



Kansas Register

Ron Thornburgh, Secretary of State

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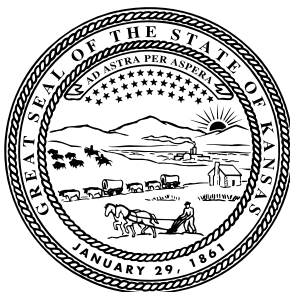
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State of Kansas

**Department of Administration
Division of Facilities Management**

Notice of Project Services

Pursuant to K.S.A. 74-99b16, the Kansas Bioscience Authority, Olathe, announces its intent to commence negotiations for minor excavation ancillary to the Kansas Bioscience Park Venture Accelerator. The excavation modification will occur in the north detention basin at the Kansas Bioscience Park project currently under construction at College Boulevard and Valley Road, Olathe.

Interested parties should contact Gary Micheel, Project Facilities Manager, (913) 397-8300, for additional information. Negotiations will commence 15 days following the publication of this notice.

Marilyn L. Jacobson, Director
Division of Facilities Management

Doc. No. 036931

State of Kansas

**Department of Administration
Division of Facilities Management**

Request for Bids for Construction Services

Notice is hereby given for the receipt of subcontractor and supplier bids for **Bid Package D — Foundations and Elevators, and Bid Package E — Site Electrical, for the University of Kansas, School of Pharmacy, Lawrence, Project Number A-010933 and KU Project Number 225-8094.** This project will be delivered under the construction management at-risk statute K.S.A. 75-37,144. J.E. Dunn Construction Company is the construction manager.

Subcontractor and supplier bids will be received for work as shown on the plans and as specified in Divisions 1-33. The project includes but is not limited to:

**Bid Package D: Foundations and Elevators
Bid Package E: Site Electrical**

Special conditions for this project include but are not limited to special site conditions for parking and storage, usage and access, working hours, construction schedule requirements and phasing. Subcontractors and suppliers are encouraged to carefully review all of the bidding documents for the unique aspects of the project.

Subcontractor and supplier bids will be received until 2 p.m. May 7 by J.E. Dunn Construction Company, 225 Maine St., Lawrence, 66044. Bids also may be e-mailed to Tracy.King@jedunn.com or faxed to (785) 331-4209. Bidders not already on the Division of Facilities Management's prequalified contractors list shall accompany their bid with a statement of qualifications indicating the organization's history and structure; past experience; claims and lawsuits; and, if applicable, bonding capacity. Alternatively, bidders may submit qualifications on either AIA Document A305 or AGC Document No. 221. All Bidders must prequalify in J.E. Dunn's Subcontractor Management System (SMS). The link to the SMS Web site is www.jedunn.com/spq.

Plans and specifications for the bid packages are available for review, print and download via the following

link: <http://www.m-repro.com/jedunn/kupharmacy>. A copy of the bid documents will be available for review in J.E. Dunn plan rooms located at 433 S. Kansas Ave, Topeka, 66603, and 1100 Walnut, Kansas City, MO 64016.

A pre-bid conference will be held at 1 p.m. April 29 in the Burge Student Union, Room 305, Courtside Meeting Room, University of Kansas, Lawrence.

Marilyn Jacobson, Director
Division of Facilities Management

Doc. No. 036941

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

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

- 05/04/2009 12166 Janitorial Services
- 05/06/2009 12170 Tablet Laptop Computers
- 05/06/2009 12174 Water and Air Cooled Chillers
- 05/12/2009 12175 Raze Maintenance Building
- 05/15/2009 11990 KHPA Develop and Coordinate Open Enrollment Communications for SEHP
- 05/15/2009 12172 Address Normalization Software and Services
- 05/27/2009 12012 Food Services

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

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

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default.htm>

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/ftp/.

- 05/06/2009 A-011029 Parking Lot Modifications — Resurface Lot 300 — Phase, University of Kansas, Lawrence
- 05/07/2009 A-011096(A) Metal Roof Retrofit — D & E Cell Houses, El Dorado Correctional Facility, EL Dorado
- 05/12/2009 A-010799 Roof Replacement — Marlatt Residence Hall, Kansas State University, Manhattan
- 05/19/2009 A-011020 Electrical Improvements — Kramer Dining Center, Kansas State University, Manhattan
- 05/20/2009 A-010425 Building 5 Tenant Improvement — Jardine Apartments, Kansas State University, Manhattan

Chris Howe
Director of Purchases

Doc. No. 036955

State of Kansas

Office of Judicial Administration
Supreme Court Docket

(Note: Dates and times of arguments are subject to change.)

Monday, May 11, 2009

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
98,763 State of Kansas, Appellee v. James Boyer, Appellant	Stephen N. Six, Attorney Gen. Lesley A. Isherwood, Asst. District Atty. Lydia Krebs, Kansas Appellate Defender	Sedgwick Petition for Review
99,657 State of Kansas, Appellee v. Gerald E. Gonzalez, Appellant	Stephen N. Six, Attorney Gen. Lesley A. Isherwood, Asst. District Atty. Rachel L. Pickering, Kansas Appellate Defender	Sedgwick
97,447 State of Kansas, Appellee v. Ronnie Morlock, Appellant	Stephen N. Six, Attorney Gen. Matt J. Maloney, Asst. District Atty. Mark T. Schoenhofer	Sedgwick Petition for Review
99,794 State of Kansas, Appellee v. Karlan D. Ransom, Appellant	Stephen N. Six, Attorney Gen. Matt J. Maloney, Asst. District Atty. Nancy Ogle	Sedgwick

Tuesday, May 12, 2009

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
98,489 Landmark National Bank, Appellee v. Boyd A. Kesler, Appellee/X-Appellant, Millennia Mortgage Corp., Defendant, Mortgage Electronic Registration Systems, Inc. and Sovereign Bank, Appellants/Cross-Appellees, Dennis Bristow and Tony Woydziak, Intervenors/Appellees	David H. Snapp Ted E. Knopp Robert E. Lastelic Tyson C. Langhofer Max E. Estes	Ford Petition for Review
100,454 State of Kansas, Appellee v. David E. Easterling, Appellant	Stephen N. Six, Attorney Gen. Robert D. Hecht, District Atty. Christopher M. Joseph	Shawnee
98,077 State of Kansas, Appellee v. Christopher Case, Appellant	Stephen N. Six, Attorney Gen. Daryl E. Hawkins, Asst. County Atty. Christina M. Waugh, Kansas Appellate Defender	Dickinson Petition for Review
101,115 In the Matter of Steven Keith Woodring, Respondent	Stanton A. Hazlett, Discip. Admin. Steven Keith Woodring, Pro Se	Original

Wednesday, May 13, 2009

9:00 a.m.

Case No. / Case Name	Attorneys	Jurisdiction
100,726 State of Kansas, Appellant v. Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri, Inc., Appellee	Stephen N. Six, Attorney Gen. Steven J. Obermeier, Asst. District Atty. Robert V. Eye Pedro L. Irigonegaray	Johnson

99,788 State of Kansas, Appellee v. Gary Lee Morningstar, Jr., Appellant	Stephen N. Six, Attorney Gen. Kassie L. McEntire, County Atty. Kerwin L. Spencer	Sumner
99,411 State of Kansas, Appellee v. Jerry W. Trussell, Appellant.	Stephen N. Six, Attorney Gen. Jan Satterfield, County Atty. Michael C. Brown	Butler
101,413 In the Matter of Stanley L. Wiles, Respondent	Alexander M. Walczak, Deputy Discip. Admin. Stanley L. Wiles, Pro Se	Original

Thursday, May 14, 2009

Case No. / Case Name	Attorneys	Jurisdiction
98,373 State of Kansas, Appellee v. Michael D. Houston, Sr., Appellant	Stephen N. Six, Attorney Gen. John J. Bryant, Asst. District Atty. Carl Folsom, Kansas Appellate Defender	Wyandotte Petition for Review
97,652 Lisa Boldridge, Appellant v. State of Kansas, Appellee	Jean K. Gilles Phillips Stephen N. Six, Attorney Gen. Rex L. Lane, Special Prosecutor for the State	Atchison Petition for Review
100,264 State of Kansas, Appellee v. Harry O. White, Appellant	Stephen N. Six, Attorney Gen. Christina Trocheck, Asst. County Atty. Carl Folsom, Kansas Appellate Defender	Saline
98,861 State of Kansas, Appellee v. Darren L. Raschke, Appellant	Stephen N. Six, Attorney Gen. Scott E. McPherson, County Atty. Carl Folsom, Kansas Appellate Defender	Rice Petition for Review

Friday, May 15, 2009

Case No. / Case Name	Attorneys	Jurisdiction
101,746 In the Matter of Thomas O. Rost, Respondent	Stanton A. Hazlett, Discip. Admin. Dan E. Turner	Original
98,750 Frick Farm Properties, L.P., Appellant v. State of Kansas, Dept. of Agriculture, Appellee	David M. Traster Brett Berry	Pawnee Petition for Review
99,023 State of Kansas, Appellee v. Cynthia Casady, Appellant	Stephen N. Six, Attorney Gen. Charles D. Baskins, County Atty. Shawn E. Minihan, Kansas Appellate Defender	Doniphan. Petition for Review
101,741 In the Matter of Douglas A. Patterson, Respondent	Stanton A. Hazlett, Discip. Admin. Douglas A. Patterson, Pro Se	Original

May 11-15, 2009**Summary Disposition of Sentencing Appeals—No Oral Argument
Pursuant to Supreme Court Rule 7.041a**

100,653	State v. Michael A. Parker	101,034	State v. Oscar Monzon
100,740	State v. Timothy M. McCawley	101,068	State v. Joey Lee Ruckman
100,801	State v. Nathan H. McKinney	101,139	State v. Troy McCowan
100,882/100,919	State v. Patrick I. Hood	101,140	State v. Jason Myers
101,007	State v. Richard Rhodes	101,233	State v. Jarret Robinson-Bey

Carol G. Green
Clerk of the Appellate Courts

**State of Kansas
State Conservation Commission
Notice of Meeting**

The State Conservation Commission will meet at 9 a.m. Monday, May 11, in the commission's conference room, 109 S.W. 9th, Suite 500, Topeka. Persons requiring special accommodations should contact the commission at (785) 296-3600 at least three days prior to the meeting.

Greg A. Foley
Executive Director

Doc. No. 036942

**State of Kansas
Criminal Justice Coordinating Council
Notice of Federal Grant Application Review**

The Kansas Criminal Justice Coordinating Council approved the federal application for the Federal Recovery Act Edward Byrne Memorial Justice Assistance Grant Formula Program at its meeting April 7. The program narrative of the application can be viewed online at www.governor.ks.gov.

Juliene Maska
Governor's Grants Program Administrator

Doc. No. 036926

**State of Kansas
Department on Aging
Notice of Senior Care Act Sliding Fee Scale**

Pursuant to K.S.A. 2008 Supp. 75-5933, the Secretary of Aging shall develop a sliding fee scale that shall be published annually in the Kansas Register. The following scale will be used for state fiscal year 2010 beginning July 1, 2009:

SCA SLIDING FEE SCALE

Effective 7/1/2008
FY 2009

		LIQUID ASSETS																							
		0-10,000	10,001-20,000	20,001-30,000	30,001-40,000	40,001-50,000	50,001-60,000	60,001-70,000	70,001-80,000	80,001-90,000	90,001-100,000	100,001-110,000	110,001-120,000	120,001-and Above											
1 Person Family		Donation	5	10	15	20	30	40	50	60	70	80	90	100	1 Person Family										
INCOME	0 to 867	5	10	15	20	30	40	50	60	70	80	90	90		100	0 to 867	867								
	868 to 967	5	10	15	20	30	40	50	60	70	80	90	90			100	868 to 967	967							
	968 to 1,067	10	15	20	30	40	50	60	70	80	90	90	100				968 to 1,067	1,067							
	1,068 to 1,167	15	20	30	40	50	60	70	80	90	90	100					1,068 to 1,167	1,167							
	1,168 to 1,267	20	30	40	50	60	70	80	90	90	100						1,168 to 1,267	1,267							
	1,268 to 1,367	30	40	50	60	70	80	90	90	100							1,268 to 1,367	1,367							
	1,368 to 1,467	40	50	60	70	80	90	90	100								1,368 to 1,467	1,467							
	1,468 to 1,567	50	60	70	80	90	90	100									1,468 to 1,567	1,567							
	1,568 to 1,667	60	70	80	90	90	100										1,568 to 1,667	1,667							
	1,668 to 1,767	70	80	90	90	100											1,668 to 1,767	1,767							
	1,768 to 1,867	80	90	90	100												1,768 to 1,867	1,867							
	1,868 to 1,967	90	90	100													1,868 to 1,967	1,967							
	1,968 and Above	100	100														100	100	100	100	100	100	100	100	1,968 and Above

		LIQUID ASSETS																						
		0-13,500	13,501-23,500	23,501-33,500	33,501-43,500	43,501-53,500	53,501-63,500	63,501-73,500	73,501-83,500	83,501-93,500	93,501-103,500	103,501-113,500	113,501-123,500	123,501-and Above										
2 Person Family		Donation	5	10	15	20	30	40	50	60	70	80	90	100	2 Person Family									
INCOME	0 to 1,167	5	10	15	20	30	40	50	60	70	80	90	90		100	0 to 1,167	1,167							
	1,168 to 1,267	5	10	15	20	30	40	50	60	70	80	90	100			1,168 to 1,267	1,267							
	1,268 to 1,367	10	15	20	30	40	50	60	70	80	90	90				100	1,268 to 1,367	1,367						
	1,368 to 1,467	15	20	30	40	50	60	70	80	90	90	100					1,368 to 1,467	1,467						
	1,468 to 1,567	20	30	40	50	60	70	80	90	90	100						1,468 to 1,567	1,567						
	1,568 to 1,667	30	40	50	60	70	80	90	90	100							1,568 to 1,667	1,667						
	1,668 to 1,767	40	50	60	70	80	90	90	100								1,668 to 1,767	1,767						
	1,768 to 1,867	50	60	70	80	90	90	100									1,768 to 1,867	1,867						
	1,868 to 1,967	60	70	80	90	90	100										1,868 to 1,967	1,967						
	1,968 to 2,067	70	80	90	90	100											1,968 to 2,067	2,067						
	2,068 to 2,167	80	90	90	100												2,068 to 2,167	2,167						
	2,168 to 2,267	90	90	100													2,168 to 2,267	2,267						
	2,268 and Above	100	100														100	100	100	100	100	100	100	2,268 and Above

Questions about the fee scales or other facets of the Senior Care Act program may be directed to Jennifer Springer, In-Home Program Manager, at (785) 296-6448.

Kathy Greenlee
Secretary of Aging

Doc. No. 036930

State of Kansas

Department of Administration
Division of Personnel ServicesNotice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Wednesday, July 1, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed rules and regulations of the Division of Personnel Services, Department of Administration, 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 rules and regulations. All interested parties may submit written comments prior to the hearing to the Division of Personnel Services, Room 252, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, or by e-mail to Kraig.Knowlton@da.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kraig Knowlton at (785) 296-1082 or TYY (800) 766-3777. The north entrance to the Landon State Office Building is accessible. Handicapped parking is located at the south end of the Landon State Office Building, across the street from the north entrance to the building, and on Ninth Street, just around the corner from the north entrance to the building.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Department of Administration, other state agencies, state employees or the general public has been identified.)

Copies of the proposed regulations and the economic impact statement for the proposed regulations can be viewed at the following Web site: <http://da.ks.gov/ps/documents/regs/default.htm>.

K.A.R. 1-2-64 — Probationary employee. This is a new regulation that defines the term "probationary employee" as any individual serving a probationary period pursuant to K.A.R. 1-7-4 (a) or (d). Since this definition simply clarifies current policy, it will have no economic impact.

K.A.R. 1-2-65 — Probationary status. Amendments to this regulation coincide with the new regulation above and clarify that only probationary employees are in probationary status. Again, this is not a change to current policy, so these amendments will have no economic impact.

K.A.R. 1-7-3 — Probationary period required. Language is being added to clarify that under the state's new Performance Management Process (PMP), while there are multiple criteria that receive "ratings," it is the overall rating that is entered into the state's payroll and accounting system that is relevant with respect to the completion of the probationary period. Similarly, language is being amended to clarify that with the five ratings of the new PMP, only those employees who receive the lowest rating at the end of a probationary period are required not to be granted permanent status.

New language also clarifies that performance reviews conducted as part of an employee's probationary period are not required to be performed within the time period mandated for all other performance reviews in the new PMP, and the effective date of the regulation is being specified to coincide with the effective date of the new PMP. Since the amendments to this regulation essentially preserve the current policies regarding probationary periods and performance reviews required by probationary periods, they will have no economic impact.

K.A.R. 1-7-4 — Duration of probationary period. All of the amendments proposed to this regulation are language changes or clarifications with no policy impact and will therefore have no economic impact.

K.A.R. 1-7-6 — Notices relating to probationary periods and extensions. All of the proposed amendments to this regulation are language changes or clarifications and do not make any substantive changes, so they will have no economic impact.

K.A.R. 1-7-7 — Removal of probationary employee by director. All of the proposed amendments to this regulation are language changes for the purposes of clarity and do not make any substantive changes to current policy and will therefore have no economic impact.

