



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Kansas Judicial Council

Notice of Meetings

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

Date	Committee	Time	Location
Oct. 5	Criminal Law	9:30 a.m.	Judicial Center, Room 269
Oct. 5	Family Law	9:30 a.m.	Judicial Center, Room 140
Oct. 12	Guardianship & Conservatorship	9:30 a.m.	Judicial Center, Room 140
Oct. 19	Probate Law	9:30 a.m.	Judicial Center, Room 140
Oct. 19	Pattern Instructions— Civil & Criminal	9:30 a.m.	Judicial Center, Room 269
Oct. 19	Administrative Procedure	9:00 a.m.	Judicial Center, Room 275
Oct. 23	Commission on Judicial Performance	1:00 p.m.	Overland Park Marriott Overland Park (TBA)
Oct. 24	Criminal Code Recodification Commission	9:30 a.m.	State Capitol (TBA)

Oct. 26	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Judicial Center, Room 140
Oct. 26	End of Life Decisions	9:30 a.m.	Judicial Center, Room 269
Oct. 30	Appeals from Termination of Parental Rights	9:30 a.m.	Judicial Center, Room 269
Nov. 2	Family Law	9:30 a.m.	Judicial Center, Room 140
Nov. 9	Commission on Judicial Performance	9:30 a.m.	Judicial Center, Room 140
Nov. 9	Guardianship & Conservatorship	9:30 a.m.	Judicial Center, Room 275
Nov. 9	Civil Code	9:30 a.m.	Judicial Center, Room 269
Nov. 16	Juvenile Offender/ Child in Need of Care	9:30 a.m.	Judicial Center, Room 140
Nov. 16	Administrative Procedure	9:00 a.m.	Judicial Center, Room 275
Nov. 16	Pattern Instructions— Civil & Criminal	9:30 a.m.	Judicial Center, Room 269
Nov. 26	Appeals from Termination of Parental Rights	9:30 a.m.	Judicial Center (TBA)
Nov. 30	Judicial Council	9:00 a.m.	Judicial Center, Room 140

Hon. Robert E. Davis
Chairman

Doc. No. 034919

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 8-18. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Oct. 8 Oct. 9	519-S 519-S	9:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Review of the rules and regulations proposed for adoption by: Dept. of Wildlife and Parks; SRS; Dept. of Revenue; KCC; Dept. of Credit Unions; Dept. of Commerce; Dept. of Education; Board of Pharmacy; and KDHE. Update on rules and regulations from Racing and Gaming Commission regarding the Expanded Lottery Act.
Note: Date & time changes				
Oct. 10	123-S	TBA	Legislative Coordinating Council	Legislative matters.
Oct. 11 Oct. 12	123-S 123-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	11th: Topic 10 — Submission of blood or other biological samples to KBI; and Topic 12 — Vehicular homicide. 12th: Topic 11 — Settle damages between landowners and their farm tenants and gas and oil operators.
Oct. 15	313-S	9:00 a.m.	State Employee Compensation Oversight Commission	Update on pay plan recommendations.
Oct. 15 Oct. 16	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Legislative Educational Planning Committee	15th: Virtual schools; obesity legislation review; KPERs and retired teachers; tuition for military personnel. 16th: Community college legislative initiatives; review 2010 Commission report; begin development of annual report.
Oct. 16	241-N	4:00 p.m.	Senate Confirmation Oversight Committee	Agenda not available.
Oct. 16	519-S	9:00 a.m.	Joint Committee on Economic Development	Agenda not available.
Oct. 17 Oct. 18	Off-site meetings		Joint Committee on Corrections & Juvenile Justice	Meetings in El Dorado and Wichita.
Oct. 17 Oct. 18	123-S 123-S	10:00 a.m. 9:00 a.m.	Special Committee on Federal and State Affairs	Carnival rides regulation and committee discussion.
Oct. 17 Oct. 18	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Financial Institutions & Insurance	Agenda not available.
Oct. 18 Oct. 18	526-S 313-S	10:00 a.m. 12:30 p.m.	Joint Committee on Information Technology	Agenda not available.
Oct. 18	514-S	10:00 a.m.	Kansas Technical College and Technical School Commission	Review of 2007 legislation and update from the Authority.

Jeffrey M. Russell
Director of Legislative
Administrative Services

State of Kansas

Secretary of State

Code Mortgage Rate for October

Pursuant to the provisions of K.S.A. 2006 Supp. 16a-1-301, Section 11, the code mortgage rate during the period of October 1, 2007 through October 31, 2007, is 12 percent.

Ron Thornburgh
Secretary of State

Doc. No. 034924

State of Kansas

Secretary of State

Usury Rate for October

Pursuant to the provisions of K.S.A. 2006 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of October 1, 2007 through October 31, 2007 is 7.70 percent.

Ron Thornburgh
Secretary of State

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(Published in the Kansas Register October 4, 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, November 2, for the following project:

7N-0362-01/472-84569/247129)

(OCA Code 715713)

Bridge-KDOT

21st Street Bridge Rehabilitation
over the Big Arkansas River

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. 034926

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet via conference call at 9 a.m. Thursday, October 11, in Hutchinson. For more information, call (620) 669-3600.

