



Kansas Register

Ron Thornburgh, Secretary of State

Vol. 27, No. 17 April 24, 2008 Pages 507-552

In this issue . . .	Page
Statewide Independent Living Council	
Notice of meeting	509
Department of Administration—Division of Facilities Management	
Notice of commencement of negotiations for engineering services	509
Notice of commencement of negotiations for architectural services	509
State Conservation Commission	
Notice of meeting	509
Notice to contractors (corrected).....	510
Kansas Development Finance Authority	
Notice of hearing on proposed revenue bonds	510
Social and Rehabilitation Services	
Request for proposals	510
Secretary of State	
Executive appointments.....	511
Kansas Department of Transportation	
Request for comments on the Statewide Transportation Improvement Program.....	511
Notice to consulting engineers	512
Kansas Public Employees Retirement System	
Request for proposals for various investment management services.....	512
Speech-Language Pathology/Audiology Advisory Board	
Notice of meeting	513
State Corporation Commission	
Notice of hearing on proposed administrative regulations	513
Department of Health and Environment	
Request for bids for lead hazard reduction.....	513
Request for comments on proposed air quality permit.....	514
Notice concerning water pollution control permits/applications	514
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	518
University of Kansas	
Notice to bidders.....	519

(continued on next page)

Notice of Bond/Note Sale
 Hodgeman County 519
 City of Ogden 520
 City of Olathe..... 521
 City of Junction City 522

Pooled Money Investment Board
 Notice of investment rates..... 520

Department of Credit Unions
 Notice of hearing on proposed administrative regulations 522

Social and Rehabilitation Services, Kansas Department on Aging, and Kansas Health Policy Authority
 Notice of proposed nursing facility Medicaid rates..... 523

New State Laws
Senate Substitute for House Bill 2634, concerning the environment..... 535
Senate Bill 417, concerning rural housing..... 536
House Bill 2897, concerning grain commodity commissions 538
House Bill 2657, concerning motorboats..... 540
Senate Bill 584, concerning the Kansas department of agriculture 541

Index to administrative regulations..... 546

The KANSAS REGISTER (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594. One-year subscriptions are \$80 (Kansas residents must include applicable state and local sales tax). Single copies may be purchased, if available, for \$2 each. **Periodicals postage paid at Topeka, KS.**

POSTMASTER: Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

© Kansas Secretary of State 2008. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
Ron Thornburgh
Secretary of State
 1st Floor, Memorial Hall
 120 S.W. 10th Ave.
 Topeka, KS 66612-1594
 (785) 296-4564
 www.kssos.org



Register Office:
 1st Floor, Memorial Hall
 (785) 296-3489
 Fax (785) 368-8024
 kansasregister@kssos.org

State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, May 9, at the Topeka and Shawnee County Public Library, Room 101C, 1515 S.W. 10th Ave., Topeka. For more information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or (800) 217-4525, or e-mail at Marylouya@aol.com.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035644

State of Kansas

Department of Administration
Division of Facilities ManagementNotice of Commencement of
Negotiations for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services to replace existing HVAC systems in Meadowlark and Cottonwood Lodge buildings at Kansas Neurological Institute, Topeka. Both buildings (built in 1970 and 1971) need the original heating and cooling equipment replaced. Recently replaced air condenser units and rebuilt chillers will need to be utilized with the new systems. The existing campus steam system distribution system to these buildings through a tunnel will remain. Hot water converters, hot and chilled water pumps, condensate receivers and pumps, and the hot water, chilled water and steam piping shall all be replaced. The new HVAC system shall utilize all new variable air volume (VAV) air handling units with variable frequency drives. VAV control boxes shall utilize hot water reheat, and cooling shall be provided from the existing chillers and condensers. Each building will be fully sprinkled, receive new ceilings and be interconnected with the existing fire alarm system. Estimated construction cost is \$2.4 million; a program will be available after May 5.

For more information concerning the scope of services, contact Gary LaShell, (785) 296-3771.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2008 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon May 9.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 035646

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, May 12, in the commission's conference room, 109 S.W. 9th, Suite 500, Topeka. Persons requiring special accommodations should contact the commission at least three days prior to the meeting at (785) 296-3600.

Greg A. Foley
Executive Director

Doc. No. 035656

State of Kansas

Department of Administration
Division of Facilities ManagementNotice of Commencement of
Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for the renovation of Tower "A" of Jayhawker Towers Residence Hall at the University of Kansas in Lawrence. The Tower is approximately 77,000 square feet in size and six stories in height, contains 75 apartments and was built in 1968. The project consists of a complete interior renovation, and the estimated construction cost is \$6,500,000. The renovation will include, but is not limited to, replacement of plumbing, electrical and HVAC systems as necessary. It also may include replacement of all or parts of the elevators. Floor and wall finishes will be upgraded and/or replaced as will bathroom and kitchenette equipment and fixtures. Television and data cabling will be improved. The project schedule is to occupy in August 2009.

Firms providing proposals for this project should provide evidence of their ability to work quickly and efficiently on a project of this size and should include proof of experience on renovations of this nature. References of previous clients will be required. A written program is available.

For more information concerning the scope of services, contact Jim Modig, (785) 864-3431.

To be considered, five (5) bound proposals and one (1) PDF file on a CD of the following should be provided: a letter of interest, an SF330 Part I, information regarding similar projects, and an SF330 Part II for each firm and consultant. Proposals should be concise and follow the 2008 State Building Advisory Commission guidelines, available to firms at <http://da.ks.gov/fp/>. If copies of the guidelines are needed, contact Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon May 9.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 035642

State of Kansas

State Conservation Commission

Corrected Notice to Contractors

(Editor's note: The following notice, first published in the April 3, 2008 Kansas Register, is being republished to correct the address for receiving bids.)

Sealed bids for the construction of a 26,000 cubic yard detention dam, Site 67A in Pottawatomie County, will be received by the Rock Creek Watershed District No. 45 at **King C.O. Services, 24298 M Road, Holton, 66436**, until 10 a.m. May 2. Bids may be delivered to the USDA Service Center at 5th and State Streets in Westmoreland prior to the 1 p.m. bid opening May 2 at the USDA Service Center.

A copy of the invitation for bids and plans and specifications can be reviewed and obtained at King Engineering Services, (785) 364-3408 or (785) 364-7480. A \$50 nonrefundable fee will be charged for each set of plans requested.

Greg A. Foley
Executive Director

Doc. No. 035643

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 8, 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 projects 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 projects shall be located as shown:

Project No. 000720—Maximum Principal Amount: \$118,000. Owner/Operator: Michael A. and Babette J. Crimmins. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the Lender for Michael A. and Babette J. Crimmins and is located at Section 33, Kimeo Township, Washington County, Kansas, approximately 11 miles south of Greenleaf on Upland Road and .5 mile west of Parallel Road.

Project No. 000723—Maximum Principal Amount: \$167,512.69. Owner/Operator: Darrell and Jureta Anderson. Description: Acquisition of 141 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 Darrell and Jureta Anderson and is located at the Southeast Quarter of Section 12, Township 3, Range 7, Jewell County, Kansas, approximately 1 mile north of Montrose on 230th Road and 1.5 miles east on Q Road.

Project No. 000724—Maximum Principal Amount: \$187,817.26. Owner/Operator: Ben Puett. Description: Ac-

quisition of 158 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 Ben Puett and is located at the East Half of the Northwest Quarter of Section 19, Township 16, Range 12 and the East Half of the Southwest Quarter of Section 19, Township 15 South, Lyon County, Kansas, approximately 5 miles north of Admire on Hwy. 99 to 390 Road and approximately 1.5 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 projects may be obtained by contacting the KDFA.

Stephen R. Weatherford
President

Doc. No. 035660

State of Kansas

Social and Rehabilitation Services

Request for Proposals

The Department of Social and Rehabilitation Services, South Central Region, announces the release of a request for proposals to provide services to children and families with child in need of care abuse, neglect and non-abuse/neglect risk factors. Children and families will receive services through parent and family supports to address these factors. These supports should include, but are not limited to, case management, i.e., education of and referrals to community resources; daily life skills education (housekeeping, budgeting); parenting skills education; and parent education and support of their own child(ren)'s educational needs.

The funds are targeted for services to prevent the need for youth to be placed in out-of-home placement and/or reduce the number of youth who are currently in out-of-home placements within the region. The South Central Region is comprised of the following 17 counties: Butler, Chase, Chautauqua, Coffey, Cowley, Elk, Greenwood, Harper, Harvey, Kingman, Lyon, Marion, McPherson, Morris, Reno, Rice and Sumner.

The deadline for proposals is 5 p.m. April 30. For more information, contact Toni Harryman, PI Program Consultant, El Dorado SRS, 410 N. Haverhill Road, El Dorado, 67042, (316) 321-4200, ext. 239, fax (316) 321-1230, or e-mail: toni.harryman@srs.ks.gov.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 035625

State of Kansas**Secretary of State****Executive Appointments**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, which is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Jefferson County Sheriff

Jeffrey L. Herrig, 655 Delaware, Ozawkie, 66070. Succeeds Roy Dunnaway, resigned.

Labette County Attorney

Hillary Haas, 201 S. Central, Parsons, 67357. Succeeds John Bullard, resigned.

Marshall County Commissioner

Tom Holle, 405 Arrowhead Road, Bremen, 66412. Succeeds Dan Hargrave, resigned.

Morris County Register of Deeds

Corrine Blosser, 212 S. Belfry, Council Grove, 66846. Succeeds Mary Allen, deceased.

Commission on Emergency Planning and Response

Patrick R. Collins, 115 N. 4th St., Manhattan, 66502. Term expires November 30, 2011. New position.

State Holocaust Commission

(Members serve at the pleasure of the Governor)

Dr. Lauren Cohen, Co-Chair, 3940 S.W. Chelmsford Road, Topeka, 66610. Succeeds Rabbi Debbie Stiel.

Dr. Barry Crawford, 2600 Staffordshire Road, Topeka, 66614. Reappointed.

Dr. Donald M. Douglas, 6008 Danbury, Wichita, 67220. Reappointed.

Rep. Lana Gordon, Co-Chair, 5820 S.W. 27th St., Topeka, 66614. Succeeds Margalith Clarenburg.

Dr. Mary Greenberg, 3237 S.W. Westover Road, Topeka, 66604. Succeeds Rabbi Lawrence Karol.

Sheila Hochhauser, 1636 Leavenworth St., Manhattan, 66502. Reappointed.

Bruce Levine, 2909 Lawrence Ave., Lawrence, 66047. Succeeds Mark Mandelbaum.

Loraine Lindenbaum, 1025 Holiday Drive, Lawrence, 66049. Reappointed.

Rabbi Herbert J. Mandl, 10501 Conser, Shawnee Mission, 66212. Reappointed.

Ragen Murray, 1264 S.W. MacVicar Ave., Topeka, 66604. Reappointed.

Dr. Keith Pickus, Wichita State University, Campus Box 013, Wichita, 67260. Succeeds Ralph Rundquist.

Jean Zeldin, 5801 W. 115th St., Suite 106, Shawnee Mission, 66211. Reappointed.

Commission on Peace Officers' Standards and Training

Lt. Col. Terry Maple, Superintendent, Kansas Highway Patrol, 122 S.W. 7th, Topeka, 66603. Serves at the pleasure of the Governor. Succeeds William Seck.

State Board of Pharmacy

Shirley K. Thomen Arck, 5205 Terra Heights Drive, Manhattan, 66503. Term expires April 30, 2011. Reappointed.

Michael E. Coast, 307 W. Canal Ave., Cimarron, 67835. Term expires April 30, 2011. Reappointed.

Physical Therapy Advisory Council

Carolyn L. Bloom, 799 E. 2200 Road, Eudora, 66025. Term expires June 30, 2012. Reappointed.

Dave Sanderson, 529 Fairdale Road, Salina, 67401. Term expires June 30, 2010. Succeeds Susan Willey.

Radiologic Technology Council

Sharada Jane Ward, 856 N.W. Tawakoni Road, Benton, 67017. Term expires July 1, 2010. Reappointed.

Washburn University Board of Trustees

James R. Roth, 916 E. 26th St. North, Wichita, 67226. Term expires June 30, 2012. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 035653

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 08-11 by adding the following project:

Project KA-1277-01, Study to Develop an Integrated Approach to Transportation Planning in the counties of Douglas, Johnson, Leavenworth, Miami and Wyandotte

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 May 19.

Deb Miller
Secretary of Transportation

Doc. No. 035661

State of Kansas

Department of Transportation**Notice to Consulting Engineers**

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project 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 noon May 8 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.

**70-105 KA-1003-01
Wyandotte County**

As part of the K-7 Corridor Study, an interchange concept for the I-70/K-7 interchange was developed. It included interchanges at K-7/130th Street and K-7/Kansas Avenue. KDOT now wants to develop a preliminary plan that includes the proposed horizontal and vertical alignment for the project. This project will identify constructible segments of the ultimate interchanges concept and may require an operational analysis to evaluate the constructible segments. Public involvement and initial environmental documentation will be included in the project. This work is scheduled to be completed by March 2010, and the preliminary engineering is estimated at \$5,000,000 for this phase.

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. 035626

State of Kansas

Public Employees Retirement System**Request for Proposals**

The Kansas Public Employees Retirement System is soliciting proposals for the following:

(1) Domestic Equity Investment Management Small & Mid Cap RFP

Domestic equity small, small/mid or mid cap active investment management services. A copy of the RFP may be downloaded from the system's Web site at www.kpers.org. All proposals must meet the minimum qualifications as set forth within the RFP. Respondents should deliver three written copies of their proposal to the system's offices by 5 p.m. May 16. Questions about the RFP may be directed in writing to Brian King, Equity Investment Analyst/KPERS, 611 S. Kansas Ave., Topeka, 66603, or via e-mail to rfp_smmid_kpers.org. Deadline for submission of questions is May 7.

(2) Domestic Equity Investment Management Large Cap Passive RFP

Domestic equity large cap passive investment management services. A copy of the RFP may be downloaded from the system's Web site at www.kpers.org. All proposals must meet the minimum qualifications as set forth within the RFP. Respondents should deliver three written copies of their proposal to the system's offices by 5 p.m. May 16. Questions about the RFP may be directed in writing to Brian King, Equity Investment Analyst/KPERS, 611 S. Kansas Ave., Topeka, 66603, or via e-mail to rfp_deindex_kpers.org. Deadline for submission of questions is May 7.

(3) Beta-Overlay Investment Management Services RFP

Beta-overlay investment management services. A copy of the RFP may be downloaded from the system's Web site at www.kpers.org. All proposals must meet the minimum qualifications as set forth within the RFP. Respondents should deliver three written copies of their proposal to the system's offices by 5 p.m. May 16. Questions about the RFP may be directed in writing to Shannon Kuehler, Portfolio Analyst/KPERS, 611 S. Kansas Ave., Topeka, 66603, or via e-mail to rfp_betaoverlay_kpers.org. Deadline for submission of questions is May 7.

(4) Treasury Inflation Protected Securities (TIPS) Investment Management Services RFP

Treasury inflation protected securities (TIPS) investment management services. A copy of the RFP may be downloaded from the system's Web site at www.kpers.org. All proposals must meet the minimum qualifications as set forth within the RFP. Respondents should deliver three written copies of their proposal to the system's offices by 5 p.m. May 16. Questions about the RFP may be directed in writing to Shannon Kuehler, Portfolio Analyst/KPERS, 611 S. Kansas Ave., Topeka, 66603, or via e-mail to rfp_tips_kpers.org. Deadline for submission of questions is May 7.

Glenn Deck
Executive Director

Doc. No. 035659

**State of Kansas
Speech-Language Pathology/Audiology
Advisory Board**

Notice of Meeting

The Speech-Language Pathology/Audiology Advisory Board will meet at 10 a.m. Thursday, July 17, in Room F of the Kansas National Education Association (KNEA) Building, 715 S.W. 10th Ave., Topeka.

Marla Rhoden, Director
Health Occupations Credentialing

Doc. No. 035645

**State of Kansas
State Corporation Commission**

**Notice of Hearing on Proposed
Administrative Regulations**

The State Corporation Commission will conduct a public hearing at 8:30 a.m. Tuesday, June 24, in the second floor conference room at the office of the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, to consider the adoption of a proposed rule and regulation of the commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to Matthew A. Spurgin, Litigation Counsel, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604, or m.spurgin@kcc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit the time of any oral presentation.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Becky Reid at (785) 271-3231 or the Kansas Relay Center at (800) 776-3777. Accessible parking and entrance is available at the State Corporation Commission offices.

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

K.A.R. 82-4-30a will be permanently amended to adopt the provisions of Unified Carrier Registration for motor carriers designating Kansas as their base state as defined in 49 U.S.C. 14904a(a)(2) as in effect on August 10, 2005. This regulation adopts the fee schedule approved in 49 C.F.R. 367.20 as the fee schedule for motor carriers to pay to the State Corporation Commission. The fee schedule as approved by the Federal Motor Carrier Safety Administration's UCR board would apply a fee to motor carriers between \$39 for carriers with two or fewer commercial motor vehicles to \$37,000 for carriers with 1,001 or more commercial motor vehicles. The fee schedule was approved to allow participating states to generate the same

revenue from motor carrier registrations as was reported for 2004. For Kansas, the fee schedule is estimated to generate \$4.4 million in revenue for the commission.

Susan K. Duffy
Executive Director

Doc. No. 035647

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

Request for Bids

Pursuant to the Kansas Childhood Lead Poisoning Prevention Program, sealed bids for lead hazard reduction at the following properties will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information, call (785) 296-1519:

May 2, 2008

264-08-18

Project Lead Safe KCK

- Property #1 315 N. 15th St.
Kansas City, KS 66102
- Property #2 3515 N. 33rd St.
Kansas City, KS 66104
- Property #3 4341 Wood Ave.
Kansas City, KS 66102
- Property #4 1830 New Jersey Ave.
Kansas City, KS 66102
- Property #5 1419 N. 13th St.
Kansas City, KS 66102
- Property #6 1421 N. 48th St.
Kansas City, KS 66102
- Property #7 1964 N. 25th St.
Kansas City, KS 66104
- Property #8 5017 Rowland Ave.
Kansas City, KS 66104
- Property #9 1416 Wood Ave.
Kansas City, KS 66104
- Property #10 1884 Minnesota Ave.
Kansas City, KS 66102

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 035658

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment and the Unified Government of Wyandotte County/Kansas City, Kansas' Department of Air Quality are soliciting comments regarding a proposed air quality operating permit. Sinclair Transportation Company 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.

Sinclair Transportation Company, Salt Lake City, Utah, owns and operates a petroleum bulk station and terminal facility located at 3401 Fairbanks Ave., Kansas City, 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, Topeka; and at the Department of Air Quality, 619 Ann Ave., Kansas City, Kansas. To obtain or review the proposed permit and supporting documentation, contact Christy Thurman, (785) 296-1593, at the KDHE central office, or Amber Davis, (913) 573-6700, at the Department of Air Quality. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Amber Davis, Department of Air Quality, 619 Ann Ave., Kansas City, KS 66101. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 26.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Christy Thurman, Bureau of Air and Radiation, not later than the close of business May 26 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 follows the EPA's 45-day review period. Interested parties may contact KDHE or the Department of Air Quality 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 Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, 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. 035638

State of Kansas

Department of Health
and EnvironmentNotice 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-08-122/134
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Daniel & Jennifer Gerety Farm-Heideman 1836 160th Road Sabetha, KS 66534	NW/4 of Section 25, T02S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S070

This is a new permit for a new facility for 2,400 head (960 animal units) of swine weighing more than 55 pounds. Two new enclosed buildings with concrete manure waste storage pits below the floor will be constructed at this location.

Name and Address of Applicant	Legal Description	Receiving Water
Turkey Creek Farm Ag Forte, LLC Richard VanderSpek 524 14th Ave. McPherson, KS 67460	SW/4 of Section 04, T21S, R03W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-F004

This is a new permit for an existing facility for 6,800 hens (122.4 animal units) and 500 toms (9 animal units), for a total of 7,300 turkeys (131.4

animal units). The facility consists of two hen buildings (each with a capacity of 3,400 hens), one tom building (with a capacity of 500 toms) and one egg storage/washing building. Process water from the egg storage/washing building is conveyed to a residential retention control structure.

Name and Address of Applicant	Legal Description	Receiving Water
Quivira Pork LLC Pete Sherlock, Chairman 1746 26th Road Hollenberg, KS 66946 Kansas Permit No. A-BBWS-S044	NW/4 of Section 26, T01S, R03E, Washington County	Big Blue River Basin

This permit is being modified and reissued to add 24 feet to the end of an existing building. The maximum capacity for swine weighing more than 55 pounds will change from 1,616 head to 1,644 head. The maximum capacity for swine weighing less than 55 pounds will change from 1,960 to 2,240. The existing waste storage basin is sufficient for the change.

Name and Address of Applicant	Legal Description	Receiving Water
Haw Ranch Feedlot, LLC William Haw P.O. Box 248 Turon, KS 67583 Kansas Permit No. A-ARRN-C001	SW/4 of Section 15 & W/2 of Section 22, T25S, R10W, Reno County	Lower Arkansas River Basin

Federal Permit No. KS0085804
This is a modification and reissuance permit for an existing facility for 35,000 head (35,000 animal units) of beef weighing 700 pounds or more. As a condition of the permit, the facility is proposing the following construction:

- (1) Increasing the storage capacities of Waste Storage Ponds (WSP) 1, 3, 6, 7 and 8 by raising the existing berms.
- (2) Improving the connections between WSP 6, 7 and 8 by excavating a portion of the berm between WSP 6 and 7.
- (3) Redirecting the water tank overflows from WSP 1A to WSP 1 and eliminating Drainage Area H and WSP 1A from the waste management system.

The construction will result in a 245.9-acre facility that consists of eight drainage areas and utilizes 10 WSPs. Head capacity at the facility will not change as a result of the construction.