K.A.R. 1-7-10 — Performance reviews. Language is being added to clarify that the performance management process referenced is the one authorized and directed to be developed and implemented by the 2008 Legislature. Amendments also are being proposed to emphasize that the purpose of the new process is not only to assess the effectiveness of employees, but also to clarify and inform employees of their expected performance outcomes.

Proposed language also is being added to require that only immediate supervisors who have supervised an employee for at least 90 days can complete the employee's performance review. In addition, amendments specify that the required annual performance review be conducted on forms prescribed by DPS, but allows agencies to add additional, job-related performance criteria to those set out on the prescribed forms.

The regulation also is being amended to prescribe specific, 90-day timeframes during which annual performance reviews and required midyear reviews of employees are to take place under the new PMP. Amendments also provide that if an employee receives an unsatisfactory rating on either of the essential requirements of the new PMP, the employee's overall performance review rating must also be unsatisfactory.

The new PMP's emphasis on greater communication between the supervisor and employee may result in

(continued)

many supervisors being required to devote more time to this pursuit. There also has been concern expressed that the timeframes established for the completion of performance reviews and the midyear review may create a hardship on supervisors with numerous employees as well as on supervisors who have cyclical or seasonal work that falls within the periods of time set aside for completion of these measures.

The administration believes that the enhanced performance management and communication that will be achieved through the implementation of the new PMP will more than make up for any inconvenience or additional time spent by supervisors implementing the new process. Similarly, it is believed that the 90-day window provided for the timeframes established in the regulation provides ample ability to plan and budget time accordingly to meet these requirements.

The last feature of these amendments that may have an economic impact is the requirement that an employee who receives an unsatisfactory on either of the two essential requirements must receive an overall unsatisfactory performance evaluation. Those who designed the new PMP believe that these essential requirements are fundamental to being effective employees of the state of Kansas, so employees who are not able to satisfactorily complete these essential requirements should not be allowed to be considered to be performing anything other than in an unsatisfactory manner.

K.A.R. 1-7-11 — Employees entitled to appeal performance reviews. The only amendment to this regulation with substantive impact clarifies that the total amount of time that an employee's probationary period may be extended in order to allow an appeal committee to prepare the final performance review is 60 days. Neither this nor the other technical amendments proposed to this regulation are anticipated to have any economic impact.

K.A.R. 1-7-12 — Performance review appeal procedure. Language is being added to this regulation to require that employees are to receive the date, time and place of the hearing when they are informed of names of the members of the performance review appeal committee as well as to clarify that, prior to the hearing, employees may object in writing to any individual proposed to serve as a member of the employee's performance review appeal committee. Additional amendments require that once received, the appointing authority must inform the employee in writing that the objection is denied or appoint another member of the committee, and that all of this information is to be included as part of the documentation of the appeal. Language also is being added to include an employee's request for an extension to the list of reasons why an appointing authority may extend the time limits associated with the appeal of a performance review. None of these proposed amendments are anticipated to have any economic impact.

K.A.R. 1-14-8 — Computation of layoff scores. Language is being added to clarify that the current values associated with the three-level rating scale are to be used for calculations involving performance review conducted on or before September 30, 2009, but proposes new values for the five ratings of the new PMP for performance reviews conducted on or after October 1, 2009. Amend-

ments to this regulation also align the definitions utilized with respect to the preference for veterans in the case of identical layoff scores with the expanded definition of "veteran" used for the state's Veterans' Preference Program as set out in K.S.A. 73-201. The remainder of the amendments proposed to this regulation are language changes or for the purpose of clarification and do not change current policy.

The change from three to five performance ratings will result in greater variation in layoff scores among employees, which could potentially have an economic impact on those employees who are subject to a layoff after October 1, 2009. Similarly, the adoption of the definition of "veteran" set forth in K.S.A. 73-201 will mean that more employees will be considered a veteran for the purposes of receiving a preference in the case of identical layoff scores, which could potentially have an economic impact on the employees included in that layoff. Beyond these situations, there should be no further economic impact from the proposed amendments to this regulation.

Duane Goossen
Secretary of Administration

Doc. No. 036953

State of Kansas

Department of Health and Environment

Request for Letters of Intent

Letters of intent to apply for federal family planning funds for state fiscal year 2010 will be received by the Director of Health, KDHE, Suite 300, Curtis State Office Building, 1000 S.W. Jackson, Topeka, 66612, until 2 p.m. May 7. Letters of intent will include information about the area of the state in which services will be provided.

Interested bidders will comply with Title X of the Public Health Service Act, Grants for Family Planning Services. The Title X Family Planning Program ["Population Research and Voluntary Family Planning Programs" (Public Law 91-572)], was enacted in 1970 as Title X of the Public Health Service Act. Title X is the only federal grant program dedicated solely to providing individuals with comprehensive family planning and related preventive health services. The Title X program is designed to provide access to contraceptive services, supplies and information to all who want and need them. By law, priority is given to persons from low-income families.

The Title X Family Planning Program in Kansas is administered within the Kansas Department of Health and Environment, Division of Health. In fiscal year 2009, the state of Kansas was awarded approximately \$2.5 million for family planning services to men and women as described in the statute and regulations (45 CFR Part 59). Funds were distributed to more than 50 agencies operating more than 80 clinical service sites across the state.

For more information, call (785) 296-1310.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 036946

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-09-115
Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Dr. Donald Altenhofen, D.V.M. 7101 Main St. Kelly, KS 66538	Dr. Donald Altenhofen, D.V.M. 7101 Main St. Kelly, KS 66538	Missouri River Basin
Legal Description SE/4 of Section 31 T03S, R13E Nemaha County		
Kansas Permit No. A-MONM-S072		

This is an application for a permit for new construction at an existing swine facility for 400 head (160 animal units) of swine weighing more than 55 pounds and 139 head (139 animal units) of cattle weighing more than 700 pounds, for a total of 539 head (299 animal units). The facility currently consists of 3.9 acres of beef confinement lots and four open-face swine buildings with 0.3 acre of concrete lots and alleys. The facility is proposing to abandon 0.7 acre of the beef confinement lots, construct a diversion, sediment basin and retention control structure. Head capacity at the facility will not change as a result of the construction. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-09-116/121
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Neosho Valley Feeders Greg Gleue 225 Verdure Road Le Roy, KS 66857	SW/4 of Section 08, T23S, R17E, Coffey County	Neosho River Basin
Kansas Permit No. A-NECF-B001		

This is a new permit for an existing facility for 598 head (299 animal units) of beef cattle weighing less than 700 pounds. The permittee is required to construct a runoff control and treatment system.

Name and Address of Applicant	Legal Description	Receiving Water
Dennis & Craig Ritter HC 1, Box 60 Jennings, KS 67643	E/2 of Section 29, T04S, R27W, Decatur County	Upper Republican River Basin
Kansas Permit No. A-URDC-B009		

This is a new permit for a new facility for 999 head (999 animal units) of cattle weighing more than 700 pounds. The proposed construction includes open lot pens with a waste control system consisting of a sediment basin and earthen waste storage pond.

Name and Address of Applicant	Legal Description	Receiving Water
Metzger Farms II Douglas Metzger 2293 P Road Seneca, KS 66538	NE/4 of Section 22, T02S, R13E, Nemaha County	Missouri River Basin
Kansas Permit No. A-MONM-S061		

This permit is being reissued for an existing facility with a total of 40 head (16 animal units) of swine weighing greater than 55 pounds and 300 head (30 animal units) of swine weighing 55 pounds or less, for a total of 340 head (46 animal units) of swine. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Miller Farm's & Feedlot G.P. Stan Miller P.O. Box 27 Norcatur, KS 67653	NE/4 of Section 18, T03S, R25W, Norton County	Upper Republican River Basin
Kansas Permit No. A-URNT-B010		

This is a reissuance of a permit for an existing facility with a decrease in head count from 1,000 head (500 animal units) of cattle weighing less than 700 pounds to 990 head (495 animal units) of cattle weighing less than 700 pounds.

Name and Address of Applicant	Legal Description	Receiving Water
Ericson Pork Stanley E. Ericson 356 2nd Road Clifton, KS 66937	SE/4 of Section 09, T05S, R01E, Washington County	Lower Republican River Basin
Kansas Permit No. A-LRWS-S021		

This is a reissuance of a permit for an existing facility for 79 head (31.6 animal units) of swine weighing greater than 55 pounds and 780 head (78 animal units) of swine weighing 55 pounds or less, for a total of 859 head (109.6 animal units) of swine. There are no changes in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Blue View Farms Melvin Schlepp 430 Road 3 Kanorado, KS 67741	SW/4 of Section 14, T05S, R42W, Cheyenne County	Upper Republican River Basin
Kansas Permit No. A-URCN-B001		

This permit is being reissued for an existing facility with 400 head (400 animal units) of cattle weighing greater than 700 pounds. There is no change in the permitted animal units from the previous permit.

Public Notice No. KS-Q-09-032/041

Name and Address of Applicant	Receiving Stream	Type of Discharge
Greeley, City of P.O. Box 188 Greeley, KS 66033	South Fork Pottawatomie Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC14-0001		Federal Permit No. KS0025721
Legal Description: N½, NE¼, NE¼, S30, T19S, R12E, Anderson County		

(continued)

Name and Address of Applicant
Hillsdale Improvement District
P.O. Box 147
Hillsdale, KS 66036
Kansas Permit No. M-MC60-0001 Federal Permit No. KS0081396
Legal Description: NE¼, SE¼, S15, T16S, R23E, Miami County

Name and Address of Applicant
Marquette, City of
P.O. Box 401
Marquette, KS 67464
Kansas Permit No. M-SH25-0001 Federal Permit No. KS0021873
Legal Description: NE¼, NE¼, NE¼, S25, T17S, R5W, McPherson County

Name and Address of Applicant
Moran, City of
P.O. Box 188
Moran, KS 66755
Kansas Permit No. M-MC25-0001 Federal Permit No. KS0047490
Legal Description: NE¼, S36, T24S, R20E, Allen County

Name and Address of Applicant
Mound City, City of
P.O. Box 332
Mound City, KS 66056
Kansas Permit No. M-MC26-0001 Federal Permit No. KS0047503
Legal Description: SE¼, SE¼, SE¼, S6 and NE¼, NE¼, NE¼, S7, T22S, R24E, Linn County

Name and Address of Applicant
Parker, City of
P.O. Box 137
Parker, KS 66072
Kansas Permit No. M-MC34-0001 Federal Permit No. KS0080152
Legal Description: NE¼, S8, T20S, R22E, Linn County

Name and Address of Applicant
Pleasanton, City of
1608 Laurel St.
Pleasanton, KS 66075
Kansas Permit No. M-MC35-0001 Federal Permit No. KS0116653
Legal Description: NE¼, SW¼, NE¼ and NW¼, SE¼, NE¼, S25, T21S, R24E, Linn County

Name and Address of Applicant
Scranton, City of
P.O. Box 218
Scranton, KS 66537
Kansas Permit No. M-MC44-0001 Federal Permit No. KS0031283
Legal Description: N½, NW¼, NE¼, S9, T15S, R15E, Osage County

Name and Address of Applicant
Floyd Cosens & Bennie Lowry
P.O. Box 68
Pleasanton, KS 66075
Facility Name: Southview Housing Development
Kansas Permit No. C-MC35-0003 Federal Permit No. KS0087386
Legal Description: NW¼, NW¼, NW¼, S6, T22S, R25E, Linn County
Facility Description: The proposed action consists of reissuance of the existing Kansas/NPDES Water Pollution Control permits for the above-referenced existing facilities. The proposed permits each contain limits for biochemical oxygen demand and total suspended sol-

ids, as well as monitoring for ammonia, E. coli and pH. The permits requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

Name and Address of Applicant
Tanco Kansas City LLC
10520 Wolcott Drive
Kansas City, KS 66109
Kansas Permit No. I-MO25-PO08 Federal Permit No. KS0093424
Legal Description: SW¼, S2, T10S, R23E, Leavenworth County
Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. This facility is a bulk storage terminal for hire that stores and transfers asphalt and vegetable oil. Boiler blowdown (1-3 days/month), softener regeneration backwash (1 day/month), and iron filter backwash (3 days/month) are directed to a sump. Stormwater also accumulates in the sump. Whenever the sump is full, about 1,000 gallons of wastewater from the sump is manually discharged directly into the Missouri River. The facility discharges process wastewater about six months during summer only. The balance of the discharge is storm water. The facility uses well water only. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement an industrial stormwater pollution prevention plan within one year of the effective date of the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

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 23 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-115/121, KS-Q-09-032/041) 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.kdheks.gov/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. 036947

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 2010;
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 2010, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications 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, 2009.

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, 2009. 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, Second 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 Kansas 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 or related party 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 on-going 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 cal-

(continued)

endar 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 midpoint of that year to 12/31/08. 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 12/31/08. 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 12/31/08. 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 12/31/08. 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 12/31/08. 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

(Re-enrollment Status)

The per diem rate for each provider re-entering 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 re-entering the program shall be adjusted to 12/31/08. 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 12/31/08. 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 re-enrollment 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 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

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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 12/31/08. 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).

(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 administrator 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 property fees in effect July 1, 2008.

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 12/31/08. 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 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.

(continued)

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 receive 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 to 12/31/08 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 Incentive Factor is a per diem amount determined by six per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$1.00 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.10 per diem add-on. Providers that achieve a turnover rate at or below the 75th percentile will earn a \$1.00 per diem add-on. Providers that have a turnover rate greater

than the 75th percentile but that reduce their turnover rate by 10% or more will receive a per diem add-on of \$0.10. Providers that have completed the full Kansas Culture Change Instrument Survey will receive a \$0.15 per diem add-on. Finally, providers that have a Medicaid occupancy percentage of 60% or more will receive a \$0.45 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

The table below summarizes the incentive factor outcomes and per diem add-ons:

Incentive Outcome:	Incentive Points:
(1) CMI adjusted staffing ratio \geq 75th percentile (4.72) or CMI adjusted staffing < 75th percentile but improved \geq 10%	\$1.00
(2) Staff turnover rate \leq 75th percentile (38%) or Staff turnover rate > 75th percentile but reduced \geq 10%	0.10 1.00 0.10
(3) Completion of the full Kansas Culture Change Instrument Survey	0.15
(4) Medicaid occupancy \geq 60%	0.45
Total Incentive Per Diem Add-on Available	\$2.60

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 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 3.50, which is 120% of the statewide NFMH median of 2.91. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.21, 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 \$21.97, or 90% of the statewide median of \$24.41

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 38%, 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 38% but equal to or below 49%, 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 76%, the 75th percentile statewide will earn two points. Providers with staff retention rates at or above 71%, 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% (3.50) of state median (2.91), or CMI adjusted staffing ratio between 110% (3.21) and 120%	2, or 1
(2) Total occupancy < 90%	1
(3) Operating expenses < \$21.97, 90% of NFMH median (\$24.41)	1
(4) Staff turnover rate at or better than the 75th percentile, 38% Staff turnover rate > 33% but at or better than the 50th percentile, 49%	2, or 1
(5) Staff retention \geq 75th percentile, 76% Staff retention \geq 50th percentile, 71%	2, or 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

The survey and certification performance of each NF and NF-MH provider will be reviewed prior to any incentive factor payment. In order to qualify for the incentive factor a home must not have received any health care survey deficiency of scope and severity level "H" or higher during the survey review period. Homes that receive "G" level deficiencies, but no "H" level or higher deficiencies, and that correct the "G" level deficiencies within 30 days of the survey, will receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level "F" will receive 100% of the calculated incentive factor. The survey and certification review period will be the 15-month period ending one quarter prior to the rate effective date. The following table lists the rate effective dates and corresponding review period end dates.

Rate Effective Date:	Review Period End Date:
July 1	March 31st
October 1	June 30th
January 1	September 30th

April 1

December 31st

(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, 2009 (\$7.25), 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 appli-

(continued)

cation 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, 2009 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 2010 (the twelve months beginning July 1, 2009 and ending June 30, 2010). Completed applications must be returned to the Kansas Department prior to September 30, 2009.

(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 2010. 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 most recent cost report resident day total.

As an example, consider an employer that has ten employees receiving a wage of \$6.75 prior to July 1, 2009. If the employer raises their wages effective July 1, 2009, 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 2010, 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 the most recent cost report, 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, 2009 will be effective July 1, 2009. 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, 2009.

(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.

The pass-through per diems will be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new minimum wage costs. Since the base cost period for fiscal year 2010 is the cost report data from 2005-2007, minimum wage increases for July 1, 2008 are

not reflected in the base cost data. Minimum wage pass-through per diems calculated during fiscal year 2009 will be continued through 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.3 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 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.

The pass-through per diems will be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new DME expenses.

During the phasing out of the DME pass-through, if the per diem add-on falls below \$0.10, it will be removed from the rate calculation. Since the base cost period for fiscal year 2010 is the cost report data from 2005-2007, DME expenses for July 1, 2008 are not reflected in the base cost data. DME per diems calculated during fiscal year 2009 will be continued through fiscal year 2010.

