states or endorse the training acquired by an applicant whereby licenses may be granted, without examination and upon payment of a licensure fee and a reciprocity fee, to duly licensed administrators from other states, provided the requirements for licensure of the state from which the applicant applies are as high as those in Kansas and the applicant is favorably recommended, in writing, by the board of the state in which the applicant is licensed.~~ *The board may grant a license to any person who, at the time of application, is licensed as an adult care home administrator in another jurisdiction if the board determines:*

*(1) That the requirements of such jurisdiction for such licensure are substantially the equivalent of the requirements of this state; or that the applicant demonstrates on forms provided by the board continuous licensure as an adult care home administrator during the five years immediately preceding the application with at least the minimum professional experience during that time as established by rules and regulations of the board;*

*(2) that the candidate has not had disciplinary actions of a serious nature brought by a licensing board or agency; and*

*(3) that the applicant for a license under this subsection pays a reciprocity application fee and a reciprocity license fee established by the board by rules and regulations, neither of which shall exceed $200.*

(f) The expiration date of each license issued or renewed shall be established by rules and regulations of the board. Subject to the provisions of this subsection each license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration date of the license and upon payment of the renewal fee established pursuant to rules and regulations of the board. To provide for a system of biennial renewal of licenses the board may provide by rules and regulations that licenses issued or renewed for the first time after the effective date of this act may expire less than two years from the date of issuance or renewal. In each case in which a license is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license

*(continued)*

or renewal fee established pursuant to rules and regulations. No proration shall be made under this subsection (f) on delinquent license renewals or on temporary licenses.

New Sec. 27. (a) If, upon inspection for compliance with federal law pursuant to oversight by the centers for medicare and medicaid services of a medical care facility, adult care home, assisted living facility or special hospital by an officer of the state fire marshal, deficiencies are found, such medical care facility, adult care home, assisted living facility or special hospital within 10 calendar days after receipt of the statement of deficiencies, may make a written request to the state fire marshal for informal dispute resolution. The medical care facility, adult care home, assisted living facility or special hospital may make not more than one request for a two-tier informal dispute resolution per inspection to dispute any deficiencies with which such medical care facility, adult care home, assisted living facility or special hospital disagrees, based on the statement of deficiencies and any other materials submitted, except that such medical care facility, adult care home, assisted living facility or special hospital shall have an opportunity to supplement such material prior to a disposition of the claim. The state fire marshal shall hold an informal dispute resolution meeting with such medical care facility, adult care home, assisted living facility or special hospital in person upon request of the medical care facility, adult care home, assisted living facility or special hospital. The first-tier of the informal dispute resolution shall be conducted within 30 days of receipt of the written request from the medical care facility, adult care home, assisted living facility or special hospital. The medical care facility, adult care home, assisted living facility or special hospital shall be notified of the results of the first-tier informal dispute resolution on or before 10 days of the disposition being rendered.

(b) A written request for informal dispute resolution shall:

(1) State the specific deficiencies being disputed;

(2) provide a detailed explanation of the basis for the dispute; and

(3) include any supporting documentation, including any information that was not available at the time of the inspection.

(c) The medical care facility, adult care home, assisted living facility or special hospital may challenge the decision of the first-tier informal dispute resolution and may request completion of the second-tier of informal dispute resolution by a three-person panel appointed by the state fire marshal. No more than one panel member shall be an employee of the state fire marshal, and such member shall not be the person who conducted the first-tier of the informal dispute resolution. At least two panel members shall not be employees of the state fire marshal and shall have suitable expertise to review the disputed deficiency or deficiencies. The second-tier informal dispute resolution shall take place within 30 days of the request by the medical care facility, adult care home, assisted living facility or special hospital. The medical care facility, adult care home, assisted living facility or special hospital shall be notified of the results of the second-tier informal dispute resolution within 10 days of the disposition being rendered.

(d) The state fire marshal may fix, charge and collect a fee from a medical care facility, adult care home, assisted living facility or special hospital requesting a second-tier informal dispute resolution review panel to recover all or part of the costs incurred by state fire marshal for holding such second-tier informal dispute resolution panel under this section that shall not exceed $250.

(e) Any decision or proposed resolution of the informal dispute resolution panel under this section shall be advisory to the state fire marshal.

(f) The state fire marshal shall adopt rules and regulations to implement the provisions of this section.

(g) As used in this section:

(1) ''Assisted living facility'' shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto;

(2) ''medical care facility'' shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto;

(3) ''adult care home'' shall have the meaning ascribed thereto in K.S.A. 39-923, and amendments thereto; and

(4) ''special hospital'' shall have the meaning ascribed thereto in K.S.A. 65-425, and amendments thereto.

Sec. 28. K.S.A. 40-2123 is hereby amended to read as follows: 40-2123. (a) The plan shall offer coverage to every eligible person pursuant to which such person's covered expenses shall be indemnified or reimbursed subject to the provisions of K.S.A. 40-2124 and amendments thereto.

(b) Except for those expenses set forth in subsection (c) of this section, expenses covered under the plan shall include expenses for:

(1) Services of persons licensed to practice medicine and surgery which are medically necessary for the diagnosis or treatment of injuries, illnesses or conditions;

(2) services of advanced registered nurse practitioners who hold a certificate of qualification from the board of nursing to practice in an expanded role or physicians assistants acting under the direction of a responsible physician when such services are provided at the direction of a person licensed to practice medicine and surgery and meet the requirements of paragraph (b)(1) above;

(3) services of licensed dentists when such procedures would otherwise be performed by persons licensed to practice medicine and surgery;

(4) emergency care, surgery and treatment of acute episodes of illness or disease as defined in the plan and provided in a general hospital or ambulatory surgical center as such terms are defined in K.S.A. 65-425, and amendments thereto;

(5) medically necessary diagnostic laboratory and x-ray services;

(6) drugs and controlled substances prescribed by a practitioner, as defined in ~~subsection (x) of~~ K.S.A. 65-1626 and amendments thereto, or drugs and controlled substances prescribed by a mid-level practitioner as defined in ~~subsection (ii) of~~ K.S.A. 65-1626 and amendments thereto. Coverage for outpatient prescriptions shall be subject to a mandatory 50% coinsurance provision, and coverage for prescriptions administered to inpatients shall be subject to a coinsurance provision as established in the plan; and

(7) subject to the approval of the commissioner, the board shall also review and recommend the inclusion of coverage for mental health services and such other primary and preventive health care services as the board determines would not materially impair affordability of the plan.

(c) Expenses not covered under the plan shall include expenses for:

(1) Illness or injury due to an act of war;

(2) services rendered prior to the effective date of coverage under this plan for the person on whose behalf the expense is incurred;

(3) services for which no charge would be made in the absence of insurance or for which the insured bears no legal obligation to pay;

(4) (A) services or charges incurred by the insured which are otherwise covered by:

(i) Medicare or state law or programs;

(ii) medical services provided for members of the United States armed forces and their dependents or for employees of such armed forces;

(iii) military service-connected disability benefits;

(iv) other benefit or entitlement programs provided for by the laws of the United States (except title XIX of the social security act of 1965);

(v) workers compensation or similar programs addressing injuries, diseases, or conditions incurred in the course of employment covered by such programs;

(vi) benefits payable without regard to fault pursuant to any motor vehicle or other liability insurance policy or equivalent self-insurance.

(B) This exclusion shall not apply to services or charges which exceed the benefits payable under the applicable programs listed above and which are otherwise eligible for payment under this section.

(5) Services the provision of which is not within the scope of the license or certificate of the institution or individual rendering such service;

(6) that part of any charge for services or articles rendered or prescribed which exceeds the rate established by K.S.A. 40-2131 and amendments thereto for such services;

(7) services or articles not medically necessary;

(8) care which is primarily custodial or domiciliary in nature;

(9) cosmetic surgery unless provided as the result of an injury or medically necessary surgical procedure;

(10) eye surgery if corrective lenses would alleviate the problem;

(11) experimental services or supplies not generally recognized as the normal mode of treatment for the illness or injury involved;

(12) service of a blood donor and any fee for failure of the insured to replace the first three pints of blood provided in each calendar year; and

(13) personal supplies or services provided by a health care facility or any other nonmedical or nonprescribed supply or service.

(d) Except as expressly provided for in this act, no law requiring the coverage or the offer of coverage of a health care service or benefit shall apply to the plan.

(e) A plan may incorporate provisions that will direct covered persons to the most appropriate lowest cost health care provider available.

Sec. 29. K.S.A. 2006 Supp. 60-4403 is hereby amended to read as follows: 60-4403. (a) A licensed health care professional who administers, prescribes or dispenses medications or procedures to relieve another person's pain or discomfort does not violate K.S.A. 21-3406 and amendments thereto unless the medications or procedures are knowingly administered, prescribed or dispensed with the intent to cause death. A mid-level practitioner as defined in ~~subsection (ii) of~~ K.S.A. 65-1626 and amendments thereto who prescribes medications or procedures to relieve another person's pain or discomfort does not violate K.S.A. 21-3406 and amendments thereto unless the medications or procedures are knowingly prescribed with the intent to cause death.

(b) A licensed health care professional, family member or other legally authorized person who participates in the act of, or the decision making process which results in the withholding or withdrawal of a life-sustaining procedure does not violate K.S.A. 21-3406 and amendments thereto.

(c) Providing spiritual treatment through prayer alone, in lieu of medical treatment, does not violate K.S.A. 21-3406 and amendments thereto.

Sec. 30. K.S.A. 2006 Supp. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) ''Administer'' means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a and amendments thereto.

(b) ''Agent'' means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser but shall not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier's or warehouseman's business.

*(c) ''Authorized distributor of record'' means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug. An ongoing relationship is deemed to exist between such wholesale distributor and a manufacturer when the wholesale distributor, including any affiliated group of the wholesale distributor, as defined in section 1504 of the internal revenue code, complies with any one of the following: (1) The wholesale distributor has a written agreement currently in effect with the manufacturer evidencing such ongoing relationship; and (2) the wholesale distributor is listed on the manufacturer's current list of authorized distributors of record, which is updated by the manufacturer on no less than a monthly basis.*

~~(c)~~ *(d)* ''Board'' means the state board of pharmacy created by K.S.A. 74-1603 and amendments thereto.

~~(d)~~ *(e)* ''Brand exchange'' means the dispensing of a different drug product of the same dosage form and strength and of the same generic name than the brand name drug product prescribed.

~~(e)~~ *(f)* ''Brand name'' means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

*(g) ''Chain pharmacy warehouse'' means a permanent physical location for drugs or devices, or both, that act as a central warehouse and perform intracompany sales or transfers of prescription drugs or devices to chain pharmacies that have the same ownership or control. Chain pharmacy warehouses must be registered as wholesale distributors.*

*(h) ''Co-licensee'' means a pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a prescription drug and the national drug code on the drug product label shall be used to determine the identity of the drug manufacturer.*

~~(f)~~ *(i)* ''Deliver'' or ''delivery'' means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

~~(g)~~ *(j)* ''Direct supervision'' means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

~~(h)~~ *(k)* ''Dispense'' means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

~~(i)~~ *(l)* ''Dispenser'' means a practitioner or pharmacist who dispenses prescription medication.