John C. Bottenberg
President

Doc. No. 034937

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, October 18, 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 that 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. 000701—Maximum Principal Amount: \$200,000. Owner/Operator: Colby W. & Kelley L. Brummett. Acquisition of 94 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 Colby W. & Kelley L. Brummett and is located at Section 27, Wabaunsee North Township, Pottawatomie County, Kansas, approximately 3 miles south then .75 mile east of Wamego on Hwy. 99.

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. 034927

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. 034921

State of Kansas

Kansas Health Policy Authority

Public Notice

The Kansas Health Policy Authority is reforming the Medicaid Disproportionate Share Hospital program (DSH). The new formula methodology will be effective for the Medicaid Disproportionate Share fiscal year 2008 payment adjustment.

The KHPA pursued DSH reform to accomplish the following objectives:

- Maintain the state's support for the DSH program and devise a formula that expends the maximum amount allowed by federal regulations.
- Direct resources equitably towards hospitals that provide a high level of services to Medicaid beneficiaries and the uninsured by abandoning the existing two-formula strategy applied to LIUR and MIUR hospitals.
- Introduce disproportionality into the payment formula by increasing reimbursement for facilities that, relative to their size, incur a greater share of the burden of caring for Medicaid-eligible individuals and the uninsured in the state of Kansas.
- Treat losses equally whether attributable to outpatient, inpatient, Medicaid or uninsured services.
- Create more predictability and stability in DSH payments over time, lessening the payment "cliff" that faces marginal DSH hospitals.

The KHPA anticipates no fiscal impact for federal fiscal year 2008.

A copy of the proposed state plan change, which has additional information, may be obtained from any local SRS office. To send comments or to review comments received, or to obtain additional information, contact Rita Haverkamp, Kansas Health Policy Authority, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or e-mail Rita.Haverkamp@khpas.gov.

Marcia Nielsen, Ph.D., MPH
Executive Director

Doc. No. 034933

State of Kansas

Kansas Health Policy Authority

Public Notice

The Kansas Health Policy Authority is changing the reimbursement methodology for Medicaid-covered inpatient and outpatient services provided by Critical Access Hospitals (CAHs). Effective October 6, 2007, Medicaid-covered claims will be paid using a hospital-specific cost-based settlement process.

The KHPA anticipates a fiscal impact for federal fiscal year 2008 of \$1.5 million.

A copy of the proposed state plan change, which has additional information, may be obtained from any local SRS office. To send comments or to review comments received, or to obtain additional information, contact Rita Haverkamp, Kansas Health Policy Authority, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or e-mail Rita.Haverkamp@khpas.gov.

Marcia Nielsen, Ph.D., MPH
Executive Director

Doc. No. 034934

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:

10/15/2007	10788	Demolition of Two Structures
10/15/2007	10790	Explosive Disposal Suits
10/16/2007	10793	Truck
10/16/2007	10796	Direct Bury Cable System
10/17/2007	10783	Disadvantaged Business Enterprises Support Services
10/17/2007	10789	Workforce Training Office
10/18/2007	10785	Electrical Supplies
10/18/2007	10787	Furnish and Install Windows
10/19/2007	10780	Cigarette Tax Stamps, Heat Applied
10/24/2007	10797	Training and Education, Kansas Youth Leadership Services
10/26/2007	10786	Janitorial Services

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>

Chris Howe
Director of Purchases

Doc. No. 034940

State of Kansas

Department on Aging

Request for Proposals

The Kansas Department on Aging is accepting proposals for the 2008 workforce enhancement grant for the provision of education programs. The objective of the grant program is to improve the quality of life and quality of care for residents in both certified and licensed long-term care nursing facilities and long-term care units of hospitals by aiding in the development of ongoing statewide educational programs for unlicensed and licensed staff employed in these facilities.

The grant is for two types of educational programs. The first would be solely for **unlicensed staff** who are presently working in certified and licensed long-term care nursing facilities and long-term care units of hospitals. The second program would be for a joint educational program for unlicensed and licensed staff who are presently working in certified and licensed long-term care nursing facilities and long-term care units of hospitals. The ratio of attendance for reimbursement at a joint educational program must be only one licensed staff for at least every two unlicensed staff. There is no limitation on the number of unlicensed staff who may attend the educational program. Licensed nursing home administrators are not eligible licensed staff for reimbursement. **No reimbursement will occur if both staff criteria and ratio are not met.**

Grant applicants are encouraged to present educational programs on site in certified and licensed long-term care nursing facilities and long-term care units of hospitals. When a certified and licensed long-term care nursing facility or a long-term care unit of a hospital is the grant recipient, reimbursement for attendance will be provided at a ratio of one eligible employee employed by the facility for at least one eligible employee not employed by the facility.

KDOA staff will review and approve proposals for appropriateness of course content and location at which the program will be offered.

Grant funds shall **not** be used to train unemployed individuals or individuals employed in freestanding or attached assisted living facilities, residential health care facilities, Home Plus facilities, boarding homes, hospitals, home health agencies or any other type of general employment. The grant will not fund courses for certification as nurse aide, medication aide, home health aide, dietary manager or activity director. **If training is provided to ineligible persons, no reimbursement shall be made for such ineligible persons.**

The proposal shall include the following:

- outline of major steps that will be taken to ensure the continuation of education to unlicensed staff if the grant ceases, including funding resources
- course objectives
- course outline with time frame
- teaching strategies
- qualifications of presenters
- method(s) for evaluating effectiveness of the education program

- copies of any handouts provided to attendees
- minimum and maximum number of participants for each program
- itemized budget of the anticipated costs of the program and the cost per enrollee including transportation and meals
- the number of times the program would be offered and location of each program

Please submit an original and three copies of the application.