(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, 2009.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$28.82
Indirect Health Care	115% of the Median Cost	\$41.64
Direct Health Care	120% of the Median Cost	\$82.18
Real and Personal Property Fee	105% of the Median Fee	\$8.62

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, 2009, using the July 1, 2009 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	145.10	1.0449
Alma Manor	Alma	142.42	0.8775
Life Care Center of Andover	Andover	141.69	1.1159
Anthony Community Care Center	Anthony	135.50	1.1355
Medicalodges Health Care Center	Arkansas City	163.89	1.0177
Arkansas City Presbyterian Manor	Arkansas City	147.23	0.9635
Deseret Nursing & Rehab at Arma, Inc.	Arma	117.22	0.9961
Ashland Health Center-LTCU	Ashland	153.21	1.0700
Medicalodges Atchison	Atchison	143.29	1.0653
Atchison Senior Village	Atchison	139.36	0.9112
Dooley Center	Atchison	140.35	0.6970
Attica Long Term Care	Attica	157.95	1.0833
Good Samaritan Society-Atwood	Atwood	139.42	0.9464
Lake Point Nursing Center	Augusta	116.08	0.9160
Baldwin Care Center	Baldwin City	140.31	1.1735
Quaker Hill Manor	Baxter Springs	120.25	1.1059
Catholic Care Center Inc.	Belaire	127.94	1.0083
Great Plains of Republic County, Inc	Belleville	141.79	0.8920
Belleville Health Care Center	Belleville	108.77	0.9339
Mitchell County Hospital LTCU	Beloit	122.62	1.0105
Hilltop Lodge Nursing Home	Beloit	136.10	0.9810
Bonner Springs Nursing and Rehab.	Bonner Springs	130.45	1.0353
Hill Top House	Bucklin	139.44	0.9258

Buhler Sunshine Home, Inc.	Buhler	152.94	0.9767
Life Care Center of Burlington	Burlington	145.96	0.9471
Caney Nursing Center	Caney	86.34	0.8535
Eastridge Nursing Home	Centralia	142.29	1.0175
Heritage Health Care Center	Chanute	118.69	1.0168
Chanute Health Care Center	Chanute	140.07	1.1266
Applewood Rehabilitation	Chanute	80.13	0.8216
Chapman Valley Manor	Chapman	120.30	0.9100
Cheney Golden Age Home Inc.	Cheney	131.35	0.9391
Cherryvale Care Center	Cherryvale	118.90	0.8824
Chetopa Manor	Chetopa	107.85	0.9909
The Shepherd's Center	Cimarron	124.83	0.8931
Medicalodges Clay Center	Clay Center	149.33	0.9300
Clay Center Presbyterian Manor	Clay Center	159.78	1.0000
Clearwater Ret. Community	Clearwater	120.16	0.9042
Community Care, Inc.	Clifton	98.38	0.8711
Park Villa Nursing Home	Clyde	109.71	0.8750
Coffeyville Regional Medical Center	Coffeyville	209.59	1.5500
Windsor Place	Coffeyville	131.44	1.0201
Medicalodges Coffeyville	Coffeyville	130.10	0.9888
Windsor Place at Iola, LLC	Coffeyville	131.40	1.0403
Deseret Nursing & Rehab at Colby	Colby	131.50	1.0200
Prairie Senior Living Complex	Colby	142.87	0.8300
Pioneer Lodge	Coldwater	114.55	0.8446
Medicalodges Columbus	Columbus	157.44	1.1716
Mt Joseph Senior Village, LLC	Concordia	121.70	0.9648
Sunset Home, Inc.	Concordia	118.90	0.9193
Spring View Manor	Conway Springs	98.45	0.8213
Golden Living Center-Chase Co.	Cottonwood Falls	126.33	1.0564
Council Grove Healthcare Center	Council Grove	123.48	1.0025
Hilltop Manor	Cunningham	105.78	0.9293
Westview of Derby	Derby	123.96	0.9891
Hillside Village	De Soto	132.60	0.9150
Dexter Care Center	Dexter	119.26	0.8500
Lane County Hospital-LTCU	Dighton	137.91	0.9163
Trinity Manor	Dodge City	131.29	0.8991
Good Samaritan Society-Dodge City	Dodge City	134.15	0.9949
Manor of the Plains	Dodge City	154.05	0.9745
Medicalodges Douglass	Douglass	147.25	0.9263
Golden Living Center-Downs	Downs	129.51	1.0920
Country Care Home	Easton	129.99	0.9233
Golden Living Center-Parkway	Edwardsville	143.33	1.1539
Golden Living Center-Kaw River	Edwardsville	141.40	1.0692
Golden Living Center-Edwardsville	Edwardsville	119.76	0.9297
Lakepoint Nursing Center-El Dorado	El Dorado	123.53	1.0319
Golden Living Center-El Dorado	El Dorado	117.95	1.0597
Morton County Hospital	Elkhart	127.85	1.0429
Woodhaven Care Center	Ellinwood	130.03	1.0297
Good Samaritan Society-Ellis	Ellis	143.79	0.9071
Good Sam Society-Ellsworth Village	Ellsworth	135.37	0.9800
Emporia Presbyterian Manor	Emporia	153.62	0.9979
Holiday Resort	Emporia	127.21	0.9732
Flint Hills Care Center, Inc.	Emporia	111.37	0.9945
Enterprise Estates Nursing Center	Enterprise	113.11	1.0383
Golden Living Center-Eskridge	Eskridge	100.01	0.8000
Medicalodges of Eudora	Eudora	126.57	0.9226
Eureka Nursing Center	Eureka	143.01	0.9184
Medicalodges Fort Scott	Fort Scott	149.57	0.9396
Fort Scott Manor	Fort Scott	119.65	1.0221
Fowler Nursing Home	Fowler	136.16	0.9400
Frankfort Community Care Home, Inc.	Frankfort	123.07	1.0527
Golden Living Center-Fredonia	Fredonia	129.01	1.2472
Sunset Manor, Inc.	Frontenac	115.19	0.9845
Emerald Pointe Health & Rehab Centre	Galena	118.39	0.8428
Galena Nursing & Rehab Center	Galena	127.64	1.0419
Garden Valley Retirement Village	Garden City	135.63	0.9831
Homestead Health & Rehab	Garden City	143.63	0.9442
Meadowbrook Rehab Hosp., LTCU	Gardner	174.79	1.1200
Medicalodges Gardner	Gardner	140.25	0.8857
Anderson County Hospital	Garnett	150.08	0.8940
Golden Heights Living Center	Garnett	133.85	0.9357
The Heritage	Girard	118.77	1.2400
The Nicol Home, Inc.	Glasco	126.25	0.9486
Medicalodges Goddard	Goddard	152.68	0.9083
Bethesda Home	Goessel	163.07	1.0100
Good Samirtan Society-Sherman Co.	Goodland	151.07	1.1139
Cherry Village Benevolence	Great Bend	115.91	0.9183
Great Bend Health & Rehab Center	Great Bend	130.87	0.9336
Halstead Health and Rehab Center	Halstead	127.49	0.9076
Lakewood Senior Living of Haviland	Haviland	87.14	0.6654
St. John's of Hays	Hays	125.59	0.9415
St. Johns Victoria	Hays	128.66	0.9324
Good Samaritan Society-Hays	Hays	120.17	0.9293
Haysville Healthcare Center	Haysville	141.46	1.0331

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Medicalodges Herington	Herington	116.95	0.8860	Andbe Home, Inc.	Norton	140.57	0.9321
Schowalter Villa	Hesston	162.98	0.9831	Village Villa	Nortonville	140.99	1.0120
Maple Heights of Hiawatha	Hiawatha	129.99	1.0086	Logan County Manor	Oakley	133.42	0.9344
Highland Care Center	Highland	126.38	1.0011	Decatur County Hospital	Oberlin	117.42	0.8557
Dawson Place, Inc.	Hill City	117.74	0.8822	Good Samaritan Society-Decatur Co.	Oberlin	141.59	1.0338
Salem Home	Hillsboro	140.82	0.9061	Villa St. Francis	Olathe	155.36	1.0393
Parkside Homes, Inc.	Hillsboro	144.69	1.0354	Pinnacle Ridge Nursing and Rehabilitation	Olathe	125.11	0.9938
Medicalodges Jackson County	Holton	144.02	1.0221	Royal Terrace Nursing & Rehab. Center	Olathe	142.48	1.0041
Tri County Manor Living Center, Inc.	Horton	132.66	1.1107	Deseret Nursing & Rehab at Onaga	Olathe	153.30	1.0095
Howard Twilight Manor	Howard	137.12	0.9913	Johnson County Nursing Center	Olathe	177.45	1.1270
Sheridan County Hospital	Hoxie	135.95	0.9043	Aberdeen Village, Inc.	Olathe	163.15	0.9678
Pioneer Manor	Hugoton	134.07	1.0528	Deseret Nursing & Rehab at Onaga	Onaga	150.56	1.0484
Pinecrest Nursing Home	Humboldt	126.05	1.0233	Peterson Health Care, Inc.	Osage City	111.37	0.9219
Golden Plains	Hutchinson	137.29	0.9677	Osage Nursing & Rehab Center	Osage City	136.84	1.0900
Good Sam Society-Hutchinson Village	Hutchinson	143.10	0.9804	Life Care Center of Osawatomie	Osawatomie	138.35	1.0804
Deseret Nursing & Rehab at Hutchinson	Hutchinson	115.51	1.0621	Parkview Care Center	Osborne	129.70	0.9704
Wesley Towers	Hutchinson	165.73	1.0089	Hickory Pointe Care & Rehab Center	Oskaloosa	130.87	0.9908
Ray E. Dillon Living Center	Hutchinson	140.61	0.8024	Deseret Nursing & Rehab at Oswego	Oswego	121.49	1.0030
Regal Estate	Independence	123.15	1.0457	Ottawa Retirement Village	Ottawa	126.55	1.1080
Windsor Place at Independence	Independence	107.84	1.0442	Brookside Manor	Overbrook	129.47	1.0121
Pleasant View Home	Inman	148.37	0.9083	Garden Terrace at Overland Park	Overland Park	147.94	1.0432
Iola Nursing Center	Iola	93.73	0.9611	Indian Meadows Healthcare Center	Overland Park	192.66	1.2214
Hodgeman Co Health Center-LTCU	Jetmore	135.47	1.1200	Manorcare Hlth Services of Overland Park	Overland Park	156.92	1.0075
Stanton County Hospital-LTCU	Johnson	142.43	0.8789	Villa Saint Joseph	Overland Park	173.68	1.1656
Good Samaritan Society-Junction City	Junction City	151.52	1.0576	Delmar Gardens of Overland Park	Overland Park	152.14	0.9680
Valley View Senior Life	Junction City	120.52	0.9187	Overland Park Nursing & Rehab	Overland Park	162.49	1.0686
Medicalodges Post Acute Care Center	Kansas City	154.24	1.0559	Indian Creek Healthcare Center	Overland Park	159.79	0.9673
Kansas City Presbyterian Manor	Kansas City	159.91	0.9562	Village Shalom, Inc.	Overland Park	168.34	1.0417
Medicalodges Kansas City	Kansas City	154.54	0.9706	Riverview Manor, Inc.	Oxford	105.85	0.9070
Lifecare Center of Kansas City	Kansas City	138.91	0.9936	North Point Skilled Nursing Center	Paola	139.37	1.0771
Deseret Nursing & Rehab at Kensington	Kensington	118.23	0.9859	Medicalodges Paola	Paola	111.34	0.6959
The Wheatlands	Kingman	122.63	0.8882	Elmhaven East	Parsons	111.41	1.0596
Medicalodges Kinsley	Kinsley	146.14	0.9085	Elmhaven West	Parsons	116.02	1.0457
Kiowa Hospital District Manor	Kiowa	137.38	0.9143	Parsons Presbyterian Manor	Parsons	150.60	1.0615
Rush Co. Memorial Hospital	La Crosse	117.25	0.9233	Good Samaritan Society-Parsons	Parsons	124.43	0.9177
Rush County Nursing Home	Lacrosse	133.94	0.9911	Legacy Park	Peabody	140.86	0.9914
High Plains Retirement Village	Lakin	158.43	0.9368	Westview Manor of Peabody	Peabody	82.18	0.6576
Golden Living Center-Lansing	Lansing	128.27	1.1065	Phillips County Retirement Center	Phillipsburg	117.88	0.9836
Larned Healthcare Center	Larned	144.04	1.0351	Medicalodges Pittsburg South	Pittsburg	130.96	0.9880
St. Joseph Memorial Hospital	Larned	148.41	0.9333	Mt. Carmel Regional Medical Center SNF	Pittsburg	241.13	1.9450
Lawrence Presbyterian Manor	Lawrence	163.47	1.0094	Golden Living Center-Pittsburg	Pittsburg	115.04	1.0184
Brandon Woods at Alvarado	Lawrence	150.70	0.9279	Cornerstone Village, Inc.	Pittsburg	134.22	0.9476
Pioneer Ridge Retirement Community	Lawrence	142.21	0.9247	Rooks County Senior Services, Inc.	Plainville	141.49	0.8996
Medicalodges Leavenworth	Leavenworth	153.48	0.9324	Pratt Regional Medical Center	Pratt	137.81	0.9721
Delmar Gardens of Lenexa	Lenexa	138.24	1.0007	Lakewood Senior Living of Pratt, LLC	Pratt	112.35	0.8850
Lakeview Village	Lenexa	151.27	0.8440	Prescott Country View Nursing Center	Prescott	103.60	0.9105
Leonardville Nursing Home	Leonardville	108.13	0.9700	Prairie Sunset Manor	Pretty Prairie	142.21	0.9610
Wichita County Health Center	Leoti	147.53	0.8560	Protection Valley Manor	Protection	109.92	0.8073
Good Samaritan Society-Liberal	Liberal	137.89	0.9013	Gove County Medical Center	Quinter	139.19	0.8816
Wheatridge Park Care Center	Liberal	143.77	0.9753	Grisell Memorial Hosp Dist #1-LTCU	Ransom	138.78	0.9754
Mid-America Health Center of Lincoln	Lincoln	127.84	0.9567	Richmond Healthcare and Rehabilitation	Richmond	125.98	1.1242
Bethany Home Association	Lindsborg	146.47	0.8944	Lakepoint Nursing Center-Rose Hill	Rose Hill	122.13	0.9040
Linn Community Nursing Home	Linn	116.00	0.9104	Rossville Healthcare & Rehab Center	Rossville	137.19	1.0974
Sandstone Heights	Little River	135.75	1.0455	Russell Regional Hospital	Russell	110.86	0.9400
Logan Manor Community Health Service	Logan	142.72	1.0291	Wheatland Nursing & Rehab Center	Russell	121.25	1.0407
Louisburg Care Center	Louisburg	149.89	1.2241	Apostolic Christian Home	Sabetha	123.40	0.9459
Good Samaritan Society-Lyons	Lyons	152.68	1.1121	Sabetha Nursing Center	Sabetha	136.59	1.0152
Meadowlark Hills Retirement Community	Manhattan	163.19	0.9874	Kenwood View Nursing Center	Salina	122.67	1.0357
Stoneybrook Retirement Community	Manhattan	130.98	0.9219	Windsor Estates	Salina	124.73	0.9054
St. Joseph Village, Inc.	Manhattan	150.83	1.0428	Pinnacle Park Nursing and Rehabilitation	Salina	115.23	0.9483
Jewell County Hospital	Mankato	113.05	0.9283	Salina Presbyterian Manor	Salina	158.20	0.9800
St. Luke Living Center	Marion	135.69	0.9613	Holiday Resort of Salina	Salina	132.86	0.9564
Riverview Estates, Inc.	Marquette	136.59	0.9793	Smokey Hill Rehabilitation Center	Salina	122.24	0.9878
Cambridge Place	Marysville	125.03	1.0075	Satanta Dist. Hosp. LTCU	Satanta	158.32	1.0079
Deseret Nursing & Rehab at McPherson	McPherson	145.87	0.9170	Park Lane Nursing Home	Scott City	142.19	0.8908
The Cedars, Inc.	McPherson	161.81	0.9727	Pleasant Valley Manor	Sedan	112.21	1.0667
Meade District Hospital, LTCU	Meade	121.99	0.8563	Sedgwick Healthcare Center	Sedgwick	154.55	0.9803
Trinity Nursing & Rehab Ctr,	Merriam	162.20	1.0072	Crestview Manor	Seneca	107.21	1.0286
Great Plains of Ottawa County, Inc.	Minneapolis	107.85	0.9650	Life Care Center of Seneca	Seneca	119.39	0.9050
Good Samaritan Society-Minneapolis	Minneapolis	130.54	0.9748	Good Samaritan Society	Sharon Springs	121.42	0.9550
Minneola District Hospital	Minneola	130.26	0.9682	Shawnee Gardens Nursing Center	Shawnee	141.69	1.0837
Bethel Home, Inc.	Montezuma	152.22	1.0153	Sharon Lane Health Services	Shawnee	126.25	0.9702
Moran Manor	Moran	126.99	1.3379	Smith County Memorial Hospital LTCU	Smith Center	123.51	0.8543
Memorial Home for the Aged	Moundridge	167.50	1.1170	Deseret Nursing & Rehab at Smith Center	Smith Center	125.24	1.0636
Moundridge Manor, Inc.	Moundridge	140.74	0.9179	Mennonite Friendship Manor, Inc.	South Hutchinson	155.60	0.9367
Mt. Hope Nursing Center	Mt. Hope	125.16	0.9150	Golden Living Center-Spring Hill	Spring Hill	110.76	0.7357
Villa Maria, Inc.	Mulvane	138.66	1.0463	Good Sam Society-St. Francis Village	St. Francis	142.79	0.9355
Golden Living Center-Neodesha	Neodesha	125.38	1.1608	Leisure Homestead at St. John	St. John	134.02	0.9273
Ness County Hospital Dist. #2	Ness City	136.95	0.8287	Community Hospital of Onaga, LTCU	St. Mary's	142.29	0.9319
Asbury Park	Newton	161.14	0.9874	Prairie Mission Retirement Village	St. Paul	116.65	0.8578
Kansas Christian Home	Newton	165.08	1.1452				
Newton Presbyterian Manor	Newton	168.19	1.0604				
Bethel Care Center	North Newton	149.74	1.0243				