Name and Address of Applicant	Legal Description	Receiving Water
Hansen Family Dairy, Inc. Stan Hansen 12470 N.W. 30th St. Cunningham, KS 67035 Kansas Permit No. A-ARKM-M005	S/2 of Section 18, T27S, R09W, Kingman County	Lower Arkansas River Basin

This is a reissuance of a permit with a modification for an existing facility for 140 head (196 animal units) of mature dairy cattle and 60 head (60 animal units) of dairy cattle weighing greater than 700 pounds, for a total of 200 head (256 animal units) of dairy cattle. The modification is due to an addition of a retention structure to the facility. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Lantz Dairy Joe Lantz 2644 Ellis Terrace Princeton, KS 66078 Kansas Permit No. A-MCFR-M011	SE/4 of Section 23, T18S, R19E, Franklin County	Marais des Cygnes River Basin

This is a modification and reissuance permit for an existing dairy facility for 60 head (84 animal units) of mature dairy cattle and 10 head (5 animal units) of calves or replacement heifers weighing less than 700 pounds. The facility is required to install controls for the parlor wastewater and improve buffer areas serving concentrated feeding areas.

Name and Address of Applicant	Legal Description	Receiving Water
Fort Hays State University Farm Dr. John Greathouse 600 Park St. Hays, KS 67601 Kansas Permit No. A-SHEL-M001	SW/4 of Section 32, T13S, R18W, Ellis County	Smoky Hill River Basin

This is a modification and reissuance permit for an existing facility with a maximum capacity of 100 head (40 animal units) of swine weighing

more than 55 pounds, 30 head (3 animal units) of sheep and 200 head (280 animal units) of mature dairy cattle, for a total of 330 head (323 animal units). The facility is proposing to construct a freshwater diversion directly west of the RCS, modify the waterway directly north of the RCS, increase the elevation of the RCS' east berm, construct a sediment basin, construct a freshwater diversion along the southern edge of the dairy lots, and construct a waste stacking area. Head capacity at the facility will not change as a result of the construction.

Name and Address of Applicant	Legal Description	Receiving Water
Greving Farms, Inc. 979 W. 1100 Road Prairie View, KS 67664 Kansas Permit No. A-SOPL-B009	SE/4 of Section 23, T02S, R20W, Phillips County	Solomon River Basin

This is a reissuance of a permit for an existing facility for 990 head (990 animal units) of cattle weighing greater than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Estate of Jasper Wigglesworth Formerly known as Farmland Industries James T. Wigglesworth, Administrator 3725 N. 139th St, Kansas City, KS 66109 Kansas Permit No. A-KSWY-S001	NW/4 of Section 30, T10S, R23E, Wyandotte County	Kansas River Basin

This is a reissuance of a permit for an existing facility for 667 head (266.8 animal units) of swine weighing greater than 55 pounds, 770 head (77 animal units) of swine weighing 55 pounds or less, 200 head (200 animal units) of cattle weighing greater than 700 pounds, 300 head (150 animal units) of cattle weighing less than 700 pounds, 100 head (140 animal units) of mature dairy cattle, 40 head (20 animal units) of dairy heifers weighing less than 700 pounds, and 40 cats and 100 dogs (5.4 animal units), for a total of 859.2 animal units.

This is a reissuance of a permit for an existing facility for 558 head (223.2 animal units) of swine weighing greater than 55 pounds and 360 head (36 animal units) of swine weighing 55 pounds or less, for a total of 918 head (259.2 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Rano Gruber 1778 600 Ave. Hope, KS 67451 Kansas Permit No. A-SHDK-S007	NE/4 of Section 11, T16S, R03E, Dickinson County	Smoky Hill River Basin

This is a reissuance of a permit for an existing facility for 558 head (223.2 animal units) of swine weighing greater than 55 pounds and 360 head (36 animal units) of swine weighing 55 pounds or less, for a total of 918 head (259.2 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Yost Nursery Brentan Yost 1153 Chisholm Trail Road Newton, KS 67114 Kansas Permit No. A-LAMN-S001	NE/4 of Section 09, T21S, R01E, Marion County	Little Arkansas River Basin

This is a reissuance of a permit for an existing facility for 3,000 head (300 animal units) of swine weighing 55 pounds or less.

Name and Address of Applicant	Legal Description	Receiving Water
Alvin Meyer 1580 4th Road Marysville, KS 66508 Kansas Permit No. A-BBMS-S006	SW/4 of Section 15, T03S, R06E, Marshall County	Big Blue River Basin

This permit is being reissued for an existing facility for 250 head (125 animal units) of beef 700 pounds or less and 975 head (390 animal units) of swine more than 55 pounds, for a total of 515 animal units. The permit contains a modification for improvements to the existing grass buffer for the open cattle lots. This represents a decrease in the permitted animal units from the previous permit due to a change in facility operation.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Prairie Place Swine Marvin Bell 18445 Harveyville Road Harveyville, KS 66431	SW/4 of Section 03, T14S, R13E, Wabaunsee County	Kansas River Basin

Kansas Permit No. A-KSWB-S010

This is a reissuance of a permit for an existing facility for 705 head (282 animal units) of swine weighing greater than 55 pounds and 2,200 head (220 animal units) of swine weighing 55 pounds or less, for a total of 2,905 head (502 animal units) of swine.

Public Notice No. KS-Q-08-088/099

Name and Address of Applicant	Receiving Stream	Type of Discharge
Cherokee, City of P.O. Box 201 Cherokee, KS 66724	Lightning Creek via Limestone Creek via Wolf Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE12-OO01 Federal Permit No. KS0081230

Legal Description: SW¹/₄, SW¹/₄, SE¹/₄, S13, T31S, R23E, Crawford County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, fecal coliform/E. coli and pH. 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
Dwight, City of P.O. Box 157 Dwight, KS 66849	Laird's Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE20-OO01 Federal Permit No. KS0051675

Legal Description: NW¹/₄, NE¹/₄, NE¹/₄, S13, T14S, R7E, Morris County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, fecal coliform/E. coli, total recoverable zinc and pH. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Girard, City of 120 N. Ozark St. Girard, KS 66743	Lightning Creek via Thunderbolt Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE31-OO01 Federal Permit No. KS0022551

Legal Description: SW¹/₄, S24, T29S, R23E, Crawford County

Facility Description: This action is to re-public notice and reissue an existing permit for an existing wastewater treatment facility. The purpose for the re-public notification is to include a schedule of compliance requiring the permittee to hire a consultant and provide a facility plan and make necessary improvements to the facility to reduce the number and severity of system bypasses. All other terms and conditions of the original public notice remain in force and effect. 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
Hepler, City of P.O. Box 75 Hepler, KS 66746	Walnut Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE34-OO01 Federal Permit No. KS0028533

Legal Description: SE¹/₄, NE¹/₄, S35, T27S, R22E, Crawford County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli, total recoverable copper and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Highland, City of P.O. Box 387 Highland, KS 66035	Missouri River via Mission Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO09-OO01 Federal Permit No. KS0047457

Legal Description: NW¹/₄, SE¹/₄, S23, T2S, R19E, Doniphan County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Neosho Rapids, City of P.O. Box 7 Neosho Rapids, KS 66864	Neosho River via Plum Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE50-OO01 Federal Permit No. KS0117021

Legal Description: NE¹/₄, SW¹/₄, SW¹/₄, S28, T19S, R13E, Lyon County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Oswego, City of P.O. Box 210 Oswego, KS 67356	Labette Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE53-OO01 Federal Permit No. KS0047554

Legal Description: SE¹/₄, NW¹/₄, S20, T33S, R21E, Labette County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, residual chlorine (golf course irrigation) and fecal coliform/E. coli. Monitoring for ammonia, total recoverable copper and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Pittsburg Truck & Travel, LLC c/o Mike & Kathy Rakestraw 10867 N.W. Highway 69 Pittsburg, KS 66762	Spring River via Cow Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-NE57-OO04 Federal Permit No. KS0094391

Legal Description: NW¹/₄, NW¹/₄, NW¹/₄, S20, T31S, R25E, Cherokee County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli, sulfates and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
St. Paul, City of P.O. Box 311 St. Paul, KS 66771	Flat Rock Creek via KDWP Neosho Wildlife Area Wetlands	Treated Domestic Wastewater

Kansas Permit No. M-NE59-0002 Federal Permit No. KS0084174
 Legal Description: E½ NE¼, S24, T29S, R20E, & W½, NW¼, S19, T29S, R21E, Neosho County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli, total recoverable lead and copper, and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Stark, City of P.O. Box 32 Stark, KS 66775	Neosho River via Canville Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE62-0002 Federal Permit No. KS0097373
 Legal Description: SW¼, SE¼, SE¼, S18, T27S, R21E, Neosho County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring for ammonia, fecal coliform/E. coli, total recoverable copper and pH. 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
Strong City, City of P.O. Box 208 Strong City, KS 66869	Cottonwood River via Fox Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE63-0001 Federal Permit No. KS0031178
 Legal Description: E½, NW¼, NE¼, S17, T19S, R8E, Chase County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids. Monitoring for ammonia, fecal coliform/E. coli and pH 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 technology based.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Willis, City of P.O. Box 367 Willis, KS 66434	Middle Fork Wolf River via Hazel Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO31-0001 Federal Permit No. KS0092037
 Legal Description: SW¼, S3, T4S, R17E, Brown County

Facility Description: The proposed action is to reissue an existing permit for an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and fecal coliform/E. coli, as well as monitoring for ammonia and pH. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Public Notice No. KS-NQ-08-015/016

Name and Address of Applicant	Legal Location	Type of Discharge
Parsons LLC dba Neosho Railway Shop 901 N. 25th St. Parsons, KS 67357-0239	S13, T31S, R19E, Labette County	Nonoverflowing

Kansas Permit No. I-NE55-NO04 Federal Tracking No. KSJ000492

Facility Name: Neosho Railway Shop
 Facility Description: The proposed action is to modify an existing wastewater permit for an existing nonoverflowing wastewater stabilization lagoon system. The proposed modification will change the name of the facility and extends the scheduled date for the permittee to submit depth to surface area data and an action leakage rate for each of the two cells in the lagoon. All other terms, conditions and requirements of the existing permit shall remain in full force and effect. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Reno County Commission Department of Public Works 600 Scott Blvd. South Hutchinson, KS 67505	NE¼, NW¼, SE¼, S2, T22S, R6W, Reno County	Nonoverflowing

Kansas Permit No. M-AR49-NO05 Federal Tracking No. KSJ000454
 Facility Name: Reno County Sewer District No. 8

Facility Description: The proposed action is to reissue an existing wastewater permit for an existing nonoverflowing wastewater stabilization lagoon system. The proposed permit contains limits for fecal coliform/E. coli and chlorine residual, as well as monitoring for biochemical oxygen demand, total suspended solids, ammonia, pH and flow of treated wastewater used for golf course irrigation. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Public Notice No. KS-PT-08-008

Name and Address of Applicant	Legal Location	Type of Discharge
Intervet, Inc. / Schering- Plough 2000 Galloping Hills Road Kenilworth, NJ 07033-0530	DeSoto MWWTP	Process Wastewater

Kansas Permit No. P-KS12-0001 Federal Tracking No. KSP000053
 Facility Location: 35500 W. 91st St., De Soto, KS 66018

Facility Description: The proposed action is to reissue an existing pretreatment permit for this facility. This facility used biologicals to produce animal vaccines and has a primary Standard Industrial Classification (SIC) code of 2836. Process wastewater from the manufacture of pharmaceutical products is discharged from the production building. Wastes are neutralized before being discharged to the city sanitary sewer. Approximately 70,000-80,000 gallons of regulated process wastes can be discharged during a given day. The proposed permit includes limits for ammonia, acetone, 4-methyl-2-pentanone(MIBK), isobutyraldehyde, n-amyl acetate, n-butyl acetate, ethyl acetate, isopropyl acetate, methyl formate, methyl cellosolve, isopropyl ether, tetrahydrofuran, benzene, toluene, xylenes, N-hexane, N-heptane, methylene chloride, chloroform, 1,2-dichloroethane, chlorobenzene, o-dichlorobenzene, diethyl amine, triethyl amine, cyanide and pH, as well as monitoring of effluent flow. The permit limits are pursuant to state and federal pretreatment requirements.

Public Notice No. KS-EG-08-004

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for the use of the well(s) described below within the state of Kansas:

Name and Address of Applicant	Well and Permit Number	Location
Enterprise Products Operating, L.L.C. 2610 S. Mohawk Road Hutchinson, KS 67501 Facility Location: Hutchinson, Kansas	Well #1 KS-01-155-008	3448' fsl and 150' fel of SE Corner, Reno County (NE, SE, NE (29-23-6W))

(continued)

Facility Description: The proposed action is to reissue an existing permit for a Class I nonhazardous waste injection well at the location described above. The fluids to be injected are nonhazardous liquid waste consisting of waste brines from the underground hydrocarbon storage operation, and hydrostatic test water generated from on-site pipeline testing. Injection is to be made into the Arbuckle formation through openhole from a depth of 4,157 feet to 4,800 feet. Disposal will be by means of gravity flow; wellhead pressure will not be allowed. The maximum rate of injection will be 1,441,200 gallons per day. All construction, monitoring and operation of this well will meet the requirements that apply to Class I Injection wells under the Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-44.

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 May 24 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-08-122/134, KS-Q-08-088/099, KS-NQ-08-015/016, KS-PT-08-008, KS-UIC-08-004) 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. 035650

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2376:

04/28/2008	11261	Elevator Modernization and Upgrade
05/01/2008	11277	Construct Covered Boat Slip
05/08/2008	11276	Abandoned Well Plugging, Bittle Lease, Ellis County
05/08/2008	11278	Furnish and Install Portable CMM
05/21/2008	11273	Consulting Services, Operational & Informational Management
06/09/2008	11239	Leased Space, Fort Scott

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/.

05/06/2008	A-010517	Masonry Cleaning Tuckpointing & Restoration—Grounds Bldg., Witt Bldg. & Motor Pool, Fort Hays State University, Hays
05/14/2008	A-010738	Acoustical & Lighting Improvements—Student Union Ballroom, Kansas State University, Manhattan
05/15/2008	A-010587	Remodel of 30-Bed Crisis Stabilization—Biddle Bldg. East, Osawatometie State Hospital, Osawatometie
05/15/2008	A-010587(A)	Asbestos Abatement—Biddle Bldg. East Wing Remodel, Osawatometie State Hospital, Osawatometie
05/20/2008	A-010505	Masonry Restoration—Stauffer Flint Hall, University of Kansas, Lawrence
05/20/2008	A-010626	Starbird Nature Center—Milford State Park, Department of Wildlife and Parks, Geary County
05/21/2008	A-010529	Reroof—Brighton Recreation Bldg., Kansas State School for the Blind, Kansas City, Kansas
05/27/2008	A-010573	Tuckpoint, Clean and Seal—Malott Hall, University of Kansas, Lawrence

Chris Howe
Director of Purchases

Doc. No. 035655

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 site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, are seeking competitive bids. Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 7, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454 or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Associate Comptroller/
Director of Purchasing Services

Doc. No. 035636

(Published in the Kansas Register April 24, 2008.)

Summary Notice of Bond Sale
Hodgeman County, Kansas
\$1,700,000

General Obligation Hospital Bonds, Series 2008

(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated April 14, 2008, written and electronic bids will be received on behalf of the clerk of Hodgeman County, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. May 12, 2008, 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. The bonds will be dated June 1, 2008, and will become due September 1 in the years as follows:

Year	Principal Amount
2009	\$100,000
2010	130,000
2011	150,000
2012	160,000
2013	170,000
2014	175,000
2015	185,000
2016	200,000
2017	210,000
2018	220,000

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

nually on March 1 and September 1 in each year, beginning March 1, 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 \$34,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 3, 2008, 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 \$34,978,151. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$5,800,000.

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:

Dena Jordan, Clerk
Hodgeman County Courthouse
P.O. Box 247
Jetmore, KS 67854
(620) 357-6421
Fax (620) 357-6161
E-mail: hg_county_clerk@wan.kdor.state.ks.us

Financial Advisor — Good Faith Deposit Delivery

Address:

George K. Baum & Company
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated April 14, 2008.

Hodgeman County, Kansas

Doc. No. 035651

State of Kansas

Pooled Money Investment Board**Notice of Investment Rates**

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

Effective 4-21-08 through 4-27-08

Term	Rate
1-89 days	2.33%
3 months	1.31%
6 months	1.60%
1 year	1.92%
18 months	2.02%
2 years	2.03%

Daniel J. Nackley
Director of Investments

Doc. No. 035637

(Published in the Kansas Register April 24, 2008.)

Summary Notice of Bond Sale**City of Ogden, Kansas****\$1,060,000****General Obligation Bonds, Series A, 2008****(General obligation bonds payable from unlimited ad valorem taxes)****Bids**

Subject to the notice of bond sale dated April 2, 2008, written bids will be received on behalf of the clerk of the city of Ogden, Kansas (the issuer), at the address set forth below until 3 p.m. May 7, 2008, 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. The bonds will be dated May 15, 2008, and will become due October 1 in the years as follows:

Year	Principal Amount
2009	\$20,000
2010	40,000
2011	40,000
2012	40,000
2013	40,000
2014	45,000
2015	45,000
2016	45,000
2017	50,000
2018	50,000
2019	50,000
2020	55,000
2021	55,000
2022	60,000
2023	65,000
2024	65,000
2025	70,000

2026	70,000
2027	75,000
2028	80,000

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 April 1 and October 1 in each year, beginning April 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 \$21,200 (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 May 28, 2008, 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 \$8,359,355. 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 \$4,079,000.

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.

Financial Advisor - Facsimile Bid and Good Faith**Deposit Delivery Address:**

Ranson Financial Consultants, L.L.C.,

Financial Advisor

200 W. Douglas, Suite 600

Wichita, KS 67202

Attn: John Haas

(316) 264-3400

Fax (316) 265-5403

E-mail: jhaas@ransonfinancial.com

Dated April 2, 2008.

City of Ogden, Kansas
Vincent L. Kramer II, Clerk
222 Riley Ave.
Ogden, KS 66517

Doc. No. 035648

(Published in the Kansas Register April 24, 2008.)

Summary Notice of Sale
City of Olathe, Kansas
\$37,040,000*
General Obligation Bonds, Series 211
\$49,485,000*
General Obligation Temporary Notes
Series 2008-A

2021	1,195,000
2022	1,195,000
2023	1,195,000
2024	1,195,000
2025	1,195,000
2026	1,195,000
2027	1,195,000
2028	1,195,000

(General obligation notes and bonds payable from unlimited ad valorem taxes)

Bids

Written and electronic (as explained below) bids for the purchase of the above-referenced bonds and notes of the city of Olathe, Kansas (the issuer), herein described, will be received on behalf of the issuer by the undersigned director of strategic financial management of the issuer, in the case of written bids, at the address hereinafter set forth, and in the case of electronic bids, via PARITY, on May 6, 2008 (the sale date), until the times set forth in the following table:

Series	Submittal Hour (C.D.T.)
Series 2008-A Notes	Noon
Series 211 Bonds	12:30 p.m.

All bids will be publicly evaluated at said time and place and the award of the bonds and notes will be acted upon by the governing body at its meeting to be held at 7 p.m. on the sale date. No oral or auction bids will be considered.

Note Details

Each series of the notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Each series of the notes will be dated May 15, 2008, and will become due June 1, 2009. Each series of the notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable December 1, 2008, and at maturity (the interest payment dates). The city treasurer will be the paying agent and registrar for the notes.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated May 15, 2008, and will become due October 1 in the years as follows:

Year	Principal Amount
2009	\$2,500,000
2010	2,510,000
2011	2,510,000
2012	2,510,000
2013	2,510,000
2014	2,510,000
2015	2,510,000
2016	2,510,000
2017	2,510,000
2018	2,510,000
2019	1,195,000
2020	1,195,000

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 April 1 and October 1 in each year, beginning October 1, 2008. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the bonds.

Book-Entry-Only System

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

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 1 percent of the principal amount of the notes and in the amount 2 percent of the principal amount of the bonds.

Delivery

The issuer will pay for printing the bonds and notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about May 29, 2008, to DTC for the account of the successful bidder(s).

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the issuer for the year 2007 is \$1,510,295,140. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds and the notes, including the bonds and notes being sold, is \$217,340,000.

Approval of Bonds and Notes

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

Additional Information

Additional information regarding the bonds and notes 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:

201 N. Cherry, 2nd Floor
 Olathe, KS 66061
 (913) 971-6212
 Fax (913) 971-6283

(continued)

Financial Advisor

George K. Baum & Company
4801 Main St., Suite 500
Kansas City, MO 64112
Attn: David Arteberry
(816) 474-1100
Fax (816) 283-5326

Dated April 1, 2008.

City of Olathe, Kansas
Debra Gragg, Clerk

Doc. No. 035649

State of Kansas**Department of Credit Unions****Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be held by the administrator of the Kansas Department of Credit Unions at 10 a.m. Tuesday, July 8, in the Kansas Department of Credit Unions' conference room, Suite B, American Home Life Insurance Company Building, 400 S. Kansas Ave., Topeka, to consider the approval and adoption of proposed administrative regulations by the Kansas Department of Credit Unions.

The proposed regulations that will be heard during the public hearing are as follows:

K.A.R. 121-10-1 and **K.A.R. 121-10-2** define terms and prescribe the audit requirements for credit unions by various asset sizes.

There will be minimal economic impact on governmental agencies, credit unions and the general public as a result of the proposed regulations.

This 60-day notice prior to the hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed administrative regulations. All interested parties may submit written comments prior to the hearing to John P. Smith, Administrator, Kansas Department of Credit Unions, 400 S. Kansas Ave., Suite B, Topeka, 66603, or by e-mail to kdcuoffice@kdcu.ks.gov.

All interested parties will be given a reasonable opportunity at the hearing to present their views. During the hearing, all written and oral comments submitted by interested parties will be considered by the administrator as a basis for approving, amending and approving, or rejecting the proposed administrative regulations. Any person requiring visual or communication aid or assistance, building access assistance or similar assistance should contact the department so appropriate arrangements can be made.