~~(j)~~ *(m)* ''Distribute'' means to deliver, other than by administering or dispensing, any drug.

~~(k)~~ *(n)* ''Distributor'' means a person who distributes a drug.

*(o) ''Drop shipment'' means the sale, by a manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of the manufacturer's prescription drug, to a wholesale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the pharmacy, the chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug, and the pharmacy, the*

*(continued)*

*chain pharmacy warehouse, or other designated person authorized by law to dispense or administer such prescription drug receives delivery of the prescription drug directly from the manufacturer, that manufacturer's co-licensee, that manufacturer's third party logistics provider, or that manufacturer's exclusive distributor, of such prescription drug. Drop shipment shall be part of the ''normal distribution channel''.*

~~(l)~~ *(p)* ''Drug'' means: (1) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any articles specified in clause (1), (2) or (3) of this subsection; but does not include devices or their components, parts or accessories, except that the term ''drug'' shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated prior to its repeal.

*(q) ''Durable medical equipment'' means technologically sophisticated medical devices that may be used in a residence, including the following: (1) Oxygen and oxygen delivery system; (2) ventilators; (3) respiratory disease management devices; (4) continuous positive airway pressure (CPAP) devices; (5) electronic and computerized wheelchairs and seating systems; (6) apnea monitors; (7) transcutaneous electrical nerve stimulator (TENS) units; (8) low air loss cutaneous pressure management devices; (9) sequential compression devices; (10) feeding pumps; (11) home phototherapy devices; (12) infusion delivery devices; (13) distribution of medical gases to end users for human consumption; (14) hospital beds; (15) nebulizers; (16) other similar equipment determined by the board in rules and regulations adopted by the board.*

*(r) ''Exclusive distributor'' means any entity that: (1) Contracts with a manufacturer to provide or coordinate warehousing, wholesale distribution or other services on behalf of a manufacturer and who takes title to that manufacturer's prescription drug, but who does not have general responsibility to direct the sale or disposition of the manufacturer's prescription drug; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must be an authorized distributor of record.*

~~(m)~~ *(s)* ''Electronic transmission'' means transmission of information in electronic form or the transmission of the exact visual image of a document by way of electronic equipment.

~~(n)~~ *(t)* ''Generic name'' means the established chemical name or official name of a drug or drug product.

~~(o)~~ *(u)* (1) ''Institutional drug room'' means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and which is maintained or operated for the purpose of providing the drug needs of:

(A) Inmates of a jail or correctional institution or facility;

(B) residents of a juvenile detention facility, as defined by the *revised* Kansas code for care of children and the revised Kansas juvenile justice code;

(C) students of a public or private university or college, a community college or any other institution of higher learning which is located in Kansas;

(D) employees of a business or other employer; or

(E) persons receiving inpatient hospice services.

(2) ''Institutional drug room'' does not include:

(A) Any registered pharmacy;

(B) any office of a practitioner; or

(C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

*(v) ''Intracompany transaction'' means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensees of a co-licensed product.*

~~(p)~~ *(w)* ''Medical care facility'' shall have the meaning provided in K.S.A. 65-425 and amendments thereto, except that the term shall also include facilities licensed under the provisions of K.S.A. 75-3307b and amendments thereto except community mental health centers and facilities for the mentally retarded.

~~(q)~~ *(x)* ''Manufacture'' means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the drug or labeling or relabeling of its container, except that this term shall not include the preparation or compounding of a drug by an individual for the individual's own use or the preparation, compounding, packaging or labeling of a drug by: (1) A practitioner or a practitioner's authorized agent incident to such practitioner's administering or dispensing of a drug in the course of the practitioner's professional practice; (2) a practitioner, by a practitioner's authorized agent or under a practitioner's supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or (3) a pharmacist or the pharmacist's authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

*(y) ''Manufacturer'' means a person licensed or approved by the FDA to engage in the manufacture of drugs and devices.*

*(z) ''Normal distribution channel'' means a chain of custody for a prescription-only drug that goes from a manufacturer of the prescription-only drug, from that manufacturer to that manufacturer's co-licensed partner, from that manufacturer to that manufacturer's third-party logistics provider, or from that manufacturer to that manufacturer's exclusive distributor, directly or by drop shipment, to:*

*(1) A pharmacy to a patient or to other designated persons authorized by law to dispense or administer such drug to a patient;*

*(2) a wholesale distributor to a pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient;*

*(3) a wholesale distributor to a chain pharmacy warehouse to that chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient; or*

*(4) a chain pharmacy warehouse to the chain pharmacy warehouse's intracompany pharmacy to a patient or other designated persons authorized by law to dispense or administer such drug to a patient.*

~~(r)~~ *(aa)* ''Person'' means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(s)~~ *(bb)* ''Pharmacist'' means any natural person licensed under this act to practice pharmacy.

~~(t)~~ *(cc)* ''Pharmacist in charge'' means the pharmacist who is responsible to the board for a registered establishment's compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist in charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

~~(u)~~ *(dd)* ''Pharmacy,'' ''drug store'' or ''apothecary'' means premises, laboratory, area or other place: (1) Where drugs are

offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; or (2) which has displayed upon it or within it the words ''pharmacist,'' ''pharmaceutical chemist,'' ''pharmacy,'' ''apothecary,'' ''drugstore,'' ''druggist,'' ''drugs,'' ''drug sundries'' or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign ''Rx'' may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

~~(v)~~ *(ee)* ''Pharmacy student'' means an individual, registered with the board of pharmacy, enrolled in an accredited school of pharmacy.

~~(w)~~ *(ff)* ''Pharmacy technician'' means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy related duties, but who does not perform duties restricted to a pharmacist.

~~(x)~~ *(gg)* ''Practitioner'' means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist licensed under the optometry law as a therapeutic licensee or diagnostic and therapeutic licensee, or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

~~(y)~~ *(hh)* ''Preceptor'' means a licensed pharmacist who possesses at least two years' experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

~~(z)~~ *(ii)* ''Prescription'' means, according to the context, either a prescription order or a prescription medication.

~~(aa)~~ *(jj)* ''Prescription medication'' means any drug, including label and container according to context, which is dispensed pursuant to a prescription order.

~~(bb)~~ *(kk)* ''Prescription-only drug'' means any drug whether intended for use by man or animal, required by federal or state law (including 21 United States Code section 353, as amended) to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

~~(cc)~~ *(ll)* ''Prescription order'' means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a practitioner or a mid-level practitioner in the authorized course of professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by such practitioner or mid-level practitioner.

~~(dd)~~ *(mm)* ''Probation'' means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

~~(ee)~~ *(nn)* ''Professional incompetency'' means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree which constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior which demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(ff)~~ *(oo)* ''Retail dealer'' means a person selling at retail nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

~~(gg)~~ *(pp)* ''Secretary'' means the executive secretary of the board.

*(qq) ''Third party logistics provider'' means an entity that: (1) Provides or coordinates warehousing, distribution or other services on behalf of a manufacturer, but does not take title to the prescription drug or have general responsibility to direct the prescription drug's sale or disposition; (2) is registered as a wholesale distributor under the pharmacy act of the state of Kansas; and (3) to be considered part of the normal distribution channel, must also be an authorized distributor of record.*

~~(hh)~~ *(rr)* ''Unprofessional conduct'' means:

(1) Fraud in securing a registration or permit;

(2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;

(3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;

(4) intentionally falsifying or altering records or prescriptions;

(5) unlawful possession of drugs and unlawful diversion of drugs to others;

(6) willful betrayal of confidential information under K.S.A. 65-1654 and amendments thereto;

(7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services which have no legitimate pharmaceutical purpose.

~~(ii)~~ *(ss)* ''Mid-level practitioner'' means an advanced registered nurse practitioner issued a certificate of qualification pursuant to K.S.A. 65-1131 and amendments thereto who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130 and amendments thereto or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-28a08 and amendments thereto.

~~(jj)~~ *(tt)* ''Vaccination protocol'' means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, which establishes procedures and recordkeeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

~~(kk)~~ *(uu)* ''Veterinary medical teaching hospital pharmacy'' means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a non-human.

*(vv) ''Wholesale distributor'' means any person engaged in wholesale distribution of prescription drugs or devices in or into the state, including, but not limited to, manufacturers, repackagers, own-label distributors, private-label distributors, jobbers, brokers, warehouses, including manufacturers' and distributors' warehouses, co-licensees, exclusive distributors, third party logistics providers, chain*

*(continued)*

*pharmacy warehouses that conduct wholesale distributions, and wholesale drug warehouses, independent wholesale drug traders and retail pharmacies that conduct wholesale distributions. Wholesale distributor shall not include persons engaged in the sale of durable medical equipment to consumers or patients.*

*(ww) ''Wholesale distribution'' means the distribution of prescription drugs or devices by wholesale distributors to persons other than consumers or patients, and includes the transfer of prescription drugs by a pharmacy to another pharmacy if the total number of units of transferred drugs during a twelve-month period does not exceed 5% of the total number of all units dispensed by the pharmacy during the immediately preceding twelve-month period. Wholesale distribution does not include: (1) The sale, purchase or trade of a prescription drug or device, an offer to sell, purchase or trade a prescription drug or device or the dispensing of a prescription drug or device pursuant to a prescription; (2) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device for emergency medical reasons; (3) intracompany transactions, as defined in this section, unless in violation of own use provisions; (4) the sale, purchase or trade of a prescription drug or device or an offer to sell, purchase or trade a prescription drug or device among hospitals, chain pharmacy warehouses, pharmacies or other health care entities that are under common control; (5) the sale, purchase or trade of a prescription drug or device or the offer to sell, purchase or trade a prescription drug or device by a charitable organization described in 503 (c)(3) of the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law; (6) the purchase or other acquisition by a hospital or other similar health care entity that is a member of a group purchasing organization of a prescription drug or device for its own use from the group purchasing organization or from other hospitals or similar health care entities that are members of these organizations; (7) the transfer of prescription drugs or devices between pharmacies pursuant to a centralized prescription processing agreement; (8) the sale, purchase or trade of blood and blood components intended for transfusion; (9) the return of recalled, expired, damaged or otherwise non-salable prescription drugs, when conducted by a hospital, health care entity, pharmacy, chain pharmacy warehouse or charitable institution in accordance with the board's rules and regulations; (10) the sale, transfer, merger or consolidation of all or part of the business of a retail pharmacy or pharmacies from or with another retail pharmacy or pharmacies, whether accomplished as a purchase and sale of stock or business assets, in accordance with the board's rules and regulations; (11) the distribution of drug samples by manufacturers' and authorized distributors' representatives; (12) the sale of minimal quantities of drugs by retail pharmacies to licensed practitioners for office use; or (13) the sale or transfer from a retail pharmacy or chain pharmacy warehouse of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third party returns processor in accordance with the board's rules and regulations.*