Leisure Homestead at Stafford	Stafford	113.35	0.9365
Sterling Presbyterian Manor	Sterling	153.05	1.0082
Solomon Valley Manor	Stockton	140.96	1.0144
Seasons of Life Living Center	Syracuse	150.59	0.9917
Tonganoxie Nursing Center	Tonganoxie	128.84	0.9675
Brewster Place	Topeka	152.18	0.8429
Topeka Presbyterian Manor Inc.	Topeka	158.49	0.9577
Eventide Convalescent Center, Inc.	Topeka	104.79	0.8327
Topeka Community Healthcare Center	Topeka	132.56	1.0031
McCrite Plaza Health Center	Topeka	139.91	1.0147
Rolling Hills Health Center	Topeka	146.45	0.9737
Manorcare Health Services of Topeka	Topeka	148.01	1.0187
Aldersgate Village	Topeka	168.01	1.0428
Plaza West Care Center, Inc.	Topeka	153.33	1.0186
Lexington Park Nursing and Post Acute	Topeka	165.06	1.0711
Westwood Manor	Topeka	120.58	0.9468
IHS of Brighton Place	Topeka	103.53	0.7716
Countryside Health Center	Topeka	105.82	0.6825
Providence Living Center	Topeka	91.51	0.7193
Brighton Place North	Topeka	85.51	0.6388
Greeley County Hospital, LTCU	Tribune	127.21	0.8700
The Legacy at Park View	Ulysses	140.64	0.9318
Valley Health Care Center	Valley Falls	67.95	0.0000
Trego Co. Lemke Memorial LTCU	WaKeeney	137.51	0.9871
The Lutheran Home-WaKeeney	WaKeeney	115.13	0.8743
Golden Living Center-Wakefield	Wakefield	124.80	1.1200
Good Samaritan Society-Valley Vista	Wamego	148.80	1.0050
The Centennial Homestead, Inc.	Washington	93.06	0.8246
Wathena Nursing & Rehab Center	Wathena	118.75	1.0348
Coffey County Hospital	Waverly	121.76	0.8457
Golden Living Center-Wellington	Wellington	125.36	1.0942
Deseret Nursing & Rehab at Wellington	Wellington	143.08	0.9558
Wellsville Manor	Wellsville	134.51	1.0183
West Community Care Home	Westmoreland	119.35	0.9527
Wheat State Manor	Whitewater	140.39	0.9111
Medicalodges Wichita	Wichita	152.07	0.9541
Meridian Nursing & Rehab Center	Wichita	124.26	0.9941
Kansas Masonic Home	Wichita	156.72	1.0081
Homestead Health Center, Inc.	Wichita	146.46	1.0104
Wichita Presbyterian Manor	Wichita	168.20	1.0467
Lakepoint Nursing and Rehabilitation	Wichita	139.06	0.9578
Manorcare Health Services of Wichita	Wichita	148.91	1.1358
College Hill Nursing and Rehab Center	Wichita	133.35	0.9174
Lakewood Senior Living of Seville	Wichita	118.53	0.9139
Golden Living Center-Wichita	Wichita	128.34	0.9457
Wichita Nursing Center	Wichita	105.53	0.7972
The Health Care Center at Larksfield Pl	Wichita	157.81	0.9291
Life Care Center of Wichita	Wichita	148.25	1.0617
Via Christi Hope	Wichita	137.10	1.0222
Deseret Nursing & Rehab at Wichita	Wichita	134.69	1.1494
Sandpiper Healthcare and Rehab Center	Wichita	122.86	1.0389
Golden Living Center-Wilson	Wilson	125.39	1.0890
Jefferson Co. Memorial Hospital-LTCU	Winchester	142.71	0.9326
Good Samaritan Society-Winfield	Winfield	149.05	1.0923
Cumbernauld Village, Inc.	Winfield	146.23	0.8450
Winfield Rest Haven, Inc.	Winfield	140.82	0.9522
Deseret Nursing & Rehab at Yates Center	Yates Center	127.48	1.0163

III. Justifications for the Proposed Rates

1. The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. 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.
3. The State's analyses project that the proposed rates:
 - a. Would result in payment, in the aggregate of 92% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
 - b. Would result in a maximum allowable rate of \$161.26; with the total average allowable cost being \$151.58.
 - c. Estimated average rate July 1, 2009 \$136.26
 Average payment rate July 1, 2008 \$136.26
 Amount of change \$0.00
 Percent of change 0%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will remain approximately equal.
5. 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:
 - a. Service providers operating a total of 290 nursing facilities (representing 96% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 37 hospital-based long-term care units are also certified to participate in the Medicaid program;
 - b. 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 104 of the 105 counties in Kansas;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 83.82%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 54.97%; and
 - e. The proposed rates would cover 95% 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 on Friday, May 22, 2009 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, 2009.

Kathy Greenlee
 Secretary of Aging

 Don Jordan
 Secretary of Social and
 Rehabilitation Services

 Dr. Marcia J. Nielson
 KHPA Executive Director

Doc. No. 036957

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. 2008 Supp. 12-1675(b)(c)(d) and K.S.A. 2008 Supp. 12-1675a(g).

Effective 4-20-09 through 4-26-09

Term	Rate
1-89 days	0.14%
3 months	0.12%
6 months	0.34%
1 year	0.53%
18 months	0.76%
2 years	0.96%

Elizabeth B.A. Miller
Director of Investments

Doc. No. 036927

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, is 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. 036928

State of Kansas

Kansas State University**Notice to Bidders**

Kansas State University encourages interested vendors to visit the Kansas State University Controller's Office/Purchasing Web site at <http://www.ksu.edu/purchasing/rfq> for a complete listing of all transactions for which Kansas State University Purchasing, or one of the consortia commonly utilized by K-State, is seeking competitive bids. Paper postings of Kansas State University Purchasing's bid transactions may be viewed at the Purchasing Office, 21 Anderson Hall, Manhattan, or persons may contact Purchasing at (785) 532-6214, by fax at (785) 532-5577, or by e-mail at cbishop@ksu.edu to request a copy of a current bid.

Carla Bishop
Director of Purchasing

Doc. No. 036929

State of Kansas

Social and Rehabilitation Services**Request for Proposals**

The Department of Social and Rehabilitation Services is issuing a request for competitive, sealed bids from qualified local agencies to provide administration and delivery of services for the Commodity Supplemental Food Program (CSFP) and The Emergency Food Assistance Program (TEFAP) in Shawnee County in accordance with the terms and conditions set forth herein. CSFP and TEFAP both provide U.S. Department of Agriculture commodities for home use.

CSFP is currently distributed in 24 counties in Kansas, split into three areas. SRS will accept bids for one or more of the areas as follows. Area I—administers services for Johnson, Leavenworth and Wyandotte counties; Area II—administers services for Atchison, Douglas, Franklin, Jackson, Jefferson, Osage, Miami, Pottawatomie, Riley, Shawnee and Wabaunsee counties; and Area III—administers services for Butler, Chautauqua, Cowley, Harper, Harvey, Kingman, Pratt, Reno, Sedgwick and Sumner counties. Note: This RFP includes TEFAP only in Shawnee County, which is in Area II.

For more information, contact Daniel Klucas, Grants Development Manager, SRS, AAO, 8th Floor South, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, Daniel.Klucas@srs.ks.gov or (785) 296-3248.

Don Jordan
Secretary of Social and
Rehabilitation Services

Doc. No. 036948

State of Kansas

State Corporation Commission**Notice of Hearing**

Pursuant to K.A.R. 82-3-135a(e), the matter of establishing rules and regulations relating to the production, sale and conservation of natural gas in the Glick Mississippi gas pool of Kiowa, Comanche and Barber counties, Kansas, has been set for hearing at 10 a.m. May 21 in the Conservation Division's hearing room, 130 S. Market, Room 2078, Wichita.

The purpose of this hearing is to allow all producers and purchasers of natural gas in said gas fields, all royalty owners, landowners and all other concerned persons to show cause why the above-referenced Basic Proration Order should not be dissolved. The hearing will be formal in nature and will involve both the rules of civil procedure and the rules of evidence. Please note that K.A.R. 82-1-228(d)(2) requires that corporations appear through an attorney. Pursuant to K.A.R. 82-1-229, Intervenor and Protestants, if any, must prefile direct testimony 10 days prior to the date of the hearing. Rebuttal testimony may be presented at the hearing. If you fail to appear at this hearing or prefile testimony, the commission may proceed to hear evidence against you and enter such order as shall be justified by the evidence.

Any person requiring special accommodations under the Americans with Disabilities Act needs to give notice

to the commission at least 10 days prior to the scheduled hearing date.

The commission will preside over this hearing. Any of the commissioners may be reached at the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3100.

Susan K. Duffy
Executive Director

Doc. No. 036956

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 7 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.

Kansas Statewide Rail Plan

The Kansas Department of Transportation is seeking proposals from qualified firms to assist the agency in preparing a comprehensive and strategic Statewide Freight and Passenger Rail Plan (SRP). The SRP will establish the state's role in the freight rail system, interaction between freight and passenger rail service, and develop an implementable action plan to improve the condition and performance of the statewide rail system. A tool to measure the economic benefits of freight rail projects should be developed as part of the SRP. The objectives of the SRP are to gain a better understanding of current and future freight and passenger rail issues and trends as well as strategies and initiatives to address those issues. The SRP should result in recommendations for a freight and passenger rail policy framework at a statewide level, from both urban and rural perspectives.

The SRP should, at a minimum, identify and map the state's rail system, including rail/truck intermodal facilities; detail existing infrastructure conditions of the statewide rail system; identify capacity issues and choke points on both Class I and Class III railroads; assess freight and passenger rail needs; examine at-grade rail crossing safety issues; evaluate current rail rehabilitation

assistance programs, including a review of program guidelines and cost-benefit methodology; provide recommendations for new program guidelines, cost-benefit methodologies and economic impact analyses; quantify future potential growth, capacity issues and chokepoints (2030); develop draft policies, implementation strategies and investment plan; and identify possible funding sources.

The SRP must be compliant with and meet all criteria in the Rail Safety Enhancement Act of 2008, Section 301 — Capital Assistance for Intercity Passenger Rail Service; Section 302 — Congestion Grants; and Section 303 — State Rail Plans. This Act sets up new regional and state assistance and investment funds, defines grant requirements, and outlines the prerequisites for state rail plans from any state intending to participate in new projects and funding. Additionally, after meeting all criteria associated with the Act, all requirements issued by the Federal Railroad Administration developed to implement the statute will need to be met.

An active and thorough engagement process with KDOT's stakeholders and local governmental partners will be an integral part of the development of the SRP. The consultant is encouraged to develop an inclusive engagement process that will be useful in the development of policy and performance measures and that will ultimately lead to stakeholder understanding of freight and passenger rail issues and resulting policies to address those issues.

The consultant is encouraged to recommend expanding and/or revising any work tasks associated with the SRP. Additional ideas and innovative approaches will be strongly considered. Any consultant recommendations should demonstrate strategies that exemplify best practices in freight and passenger rail planning, data collection and analysis, and modeling.

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.

The firm's accounting system must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable and current costs must be available within the system to support cost and pricing data;
- capability to provide a means of measuring the reasonableness of incurred costs;
- capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger; and
- ability to provide supporting documentation of actual expenditures for each billing, based on costs.

Deb Miller
Secretary of Transportation

Doc. No. 036954

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 April 30 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.

106 AV-0009-02

Economic Impact of Aviation

The Kansas Department of Transportation's Division of Aviation is seeking a service provider (consultant) to conduct a study utilizing methodologies approved by the Federal Aviation Administration (FAA) to determine the economic impact and qualitative benefits of all 142 public use airports in the state of Kansas, which includes each commercial service and general aviation airport. The study will identify benefits and impacts through qualitative and quantitative analysis the relationship between Kansas' aviation system and the state's economy. Attention should be given to the total statewide impact of all aviation activity in Kansas, as well as the individual economic impact of commercial service and each general aviation airport across the state (excluding private-private). The Division of Aviation is currently revising the Kansas Airport System Plan, which categorizes each airport into Basic, Business, Community, Regional and Commercial. Those airports will be categorized as such in this document.

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.

The firm's accounting system must have the following capabilities before the firm may be awarded a contract:

- Valid, reliable, and current costs must be available within the system to support cost and pricing data;
- capability to provide a means of measuring the reasonableness of incurred costs;
- capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger; and
- ability to provide supporting documentation of actual expenditures for each billing, based on costs.

Deb Miller
Secretary of Transportation

Doc. No. 036914

(Published in the Kansas Register April 23, 2009.)

**Summary Notice of Sale
City of Olathe, Kansas**

\$55,745,000*

**General Obligation Temporary Notes
Series 2009-A**

\$21,650,000*

**General Obligation Bonds
Series 212**

\$825,000*

**Taxable General Obligation Bonds
Series 213**

**(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 Series 212 Bonds and Series 213 Bonds (collectively, the bonds), and notes of the city of Olathe, Kansas (the issuer), herein described will be received on behalf of the undersigned Director of Resource 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 5, 2009 (the sale date), until the times set forth in the following table:

Series	Submittal Hour (Central Time)
Series 2009-A Notes	11 a.m.
Series 212 Bonds	11 a.m.
Series 213 Bonds	11 a.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

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. The notes will be dated May 15, 2009, and will become due on June 1, 2010. 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 on December 1, 2009, and at maturity. The city treasurer will be the paying agent and registrar for the notes.

Series 212 Bond Details

The Series 212 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 212 Bonds will be dated May 15, 2009, and will become due on October 1 in the years as follows:

Year	Principal Amount*
2010	\$1,335,000
2011	1,615,000
2012	1,645,000
2013	1,680,000
2014	1,720,000
2015	1,765,000
2016	1,820,000
2017	1,870,000
2018	1,935,000
2019	2,000,000
2020	345,000
2021	360,000
2022	375,000
2023	395,000
2024	410,000
2025	430,000
2026	450,000
2027	475,000
2028	500,000
2029	525,000

The Series 212 Bonds will bear interest from the date thereof at rates to be determined when the Series 212 Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2010. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the Series 212 Bonds.

Series 213 Bond Details

The Series 213 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 213 Bonds will be dated May 15, 2009, and will become due on October 1 in the years as follows:

Year	Principal Amount*
2010	\$ 60,000
2011	75,000
2012	75,000
2013	80,000
2014	80,000
2015	85,000
2016	85,000
2017	90,000
2018	95,000
2019	100,000

The Series 213 Bonds will bear interest from the date thereof at rates to be determined when the Series 213 Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2010. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the Series 213 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 or a wire of Federal Reserve funds 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 applicable series of 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 28, 2009, 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 2008 is \$1,528,933,365. 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, but excluding the notes to be retired with the proceeds of such bonds and notes, is \$281,900,000.

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:

Debra Gragg, Clerk
 City of Olathe, Kansas
 City Hall, 100 E. Santa Fe
 Olathe, KS 66061
 (913) 971-6212
 Fax (913) 971-6283

Financial Advisor:

Springsted Incorporated
 380 Jackson St., Suite 300
 St. Paul, MN 55101
 Attn: Bond Services
 (651) 223-3000
 Fax (651) 223-3046
 E-mail: advisors@springsted.com

Dated April 7, 2009.

City of Olathe, Kansas

***Preliminary; subject to change.**

Doc. No. 036950

(Published in the Kansas Register April 23, 2009.)

Summary Notice of Bond Sale
City of Woodbine, Kansas
\$205,000
General Obligation Bonds, Series 2009
(General obligation bonds payable
from ad valorem taxes)

Sealed Bids

Subject to a notice of bond sale dated April 13, 2009, sealed or telefacsimile bids will be received by the clerk of the city of Woodbine, Kansas (the issuer), on behalf of the governing body at City Hall, 1 S. Broadway, Woodbine, KS 67492-0144, until 7:30 p.m. Monday, May 11, 2009, for the purchase of \$205,000 principal amount of General Obligation Bonds, Series 2009. No bid of less than par value of the bonds and accrued interest thereon from the dated date to the delivery date shall be considered.