Copies of the regulations and the economic impact statements may be obtained at the address above or by calling (785) 296-3021.

John P. Smith
Administrator

Doc. No. 035652

(Published in the Kansas Register April 24, 2008.)

**Summary Notice of Bond Sale
City of Junction City, Kansas**

\$3,270,000*

**General Obligation Bonds
Series DQ**

\$10,265,000*

**Taxable General Obligation Bonds
Series DR**

Dated May 15, 2008

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

Bids

Subject to the notice of bond sale dated April 15, 2008, separate written and electronic bids will be received on behalf of the clerk of the city of Junction City, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. May 6, 2008, for the purchase of the above-referenced bonds (the Series DQ Bonds, the Series DR Bonds, or collectively, the bonds). No bid of less than 100 percent of the principal amount of each series of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details — General

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof (the authorized denomination). The bonds will be dated May 15, 2008 (the dated date), and will bear interest from the dated date at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2009 (the interest payment dates).

Series DQ Bonds

The Series DQ Bonds will become due in principal installments on September 1 in the years as follows:

Year	Principal Amount*
2009	\$ 60,000
2010	110,000
2011	115,000
2012	120,000
2013	125,000
2014	135,000
2015	140,000
2016	145,000
2017	150,000
2018	155,000
2019	165,000
2020	170,000
2021	175,000
2022	185,000
2023	195,000
2024	205,000
2025	215,000
2026	225,000
2027	235,000

2028 245,000

Series DR Bonds

The Series DR Bonds will become due in principal installments on September 1 in the years as follows:

Year	Principal Amount*
2009	\$ 70,000
2010	285,000
2011	300,000
2012	320,000
2013	345,000
2014	365,000
2015	390,000
2016	415,000
2017	440,000
2018	465,000
2019	495,000
2020	530,000
2021	565,000
2022	605,000
2023	650,000
2024	695,000
2025	745,000
2026	800,000
2027	860,000
2028	925,000

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 2 percent of the principal amount of each series 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 May 28, 2008, 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 \$157,743,803. 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 \$120,625,000.

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 financial advisor at the address set forth below.

Written and Facsimile Bid and Good Faith Deposit Delivery Address:

Tricia Gowen, Clerk
 City Hall
 7th & Jefferson, P.O. Box 287
 Junction City, KS 66441
 (785) 238-3103
 Fax (785) 223-4262
 E-mail: tricia.gowen@jcks.com

Financial Advisor - Good Faith Deposit Delivery Address:

George K. Baum & Company
 4801 Main St., Suite 500
 Kansas City, MO 64112
 Attn: David G. Arteberry, Senior Vice President
 (800) 821-7195
 Fax (816) 283-5326
 E-mail: arteberry@gkbaum.com

Dated April 15, 2008.

City of Junction City, Kansas

* Subject to change.

Doc. No. 035657

State of Kansas

**Social and Rehabilitation Services
 Department on Aging
 Kansas Health Policy Authority**

Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2009;

Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan; Request for Written Comments; and Notice of Intent to Publish Final Rates

Under the Medicaid program, 42 U.S.C. 1396 et seq., the state of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the nursing facility program, which includes hospital long-term care units, and the Secretary of Social and Rehabilitation Services administers the nursing facility for mental health program. Both secretaries act on behalf of the Kansas Health Policy Authority (KHPA), the single state Medicaid agency. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department on Aging (KDOA) and the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2009, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications

(continued)

for those proposed rates. SRS and KDOA are also providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U.S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2008.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facilities.

In general, the state uses a prospective, cost-based, facility-specific rate-setting methodology to calculate nursing facility Medicaid per diem rates, including the rates listed in this notice. The state's rate-setting methodology is contained primarily in the following described documents and authorities and in the exhibits, attachments, regulations, or other authorities referenced in them:

A. The following portions of the Kansas Medicaid State Plan are maintained by KHPA:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
2. Attachment 4.19D, Part I, Subpart J; and
3. Attachment 4.19D, Part I, Subpart K.

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provision set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2008. The proposed Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state's rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state will charge a fee for copies. Written requests for copies should be sent to:

Secretary of Aging
New England Building, 2nd Floor
503 S. Kansas Ave.
Topeka, KS 66603-3404
Fax (785) 296-0767

A.1 Attachment 4.19D, Part I, Subpart C, Exhibit C-1: Methods and Standards for Establishing Payment Rates for Nursing Facilities

Under the Medicaid program, the state of Kansas pays nursing facilities (NF), nursing facilities for mental health (NFMH), and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The narrative explanation of the nursing facility reimbursement formula is divided into twelve sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, Retroactive Rate Adjustments, and Comparable Private Pay Rates.

(1) Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kan-

sas Administrative Regulation (K.A.R.) 30-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers' accounting records.

All cost reports are desk reviewed by agency auditors. Adjustments are made, when necessary, to the reported costs in arriving at the allowable historic costs for the rate computations.

Calendar Year End Cost Reports:

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in K.A.R. 30-10-17.

When a non-arms length change of provider takes place or an owner of the real estate assumes the operations from a lessee, the facility will be treated as an ongoing operation. In this situation, the related provider or owner shall be required to file the calendar year end cost report. The new operator or owner is responsible for obtaining the cost report information from the prior operator for the months during the calendar year in which the new operator was not involved in running the facility. The cost report information from the old and new operators shall be combined to prepare a 12-month calendar year end cost report.

Projected Cost Reports:

The filing of projected cost reports are limited to: (1) newly constructed facilities; (2) existing facilities new to the Medicaid program; or (3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 30-10-17.

(2) Rate Determination

Rates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2005, 2006, and 2007.

If the current provider has not submitted a calendar year report between 2005 and 2007, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider's base cost data.

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in K.A.R. 30-10-18.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the mid-

point of that year to the midpoint of the rate payment period. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

The inflated allowable historic per diem cost for each cost center is then compared to the cost center upper payment limit. The allowable per diem rate is the lesser of the inflated allowable historic per diem cost in each cost center or the cost center upper payment limit. Each cost center has a separate upper payment limit. If each cost center upper payment limit is exceeded, the allowable per diem rate is the sum of the three cost center upper payment limits. There is also a separate upper payment limit for owner, related party, administrator, and co-administrator compensation. The upper payment limits will be explained in more detail in a separate section.

The case mix of the residents adjusts the Direct Health Care cost center. The reasoning behind a case mix payment system is that the characteristics of the residents in a facility should be considered in determining the payment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor, the real and personal property fee, and per diem pass-throughs to cover costs not included in the cost report data. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. Pass-throughs are explained in separate subparts of Attachment 4.19D of the State Plan. The add-ons plus the allowable per diem rate equal the total per diem rate.

Rates for New Construction and New Facilities (New Enrollment Status)

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program, shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to the midpoint of the rate payment period. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to the midpoint of the rate payment period. The provider shall remain in new enrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

Rates for Facilities Recognized as a Change of Provider (Change of Provider Status)

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner

or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2005 to 2007. If base cost data is not available the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to the midpoint of the rate payment period. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to the midpoint of the rate payment period. The provider shall remain in change-of-provider status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

Rates for Facilities Re-entering the Program (Reenrollment Status)

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding calendar year 2005.

All cost data used to set rates for facilities reentering the program shall be adjusted to the midpoint of the rate payment period. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to the midpoint of the rate payment period. The provider shall remain in reenrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

(3) Quarterly Case Mix Index Calculation

Providers are required to submit to the agency the uniform assessment instrument, which is the Minimum Data Set (MDS), for each resident in the facility. The MDS assessments are maintained in a computer database.

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.12b case mix indices developed

(continued)

by the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the state.

Each resident in the facility on the first day of each calendar quarter with a completed and submitted assessment shall be assigned a RUG-III 34 group calculated on the resident's most current assessment available on the first day of each calendar quarter. This RUG-III group shall be translated to the appropriate CMI. From the individual resident case mix indices, three average case mix indices for each Medicaid nursing facility shall be determined four times per year based on the assessment information available on the first day of each calendar quarter.

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents, including those receiving hospice services, where Medicaid is known to be a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is the simple average, carried to four decimal places, of all indices for residents where neither Medicaid nor Medicare were known to be the per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. Case mix indices for ventilator-dependent residents for whom additional reimbursement has been determined shall be excluded from the average CMI calculations.

The resident listing cut-off for calculating the average CMIs will be the first day of the quarter before the rate is effective. The following are the dates for the resident listings and the quarter in which the average Medicaid CMIs will be used in the quarterly rate-setting process.

Rate Effective Date:	Cut-Off Date:
July 1	April 1
October 1	July 1
January 1	October 1
April 1	January 1

The resident listings will be mailed to providers prior to the dates the quarterly case mix adjusted rates are determined. This will allow the providers time to review the resident listings and make corrections before they are notified of new rates. The cut off schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

(4) Resident Days

Facilities with 60 beds or less:

For facilities with 60 beds or less, the allowable historic per diem costs for all cost centers are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data.

Facilities with more than 60 beds:

For facilities with more than 60 beds, the allowable historic per diem costs for the Direct Health Care cost center and for food and utilities in the Indirect Health Care cost center are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data. The allowable historic per diem cost for the Operating and Indirect Health Care Cost Centers less food and utilities is subject to an 85% minimum occupancy rule. For these providers, the greater of the actual resident days for the cost report period(s) used to establish the base cost data or the 85% minimum occupancy based on the number of licensed bed days during the cost report period(s) used to establish the base cost data is used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food and utilities. All licensed beds are required to be certified to participate in the Medicaid program.

There are two exceptions to the 85% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previous provider. If the 85% minimum occupancy rule was applied to the previous provider's rate, it is also applied when the rate is assigned to the new provider. However, when the new provider files a historic cost report for any part of the first 12 months of operation, the rate determined from the cost report will be based on actual days and not be subject to the 85% minimum occupancy rule for the months in the first year of operation. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

(5) Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to the midpoint of the rate payment period. The inflation will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index).

The DRI Indices listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

The inflation factor will not be applied to the following costs:

- (1) Owner/Related Party Compensation
- (2) Interest Expense
- (3) Real and Personal Property Taxes

The inflation factor for the real and personal property fees will be based on the Data Resources, Inc., National Skilled Nursing Facility Total Market Basket Index (DRI

Index). An additional 12 months of inflation will be applied to the real and personal property fees in effect June 1.

(6) Upper Payment Limits

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and personal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a State Plan amendment.

Owner/Related Party/Administrator/Co-Administrator Limits:

Since salaries and other compensation of owners are not subject to the usual market constraints, specific limits are placed on the amounts reported. First, amounts paid to non-working owners and directors are not an allowable cost. Second, owners and related parties who perform resident related services are limited to a salary chart based on the Kansas civil service classifications and wages for comparable positions. Owners and related parties who provide resident related services on less than a full time basis have their compensation limited by the percent of their total work time to a standard work week. A standard work week is defined as 40 hours. The owners and related parties must be professionally qualified to perform services which require licensure or certification.

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

The Schedule C is an array of non-owner administrator and co-administrator salaries. The schedule includes the calendar year 2007 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. The Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the rate setting.

The Schedule C is used to set the per diem limitation for all non-owner administrator and co-administrator salaries and owner/related party compensation in excess of the civil service based salary limitation schedule. The per diem limit for a 50-bed or larger home is set at the 90th percentile on all salaries reported for non-owner administrators and co-administrators. A limitation table is then established for facilities with less than 50 beds. This table begins with a reasonable salary per diem for an admin-

istrator of a 15-bed or less facility. The per diem limit for a 15-bed or less facility is inflated based on the State of Kansas annual cost of living allowance for classified employees for the rate period. A linear relationship is then established between the compensation of the administrator of the 15-bed facility and the compensation of the administrator of a 50-bed facility. The linear relationship determines the per diem limit for the facilities between 15 and 50 beds.

The per diem limits apply to the non-owner administrators and co-administrators and the compensation paid to owners and related parties who perform an administrative function or consultant type of service. The per diem limit also applies to the salaries in excess of the civil service based salary chart in other cost centers that are transferred to the operating cost center.

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit will be 105% of the median determined from a total resident day-weighted array of the inflated property fees.

Cost Center Upper Payment Limits

The Schedule B computer run is an array of all per diem costs for each of the three cost centers-Operating, Indirect Health Care, and Direct Health Care. The schedule includes a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to the midpoint of the rate payment period. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the DRI Index.

Certain costs are exempt from the inflation application when setting the upper payment limits. They include owner/related party compensation, interest expense, and real and personal property taxes.

The final results of the Schedule B run are the median compilations. These compilations are needed for setting the upper payment limit for each cost center. The median for each cost center is weighted based on total resident days. The upper payment limits will be set using the following:

Operating	110% of the median
Indirect Health Care	115% of the median
Direct Health Care	120% of the median

Direct Health Care Cost Center Limit:

The Kansas reimbursement methodology has a component for a case mix payment adjustment. The Direct

(continued)

Health Care cost center rate component and upper payment limit are adjusted by the facility average CMI.

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of the quarterly facility-wide average case mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the financial and statistical reporting period. For example, a 01/01/20XX-12/31/20XX financial and statistical reporting period would use the facility-wide average case mix indices for quarters beginning 04/01/XX, 07/01/XX, 10/01/XX and 01/01/XY. The statewide average CMI is the resident day-weighted average, carried to four decimal places, of the facility cost report period case mix indices for all Medicaid facilities.

The statewide average CMI and facility cost report period CMI are used to set the upper payment limit for the Direct Health Care cost center. The limit is based on all facilities with a historic cost report in the database. There are three steps in establishing the base upper payment limit.

The first step is to normalize each facility's inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the facility's cost report period CMI by the statewide average CMI for the cost report year, then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are 8 million resident days, the facility in the array with the 4 millionth day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$60 and the upper payment limit is based on 120% of the median, then the upper payment limit for the statewide average CMI would be \$72 ($D=120\% \times \60).

(7) Quarterly Case Mix Rate Adjustment

The allowance for the Direct Health Care cost component will be based on the average Medicaid CMI in the facility. The first step in calculating the allowance is to determine the Allowable Direct Health Care Per Diem Cost. This is the lesser of the facility's per diem cost from the base cost data period or the Direct Health Care upper payment limit. Because the direct health care costs were previously adjusted for the statewide average CMI, the Allowable Direct Health Care Per Diem Cost corresponds to the statewide average CMI.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The Medicaid CMI is divided by the statewide average CMI for the cost data period. This answer is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated quarterly to account for changes in the Medicaid CMI. To illustrate this calculation take the following situation: The facility's direct health care per diem cost is \$60.00, the Direct Health Care per diem limit is \$72.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$60.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the answer by the Allowable Direct Health Care Cost. In this case that would result in \$54.00 ($0.9000/1.0000 \times \60.00). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next quarter rose to 1.1000, the Medicaid Acuity Adjustment would be \$66.00 ($1.1000/1.0000 \times \60.00). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

(8) Real And Personal Property Fee

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor. The differentiation of fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor.

The property fees in effect on June 1, 2008 were inflated with 12 months of inflation effective July 1, 2008. The inflation factor was from the Data Resources, Inc.-WEFA, National Skilled Nursing Facility Total Market Basket Index (DRI Index). The providers received the lower of the inflated property fee or the upper payment limit.

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall

have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in (K.A.R. 30-10-25).

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in (K.A.R. 30-10-25). The rebased property fee is subject to the upper payment limit.

(9) Incentive Factors

An incentive factor will be awarded to both NF and NF-MH providers that meet certain outcome measures criteria. The criteria for NF and NF-MH providers will be determined separately based on arrays of outcome measures for each provider group.

Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to three dollars. It is designed to encourage quality care and efficiency. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. The most recent cost report data for each provider will be used to determine the outcome measures. Each provider is awarded points based on their outcome measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 4.40, which is 120% of the statewide NF median of 3.67. They will receive one point if the ratio is less than 120% of the NF median but greater than or equal to 4.04, which is 110% of the statewide NF median. Providers with staffing ratios below 110% of the NF median will receive no points for this incentive measure.

Providers may earn up to two points for their occupancy outcome measures. If they have total occupancy greater than or equal to 90% they will earn one point. If they have Medicaid occupancy greater than or equal to 60% they will also earn one point. Providers that meet both of these criteria will receive a total of two incentive points for occupancy outcomes and providers that fail to meet either criterion will receive zero points for occupancy.

Providers may earn one point for low operating expenses. Providers with per diem operating expenses below \$21.65, 90% of the statewide median per diem operating expense (\$24.05), will earn one point.

Providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 46%, the 75th percentile

statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 46% but equal to or below 72%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 73%, the 75th percentile statewide will earn two points. Providers with staff retention rates at or above 64%, the 50th percentile statewide will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome:	Incentive Points:
(1) CMI adjusted staffing ratio \geq 120% (4.40) of state median (3.67), or CMI adjusted staffing ratio between 110% (4.04) and 120%	2, or 1
(2) Total occupancy \geq 90%	1
Medicaid occupancy \geq 60%	1
(3) Operating expenses < \$21.65, 90% of state median (\$24.05)	1
(4) Staff turnover rate equal to or better than the 75th percentile, 46%	2, or 1
Staff turnover rate > 46% but equal to or better than the 50th percentile, 72%	
Contracted labor < 10% of total direct health care labor costs	
(5) Staff retention > 75th percentile, 73%	2, or 1
Staff retention > 50th percentile, 64%	1
Total Incentive Points Available	9

The Schedule E is an array containing the incentive points awarded to each provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider's incentive factor based on the following table.

Total Incentive Points:	Incentive Factor Per Diem:
Tier 1: 6-9 points	\$3.00
Tier 2: 5 points	\$2.00
Tier 3: 4 points	\$1.00
Tier 4: 0-3 points	\$0.00

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:

The Quality and Efficiency Incentive plan for Nursing Facilities for Mental Health (NFMH) will be established separately from NF. NFMH serve people who often do not need the NF level of care on a long term basis. There is a desire to provide incentive for NFMH to work cooperatively and in coordination with Community Mental Health Centers to facilitate the return of persons to the community.

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to three dollars. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case-mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. Each pro-

(continued)

vider is awarded points based on their outcome measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.46, which is 120% of the statewide NFMH median of 2.88. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.17, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

NFMH providers may earn one point for low occupancy outcomes measures. If they have total occupancy less than 90% they will earn a point.

NFMH providers may earn one point for low operating expense outcomes measures. They will earn a point if their per diem operating expenses are below \$20.00, or 90% of the statewide median of \$22.22

NFMH providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 33%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 33% but equal to or below 48%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 80%, the 75th percentile statewide will earn two points. Providers with staff retention rates at or above 72%, the 50th percentile statewide will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome:	Incentive Points:
(1) CMI adjusted staffing ratio \geq 120% (3.46) of state median (2.88), or CMI adjusted staffing ratio between 110% (3.17) and 120%	2, or 1
(2) Total occupancy < 90%	1
(3) Operating expenses < \$20.00, 90% of NFMH median (\$22.22)	1
(4) Staff turnover rate at or better than the 75th percentile, 33%	2, or 1
Staff turnover rate > 33% but at or better than the 50th percentile, 48%	
Contracted labor < 10% of total direct health care labor costs	
(5) Staff retention > 75th percentile, 80%	2, or
Staff retention > 50th percentile, 72%	1
Total Incentive Points Available	8

The Schedule E is an array containing the incentive points awarded to each NFMH provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider's incentive factor based on the following table.

Total Incentive Points:	Incentive Factor Per Diem:
Tier 1: 6-8 points	\$3.00

Tier 2: 5 points	\$2.00
Tier 3: 4 points	\$1.00
Tier 4: 0-3 points	\$0.00

(10) Rate Effective Date

Rate effective dates are determined in accordance with K.A.R. 30-10-19. The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

(11) Retroactive Rate Adjustments

Retroactive adjustments, as in a retrospective system, are made for the following three conditions:

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

If a projected cost report is approved to determine an interim rate, a settlement is also made after a historic cost report is filed for the same period.

All settlements are subject to upper payment limits. A provider is considered to be in projection status if they are operating on a projected rate and they are subject to the retroactive rate adjustment.

(12) Comparable Private Pay Rates

The last factor considered in determining a provider's Medicaid per diem payment rate is their private pay rate. Providers are reimbursed the lower of the calculated Medicaid rate or their private pay rate. The agency maintains a registry of private pay rates. It is the responsibility of the providers to send in private pay rate updates so that the registry is updated. When new Medicaid rates are determined, if the private pay rate reflected in the registry is lower, then the provider is held to that private pay rate until the provider sends notification that it has a higher private pay rate.

Case Mix Adjustments to Private Pay Rates:

Private pay rates submitted to the agency are adjusted up if a provider's average private pay/other CMI is lower than its Medicaid average CMI. This is accomplished by multiplying the provider's average private pay rate in the private pay registry by the ratio of their Medicaid average CMI to their average private pay/other CMI. This ensures that providers' Medicaid rates are not limited to a lower private pay rate that may be attributed to the lower acuity of the private pay residents. There is no adjustment to private pay rates if the facility's Medicaid average CMI is less than its average private pay/other CMI. There is also no adjustment to private pay rates if the facility's total Medicaid rate is less than its average private pay rate.

A.2 Attachment 4.19D, Part I, Subpart J

To compensate providers for increased expenses incurred to raise employees' wages to the new minimum wage effective July 1, 2008 (\$6.55), a per diem pass-through will be determined and added on to each qualifying provider's per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the minimum wage pass-through.

(1) Qualifying Providers

In order to qualify for the minimum wage pass-through, a provider must submit a pass-through application on the forms provided by the Kansas Department on Aging. The application will document the hourly wages of all affected employees prior to the implementation of the new minimum wage. Wage increases made prior to June 1, 2008 will not be eligible for the minimum wage pass-through. Providers will also estimate and report the number of hours each affected employee is expected to work during state fiscal year 2009 (the 12 months beginning July 1, 2008 and ending June 30, 2009). Completed applications must be returned to the Kansas Department prior to September 30, 2008.