The objectives of the educational programs should include increasing the knowledge of unlicensed and licensed staff beyond the content of the initial certification course. Recommended, but not all inclusive topics, are:

- person-centered choices and care
- abuse, neglect and exploitation (ANE)
- resident and family satisfaction
- provision of care associated with activities of daily living
- pressure ulcer reduction
- restraint reduction
- fall mitigation
- continence promotion
- restorative care
- infection control practice, including housekeeping and dietary services
- safe and sanitary practices in food handling and preparation
- behavior management

The program may be offered at no cost to the nursing facility or long-term care unit or at a fee of not greater than \$10 per enrollee to be paid for by the nursing facility or long-term care unit. The KDOA will reimburse the educational entity based on the proposed budget cost per enrollee and the number of enrollees that attend the program. Reimbursement for the enrollee's transportation and meals will be allowed and will be paid to the educational entity to disperse to the enrollee as appropriate.

Grant proposals must be submitted to the KDOA by the close of business October 31. The grant period shall be between January 1, 2008 and January 1, 2009. Grant proposals must be submitted to the attention of Caryl Gill, Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603-3404.

Successful applicants must comply with all state and federal regulations. Educational entities must submit a request for reimbursement form, completed transportation and meal cost form, and an evaluation of the effectiveness of the program. Upon receipt of this information, the educational entity will be reimbursed.

For more information, contact the KDOA at (785) 296-4986, toll free at (800) 432-3535, TTY at (785) 291-3167, or e-mail at wwwmail@aging.state.ks.us.

Kathy Greenlee
Secretary of Aging

Doc. No. 034932

(Published in the Kansas Register October 4, 2007.)

Summary Notice of Bond Sale
City of South Hutchinson, Kansas
\$2,387,000
General Obligation Bonds, Series 2007
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated October 2, 2007, written bids will be received on behalf of the clerk of the city of South Hutchinson, Kansas (the issuer), at the address set forth below, until 3 p.m. October 16, 2007, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$7,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated November 1, 2007, and will become due on November 1 in the years as follows:

Year	Principal Amount
2009	\$ 67,000
2010	205,000
2011	220,000
2012	230,000
2013	240,000
2014	255,000
2015	270,000
2016	285,000
2017	300,000
2018	315,000

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 May 1 and November 1 in each year, beginning May 1, 2009.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$47,740 (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 November 1, 2007, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2007 is \$24,084,987. 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 \$4,402,000.

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 at the address set forth below.

Written and Facsimile Bid and Good Faith Deposit Delivery Address:

Denise McCue, Clerk
 City Hall
 2 S. Main
 South Hutchinson, KS 67505
 (620) 663-7104
 Fax (620) 663-7168
 E-mail: denisem@southhutch.com

Dated October 2, 2007.

City of South Hutchinson, Kansas

Doc. No. 034936

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

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 2007-2010 by adding the following project:

Project X-2373-01, Road Closure, Union Pacific Railroad Crossing and Vine Street in Wamego, Pottawatomie County

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

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

The comment period regarding the STIP amendment will conclude October 29.

Deb Miller
 Secretary of Transportation

Doc. No. 034920

**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 10-1-07 through 10-7-07

Term	Rate
1-89 days	4.73%
3 months	3.86%
6 months	4.06%
1 year	4.05%
18 months	3.95%
2 years	3.96%

Derl S. Treff
Director of Investments

Doc. No. 034922

**State of Kansas
Department of Transportation**

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. October 17 and then publicly opened.

District One — Northeast

Lyon—99-56 KA-0855-01 — Four bridges on K-99, bridge repair. (State Funds)

Osage—31-70 KA-0857-01 — K-31, Dragoon Creek, 3 miles east of the Osage County line, bridge repair. (State Funds)

District Two — Northcentral

Cloud—24-15 KA-0987-01 — U.S. 24 from the Mitchell/Cloud county line east to the junction of K-189/U.S. 24, 27.1 miles, slurry seal. (State Funds)

Dickinson—4-21 KA-0877-01 — K-4 bridge east of the Saline County line and K-4 bridge east of K-15, bridge repair. (State Funds)

Ellsworth—140-27 KA-0997-01 — K-140 from the junction of K-14 east to the Ellsworth/Saline county line, 16.4 miles, overlay. (State Funds)

Jewell — 14-45 KA-0988-01 — K-14 from the east junction of K-14/U.S. 36 north to the Kansas/Nebraska state line, 15.2 miles, seal. (State Funds)

Lincoln—53 C-4152-01 — County road 5 miles west and 1 mile north of Westfall, 0.1 mile, grading and bridge. (Federal Funds)

Ottawa—81-72 KA-1036-01 — U.S. 81 from county route 518 north 6 miles; U.S. 81 from the Ottawa/Cloud county line south 6 miles, 12 miles total, overlay. (State Funds)

Saline—4-85 KA-0878-01 — Four bridges south of Gypsum on K-4, bridge repair. (State Funds)

Saline—85 KA-1037-01 — K-104 from the junction of K-104 north to the I-135/U.S. 81 interchange; K-4 from the

junction of county route 594 north to the junction of K-104/K-4, 4.3 miles, overlay. (State Funds)