Bond Details

The Series 2009 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in each year. The bonds will be dated May 27, 2009, and will become due on December 1 in the years as follows:

Year	Principal Amount
2011	\$ 5,000
2012	\$ 5,000
2013	\$ 5,000
2014	\$ 5,000
2015	\$10,000
2016	\$10,000
2017	\$10,000
2018	\$10,000
2019	\$10,000
2020	\$10,000
2021	\$10,000
2022	\$10,000
2023	\$10,000
2024	\$15,000
2025	\$15,000
2026	\$15,000
2027	\$15,000
2028	\$15,000
2029	\$20,000

The bonds will bear interest from their dated date at rates to be determined when the bonds are sold, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2010.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Optional Book-Entry-Only System

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

Security

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. (Reference is made to the official notice of bond sale and the city's preliminary official statement for a further discussion of the security for the bonds.)

Redemption

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$4,100 for the Series 2009 Bonds (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 27, 2009. The issuer will deliver the bonds to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The 2008 equalized assessed tangible valuation for computation of bonded debt limitations is \$970,846. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$385,000.

Official Statement

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

Approval of Bonds

The bonds will be sold subject to the legal opinion of Cosgrove, Webb & Oman, Topeka, 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 Shiryl Pauley, city clerk of the issuer, (785) 257-3359, fax (785) 257-3359; or from the financial advisor, Cooper Malone McClain, Inc., P.O. Box 23565, Overland

Park, KS 66283, Attention: Rick Ensz, (913) 681-8185, fax (913) 681-8185, e-mail: rensz@cmmci.com.

City of Woodbine, Kansas
 By Shiryl Pauley, City Clerk
 1 S. Broadway
 P. O. Box 11
 Woodbine, KS 67492-0144

Doc. No. 036944

(Published in the Kansas Register April 23, 2009.)

**Summary Notice of Bond Sale
 Unified School District No. 229
 Johnson County, Kansas (Blue Valley)
 \$73,000,000
 General Obligation School Bonds
 Series 2009-A**

Bids

Subject to the notice of bond sale and preliminary official statement dated April 13, 2009, written and electronic bids will be received by (1) in the case of written bids, the district clerk of Unified School District No. 229, Johnson County, Kansas (the issuer), on behalf of the governing body at the school district's offices, 15020 Metcalf, P.O. Box 23901, Overland Park, KS 66283, (Fax: 913-239-4150); and (2) in the case of electronic bids, through PARITY electronic bid submission system, until 11 a.m. Monday, May 11, 2009, for the purchase of \$73,000,000 principal amount of General Obligation School Bonds, Series 2009-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest will be considered.

Bond Details

The bonds will be initially issued as fully registered bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing on the same maturity date. The bonds will be dated June 1, 2009, and will become due on October 1 in the years and in the amounts set forth as follows:

Maturity (October 1)	Amount*
2009	\$2,250,000
2010	1,750,000
2011	3,790,000
2012	1,340,000
2013	3,945,000
2014	4,065,000
2015	4,185,000
2016	2,825,000
2017	2,915,000
2018	3,015,000
2019	3,125,000
2020	3,250,000
2021	3,380,000
2022	3,520,000
2023	3,670,000
2024	3,840,000
2025	4,015,000
2026	4,205,000

2027	4,410,000
2028	4,635,000
2029	4,870,000

Interest on the bonds will be payable semiannually on April 1 and October 1, beginning October 1, 2009.

Redemption

The bonds will be subject to redemption as provided in the notice of bond sale.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas.

Bidder's Option Municipal Bond Insurance

The school district has applied to several insurers for bidder's option municipal bond insurance on the bonds. The premium for any such bond insurance, if elected by the successful bidder, will be paid by the successful bidder. Further information is provided in the notice of bond sale.

Good Faith Deposit

Each bid for the bonds must be accompanied by good faith deposit in the form provided in the notice of bond sale in the amount of 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 June 2, 2009, or on such date as may be agreed upon by the school district and the successful bidder, to DTC for the account of the successful bidder.

Assessed Valuation and Bonded Indebtedness

The total assessed valuation of the taxable tangible property within the school district for the year 2008 is \$2,605,584,688. The total general obligation indebtedness of the school district as of the expected date of delivery of the bonds, including the bonds, is \$360,875,000.

Approval of Bonds

The bonds 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 will be furnished and paid for by the issuer and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the school district or the school district's financial advisor at the addresses set forth below.

Written and Facsimile Bid and Good Faith Deposit

Delivery Address:

Unified School District No. 229
 15020 Metcalf
 P.O. Box 23901
 Overland Park, KS 66283
 (913) 239-4000
 Fax (913) 239-4150

(continued)

Financial Advisor:

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

2028	10,000
2029	10,000

Dated April 13, 2009.

Unified School District No. 229
 Johnson County, Kansas
 By Madeline Prelogar, District Clerk

***Subject to change; final amounts are provided in the notice of bond sale.**

Doc. No. 036951

(Published in the Kansas Register April 23, 2009.)

**Summary Notice of Sale
 City of Hutchinson, Kansas
 \$1,320,000*
 General Obligation Bonds, Series 2009-B
 (General obligation bonds payable from unlimited ad valorem taxes)**

Bids

Subject to the notice of sale dated April 7, 2009, bids will be received by the finance director of the city of Hutchinson, Kansas, on behalf of the governing body at City Hall, 125 E. Ave. B, Hutchinson, KS 67501, or, in the case of electronic proposals, via PARITY electronic bid submission system, until 9 a.m. Tuesday, May 5, 2009, for the purchase of \$1,320,000* principal amount of General Obligation Bonds, Series 2009-B. Only bids with a purchase price of not less than 100 percent of the par value of the bonds, plus accrued interest 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, 2009 (the dated date), and will become due on October 1 in the years as follows:

Year	Principal Amount*
2010	\$105,000
2011	115,000
2012	115,000
2013	120,000
2014	120,000
2015	125,000
2016	130,000
2017	130,000
2018	135,000
2019	140,000
2020	5,000
2021	5,000
2022	5,000
2023	10,000
2024	10,000
2025	10,000
2026	10,000
2027	10,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the notice of sale, which interest will be payable semi-annually on April 1 and October 1 in each year, beginning April 1, 2010. A bidder may elect to have all or a portion of the bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the notice of sale.

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 certified or cashier's check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of 2 percent of the principal amount of the bonds.

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 1, 2009, at the offices of the Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2009 is \$284,981,683. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold and a series of temporary notes being sold simultaneously with the bonds, is \$35,569,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city 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, Ranson Financial Consultants, L.L.C., 200 W. Douglas, Suite 600, Wichita, KS 67202, Attention: John Haas, (316) 264-3400; from the finance director; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated April 23, 2009.

City of Hutchinson, Kansas
 By Carl Myers, Finance Director
 Hutchinson City Hall
 125 E. Ave. B
 Hutchinson, KS 67501
 (620) 694-2613

***Subject to change.**

Doc. No. 036945

(Published in the Kansas Register April 23, 2009.)

**Summary Notice of Bond Sale
Unified School District No. 233
Johnson County, Kansas (Olathe)**

\$95,000,000*
**General Obligation School Bonds
Series 2009A**

\$22,450,000*
**General Obligation Refunding Bonds
Series 2009B**

\$35,385,000*
**General Obligation Refunding Bonds
Series 2009C**

Bids

Subject to the notice of bond sale dated April 2, 2009, written and electronic bids will be received on behalf of Unified School District No. 233, Johnson County, Kansas, in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY electronic bid submission system, until 11 a.m. Thursday, May 7, 2009, for the purchase of the above-referenced three series of bonds (collectively, the bonds). A separate bid must be submitted for each series of bonds. No bid of less than the amount specified for each series of bonds in the notice of bond sale and accrued interest will be considered.

Bond Details

The bonds will be dated June 1, 2009, and will be initially issued as fully registered bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing on the same maturity date. Interest on the bonds will be payable semi-annually on March 1 and September 1, beginning March 1, 2010.

Series 2009A Bonds

Maturity (September 1)	Amount*
2014	\$4,345,000
2015	4,465,000
2016	4,600,000
2017	4,750,000
2018	4,915,000
2019	5,100,000
2020	5,310,000
2021	5,545,000
2022	5,810,000
2023	6,100,000
2024	6,410,000
2025	6,750,000
2026	7,110,000
2027	7,500,000
2028	7,920,000
2029	8,370,000

Series 2009B Bonds

Maturity (September 1)	Amount*
2010	\$3,545,000
2011	3,785,000

2012	3,870,000
2013	3,980,000
2014	4,465,000
2015	365,000
2016	375,000
2017	390,000
2018	1,675,000

Series 2009C Bonds

Maturity (September 1)	Amount*
2010	\$ 730,000
2011	1,100,000
2012	1,440,000
2013	9,330,000
2014	10,280,000
2015	8,145,000
2016	4,360,000

Redemption

The bonds will be subject to redemption as provided in the notice of bond sale.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas.

Bidder's Option Municipal Bond Insurance

The school district has applied to several insurers for bidder's option municipal bond insurance on the bonds. The premium for any such bond insurance, if elected by the successful bidder, will be paid by the successful bidder. Further information is provided in the notice of bond sale.

Good Faith Deposit

Each bid for a series of bonds must be accompanied by a good faith deposit in the form provided in the notice of bond sale in the amount of 2 percent of the principal amount of that series of bonds.

Delivery

The school district will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to each successful bidder on June 4, 2009, or on such date as may be agreed upon by the school district and each successful bidder, to DTC for the accounts of each successful bidder.

Assessed Valuation and Bonded Indebtedness

The total assessed valuation of the taxable tangible property within the school district for the year 2008 (including motor vehicle valuations) is \$2,082,647,350. The total general obligation indebtedness of the school district as of the expected date of delivery of the bonds, including the bonds and excluding the refunded bonds, is \$372,765,687.

Approval of Bonds

The bonds 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

(continued)

the bonds will be furnished and paid for by the school district and delivered to each successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the school district or the school district's financial advisor at the addresses set forth below.

School District Address:

Gary Diener, Executive Director
Business & Financial Services
14160 Black Bob Road
Olathe, KS 66063
(913) 780-7000
Fax (913) 780-8011

Financial Advisor — Written Bid Delivery Address:

Springsted Incorporated
380 Jackson St., Suite 300
St. Paul, MN 55101
Attn: Bond Services
(651) 223-3000
Fax (651) 223-3046
E-mail: advisors@springsted.com

Dated April 2, 2009.

Unified School District No. 233
Johnson County, Kansas
By Gary Diener, Executive Director
Business & Financial Services

***Subject to change as provided
in the notice of bond sale.**

Doc. No. 036952

State of Kansas

Kansas Housing Resources Corporation

Notice of Hearing

The Kansas Housing Resources Corporation will conduct a public hearing from 10 a.m. to noon Friday, May 1, at the KHRC office, 611 S. Kansas Ave., Suite 300, Topeka, to provide an opportunity for citizens to comment on the draft of the 2009 Weatherization State Plan, which is supported by the American Recovery and Reinvestment Act (ARRA).

The 2009 Weatherization State Plan (ARRA) draft includes only pages intended for public comment and can be found on KHRC's Web site at www.kshousingcorp.org. Limited hard copies will be available at the public hearing site and upon request. Written comments must be received by 5 p.m. April 29. The public comment period ends at noon May 1.

Persons in need of a sign language interpreter, an assistive listening device, large print or other material for accommodation to attend the hearing are asked to notify the KHRC at least one week prior the hearing. Requests for accommodation may be addressed to Anne Damme, KHRC, 611 S. Kansas Ave., Suite 300, Topeka, 66603-3303, (785) 296-5865, or via the Kansas Relay Service at (800) 776-3777.

Norma Phillips
Deputy Director

Doc. No. 036949

State of Kansas

Kansas Lottery

**Temporary Administrative
Regulations**

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2800. "Flowering \$50s" instant ticket lottery game number 164. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Flowering \$50s" commencing on or after April 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2800.

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

Prize Symbols	Captions
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
15 ⁰⁰	FIFTEEN
50 ⁰⁰	FIFTY
\$500\$	FIVE-HUN

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

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

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

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
FTY	=	\$50.00
FHN	=	\$500.00

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

(g) "Flowering \$50s" is a match three of six game. A player will remove the scratch-off material over the game play area to reveal six prize amounts. If three of the six prize amounts match, the player wins that prize amount.

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

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

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

Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	72,000 \$0
3 - \$2.00's	\$2	28,000 56,000
3 - \$5.00's	\$5	13,600 68,000
3 - \$10.00's	\$10	3,700 37,000
3 - \$15.00's	\$15	2,184 32,760

3 - \$50.00's	\$50	2,200	110,000
3 - \$500.00's	\$500	10	5,000
TOTAL		<u>121,694</u>	<u>\$308,760</u>

3 - \$50.00's	\$50	740	37,000
3 - \$100.00's	\$100	1,200	120,000
3 - \$1,000.00's	\$1,000	6	6,000
TOTAL		<u>115,346</u>	<u>\$310,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.93. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-18-09, March 11, 2009.)

111-4-2801. "High Speed \$100s" instant ticket lottery game number 165. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "High Speed \$100s" commencing on or after April 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2801.

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

Prize Symbols	Captions
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$1000	ONETHOU

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

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

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

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TWF	=	\$25.00
FTY	=	\$50.00
HUN	=	\$100.00

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

(g) "High Speed \$100s" is a match three of six prize amounts game. The player will remove the latex covering the play area to reveal six prize amounts. If the player matches three like prize amounts, the player wins that amount.

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

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

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

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	72,000	\$0
3 - \$2.00's	\$2	28,000	56,000
3 - \$5.00's	\$5	12,200	61,000
3 - \$25.00's	\$25	1,200	30,000

(k) The odds of winning a prize in this game are approximately one in 5.20. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-18-09, March 11, 2009.)

111-4-2802. "Digging Up Dollars" instant ticket lottery game number 166. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Digging Up Dollars" commencing on or after April 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2802.

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

Prize Symbols	Play Symbol Captions
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
\$500\$	FIVE-HUN
\$5,000	FIVTHOU

Play Symbols	Play Symbol Captions
01¢	PENNY
05¢	NICKEL
10¢	DIME
25¢	QRTER
50¢	HALF

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

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

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

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

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

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

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

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes

(continued)

per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Game 1	Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	60,000	\$0
\$2	\$2	38,000	76,000
\$5	\$5	19,000	95,000
\$10	\$10	6,000	60,000
\$25	\$25	1,240	31,000
\$50	\$50	360	18,000
\$500	\$500	12	6,000
\$5,000	\$5,000	6	30,000
TOTAL		<u>124,618</u>	<u>\$316,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.81. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-18-09, March 11, 2009.)

111-4-2803. "Triple Tripler" instant ticket lottery game number 167. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Triple Tripler" commencing on or after April 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2803.

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

Prize Symbols	Captions
\$1 ^{.00}	ONE\$
\$2 ^{.00}	TWO\$
\$3 ^{.00}	THR\$
\$5 ^{.00}	FIVE\$
10 ^{.00}	TEN\$
18 ^{.00}	EGTEEN
30 ^{.00}	THIRTY
90 ^{.00}	NINETY
\$1000	ONETHOU
\$2000	TWOTHOU
\$6000	SIXTHOU

The "play symbols" for this game are as follows:

Play Symbols
SINGLE PRIZE
TRIPLE PRIZE
TRIPLE TRIPLER

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

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

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

ONE	=	\$1.00
THR	=	\$3.00
FIV	=	\$5.00
SIX	=	\$6.00
NIN	=	\$9.00
FTN	=	\$15.00

EGN	=	\$18.00
TRY	=	\$30.00
NTY	=	\$90.00

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

(g) "Triple Tripler" is a match three of six game with a triple prize and a "Triple Tripler" feature. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "YOUR PRIZE LEVEL." The "YOUR PRIZE LEVEL" will be either the words "SINGLE PRIZE," the words "TRIPLE PRIZE," or the words "TRIPLE TRIPLER." If a player matches three like prize amounts and the words "SINGLE PRIZE" are revealed, the player will win the prize amount matched. If a player matches three like prize amounts and the words "TRIPLE PRIZE" are revealed, the player will win triple the prize amount matched. If a player matches three like prize amounts and the words "TRIPLE TRIPLER" are revealed, the player will win nine times the prize matched.

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

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

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

	Prize	Expected Number of Prizes in Game	Expected Value in Game
3 - \$1's + single prize	\$1	50,000	\$50,000
3 - \$1's + triple prize	\$3	15,000	45,000
3 - \$3's + single prize	\$3	15,200	45,600
3 - \$5's + single prize	\$5	9,000	45,000
3 - \$2's + triple prize	\$6	4,600	27,600
3 - \$1's + triple tripler	\$9	3,600	32,400
3 - \$5's + triple prize	\$15	1,500	22,500
3 - \$2's + triple tripler	\$18	600	10,800
3 - \$18's + single prize	\$18	640	11,520
3 - \$30's + single prize	\$30	240	7,200
3 - \$10's + triple prize	\$30	220	6,600
3 - \$10's + triple tripler	\$90	80	7,200
3 - \$90's + single prize	\$90	70	6,300
3 - \$1,000's + triple prize	\$3,000	2	6,000
3 - \$6,000's + single prize	\$6,000	2	12,000
3 - \$2,000's + triple prize	\$6,000	3	18,000
TOTAL		<u>100,757</u>	<u>\$353,720</u>

(k) The odds of winning a prize in this game are approximately one in 5.95. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-3-18-09, March 11, 2009.)