Sec. 31. K.S.A. 65-1627 is hereby amended to read as follows: 65-1627. (a) The board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that:

(1) The license was obtained by fraudulent means;

(2) the licensee has been convicted of a felony and the licensee fails to show that the licensee has been sufficiently rehabilitated to warrant the public trust;

(3) the licensee is found by the board to be guilty of unprofessional conduct or professional incompetency;

(4) the licensee is addicted to the liquor or drug habit to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(5) the licensee has violated a provision of the federal or state food, drug and cosmetic act, the uniform controlled substances act of the state of Kansas, or any rule and regulation adopted under any such act;

(6) the licensee is found by the board to have filled a prescription not in strict accordance with the directions of the practitioner or a mid-level practitioner;

(7) the licensee is found to be mentally or physically incapacitated to such a degree as to render the licensee unfit to practice the profession of pharmacy;

(8) the licensee has violated any of the provisions of the pharmacy act of the state of Kansas or any rule and regulation adopted by the board pursuant to the provisions of such pharmacy act;

(9) the licensee has failed to comply with the requirements of the board relating to the continuing education of pharmacists;

(10) the licensee as a pharmacist in charge or consultant pharmacist under the provisions of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto has failed to comply with the requirements of subsection (c) or (d) of K.S.A. 65-1648 and amendments thereto;

(11) the licensee has knowingly submitted a misleading, deceptive, untrue or fraudulent misrepresentation on a claim form, bill or statement;

(12) the licensee has had a license to practice pharmacy revoked, suspended or limited, has been censured or has had other disciplinary action taken, or voluntarily surrendered the license after formal proceedings have been commenced, or has had an application for license denied, by the proper licensing authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof;

(13) the licensee has self-administered any controlled substance without a practitioner's prescription order or a mid-level practitioner's prescription order; or

(14) the licensee has assisted suicide in violation of K.S.A. 21-3406 and amendments thereto as established by any of the following:

(A) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406 and amendments thereto.

(B) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. ~~2002 Supp.~~ 60-4404 and amendments thereto.

(C) A copy of the record of a judgment assessing damages under K.S.A. ~~2002 Supp.~~ 60-4405 and amendments thereto; or

(15) the licensee has failed to furnish the board, its investigators or its representatives any information legally requested by the board.

(b) In determining whether or not the licensee has violated subsection (a)(3), (a)(4), (a)(7) or (a)(13), the board upon reasonable suspicion of such violation has authority to compel a licensee to submit to mental or physical examination or drug screen, or any combination thereof, by such persons as the board may designate. To determine whether reasonable suspicion of such violation exists, the investigative information shall be presented to the board as a whole. Information submitted to the board as a whole and all reports, findings and other records shall be confidential and not subject to discovery by or release to any person or entity. The licensee shall submit to the board a release of information authorizing the board to obtain a report of such examination or drug screen, or both. A person affected by this subsection shall be offered, at reasonable intervals, an opportunity to demonstrate that such person can resume the competent practice of pharmacy with reasonable skill and safety to patients. For the purpose of this subsection, every person licensed to practice pharmacy and who shall accept the privilege to practice pharmacy in this state by so practicing or by the making and filing of a renewal application to practice pharmacy in this state shall be deemed to have consented to submit to a mental or physical examination or a drug screen, or any combination thereof, when directed in writing by the board and

further to have waived all objections to the admissibility of the testimony, drug screen or examination report of the person conducting such examination or drug screen, or both, at any proceeding or hearing before the board on the ground that such testimony or examination or drug screen report constitutes a privileged communication. In any proceeding by the board pursuant to the provisions of this subsection, the record of such board proceedings involving the mental and physical examination or drug screen, or any combination thereof, shall not be used in any other administrative or judicial proceeding.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist for disciplinary action under subsection (a) against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

(d) The board may suspend, revoke, place in a probationary status or deny a renewal of any retail dealer's permit issued by the board when information in possession of the board discloses that such operations for which the permit was issued are not being conducted according to law or the rules and regulations of the board.

(e) The board may revoke, suspend, place in a probationary status or deny a renewal of the registration of a pharmacy upon a finding that: (1) Such pharmacy has been operated in such manner that violations of the provisions of the pharmacy act of the state of Kansas or of the rules and regulations of the board have occurred in connection therewith; (2) the owner or any pharmacist employed at such pharmacy is convicted, subsequent to such owner's acquisition of or such employee's employment at such pharmacy, of a violation of the pharmacy act or uniform controlled substances act of the state of Kansas, or the federal or state food, drug and cosmetic act; (3) the owner or any pharmacist employed by such pharmacy has fraudulently claimed money for pharmaceutical services; or (4) the registrant has had a registration revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for registration denied, by the proper registering authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

(f) A registration to manufacture ~~or~~ *drugs,* to distribute at wholesale a drug, *to sell durable medical equipment* or a registration for the place of business where any such operation is conducted may be suspended, revoked, placed in a probationary status or the renewal of such registration may be denied by the board upon a finding that the registrant or the registrant's agent: (1) Has materially falsified any application filed pursuant to or required by the pharmacy act of the state of Kansas; (2) has been convicted of a felony under any federal or state law relating to the manufacture or distribution of drugs; (3) has had any federal registration for the manufacture or distribution of drugs suspended or revoked; (4) has refused to permit the board or its duly authorized agents to inspect the registrant's establishment in accordance with the provisions of K.S.A. 65-1629 and amendments thereto; (5) has failed to keep, or has failed to file with the board or has falsified records required to be kept or filed by the provisions of the pharmacy act of the state of Kansas or by the board's rules and regulations; or (6) has violated the pharmacy act of the state of Kansas or rules and regulations adopted by the state board of pharmacy under the pharmacy act of the state of Kansas or has violated the uniform controlled substances act or rules and regulations adopted by the state board of pharmacy under the uniform controlled substances act.

(g) Orders under this section, and proceedings thereon, shall be subject to the provisions of the Kansas administrative procedure act.

Sec. 32. K.S.A. 2006 Supp. 65-1635a is hereby amended to read as follows: 65-1635a. (a) A pharmacist *or a pharmacy student or intern who is working under the direct supervision and control of a pharmacist* may administer vaccine to a person 18 years of age or older pursuant to a vaccination protocol if the pharmacist, *pharmacy student or intern* has successfully completed a course of study and training, approved by the accreditation council for pharmacy or the board, in vaccination storage, protocols, injection technique, emergency procedures and recordkeeping *and has taken a course in cardiopulmonary resuscitation (CPR) and has a current CPR certificate when administering vaccine*. A pharmacist *or pharmacy student or intern* who successfully completes such a course of study and training shall maintain proof of completion and, upon request, provide a copy of such proof to the board.

(b) All vaccinees will be given a written immunization record for their personal files. The administering pharmacist *or pharmacist supervising an administering pharmacy student or intern* shall promptly report a record of the immunization to the vaccinee's primary-care provider by electronic facsimile or mail. If the vaccinee does not have a primary care provider, then the administering pharmacist *or pharmacist supervising an administering pharmacy student or intern* shall promptly report a record of the immunization to the person licensed to practice medicine and surgery by the state board of healing arts who has entered into the vaccination protocol with the pharmacist. The immunization will also be reported to appropriate county or state immunization registries.

(c) A pharmacist, *pharmacy student or intern* may not delegate to any person the authority granted under this act to administer a vaccine.

(d) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 33. K.S.A. 2006 Supp. 65-1643 is hereby amended to read as follows: 65-1643. It shall be unlawful:

(a) For any person to operate, maintain, open or establish any pharmacy within this state without first having obtained a registration from the board. Each application for registration of a pharmacy shall indicate the person or persons desiring the registration, including the pharmacist in charge, as well as the location, including the street name and number, and such other information as may be required by the board to establish the identity and exact location of the pharmacy. The issuance of a registration for any pharmacy shall also have the effect of permitting such pharmacy to operate as a retail dealer without requiring such pharmacy to obtain a retail dealer's permit. On evidence satisfactory to the board: (1) That the pharmacy for which the registration is sought will be conducted in full compliance with the law and the rules and regulations of the board; (2) that the location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety; (3) that the pharmacy will be under the supervision of a pharmacist, a registration shall be issued to such persons as the board shall deem qualified to conduct such a pharmacy.

(b) For any person to manufacture within this state any drugs except under the personal and immediate supervision of a pharmacist or such other person or persons as may be approved by the board after an investigation and a determination by the board that such person or persons is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety; and no person shall manufacture any such drugs without first obtaining a registration so to do from the board. Such registration shall be subject to such rules and regulations with respect to requirements, sanitation and equipment, as the board may from time to time adopt for the protection of public health and safety.

*(continued)*

(c) For any person to distribute at wholesale any drugs without first obtaining a registration so to do from the board.

(d) For any person to sell or offer for sale at public auction or private sale in a place where public auctions are conducted, any drugs without first having obtained a registration from the board so to do, and it shall be necessary to obtain the permission of the board in every instance where any of the products covered by this section are to be sold or offered for sale.

(e) For any person to in any manner distribute or dispense samples of any drugs without first having obtained a permit from the board so to do, and it shall be necessary to obtain permission from the board in every instance where the samples are to be distributed or dispensed. Nothing in this subsection shall be held to regulate or in any manner interfere with the furnishing of samples of drugs to duly licensed practitioners, to mid-level practitioners, to pharmacists or to medical care facilities.

(f) Except as otherwise provided in this subsection (f), for any person operating a store or place of business to sell, offer for sale or distribute any drugs to the public without first having obtained a registration or permit from the board authorizing such person so to do. No retail dealer who sells 12 or fewer different nonprescription drug products shall be required to obtain a retail dealer's permit under the pharmacy act of the state of Kansas or to pay a retail dealer new permit or permit renewal fee under such act. It shall be lawful for a retail dealer who is the holder of a valid retail dealer's permit issued by the board or for a retail dealer who sells 12 or fewer different nonprescription drug products to sell and distribute nonprescription drugs which are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug product intended for human use by hypodermic injection; but such a retail dealer shall not be authorized to display any of the words listed in subsection ~~(u)~~ *(dd)* of K.S.A. 65-1626 and amendments thereto, for the designation of a pharmacy or drugstore.

(g) For any person to sell any drugs manufactured and sold only in the state of Kansas, unless the label and directions on such drugs shall first have been approved by the board.

(h) For any person to operate an institutional drug room without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1637a and amendments thereto and any rules and regulations adopted pursuant thereto.

(i) For any person to be a pharmacy student without first obtaining a registration to do so from the board, in accordance with rules and regulations adopted by the board, and paying a pharmacy student registration fee of $25 to the board.

(j) For any person to operate a veterinary medical teaching hospital pharmacy without first having obtained a registration to do so from the board. Such registration shall be subject to the provisions of K.S.A. 65-1662 and amendments thereto and any rules and regulations adopted pursuant thereto.