District Three—Northwest

Decatur-Sheridan—106 KA-1039-01 — U.S. 36 from the Rawlins/Decatur county line east to the junction of U.S. 36/U.S. 83; U.S. 83 from the Sheridan/Decatur county line north 9 miles; U.S. 83 from the junction of K-383/U.S. 83 north to the Decatur/Sheridan county line, 20.6 miles, overlay. (State Funds)

Graham—24-33 K-7430-01 - U.S. 24, south fork Solomon River drainage, 0.2 mile east of K-18, bridge replacement. (Federal Funds)

Logan—25-55 KA-1009-01 — K-25 from the Wichita/Logan county line north to the west junction of U.S. 40/K-25, 36.7 miles, seal. (State Funds)

Logan-Thomas—83-106 KA-1040-01 — U.S. 83 from the junction of U.S. 40 north to the Thomas/Logan county line; U.S. 83 from the Logan/Thomas county line north 17.7 miles, 18.7 miles total, overlay. (State Funds)

Rawlins—36-77 KA-1011-01 — U.S. 36 from the Cheyenne/Rawlins county line east 10 miles, overlay. (State Funds)

District Four — Southeast

Crawford—7-19 K-7405-02 — K-7 from the junction of K-126 north to the south city limits of Girard, 6 miles, seeding and sodding. (Federal Funds)

Franklin—68-30 KA-1105-01 - K-68 over the Marais Des Cygnes River, bridge repair. (State Funds)

Labette—50 U-1949-01 — Jothi Avenue from U.S. 59 west to 32nd Street in Parsons, 0.6 mile, grading and surfacing. (Federal Funds)

Linn—152-54 KA-0197-01 — K-152, Marias Des Cygnes River, 7.9 miles east of the junction of K-7, bridge replacement. (Federal Funds)

Miami—68-61 K-7439-01 — K-68, South Wea Creek, 0.7 mile west of U.S. 69, bridge repair. (Federal Funds)

District Five — Southcentral

Barton—56-5 KA-1064-01 — U.S. 56 from Pawnee Rock east to the south city limits of Great Bend, 11.5 miles, seal. (State Funds)

Pratt—54-76 KA-1062-01 — U.S. 54 from the Pratt/Kiowa county line east to the west city limits of Pratt, 14.2 miles, overlay. (State Funds)

Reno—96-78 KA-1067-01 - Hodge Road (1 mile west of the K-14 junction) east to the east city limits of Nickerson, 6.7 miles, overlay. (State Funds)

Rice—80 C-4333-01 — County road 1.2 miles south and 0.5 mile west of Lyons, 0.2 mile, grading and bridge. (Federal Funds)

Rice—4-80 KA-1060-01 — K-4 from the junction of K-14 east to the Rice/Ellsworth county line, 10.1 miles, overlay. (State Funds)

Stafford—50-93 KA-1056-01 — U.S. 50 from the Edwards/Stafford county line east to U.S. 281, 15 miles, overlay. (State Funds)

Stafford—19-106 KA-1123-01 — K-19 from the Pawnee/Stafford county line east to the junction of U.S. 281; K-19 south junction east to the Pawnee/Stafford county line, 19.1 miles, overlay. (State Funds)

District Six— Southcentral

Finney—50-28 KA-1082-01 — U.S. 50, Campus Drive in Garden City east to Towns Road, 3 miles, overlay. (State Funds)

Finney—28 M-1963-01 — KDOT mixing strip, 1 mile east of the K-156/U.S.83 junction on K-156, stockpile bituminous material. (State Funds)

Finney-Scott—83-106 KA-1129-01 — U.S. 83 from the junction of U.S. 50 north to the Finney/Scott county line; U.S. 83 from the Finney/Scott county line north 14.8 miles, 32.5 miles total, overlay. (State Funds)

Grant—34 M-1965-01 - KDOT mixing strip, 2 miles north of the U.S. 160 junction on K-25, stockpile bituminous material. (State Funds)

Grant—25-34 KA-1089-01 — K-25 in Ulysses north to the Grant/Kearny county line, 9.9 miles, overlay. (State Funds)

Grant-Stanton—160-106 KA-1133-01 — U.S. 160 from the Stanton/Grant county line east to the west city limits of Ulysses; U.S. 160 from the north junction of K-27/U.S. 160 east to the Stanton/Grant county line, 21.4 miles, overlay. (State Funds)

Hamilton—50-38 KA-1083-01 — U.S. 50 from the Colorado/Kansas line east to the west city limits of Syracuse, 16.1 miles, recycle and overlay. (State Funds)

Scott—86 C-4292-01 — County road 7.5 miles south of Scott City then west 0.4 mile, surfacing. (Federal Funds)

Scott—86 C-4293-01 — County road 9.5 miles west of Scott City then 0.3 mile north, surfacing. (Federal Funds)

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

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 034907

State of Kansas

Racing and Gaming Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, December 6, at the Topeka and Shawnee County Public Library, Marvin Auditorium, Room 101 A and B, 1515 S.W. 10th Ave., Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing and Gaming Commission. This 60-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations. Written comments may be submitted to the executive director, Kansas Racing and Gaming Commission, 700 S.W. Harrison, Suite 420, Topeka, 66603-3754.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Racing and Gaming Commission at the address above or by calling (785) 296-5800.