CRUISIN & CASH DRAWING

111-4-2804. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Cruisin & Cash Drawing," and will accept entries on and after the day the Kansas lottery "Cruisin & Cash" instant tickets are first offered for sale to the general public and ending on Sunday, September 20, 2009. The drawing will be held soon after 6:00 p.m. on or about Sunday, September 20, 2009, at the Kansas state fair lottery building, Hutchinson, Kansas. Rules applicable to this drawing are contained in K.A.R. 111-4-2804 through 111-4-2808 and K.A.R. 111-6-1, *et seq.*

(Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2805. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Cruisin & Cash Drawing" means the act of drawing prizes conducted by the Kansas Lottery at the 2009 Kansas state fair in Hutchinson, Kansas, at the time described in these rules, in which participants are selected to win various prizes as described in these rules.

(c) "Non-winning ticket" means any valid Kansas lottery "Cruisin & Cash" instant game ticket not eligible to win a prize under the rules of that instant game.

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the entries for this drawing are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2806. Prize. (a) The winner of the grand prize at the "Cruisin & Cash Drawing," which will be conducted on or about September 20, 2009, shall receive a Cobalt 230 boat, along with a trailer and boating accessory package, together with mandatory federal and state income withholding taxes, property taxes, registration fee, and title fee.

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

(c) The winner of the grand prize shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the seventh day following the day the claim form is mailed to the person whose name was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to these rules shall be declared the winner.

(d) If any prize in this drawing becomes unavailable, the lottery reserves the right to replace it with a prize of the lottery's choice of approximately equal value. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2807. Method of entry. (a) Entry into the "Cruisin & Cash Drawing" to be conducted on or about September 20, 2009, shall be accomplished as follows:

(1) Obtain a valid "Cruisin & Cash" instant Kansas lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with the rules of that game. If the ticket is a winning ticket, it is not eligible for this drawing and shall be deemed in accordance with the instant game rules.

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

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

(5) Players may deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for said purpose.

(6) A receptacle or drum shall be available and entries may be made at the Kansas lottery building at the Kansas state fair between September 11, 2009, and 6:00 p.m. September 20, 2009.

(7) Entries other than those entered pursuant to subsection (a)(5) herein shall be mailed with proper postage to "Cruisin & Cash, c/o Kansas Lottery, P. O. Box 3561, Topeka, Kansas 66601-3561." Mailed entries must be received by morning mail pickup on Tuesday, September 15, 2009, for the drawing on September 20, 2009. More than one entry may be mailed in one envelope.

(8) No later than 5:00 p.m. CDT on September 15, 2009, players may also deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for deposit of said entries, with the exception of the drawing receptacle designated by the Kansas lottery at the Kansas state fair.

(9) No later than 6:00 p.m. CDT on September 20, 2009, players may deposit entries for this drawing into the drawing receptacle the Kansas lottery has specifically designated for deposit of said entries which is located at the Kansas state fair.

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

(11) The drawing will be conducted soon after 6:00 p.m. on or about Sunday, September 20, 2009.

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

(c) Eligible entrants in this drawing must be 18 years of age or older.

(d) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to identify publicly the person whose entry is drawn.

(e) Only valid entry forms which are mailed and received by the lottery as provided by these rules and entry forms entered into any other receptacle designated by the lottery or at the Kansas state fair lottery building as provided in the rules herein shall be eligible for the drawing. All entries so mailed or deposited shall be secured by the lottery until the drawing is conducted. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2808. Selection of winners. The following process shall be used for the selection of winners in the "Cruisin & Cash Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "Cruisin & Cash Drawing" entries at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, September 15, 2009. Following said morning mail pickup, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall then be placed in a secure receptacle, transported to the state fair, and

(continued)

placed in the drawing receptacle or drum with all entries deposited at the state fair and into any other receptacle designated by the lottery.

(b) The drawing shall be held at the Kansas state fair lottery building and shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At the final drawing on or about Sunday, September 20, 2009, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed with a shovel or by other means.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove a single entry from the receptacle or drum. The person whose name appears on the entry shall be the winner of the grand prize identified in these rules, subject to validation by the lottery as set forth in these rules.

(e) After a single entry has been drawn and the entry has been verified as valid, three more valid entries will be drawn, one at a time. The last three entries drawn will serve as alternate entries for the grand prize. The alternate entries will be marked in order drawn, 1A, 2A, and 3A. The winner shall have until 5:00 p.m. on the tenth day following mailing of a claim form to the winner to present the fully-executed claim form to lottery headquarters. If the grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the grand prize will be awarded to the first alternate entry drawn. The alternates will be used, if necessary, in the order drawn. If a winner or an alternate winner for the grand prize cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters as required herein, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each entry drawn to determine the validity of the entry into this drawing in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. The prize winners shall be given or sent a prize claim form to be completed and returned as set forth in subsection (e) herein.

(g) If any entry drawn is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until the required number of apparently eligible selections is obtained.

(h) Only entry forms created by the lottery terminal are eligible for the drawing.

(i) All entries remaining in the drum or receptacle after the winners and alternatives have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by

and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

NASCAR KANSAS LOTTERY 300 DRAWING

111-4-2809. Name of drawing. The Kansas lottery shall conduct a drawing entitled "NASCAR Kansas Lottery 300 Drawing," and will accept entries on and after the day "Kansas Lottery 300" instant ticket game number 163 is first offered for sale to the general public and ending on Tuesday, August 18, 2009, as specified in K.A.R. 111-4-2676. All references to the "Kansas Lottery 300" ticket for this drawing are to the \$5.00 "Kansas Lottery 300" instant ticket, game number 163. The drawing will be held on Friday, August 21, 2009, at Kansas lottery headquarters in Topeka, Kansas. Rules applicable to the "NASCAR Kansas Lottery 300" are contained in K.A.R. 111-4-2809 through 111-4-2814 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2810. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "NASCAR Kansas Lottery 300 Drawing" means the act of drawing prizes conducted by the Kansas lottery at lottery headquarters in Topeka, Kansas, in which participants are selected to win various prizes as described in K.A.R. 111-4-2811.

(c) "Non-winning ticket" means any valid "Kansas Lottery 300" instant game lottery ticket not eligible to win a prize under the rules of the "Kansas Lottery 300" instant game.

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "NASCAR Kansas Lottery 300 Drawing" entries are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2811. Prize. (a) The winner of a grand prize at the "NASCAR Kansas Lottery 300 Drawing," which will be conducted on or about August 21, 2009, shall receive a racing weekend package for two persons. The racing weekend package for two persons shall consist of two tickets for each day of the October 3 and 4, 2009, races conducted at Kansas Speedway in Kansas City, Kansas, one double occupancy hotel room and room taxes for the evenings of October 2 and 3, 2009, standard hotel parking, round-trip transportation between Kansas Speedway and the hotel, food and other amenities at the Kansas lottery hospitality chalet located at Kansas Speedway, \$500 cash, and mandatory state and federal withholding taxes. The following restrictions shall apply to this prize:

(1) The Kansas lottery is not responsible for any losses caused by delay or cancellation of said automobile race.

(2) Prize packages are transferable one time and cannot be redeemed for cash.

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

(4) The lottery shall provide transportation to and from Kansas Speedway on a scheduled basis. All other transportation is the responsibility of the prize winners.

(5) Prize winners will receive notification of their prize, but the actual prize will be delivered at a time and place to be announced by the lottery.

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

(7) The hotel may require winners to produce a major credit card at the time of check-in. Winners are responsible for all hotel charges incurred in excess of the basic room charge, and standard parking fees for one vehicle for each prize package. The lottery shall not be responsible for any additional expenses charged to the room.

(b) There will be 45 (forty-five) winners selected at the drawing.

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

(d) The winner of a prize shall return to the lottery a completed claim form as provided by the lottery within 14 calendar days in which his or her ticket was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to subsection (e) of K.A.R. 111-4-2677 shall be declared the winner.

(e) If any prize in this drawing becomes unavailable, the lottery reserves the right to replace it with a prize of the lottery's choice of approximately equal value. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2812. Method of entry. (a) Entry into the "NASCAR Kansas Lottery 300 Drawing" to be conducted on August 21, 2009, shall be accomplished as follows:

(1) Obtain a valid "Kansas Lottery 300" instant lottery ticket.

(2) Determine if the ticket is a winning ticket in accordance with "Kansas Lottery 300" game rules. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules.

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

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

(5) Entries may be mailed with proper postage to "NASCAR Kansas Lottery 300 Drawing, c/o Kansas lottery, P. O. Box 8099, Topeka, Kansas 66608-0099." Mailed entries must be received by morning mail pickup on Tuesday, August 18, 2009. More than one entry may be mailed in one envelope.

(6) Players may also deposit entries for this drawing at any Kansas lottery event at which the lottery has specifically designated a receptacle for deposit of said entries.

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

(8) The drawing will be conducted on or about Friday, August 21, 2009.

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

(c) Only valid non-winning "Kansas Lottery 300" tickets which are mailed to "NASCAR Kansas Lottery 300 Drawing, c/o Kansas lottery, P. O. Box 8099, Topeka, Kansas 66608-0099" with proper postage and received by the morning mail pickup in Topeka, Kansas, on Tuesday, August 18, 2009, and non-winning "Kansas Lottery 300" tickets entered at the Kansas lottery location at Kansas Speedway and other locations as may be specifically designated by the lottery shall be eligible for the drawing.

(d) Eligible entrants in the "NASCAR Kansas Lottery 300 Drawing" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2813. Selection of winners. The following process shall be used for the selection of winners in the "NASCAR Kansas Lottery 300 Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "NASCAR Kansas Lottery 300 Drawing" tickets at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, August 18, 2009. Following the morning mail pickup on Tuesday, August 18, 2009, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries and entries retained from the Kansas lottery selling location at Kansas Speedway and such other locations as specifically designated by the lottery shall then be placed in the drawing receptacle or drum.

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

(c) At the final drawing on or about Friday, August 21, 2009, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed prior to the drawing.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove 45 entries from the receptacle or drum, one at a time. The person whose name appears on each entry shall be the winner of one of the prize packages identified in K.A.R. 111-4-2811, subject to validation by the lottery as set forth in these rules. Each valid entry shall be numbered from one through 40.

(e) After 45 entries have been drawn, and the entries have been verified as valid, 10 more entries will be drawn,

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one at a time. The last 10 entries drawn will serve as alternate entries for the prize packages. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, and 10A. The alternate entries will be used only if one or more of the original winners cannot be located or is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. of the fourteenth calendar day following the drawing. The alternates will be used, if necessary, in the order drawn. If an alternate winner cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. of the fourteenth calendar day following the claim form being given or sent to the alternate winner, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "NASCAR Kansas Lottery 300 Drawing" in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. Each winner shall be given or sent a prize claim form to be completed and returned to the lottery within 14 calendar days of the drawing.

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

(h) Only non-winning "Kansas Lottery 300" instant tickets as defined by these rules are eligible for the drawing.

(i) All "Kansas Lottery 300" tickets remaining in the drum or receptacle on August 21, 2009, after the winners and alternatives have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

111-4-2814. Certification of drawing. (a) The "NASCAR Kansas Lottery 300 Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (hereinafter "event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-3-18-09, March 11, 2009.)

Ed Van Petten
Executive Director

Doc. No. 036892

State of Kansas

Department of Agriculture Division of Weights and Measures

Permanent Administrative Regulations

Article 25.—TECHNICAL REQUIREMENTS FOR WEIGHING AND MEASURING DEVICES

99-25-5. Technical representative license application and renewal. (a) Each person applying for a technical representative license or renewal of a license shall submit an application on a form provided by the department of agriculture ("department").

(b)(1) Each license shall be issued or renewed if the technical representative performs the following:

(A) Completes and submits the application form provided by the department;

(B) successfully completes the continuing education seminar conducted by the department in approved subjects during the effective period of the technical representative's license;

(C) pays an attendance fee of \$20 for the continuing education seminar; and

(D) obtains a score of at least 80 percent on the examination administered by the department.

(2) Each technical representative license shall expire annually on June 30.

(c) Each service company shall verify and maintain records documenting that each technical representative employed by the service company has satisfactorily completed the required training. (Authorized by K.S.A. 83-207; implementing K.S.A. 2008 Supp. 83-302 and K.S.A. 2008 Supp. 83-404; effective March 6, 1998; amended May 8, 2009.)

Article 26.—FEES

99-26-1. Fees. (a) The following fees and other necessary and incidental expenses incurred shall be charged for requested services rendered by the secretary or the secretary's authorized representative in conjunction with the testing, proving, or evaluation of weights, measures, and devices, at the following rates:

(1) The testing and proving of mass, volume, length, and other standards by the metrology laboratory at the rate of \$50.00 per hour or fraction thereof;

(2) the testing and proving of a grain hopper scale and any weights, measures, and other related devices at the rate of \$50.00 per hour or fraction thereof; and

(3) conducting or assisting with an evaluation for a national conference on weights and measures certificate of conformance at the rate of \$95.00 per hour or fraction thereof.

(b) In addition to the hourly rates specified in subsection (a), expenses incurred by personnel, including meals, lodging, transportation, and mileage to and from their duty station to the point of testing, equipment, and other necessary and incidental expenses, may be charged. (Authorized by K.S.A. 83-207 and K.S.A. 2008 Supp. 83-214; implementing K.S.A. 2008 Supp. 83-214; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983; amended, T-99-

11-14-90, Nov. 14, 1990; amended Jan. 14, 1990; amended June 9, 2000; amended Jan. 18, 2002; amended May 8, 2009.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 039643

State of Kansas

Secretary of State

Certification of New State Laws

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

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 23, 2009.)

SENATE BILL No. 275

AN ACT concerning vehicles; relating to implements of husbandry; concerning all-terrain vehicles; amending K.S.A. 84-2a-104 and K.S.A. 2008 Supp. 8-126, 8-197, 8-1402a and 84-9-311 and repealing the existing sections.

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

Section 1. K.S.A. 2008 Supp. 8-197 is hereby amended to read as follows: 8-197. (a) The provisions of K.S.A. 8-197 to 8-199, inclusive, and amendments thereto, shall be a part of and supplemental to the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated, and as used in such sections, the words and phrases defined by K.S.A. 8-126, and amendments thereto, shall have the meanings respectively ascribed to them therein.

(b) As used in K.S.A. 8-197 through 8-199, and amendments thereto:

(1) (A) "Nonhighway vehicle" means:

~~(A)~~ (i) Any motor vehicle which cannot be registered because it is not manufactured for the purpose of using the same on the highways of this state and is not provided with the equipment required by state statute for vehicles of such type which are used on the highways of this state;

~~(B)~~ (ii) any motor vehicle, other than a salvage vehicle, for which the owner has not provided motor vehicle liability insurance coverage or an approved self insurance plan under K.S.A. 40-3104, and amendments thereto, and has not applied for or obtained registration of such motor vehicle in accordance with article 1 of chapter 8 of the Kansas Statutes Annotated;

~~(C)~~ (iii) any all-terrain vehicle;

~~(D)~~ (iv) any work-site utility vehicle; or

~~(E)~~ (v) any micro utility truck;

(B) "nonhighway vehicle" shall not include an implement of husbandry, as defined in K.S.A. 8-126, and amendments thereto.

(2) "salvage vehicle" means:

(A) Any motor vehicle, other than a late model vehicle, which is of a type required to be registered in this state, but which cannot be registered because it has been wrecked or damaged to the extent that: The equipment required by state statute on any such vehicle used on the highways of this state is not present or is not in good condition or proper adjustment, as prescribed by state statute or any rules and regulations adopted pursuant thereto, or such vehicle is in an inoperable condition or a condition that would render the operation thereof on the highways of this state a hazard to the public safety; and in either event, such vehicle would require substantial repairs to rebuild or restore such vehicle to a condition which will permit the registration thereof;

(B) a late model vehicle which is of a type required to be registered in this state and which has been wrecked or damaged to the extent that the total cost of repair is 75% or more of the fair market value of the motor vehicle immediately preceding the time it was wrecked or damaged and such condition was not merely exterior cosmetic damage to such vehicle as a result of windstorm or hail; or

(C) a motor vehicle, which is of a type required to be registered in this state that the insurer determines is a total loss and for which the insurer takes title;

(3) "salvage title" means a certificate of title issued by the division designating a motor vehicle a salvage vehicle;

(4) "rebuilt salvage vehicle" means any motor vehicle previously issued a salvage title;

(5) "rebuilt salvage title" means a certificate of title issued by the division for a vehicle previously designated a salvage vehicle which is now designated a rebuilt salvage vehicle;

(6) "late model vehicle" means any motor vehicle which has a manufacturer's model year designation of or later than the year in which the vehicle was wrecked or damaged or any of the six preceding years;

(7) "fair market value" means the retail value of a motor vehicle as:

(A) Set forth in a current edition of any nationally recognized compilation, including an automated database of retail value; or

(B) determined pursuant to a market survey of comparable vehicles with regard to condition and equipment;

(8) "cost of repairs" means the estimated or actual retail cost of parts needed to repair a vehicle plus the cost of labor computed by using the hourly labor rate and time allocations for automobile repairs that are customary and reasonable. Retail costs of parts and labor rates may be based upon collision estimating manuals or electronic computer estimating systems customarily used in the automobile industry. The total cost of repairs to rebuild or reconstruct the vehicle shall not include the cost of repairing, replacing or reinstalling tires, sound systems, or any sales tax on parts or materials to rebuild or reconstruct the vehicle.