(k) For any person to sell or distribute in a pharmacy a controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, unless:

(1) (A) Such controlled substance is sold or distributed by a licensed pharmacist, a registered pharmacy technician or a pharmacy intern or clerk supervised by a licensed pharmacist; and

(B) any person purchasing, receiving or otherwise acquiring any such controlled substance produces a photo identification showing the date of birth of the person and signs a log. The log or database required by the board shall be available for inspection during regular business hours to the board of pharmacy and any law enforcement officer; or

(2) there is a lawful prescription.

(l) For any person to sell or distribute in a pharmacy four or more packages or containers of any controlled substance designated in subsection (e) or (f) of K.S.A. 65-4113, and amendments thereto, to a specific customer within any seven-day period.

*(m) For any person to sell or lease or offer for sale or lease durable medical equipment without first obtaining a registration from the board, in accordance with rules and regulations adopted by the board, except that this subsection shall not apply to:*

*(1) Sales not made in the regular course of the person's business; or*

*(2) sales by charitable organizations exempt from federal income taxation pursuant to the internal revenue code of 1986, as amended.*

Sec. 34. K.S.A. 65-1645 is hereby amended to read as follows: 65-1645. (a) Application for registrations or permits under K.S.A. 65-1643 and amendments thereto shall be made on a form prescribed and furnished by the board. Applications for registration to distribute at wholesale any drugs shall contain such information as may be required by the board in accordance with the provisions of K.S.A. 65-1655 and amendments thereto. The application shall be accompanied by the fee prescribed by the board under the provisions of this section. When such application and fees are received by the executive secretary of the board on or before the due date, such application shall have the effect of temporarily renewing the applicant's registration or permit until actual issuance or denial of the renewal. However, if at the time of filing a proceeding is pending before the board which may result in the suspension, probation, revocation or denial of the applicant's registration or permit, the board may declare, by emergency order, that such application for renewal shall not have the effect of temporarily renewing such applicant's registration or permit. Separate applications shall be made and separate registrations or permits issued for each separate place at which is carried on any of the operations for which a registration or permit is required by K.S.A. 65-1643 and amendments thereto except that the board may provide for a single registration for a business entity registered to manufacture any drugs or registered to distribute at wholesale any drugs and operating more than one facility within the state, or for a parent entity with divisions, subsidiaries or affiliate companies, or any combination thereof, within the state when operations are conducted at more than one location and there exists joint ownership and control among all the entities.

(b) The nonrefundable fees required for the issuing of the licenses, registrations or permits under the pharmacy act of the state of Kansas shall be fixed by the board as herein provided, subject to the following:

(1) Pharmacy, new registration not more than $150, renewal not more than $125;

(2) pharmacist, new license by examination not more than $350;

(3) pharmacist, reinstatement application fee not more than $250;

(4) pharmacist, biennial renewal fee not more than $200;

(5) pharmacist, evaluation fee not more than $250;

(6) pharmacist, reciprocal licensure fee not more than $250;

(7) pharmacist, penalty fee, not more than $500;

(8) manufacturer, new registration not more than $500, renewal not more than $400;

(9) wholesaler, new registration not more than $500, renewal not more than $400, except that a wholesaler dealing exclusively in nonprescription drugs, the manufacturing, distributing or dispensing of which does not require registration under the uniform controlled substances act, shall be assessed a fee for registration and reregistration not to exceed $50;

(10) special auction not more than $50;
(11) samples distribution not more than $50;
(12) institutional drug room, new registration not more than $40, renewal not more than $35;
(13) retail dealer selling more than 12 different nonprescription drug products, new permit not more than $12, renewal not more than $12;
(14) certification of grades for each applicant for examination and registration not more than $25; ~~or~~
(15) veterinary medical teaching hospital pharmacy, new registration not more than $40, renewal not more than $35*; or*
*(16) durable medical equipment registration fee, not more than $300*.

(c) For the purpose of fixing fees, the board may establish classes of retail dealers' permits for retail dealers selling more than 12 different nonprescription drug products, and the board may fix a different fee for each such class of permit.

(d) The board shall determine annually the amount necessary to carry out and enforce the provisions of this act for the next ensuing fiscal year and shall fix by rules and regulations the fees authorized for such year at the sum deemed necessary for such purposes. The fees fixed by the board under this section immediately prior to the effective date of this act shall continue in effect until different fees are fixed by the board by rules and regulations as provided under this section.

(e) The board may deny renewal of any registration or permit required by K.S.A. 65-1643 and amendments thereto on any ground which would authorize the board to suspend, revoke or place on probation a registration or permit previously granted pursuant to the provisions of K.S.A. 65-1643 and amendments thereto. Registrations and permits issued under the provisions of K.S.A. 65-1643 and 65-1644 and amendments thereto shall be conspicuously displayed in the place for which the registration or permit was granted. Such registrations or permits shall not be transferable. All such registrations and permits except retail dealer permits shall expire on June 30 following date of issuance. Retail dealers' permits shall expire on the last day of February. All registrations and permits shall be renewed annually. Application blanks for renewal of registrations and permits shall be mailed by the board to each registrant or permittee at least 30 days prior to expiration of the registration or permit. If application for renewal is not made before 30 days after such expiration, the existing registration or permit shall lapse and become null and void on the date of its expiration, and no new registration or permit shall be granted except upon payment of the required renewal fee plus a penalty equal to the renewal fee. Failure of any registrant or permittee to receive such application blank shall not relieve the registrant or permittee from the penalty hereby imposed if the renewal is not made as prescribed.

(f) In each case in which a license of a pharmacist is issued or renewed for a period of time less than two years, the board shall prorate to the nearest whole month the license or renewal fee established pursuant to ~~K.S.A. 65-1645 and amendments thereto~~ *this section*.

(g) The board may require that fees paid for any examination under the pharmacy act of the state of Kansas be paid directly to the examination service by the person taking the examination.

Sec. 35. K.S.A. 65-1655 is hereby amended to read as follows: 65-1655. (a) The board shall require an applicant for registration to distribute at wholesale any drugs under K.S.A. 65-1643 and amendments thereto, or an applicant for renewal of such a registration, to provide the following information:

(1) The name, full business address and telephone number of the applicant;
(2) all trade or business names used by the applicant;
(3) addresses, telephone numbers, and the names of contact persons for all facilities used by the applicant for the storage, handling and distribution of prescription drugs;
(4) the type of ownership or operation of the applicant;
(5) the name of the owner or operator, or both, of the applicant, including:
(A) If a person, the name of the person;
(B) if a partnership, the name of each partner, and the name of the partnership;
(C) if a corporation, the name and title of each corporate officer and director, the corporate names and the name of the state of incorporation;
(D) if a sole proprietorship, the full name of the sole proprietor and the name of the business entity; and
(6) such other information as the board deems appropriate. Changes in any information in this subsection (a) shall be submitted to the board as required by such board.

(b) In reviewing the qualifications for applicants for initial registration or renewal of registration to distribute at wholesale any drugs, the board shall consider the following factors:
(1) Any convictions of the applicant under any federal, state or local laws relating to drug samples, wholesale or retail drug distribution or distribution of controlled substances;
(2) any felony convictions of the applicant under federal or state laws;
(3) the applicant's past experience in the manufacture or distribution of prescription drugs, including controlled substances;
(4) the furnishing by the applicant of false or fraudulent material in any application made in connection with drug manufacturing or distribution;
(5) suspension or revocation by federal, state or local government of any license or registration currently or previously held by the applicant for the manufacture or distribution of any drugs, including controlled substances;
(6) compliance with registration requirements under previously granted registrations, if any;
(7) compliance with requirements to maintain or make available to the board or to federal state or local law enforcement officials those records required by federal food, drug and cosmetic act, and rules and regulations adopted pursuant thereto; and
(8) any other factors or qualifications the board considers relevant to and consistent with the public health and safety.

(c) After consideration of the qualifications for applicants for registration to distribute at wholesale any drugs, the board may deny an initial application for registration or application for renewal of a registration if the board determines that the granting of such registration would not be in the public interest. The authority of the board under this subsection to deny a registration to distribute at wholesale any drugs shall be in addition to the authority of the board under subsection (e) of K.S.A. 65-1627 and amendments thereto or subsection (e) of K.S.A. 65-1645 and amendments thereto.

(d) The board by rules and regulations shall require that personnel employed by persons registered to distribute at wholesale any drugs have appropriate education or experience, or both, to assume responsibility for positions related to compliance with state registration requirements.

(e) The board by rules and regulations may implement this section to conform to any requirements of the federal prescription drug marketing act of 1987 (21 U.S.C. 321 et seq.) in effect on the effective date of this act.

*(f) Each facility that engages in wholesale distribution must undergo an inspection by the board or a third party recognized by the board to inspect and accredit wholesale distributors for the purpose of inspecting the wholesale distribution operations prior to initial registration and periodically thereafter in accordance with a schedule to be determined by the board but not less than once every three years. The board shall have the authority to waive registration requirements for wholesale distributors that are accredited by an accrediting agency*

*(continued)*

*approved by the board. The board shall adopt rules and regulations to establish standards and requirements for the issuance and maintenance of a wholesale distributor registration, including inspections of wholesale distributor facilities domiciled in the state.*

*(1) Individual or third party inspectors must demonstrate to the board that they have received training or demonstrate familiarity with the inspection standards. Evidence such as a letter of certification from a training program, notice from the inspector's employing third party organization or other means recognized by the board shall be accepted as meeting the requirement.*

*(2) The board may register a wholesale distributor that is licensed or registered under the laws of another state if:*

*(A) The requirements of that state are deemed by the board to be substantially equivalent; or*

*(B) the applicant is inspected and accredited by a third party recognized and approved by the board.*

*(g) A person licensed or approved by the federal food and drug administration to engage in the manufacture of drugs or devices engaged in wholesale distribution need only satisfy the minimum federal requirements for licensure provided in federal food and drug administration regulations 21 C.F.R. Part 205 to provide wholesale distribution services.*

*(h) The board by rule and regulation shall establish standards and requirements for the issuance and maintenance of a wholesale distributor registration, including, but not limited to, requirements regarding the following: (1) An application and renewal fee; (2) a surety bond; (3) registration and periodic inspections; (4) certification of a designated representative; (5) designation of a registered agent; (6) storage of drugs and devices; (7) handling, transportation and shipment of drugs and devices; (8) security; (9) examination of drugs and devices and treatment of those found to be unacceptable as defined by the board; (10) due diligence regarding other wholesale distributors; (11) creation and maintenance of records, including transaction records; and (12) procedures for operation.*

~~(f)~~ *(i)* This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 36. K.S.A. 39-719d, 40-2123, 46-2601, 65-1,172, 65-1627, 65-1645, 65-1655 and 65-3505 and K.S.A. 2006 Supp. 60-4403, 65-180, 65-1626, 65-1626c, 65-1635a, 65-1643, 65-2901, 65-2912, 75-2973, 75-4319 and 75-7408 are hereby repealed.

Sec. 37. 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 2006 Volumes of the *Kansas Administrative Regulations*.