A copy of the full text of the regulations and the economic impact statements may be reviewed or obtained at the commission office. The following is a summary of the proposed regulation amendments:

K.A.R. 112-4-9a. Financial responsibility of licensee. The amendment to this regulation removes the dollar amount for what constitutes a worthless check written at a licensed racing facility.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-4-14a. Trainer responsibility. The amendment to this regulation in subsection (d) adds language whereby each trainer shall be responsible for the arrival of the horses in that trainer's care to the racetrack facility at least one hour before the first post time of the day on which the horse is entered to race.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-5-1. Horse racetrack officials and backup officials; prohibited interests; responsibility; accountability; identification and approval; unavailability. The amendment to this regulation in subsection (a)(10) identifies the category of general manager for inclusion as a racetrack official at each horse race meet.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-6-1. Greyhound racetrack officials and backup officials; prohibited interests; responsibility; accountability; identification and approval; unavailability. The amendment to this regulation in subsection (a)(10) identifies the category of general manager for inclusion as a racetrack official at each greyhound race meet.

(continued)

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-6. Registration and eligibility. This regulation was amended for language clarification.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-7. Entries. The amendment to this regulation in subsection (b)(1) allows for the steward's designee to also be authorized to receive entries, scratches, and declarations for an entry into a horse race.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-8. Coupled entries. The amendment to this regulation in subsection (b) states that two or more horses entered to run in a stakes race that are owned or trained, or both, by the same person, persons, or interests shall run as an uncoupled entry.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-15a. Claiming. The amendment to this regulation in subsection (c) allows for a steward's designee to be authorized to supervise the filing of claims for a horse claiming race. In subsection (v) the time limiting the transfer or sale of a claimed horse is extended to 30 days or the end of the race meet, whichever is longer.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-16. Invalid or void claims and prohibitions on claims. The amendment to this regulation in subsection (c)(7) broadens the field of relationship to the owner or trainer of a horse claimed to make the claim invalid in a horse claiming race. Further, in subsection (f) the amount of time after the race is run for a written protest of a claim to be submitted to the stewards for investigation has been shortened from 24 hours to 30 minutes.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-18a. Jockey agent. The amendment to this regulation in subsection (f) allows for the jockey agent to notify the stewards in writing within 24 hours if the jockey agent no longer represents a jockey.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-7-20. Safety helmets required; physical examination required. The amendment to this regulation requires that each person who is mounted on any horse within the racetrack facility or riding in a race shall wear a properly fastened safety helmet and that each such person shall have on file at the racetrack commission office a record of physical examination, including vision and hearing tests, conducted by a person licensed to practice medicine and surgery within the year immediately preceding.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-8-9. Before and during the race. The amendment to this regulation in subsection (b) sets forth that if the assistant animal health officer, the racing judge, and the representative of the organization licensee at any time before or during a race determine that formful and safe racing cannot be conducted, then the assistant animal health officer and the racing judge or management may cancel the remainder of the race program.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-10-12. Postmortem examination. The amendment to this regulation in subsection (c) states that each postmortem examination shall be conducted by a licensed veterinarian approved by the animal health officer.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-10-32. Assistant animal health officer, greyhound. The amendment to this regulation in subsection (d)(3) states that no greyhound shall be entered in a race before its name is removed from the veterinarian's list unless otherwise approved by the animal health officer or assistant animal health officer.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-11-10. Identification and credentials. The amendment to this regulation defines certain areas of a racetrack as being restricted areas if the racetrack facility is being used for racing or anytime during a race meet.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-11-20. Greyhound racetrack facility safety standards; specifications; prohibition of chemical use on track surface. The safety and security standards set out in this regulation generally establish qualifications for security guards at racetracks, and define procedures and facilities for safety of patrons and racing animals. The proposed amendment in subsection (c)(4) removes the provision regarding the design of crates as it relates to partitions to separate each crate.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

K.A.R. 112-18-11. Procedures for lost video signal. The amendment to this regulation in subsection (a) states that a simulcasting licensee shall not merge wagers on a simulcast race until the simulcasting licensee is receiving the video signal from the sending racetrack.

Economic Impact: There are no costs anticipated to the agency or other governmental agencies or units as a result of this regulation amendment.

Stephen L. Martino
Executive Director

Doc. No. 034925

**State of Kansas
Fort Hays State University**

Notice to Bidders

Fort Hays State University encourages interested vendors to visit the Fort Hays State University Purchasing Web site, <http://www.fhsu.edu/adminfin/purchasing/>, for a complete list of all goods and services currently out for bid. Paper postings of all open bids may be reviewed at Purchasing, Room 318, Sheridan Hall, 601 Park St., Hays. Copies of open bids also may be requested by contacting Purchasing at (785) 628-4251, by fax at (785) 628-4046, or by e-mail at purchasing@fhsu.edu.