(2) Per Diem Pass-Through Calculation

The per diem pass-through will be determined by first estimating the total impact of increasing wages to the new minimum wage, and then dividing by resident days to get a per diem add-on. The total impact of increasing wages to the new minimum wage will be determined for each provider through three steps. First the incremental wage increase to the new minimum wage will be calculated for each affected employee. Second the individual impact for each affected employee will be determined by multiplying the incremental wage increase by the estimated hours each affected employee is expected to work during fiscal year 2009. Finally the total impact of the minimum wage increase for each provider will be the sum of the individual impacts determined for each employee. A per diem pass-through add-on will then be calculated by dividing each provider's estimated total impact by the provider's 2007 resident day total.

As an example, consider an employer that has ten employees receiving a wage of \$6.05 prior to July 1, 2008. If the employer raises their wages effective July 1, 2008, the incremental wage increase due to the new minimum wage will be \$0.50. If each employee is expected to work 2,000 hours during fiscal year 2009, the total impact per employee will be \$1,000 ($\$0.50 \times 2,000$ hrs). The total estimated impact for the provider will be \$10,000 ($\$1,000 \times 10$). If the employer provided 10,000 resident days during 2007, the pass-through per diem will be $\$10,000/10,000$ days, or \$1.00.

(3) Per Diem Limits

No per diem add-on will be implemented that is not equal to or greater than \$0.10.

(4) Effective Dates

Pass-through applications received prior to June 30, 2008 will be effective July 1, 2008. After that date, each provider's per diem pass-through will be effective on the first day of the month following the receipt of a completed application. No pass-through per diems will be implemented after October 1, 2008.

(5) Phasing Out the Pass-Through

The per diem pass-through will be phased out as the effects of the minimum wage increase are reflected in the cost reports. Since it will take several years before all the base cost data reflects the new minimum wage, the pass-through per diems determined for fiscal year 2009 will be inflated for each subsequent fiscal year. Inflation will be

determined using the Data Resources, Inc. National Skilled Nursing Facility Market Basket Without Capital Index.

The pass-through per diems will also be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new minimum wage costs. For example, a provider that incurs a new expense for raising wages to the minimum wage on July 1, 2008, will have six months of that new cost reflected in their 2008 cost report. When rates are determined for state fiscal year 2010, beginning July 1, 2009, the base cost period will be the 36-month period beginning January 1, 2006 and ending December 31, 2008. Only six months of the 36-month base cost data will reflect the increased cost of raising the minimum wage. Thus 5/6 or 83% of the cost data used to set the fiscal year 2010 rates will not reflect the minimum wage increase. Therefore the inflated minimum wage pass-through from fiscal year 2009 will be paid at 83% for fiscal year 2010.

During the phasing out of the minimum wage pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation.

(6) Auditing and Adjustments

Each qualifying providers' application and supporting documentation for the minimum wage pass-through will be subject to desk review and field audit and may be revised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through will be implemented. Retroactive rate adjustments will be made when necessary.

A.2 Attachment 4.19D, Part I, Subpart K

To compensate providers for increased expenses incurred due to the transfer of responsibility for all durable medical equipment to the nursing home program, a per diem pass-through will be determined and added on to each provider's per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the DME pass-through.

(1) Qualifying Providers

All providers with costs reported on line 507 of the Medicaid cost report will be eligible to receive the DME pass-through.

(2) Per Diem Pass-Through Calculation

The per diem pass-through will be determined by dividing the inflated unadjusted costs reported on line 507 for the base cost data period effective July 1, 2008, by the non-Medicaid days reported for the same period. Non-Medicaid resident days will be determined by subtracting Medicaid resident days from total resident days.

As an example, consider a provider that reported \$1,000 on line 507 for each year in the base cost data period from 2005 through 2007. The cost will first be inflated for each year based on the DRI factors applied to cost data used to determine the base reimbursement rates. For 2005 the inflated cost would be \$1,134, for 2006 the inflated costs would be \$1,089, and for 2007 the inflated costs would be \$1,055. The total inflated costs would be \$3,278. If the provider reported 30,000 resident days during the

(continued)

base cost data period and 20,000 Medicaid days, the non-Medicaid resident day total would be 10,000 (30,000 — 20,000). The DME pass-through per diem would then be \$0.33 (\$3,278 / 10,000 rounded to the nearest hundredth).

(3) Per Diem Limits

No per diem add-on will be implemented that is not equal to or greater than \$0.10.

(4) Effective Dates

The durable medical equipment pass-through will be effective July 1, 2008.

(5) Phasing Out the Pass-Through

The per diem pass-through will be phased out as the effects of transferring responsibility for all DME to the nursing home program are reflected in the cost reports. Since it will take several years before all the base cost data reflects the new DME expenses, the pass-through per diems determined for fiscal year 2009 will be inflated for each subsequent fiscal year. Inflation will be determined using the Data Resources, Inc. National Skilled Nursing Facility Market Basket Without Capital Index.

The pass-through per diems will also be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new DME expenses. For example, most providers will begin incurring the additional DME expenses on July 1, 2008. Their 2008 cost reports will reflect six months of that expense. When rates are determined for state fiscal year 2010, beginning July 1, 2009, the base cost period will be the 36-month period beginning January 1, 2006 and ending December 31, 2008. Only six months of the 36-month base cost data will reflect the increased cost of DME. Thus 5/6 or 83% of the cost data used to set the fiscal year 2010 rates will not reflect the new DME expense. Therefore the inflated DME pass-through from fiscal year 2009 will be paid at 83% for fiscal year 2010.

During the phasing out of the minimum wage pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation.

(6) Auditing and Adjustments

Each qualifying providers' cost report and supporting documentation used to determine the DME pass-through will be subject to desk review and field audit and may be revised based on those findings. Corrections that result in a \$0.10 or greater per diem change to the pass-through will be implemented. Retroactive rate adjustments will be made when necessary.

II. Proposed Medicaid Per Diem Rates for Kansas Nursing Facilities.

A. Cost Center Limitations: The state proposes the following cost center limitations which are used in setting rates effective July 1, 2008.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$29.19
Indirect Health Care	115% of the Median Cost	\$41.31
Direct Health Care	120% of the Median Cost	\$82.80
Real and Personal Property Fee	105% of the Median Fee	\$8.57

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 0.9763, which is the statewide average.

B. Case Mix Index. These proposed rates are based upon each nursing facility's Medicaid average CMI calculated with a cutoff date of April 1, 2008, using the July 1, 2008 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its proposed per diem rate.

C. Proposed Nursing Facility Per Diem Rates and CMI.

The following list includes the calculated Medicaid rate for each nursing facility provider currently enrolled in the Medicaid program and the Medicaid case mix index used to determine each rate.

Facility Name	City	Proposed Daily Rate	Medicaid CMI
Village Manor	Abilene	142.57	0.9933
Alma Manor	Alma	143.73	0.9254
Life Care Center of Andover	Andover	143.74	1.1465
Anthony Community Care Center	Anthony	120.35	0.9546
Medicalodges Arkansas City	Arkansas City	156.20	0.9167
Medicalodge North of Arkansas City	Arkansas City	141.14	0.9737
Arkansas City Presbyterian Manor	Arkansas City	151.87	1.0416
Deseret Nursing & Rehab. at Arma, Inc.	Arma	107.61	0.8988
Ashland Health Center - LTCU	Ashland	154.50	0.9657
Medicalodges Atchison	Atchison	147.12	1.0483
Atchison Senior Village	Atchison	148.13	0.9515
Dooley Center	Atchison	138.62	0.6629
Attica Long Term Care	Attica	147.15	0.9964
Good Samaritan Society-Atwood	Atwood	138.23	0.9129
Lake Point Nursing Center	Augusta	115.57	0.8948
Baldwin Care Center	Baldwin City	141.83	1.1964
Quaker Hill Manor	Baxter Springs	123.52	1.1629
Catholic Care Center Inc.	Belaire	156.63	1.0055
Great Plains of Republic County, Inc.	Belleville	151.96	0.8864
Belleville Health Care Center	Belleville	108.89	0.9236
Great Plains of Mitchell County, Inc.	Beloit	156.65	0.9500
Hilltop Lodge Nursing Home	Beloit	139.68	1.0158
Bonner Springs Nurs. and Rehab. Ctr	Bonner Springs	128.90	0.9841
Hill Top House	Bucklin	149.95	1.0415
Buhler Sunshine Home, Inc.	Buhler	149.15	0.9848
Life Care Center of Burlington	Burlington	127.64	1.0242
Caney Nursing Center	Caney	86.69	0.7891
Eastridge Nursing Home	Centralia	147.67	0.9765
Heritage Health Care Center	Chanute	122.77	1.1000
Chanute Health Care Center	Chanute	132.70	1.0151
Applewood Rehabilitation	Chanute	78.81	0.7749
Chapman Valley Manor	Chapman	117.34	0.8737
Cheney Golden Age Home Inc.	Cheney	131.09	0.9800
Cherryvale Care Center	Cherryvale	123.48	0.9608
Chetopa Manor	Chetopa	109.81	1.0747
The Shepherd's Center	Cimarron	123.21	0.9036
Medicalodges Clay Center	Clay Center	156.25	0.9985
Clay Center Presbyterian Manor	Clay Center	169.99	1.1038
Clearwater Ret. Community	Clearwater	120.60	0.9383
Community Care Inc.	Clifton	101.13	0.8664
Park Villa Nursing Home	Clyde	100.03	0.7763
Coffeyville Regional Medical Center	Coffeyville	230.39	1.7900
Windsor Place	Coffeyville	128.02	1.0138
Medicalodges Coffeyville	Coffeyville	133.95	1.0318
Deseret Nursing & Rehab at Colby	Colby	103.65	0.9707
Prairie Senior Living Complex	Colby	147.15	0.8568
Pioneer Lodge	Coldwater	113.51	0.8375
Medicalodges Columbus	Columbus	168.88	1.1378
Mt Joseph Senior Village,LLC	Concordia	121.66	0.9524
Sunset Home, Inc.	Concordia	138.40	0.9608
Spring View Manor	Conway Springs	98.45	0.8186
Golden Living Center-Chase Co	Cottonwood Falls	136.38	1.2524
Council Grove Healthcare Center	Council Grove	124.03	1.0354
Hilltop Manor	Cunningham	102.60	0.8772
Westview of Derby	Derby	124.15	0.9712
Hillside Village	De Soto	136.42	0.9335
Dexter Care Center	Dexter	128.91	1.0206
Lane County Hospital - LTCU	Dighton	145.72	1.0450
Trinity Manor	Dodge City	131.34	0.9309
Good Samaritan Society-Dodge City	Dodge City	127.37	0.9186
Manor of the Plains	Dodge City	156.59	0.9963
Medicalodges Douglass	Douglass	145.75	0.8994
Golden Living Center-Downs	Downs	126.82	1.0419
Country Care Home	Easton	127.50	0.8935
Golden Living Center-Parkway	Edwardsville	128.53	0.9281

Facility Name	City	Proposed Daily Rate	Medicaid CMI	Facility Name	City	Proposed Daily Rate	Medicaid CMI
Golden Living Center-Kaw River	Edwardsville	138.75	1.0350	Golden Living Center-Lansing	Lansing	125.70	1.0708
Golden Living Center-Edwardsville	Edwardsville	114.54	0.8532	Larned Healthcare Center	Larned	135.85	0.9555
Lakepoint Nursing Center-El Dorado	El Dorado	125.18	1.0872	St. Joseph Memorial Hospital	Larned	153.04	0.9477
Golden Living Center-El Dorado	El Dorado	112.55	0.9715	Lawrence Presbyterian Manor	Lawrence	159.20	0.9671
Morton County Hospital	Elkhart	130.70	0.9175	Brandon Woods Retirement Comm.	Lawrence	153.72	0.9431
Woodhaven Care Center	Ellinwood	124.51	0.9738	Pioneer Ridge Retirement Community	Lawrence	136.86	0.8229
Good Samaritan Society-Ellis	Ellis	145.48	0.9409	Medicalodges Leavenworth	Leavenworth	161.17	1.0207
Good Sam. Society - Ellsworth Village	Ellsworth	141.40	0.9942	Delmar Gardens of Lenexa	Lenexa	141.92	1.0252
Emporia Presbyterian Manor	Emporia	154.99	0.9963	Lakeview Village	Lenexa	153.86	0.8767
Holiday Nursort	Emporia	129.43	0.9946	Leonardville Nursing Home	Leonardville	107.92	0.9891
Flint Hills Care Center, Inc.	Emporia	106.39	0.9334	Wichita County Health Center	Leoti	146.63	0.8583
Emporia Rehabilitation Center	Emporia	102.02	0.9086	Good Samaritan Society-Liberal	Liberal	139.87	0.9418
Enterprise Estates Nursing Ctr., Inc.	Enterprise	109.19	1.0109	Wheatridge Park Care Center	Liberal	143.16	0.9725
Golden Living Center-Eskridge	Eskridge	100.77	0.8158	Mid-America Healthcare-Lincoln	Lincoln	132.10	1.1109
Medicalodges Eudora	Eudora	132.01	0.9727	Bethany Home Association	Lindsborg	148.79	0.9193
Medicalodges Eureka	Eureka	144.12	1.0158	Linn Community Nursing Home	Linn	117.80	0.9148
Medicalodge of Ft. Scott	Fort Scott	160.38	1.0688	Sandstone Heights	Little River	139.29	0.9895
Fort Scott/Marmaton Valley	Fort Scott	123.68	1.0452	Logan Manor Community Health Serv.	Logan	141.84	1.0608
Fowler Nursing Home	Fowler	151.67	1.0529	Louisburg Care Center	Louisburg	150.49	1.1527
Frankfort Community Care Home, Inc.	Frankfort	124.28	1.0256	Golden Living Center-Lucas	Lucas	126.77	1.1031
Golden Living Center-Fredonia	Fredonia	117.70	1.0354	Good Samaritan Society-Lyons	Lyons	144.73	1.0136
Sunset Manor, Inc	Frontenac	113.81	0.9900	Meadowlark Hills Retirement Comm.	Manhattan	166.95	1.0064
Emerald Pointe Health & Rehab Ctr	Galena	113.25	0.8687	Stoneybrook Retirement Community	Manhattan	130.16	0.9210
Galena Nursing & Rehab Center	Galena	135.43	1.1552	St. Joseph Village, Inc.	Manhattan	146.39	1.0083
Garden Valley Retirement Village	Garden City	131.38	0.9571	Jewell County Hospital	Mankato	140.70	0.9608
Homestead Health and Rehab. Center	Garden City	139.09	0.9013	St. Luke Living Center	Marion	137.71	0.9406
Meadowbrook Rehab Hosp., LTCU	Gardner	185.90	1.2581	Golden Living Center-Marion	Marion	111.06	0.9369
Medicalodges Gardner	Gardner	142.44	0.9125	Riverview Estates, Inc.	Marquette	127.27	0.9360
Anderson County Hospital	Garnett	148.59	0.8527	Cambridge Place	Marysville	132.17	1.1338
Golden Heights Living Center	Garnett	138.94	1.0024	Deseret Nurs. & Rehab. McPherson	McPherson	127.27	0.9819
The Heritage	Girard	114.23	1.1637	The Cedars, Inc.	McPherson	157.60	0.9344
The Nicol Home, Inc.	Glasco	127.80	0.8780	Meade District Hospital, LTCU	Meade	157.17	0.9217
Medicalodges Goddard	Goddard	163.06	1.0161	Trinity Nursing & Rehab Ctr.	Merriam	164.69	1.0255
Bethesda Home	Goessel	156.26	0.9382	Great Plains of Ottawa County, Inc.	Minneapolis	123.05	0.9625
Good Sam. Society-Sherman County	Goodland	143.18	1.0065	Good Samaritan Society-Minneapolis	Minneapolis	132.43	0.9628
Cherry Village Benevolence	Great Bend	115.18	1.0637	Minneola District Hospital	Minneola	166.03	1.0264
Great Bend Health & Rehab Center	Great Bend	135.68	1.0002	Bethel Home, Inc.	Montezuma	147.97	0.9541
Halstead Health and Rehab Center	Halstead	129.40	0.9403	Moran Manor	Moran	119.57	1.2052
Lakewood Rehab Center of Haviland	Haviland	85.95	0.6349	Memorial Home for the Aged	Moundridge	155.88	1.0000
St. John's of Hays	Hays	127.29	0.9542	Moundridge Manor, Inc.	Moundridge	138.94	0.9042
St. Johns Victoria	Hays	131.17	0.9472	Mt. Hope Nursing Center	Mt. Hope	127.15	0.8930
Good Samaritan Society-Hays	Hays	121.77	0.9571	Villa Maria- Mulvane	Mulvane	135.93	1.0133
Haysville Healthcare Center	Haysville	136.97	0.9693	Golden Keys Nursing Home	Neodesha	106.57	0.8674
Medicalodges Herington	Herington	118.49	0.9212	Golden Living Center-Neodesha	Neodesha	124.73	1.1633
Schowalter Villa	Hesston	165.77	0.9811	Ness County Hospital Dist.#2	Ness City	153.18	0.9312
Maple Heights of Hiawatha	Hiawatha	130.33	0.9774	Bethel Care Centre	Newton	150.00	1.0280
Highland Care Center	Highland	144.53	1.0113	Asbury Park	Newton	160.43	0.9660
Dawson Place, Inc.	Hill City	118.31	0.9899	Kansas Christian Home	Newton	174.48	1.1523
Hillsboro Community Medical Center	Hillsboro	141.43	0.9112	Newton Presbyterian Manor	Newton	159.55	0.9722
Parkside Homes, Inc.	Hillsboro	141.88	1.0186	Andbe Home, Inc.	Norton	137.79	0.8816
Medicalodges Jackson County	Holton	137.50	0.9067	Village Villa	Nortonville	137.48	1.0033
Tri County Manor Living Center, Inc.	Horton	135.04	1.0085	Logan County Manor	Oakley	158.04	0.9541
Howard Twilight Manor	Howard	136.28	0.9661	Decatur County Hospital	Oberlin	135.92	0.9660
Sheridan County Hospital	Hoxie	126.75	0.8140	Good Sam. Society-Decatur County	Oberlin	134.57	0.9344
Stevens County Hospital	Hugoton	177.14	1.1495	Villa St. Francis	Olathe	151.43	1.0056
Pinecrest Nursing Home	Humboldt	123.19	0.9863	Pinnacle Ridge Nursing and Rehab	Olathe	127.11	1.0345
Golden Plains	Hutchinson	141.80	0.9556	Royal Terrace Nrsng. & Rehab. Center	Olathe	149.28	0.9419
Good Sam. Society-Hutchinson Village	Hutchinson	150.87	1.0608	Good Samaritan Society-Olathe	Olathe	153.26	0.9908
Deseret Nurs. & Rehab at Hutchinson	Hutchinson	110.84	0.9986	Johnson County Nursing Center	Olathe	172.94	1.0818
Wesley Towers	Hutchinson	172.57	1.0614	Aberdeen Village, Inc.	Olathe	175.82	1.1000
Ray E. Dillon Living Center	Hutchinson	142.75	0.8053	Deseret Nursing & Rehab at Onaga	Onaga	151.97	1.0573
The Regal Estate of Glenwood	Independence	122.71	1.0346	Peterson Health Care, Inc.	Osage City	112.59	0.9605
Heatherwood Estates	Independence	100.47	1.0057	Osage Nursing & Rehab Center	Osage City	135.43	1.0883
Pleasant View Home	Inman	150.19	0.9316	Life Care Center of Osawatomie	Osawatomie	133.56	1.0156
Iola Nursing Center	Iola	96.25	0.9763	Parkview Care Center	Osborne	133.52	1.0179
Windsor Place at Iola, LLC	Iola	129.71	1.0200	Hickory Pointe Care & Rehab Ctr	Oskaloosa	125.77	0.8767
Cheyenne Lodge, Inc.	Jamestown	112.83	0.9892	Deseret Nursing & Rehab at Oswego	Oswego	132.36	1.0819
Hodgeman Co Health Center-LTCU	Jetmore	183.51	1.3000	Ottawa Retirement Village	Ottawa	130.81	1.1394
Stanton County Hospital- LTCU	Johnson	149.97	0.8680	Brookside Manor	Overbrook	123.52	0.9052
Valley View Senior Life	Junction City	117.04	0.8660	Garden Terrace at Overland Park	Overland Park	146.92	1.0100
Good Samaritan Society-Junction City	Junction City	145.25	0.9793	Indian Meadows Healthcare Center	Overland Park	207.41	1.4036
Medicalodges Post Acute Care Center	Kansas City	153.65	1.0297	Manorcare Hlth Serv. of Overland Park	Overland Park	162.55	1.0840
Kansas City Presbyterian Manor	Kansas City	162.47	0.9719	Villa Saint Joseph	Overland Park	170.17	1.1249
Medicalodges Kansas City	Kansas City	153.37	0.9792	Delmar Gardens of Overland Park	Overland Park	148.52	0.9234
Lifecare Center of Kansas City	Kansas City	139.92	1.0185	Overland Park Nursing & Rehab	Overland Park	161.42	1.0600
Deseret Nurs. & Rehab at Kensington	Kensington	115.14	0.9488	Indian Creek Healthcare Center	Overland Park	163.04	0.9947
The Wheatlands	Kingman	123.18	0.8982	Village Shalom, Inc.	Overland Park	164.24	0.9930
Medicalodges Kinsley	Kinsley	141.41	0.8104	Riverview Manor, Inc.	Oxford	111.12	0.9071
Kiowa Hospital District Manor	Kiowa	132.57	0.9194	Medicalodge of Paola	Paola	110.42	0.6855
Rush Co. Memorial Hospital	La Crosse	129.02	0.8980	North Point Skilled Nursing Center	Paola	142.54	1.0788
Rush County Nursing Home	La Crosse	129.26	0.9595				
High Plains Retirement Village	Lakin	157.13	0.9014				

(continued)