### AGENCY 1: DEPARTMENT OF ADMINISTRATION

| Reg. No. | Action | Register |
|---|---|---|
| 1-2-46 | Amended | V. 25, p. 1831 |
| 1-2-77 | Revoked | V. 25, p. 1832 |
| 1-3-5 | New | V. 25, p. 1832 |
| 1-3-6 | New | V. 25, p. 1832 |
| 1-5-8 | Amended | V. 25, p. 1305 |
| 1-6-2 | Amended | V. 25, p. 1306 |
| 1-6-22a | Amended | V. 25, p. 1306 |
| 1-9-7b | Amended | V. 25, p. 1307 |
| 1-9-18 | Revoked | V. 25, p. 1832 |
| 1-9-25 | Amended | V. 25, p. 1832 |
| 1-9-26 | Amended | V. 25, p. 1833 |

### AGENCY 3: KANSAS STATE TREASURER

| Reg. No. | Action | Register |
|---|---|---|
| 3-4-1 through 3-4-7 | New (T) | V. 25, p. 984, 985 |
| 3-4-1 through 3-4-7 | New | V. 25, p. 1446, 1447 |

### AGENCY 4: DEPARTMENT OF AGRICULTURE

| Reg. No. | Action | Register |
|---|---|---|
| 4-7-213 | Amended | V. 25. p. 1142 |
| 4-7-216 | Revoked | V. 25, p. 1142 |
| 4-7-510 | Amended | V. 25, p. 1142 |
| 4-7-530 | Amended | V. 25, p. 1142 |
| 4-7-716 | Amended | V. 25, p. 1142 |
| 4-7-717 | Amended | V. 25, p. 1142 |
| 4-8-14a | Amended | V. 26, p. 489 |
| 4-8-27 | Amended | V. 26, p. 489 |
| 4-8-28 | Amended | V. 26, p. 489 |
| 4-8-29 | Amended | V. 26, p. 489 |
| 4-8-30 | Amended | V. 26, p. 489 |
| 4-8-31 | Amended | V. 26, p. 489 |
| 4-8-33 | Amended | V. 26, p. 489 |
| 4-8-34 | Amended | V. 26, p. 489 |
| 4-8-35 | Amended | V. 26, p. 489 |
| 4-8-39 | Amended | V. 26, p. 490 |
| 4-8-42 | Amended | V. 26, p. 490 |
| 4-11-2 | Amended | V. 26, p. 100 |
| 4-11-3 | Amended | V. 26, p. 100 |
| 4-11-5 | New | V. 26, p. 101 |
| 4-11-15 | New (T) | V. 25, p. 1632 |
| 4-15-9 | Amended | V. 26, p. 81 |
| 4-16-1a | Amended | V. 25, p. 1143 |
| 4-16-1c | Amended | V. 25, p. 1143 |
| 4-16-3a | Amended | V. 25, p. 1143 |
| 4-16-250 | Revoked | V. 25. p. 1145 |
| 4-16-251 | Revoked | V. 25, p. 1145 |
| 4-16-252 | Revoked | V. 25, p.1145 |
| 4-16-260 | Revoked | V. 25, p.1145 |
| 4-17-1a | Amended | V. 25, p.1145 |
| 4-17-1c | Amended | V. 25, p.1145 |
| 4-17-5a | Revoked | V. 25, p.1145 |
| 4-19-1 | Amended | V. 26, p. 173 |

### AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

| Reg. No. | Action | Register |
|---|---|---|
| 5-24-10 | Amended | V. 25, p. 1692 |
| 5-40-1 | Amended | V. 26, p. 642 |
| 5-40-2 | Amended | V. 26, p. 644 |
| 5-40-2a | New | V. 26, p. 646 |
| 5-40-2b | New | V. 26, p. 647 |
| 5-40-3 | Amended | V. 26, p. 647 |
| 5-40-4 | Amended | V. 26, p. 647 |
| 5-40-5 | Amended | V. 26, p. 648 |
| 5-40-5a | New | V. 26, p. 648 |
| 5-40-8 | Amended | V. 26, p. 648 |
| 5-40-9 | Revoked | V. 26, p. 648 |
| 5-40-10 | Revoked | V. 26, p. 648 |
| 5-40-11 | Revoked | V. 26, p. 648 |
| 5-40-12 | Amended | V. 26, p. 648 |
| 5-40-13 | Revoked | V. 26, p. 649 |
| 5-40-20 | New | V. 26, p. 649 |
| 5-40-21 | New | V. 26, p. 649 |
| 5-40-22 | New | V. 26, p. 649 |
| 5-40-23 | New | V. 26, p. 650 |
| 5-40-24 | New | V. 26, p. 650 |
| 5-40-26 | New | V. 26, p. 651 |
| 5-40-30 | New | V. 26, p. 651 |
| 5-40-31 | New | V. 26, p. 652 |
| 5-40-32 | New | V. 26, p. 653 |
| 5-40-33 | New | V. 26, p. 653 |
| 5-40-40 | New | V. 26, p. 653 |
| 5-40-41 | New | V. 26, p. 654 |
| 5-40-42 | New | V. 26, p. 654 |
| 5-40-43 | New | V. 26, p. 655 |
| 5-40-44 | New | V. 26, p. 655 |
| 5-40-45 | New | V. 26, p. 655 |
| 5-40-46 | New | V. 26, p. 655 |
| 5-40-50 | New | V. 26, p. 656 |
| 5-40-51 | New | V. 26, p. 656 |
| 5-40-52 | New | V. 26, p. 657 |
| 5-40-53 | New | V. 26, p. 657 |
| 5-40-54 | New | V. 26, p. 657 |
| 5-40-55 | New | V. 26, p. 658 |
| 5-40-56 | New | V. 26, p. 658 |
| 5-40-57 | New | V. 26, p. 658 |
| 5-40-70 | New | V. 26, p. 659 |
| 5-40-71 | New | V. 26, p. 659 |
| 5-40-72 | New | V. 26, p. 659 |
| 5-40-73 | New | V. 26, p. 659 |
| 5-40-73a | New | V. 26, p. 660 |
| 5-40-74 | New | V. 26, p. 661 |
| 5-40-75 | New | V. 26, p. 661 |
| 5-40-76 | New | V. 26, p. 662 |
| 5-40-77 | New | V. 26, p. 662 |
| 5-40-90 | New | V. 26, p. 662 |
| 5-40-91 | New | V. 26, p. 663 |
| 5-40-92 | New | V. 26, p. 663 |
| 5-40-93 | New | V. 26, p. 663 |
| 5-40-94 | New | V. 26, p. 663 |
| 5-40-100 | New | V. 26, p. 663 |
| 5-40-101 | New | V. 26, p. 663 |
| 5-40-102 | New | V. 26, p. 664 |
| 5-40-103 | New | V. 26, p. 664 |
| 5-40-104 | New | V. 26, p. 664 |
| 5-40-105 | New | V. 26, p. 664 |
| 5-40-106 | New | V. 26, p. 664 |
| 5-42-1 | Amended | V. 26, p. 664 |
| 5-42-5 | New | V. 26, p. 665 |
| 5-44-7 | New | V. 26, p. 666 |

### AGENCY 7: SECRETARY OF STATE

| Reg. No. | Action | Register |
|---|---|---|
| 7-17-22 | Amended | V. 26, p. 325 |
| 7-44-1 through 7-44-7 | New (T) | V. 26, p. 15 |
| 7-44-1 through 7-44-7 | New | V. 26, p. 505, 506 |

### AGENCY 9: ANIMAL HEALTH DEPARTMENT

| Reg. No. | Action | Register |
|---|---|---|
| 9-32-1 through 9-32-8 | New (T) | V. 25, p. 46-48 |
| 9-32-1 through 9-32-8 | New | V. 25, p. 375-378 |

**AGENCY 10: KANSAS BUREAU OF INVESTIGATION**

| Reg. No. | Action | Register |
|---|---|---|
| 10-20-1 | Amended | V. 26, p. 507 |
| 10-20-2 | Amended | V. 26, p. 507 |
| 10-20-2a | Amended | V. 26, p. 507 |
| 10-20-14 | Amended | V. 26, p. 507 |

**AGENCY 11: STATE CONSERVATION COMMISSION**

| Reg. No. | Action | Register |
|---|---|---|
| 11-3-1 through 11-3-10 | Amended | V. 25, p. 250, 251 |
| 11-3-11 | New | V. 25, p. 252 |
| 11-3-12 | New | V. 25, p. 252 |
| 11-4-1 through 11-4-4 | Amended | V. 25, p. 1268, 1269 |
| 11-4-6 through 11-4-14 | Amended | V. 25, p. 1269, 1270 |
| 11-4-15 | New | V. 25, p. 1270 |
| 11-4-16 | New | V. 25, p. 1270 |

**AGENCY 16: ATTORNEY GENERAL**

| Reg. No. | Action | Register |
|---|---|---|
| 16-11-1 through 16-11-6 | New (T) | V. 25, p. 980-982, 1019 |
| 16-11-1 through 16-11-7 | New | V. 25, p. 1598-1600 |
| 16-11-8 | New | V. 25, p. 1772 |

**AGENCY 22: STATE FIRE MARSHAL**

| Reg. No. | Action | Register |
|---|---|---|
| 22-8-2 | Amended | V. 25, p. 274 |
| 22-8-3 | Amended | V. 25, p. 275 |
| 22-8-5 | Amended | V. 25, p. 275 |
| 22-8-8 through 22-8-14 | New | V. 25, p. 276, 277 |
| 22-8-17 | New | V. 25, p. 277 |