Kathy Herrman
Purchasing Director

Doc. No. 034939

**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-07-274/282
Pending Permits for Confined Feeding Facilities**

Name and Address of Applicant	Legal Description	Receiving Water
H & S Cattle Company Doug Harner 6802 S. Salem Road Partridge, KS 67566	SW/4 of Section 07, T24S, R07W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-B003

This is a reissuance of a permit for an existing facility for 600 head (300 animal units) of cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Fairview Farms, Inc. Kirk F. Converse 12763 Fairview Road Harveyville, KS 66431	NW/4 of Section 05 & NE/4 of Section 06, T15S, R13E, Wabaunsee County	Marais des Cygnes River Basin

Kansas Permit No. A-MCWB-S001

This is a reissuance of a permit for an existing facility with a maximum capacity of 1,085 head (434 animal units) of swine more than 55

pounds and 620 head (62 animal units) of swine 55 pounds or less, for a total of 496 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Vering Land and Pork, Inc. Greg Vering 1325 8th Road Marysville, KS 66508	NE/4 of Section 06, T03S, R07E, Marshall County	Big Blue River Basin

Kansas Permit No. A-BBMS-S023

This is a reissuance and modification for an existing facility with a maximum capacity of 1,093 head (437.2 animal units) of swine more than 55 pounds, 760 head (76 animal units) of swine 55 pounds or less and 80 head (80 animal units) of beef cattle more than 700 pounds. The modification includes a decrease in 200 head of swine more than 55 pounds and an increase of 80 head of beef cattle more than 700 pounds due to a change in facility operation.

Name and Address of Applicant	Legal Description	Receiving Water
Roth Farms - Richter Unit Ron Roth 10975 Lasita Road Leonardville, KS 66449	SE/4 of Section 11, T08S, R04E, Riley County	Lower Republican River Basin

Kansas Permit No. A-LRRL-S001

This is a reissuance of a permit for an existing facility with a maximum capacity of 676 head (270.4 animal units) of swine more than 55 pounds and 1,000 head (100 animal units) of swine 55 pounds or less, for a total of 370.4 animal units. This represents a decrease in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Goode Dairy Gary Goode 1101 N. 375th St. West Cheney, KS 67025	NE/4 of Section 17, T27S, R04W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M037

This is a new permit for an existing facility for 130 head (182 animal units) of mature dairy cows. The facility is proposing to install a septic tank and construct a wastewater diversion, a wastewater treatment strip, and a solid waste storage structure to control waste from the parlor. A freshwater diversion and grassed waterway to redirect freshwater runoff around the parlor is also being proposed. In addition, the facility is proposing to construct a 4.65-acre open confinement lot where wastewater will be collected in a sediment basin before being dispersed over a wastewater treatment strip. Head capacity at the facility will not change as a result of the construction.

Name and Address of Applicant	Legal Description	Receiving Water
Fagen Dairy & Farm Raymond Fagen Route 1, Box 60 Spearville, KS 67876	NW/4 of Section 22, T24S, R23W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-M001

This is a reissuance of a permit for an existing facility for 120 head (168 animal units) of mature dairy cattle.

Name and Address of Applicant	Legal Description	Receiving Water
Sunny Slopes Farm Chad Brummer 1531 S. 1st Ave. Tipton, KS 67485	NE/4 of Section 24, T08S, R11W, Osborne County	Solomon River Basin

Kansas Permit No. A-SOOB-M004

This is a new permit for an existing facility for 100 head (140 animal units) of mature dairy cows. Wastewater control structures will be built.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Bottorff Turkeys Todd Bottorff 2626 SE Clem Road Columbus, KS 66725	NE/4 of Section 33, T33S, R24E, Cherokee County	Neosho River Basin

Kansas Permit No. A-NECK-F027

This is a new permit for an existing facility that was previously inactive. The facility has changed ownership and the permit is being issued for a maximum capacity of 54,000 head (972 animal units) of turkeys. This represents a decrease in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
O'Brien Ranch Enterprise, Inc. Bernie O'Brien 979 N. 90th Hepler, KS 66746	NE/4 of Section 01, T28S, R22E, Crawford County	Neosho River Basin

Kansas Permit No. A-NECR-B003

This is a reissuance of a permit for a name change and a reduction in head count and animal units for an existing facility for 999 head (499.5 animal units) of cattle less than 700 pounds.

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 November 3 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-07-274/282) 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. 034938

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. BP America Production Co. 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.

BP America Production Co., Houston, Texas, owns and operates Ulysses Sublette Compressor Station located at Section 02, T29S, R33W, Haskell 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 November 5.

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 November 5 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. 034929

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. Natural Gas Pipeline Company of America 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.

Natural Gas Pipeline Company of America, Lakewood, Colorado, owns and operates #195-Haddam Compressor Station located at Section 16, T3S, R1E, Washington County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Pat Simpson, (785) 842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to 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 close of business November 5.

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 November 5 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. 034930

State of Kansas

Kansas Health Policy Authority

Permanent Administrative Regulations

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

129-5-1. Prior authorization. (a) Any medical service may be placed by the Kansas health policy authority on the published list of services requiring prior authorization or precertification for any of the following reasons:

- (1) To ensure that provision of the service is medically necessary;
- (2) to ensure that services that could be subject to overuse are monitored for appropriateness in each case; and
- (3) to ensure that services are delivered in a cost-effective manner.