Sec. 2. K.S.A. 84-2a-104 is hereby amended to read as follows: 84-2a-104. (1) A lease, although subject to this article, is also subject to any applicable:

(a) Certificate of title statute of this state: (List any certificate of title statutes covering automobiles, trailers, mobile homes, boats, ~~farm tractors~~, and the like);

(b) certificate of title statute of another jurisdiction (K.S.A. 84-2a-105, *and amendments thereto*); or

(c) consumer protection statute of this state, or final consumer protection decision of a court of this state existing on the effective date of this article.

(2) In case of conflict between this article, other than K.S.A. 84-2a-105, 84-2a-304(3) and 84-2a-305(3), *and amendments thereto*, and a statute or decision referred to in subsection (1), the statute or decision controls.

(3) Failure to comply with an applicable law has only the effect specified therein.

Sec. 3. K.S.A. 2008 Supp. 84-9-311 is hereby amended to read as follows: 84-9-311. (a) **Security interest subject to other law.** Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt K.S.A. 2008 Supp. 84-9-310(a) and amendments thereto;

(2) any certificate-of-title law of this state covering automobiles, trailers, mobile homes, boats, ~~farm tractors~~, or the like, which provides for a security interest to be indicated on the certificate. Such security interest shall be deemed perfected upon the mailing or delivery of the notice of security interest and tender of the required fee to the appropriate state agency as prescribed by subsection (c)(5) of K.S.A. 8-135 and subsection (g) of 58-4204, and amendments thereto, or the delivery of the documents appropriate under any such law to the appropriate state agency and tender of the required fee to the state agency, as prescribed in subsection (c)(6)

(continued)

of K.S.A. 8-135 and subsection (i) of 58-4204, and amendments thereto; or

(3) a certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) **Compliance with other law.** Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and K.S.A. 2008 Supp. 84-9-313 and 84-9-316(d) and (e) and amendments thereto for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) **Duration and renewal of perfection.** Except as otherwise provided in subsection (d) and K.S.A. 2008 Supp. 84-9-316(d) and (e) and amendments thereto, duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) **Inapplicability to certain inventory.** During any period in which collateral subject to a statute specified in subsection (a)(2) is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Sec. 4. K.S.A. 2008 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) "Truck" means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) "Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(e) "Truck tractor" means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) "Farm tractor" means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) "Road tractor" means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) "Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) "Pole trailer" means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person" means every natural person, firm, partnership, association or corporation.

(n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident" means every person who is not a resident of this state.

(p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(v) "Division" means the division of vehicles of the department of revenue.

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

- (1) A motor which produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low-pressure non-highway~~ tires, having a seat designed to be straddled by the operator. As used in this subsection, ~~low-pressure nonhighway~~ tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of ~~12~~ 14 inches or less, ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

(ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(ff) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(gg) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2008 Supp. 8-135d, and amendments thereto.

(hh) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(ii) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

Sec. 5. K.S.A. 2008 Supp. 8-1402a is hereby amended to read as follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low-pressure nonhighway~~ tires; and having a seat designed to be straddled by the operator. As used in this section, "~~low-pressure nonhighway~~ tire" means any pneumatic tire six inches or more in width, designed for use on wheels with a rim diameter of ~~12~~ 14 inches or less ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~

Sec. 6. K.S.A. 84-2a-104 and K.S.A. 2008 Supp. 8-126, 8-197, 8-1402a and 84-9-311 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 23, 2009.)

SENATE BILL No. 39

AN ACT concerning certain municipalities; relating to the investment of public moneys; amending K.S.A. 2008 Supp. 12-1677b and repealing the existing section.

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

Section 1. K.S.A. 2008 Supp. 12-1677b is hereby amended to read as follows: 12-1677b. (a) The governing body of any city ~~or~~, county or school district which has a written investment policy approved by the governing body of such city ~~or~~, county or school district ~~and approved by the pooled money investment board~~ ~~may~~ and such written investment policy is approved by the pooled money investment board as provided in subsection (b) may invest and reinvest pursuant to the approved investment policy in the following investments, as authorized under paragraph (6) of subsection (b) of K.S.A. 12-1675, and amendments thereto:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States sponsored enterprises which under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities;

(2) interest-bearing time deposits in any banks, savings and loan associations and savings banks; or

(3) repurchase agreements with banks, savings and loan associations and savings banks, or with a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds.

(b) *In approving the investment policy of any city, county or school district, the pooled money investment board shall require that such policy addresses liquidity, diversification, safety of principal, yield, maturity and quality and capability of investment management staff. In addition, the policy shall provide procedures for compliance with subsection (c) of K.S.A. 12-1675, and amendments thereto, and a certification from the investment management staff that those procedures have been followed.*

~~(b) (c)~~ The investment policy of any city ~~or~~, county or school district approved by the pooled money investment board under this section shall be reviewed and approved at least annually by such board or when such city ~~or~~, county or school district makes changes in such investment policy. *On condition of approving the investment policy, the pooled money investment board shall review the policy to assure that it addresses liquidity, diversification, safety of principal, yield, maturity and quality and capability of investment management staff. In addition, the policy shall provide procedures for compliance with subsection (c) of K.S.A. 12-1675, and amendments thereto, a certification from the investment management staff that those procedures have been followed and a listing of the banks, savings and loan associations and savings banks from which the city, county or school district requested bids in the preceding year.*

~~(c) City and county investment policies shall address liquidity, diversification, safety of principal, yield, maturity and quality, and capability of investment management staff.~~

(d) (1) All security purchases shall occur on a delivery versus payment basis.

(2) All securities shall be perfected in the name of the city ~~or~~, county or school district and shall be delivered to the purchaser or a third party custodian which may be the state treasurer.

(3) Investment transactions shall only be conducted with banks, savings and loan associations and savings banks; or with primary government securities dealers which report to the market report division of the federal reserve bank of New York; or any broker-dealer which is registered in compliance with the requirements of section 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto.

(4) The maximum maturity for investments under subsection (a) shall be four years.

(e) Investments in securities under paragraph (1) of subsection (a) shall be limited to securities which do not have any more in-

(continued)

terest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

(f) A city or, county or school district which violates subsection (c) or (d) of K.S.A. 12-1675, and amendments thereto, or the rules and regulations of the pooled money investment board shall forfeit its rights under this section for a two year period and shall be reinstated only after a complete review of its investment policy as provided for in subsection (b). Such forfeiture shall be determined by the pooled money investment board after notice and opportunity to be heard in accordance with the Kansas administrative procedure act.

Sec. 2. K.S.A. 2008 Supp. 12-1677b 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 23, 2009.)

HOUSE BILL No. 2359

AN ACT concerning the state board of cosmetology; amending K.S.A. 65-1904 and repealing the existing section.

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

Section 1. K.S.A. 65-1904 is hereby amended to read as follows: 65-1904. (a) Unless revoked for cause, all licenses of cosmetologists, cosmetology technicians, estheticians, electrologists and manicurists issued or renewed by the board shall expire on the expiration dates established by rules and regulations adopted by the board under this section. Subject to the other provisions of this subsection, each such license shall be renewable on a biennial basis upon the filing of a renewal application prior to the expiration of the license, payment of the nonrefundable license renewal fee established under this section and with renewal applications filed on and after July 1, 2000, the filing of a successfully completed written renewal examination prescribed by the board under this subsection. For renewal applications filed on and after July 1, 2000, the board shall prescribe a written renewal examination for each classification of licensee under this subsection which will test the applicant's understanding of the laws relating to the practice for which the applicant holds a license, will test the applicant's understanding of health and sanitation matters relating to the practice for which the applicant holds a license and will test the understanding of the applicant about safety matters relating to the practice for which the applicant holds a license. The board shall fix the score for the successful completion of a written renewal examination. The board shall develop an information booklet to be sent to an applicant for renewal of a license along with the written renewal examination. The information booklet shall contain information on the subjects to be tested on the written renewal examination and shall be provided to the applicant along with the written renewal examination at least 30 days prior to the date on which the renewal application is to be filed. The written renewal examination may be prepared by the applicant with the use of the information booklet. At least 30 days prior to the expiration of a license, the board shall provide to the licensee notice of the date of expiration of the license.

(b) (1) Any cosmetologist's, cosmetology technician's, esthetician's, electrologist's or manicurist's license may be renewed by the applicant within six months after the date of expiration of the applicant's last license upon submission of proof, satisfactory to the board, of the applicant's qualifications to practice as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist, successfully completing the renewal exam and payment of the applicable nonrefundable renewal fee and delinquent fee prescribed pursuant to this section.

(2) Any applicant whose license as a cosmetologist, cosmetology technician, esthetician, electrologist or manicurist expires on or after January 1, 2000, and has been expired for more than six months may obtain reinstatement of such license upon application to the board, upon filing with the board a successfully completed written renewal examination and upon payment of the applicable nonrefundable delinquent renewal fee and a nonrefundable renewal penalty fee of \$100.

(c) Any applicant for a license other than a renewal license shall make a verified application to the board on such forms as the board may require and, upon payment of the license application fee and the examination fee shall be examined by the board or their appointees and shall be issued a license, if found to be duly qualified to practice the profession of cosmetologist, esthetician, electrologist or manicurist.

(d) The board is hereby authorized to adopt rules and regulations fixing the amount of nonrefundable fees for the following items and to charge and collect the amounts so fixed, subject to the following limitations:

Cosmetologist license application fee, for two years—not more than	\$60
Cosmetologist license renewal fee	60
Delinquent cosmetologist renewal fee	25
Cosmetology technician license renewal fee, for two years—not more than	60
Delinquent cosmetology technician renewal fee	25
Electrologist license application fee, for two years—not more than	60
Electrologist license renewal fee	60
Delinquent electrologist renewal fee	25
Manicurist license application fee, for two years—not more than	60
Manicurist license renewal fee	60
Delinquent manicurist renewal fee	25
Esthetician license application fee, for two years—not more than	60
Esthetician license renewal fee	60
Delinquent esthetician renewal fee	25
Any apprentice license application fee—not more than	15
New school license application fee	150
School license renewal fee—not more than	75
Delinquent school license fee—not more than	50
New cosmetology services salon or electrology clinic license application fee—not more than	100
Cosmetology services salon or electrology clinic license renewal fee—not more than	50
Delinquent cosmetology services salon or electrology clinic renewal fee	30
Cosmetologist's examination—not more than	75
Electrologist's examination—not more than	75
Manicurist's examination—not more than	75
Esthetician examination—not more than	75
Instructor's examination—not more than	75
Reciprocity application fee—not more than	75
Verification of licensure	20
Any duplicate of license	25
Instructor's license application fee, for two years—not more than	100
Renewal of instructor's license fee	75
Delinquent instructor's renewal fee—not more than	75
Temporary permit fee	15
Statutes and regulations book	5
Instructor-in-training permit	50

(e) Whenever the board determines that the total amount of revenue derived from the fees collected pursuant to this section is insufficient to carry out the purposes for which the fees are collected, the board may amend its rules and regulations to increase the amount of the fee, except that the amount of the fee for any item shall not exceed the maximum amount authorized by this subsection. Whenever the amount of fees collected pursuant to this section provides revenue in excess of the amount necessary to carry out the purposes for which such fees are collected, it shall be the duty of the board to decrease the amount of the fee for one or more of the items listed in this subsection by amending the rules and regulations which fix the fees.

(f) Any person who failed to obtain a renewal license while in the armed forces of the United States shall be entitled to a renewal license upon filing application, paying the nonrefundable renewal fee for the current year during which the person has been discharged and successfully completing the renewal exam.

Sec. 2. K.S.A. 65-1904 is hereby repealed.

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

(Published in the Kansas Register April 23, 2009.)

HOUSE BILL No. 2134

AN ACT relating to motor vehicles; concerning license plates; amending K.S.A. 8-160 and K.S.A. 2008 Supp. 8-132 and 8-1,141 and repealing the existing sections.

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

New Section 1. (a) On and after January 1, 2010, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of not more than 20,000 pounds who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one support Kansas arts license plate for each such passenger vehicle or truck. Such license plates shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The Kansas arts commission, created under K.S.A. 74-5202, and amendments thereto, may authorize the use of their logo to be affixed on license plates as provided by this section. Any royalty payment to such commission derived from this section shall be credited to the Kansas arts commission special gifts fund and, shall be used in accordance with the provisions of K.S.A. 74-5204, and amendments thereto. Any motor vehicle owner or lessee may annually apply to the commission for the use of such logo. Upon annual application and payment to the commission in an amount of not less than \$25 nor more than \$100 as a logo use royalty payment for each license plate to be issued, the commission shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration.

(c) Any applicant for a support Kansas arts license plate may make application for such plates not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of motor vehicles, and any applicant for the support Kansas arts license plates shall provide the annual logo use authorization statement provided for in subsection (b). Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or support Kansas arts license plate issued under this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides the annual logo use authorization statement provided for in subsection (b). If such logo use authorization statement is not presented at the time of registration, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the support Kansas arts license plate to the county treasurer of such person's residence.

(f) The Kansas arts commission shall:

(1) Pay the initial cost of silk-screening for such support Kansas arts license plates; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the Kansas arts commission for information concerning the application process or the status of their license plate application.

(g) The Kansas arts commission, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a plate to be issued under the provisions of this section.

Sec. 2. K.S.A. 2008 Supp. 8-132 is hereby amended to read as follows: 8-132. (a) Subject to the provisions of this section and K.S.A. 8-1,125, and amendments thereto, the division of vehicles shall furnish to every owner whose vehicle shall be registered one license plate for such vehicle. Such license plate shall have displayed on it the registration number assigned to the vehicle and to the owner thereof, the name of the state, which may be abbreviated, and the year or years for which it is issued. The same type of license

plates shall be issued for passenger motor vehicles, rented without a driver, as are issued for private passenger vehicles.

(b) During calendar year 1975 commencing on the effective date of this act, and during every fifth calendar year thereafter, the division of vehicles shall furnish one license plate for any type of vehicle an owner registers or has the registration thereof renewed, but during the succeeding four-year period following calendar year 1975 and during the succeeding four-year period following every fifth calendar year subsequent to 1975, the division of vehicles shall not furnish any license plate for the renewal of a vehicle's registration. During calendar year 1976 and during each calendar year thereafter in which a license plate is not issued for the renewal of registration of a vehicle, the division of vehicles shall furnish one decal for the license plate issued for a vehicle as provided in K.S.A. 8-134, and amendments thereto, for each registration and renewal of registration of such vehicle. Notwithstanding the foregoing provisions of this subsection, whenever, in the discretion of the director of vehicles, it is determined that the license plates currently being issued and displayed are not deteriorating to the extent that their replacement is warranted, the director may adopt rules and regulations to extend the five-year issuance cycle provided for in this subsection by one year at a time, and in the same manner the director may further extend such cycle by one year at a time, successively as the director determines appropriate. If the cycle is extended at the expiration of the extended term, new license plates shall again be issued in the manner and for the term provided in such rules and regulations, except that the owner of a motor vehicle currently registered may continue to display the license plate currently being issued and displayed for a period not to exceed three registration years from the date of the expiration of the extended term. The division shall furnish one decal for each such license plate in accordance with the provisions of this subsection.

(c) Two personalized license plates may be issued to any owner or lessee of a passenger vehicle or a truck licensed for a gross weight of not more than 20,000 pounds, who makes proper application to the division of vehicles not less than 60 days prior to such owner's or lessee's renewal of registration date. Such application shall be on a form prescribed by the division and accompanied by a fee of \$40, which shall be in addition to any other fee required to renew the registration of such passenger vehicle under the laws of this state. One such personalized license plate shall be displayed on the rear of the vehicle and, at the option of the owner or lessee, the other license plate may be displayed on the front of the vehicle, except that no registration decal shall be issued pursuant to K.S.A. 8-134, and amendments thereto, for any such license plate displayed on the front of such vehicle. One personalized license plate may be issued to any owner of a motorcycle upon proper application in the same manner provided in this subsection (c) for passenger vehicles and trucks. The \$40 fee shall be paid only once during the registration period for which such license plates were issued, and any subsequent renewals during the registration period shall be subject only to the registration fee prescribed by K.S.A. 8-143, and amendments thereto. The division shall design distinctive, personalized license plates to be issued which shall contain not more than seven letters or numbers on truck or passenger vehicle license plates and not more than five letters or numbers on motorcycle license plates, or a combination thereof, to be designated by the applicant in lieu of the letters and numbers required by K.S.A. 8-147, and amendments thereto, other than the letters required to designate the county in which such vehicle is registered. Unless the letters or numbers designated by the applicant have been assigned to another vehicle of the same type registered in the same county, or unless the letters or numbers designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director of vehicles, the division shall assign such letters or numbers to the applicant's vehicle, and the letters or numbers, or combination thereof, so assigned shall be deemed the registration number of such vehicle. Subject to the foregoing provisions, all license plates issued under this section shall be manufactured in accordance with K.S.A. 8-147, and amendments thereto. Such license plates shall be issued for a registration period of five years commencing in 1985 and each five years thereafter.