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

| Reg. No. | Action | Register |
|---|---|---|
| 28-1-2 | Amended | V. 25, p. 413 |
| 28-1-26 | Amended | V. 25, p. 866 |
| 28-4-501 | Amended (T) | V. 25, p. 985, 1019 |
| 28-4-501 | Amended | V. 25, p. 1402 |
| 28-4-510 | Amended (T) | V. 25, p. 986, 1019 |
| 28-4-510 | Amended | V. 25, p. 1403 |
| 28-4-514 | New (T) | V. 25, p. 987, 1019 |
| 28-4-514 | New | V. 25, p. 1403 |
| 28-16-28g | Amended | V. 26, p. 691 |
| 28-16-56c | Amended | V. 26, p. 283 |
| 28-16-56d | Amended | V. 26, p. 284 |
| 28-18-1 | Amended | V. 26, p. 284 |
| 28-18-2 | Amended | V. 26, p. 288 |
| 28-18-4 | Amended | V. 26, p. 289 |
| 28-18-8 | Amended | V. 26, p. 289 |
| 28-18-9 | Amended | V. 26, p. 290 |
| 28-18-11 | Amended | V. 26, p. 290 |
| 28-18-12 | Amended | V. 26, p. 290 |
| 28-18-13 | Amended | V. 26, p. 291 |
| 28-18-14 | Amended | V. 26, p. 292 |
| 28-18-16 | New | V. 26, p. 292 |
| 28-18-17 | New | V. 26, p. 293 |
| 28-18a-1 | Amended | V. 26, p. 294 |
| 28-18a-2 | Amended | V. 26, p. 298 |
| 28-18a-4 | Amended | V. 26, p. 299 |
| 28-18a-8 | Amended | V. 26, p. 299 |
| 28-18a-9 | Amended | V. 26, p. 300 |
| 28-18a-11 | Amended | V. 26, p. 300 |
| 28-18a-12 | Amended | V. 26, p. 300 |
| 28-18a-19 | Amended | V. 26, p. 301 |
| 28-18a-21 | Amended | V. 26, p. 302 |
| 28-18a-22 | Amended | V. 26, p. 302 |
| 28-18a-26 | Amended | V. 26, p. 303 |
| 28-18a-32 | Revoked | V. 26, p. 303 |
| 28-18a-33 | New | V. 26, p. 303 |
| 28-19-350 | Amended | V. 25, p. 845 |
| 28-35-178b | Amended | V. 25, p. 256 |
| 28-46-2 | Revoked | V. 26, p. 214 |
| 28-46-2a | New | V. 26, p. 215 |
| 28-46-25 | Amended | V. 26, p. 215 |
| 28-46-26 | Revoked | V. 26, p. 215 |
| 28-46-26a | New | V. 26, p. 215 |
| 28-46-34a | New | V. 26, p. 215 |
| 28-46-38 | Amended | V. 26, p. 216 |
| 28-51-100 | Amended | V. 25, p. 1448 |
| 28-51-112 through 28-51-116 | Amended | V. 25, p. 1449, 1450 |
| 28-73-1 through 28-73-7 | New | V. 25, p. 307-311 |

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

| Reg. No. | Action | Register |
|---|---|---|
| 30-4-64 | Amended | V. 25, p. 1636 |
| 30-4-90 | Amended | V. 25, p. 786 |
| 30-4-98 | New | V. 25, p. 1027 |
| 30-5-88 | Revoked | V. 25, p. 1830 |
| 30-5-108 | Revoked | V. 25, p. 1569 |
| 30-5-118 | Revoked | V. 25, p. 663 |
| 30-5-118b | Revoked | V. 25, p. 663 |
| 30-6-38 | Revoked | V. 25, p. 1028 |
| 30-6-77 | Revoked | V. 25, p. 847 |
| 30-14-22 | Revoked | V. 25, p. 1028 |
| 30-14-27 | Revoked | V. 25, p. 847 |
| 30-31-1 | Amended | V. 25, p. 1800 |
| 30-31-2 | Revoked | V. 25, p. 1800 |
| 30-31-3 | Revoked | V. 25, p. 1800 |
| 30-31-4 | Revoked | V. 25, p. 1800 |
| 30-31-6 | Revoked | V. 25, p. 1800 |
| 30-31-7 | Revoked | V. 25, p. 1800 |
| 30-31-10 | Revoked | V. 25, p. 1800 |
| 30-31-11 | Revoked | V. 25, p. 1800 |
| 30-31-12 | Revoked | V. 25, p. 1800 |
| 30-63-20 | Amended | V. 25, p. 1693 |
| 30-63-22 | Amended | V. 25, p. 1693 |
| 30-64-24 | Amended | V. 25, p. 1693 |

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

| Reg. No. | Action | Register |
|---|---|---|
| 40-2-20 | Amended | V. 26, p. 101 |
| 40-3-5 | Amended | V. 25, p. 182 |
| 40-3-12 | Amended | V. 25, p. 182 |
| 40-3-22 | Amended | V. 25, p. 210 |
| 40-3-40 | Amended | V. 25, p. 212 |
| 40-3-43 | Amended | V. 25, p. 183 |
| 40-3-44 | Amended | V. 25, p. 212 |
| 40-3-46 | Revoked | V. 25, p. 183 |
| 40-3-47 | Amended | V. 25, p. 183 |
| 40-3-48 | Amended | V. 25, p. 212 |
| 40-4-25 | Amended | V. 25, p. 278 |
| 40-4-29a | New | V. 25, p. 1835 |
| 40-4-41 | Amended | V. 25, p. 1835 |
| 40-4-41b | Amended | V. 25, p. 1838 |
| 40-4-41c | Amended | V. 25, p. 1839 |
| 40-4-41d | Amended | V. 25, p. 1841 |
| 40-4-41e | Amended | V. 25, p. 1842 |
| 40-4-41f | Amended | V. 25, p. 1843 |
| 40-4-41i | Amended | V. 25, p. 1843 |
| 40-4-41j | Amended | V. 25, p. 1844 |
| 40-7-1 | Revoked | V. 25, p. 1844 |
| 40-7-5 | Amended | V. 25, p. 844 |
| 40-7-20a | Amended | V. 26, p. 103 |
| 40-7-24 | Amended | V. 25, p. 1844 |
| 40-7-25 | Amended | V. 26, p. 488 |

**AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT — MINED-LAND CONSERVATION AND RECLAMATION**

| Reg. No. | Action | Register |
|---|---|---|
| 47-2-75 | Amended | V. 25, p. 1639 |
| 47-3-2 | Amended | V. 25, p. 1640 |
| 47-3-42 | Amended | V. 25, p. 1641 |
| 47-4-14a | Amended | V. 25, p. 1644 |
| 47-5-5a | Amended | V. 25, p. 1649 |
| 47-6-1 | Amended | V. 25, p. 1652 |
| 47-6-2 | Amended | V. 25, p. 1653 |
| 47-6-3 | Amended | V. 25, p. 1653 |
| 47-6-4 | Amended | V. 25, p. 1653 |
| 47-6-6 | Amended | V. 25, p. 1654 |
| 47-6-8 | Amended | V. 25, p. 1654 |
| 47-6-9 | Amended | V. 25, p. 1654 |
| 47-6-10 | Amended | V. 25, p. 1654 |
| 47-6-11 | Amended | V. 25, p. 1655 |
| 47-7-2 | Amended | V. 25, p. 1655 |
| 47-8-9 | Amended | V. 25, p. 1655 |
| 47-9-1 | Amended | V. 25, p. 1656 |
| 47-9-4 | Amended | V. 25, p. 1661 |
| 47-10-1 | Amended | V. 25, p. 1662 |
| 47-11-8 | Amended | V. 25, p. 1663 |
| 47-12-4 | Amended | V. 25, p. 1664 |
| 47-13-4 | Amended | V. 25, p. 1665 |
| 47-14-7 | Amended | V. 25, p. 1665 |
| 47-15-1a | Amended | V. 25, p. 1666 |
| 47-16-9 | Amended | V. 25, p. 1667 |
| 47-16-10 | Amended | V. 25, p. 1667 |
| 47-16-12 | Amended | V. 25, p. 1667 |

**AGENCY 49: DEPARTMENT OF LABOR**

| Reg. No. | Action | Register |
|---|---|---|
| 49-45-1 | Amended | V. 25, p. 1494 |
| 49-45-2 | Amended | V. 25, p. 1494 |
| 49-45-3 | Amended | V. 25, p. 1494 |
| 49-45-4 | Amended | V. 25, p. 1494 |
| 49-45-4a | Amended | V. 25, p. 1494 |
| 49-45-4b | New | V. 25, p. 1494 |
| 49-45-5 | Amended | V. 25, p. 1494 |
| 49-45-6 | Amended | V. 25, p. 1494 |
| 49-45-7 | Amended | V. 25, p. 1494 |
| 49-45-8 | Amended | V. 25, p. 1494 |
| 49-45-9 | Amended | V. 25, p. 1495 |
| 49-45-20 | Amended | V. 25, p. 1495 |
| 49-45-21 through 49-45-26 | Revoked | V. 25, p. 1495 |
| 49-45-28 | Amended | V. 25, p. 1495 |
| 49-45-29 | Amended | V. 25, p. 1495 |
| 49-45-30 | Revoked | V. 25, p. 1495 |
| 49-45-31 | Amended | V. 25, p. 1495 |
| 49-45-32 | Amended | V. 25, p. 1495 |
| 49-45-34 | Amended | V. 25, p. 1495 |
| 49-45-35 | New | V. 25, p. 1495 |
| 49-45-37 | New | V. 25, p. 1495 |
| 49-45-38 | New | V. 25, p. 1495 |
| 49-45a-1 | Amended | V. 25, p. 1495 |
| 49-47-2 | Amended | V. 25, p. 1496 |
| 49-49-1 | Amended | V. 25, p. 25 |
| 49-49-1a | Amended | V. 25, p. 25 |
| 49-50-3 | Amended | V. 25, p. 1496 |
| 49-50-7 | Amended | V. 25, p. 1497 |
| 49-50-9 | Amended | V. 25, p. 1497 |
| 49-50-10 | Amended | V. 25, p. 1498 |
| 49-50-13 | Amended | V. 25, p. 1498 |
| 49-50-17 | Amended | V. 25, p. 1498 |
| 49-50-19 | Amended | V. 25, p. 1498 |
| 49-50-22 | Amended | V. 25, p. 1499 |
| 49-50-23 | New | V. 25, p. 1499 |
| 49-50-24 | New | V. 25, p. 1499 |
| 49-51-3a | Amended | V. 25, p. 1499 |
| 49-51-6 | Amended | V. 25, p. 1499 |
| 49-51-11 | Amended | V. 25, p. 1500 |
| 49-51-12 | Amended | V. 25, p. 1501 |
| 49-52-6 | Amended | V. 25, p. 1501 |
| 49-52-10 | Amended | V. 25, p. 1502 |
| 49-52-14 | Amended | V. 25, p. 1502 |
| 49-52-17 | Amended | V. 25, p. 1502 |
| 49-52-18 | New | V. 25, p. 1502 |
| 49-52-19 | New | V. 25, p. 1502 |

**AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT**

| Reg. No. | Action | Register |
|---|---|---|
| 50-3-2a | New | V. 25, p. 1493 |

**AGENCY 60: BOARD OF NURSING**

| Reg. No. | Action | Register |
|---|---|---|
| 60-4-101 | Amended | V. 26, p. 446 |
| 60-7-106 | Amended | V. 26, p. 447 |
| 60-8-101 | Amended | V. 26, p. 448 |
| 60-11-119 | Amended | V. 26, p. 448 |

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| | | |
|---|---|---|
| 60-17-102 | Amended | V. 26, p. 448 |
| 60-17-103 | Amended | V. 26, p. 449 |
| 60-17-104 | Amended | V. 26, p. 449 |
| 60-17-105 | Amended | V. 26, p. 450 |
| 60-17-107 | Amended | V. 26, p. 450 |
| 60-17-108 | Amended | V. 26, p. 451 |
| 60-17-110 | Amended | V. 26, p. 451 |

**AGENCY 63: BOARD OF MORTUARY ARTS**

| Reg. No. | Action | Register |
|---|---|---|
| 63-1-1 | Amended | V. 26, p. 126 |
| 63-5-1 | Amended | V. 26, p. 126 |