Facility Name	City	Proposed Daily Rate	Medicaid CMI	Facility Name	City	Proposed Daily Rate	Medicaid CMI
Elmhaven East	Parsons	106.02	0.9784	Deseret Nurs. & Rehab at Wellington	Wellington	134.76	0.8489
Elmhaven West	Parsons	112.79	1.0200	Wellsville Manor Care Center	Wellsville	130.85	0.9570
Parsons Presbyterian Manor	Parsons	150.88	1.0700	Westy Community Care Home	Westmoreland	116.61	0.9110
Good Samaritan Society-Parsons	Parsons	128.32	0.9856	Wheat State Manor	Whitewater	145.67	0.9706
Legacy Park	Peabody	145.30	1.0142	Medicalodges Wichita	Wichita	155.16	0.9744
Westview Manor of Peabody	Peabody	78.01	0.6371	Meridian Nursing & Rehab Center	Wichita	121.87	0.9759
Phillips County Hospital LTCU	Phillipsburg	148.27	0.8807	Kansas Masonic Home	Wichita	167.21	1.1243
Phillips County Retirement Center	Phillipsburg	114.05	0.9771	Homestead Health Center, Inc.	Wichita	140.65	1.0167
Medicalodges Pittsburg South	Pittsburg	155.50	1.1158	Deseret Nursing & Rehab at Wichita	Wichita	123.23	0.9671
Mt. Carmel Regional Medical Ctr. SNF	Pittsburg	226.95	1.7900	Wichita Presbyterian Manor	Wichita	173.10	1.0986
Golden Living Center-Pittsburg	Pittsburg	111.45	0.9664	Sandpiper Bay Hlth. & Retirement Ctr.	Wichita	127.28	1.0425
Cornerstone Village	Pittsburg	136.53	0.9629	Lakepoint Nursing and Rehab-Wichita	Wichita	137.92	0.9239
Rooks County Senior Services, Inc.	Plainville	145.09	0.9271	Manorcare Health Services of Wichita	Wichita	140.12	1.0129
Pratt Regional Medical Center	Pratt	134.64	0.9513	College Hill Nursing and Rehab Center	Wichita	134.45	0.9367
Lakewood Senior Living of Pratt, LLC	Pratt	117.62	0.9752	Lakewood Senior Living of Seville	Wichita	123.35	0.9500
Prescott Country View Nursing Center	Prescott	103.21	0.8970	Golden Living Center-Wichita	Wichita	125.82	0.9113
Prairie Sunset Manor	Pretty Prairie	152.62	0.9331	Wichita Nursing Center	Wichita	92.50	0.7881
Protection Valley Manor	Protection	106.57	0.8191	The Health Care Ctr@Larksfield Place	Wichita	159.91	0.9390
Gove County Medical Center	Quinter	155.25	0.9379	Life Care Center of Wichita	Wichita	143.60	1.1374
Grisell Memorial Hosp Dist #1-LTCU	Ransom	153.78	0.9269	Via Christi Hope	Wichita	119.39	.9763
Richmond Healthcare & Rehab Center	Richmond	147.98	1.1715	Golden Living Center-Wilson	Wilson	131.33	1.2206
Lakepoint Nursing Ctr-Rose Hill	Rose Hill	127.25	0.9515	Jefferson Co. Memorial Hospital-LTCU	Winchester	136.64	0.8665
Rossville Healthcare & Rehab Center	Rossville	135.35	1.0509	Good Samaritan Society-Winfield	Winfield	147.06	1.0663
Wheatland Nursing & Rehab Center	Russell	121.39	1.0586	Cumbernauld Village, Inc.	Winfield	151.24	0.8881
Russell Regional Hospital	Russell	177.26	1.1460	Winfield Rest Haven, Inc.	Winfield	138.51	0.9353
Sabetha Nursing Center	Sabetha	134.66	0.9906	Deseret Nurs. & Rehab Yates Center	Yates Center	134.21	0.9813
Apostolic Christian Home	Sabetha	133.23	1.0479				
Smoky Hill Rehabilitation Center	Salina	122.81	0.9667				
Kenwood View Nursing Center	Salina	116.87	0.9520				
Windsor Estates	Salina	129.47	0.9386				
Pinnacle Park Nursing and Rehabilitation	Salina	116.04	0.9704				
Salina Presbyterian Manor	Salina	161.67	1.0136				
Holiday Resort of Salina	Salina	135.64	1.0025				
Satanta Dist. Hosp. LTCU	Satanta	171.96	1.1213				
Park Lane Nursing Home	Scott City	141.90	0.8987				
Pleasant Valley Manor	Sedan	110.19	1.0462				
Sedgwick Healthcare Center	Sedgwick	156.29	0.9890				
Crestview Manor	Seneca	105.48	1.0008				
Life Care Center of Seneca	Seneca	119.88	0.9313				
Good Samaritan Society	Sharon Springs	116.94	0.8950				
Shawnee Gardens Nursing Center	Shawnee	152.83	1.1966				
Sharonlane Health Services	Shawnee	122.85	0.9409				
Smith County Memorial Hospital LTCU	Smith Center	120.73	0.8300				
Deseret Nurs. & Rehab at Smith Center	Smith Center	111.14	0.8510				
Mennonite Friendship Manor, Inc.	South Hutchinson	159.02	0.9940				
Golden Living Center-Spring Hill	Spring Hill	124.09	0.9803				
Good Sam. Society-St. Francis Village	St. Francis	142.59	0.9133				
Leisure Homestead at St. John	St. John	137.65	0.8845				
Community Hospital of Onaga, LTCU	St. Marys	150.17	0.9311				
Prairie Mission Retirement Village	St. Paul	124.48	0.9179				
Leisure Homestead at Stafford	Stafford	106.23	0.8285				
Sterling Presbyterian Manor	Sterling	149.72	0.9893				
Solomon Valley Manor	Stockton	143.55	1.1000				
Seasons of Life Living Center	Syracuse	154.73	0.9350				
Tonganoxie Care Center	Tonganoxie	129.15	0.9861				
Brewster Place	Topeka	164.71	0.9862				
Topeka Presbyterian Manor Inc.	Topeka	163.53	1.0042				
Eventide Convalescent Center, Inc.	Topeka	109.00	0.8837				
Topeka Community Healthcare Center	Topeka	132.66	1.0136				
McCrite Plaza Health Center	Topeka	136.22	0.9805				
Rolling Hills Health Center	Topeka	139.95	1.0114				
Manorcare Health Services of Topeka	Topeka	148.35	1.0164				
Westwood Manor	Topeka	120.49	0.9555				
IHS of Brighton Place	Topeka	106.28	0.7800				
Countryside Health Center	Topeka	105.01	0.7121				
Providence Living Center	Topeka	98.43	0.8121				
Brighton Place North	Topeka	86.88	0.6894				
Aldersgate Village	Topeka	165.11	0.9967				
Plaza West Care Center, Inc.	Topeka	156.10	1.0569				
Lexington Park Nrsng & Post Acute	Topeka	160.69	1.0023				
Greeley County Hospital, LTCU	Tribune	152.08	0.9025				
Western Prairie Care Home	Ulysses	152.49	0.9752				
Valley Health Care Center	Valley Falls	111.43	0.6285				
Trego Co. Lemke Memorial LTCU	WaKeeney	146.68	0.8694				
The Lutheran Home - WaKeeney	WaKeeney	113.84	0.8447				
Golden Living Center-Wakefield	Wakefield	134.34	1.1921				
Good Samaritan Society-Valley Vista	Wamego	147.06	0.9688				
The Centennial Homestead, Inc.	Washington	90.37	0.8224				
Wathena Healthcare and Rehab Ctr	Wathena	135.06	1.0339				
Coffey County Hospital	Waverly	145.61	0.7918				
Golden Living Center-Wellington	Wellington	122.31	1.0467				

III. Justifications for the Proposed Rates.

- The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the KHPA regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
- The state's analyses project that the proposed rates:
 - Would result in payment, in the aggregate of 97.22% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
 - Would result in a maximum allowable rate of \$161.87; with the total average allowable cost being \$143.14.
 - Estimated average rate July 1, 2008 \$136.05
Average payment rate July 1, 2007 \$129.00
Amount of change \$7.05
Percent of change 5.47%
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$14 million.
- The state estimates that the proposed rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
 - Service providers operating a total of 294 nursing facilities (representing 97% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 40 hospital-based long-term care units are also certified to participate in the Medicaid program;
 - There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in each of the 105 counties in Kansas;
 - The statewide average occupancy rate for nursing facilities participating in Medicaid is 84.5%;

(Published in the Kansas Register April 24, 2008.)

- d. The statewide average Medicaid occupancy rate for participating facilities is 55.8%; and
 - e. The proposed rates would cover 97.44% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the proposed methodology will result in compliance with the federal regulation.

IV. Request for Comments; Request for Copies.

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver or fax their signed, written comments before the close of business Friday, May 23, to:

Dave Halferty
 Director of Nursing Facility and PACE Division
 Kansas Department on Aging
 New England Building, 2nd Floor
 503 S. Kansas Ave.
 Topeka, KS 66603-3404
 Fax (785) 296-0256

V. Notice of Intent to Amend the Medicaid State Plan.

The state intends to submit proposed Medicaid State Plan amendments to CMS on or before September 30, 2008.

Kathy Greenlee
 Secretary of Aging

Don Jordan
 Secretary of Social and
 Rehabilitation Services

Dr. Marcia J. Nielson
 Executive Director
 Kansas Health Policy Authority

Doc. No. 035654

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

SENATE Substitute for HOUSE BILL No. 2634

AN ACT concerning the environment; relating to non-fuel flammable or combustible liquid aboveground storage tanks; duties of state fire marshal; civil penalties; creating the non-fuel flammable or combustible liquid aboveground storage tank system fund.

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

Section 1. (a) As used in this section:

(1) "Facility" means all buildings, equipment, structures, tanks and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person or by any person which controls, is controlled by or under common control with such person, upon which one or more non-fuel flammable or combustible liquid aboveground storage tank system or systems is located, with bulk storage stations and terminals having a bulk storage total capacity of 10,000 gallons or more of flammable or combustible liquids.

(2) "Non-fuel flammable or combustible liquid" means flammable or combustible liquids not used for fuel including, but not limited to, solvents. "Non-fuel flammable or combustible liquid" shall not include the following compounds: New and used motor oil, transmission fluid, hydraulic oil, grease and lube oil; asphalt; asphalt emulsion; road oil; crude oil; mineral oil; processed fat; food grade oil; vegetable oil; and ethylene glycol.

(3) "Non-fuel flammable or combustible liquid aboveground storage tank system" means an aboveground storage tank system that contains non-fuel flammable or combustible liquids.

(b) (1) On or before July 1, 2009, the state fire marshal shall conduct an on-site inspection of each facility in existence on the effective date of this section to determine compliance with all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition, and all rules and regulations concerning aboveground storage tanks.

(2) If the state fire marshal determines that a facility is in compliance with such standards, rules and regulations, the state fire marshal shall conduct an on-site inspection of the facility at least once every three years thereafter to determine continued compliance with such standards, rules and regulations.

(3) If the state fire marshal determines that a facility is not in compliance with such standards, rules and regulations, the facility shall make all changes necessary to comply with such standards, rules and regulations as soon as practicable, but no later than July 1, 2012. Upon notification of compliance by the facility, but no later than July 1, 2012, the state fire marshal shall conduct an on-site inspection of the facility to determine compliance. Upon determination of compliance, the state fire marshal shall conduct an on-site inspection of the facility at least once every three years thereafter to determine continued compliance with such standards, rules and regulations.

(c) (1) An application and plan for design, construction, major modification and installation of all non-fuel flammable or combustible liquid aboveground storage tank facilities after the effective date of this section shall be submitted to the state fire marshal. Construction, major modification and installation of such facilities shall not commence until such application and plan is reviewed and approved by the state fire marshal in accordance with rules and regulations.

(2) The state fire marshal shall approve or deny such submitted applications and plans within 20 business days upon receipt of all necessary documentation as provided for in rules and regulations. If the state fire marshal requests additional in-

(continued)

formation from the applicant, the state fire marshal shall have an additional 20 business days from the day of receipt of such information to approve or deny the submitted application and plan.

(3) The state fire marshal shall conduct an on-site inspection of each facility constructed after the effective date of this section, before such facility begins operation, to determine compliance with all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition, and all rules and regulations concerning aboveground storage tanks. Such facility shall not begin operation until the state fire marshal makes a determination of compliance. Upon determination of compliance, the state fire marshal shall conduct an on-site inspection of the facility at least once every three years thereafter to determine continued compliance with such standards, rules and regulations.

(d) On and after July 1, 2012, if the state fire marshal determines that a facility is not in compliance with all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition, and all rules and regulations concerning aboveground storage tanks, such facility shall be subject to a fine of \$100 per tank every 30 days until the state fire marshal makes a determination of compliance. All fines assessed and collected under this section 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 non-fuel flammable or combustible liquid aboveground storage tank system fund.

(e) The state fire marshal shall report annually to the senate standing committee on natural resources and the house of representatives standing committee on agriculture and natural resources regarding inspections and compliance pursuant to this section.

(f) On or before September 1, 2008, the state fire marshal shall adopt rules and regulations necessary to administer and enforce the provisions of this section. Such rules and regulations shall include adoption of all standards concerning flammable and combustible liquids contained in national fire protection association pamphlet no. 30, 2008 edition.

(g) The state fire marshal shall adopt rules and regulations specifying subsequent editions of national fire protection association pamphlet no. 30 which the state fire marshal has determined to be equivalent to the 2008 edition. Compliance with any subsequent edition specified by such rules and regulations shall be considered compliance with the 2008 edition specified in this section.

(h) This section shall be part of and supplemental to the Kansas storage tank act.

Sec. 2. (a) There is hereby established as a segregated fund in the state treasury the non-fuel flammable or combustible liquid aboveground storage tank system fund. Revenue from the fines assessed pursuant to section 1, and amendments thereto, shall be deposited in the state treasury and credited to the fund.

(b) Moneys in the non-fuel flammable or combustible liquid aboveground storage tank system fund shall be expended only for administration and enforcement of the provisions of section 1, and amendments thereto.

(c) All expenditures from the non-fuel flammable or combustible liquid aboveground storage tank system 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 state fire marshal.

(d) This section shall be part of and supplemental to the Kansas storage tank act.

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

(Published in the Kansas Register April 24, 2008.)

SENATE BILL No. 417

AN ACT concerning rural housing; creating the housing development grant program; exempting certain cities and counties from certain requirements for rural housing incentive district financing; amending K.S.A. 12-5246 and K.S.A. 2007 Supp. 12-5242 and repealing the existing sections.

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

Section 1. K.S.A. 2007 Supp. 12-5242 is hereby amended to read as follows: 12-5242. *Except as otherwise provided, as used in the rural housing incentive district act K.S.A. 12-5241 through 12-5251 and sections 3 through 9, and amendments thereto, the following words and phrases shall have the following meanings unless a different meaning clearly appears from the context:*

(a) "City" means any city incorporated in accordance with Kansas law with a population of less than 40,000 in a county with a population of less than 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto;

(b) "City housing authority" means any agency of a city created pursuant to the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto.

(c) "Corporation" means the Kansas housing resources corporation.

(d) "County" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than 40,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A. 11-201, and amendments thereto;

(e) "Developer" means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(f) "District" means a rural housing incentive district established in accordance with this act.

(g) "Governing body" means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide;

(h) "Housing development activities" means the construction or rehabilitation of infrastructure necessary to support construction of new residential dwellings and the actual construction of such residential dwellings, if such construction is conducted by a city housing authority.

(i) "Secretary" means the secretary of commerce of the state of Kansas.

(j) "Real property taxes" means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(k) "Taxing subdivision" means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.

Sec. 2. K.S.A. 12-5246 is hereby amended to read as follows: 12-5246. (a) At the public hearing, a representative of the city or county shall present the proposed plan for the development or renovation of housing in the proposed district. Each project proposed for the district shall be identified and explained. At the hearing the developer or developers that have contracted with the city to undertake such project shall be identified and present in person or through such developer's representative. Following the presentation, all interested persons shall be given an opportunity to be heard. The governing body for good cause shown

may recess such hearing to a time and date certain, which shall be fixed in the presence of persons in attendance at the hearing.

(b) Upon the conclusion of the public hearing, the governing body may adopt the plan for the district and may establish the district by ordinance or, in the case of any county, by resolution. The boundaries of such district shall not include any area not designated in the notice required by K.S.A. 12-5245. Any addition of area to the district or any substantial change to the plan shall be subject to the same procedure for public notice and hearing as required for the initial establishment of the district.

(c) The ordinance or resolution establishing the district shall be null and void if, within 30 days following the conclusion of the hearing:

(1) The board of education levying taxes on such property determines by resolution that the proposed district will have an adverse effect on such school district;

(2) the governing body of any city located within three miles of [the] district proposed to be established by a county determines by ordinance that the proposed district will have an adverse effect on such city; or

(3) the board of county commissioners of the county in which a city governing body proposes to establish such a district *determines by resolution that the proposed district will have an adverse effect on such county.*

New Sec. 3. (a) Any city that prior to July 1, 2013, is located, in whole or in part, within the boundaries of a county designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR or FEMA-1699, as eligible to receive individual or public assistance from the United States federal government that desires to designate a rural housing incentive district pursuant to this act or such county shall be exempt from the provisions of subsection (c) of K.S.A. 12-5244, and amendments thereto, and may adopt a plan for a designated rural housing incentive district without the approval of the secretary and without conducting a public hearing on such proposed plan.

(b) For any city in a county declared by the governor to be a state of disaster after January 1, 2008, or such county if the governor finds that such disaster resulted in the destruction of a significant amount of residential housing in such city or county the governor may designate such city or county to exercise the exemption authorized by subsection (a) for a period of five years from the date of the declaration of a state of disaster.

(c) Nothing in this section shall be construed so as to exempt a city or county from any other requirement set forth in this act, or to limit any of the rights, duties and privileges of a city or county under any other provisions of this act.

New Sec. 4. (a) The corporation is hereby authorized to develop a program of grants to cities or counties to carry out housing development activities in accordance with the provisions of this act. Cities or counties to be awarded grants pursuant to this act shall be selected by the corporation in accordance with rules and regulations adopted by the president of the corporation.

(b) A city or county shall submit a request for grant funds to the corporation in a form and manner prescribed by the corporation. Such request shall include a statement of such city's or county's proposed housing development activities, projected use of grant funds and any other information related to the grant required by the corporation.

(c) As part of any request for grant funds the requesting city or county shall certify to the corporation that the city or county will provide matching funds in an amount equal to at least 10% of the total amount of funds granted to the city or county by the corporation if the grant funds are to be used for construction or rehabilitation of infrastructure, and at least 50% of the total amount of funds granted if the grant funds are to be used by a

city or county housing authority for purposes other than construction or rehabilitation of infrastructure, or in-kind labor and services with an equivalent value and that the city or county will comply with all other provisions of this act and abide by all federal, state and local laws.

(d) The president of the corporation shall adopt rules and regulations regarding the application procedure, grant periods, grant evaluation and reporting criteria, the filing of forms that support the request for grant awards, the method and manner of payment of grant funds to any city or county, and any other matter necessary to carry out the provisions of this act.

New Sec. 5. (a) Each city or county shall submit to the corporation, at a time determined by the corporation, a performance and evaluation report concerning the use of grant funds made available under this act, together with an assessment by the city or county of the relationship of such use to the housing development activities identified in the city's or county's statement under subsection (b) of section 4, and amendments thereto. The city's or county's report shall indicate an evaluation of the housing development activities, the nature of and reasons for any changes in such activities and an evaluation of the use of the grant funds for such activities. The corporation shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine:

(1) Whether the city or county has carried out its housing development activities in a timely manner;

(2) whether the city or county has carried out those activities and its certifications in accordance with the requirements of this act and all federal, state and local laws; and

(3) whether the city or county has a continuing capacity to carry out those activities in a timely manner.

(b) Insofar as they relate to grant funds provided under this act, the financial transactions of cities or counties may be audited under such rules and regulations as may be adopted by the corporation. The corporation shall report the final results of any audits conducted pursuant to this section to the state legislature, the governor and the secretary of revenue during the legislative session immediately following the audit.

New Sec. 6. (a) The proceeds of any grant funds received pursuant to this act may only be used for expenditures incurred in carrying out housing development activities.

(b) No more than \$25,000 shall be expended out of grant funds awarded pursuant to this act on the construction of a single-family residential dwelling by a city or county housing authority, excluding infrastructure costs.

New Sec. 7. (a) All expenditures from the state housing trust fund made for the purposes of sections 4 through 6, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) On the effective date of this act and on July 1, 2008, July 1, 2009, July 1, 2010, July 1, 2011, July 1, 2012, July 1, 2013, and July 1, 2014, the director of accounts and reports shall transfer \$4,000,000 from the state general fund to the state housing trust fund established by K.S.A. 2007 Supp. 74-8959, and amendments thereto.

New Sec. 8. (a) For purposes of sections 4 through 8, and amendments thereto, the term "city" means any city that prior to July 1, 2010, is located, in whole or in part, within the boundaries of a county designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR or FEMA-1699, as eligible to receive individual or public assistance from the United States federal government, or designated exempt by the governor pursuant to section 3,

(continued)

and amendments thereto. On or after July 1, 2010, "city" shall mean any city incorporated in accordance with Kansas law.

(b) For purposes of sections 4 through 8, and amendments thereto, the term "county" means any county that prior to July 1, 2010, is designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR or FEMA-1699, as eligible to receive individual or public assistance from the United States federal government, or designated exempt by the governor pursuant to section 3, and amendments thereto. On or after July 1, 2010, "county" shall mean any county with a population of less than 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto.

New Sec. 9. (a) The provisions of sections 3 through 9 are hereby made a part of and supplemental to the Kansas rural housing incentive district act.

(b) The provisions of sections 4 through 9, and amendments thereto, shall expire on and after July 1, 2015.

Sec. 10. K.S.A. 12-5246 and K.S.A. 2007 Supp. 12-5242 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 24, 2008.)