(b) Administration of covered pharmaceuticals in the following classes shall require prior authorization. A cross-reference of generic and brand names shall be made available upon request:

- (1) Ace inhibitors:
 - (A) Quinapril;
 - (B) moexipril;
 - (C) perindopril;
 - (D) ramipril; and
 - (E) trandolopril;
- (2) acne and skin lesion products:
 - (A) Tretinoin; and
 - (B) alitretinoin;
- (3) adjunct antiepileptic drugs:
 - (A) Gabitril; and
 - (B) zonegran;
- (4) angiotensin II receptor antagonists:

(continued)

- (A) Candesartan;
 (B) candesartan-HCTZ;
 (C) eprosartan;
 (D) eprosartan-HCTZ;
 (E) olmesartan; and
 (F) olmesartan-HCTZ;
 (5) antibiotics: telithromycin;
 (6) anticholinergic urinary incontinence drugs:
 (A) Flavoxate;
 (B) oxybutynin XL;
 (C) tolterodine;
 (D) oxybutynin patches; and
 (E) trospium chloride;
 (7) antiemetics: nabilone;
 (8) antipsoriatics: alefacept;
 (9) antiretroviral drugs: enfuvirtide;
 (10) antirheumatics:
 (A) Leflunomide;
 (B) infliximab;
 (C) anakinra;
 (D) adalimumab;
 (E) etanercept; and
 (F) abatacept;
 (11) cervical dystonias: botulinum toxins A and B;
 (12) drugs for the treatment of osteoporosis: teripar-
 atide;
 (13) antituberculosis products:
 (A) Aminosalicylate sodium;
 (B) capreomycin;
 (C) ethambutol;
 (D) ethionamide;
 (E) isoniazid;
 (F) pyrazinamide; and
 (G) rifampin and rifampin-isoniazid combinations;
 (14) all decubitus and wound care products;
 (15) all intravenous and oral dietary and nutritional
 products, including the following:
 (A) Amino acids, injectable;
 (B) 1-cysteine;
 (C) lipids, injectable; and
 (D) sodium phenylbutyrate;
 (16) beta-blockers:
 (A) Betaxolol;
 (B) bisoprolol;
 (C) carteolol;
 (D) penbutolol; and
 (E) propranolol XL;
 (17) short-acting, inhaled beta 2 agonists:
 (A) metaproterenol inhaler;
 (B) levalbuterol solution; and
 (C) albuterol solutions: 0.021% and 0.042%;
 (18) calcium channel blockers:
 (A) Diltiazem extended release, with the following
 brand names:
 (i) Cardizen SR®;
 (ii) Cardizem CD®;
 (iii) Cartia XT®;
 (iv) Dilacor XR®;
 (v) Taztia XT®; and
 (vi) Cardizem LA®;
 (B) verapamil sustained release, with the following
 brand names:
 (i) Covera HS®; and
 (ii) Verelan PM®;
 (C) nifedipine sustained release, with the following
 brand names:
 (i) Nifedical XL®; and
 (ii) Procardia XL® and all generic equivalents;
 (D) nisoldipine;
 (E) felodipine;
 (F) isradipine;
 (G) nicardipine SR; and
 (H) nifedipine immediate release, with the following
 brand names:
 (i) Adalat® and all generic equivalents; and
 (ii) Procardia® and all generic equivalents;
 (19) fibric acid derivatives:
 (A) Antara®; and
 (B) Lofibra®;
 (20) all growth hormones and growth hormone stim-
 ulating factor, including the following:
 (A) Somatrem;
 (B) somatropin;
 (C) sermorelin; and
 (D) mecasermin rinfabate;
 (21) intranasal corticosteroids:
 (A) Flunisolide; and
 (B) beclomethasone;
 (22) inhaled corticosteroids:
 (A) Flunisolide-menthol;
 (B) flunisolide; and
 (C) budesonide inhaled suspension;
 (23) proton pump inhibitors:
 (A) Esomeprazole;
 (B) omeprazole;
 (C) omeprazole OTC;
 (D) lansoprazole;
 (E) pantoprazole;
 (F) rabeprazole; and
 (G) omeprazole NaHCO₃;
 (24) monoclonal antibody for respiratory syncytial vi-
 rus (RSV), including palivizumab;
 (25) muscle relaxants:
 (A) Tizanidine;
 (B) orphenadrine;
 (C) carisoprodol;
 (D) carisoprodol-aspirin;
 (E) carisoprodol-aspirin-caffeine;
 (F) cyclobenzaprine;
 (G) metaxolone;
 (H) dantrolene; and
 (G) orphenadrine-aspirin-caffeine;
 (26) narcotics:
 (A) Buprenorphine-naloxone; and
 (B) buprenorphine;
 (27) nonsteroidal, anti-inflammatory drugs: nabu-
 metone;
 (28) drugs for the treatment of obesity:
 (A) Orlistat;
 (B) sibutramine; and
 (C) phentermine;
 (29) oxazolidinones, including linezolid;
 (30) HMG-CoA reductase inhibitors:
 (A) Pravastatin;