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

| Reg. No. | Action | Register |
|---|---|---|
| 66-6-4 | Amended | V. 25, p. 1801 |
| 66-8-4 | Amended | V. 25, p. 44 |
| 66-8-8 | Amended | V. 25, p. 1802 |
| 66-10-1 | Amended | V. 25, p. 44 |
| 66-10-9 | Amended | V. 25, p. 1802 |
| 66-10-10a | Amended | V. 25, p. 1802 |
| 66-10-11 | Amended | V. 25, p. 44 |
| 66-10-12 | Amended | V. 25, p. 45 |
| 66-10-14 | Amended | V. 25, p. 45 |
| 66-11-2 | Amended | V. 25, p. 1802 |
| 66-11-5 | Amended | V. 25, p. 45 |

**AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS**

| Reg. No. | Action | Register |
|---|---|---|
| 67-3-5 | New (T) | V. 26, p. 202 |
| 67-5-3 | Revoked | V. 26, p. 692 |
| 67-5-4 | Amended | V. 26, p. 692 |
| 67-5-5 | New | V. 26, p. 692 |

**AGENCY 68: BOARD OF PHARMACY**

| Reg. No. | Action | Register |
|---|---|---|
| 68-1-1b | Amended | V. 25, p. 1401 |
| 68-1-1d | Amended | V. 25, p. 1401 |
| 68-1-1f | Amended | V. 25, p. 1401 |
| 68-1-1g | New | V. 25, p. 1401 |
| 68-2-22 | Amended | V. 25, p. 661 |
| 68-5-16 | Amended | V. 26, p. 488 |
| 68-11-1 | Amended | V. 25, p. 1401 |
| 68-16-1 through 68-16-9 | New | V. 25, p. 1637-1639 |
| 68-20-1 | Amended | V. 26, p. 488 |

**AGENCY 71: KANSAS DENTAL BOARD**

| Reg. No. | Action | Register |
|---|---|---|
| 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. 26, p. 126 |
| 74-4-7 | Amended | V. 25, p. 610 |
| 74-4-8 | Amended | V. 25, p. 610 |
| 74-5-2 | Amended | V. 26, p. 127 |
| 74-5-101 | Amended | V. 26, p. 127 |
| 74-5-102 | Amended | V. 25, p. 612 |
| 73-5-105 | Revoked | V. 26, p. 127 |
| 74-5-202 | Amended | V. 26, p. 127 |
| 74-5-203 | Amended | V. 25, p. 613 |
| 74-5-403 | Amended | V. 26, p. 128 |
| 74-5-408 | New | V. 26, p. 128 |
| 74-11-6 | Amended | V. 26, p. 128 |
| 74-11-7 | Amended | V. 25, p. 614 |

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

| Reg. No. | Action | Register |
|---|---|---|
| 81-1-1 | Amended | V. 26, p. 20 |
| 81-2-1 | Amended | V. 25, p. 1057 |
| 81-3-1 | Amended | V. 25, p. 1058 |
| 81-3-2 | Amended | V. 25, p. 1059 |
| 81-3-5 | Amended | V. 25, p. 1059 |
| 81-3-6 | New | V. 25, p. 1060 |
| 81-3-7 | New | V. 25, p. 1064 |
| 81-4-1 | Amended | V. 26, p. 21 |
| 81-4-2 | Amended | V. 26, p. 22 |
| 81-5-3 | Amended | V. 26, p. 22 |
| 81-5-4 | Revoked | V. 26, p. 22 |
| 81-5-5 | Revoked | V. 26, p. 23 |
| 81-5-6 | Amended | V. 26, p. 23 |
| 81-5-7 | Amended | V. 26, p. 24 |
| 81-5-8 | Amended | V. 26, p. 24 |
| 81-5-10 | Amended | V. 26, p. 24 |
| 81-5-11 | Amended | V. 26, p. 25 |
| 81-5-12 | Amended | V. 26, p. 25 |
| 81-5-13 | Amended | V. 26, p. 26 |
| 81-5-14 | Amended | V. 26, p. 27 |
| 81-5-16 through 81-5-20 | New | V. 26, p. 28-30 |
| 81-6-1 | Amended | V. 26, p. 30 |
| 81-7-1 | Amended | V. 26, p. 30 |
| 81-7-2 | Amended | V. 26, p. 31 |
| 81-7-3 | New | V. 26, p. 31 |
| 81-10-1 | Amended | V. 26, p. 32 |
| 81-14-1 | Amended | V. 25, p. 1065 |
| 81-14-2 | Amended | V. 25, p. 1066 |
| 81-14-3 | Revoked | V. 25, p. 1066 |
| 81-14-4 | Amended | V. 25, p. 1066 |
| 81-14-5 | Amended | V. 25, p. 1071 |
| 81-14-6 | Amended | V. 25, p. 1075 |
| 81-14-7 | Amended | V. 25, p. 1076 |
| 81-14-8 | Revoked | V. 25, p. 1076 |
| 81-14-9 | New | V. 25, p. 1076 |
| 81-14-10 | New | V. 25, p. 1079 |

**AGENCY 82: STATE CORPORATION COMMISSION**

| Reg. No. | Action | Register |
|---|---|---|
| 82-3-101 | Amended | V. 25, p. 1750 |
| 82-3-206 | Amended | V. 25, p. 1754 |
| 82-3-305 | Amended | V. 25, p. 1754 |
| 82-3-307 | Amended | V. 25, p. 1754 |
| 82-4-3a | Amended (T) | V. 25, p. 378 |
| 82-4-3a | Amended | V. 25, p. 844 |
| 82-14-1 through 82-14-5 | New | V. 26, p. 16-19 |
| 82-15-1 | New (T) | V. 25, p. 984, 1019 |
| 82-15-1 | New | V. 25, p. 1363 |

**AGENCY 88: BOARD OF REGENTS**

| Reg. No. | Action | Register |
|---|---|---|
| 88-3-8 | Amended | V. 25, p. 1057 |
| 88-15-1 | Revoked | V. 25, p. 1403 |
| 88-15-2 | Revoked | V. 25, p. 1403 |
| 88-16-1 | Revoked | V. 25, p. 1404 |
| 88-16-1b | Revoked | V. 25, p. 1404 |
| 88-16-2 | Revoked | V. 25, p. 1404 |
| 88-16-5 | Revoked | V. 25, p. 1404 |
| 88-16-5b | Revoked | V. 25, p. 1404 |
| 88-16-6 | Revoked | V. 25, p. 1404 |
| 88-16-8 | Revoked | V. 25, p. 1404 |
| 88-23-1 | Revoked | V. 25, p. 1404 |
| 88-23-2 | Revoked | V. 25, p. 1404 |
| 88-23-2a | Revoked | V. 25, p. 1404 |
| 88-23-3a | Revoked | V. 25, p. 1404 |
| 88-23-4 | Revoked | V. 25, p. 1404 |
| 88-23-5 | Revoked | V. 25, p. 1404 |
| 88-23-6 | Revoked | V. 25, p. 1404 |
| 88-23-7 | Revoked | V. 25, p. 1404 |
| 88-28-1 through 88-28-6 | New | V. 25, p. 1404-1410 |
| 88-28-7 | New | V. 25, p. 1451 |
| 88-28-8 | New | V. 25, p. 1411 |
| 88-29-1 through 88-29-19 | New | V. 26, p. 216-229 |

**AGENCY 91: DEPARTMENT OF EDUCATION**

| Reg. No. | Action | Register |
|---|---|---|
| 91-1-201 | Amended | V. 25, p. 1098 |
| 91-1-202 | Amended | V. 25, p. 1099 |
| 91-1-205 | Amended | V. 25, p. 1101 |

**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 |
| 92-12-120 | New | V. 25, p. 254 |
| 92-12-121 | New | V. 25, p. 254 |
| 92-12-130 | New | V. 25, p. 254 |
| 92-13-9 | Amended | V. 25, p. 1568 |
| 92-19-16a | Amended | V. 26, p. 408 |
| 92-19-16b | New | V. 26, p. 409 |
| 92-19-22a | Amended | V. 25, p. 254 |
| 92-19-55a | Revoked | V. 26, p. 409 |
| 92-19-81 | Amended | V. 26, p. 409 |
| 92-21-7 | Revoked | V. 26, p. 409 |
| 92-21-8 | Revoked | V. 26, p. 409 |
| 92-21-10 | Revoked | V. 26, p. 409 |
| 92-21-14 | Amended | V. 26, p. 409 |
| 92-21-16 | Revoked | V. 26, p. 409 |
| 92-21-17 | Revoked | V. 26, p. 409 |
| 92-51-41 | Amended | V. 25, p. 255 |
| 92-51-41a | New | V. 25, p. 255 |

**AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION**

| Reg. No. | Action | Register |
|---|---|---|
| 93-7-1 | New | V. 26, p. 14 |
| 93-7-2 | New | V. 26, p. 14 |
| 93-7-3 | New | V. 26, p. 14 |
| 93-8-1 | New | V. 26, p. 14 |
| 93-8-2 | New | V. 26, p. 14 |
| 93-8-3 | New | V. 26, p. 14 |

**AGENCY 97: KANSAS COMMISSION ON VETERANS' AFFAIRS**

| Reg. No. | Action | Register |
|---|---|---|
| 97-4-1 through 97-4-8 | New | V. 25, p. 1596, 1597 |
| 97-6-1 | New | V. 26, p. 484 |
| 97-6-2 | New | V. 26, p. 485 |
| 97-6-4 through 97-6-11 | New | V. 26, p. 485-488 |

**AGENCY 100: BOARD OF HEALING ARTS**

| Reg. No. | Action | Register |
|---|---|---|
| 100-15-5 | Amended | V. 26, p. 384 |
| 100-15-6 | Amended | V. 26, p. 385 |
| 100-22-8 | New (T) | V. 26, p. 628 |
| 100-25-1 through 100-25-5 | New | V. 25, p. 213-216 |
| 100-26-1 | Amended | V. 25, p. 217 |
| 100-26-2 | New | V. 25, p. 217 |
| 100-26-3 | New | V. 25, p. 217 |
| 100-27-1 | Amended | V. 25, p. 1206 |
| 100-29-1 | Amended | V. 25, p. 639 |
| 100-29-2 | Amended | V. 25, p. 890 |
| 100-29-3 | Amended | V. 25, p. 640 |
| 100-29-4 | Amended | V. 25, p. 890 |
| 100-29-5 | Revoked | V. 25, p. 640 |
| 100-29-6 | Amended | V. 25, p. 640 |
| 100-29-8 | Amended | V. 25, p. 640 |
| 100-29-9 | Amended | V. 25, p. 640 |
| 100-29-10 | Amended | V. 25, p. 641 |
| 100-29-11 | Revoked | V. 25, p. 1601 |
| 100-29-12 | Amended | V. 25, p. 642 |
| 100-29-13 | Amended | V. 25, p. 643 |
| 100-29-14 | Revoked | V. 25, p. 890 |
| 100-29-15 | New | V. 25, p. 643 |
| 100-29-16 | New | V. 25, p. 890 |
| 100-73-7 | New | V. 25, p. 1601 |
| 100-73-8 | New | V. 25, p. 1602 |