HOUSE BILL No. 2897

AN ACT concerning grain commodity commissions; amending K.S.A. 2-3005 and K.S.A. 2007 Supp. 2-3002, 2-3003 and 2-3007 and repealing the existing sections.

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

Section 1. K.S.A. 2007 Supp. 2-3002 is hereby amended to read as follows: 2-3002. (a) There are hereby created five separate and distinct commissions which shall be known as the Kansas corn commission, the Kansas grain sorghum commission, the Kansas soybean commission, the Kansas wheat commission and the Kansas sunflower commission. Each commission will have members elected through an election process as provided in subsection (b) to serve three-year terms, with the exception of transition commissioners, serving from the effective date of this act until elections occur in 2002, 2003 and 2004, to represent a district or districts identified in subsection (b) with the following requirements:

(1) Any person meeting the requirements of K.S.A. 2-3003, and amendments thereto, of that commodity may seek election as a commissioner to that commodity's respective commission representing the district of such person's official residence. Only a grower of each specific commodity shall be a member of that specific commission;

(2) no commission shall have less than seven commissioners representing the nine crop reporting districts identified in subsection (h). If a commission has less than nine elected commissioners representing crop reporting districts, any commissioner representing multiple crop reporting districts may only represent commission districts equal to whole and adjoining crop reporting districts that are within the same election cycle; and

(3) each commission ~~may~~, by majority approval of the commissions, *may* appoint two additional at-large commissioners for added representation for producers due to geographical, cropping pattern or other reasonable commodity-specific needs. At-large commissioners will serve a term determined by the commodity commission not to exceed three-year terms of appointment, be a Kansas resident and must meet the definition of a grower; and

(4) each commission, by majority approval of the commissions, *may* appoint a first purchaser as an additional at-large commissioner. Any such first purchaser will serve a term determined by the commodity commission not to exceed a three-year term of appointment and must be a Kansas resident.

(b) (1) Prior to the first election as provided by this act, each commodity commission shall notify all growers of its respective commodity of the commission election and all appropriate election procedures.

(2) Any grower of corn, grain sorghum, soybeans, wheat or sunflowers who is a resident of this state, of legal voting age and has been actively engaged in growing corn, grain sorghum, soybeans, wheat or sunflowers within the preceding three years shall become an eligible voter upon registering to vote in a commission election. Registration shall be on a single form allowing registration to any or all commission elections. Forms shall be provided by the commissions and made available at all county extension offices, county conservation district offices and through the office of the secretary. Any grower also shall become registered by signing a petition for a candidate to be placed on the election ballot, upon the filing of such petition. Candidate petition forms shall be provided by the office of the secretary. Registration by internet or other means shall also be allowed upon the approval of the secretary. No grower shall cast more than one ballot for any commission election.

(3) Any person meeting the qualifications to serve as a commissioner may appear on the election ballot for their respective commission district by submitting a petition to be placed on the ballot on or before November 30 in the year immediately preceding the election. The petition shall contain the signatures of 20 eligible voters of that commodity commission election to be a valid petition. However, no more than five petition signatures shall be used to qualify any candidate from any one county.

(4) Commission election ballots shall be mailed to eligible voters by January 15 and shall be returned to the election officer, as provided through the common election procedure required in subsection (e), on or before March 1 in the year of any election. Successful candidates in any election will have received the highest number of the votes cast. Election results will be announced as soon as the election has been determined with successful candidates taking office with terms effective April 1 in the year of the election.

(5) On and after July 1, 2002, any interested person or entity in the agriculture industry, with emphasis on growers of sunflowers, may submit names to the governor for appointment to the Kansas sunflower commission. On or after September 1, 2002, the governor shall appoint nine members to the Kansas sunflower commission from among the names submitted to the governor, if possible, to represent each of the crop reporting districts as provided in this section. The terms of the members appointed by the governor shall be the same as provided in subsection (d) and the same election provisions as provided in this section applicable to the other commissions shall apply to such appointed members, except that the members appointed to represent districts IV, V and VI shall not stand for election in 2002 but rather shall have their initial term of office to run until the election held for such districts in 2005. At such time the same election provisions of this section applicable to the other commissions shall apply to such members.

(c) Upon the effective date of this act, each commission created shall meet as soon as feasible to organize, elect officers and ratify the number of commissioners and representative districts that commission shall maintain. Commissioners currently serving these commissions immediately prior to the effective date of this act are appointed to transition terms as follows: (1) Commissioners whose terms expire in June, 2000, shall have their terms extended until April, 2002; (2) commissioners whose terms expire in June, 2001, shall have their terms extended until

April, 2003; and (3) commissioners whose terms expire in June, 2003, shall have their terms extended until April, 2004.

(d) Annual elections for up to three commissioners representing districts shall begin in January and February of 2002. Commissioners elected shall take office April 1 of the year elected and serve a three-year term. Elections will occur as follows and continue on a three-year cycle thereafter: (1) In districts IV, V and VI, the initial election year shall be 2002; (2) in districts I, II and III, the initial election year shall be 2003; and (3) in districts VII, VIII and IX, the initial election year shall be 2004.

(e) The five grain commissions, as provided in this act shall maintain on file a common election procedure with the secretary of agriculture, who will serve as the final arbitrator of any dispute regarding the election procedure.

(f) Any grower who appropriately registers to vote shall be able to do so in an election for any commissioner representing that commodity and district where the grower maintains such grower's official residence.

(g) Any challenge to election results for the position of commodity commissioner representing a district shall be initially reviewed by a panel of commissioners, not standing for election that year, and representing all ~~four~~ five grain commissions. If the challenge is not resolved before the panel of commissioners, the secretary shall serve as the final arbitrator of the challenge to the election results.

(h) Vacancies which may occur shall be filled for unexpired terms by appointment by the remaining commissioners.

(i) The dean of the college of agriculture of Kansas state university and the secretary of the Kansas department of agriculture shall be ex officio members, without the right to vote, of each such commission. Districts are the same as crop reporting districts established for Kansas by the U.S. department of agriculture national agricultural statistic service and are as follows:

(j) District I shall consist of the following counties: Cheyenne, Decatur, Graham, Norton, Rawlins, Sheridan, Sherman and Thomas.

District II shall consist of the following counties: Gove, Greeley, Lane, Logan, Ness, Scott, Trego, Wallace and Wichita.

District III shall consist of the following counties: Clark, Finney, Ford, Grant, Gray, Hamilton, Haskell, Hodgeman, Kearny, Meade, Morton, Seward, Stanton and Stevens.

District IV shall consist of the following counties: Clay, Cloud, Jewell, Mitchell, Osborne, Ottawa, Phillips, Republic, Rooks, Smith and Washington.

District V shall consist of the following counties: Barton, Dickinson, Ellis, Ellsworth, Lincoln, McPherson, Marion, Rice, Rush, Russell and Saline.

District VI shall consist of the following counties: Barber, Comanche, Edwards, Harper, Harvey, Kingman, Kiowa, Pawnee, Pratt, Reno, Sedgwick, Stafford and Sumner.

District VII shall consist of the following counties: Atchison, Brown, Doniphan, Jackson, Jefferson, Leavenworth, Marshall, Nemaha, Pottawatomie, Riley and Wyandotte.

District VIII shall consist of the following counties: Anderson, Chase, Coffey, Douglas, Franklin, Geary, Johnson, Linn, Lyon, Miami, Morris, Osage, Shawnee and Wabaunsee.

District IX shall consist of the following counties: Allen, Bourbon, Butler, Chautauqua, Cherokee, Cowley, Crawford, Elk, Greenwood, Labette, Montgomery, Neosho, Wilson and Woodson.

(k) Meetings and any records of any commission created by this act shall be open to the public to the same extent as is required by law of public boards and commissions pursuant to the open records act and the open meetings act. Records shall include contracts entered into by any commission.

Sec. 2. K.S.A. 2007 Supp. 2-3003 is hereby amended to read as follows: 2-3003. Members of each commission created pur-

suant to K.S.A. 2-3002, and amendments thereto, shall be residents of this state who have been actively engaged in growing corn, grain sorghum, soybeans, wheat or sunflowers, as applicable, in this state for at least five years immediately preceding such member's election. *The member of each commission who has been appointed pursuant to K.S.A. 2007 Supp. 2-3002, and amendments thereto, shall be a resident of this state who has been a first purchaser in this state for at least five years preceding such member's appointment.*

Sec. 3. K.S.A. 2-3005 is hereby amended to read as follows: 2-3005. (a) In the administration of this act, each commission as provided in this act shall have the following duties, authorities and powers:

(~~a~~) (1) To conduct a campaign of grain commodity promotion and market development through research, education and information;

(~~b~~) (2) to accept grants and donations;

(~~c~~) (3) to sue and be sued;

(~~d~~) (4) to contract with the secretary for the collection of assessments pursuant to the provisions of this act and to enter into any other such contracts as may be necessary or advisable for the purpose of this act;

(~~e~~) (5) to appoint an administrator who is knowledgeable about the grain commodity and fix the compensation. With the approval of the commission, the administrator may appoint such other personnel as needed. The administrator and any other personnel appointed as provided in this subsection shall not be employees of the state of Kansas;

(~~f~~) (6) to cooperate or contract with any local, state or national organization or agency, whether voluntary or created by the law of any state, or by national law, engaged in work or activities similar to the work and activities of the commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education and promotion;

(~~g~~) (7) to bring any suit or action for the collection of assessments provided under this act;

(~~h~~) (8) to establish an office of administrator at any place in this state the commission may select;

(~~i~~) (9) to adopt, rescind, modify and amend all necessary and proper orders, resolutions and rules and regulations for the procedure and exercise of its powers and the performance of its duties;

(~~j~~) (10) to approve an annual budget and establish a reserve. Each project budgeted and approved by the commission shall include a stated objective and anticipated results; and

(~~k~~) (11) to report annually to their respective commodity growers, the secretary and house and senate agriculture committees of the Kansas legislature. Such annual report shall include details of commission projects, programs and supported research including expenditures and the results of an annual audit performed by a person or entity that is a certified public accountant. Any commission year end reserve balance exceeding 125% of the previous five-year rolling average for annual expenditures for such commission also shall be reported.

(b) *Each commission as provided in this act shall not engage in lobbying as defined in K.S.A. 46-255, and amendments thereto. Nothing in this subsection shall be construed to prohibit any commission from engaging in any action designed to market the respective commodity or products directly to a foreign government or political subdivision thereof.*

Sec. 4. K.S.A. 2007 Supp. 2-3007 is hereby amended to read as follows: 2-3007. (a) There is hereby levied an assessment upon grain sorghum marketed through commercial channels in the state of Kansas. The grain sorghum commission shall set the assessment at a rate of not more than ~~five~~ 10 mills per bushel.

(continued)

There is hereby levied an assessment upon corn marketed through commercial channels in the state of Kansas. The corn commission shall set the assessment at a rate of not more than ~~five~~ 10 mills per bushel. There is hereby levied an assessment upon soybeans marketed through commercial channels in the state of Kansas. The soybean commission shall set the assessment at a rate of not more than ~~20 mills per bushel~~ *one-half of 1% of the net market price received by the grower*. There is hereby levied an assessment upon wheat marketed through commercial channels in the state of Kansas. The wheat commission shall set the assessment at a rate of not more than ~~40~~ 20 mills per bushel. There is hereby levied an assessment upon sunflowers marketed through commercial channels in the state of Kansas. The sunflower commission shall set the assessment at a rate of not more than ~~seven and one-half mills per bushel (\$0.03~~ \$0.06 per cwt). Any commission shall not change the assessment rate, either to increase or reduce, more than once a year. Such assessment shall be levied and assessed to the grower at the time of sale, and shall be shown as a deduction by the first purchaser from the price paid in settlement to the grower. Under the provisions of this act, no corn, grain sorghum, soybeans, wheat or sunflowers shall be subject to the assessment more than once. The commission shall furnish to every first purchaser receipt forms which shall be issued by such first purchaser to the grower upon the payment of such assessment. The form shall indicate thereon the procedure by which the grower may obtain a refund of any such assessment, except a refund shall not be issued unless the amount of the refund is \$5 or more. Within one year after any and all sales during such period the grower may upon submission of a request therefor to the commission, obtain a refund in the amount of the assessments deducted by the first purchaser. Such request shall be accompanied by evidence of the payment of the assessments which need not be verified.

(b) The commission shall keep complete records of all refunds made under the provisions of this section. Records of refunds may be destroyed two years after the refund is made. All funds expended by the commission in the administration of this act and for the payment of all claims growing out of the performance of any duties or activities pursuant to this act shall be paid from the proceeds derived from such assessment. In the case of a lien holder who is a first purchaser as defined in this act, the assessment shall be deducted by the lien holder from the proceeds of the claim secured by such lien at the time the corn, grain sorghum, soybeans, wheat or sunflowers are pledged or mortgaged. The assessment shall constitute a preferred lien and shall have priority over all other liens and encumbrances upon such corn, grain sorghum, soybeans, wheat or sunflowers. The assessment shall be deducted and paid as provided in this section whether such corn, grain sorghum, soybeans, wheat or sunflowers are stored in this or any other state.

(c) Any corn, grain sorghum, soybean, wheat or sunflowers acquired by a grower as defined in K.S.A. 2-3001, and amendments thereto, under the provisions of any federal program shall be subject to the provisions of this section.

(d) ~~No assessments for soybeans shall be collected pursuant to subsection (a) while the national checkoff program for soybeans, established pursuant to public law 101-624, remains in effect. Collection of assessments pursuant to subsection (a) shall be reinstated upon the withdrawal of the national checkoff program for soybeans, established pursuant to public law 101-624. No assessments for any commodity shall be collected pursuant to subsection (a) while a national checkoff program for that commodity remains in effect. Collection of assessments pursuant to subsection (a) shall be reinstated upon the withdrawal of a national checkoff program for that commodity.~~

Sec. 5. K.S.A. 2-3005 and K.S.A. 2007 Supp. 2-3002, 2-3003 and 2-3007 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 24, 2008.)

HOUSE BILL No. 2657

AN ACT concerning motorboats; relating to exhaust noise requirements; amending K.S.A. 2007 Supp. 32-1120 and repealing the existing section.

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

Section 1. K.S.A. 2007 Supp. 32-1120 is hereby amended to read as follows: 32-1120. (a) ~~The exhaust of every internal combustion engine used on any motorboat on the waters of the state shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust.~~

~~The muffler system shall be in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.~~

~~(b) Muffler means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and which prevents excessive or unusual noise.~~

~~(c) A motorboat operating on the waters of the state shall have an exhaust water manifold or a factory type muffler installed on the engine.~~

~~(d) A person shall not operate or give permission for the operation of any motorboat in or upon the waters of this state if the motorboat is equipped with an altered muffler, muffler cutout, muffler bypass or any other device designed or installed so that it can be used continually or intermittently to bypass any muffler or muffler system installed on the motorboat, or to reduce or eliminate the effectiveness of such a muffler or muffler system.~~

~~(e) A motorboat shall not be operated on the waters of this state under any condition or in any manner whereby the motorboat exhaust noise emits a sound level in excess of 86 92 decibels on the "A" weighted scale, when measured from a distance of 50 feet or more from the motorboat, as prescribed in society of automotive engineers standards, SAE J34 and when subjected to a stationary sound level test as prescribed by SAE J2005.~~

~~(f) No person shall remove, alter or otherwise modify in any manner a muffler or muffler system installed on a motorboat to prevent the muffler or muffler system from being operated in accordance with this statute.~~

~~(g) (b) The provisions of subsections (c) through (e) subsection (a) shall not apply to motorboats officially registered and competing in or while on trial runs 48 hours immediately preceding a regatta, race, marine parade, tournament or exhibition which has been authorized or permitted by the department.~~

~~(h) A law enforcement officer who has reason to believe a motorboat is being operated in violation of the noise levels established in this section may direct the operator of the motorboat to submit to an on-site test to measure noise level. An operator of a motorboat who receives a request from a law enforcement officer pursuant to this section shall allow the motorboat to be tested. If, based on a test to determine the noise level of a motorboat, the noise level of the motorboat exceeds the decibel levels established in this section, the law enforcement officer shall direct the operator of the motorboat to take immediate and reasonable measures to correct the violation, including, but not limited to, terminating the voyage of the motorboat until the motorboat no longer operates in violation of this section.~~

~~(c) Any officer authorized to enforce the provisions of this section who has reasonable suspicion to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer~~

chooses, and the operator shall comply with such request. The owner of any motorboat which violates any provision of this section shall have sixty days from the date of the violation to bring the motorboat into compliance with the provisions of this section. Thereafter, it shall be the owner's responsibility to have the motorboat tested by the department. If the motorboat fails such test, the motorboat shall not be operated on the waters of this state until the department certifies that the motorboat is in compliance with the provisions of this section. Failure to comply with a request or direction of an officer made pursuant to this subsection is a class C misdemeanor. Nothing in this section shall be construed to limit the officer's ability to enforce this section and to issue citations to the owner or operator of any motorboat during the sixty-day compliance period.

Sec. 2. K.S.A. 2007 Supp. 32-1120 is hereby repealed.

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

(Published in the Kansas Register April 24, 2008.)

SENATE BILL No. 584

AN ACT concerning the Kansas department of agriculture; transferring certain powers and duties of the secretary of the department of health and environment to the secretary of agriculture; food service establishments, licensure; amending K.S.A. 36-501, 36-502, 36-504, 36-506, 36-507 and 36-510 and K.S.A. 2007 Supp. 36-503, 36-503, as amended by section 10 of 2008 Senate Bill No. 584, 36-515b and 74-592 and repealing the existing sections.

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

New Section 1. (a) Except as otherwise provided by this act, on and after October 1, 2008, all of the powers, duties and functions of the department of health and environment concerning food service and lodging are hereby transferred to and conferred and imposed upon, the secretary of agriculture.

(b) Except as otherwise provided by this act, on and after October 1, 2008, the secretary of agriculture shall be the successor in every way to the powers, duties and functions of the department of health and environment concerning food service and lodging in which the same were vested prior to October 1, 2008. Every act performed in the exercise of such powers, duties and functions by or under the authority of the secretary of agriculture shall be deemed to have the same force and effect as if performed by the department of health and environment, in which such powers, duties and functions were vested prior to October 1, 2008.

(c) All rules and regulations of the department of health and environment concerning food service and lodging in existence on October 1, 2008, shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of agriculture until revised, amended, revoked or nullified pursuant to law.

(d) All orders and directives of the department of health and environment concerning food service and lodging in existence on October 1, 2008, shall continue to be effective and shall be deemed to be orders and directives of the secretary of agriculture until revised, amended or nullified pursuant to law.

(e) The division of food safety shall be a continuation of the department of health and environment concerning food service and lodging.

New Sec. 2. (a) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against any state agency or program mentioned in this act, or by or against any officer of the state in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this

act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of any such state agency or any officer affected.

(b) No criminal action commenced or which could have been commenced by the state shall abate by the taking effect of this act.

New Sec. 3. On and after October 1, 2008, the secretary of agriculture shall succeed to whatever right, title or interest the department of health and environment has acquired in any real property in this state concerning the functions transferred by this act, and the secretary of agriculture shall hold the same for and in the name of the state of Kansas. On and after October 1, 2008, whenever any statute, contract, deed or other document concerns the power or authority of the department of health and environment or the secretary of the department of health and environment concerning the functions transferred by this act to acquire, hold or dispose of real property or any interest therein, the secretary of agriculture shall succeed to such power or authority.

New Sec. 4. (a) Except as otherwise provided in this act, on October 1, 2008, officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the department of health and environment concerning food service and lodging which are transferred by this act, or who become a part of the Kansas department of agriculture, or the powers, duties and functions of which are transferred to the Kansas department of agriculture, and who, in the opinion of the secretary of agriculture, are necessary to perform the powers, duties and functions of the Kansas department of agriculture, shall be transferred to, and shall become officers and employees of the Kansas department of agriculture.

(b) Officers and employees of the department of health and environment transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the department of health and environment prior to the date of transfer.

New Sec. 5. (a) On and after October 1, 2008, the Kansas department of agriculture shall serve as custodian for all agency records, as defined by the Kansas open records act, related to article 5 of chapter 36 of the Kansas Statutes Annotated, from which authority is transferred from the department of health and environment to the secretary of agriculture. The department of health and environment shall continue to serve as custodian, as defined by the Kansas open records act, for all agency records related to article 5 of chapter 36 of the Kansas Statutes Annotated generated prior to October 1, 2008. A request for records generated prior to October 1, 2008, pursuant to the Kansas open records act, may be made to the Kansas department of agriculture and it shall be forwarded to the department of health and environment upon receipt.

(b) The department of health and environment shall immediately make available to the Kansas department of agriculture upon request any records, memoranda, writings, entries, prints, representations or combinations thereof of any act, transaction, occurrence or event of the department of health and environment related to those functions transferred to the secretary of agriculture.

New Sec. 6. On October 1, 2008, the balances of all funds or accounts thereof appropriated or reappropriated for the de-

(continued)

partment of health and environment relating to the powers, duties and functions transferred by this act are hereby transferred within the state treasury to the Kansas department of agriculture and shall be used only for the purpose for which the appropriation was originally made.

Sec. 7. The provisions of sections 1 through 6, and amendments thereto, shall be effective on and after October 1, 2008.

New Sec. 8. (a) On and after the effective date of this act, and prior to July 1, 2008, the secretary of health and environment shall not make any expenditures for the fiscal year ending June 30, 2008, from funds or accounts appropriated or reappropriated for the department of health and environment relating to the powers, duties and functions transferred by this act on October 1, 2008, without prior approval of the secretary of agriculture.

(b) On and after July 1, 2008, and prior to October 1, 2008, the secretary of health and environment shall not make any expenditures for the fiscal year ending June 30, 2009, from funds or accounts appropriated or reappropriated for the department of health and environment relating to the powers, duties and functions transferred by this act on October 1, 2008, without prior approval of the secretary of agriculture.

Sec. 9. On and after October 1, 2008, K.S.A. 36-501 is hereby amended to read as follows: 36-501. As used in the food service and lodging act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(a) "Hotel" means every building or other structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four or more rooms are used for the accommodation of such guests, regardless of whether such building or structure is designated as a cabin camp, tourist cabin, motel or other type of lodging unit.