- (B) fluvastatin; and
 (C) lovastatin;
 (31) non-sedating antihistamines:
 (A) Desloratidine; and
 (B) fexofenadine;
 (32) H₂ antagonists: nizatidine;
 (33) triptans:
 (A) Naratriptan;
 (B) zolmitriptan; and
 (C) frovatriptan;
 (34) antidiabetic drugs:
 (A) Glipizide XL;
 (B) glipizide-metformin;
 (C) repaglinide;
 (D) acarbose;
 (E) Glucophage XR[®];
 (F) Fortamet[®];
 (G) Glumetza[®];
 (H) exenatide; and
 (I) pramlintide acetate;
 (35) the following types of syringes, penfills, and cartridges of insulin:
 (A) Humalog[®];
 (B) Humalog Mix[®];
 (C) Humulin R[®];
 (D) Humulin N[®];
 (E) Humulin 70/30[®];
 (F) Novolog[®];
 (G) Novolog Mix[®];
 (H) Novolin R[®];
 (I) Novolin N[®];
 (J) Novolin 70/30[®]; and
 (K) Velosulin BR[®];
 (36) hypnotics:
 (A) Zaleplon;
 (B) zolpidem; and
 (C) zolpidem CR;
 (37) serotonin 5-HT₃ receptor antagonist antiemetics:
 (A) Kytril[®]; and
 (B) Anzemet[®];
 (38) influenza vaccines: Flumist[®];
 (39) the following drugs if specifically required by the physician, which shall require prior authorization to override maximum allowable cost (MAC) or federal upper limit (FUL) pricing:
 (A) Clozaril;
 (B) depakene;
 (C) tegretol; and
 (D) coumadin;
 (40) monoclonal antibody for asthma: omalizumab;
 (41) bisphosphonates:
 (A) Risedronate; and
 (B) risedronate-calcium;
 (42) ACE inhibitors-calcium channel blockers:
 (A) Enalapril maleate-felodipine; and
 (B) trandolapril-verapamil;
 (43) ophthalmic prostaglandin analogues:
 (A) Bimatoprost; and
 (B) unoprostone;
 (44) topical immunomodulators:
 (A) Protpic[®] (topical formulation); and
 (B) Elidel[®];
 (45) narcotic analgesics: any transmucosal form of fentanyl; and
 (46) tramadol and all opioids, opioid combinations, and skeletal muscle relaxants, at any dose greater than the maximum recommended dose in a 31-day period.
 (c) Failure to obtain prior authorization, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified treatment. The prior authorization shall affect reimbursement to all providers associated with the service.
 (d) The only exceptions to prior authorization shall be the following:
 (1) Emergencies. If certain surgeries and procedures that require prior authorization are performed in an emergency situation, the request for authorization shall be made within two working days after the service is provided.
 (2) Situations in which services requiring prior authorization are provided and retroactive eligibility is later established. When an emergency occurs or when retroactive eligibility is established, prior authorization for that service shall be waived, and if medical necessity is documented, payment shall be made.
 (e) Services requiring prior authorization shall be considered covered services within the scope of the program, unless the request for prior authorization is denied. (Authorized by K.S.A. 2006 Supp. 39-7,120 and K.S.A. 2006 Supp. 75-7412; implementing K.S.A. 2006 Supp. 39-7,120 and K.S.A. 2006 Supp. 39-7,121a; effective Oct. 28, 2005; amended June 2, 2006; amended Aug. 11, 2006; amended Nov. 17, 2006; amended March 16, 2007; amended Oct. 19, 2007.)

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 Executive Director

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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	V. 25, p. 1531
105-11-1	Amended (T)	V. 26, p. 1257

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
111-2-208	New	V. 26, p. 1394
111-2-209	New	V. 26, p. 1394
111-2-210	New	V. 26, p. 1515
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
111-4-2558		
through 111-4-2566	New	V. 26, p. 881-885
111-4-2567		
through 111-4-2573	New	V. 26, p. 1367-1372
111-4-2574		
through 111-4-2591	New	V. 26, p. 1394-1406
111-4-2592		
through 111-4-2599	New	V. 26, p. 1515-1521
111-4-2600		
through 111-4-2611	New	V. 26, p. 1545-1554
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
111-7-197	Amended	V. 26, p. 886
111-7-198	Amended	V. 26, p. 1406
111-7-208		
through 111-7-217	New	V. 26, p. 138-141
111-7-218		
through 111-7-222	New	V. 26, p. 887, 888
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
111-9-146		
through 111-9-151	New	V. 26, p. 888-891
111-11-1	Amended	V. 25, p. 223
111-12-4	Amended	V. 26, p. 571
111-14-2	New	V. 26, p. 214
111-14-3	New	V. 26, p. 1331
111-101-1		
through 111-101-18	New	V. 26, p. 1554-1559

(continued)

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. 26, p. 1109
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
115-4-13	Amended	V. 26, p. 1111
115-7-1	Amended	V. 25, p. 1605
115-7-4	Amended	V. 25, p. 1606
115-7-8	New	V. 25, p. 1606
115-8-7	Amended	V. 26, p. 1364
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
115-30-1	Amended	V. 26, p. 1364
115-30-5	Amended	V. 26, p. 1365
115-30-7	Amended	V. 26, p. 1365
115-30-8	Amended	V. 26, p. 1365
115-30-10	Amended	V. 26, p. 1366
115-30-12	New	V. 26, p. 1366

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 26, p. 1259
117-2-1	Amended	V. 26, p. 1259
117-2-2	Amended	V. 26, p. 1260
117-2-3	Amended	V. 26, p. 1261
117-2-4	Amended	V. 26, p. 1261
117-3-1	Amended	V. 26, p. 1262
117-3-2	Amended	V. 26, p. 1265
117-3-2a	Amended	V. 26, p. 564
117-3-4	Amended	V. 26, p. 1264
117-4-1	Amended	V. 26, p. 1264
117-4-2	Amended	V. 26, p. 1265
117-4-2a	Amended	V. 26, p. 564
117-4-3	Amended	V. 26, p. 1266
117-4-4	Amended	V. 26, p. 1266
117-5-1	Amended	V. 25, p. 1148
117-6-1	Amended	V. 26, p. 1266
117-6-2	Amended	V. 26, p. 1267
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
129-5-65	New	V. 26, p. 1091
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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