**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 |
| 102-1-12 | Amended (T) | V. 26, p. 629 |
| 102-2-2a | Amended (T) | V. 25, p. 987, 1019 |
| 102-2-2a | Amended | V. 25, p. 1452 |
| 102-2-6 | Amended | V. 25, p. 1453 |
| 102-3-3a | Amended | V. 25, p. 1454 |
| 102-3-4a | Amended (T) | V. 25, p. 988, 1019 |
| 102-3-4a | Amended | V. 25, p. 1456 |
| 102-4-1a | Amended | V. 25, p. 1458 |

| | | |
|---|---|---|
| 102-4-3a | Amended | V. 25, p. 1460 |
| 102-4-4a | Amended (T) | V. 25, p. 990, 1019 |
| 102-4-4a | Amended | V. 25, p. 1463 |
| 102-5-3 | Amended | V. 25, p. 1464 |
| 102-5-4a | Amended (T) | V. 25, p. 992, 1019 |
| 102-5-4a | Amended | V. 25, p. 1466 |
| 102-5-5 | Amended | V. 25, p. 187 |

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

| Reg. No. | Action | Register |
|---|---|---|
| 105-4-1 | Amended | V. 25, p. 101 |
| 105-5-2 | Amended (T) | V. 25, p. 982, 1019 |
| 105-5-2 | Amended | V. 25, p. 1530 |
| 105-5-3 | Amended (T) | V. 25, p. 982, 1019 |
| 105-5-3 | Amended | V. 25, p. 1530 |
| 105-5-6 | Amended (T) | V. 25, p. 982, 1019 |
| 105-5-6 | Amended | V. 25, p. 1530 |
| 105-5-7 | Amended (T) | V. 25, p. 983, 1019 |
| 105-5-7 | Amended | V. 25, p. 1531 |
| 105-5-8 | Amended (T) | V. 25, p. 983, 1019 |
| 105-5-8 | Amended | V. 25, p. 1531 |
| 105-11-1 | Amended (T) | V. 25, p. 983, 1019 |
| 105-11-1 | Amended | V. 25, p. 1531 |

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

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

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

| Reg. No. | Action | Register |
|---|---|---|
| 109-8-1 | Amended (T) | V. 26, p. 12 |

**AGENCY 110: DEPARTMENT OF COMMERCE**

| Reg. No. | Action | Register |
|---|---|---|
| 110-9-1 through 110-9-8 | New | V. 25, p. 373-375 |
| 110-13-4 | Amended | V. 25, p. 447 |
| 110-14-1 | New | V. 25, p. 1771 |
| 110-14-2 | New | V. 25, p. 1771 |

**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 |
|---|---|---|
| 111-2-30 | Amended | V. 25, p. 414 |
| 111-2-187 | New | V. 25, p. 381 |
| 111-2-188 | New | V. 25, p. 1363 |
| 111-2-189 | New | V. 25, p. 1411 |
| 111-2-190 | New | V. 25, p. 1694 |
| 111-2-191 through 111-2-196 | New | V. 26, p. 129, 130 |
| 111-2-194 | Amended | V. 26, p. 173 |
| 111-2-197 | New | V. 26, p. 173 |
| 111-2-198 | New | V. 26, p. 174 |
| 111-2-199 through 111-2-204 | New | V. 26, p. 202, 203 |
| 111-2-204 | Amended | V. 26, p. 565 |
| 111-2-205 | New | V. 26, p. 565 |
| 111-2-206 | New | V. 26, p. 631 |
| 111-2-207 | New | V. 26, p. 631 |
| 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 |
| 111-4-2383 through 111-4-2387 | New | V. 25, p. 381-384 |
| 111-4-2389 through 111-4-2393 | New | V. 25, p. 385, 386 |
| 111-4-2394 through 111-4-2404 | New | V. 25, p. 415-422 |
| 111-4-2405 through 111-4-2418 | New | V. 25, p. 787-795 |
| 111-4-2419 through 111-4-2427 | New | V. 25, p. 868-874 |
| 111-4-2420 | Amended | V. 25, p. 1019 |
| 111-4-2428 through 111-4-2434 | New | V. 25, p. 1020-1025 |
| 111-4-2435 through 111-4-2454 | New | V. 25, p. 1364-1376 |
| 111-4-2455 through 111-4-2467 | New | V. 25, p. 1412-1420 |
| 111-4-2468 through 111-4-2482 | New | V. 25, p. 1695-1702 |
| 111-4-2483 through 111-4-2496 | New | V. 26, p. 130-138 |
| 111-4-2495 | Amended | V. 26, p. 203 |
| 111-4-2497 through 111-4-2503 | New | V. 26, p. 174-179 |
| 111-4-2504 through 111-4-2520 | New | V. 26, p. 204-212 |
| 111-4-2521 through 111-4-2525 | New | V. 26, p. 566-569 |
| 111-4-2526 through 111-4-2552 | New | V. 26, p. 632-641 |
| 111-4-2553 through 111-4-2557 | New | V. 26, p. 692-695 |
| 111-5-126 through 111-5-138 | New | V. 25, p. 386-390 |
| 111-5-131 | Amended | V. 26, p. 570 |
| 111-5-139 | New | V. 25, p. 423 |
| 111-5-139a | New | V. 25, p. 795 |
| 111-5-140 through 111-5-149 | New | V. 25, p. 795-797 |
| 111-5-150 through 111-5-154 | New | V. 25, p. 842-844 |
| 111-5-155 through 111-5-159 | New | V. 25, p. 1703, 1704 |
| 111-5-160 through 111-5-164 | New | V. 26, p. 696, 697 |
| 111-6-1 | Amended | V. 25, p. 222 |
| 111-6-27 | New | V. 26, p. 259 |
| 111-7-81 | Amended | V. 25, p. 319 |
| 111-7-193 | New | V. 25, p. 1026 |
| 111-7-194 | New | V. 25, p. 1027 |
| 111-7-195 through 111-7-207 | New | V. 25, p. 1420-1423 |
| 111-7-208 through 111-7-217 | New | V. 26, p. 138-141 |
| 111-9-130 through 111-9-133 | New | V. 25, p. 351-353 |
| 111-9-134 | New | V. 25, p. 1704 |
| 111-9-135 | New | V. 25, p. 1705 |
| 111-9-136 | New | V. 26, p. 141 |
| 111-9-137 | New | V. 26, p. 180 |
| 111-9-138 | New | V. 26, p. 212 |
| 111-9-139 | New | V. 26, p. 212 |
| 111-9-140 | New | V. 26, p. 213 |
| 111-9-141 | New | V. 26, p. 570 |
| 111-9-142 | New | V. 26, p. 571 |
| 111-9-143 | New | V. 26, p. 697 |
| 111-9-144 | New | V. 26, p. 698 |
| 111-9-145 | New | V. 26, p. 699 |
| 111-11-1 | Amended | V. 25, p. 223 |
| 111-12-4 | Amended | V. 26, p. 571 |
| 111-14-2 | New | V. 26, p. 214 |

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

| Reg. No. | Action | Register |
|---|---|---|
| 115-2-1 | Amended | V. 25, p. 1602 |
| 115-2-2 | Amended | V. 25, p. 1603 |
| 115-2-3a | Amended | V. 25, p. 1603 |
| 115-2-4 | Amended | V. 25, p. 336 |
| 115-4-4 | Amended | V. 26, p. 410 |
| 115-4-4a | Amended | V. 26, p. 411 |
| 115-4-6 | Amended | V. 25, p. 336 |
| 115-7-1 | Amended | V. 25, p. 1605 |
| 115-7-4 | Amended | V. 25, p. 1606 |
| 115-7-8 | New | V. 25, p. 1606 |
| 115-9-9 | Amended | V. 26, p. 641 |
| 115-16-5 | Amended | V. 25, p. 1607 |
| 115-18-10 | Amended | V. 26, p. 101 |
| 115-18-12 | Amended | V. 25, p. 1608 |
| 115-18-18 | New | V. 25, p. 1608 |
| 115-18-19 | New | V. 25, p. 1608 |
| 115-18-20 | New | V. 25, p. 1609 |
| 115-20-5 | New | V. 25, p. 1609 |
| 115-20-6 | New | V. 25, p. 1611 |

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

| Reg. No. | Action | Register |
|---|---|---|
| 117-2-2 | Amended | V. 25, p. 1146 |
| 117-3-2 | Amended | V. 25, p. 1146 |
| 117-3-2a | Amended | V. 26, p. 564 |
| 117-4-2 | Amended | V. 25, p. 1147 |
| 117-4-2a | Amended | V. 26, p. 564 |
| 117-5-1 | Amended | V. 25, p. 1148 |
| 117-6-1 | Amended | V. 25, p. 1148 |
| 117-6-2 | Amended | V. 25, p. 1148 |
| 117-8-1 | Amended | V. 25, p. 866 |

**AGENCY 118: STATE HISTORICAL SOCIETY**

| Reg. No. | Action | Register |
|---|---|---|
| 118-4-4 | Amended | V. 26, p. 46 |

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

| Reg. No. | Action | Register |
|---|---|---|
| 121-5-1 | Amended (T) | V. 25, p. 1304 |
| 121-5-1 | Amended | V. 25, p. 1727 |
| 121-5-2 | Revoked (T) | V. 25, p. 1304 |
| 121-5-2 | Revoked | V. 25, p. 1727 |
| 121-5-3 | New (T) | V. 25, p. 1304 |
| 121-5-3 | New | V. 25, p. 1727 |
| 121-7-1 | New | V. 25, p. 1728 |
| 121-8-1 | New (T) | V. 25, p. 1304 |
| 121-8-1 | New | V. 25, p. 1728 |

**AGENCY 123: JUVENILE JUSTICE AUTHORITY**

| Reg. No. | Action | Register |
|---|---|---|
| 123-6-101 through 123-6-106 | New | V. 25, p. 1634, 1635 |

**AGENCY 129: KANSAS HEALTH POLICY AUTHORITY**

| Reg. No. | Action | Register |
|---|---|---|
| 129-5-1 | Amended | V. 26, p. 281 |
| 129-5-88 | New | V. 25, p. 1830 |
| 129-5-108 | New | V. 25, p. 1571 |
| 129-5-118 | New | V. 25, p. 665 |
| 129-5-118b | New | V. 25, p. 665 |
| 129-6-38 | New | V. 25, p. 1030 |
| 129-6-77 | New | V. 25, p. 847 |
| 129-6-151 | New | V. 25, p. 848 |
| 129-6-152 | New | V. 25, p. 848 |
| 129-7-65 | New | V. 25, p. 848 |
| 129-14-22 | New | V. 25, p. 1030 |
| 129-14-27 | New | V. 25, p. 849 |
| 129-14-51 | New | V. 25, p. 849 |
| 129-14-52 | New | V. 25, p.849 |

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