(b) "Rooming house" means every building or other structure which is kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, but which does not maintain common facilities for the serving or preparation of food for such guests.

(c) "Boarding house" means every building or other structure which is kept, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests and in which eight or more guests may be accommodated, and which maintains common facilities for the serving or preparation of food for such guests. The term "boarding house" shall not include facilities licensed under paragraph (5) of subsection (a) of K.S.A. 75-3307b and amendments thereto.

(d) "Lodging establishment" means a hotel, rooming house or boarding house.

(e) "Food service establishment" means any place in which food is served or is prepared for sale or service on the premises or elsewhere. Such term shall include, but not be limited to, fixed or mobile restaurant, coffee shop, cafeteria, short-order cafe, luncheonette, grill, tea room, sandwich shop, soda fountain, tavern, private club, roadside stand, industrial-feeding establishment, catering kitchen, commissary and any other private, public or nonprofit organization or institution routinely serving food and any other eating or drinking establishment or operation where food is served or provided for the public with or without charge.

(f) "Food" means any raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

(g) "Food vending machine" means any self-service device which, upon insertion of a coin, coins or tokens, or by other

similar means, dispenses unit servings of food, either in bulk or in packages without the necessity of replenishing the device between each vending operation but shall not include any vending machine dispensing only bottled or canned soft drinks, or pre-packaged and nonpotentially hazardous food, chewing gum, nuts or candies.

(h) "Food vending machine company" means any person who is in the business of operating and servicing food vending machines.

(i) "Food vending machine dealer" means any manufacturer, remanufacturer or distributor of food vending machines who sells food vending machines to food vending machine companies.

(j) "Person" means an individual, partnership, corporation or other association of persons.

(k) "Municipality" means any city or county of this state.

(l) "Secretary" means the secretary of ~~health and environment~~ *agriculture*.

(m) "Department" means the *Kansas department of health and environment agriculture*.

Sec. 10. On and after October 1, 2008, K.S.A. 36-502 is hereby amended to read as follows: 36-502. (a) It shall be unlawful for any person to engage in the business of conducting a lodging establishment unless such person shall have in effect a valid license therefor issued by the secretary of ~~health and environment~~ *agriculture*. Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by the appropriate license fee required by subsection (c) of this section. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the lodging establishment designated in the application, to determine that it complies with the standards for lodging establishments promulgated pursuant to this act. If such lodging establishment is found to be in compliance, the secretary shall issue the license. If the application for license is denied, the secretary shall give written notice thereof to the applicant, stating also that the applicant is entitled to a hearing thereon if a written request therefor is filed with the secretary within 20 days of the date such notice is sent. Such hearing shall be held in accordance with the provisions of the Kansas administrative procedure act.

(b) Each license shall designate whether the licensed lodging unit is a hotel, rooming house or boarding house. Any person obtaining a license to engage in the business of conducting a rooming house or boarding house shall not have the right to use the name "hotel" in connection with such business. Every license issued hereunder shall be displayed conspicuously in the lodging establishment for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$3.

(c) The fee for a license to conduct a lodging establishment in this state for all or any part of any calendar year shall be \$30, except that the fee for any lodging establishment containing 10 sleeping rooms shall be \$35 and for every additional 10 rooms therein, an additional fee of \$5 shall be charged. All lodging establishments which are new, newly constructed or have a change of ownership shall pay an application fee which may be adjusted in accordance with the type of establishment or based on other criteria as determined by the secretary, but in no event shall any application fee exceed \$100 in addition to the license fee.

(d) Any person who, on the effective date of this act, has a valid license to operate a hotel or rooming house shall be a licensee under the provisions of this act, and any such license

is hereby deemed to be a license to operate a lodging establishment issued under the provisions of this act.

Sec. 11. K.S.A. 2007 Supp. 36-503 is hereby amended to read as follows: 36-503. (a) It shall be unlawful for any person to engage in the business of conducting a food service establishment unless such person shall have in effect a valid license therefor issued by the secretary of health and environment, except that any food service establishment providing only a device for the convenience and operation by a customer for the purpose of heating prepackaged food with no provision for consumption of food on the premises, or any food service establishment licensed by the secretary pursuant to any other law and maintained in connection with any premises licensed by the secretary pursuant to any other law shall not be required to obtain a license under this section, nor shall any person engaged only in the serving of food on railway dining cars or in the occasional sale or serving of food be required to obtain a license hereunder. For the purpose of this section, the sale or serving of food in the same location less than seven days in any calendar year shall be construed as the occasional sale or serving of food. *For the purpose of this section, hotels that provide only complimentary food service to only that hotel's overnight guests shall not be required to purchase a food service license separate from the lodging establishment license. This exemption from licensing does not exempt any food service establishment inside the hotel from inspection or regulation.* Nothing in this act shall prevent the secretary of health and environment from inspecting any food service establishment when a complaint against such food service establishment is transmitted to the secretary of health and environment or any authorized agent thereof except that no provision of this act shall be construed to authorize the secretary of health and environment to inspect or cause to be inspected under the provisions of this act any food service establishment licensed by the secretary of health and environment pursuant to any other law or maintained in connection with any premises licensed by the secretary pursuant to any other law which food service establishment is not required to obtain a license under this section.

(b) Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by an application fee and by a license fee, each of which shall be established in an amount fixed by rules and regulations adopted by the secretary of health and environment. Application fees may be adjusted in accordance with the type of establishment or based on other criteria as determined by the secretary, but in no event shall any application fee exceed \$200. Such license fee shall not exceed \$200 and shall be fixed in an amount which, together with the application fee, is sufficient to defray the cost of administering the food service establishment inspection and licensure activities of the secretary. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the food service establishment designated in the application, to determine that it complies with the standards for food service establishments promulgated pursuant to this act. If such food service establishment is found to be in compliance, the secretary shall issue the license. If the application for license is denied, the secretary shall give written notice thereof to the applicant, stating also that the applicant is entitled to a hearing thereon if a written request therefor is filed with the secretary within 20 days of the date such notice is sent. Such hearing shall be held in accordance with the provisions of the Kansas administrative procedure act.

(c) Every license issued hereunder shall be displayed conspicuously in the food service establishment for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$3.

(d) Any person who, on the effective date of this act, has a valid license to operate a restaurant shall be a licensee under the provisions of this act, and any such license is hereby deemed to be a license to operate a food service establishment issued under the provisions of this act.

(e) A premises where prepackaged individual meals are distributed to persons eligible under the federal older Americans act shall not pay any fee prescribed under subsection (b).

Sec. 12. On and after October 1, 2008, K.S.A. 2007 Supp. 36-503, as amended by section 10 of 2008 Senate Bill No. 584, is hereby amended to read as follows: 36-503. (a) It shall be unlawful for any person to engage in the business of conducting a food service establishment unless such person shall have in effect a valid license therefor issued by the secretary of ~~health and environment~~ *agriculture*, except that any food service establishment providing only a device for the convenience and operation by a customer for the purpose of heating prepackaged food with no provision for consumption of food on the premises, or any food service establishment licensed by the secretary pursuant to any other law and maintained in connection with any premises licensed by the secretary pursuant to any other law shall not be required to obtain a license under this section, nor shall any person engaged only in the serving of food on railway dining cars or in the occasional sale or serving of food be required to obtain a license hereunder. For the purpose of this section, the sale or serving of food in the same location less than seven days in any calendar year shall be construed as the occasional sale or serving of food. For the purpose of this section, hotels that provide only complimentary food service to only that hotel's overnight guests shall not be required to purchase a food service license separate from the lodging establishment license. This exemption from licensing does not exempt any food service establishment inside the hotel from inspection or regulation. Nothing in this act shall prevent the secretary of ~~health and environment~~ *agriculture* from inspecting any food service establishment when a complaint against such food service establishment is transmitted to the secretary of ~~health and environment~~ *agriculture* or any authorized agent thereof except that no provision of this act shall be construed to authorize the secretary of ~~health and environment~~ *agriculture* to inspect or cause to be inspected under the provisions of this act any food service establishment licensed by the secretary of ~~health and environment~~ *agriculture* pursuant to any other law or maintained in connection with any premises licensed by the secretary pursuant to any other law which food service establishment is not required to obtain a license under this section.

(b) Applications for such licenses shall be made on forms prescribed by the secretary, and each such application shall be accompanied by an application fee and by a license fee, each of which shall be established in an amount fixed by rules and regulations adopted by the secretary of ~~health and environment~~ *agriculture*. Application fees may be adjusted in accordance with the type of establishment or based on other criteria as determined by the secretary, but in no event shall any application fee exceed \$200. Such license fee shall not exceed \$200 and shall be fixed in an amount which, together with the application fee, is sufficient to defray the cost of administering the food service establishment inspection and licensure activities of the secretary. Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the food service establishment designated in the application, to determine that it complies with the standards for food service establishments promulgated pursuant to this act. If such food service establishment is found to be in compliance, the secretary shall issue the license. If the application for license is denied, the secretary shall give written notice thereof to the applicant, stating also that the applicant is entitled to a hearing thereon if a written request therefor is filed

(continued)

with the secretary within 20 days of the date such notice is sent. Such hearing shall be held in accordance with the provisions of the Kansas administrative procedure act.

(c) Every license issued hereunder shall be displayed conspicuously in the food service establishment for which it is issued, and no such license shall be transferable to any other person or location. Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$3.

(d) Any person who, on the effective date of this act, has a valid license to operate a restaurant shall be a licensee under the provisions of this act, and any such license is hereby deemed to be a license to operate a food service establishment issued under the provisions of this act.

(e) A premises where prepackaged individual meals are distributed to persons eligible under the federal older Americans act shall not pay any fee prescribed under subsection (b).

Sec. 13. On and after October 1, 2008, K.S.A. 36-504 is hereby amended to read as follows: 36-504. (a) It shall be unlawful for any person to engage in the business of conducting a food vending machine company unless such person shall have in effect a valid license therefor issued by the secretary of ~~health and environment~~ *agriculture*. Applications for such licenses shall be on forms prescribed by the secretary, and each such application shall specify the brand name and serial number of each food vending machine to be operated and serviced by the applicant during the period of licensure and shall be accompanied by an application fee in an amount fixed by rules and regulations adopted by the secretary of ~~health and environment~~ not to exceed \$100 and by the appropriate license fee required by subsection (b). Prior to the issuance of any such license, the secretary shall inspect or cause to be inspected the applicant and each food vending machine for which the applicant is to be licensed, to determine that they are in compliance with the applicable food service standards promulgated pursuant to this act. If the applicant and such machines are found to be in compliance with such standards, the secretary shall issue the license. If the application for license is denied, the secretary shall give written notice thereof to the applicant, stating also that the applicant is entitled to a hearing thereof if a written request therefor is filed with the secretary within ~~twenty (20)~~ 20 days of the date such notice is sent. Such hearing shall be held in accordance with the provisions of the Kansas administrative procedure act.

(b) The license fee for a food vending machine company shall be an amount equal to the product of the total number of food vending machines to be operated and serviced by the food vending machine company during the calendar year, multiplied by \$3, except that no food vending machine shall be included in such total number which is operated and serviced by a state institution or a public school.

(c) Every license issued hereunder shall be displayed conspicuously on the premises of the food vending machine company for which it is issued, and no such license shall be transferable to any other person nor shall such license be valid for the operation and service of any food vending machines other than those specified in the application for a license under subsection (a) or those additional food vending machines for which operation and servicing are authorized pursuant to subsection (f). Whenever any such license is lost, destroyed or mutilated, a duplicate license shall be issued to any otherwise qualified licensee upon application therefor and the payment of a fee in the amount of \$3.

(d) Each licensed food vending machine company shall keep a current record of the location of each food vending machine which such company is licensed to operate and service, and such record shall be available at any reasonable time to the secretary. Each licensed food vending machine company shall

cause the name of such company, the service telephone number and such additional information as the secretary may require, to be displayed conspicuously on each food vending machine that such company is licensed to operate and service.

(e) Each licensed food vending machine company shall notify the secretary within 10 days of the brand name and serial number of all food vending machines that become inoperative and are thereafter disposed of by such company or that are obtained by such company for use in addition to those which the food vending machine company is currently licensed to operate and service. Except for food vending machines obtained through isolated or occasional purchases thereof from a licensed food vending machine company, food vending machine companies shall be licensed to operate and service only food vending machines which are obtained from food vending machine dealers licensed pursuant to subsection (g).

(f) Whenever food vending machines are obtained by a licensed food vending machine company which are to be operated and serviced in addition to those currently authorized under the license, such company may apply to the secretary to include such additional machines under the license of such company. Such application shall be in the form prescribed by the secretary and each such application shall specify the brand name and serial number of each such additional machine and shall be accompanied by a fee of \$2 for each such additional machine. Prior to the issuance of such authorization, the secretary shall inspect or cause to be inspected each additional food vending machine to determine that it is in compliance with the applicable food service standards promulgated pursuant to this act. Only such additional machines which are in compliance with such standards shall be included under the license of such company.

(g) It shall be unlawful for any person to engage in business as a food vending machine dealer and to sell food vending machines to food vending machine companies licensed in this state unless such person shall have a valid license therefor issued by the secretary of health and environment. Applications for such licenses shall be on forms prescribed by the secretary and each such application shall be accompanied by the fee prescribed in this subsection. A person without this state may make application to the secretary for a license as a food vending machine dealer and be granted such a license by the secretary and thereafter shall be subject to all of the applicable provisions of this act and entitled to act as a licensed food vending machine dealer in this state, subject however, to such person filing proof with the application to the secretary of health and environment that such person has appointed the secretary of state of Kansas as agent for receipt of service of process relating to any matter or issue arising under this act. The fee for a food vending machine dealer's license for all or any part of any calendar year shall be \$25.

(h) A licensed food vending machine dealer shall report to the secretary of ~~health and environment~~ on or before the last day of each calendar month all sales of food vending machines made during the preceding month to Kansas vending machine companies, on forms prescribed by such secretary, showing the name and address of the purchaser, brand name and serial number of the machine and its sale price.

Sec. 14. On and after October 1, 2008, K.S.A. 36-506 is hereby amended to read as follows: 36-506. (a) The secretary of ~~health and environment, after consultation with the food service and lodging advisory committee,~~ *agriculture* shall adopt rules and regulations establishing minimum standards for the safe and sanitary operation of lodging establishments. The lodging standards promulgated by such rules and regulations shall relate to:

- (1) Water supply;
- (2) heating;

- (3) lighting;
- (4) ventilation;
- (5) toilet and other sanitary facilities;
- (6) conditions increasing the hazards of fire, accidents or other calamities;
- (7) bedding and furnishings;
- (8) sewage disposal; and
- (9) such other minimum conditions which the secretary deems necessary for the operation and maintenance of a lodging establishment in a safe and sanitary manner.

(b) The standards promulgated pursuant to the rules and regulations adopted hereunder shall be designed to ensure the health, comfort and safety of the guests in lodging establishments. Such standards may be based upon or incorporate by reference specific editions, or portions thereof, of nationally recognized codes establishing lodging standards. Such standards shall be applicable uniformly throughout the state, except that the secretary may establish different standards for each of the various classes of lodging establishments. Any provision of an ordinance or resolution of any municipality, prescribing safety and sanitation standards for lodging establishments, which does not conform to the minimum standards promulgated by the secretary pursuant to this section, shall be null and void; but nothing herein shall be construed as precluding any municipality from establishing by ordinance or resolution standards which are more stringent than those established by the secretary.

Sec. 15. On and after October 1, 2008, K.S.A. 36-507 is hereby amended to read as follows: 36-507. (a) The secretary of ~~health and environment, after consultation with the food service and lodging advisory committee,~~ *agriculture* shall adopt rules and regulations establishing minimum standards for the safe and sanitary operation of food service establishments. The food service standards promulgated by such rules and regulations shall relate to:

- (1) Preparation, sale, serving and storage of food;
- (2) water supply;
- (3) heating;
- (4) lighting;
- (5) ventilation;
- (6) toilet and other sanitary facilities;
- (7) conditions increasing the hazards of fire, accidents or other calamities;
- (8) sewage disposal; and
- (9) such other minimum conditions which the secretary deems necessary for the operation and maintenance of a food service establishment in a safe and sanitary manner.

(b) The standards promulgated pursuant to the rules and regulations adopted hereunder shall be designed to ensure the health, comfort and safety of the guests in food service establishments. Such standards may be based upon or incorporate by reference specific editions, or portions thereof, of nationally recognized codes establishing food service standards. Such standards shall be applicable uniformly throughout the state, and any provision of an ordinance or resolution of any municipality, prescribing safety and sanitation standards for food service establishments, which does not conform to the minimum standards promulgated by the secretary pursuant to this section, shall be null and void; but nothing herein shall be construed as precluding any municipality from establishing by ordinance or resolution food service standards which are more stringent than those established by the secretary: *Provided*, That no such ordinance or resolution shall be effective unless and until it has been approved by the secretary.

(c) In addition to the food service standards promulgated pursuant to this section, the secretary shall adopt rules and regulations establishing specific requirements for sanitary design, construction, location, servicing and operation of food vending

machines. Such standards may be based upon, or may incorporate by reference, recommended vending sanitation codes of the United States public health service which are in existence on the effective date of this act.

Sec. 16. On and after October 1, 2008, K.S.A. 36-510 is hereby amended to read as follows: 36-510. (a) The secretary shall be responsible for the enforcement of the lodging and food service standards promulgated pursuant to this act, but the secretary is hereby authorized and empowered to contract with the governing body of any municipality for the enforcement of all or any portion of such standards, whenever the secretary shall determine that such municipality has adequate personnel to provide proper enforcement. Any municipality entering into a contract with the secretary to enforce such standards shall act as an agent of the secretary in carrying out such duties, and no such municipality shall charge any lodging establishment or food service establishments a fee for services performed as an agent of the secretary under such contract which is in addition to and separate from any fee such establishment is required to pay to the secretary under the provisions of this act. Such municipality shall enforce such standards within such municipalities of this state as are designated in the contract. Any inspection of lodging or food service establishments by officers, employees or agents of any such municipality, and any notice of noncompliance issued as a result of any such inspection, shall have the same force and effect as if such had been done by the secretary.

(b) The secretary and the state fire marshal are hereby authorized and empowered to enter into a contract authorizing the state fire marshal and the fire marshal's deputies or lawful agents to enforce all or any portion of the lodging or food service standards promulgated pursuant to this act. Such contract shall designate specific lodging or food service establishments, or types of lodging or food service establishments, wherein such authority may be exercised. Any inspection of such establishments by the state fire marshal or the fire marshal's deputies or lawful agents, to determine compliance with lodging or food service standards established pursuant to this act, and any notice of noncompliance issued as a result of any such inspection, shall have the same force and effect as if such had been done by the secretary.

Such contract also may provide similar authority for the secretary of ~~health and environment~~ *agriculture* and the secretary's officers, employees and agents with respect to enforcement of all or any portion of the Kansas fire prevention code in specified lodging or food service establishments, or in types of lodging or food service establishments. Any inspection of such establishments by the secretary, or the secretary's officers, employees and agents, to determine compliance with the Kansas fire prevention code, shall have the same force and effect as if performed by the state fire marshal or the marshal's deputies and agents.

(c) Any food service establishment which is not required to be licensed under the provisions of this act, but which is licensed by the secretary pursuant to any other law, or which is maintained in connection with premises which are licensed by the secretary pursuant to any other law, shall be subject to the food service standards established pursuant to this act. In the discretion of the secretary, enforcement of such standards may be delegated to the personnel of the department who are responsible for enforcing the provisions of the law under which such food service establishment or premises are licensed. Failure of any such premises to comply with the food service standards promulgated pursuant to this act shall be grounds for the suspension or revocation of the license issued for the premises under such other law. The licensee shall not have any license revoked or suspended without first being given an opportunity for a hear-

(continued)

ing in accordance with the provisions of the Kansas administrative procedure act.

Sec. 17. On and after October 1, 2008, K.S.A. 2007 Supp. 36-515b is hereby amended to read as follows: 36-515b. (a) Any person who violates any provision of the food service and lodging act or any rule and regulation adopted pursuant thereto, in addition to any other penalty provided by law, may incur a civil penalty imposed under subsection (b) in an amount not to exceed \$500 for each violation and, in the case of a continuing violation, every day such violation continues shall be deemed a separate violation.

(b) ~~The director of the division of health~~ *secretary of agriculture*, upon a finding that a person has violated any provision of the food service and lodging act or any rule and regulation adopted pursuant thereto, may impose a civil penalty within the limits provided in this section upon such person, which civil penalty shall be in an amount to constitute an actual and substantial economic deterrent to the violation for which the civil penalty is assessed.

(c) No civil penalty shall be imposed pursuant to this section except upon the written order of the ~~director of the division of health~~ *secretary of agriculture* to the person who committed the violation. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to the secretary. Any such person, within 20 days after notification, may make written request to the secretary for a hearing in accordance with the provisions of the Kansas administrative procedure act. The secretary shall affirm, reverse or modify the order of the director and shall specify the reasons therefor.

(d) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions.

(e) Any penalty recovered pursuant to the provisions of this section 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 state general fund.

(f) This section shall be a part of and supplemental to the food service and lodging act.

Sec. 18. On and after October 1, 2008, K.S.A. 2007 Supp. 74-592 is hereby amended to read as follows: 74-592. The secretary of agriculture and the secretary of health and environment shall provide for a mechanism for ongoing communication and access between the division of food safety, as established by ~~this act, and the bureau of epidemiology~~ *K.S.A. 2007 Supp. 74-593, and amendments thereto, and the division of health at the department of health and environment. In exercising their respective authorities under K.S.A. 36-501 et seq., and amendments thereto, the secretary of agriculture and the secretary of health and environment shall apply consistent standards, policies, protocols and procedures in the licensing, inspection and regulation of food service establishments, taking into account the relative risk posed by such establishments to public health and food safety. The department of health and environment shall be the lead agency for public health matters when human illness or disease occurs. The division of food safety and the division of health shall cooperate in the investigation of a food borne illness. Such cooperation includes regular and special inspections of establishments, timely notification of potential outbreaks, interview of facility personnel, food and ingredient sample collection and processing, records sharing, training and dissemination of information.*

Sec. 19. K.S.A. 2007 Supp. 36-503 is hereby repealed.

Sec. 20. On and after October 1, 2008, K.S.A. 36-501, 36-502, 36-504, 36-506, 36-507 and 36-510 and K.S.A. 2007 Supp. 36-503, as amended by section 10 of 2008 Senate Bill No. 584, 36-515b and 74-592 are hereby repealed.

Sec. 21. 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 and the 2007 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-64-1	New	V. 26, p. 1393

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-4-1	Amended	V. 26, p. 1045
3-4-2	Amended	V. 26, p. 1045
3-4-4	Amended	V. 26, p. 1045
3-4-5	Amended	V. 26, p. 1045
3-4-6	Amended	V. 26, p. 1045

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-2-8	Amended	V. 27, p. 16
4-2-20	Amended	V. 27, p. 16
4-3-47	Amended	V. 27, p. 16
4-3-49	Amended	V. 27, p. 16
4-3-51	Amended	V. 27, p. 16
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
4-11-15	New	V. 26, p. 101
4-13-1	Amended	V. 27, p. 186
4-13-3	Amended	V. 27, p. 187
4-13-9	Amended	V. 27, p. 188
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-20	Amended	V. 27, p. 190
4-13-21	Amended	V. 27, p. 191
4-13-22	Amended	V. 27, p. 191
4-13-23	Amended	V. 27, p. 191
4-13-24	Amended	V. 27, p. 191
4-13-33	Amended	V. 27, p. 191
4-15-9	Amended	V. 26, p. 81
4-19-1	Amended	V. 26, p. 173
4-28-8		
through		
4-28-16	New	V. 27, p. 191-195

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
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	V. 26, p. 505, 506

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
10-20-4	Amended	V. 26, p. 507

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-8-3	Amended	V. 26, p. 1543
11-8-4	Amended	V. 26, p. 1543
11-12-1 through 11-12-7	New	V. 26, p. 1184-1187

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-8-2	Amended	V. 26, p. 1906
14-8-3	Amended	V. 26, p. 1906
14-16-23	Revoked	V. 26, p. 1906
14-16-24	Revoked	V. 26, p. 1906
14-24-1 through 14-24-6	New	V. 26, p. 1907

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-25-1	New	V. 27, p. 356

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-5	Amended	V. 26, p. 1115
28-1-6	Amended	V. 26, p. 1115
28-4-122	Amended	V. 27, p. 317
28-4-311	Amended	V. 27, p. 317
28-4-312 through 28-4-317	Revoked	V. 27, p. 317, 318
28-4-800 through 28-4-825	New	V. 27, p. 318-334
28-15-35	Amended	V. 26, p. 825
28-15-36	Amended	V. 26, p. 829
28-15-36a	Amended	V. 26, p. 829
28-15-37	Amended	V. 26, p. 830
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. 1929
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. 1929
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
28-19-720	Amended	V. 26, p. 951
28-19-728	New	V. 26, p. 951
28-19-728a through 28-19-728f	New	V. 26, p. 951, 952
28-19-735	Amended	V. 26, p. 953
28-19-750	Amended	V. 26, p. 953
28-23-16	Revoked	V. 27, p. 191
28-24-1 through 28-24-14	Amended	V. 26, p. 1510-1514
28-24-15	Revoked	V. 26, p. 1514
28-24-16	Revoked	V. 26, p. 1514
28-24a-1	New	V. 26, p. 1514
28-24a-2	New	V. 26, p. 1514
28-24a-3	New	V. 26, p. 1515
28-29-28	Amended	V. 26, p. 1610
28-29-29	Amended	V. 26, p. 1611
28-29-29a	Amended	V. 26, p. 1611
28-29-29b	New	V. 26, p. 1612
28-29-30	Amended	V. 26, p. 1612
28-29-31	Amended	V. 26, p. 1613
28-29-31a	New	V. 26, p. 1614
28-29-32	Amended	V. 26, p. 1614
28-29-33	Amended	V. 26, p. 1615
28-29-2011	New	V. 26, p. 1615
28-29-2101	Amended	V. 26, p. 1615
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247
28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
28-32-7	Revoked	V. 27, p. 247
28-32-8 through 28-32-14	New	V. 27, p. 247-249
28-35-135a	Amended	V. 26, p. 1142
28-35-135d	Amended	V. 26, p. 1144
28-35-135n	Amended	V. 26, p. 1145
28-35-135p	Amended	V. 26, p. 1145
28-35-135r	Amended	V. 26, p. 1147
28-35-177a	Amended	V. 26, p. 1148
28-35-178a	Amended	V. 26, p. 1149
28-35-178b	Amended	V. 26, p. 1150
28-35-180a	Amended	V. 26, p. 1151
28-35-181d	Amended	V. 26, p. 1152
28-35-181m	Amended	V. 26, p. 1153
28-35-181n	Amended	V. 26, p. 1154
28-35-181o	Amended	V. 26, p. 1155
28-35-182c	Amended	V. 26, p. 1155
28-35-184a	Amended	V. 26, p. 1156
28-35-201	Amended	V. 26, p. 1156
28-35-202	Revoked	V. 26, p. 1158
28-35-203	Amended	V. 26, p. 1158
28-35-216a	Amended	V. 26, p. 1159
28-35-230g	New	V. 26, p. 1159
28-35-289	Amended	V. 26, p. 1160
28-35-292	Amended	V. 26, p. 1162
28-35-308	Amended	V. 26, p. 1162
28-35-349	Amended	V. 26, p. 1162
28-35-450	Amended	V. 26, p. 1162
28-36-33 through 28-36-49	Revoked (T)	V. 26, p. 1682

28-36-33 through 28-36-49	Revoked	V. 27, p. 73
28-36-70 through 28-36-89	New (T)	V. 26, p. 1682-1696
28-36-70 through 28-36-89	New	V. 27, p. 73-87
28-36-101 through 28-36-108	Amended	V. 26, p. 1776-1779
28-36-109	New	V. 26, p. 1780
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
28-54-1 through 28-54-7	New	V. 26, p. 1640-1642
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-98	Amended	V. 26, p. 1905
30-5-65	Revoked	V. 26, p. 1091

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 26, p. 1393
40-1-51	Revoked	V. 26, p. 1364
40-2-20	Amended	V. 26, p. 101
40-2-29	New	V. 27, p. 15
40-2-30	New	V. 26, p. 1545
40-3-25	Amended	V. 27, p. 15
40-3-34	Revoked	V. 26, p. 1423
40-3-52	New	V. 27, p. 133
40-4-41	Amended	V. 27, p. 434
40-4-41a through 40-4-41j	Revoked	V. 27, p. 434, 435
40-7-19	Amended	V. 26, p. 881
40-7-20a	Amended	V. 26, p. 103
40-7-25	Amended	V. 26, p. 488

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-101	Amended	V. 26, p. 817
44-6-125	Amended	V. 26, p. 818
44-6-136	Amended	V. 26, p. 819
44-11-111	Amended	V. 26, p. 819
44-11-113	Amended	V. 26, p. 820
44-11-123	Amended	V. 26, p. 820
44-12-103	Amended	V. 26, p. 1074
44-12-105	Amended	V. 26, p. 1075
44-12-106	Amended	V. 26, p. 1075
44-12-107	Amended	V. 26, p. 1075
44-12-208	Amended	V. 26, p. 1075
44-12-210	Amended	V. 26, p. 1075
44-12-211	New	V. 26, p. 1075
44-12-212	New	V. 26, p. 1075
44-12-304	Amended	V. 26, p. 1075
44-12-306	Amended	V. 26, p. 1076
44-12-308	Amended	V. 26, p. 1076
44-12-312	Amended	V. 26, p. 1076
44-12-315	Amended	V. 26, p. 1076
44-12-320a	New	V. 26, p. 1076
44-12-325	Amended	V. 26, p. 1076
44-12-601	Amended	V. 26, p. 1077
44-12-901	Amended	V. 26, p. 1079
44-12-902	Amended	V. 26, p. 1079
44-12-903	New	V. 26, p. 1079
44-12-1101	Amended	V. 26, p. 1080
44-12-1201	Amended	V. 26, p. 1080
44-12-1301	Amended	V. 26, p. 1080
44-12-1302	Amended	V. 26, p. 1081

(continued)

44-12-1303	Amended	V. 26, p. 1081
44-12-1306	Amended	V. 26, p. 1081
44-12-1308	Amended	V. 26, p. 1081
44-13-101a	Amended	V. 26, p. 1082
44-13-106	Amended	V. 26, p. 1082
44-13-201	Amended	V. 26, p. 1082
44-13-201a	New	V. 26, p. 1083
44-13-201b	Amended	V. 26, p. 1084
44-13-202	Amended	V. 26, p. 1084
44-13-307	Amended	V. 26, p. 1085
44-13-402	Amended	V. 26, p. 1085
44-13-403	Amended	V. 26, p. 1085
44-13-404	Amended	V. 26, p. 1087
44-13-405a	Amended	V. 26, p. 1088
44-13-406	Amended	V. 26, p. 1089
44-13-408	Amended	V. 26, p. 1089
44-13-603	Amended	V. 26, p. 1089
44-13-610	Amended	V. 26, p. 1089
44-13-701	Amended	V. 26, p. 1090
44-13-703	Amended	V. 26, p. 1090
44-13-704	Amended	V. 26, p. 1090
44-15-101a	Amended	V. 26, p. 820
44-15-102	Amended	V. 26, p. 821
44-15-104	Amended	V. 26, p. 822
44-16-104a	New	V. 26, p. 822

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-36	New	V. 26, p. 1647
49-50-6	Amended	V. 26, p. 1647
49-50-20	Amended	V. 26, p. 1647

**AGENCY 50: DEPARTMENT OF LABOR—
DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-3-2	Amended	V. 26, p. 1642

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

Reg. No.	Action	Register
51-9-7	Amended	V. 26, p. 1639

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
60-9-106	Amended	V. 26, p. 1112
60-11-119	Amended	V. 26, p. 448
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
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108
63-5-1	Amended	V. 26, p. 126

**AGENCY 66: BOARD OF TECHNICAL
PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-9-5	Amended	V. 26, p. 1024
66-10-1	Amended	V. 27, p. 317
66-10-10a	Amended	V. 26, p. 1024
66-11-5	Amended	V. 26, p. 1025

**AGENCY 67: BOARD OF EXAMINERS
IN THE FITTING AND DISPENSING OF
HEARING INSTRUMENTS**

Reg. No.	Action	Register
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
68-5-16	Amended	V. 26, p. 488
68-7-11	Amended	V. 26, p. 1112

68-7-12	Amended	V. 26, p. 1114
68-7-20	Amended	V. 27, p. 435
68-20-17	Amended	V. 26, p. 488

**AGENCY 69: BOARD OF COSMETOLOGY
(by Dept. of Health and Environment)**

Reg. No.	Action	Register
69-12-6	Revoked	V. 26, p. 1515
69-12-13	Revoked	V. 26, p. 1515

**AGENCY 70: BOARD OF
VETERINARY EXAMINERS**

Reg. No.	Action	Register
70-5-1	Amended	V. 26, p. 1863

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-2	Amended	V. 26, p. 1954
74-1-3	Amended	V. 26, p. 1954
74-1-6	Amended	V. 26, p. 1955
74-1-8	Amended	V. 26, p. 1955
74-2-7	Amended	V. 26, p. 1955
74-4-1a	Amended	V. 26, p. 126
74-5-2	Amended	V. 26, p. 1956
74-5-101	Amended	V. 26, p. 1957
74-5-105	Revoked	V. 26, p. 127
74-5-201	Amended	V. 26, p. 1957
74-5-202	Amended	V. 26, p. 1957
74-5-204	Revoked	V. 26, p. 1957
74-5-403	Amended	V. 26, p. 128
74-5-405a	New	V. 26, p. 1957
74-5-406	Amended	V. 26, p. 1958
74-5-408	New	V. 26, p. 128
74-6-1	Amended	V. 26, p. 1958
74-7-2	Amended	V. 26, p. 1958
74-11-6	Amended	V. 26, p. 128

**AGENCY 82: STATE CORPORATION
COMMISSION**

Reg. No.	Action	Register
82-3-103	Amended	V. 26, p. 1609
82-3-119	Revoked	V. 26, p. 1643
82-3-123	Amended	V. 26, p. 1643
82-3-123a	Amended	V. 26, p. 1644
82-3-124	Amended	V. 26, p. 1644
82-3-131	Amended	V. 26, p. 1645
82-3-140	Amended	V. 26, p. 1645
82-3-300	Amended	V. 26, p. 1645
82-3-303	Amended	V. 26, p. 823
82-3-304	Amended	V. 26, p. 824
82-3-408	Amended	V. 26, p. 1646
82-3-603a	New	V. 26, p. 1610
82-4-30a	Amended (T)	V. 26, p. 1930
82-11-1	Amended	V. 27, p. 43
82-11-3	Amended	V. 27, p. 43
82-11-4	Amended	V. 27, p. 44
82-11-7	Amended	V. 27, p. 49
82-11-8	Amended	V. 27, p. 49

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-2	Amended	V. 26, p. 1728
86-1-5	Amended	V. 26, p. 1728
86-1-10	Amended	V. 26, p. 1729
86-1-11	Amended	V. 26, p. 1730
86-1-13	Amended	V. 26, p. 1731
86-1-15	Amended	V. 26, p. 1732
86-1-17	Amended	V. 26, p. 1732
86-1-18	Amended	V. 26, p. 1733
86-1-19	Amended	V. 26, p. 1733
86-1-20	New	V. 26, p. 1734
86-2-3	Revoked	V. 26, p. 1734
86-2-5	Revoked	V. 26, p. 1734
86-2-7	Revoked	V. 26, p. 1734
86-3-3	Revoked	V. 26, p. 1734
86-3-8	Amended	V. 26, p. 1734
86-3-9	Amended	V. 26, p. 1734
86-3-15	Amended	V. 26, p. 1734
86-3-21	Amended	V. 26, p. 1735
86-3-22	Amended	V. 26, p. 1735
86-3-26a	New	V. 26, p. 1736

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-8	Revoked	V. 26, p. 1141
88-3-8a	New	V. 26, p. 1141

88-3-12	Amended	V. 26, p. 1141
88-24-1	Amended	V. 26, p. 1142
88-24-2	Amended	V. 26, p. 1142
88-29-1	through	
88-29-19	New	V. 26, p. 216-229
88-30-1	New	V. 26, p. 1544
88-30-2	New	V. 26, p. 1544
88-30-3	New	V. 26, p. 1544

**AGENCY 91: DEPARTMENT OF
EDUCATION**

Reg. No.	Action	Register
91-1-201	Amended	V. 26, p. 1217
91-1-202	Amended	V. 26, p. 1218
91-1-203	Amended	V. 26, p. 1220
91-1-204	Amended	V. 26, p. 1224
91-1-209	Amended	V. 26, p. 1226
91-1-234	New	V. 26, p. 1226
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7	through	
91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285
91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26	through	
91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-16a	Amended	V. 26, p. 408
92-19-16b	New	V. 26, p. 409
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
92-27-1	through	
92-27-5	New	V. 26, p. 1648, 1649

**AGENCY 97: KANSAS COMMISSION ON
VETERANS' AFFAIRS**

Reg. No.	Action	Register
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 99: DEPARTMENT OF
AGRICULTURE—DIVISION OF
WEIGHTS AND MEASURES**

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 26, p. 1258
100-15-5	Amended	V. 26, p. 384
100-15-6	Amended	V. 26, p. 385
100-22-6	New	V. 26, p. 1642
100-22-7	New	V. 26, p. 1043
100-22-8	New	V. 26, p. 1367
100-22-8	Revoked (T)	V. 26, p. 1929
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New (T)	V. 26, p. 1929
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 26, p. 1753
100-29-7	Amended	V. 27, p. 209
100-49-4	Amended	V. 26, p. 1258
100-49-10	New	V. 26, p. 1367
100-54-4	Amended	V. 27, p. 209
100-54-7	Amended	V. 26, p. 1043
100-54-8	Amended	V. 26, p. 1044
100-55-4	Amended	V. 27, p. 209
100-73-1	Amended	V. 26, p. 1258
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Revoked	V. 26, p. 881
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended	V. 26, p. 1774
102-2-3	Amended	V. 26, p. 1775
102-2-10	Revoked	V. 26, p. 881
102-3-2	Amended	V. 26, p. 1775
102-3-8a	Revoked	V. 26, p. 881
102-4-2	Amended	V. 26, p. 1775
102-4-8a	Revoked	V. 26, p. 881
102-5-2	Amended	V. 26, p. 1776
102-5-8	Revoked	V. 26, p. 881
102-6-8	Amended	V. 26, p. 881

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-11-1	Amended	V. 26, p. 1752

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13-10	Amended	V. 26, p. 1752
110-15-1 through 110-15-4	New	V. 26, p. 1864
110-16-1 through 110-16-4	New	V. 26, p. 1865, 1866
110-17-1 through 110-17-4	New	V. 26, p. 1866, 1867
110-18-1 through 110-18-4	New	V. 26, p. 1867, 1868

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. A list of regulations filed by the Kansas Lottery from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. The following regulations were filed after January 1, 2008:

Reg. No.	Action	Register
111-4-2645 through 111-4-2656	New	V. 27, p. 436-442
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-9a	Amended	V. 27, p. 19
112-4-14a	Amended	V. 27, p. 19
112-5-1	Amended	V. 27, p. 19
112-6-1	Amended	V. 27, p. 20
112-7-6	Amended	V. 27, p. 20
112-7-8	Amended	V. 27, p. 21
112-7-15a	Amended	V. 27, p. 21
112-7-16	Amended	V. 27, p. 22
112-7-18a	Amended	V. 27, p. 22
112-7-20	Amended	V. 27, p. 23
112-8-9	Amended	V. 27, p. 23
112-10-12	Amended	V. 27, p. 23
112-10-32	Amended	V. 27, p. 23
112-11-10	Amended	V. 27, p. 24
112-11-20	Amended	V. 27, p. 24
112-18-1	Amended	V. 27, p. 26

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 26, p. 1722
115-2-3a	Amended	V. 26, p. 1723
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 27, p. 109
115-4-6a	Revoked	V. 27, p. 112
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-7-1	Amended	V. 26, p. 1725
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-7	Amended	V. 26, p. 1364
115-8-13	Amended	V. 27, p. 112
115-9-9	Amended	V. 26, p. 641
115-18-7	Amended	V. 27, p. 406
115-18-10	Amended	V. 26, p. 1727
115-18-12	Amended	V. 26, p. 1728
115-18-20	Amended	V. 26, p. 1728
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
117-2-2a	Amended	V. 27, p. 16
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. 27, p. 17
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. 27, p. 17
117-4-3	Amended	V. 26, p. 1266
117-4-4	Amended	V. 26, p. 1266
117-5-2a	Amended	V. 27, p. 18
117-6-1	Amended	V. 27, p. 357
117-6-2	Amended	V. 26, p. 1267
117-7-1	Amended	V. 27, p. 18
117-8-1	Amended	V. 27, p. 19

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
121-2-1	Amended	V. 26, p. 1908
121-3-1	Amended	V. 26, p. 1908
121-5-4	New	V. 26, p. 1909
121-9-1	New	V. 26, p. 1910

AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360
128-2-3 through 128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1 through 128-4-9	New	V. 27, p. 363-367
128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-1	Amended	V. 26, p. 1579
129-5-65	New	V. 26, p. 1091

Order a custom-made loose-leaf binder for the Kansas Register!

Custom-made binders are available to attractively hold up to a year's worth of your copies of the Kansas Register for permanent use. The high quality, durable casebound swinge-hinge binders are manufactured by ABZ Binder. (A swinge-hinge binder has more capacity and allows for easier interfiling than standard ring binders.) The three-inch binder features dark blue supported vinyl covering and gold imprinting, with a label holder on the spine.

\$15 each, includes shipping and handling.
 (Kansas residents must include applicable state and local sales tax.)



In this issue . . .

Kansas Department of Health and Environment	Page
Requests for comments on proposed air quality permits	34, 39
Annual Program Report for the Voluntary Cleanup and Property Redevelopment Program	35
Notice of hearing on proposed air quality permit	36
Notice concerning Kansas water pollution control permits	37
Pooled Money Investment Board	
Notice of investment rates	
State Banking Board	
Notice of 2002 meeting schedule	
Public notice	
Department of Administration	
Wildlife and Parks Commission	
Notice of hearing on proposed administrative regulations	37
Attorney General	
Opinions 2001-48 through 2001-56	39
Information Network of Kansas	
Notice of meeting	39
City of Overland Park	
Notice to bidders	40
Department of Administration—Division of Purchases	
Notice to bidders for state purchases	42
	42
	43

Please send _____

Total enclosed _____

Clip and mail

Kansas Register Binders @ \$15

(Note: Kansas residents must include applicable state and local sales tax.)

Ship to:

Shipping is by
 U.P.S. Delivery Service—
 Street address is necessary.

Mail this form, with payment, to: Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594

**Kansas Register
Secretary of State
1st Floor, Memorial Hall
120 S.W. 10th Ave.
Topeka, KS 66612-1594**

Use this form or a copy of it to enter a subscription:

_____ **One-year subscription @ \$80 ea.**
**(Kansas residents must include
applicable state and local sales tax.)**

Total Enclosed
(Make check payable to the Kansas Register)

Send to: _____

(Please, no
more than
4 address
lines.)

Zip code must be included

Rec. No. _____ Exp. _____ Code _____

This space for Register office use only.

Use this form or a copy of it to enter a name or address change:

Remove your mailing label (above) and affix it here:



Indicate change of name or address
here:

**Mail either form to: Kansas Register, Secretary of State, 1st Floor,
Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594**