(continued)

The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act, including, without limitation, rules and regulations concerning (1) the procedure for insuring that duplicate license plates are not issued ~~in the same county throughout the state,~~ (2) the procedure for reserving distinctive license plates for the purpose of obtaining the same on each annual renewal of registration, (3) the procedure for allowing the transfer of personalized license plates from one vehicle to another for which such license plates were originally issued, when the title to the original vehicle has not been transferred and the name or names of the owner or owners listed on the titles to both vehicles are identical, and (4) procedures necessary to coordinate this act with other laws of this state governing registration of vehicles. The director of vehicles shall remit all moneys received by the division of vehicles under this section 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 highway fund.

Sec. 3. K.S.A. 8-160 is hereby amended to read as follows: 8-160. As used in this act, the term "disabled veteran" means a person who has served in the armed forces of the United States and who is entitled to compensation for a ~~one hundred percent (100%) disability under service-connected disability of at least 50% and the laws administered by the veterans administration or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree.~~

Sec. 4. K.S.A. 2008 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) Any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by subsection (c) of K.S.A. 8-132, and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(b) The director of vehicles shall not issue any new distinctive license plate authorized for issuance on and after July 1, 1995, unless there is a guarantee of an initial issuance of at least 500 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,145, or K.S.A. 2008 Supp. 8-177d, and amendments thereto.

(d) The provisions of subsection (a), shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146 or 8-1,148, and amendments thereto, or K.S.A. 2008 Supp. 8-1,153 ~~or 8-1,158, 8-1,158 or section 1,~~ and amendments thereto.

(e) ~~The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 2008 Supp. 8-1,160, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not less than 1,000 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 1,000 paid orders for such plate have been received, the director of accounts and reports shall transfer \$40,000 from the state highway fund to the distinctive license plate fund.~~

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature on and after July 1, 2004, shall submit to the division of vehicles a nonrefundable amount not to exceed ~~\$10,000~~ \$20,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue 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 distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

(g) (1) Except for educational institution license plates issued under K.S.A. 8-1,142, and amendments thereto, the director

of vehicles shall discontinue the issuance of any distinctive license plate authorized prior to July 1, 2004, and which is subject to the provisions of subsection (b) if:

(A) Less than 500 license plates, including annual renewals, are issued for that distinctive license plate by July 1, 2006; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period after July 1, 2006.

(2) The director of vehicles shall discontinue the issuance of any distinctive license plate authorized on and after July 1, 2004, if:

(A) Less than 500 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(B) less than 250 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

Sec. 5. K.S.A. 8-160 and K.S.A. 2008 Supp. 8-132 and 8-1,141 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 23, 2009.)

HOUSE BILL No. 2001

AN ACT concerning school districts; relating to school finance; amending K.S.A. 2008 Supp. 72-6407 and repealing the existing section.

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

New Section 1. For the purposes of determining the pupil-count on September 20, 2009, the number of pupils enrolled in unified school district No. 409, Atchison, Kansas, but housed, maintained and receiving educational services at the youth residential center located on the grounds of the former Atchison juvenile correctional facility shall be deemed to be equal to two times the licensed capacity of the former Atchison juvenile correctional facility as certified by the secretary of the Kansas department of social and rehabilitative services.

Sec. 2. K.S.A. 2008 Supp. 72-6407 is hereby amended to read as follows: 72-6407. (a) (1) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided for preschool-aged exceptional children by the district.

(2) Except as otherwise provided in paragraph (3) of this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{1}{2}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{1}{2}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a

district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. Except as provided by this section for preschool-aged exceptional children and virtual school pupils, a pupil enrolled in a district and attending special education and related services, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education and related services provided for by the district and also attending a virtual school shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance at the non-virtual school bears to full-time attendance. A pupil enrolled in a district and attending special education and related services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A preschool-aged at-risk pupil enrolled in a district and receiving services under an approved at-risk pupil assistance plan maintained by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddel Boys Ranch, shall be counted as two pupils. *Except as provided in section 1, and amendments thereto, a pupil in the custody of the secretary of social and rehabilitation services or in the custody of the commissioner of juvenile justice and enrolled in unified school district No. 409, Atchison, Kansas, but housed, maintained and receiving educational services at the youth residential center located on the grounds of the former Atchison juvenile correctional facility, shall be counted as two pupils.*

(3) A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted. A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution or a psychiatric residential treatment facility shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and who are enrolled in a district which maintains an approved at-risk pupil assistance plan.

(d) "Preschool-aged at-risk pupil" means an at-risk pupil who has attained the age of four years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines consonant with guidelines governing the selection of pupils for participation in head start programs.

(e) "Enrollment" means: (1) (A) Subject to the provisions of paragraph (1)(B), for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not specified in this paragraph (1), the number of pupils regularly enrolled in the district on September 20; (B) a pupil who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the district for at least one semester or two quarters or the equivalent thereof;

(2) if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year means whichever is the greater of (A) enrollment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled, plus enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled, or (B) the sum of enrollment in the current school year of preschool-aged at-risk pupils, if any such pupils are enrolled and the average (mean) of the sum of (i) enrollment of the district in the current school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils are enrolled and (ii) enroll-

ment in the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled and (iii) enrollment in the school year next preceding the preceding school year minus enrollment in such school year of preschool-aged at-risk pupils, if any such pupils were enrolled; or

(3) the number of pupils as determined under K.S.A. 72-6447 or K.S.A. 2008 Supp. 72-6448, and amendments thereto.

(f) "Adjusted enrollment" means: (1) Enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, high density at-risk pupil weighting, if any, medium density at-risk pupil weighting, if any, nonproficient pupil weighting, if any, high enrollment weighting, if any, declining enrollment weighting, if any, school facilities weighting, if any, ancillary school facilities weighting, if any, cost of living weighting, if any, special education and related services weighting, and transportation weighting to enrollment; or (2) adjusted enrollment as determined under K.S.A. 2008 Supp. 72-6457 or 72-6458, and amendments thereto.

(g) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(h) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(i) "Low enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having to which high enrollment weighting is assigned pursuant to K.S.A. 2008 Supp. 72-6442b, and amendments thereto.

(j) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities.

(k) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

(l) "Cost of living weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2008 Supp. 72-6449, and amendments thereto, apply on the basis of costs attributable to the cost of living in the district.

(m) "Ancillary school facilities weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 72-6441, and amendments thereto, apply on the basis of costs attributable to commencing operation of new school facilities. Ancillary school facilities weighting may be assigned to enrollment of a district only if the district has levied a tax under authority of K.S.A. 72-6441, and amendments thereto, and remitted the proceeds from such tax to the state treasurer. Ancillary school facilities weighting is in addition to assignment of school facilities weighting to enrollment of any district eligible for such weighting.

(n) "Juvenile detention facility" has the meaning ascribed thereto by 72-8187, and amendments thereto.

(o) "Special education and related services weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to provision of special education and related services for pupils determined to be exceptional children.

(p) "Virtual school" means any school or educational program that: (1) Is offered for credit; (2) uses distance-learning technologies which predominately use internet-based methods to deliver instruction; (3) involves instruction that occurs asynchronously with the teacher and pupil in separate locations; (4) requires the pupil to make academic progress toward the next grade level and matriculation from kindergarten through high school graduation; (5) requires the pupil to demonstrate competence in subject matter for each class or subject in which the pupil is enrolled as part of the virtual school; and (6) requires age-appropriate pupils to complete state assessment tests.

(q) "Declining enrollment weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2008 Supp. 72-6451, and amendments thereto, apply on the basis of reduced revenues attributable to the declining enrollment of the district.

(continued)

(r) "High enrollment weighting" means an addend component assigned to enrollment of districts pursuant to K.S.A. 2008 Supp. 72-6442b, and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such districts as a correlate to low enrollment weighting assigned to enrollment of districts pursuant to K.S.A. 72-6412, and amendments thereto.

(s) "High density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2008 Supp. 72-6455, and amendments thereto, apply.

(t) "Nonproficient pupil" means a pupil who is not eligible for free meals under the national school lunch act and who has scored less than proficient on the mathematics or reading state assessment during the preceding school year and who is enrolled in a district which maintains an approved proficiency assistance plan.

(u) "Nonproficient pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of nonproficient pupils pursuant to K.S.A. 2008 Supp. 72-6454, and amendments thereto.

(v) "Psychiatric residential treatment facility" has the meaning ascribed thereto by K.S.A. 72-8187, and amendments thereto.

(w) "Medium density at-risk pupil weighting" means an addend component assigned to enrollment of districts to which the provisions of K.S.A. 2008 Supp. 72-6459, and amendments thereto, apply.

Sec. 3. K.S.A. 2008 Supp. 72-6407 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 23, 2009.)

HOUSE BILL No. 2131

AN ACT concerning transportation; relating to intermodal transportation projects, and providing for the financing thereof.

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

Section 1. The secretary of transportation is hereby authorized to establish an intermodal transportation revolving fund to provide assistance to governmental units for intermodal transportation projects.

Sec. 2. As used in sections 1 through 7, and amendments thereto:

(a) "Cost" means as applied to any qualified project, any or all costs, whenever incurred, approved by the department, for carrying out a qualified project;

(b) "department" means the department of transportation, established under K.S.A. 75-5001, and amendments thereto;

(c) "fund" means the Kansas intermodal transportation revolving fund established by section 4, and amendments thereto;

(d) "governmental unit" means any town, city, district, county, commission, agency, authority, board or other instrumentality of the state or of any of its political subdivisions, including any combination thereof, which has a qualified project located within the boundaries of such entity or within the jurisdiction of such entity;

(e) "intermodal facility" means land, improvements, personal property and fixtures developed primarily to handle the transfer, storage and distribution of freight through railway and trucking operations with a cost in excess of \$150,000,000;

(f) "intermodal transportation area" means an area including an intermodal facility and such additional area certified by the secretary to be impacted by such intermodal facility;

(g) "intermodal transportation project" means any bridge, culvert, highway, road, street, underpass, railroad crossing or combination thereof located within an intermodal transportation area;

(h) "private enterprise" means a private person or entity that has entered into a contract with a governmental unit to design, finance, construct or operate a qualified project that is within the jurisdiction of such public authority;

(i) "project" means the acquisition, construction, improvement, repair, rehabilitation, maintenance or extension of transportation facilities;

(j) "project costs" means all costs or expenses which are necessary or incident to a qualified project and which are directly attributable thereto, including, but not limited to, land acquisition;

(k) "qualified borrower" means any governmental unit or private enterprise which is authorized to construct, operate or own a qualified project;

(l) "qualified project" means any public or private intermodal transportation project, including, without limitation, the construction, reconstruction, resurfacing, restoration, rehabilitation or replacement of public or private intermodal transportation projects within the state, that is determined by the secretary to be of statewide as well as local importance and by the city or county in which the qualified project is located to be of local importance;

(m) "revenues" means when used with respect to the department, any receipts, fees, revenues or other payments received or to be received by the department under sections 1 through 7, and amendments thereto; and

(n) "secretary" means the secretary of the department of transportation.

Sec. 3. (a) The secretary shall administer the provisions of sections 1 through 7, and amendments thereto, and shall be responsible for the administration and management of the fund, and shall have the power to enter into agreements and contracts and to transfer money between the state highway fund and the fund as required to effect the purposes of sections 1 through 7, and amendments thereto.

(b) The secretary shall adopt rules and regulations, to carry out the purposes and provisions of sections 1 through 7, and amendments thereto.

Sec. 4. (a) There is hereby established in the state treasury a fund to be known as the Kansas intermodal transportation revolving fund which shall consist of the following:

(1) Amounts appropriated or otherwise made available by the legislature for the purposes of the fund;

(2) the proceeds, if any, from the sale of bonds issued pursuant to section 5, and amendments thereto, for the purposes of the fund to the extent provided in any agreement entered into between the secretary and the Kansas development finance authority;

(3) amounts of repayments made by qualified borrowers of loans received under sections 1 through 7, and amendments thereto, together with payments of interest thereon, in accordance with agreements entered into between such qualified borrowers and the secretary;

(4) amounts earned on moneys in the fund;

(5) amounts contributed or otherwise made available by any public or private entity for use in effectuating the purposes of the fund;

(6) amounts transferred by order of the secretary from the state highway fund; and

(7) any other amounts as may be made available for purposes of the fund.

(b) Subject to the provisions of sections 1 through 7, and amendments thereto, expenditures from the fund shall be made for the following purposes:

(1) For the payment of the principal, including sinking fund payments of and premium, if any, and interest on bonds issued pursuant to sections 1 through 7, and amendments thereto;

(2) for providing financial assistance to qualified borrowers to finance qualified projects;

(3) for the maintenance of, or provision for, any reserves, additional security, insurance or other form of credit enhancement to secure such bonds required or provided for in any trust agreement entered into pursuant to sections 1 through 7, and amendments thereto;

(4) to guarantee, purchase insurance or provide other credit enhancement for bonds of qualified borrowers issued to finance the costs of qualified projects;

(5) to provide reserves for or otherwise secure bonds issued pursuant to sections 1 through 7, and amendments thereto, and to provide insurance or other credit enhancement for such bonds;

(6) to provide reserves for, or to otherwise secure, amounts payable by qualified borrowers on loans made by and leases with the department in the event of default by a particular qualified borrower or, on a parity basis, by any qualified borrower;

(7) to provide a subsidy for, or to otherwise assist, qualified borrowers in the payment of debt service costs on loans made by the department hereunder;

(8) for administrative costs of the fund or for any of the foregoing;

(9) the transfer of money by order of the secretary to the state highway fund; and

(10) the transfer of money by order of the secretary to the state general fund.

Sec. 5. (a) The activities of the department in administering and performing the powers, duties and functions prescribed by the provisions of sections 1 through 7, and amendments thereto, are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of bonds by the Kansas development finance authority in accordance with that statute. The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds for such purposes when so authorized and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto.

(b) The debt service for any bonds issued pursuant to this section shall be paid from revenues, including loan repayments received from qualified borrowers under agreements entered into pursuant to sections 1 through 7, and amendments thereto, or from any other amounts available in the Kansas intermodal transportation revolving fund pursuant to section 4, and amendments thereto, including appropriations of moneys from the state general fund.

(c) Neither the state nor the department shall have the power to pledge the full faith and credit or taxing power of the state of Kansas for such purposes and any payment by the department for such purpose shall be subject to and dependent on appropriations by the legislature. Any obligation of the state or the department for payment of debt service on bonds issued pursuant to this section shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the Kansas constitution.

(d) No governmental unit is authorized to pledge its full faith and credit or its taxing power for the purpose of repayment of any loan under this act.

Sec. 6. (a) Qualified borrowers which desire assistance in the form of a loan, credit enhancement or grant under sections 1 through 7, and amendments thereto, shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any qualified borrower for payment of all or a part of project costs. All moneys received by the secretary pursuant to such agreements shall be deposited in the Kansas intermodal transportation revolving fund.

(c) The secretary shall provide any governmental unit, upon its request, with technical advice and assistance regarding a project or an application for assistance. The secretary may assess reasonable fees for providing such assistance.

(d) Any governmental unit may enter into agreements with the secretary and may accept assistance as provided in this section when so authorized by its governing body.

Sec. 7. (a) Upon the failure of a governmental unit to meet the repayment terms and conditions of an agreement, the secretary may order the state treasurer to pay to the fund such portion of the governmental unit's share of the special city and county highway fund as may be necessary to meet the terms of the agreement. This subsection shall not apply if the source of repayment of a loan with a governmental unit, as identified in the agreement, is not received by such governmental unit prior to the loan repayment date.

(b) Any loans received by a governmental unit under the provisions of sections 1 through 7, and amendments thereto, shall be construed to be bonds for the purposes of K.S.A. 10-1116, and amendments thereto, and the amount of such loans shall not be included within any limitation on the bonded indebtedness of the governmental unit.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 23, 2009.)

SENATE BILL No. 80

AN ACT concerning cities; dealing with certain elections; relating to cities' power to relinquish authority to regulate natural gas and water utilities to the state corporation commission; amending K.S.A. 15-809 and 66-104e and repealing the existing sections.

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

Section 1. K.S.A. 15-809 is hereby amended to read as follows: 15-809. Any city of the third class in the state of Kansas which owns an electric light or waterworks plant, electric transmission line, or water, gas or electric distribution system may sell the same except that the sale shall not be made until the proposition of whether to sell has been submitted to a vote of the qualified electors of the city. If a majority of the qualified electors *who vote in of the city the election* vote in favor of the sale, the governing body may dispose of the plant, transmission line or distribution system, according to the proposition voted on at the election. The proposition submitted to the electors shall contain a statement of the proposed sale price and the name of the purchaser.

When the governing body decides to put the proposition to a vote, it shall pass an ordinance calling an election to be held within 40 days after the passage of the ordinance. The mayor shall cause a notice of the election to be published once a week for two consecutive weeks, the first publication to be not less than 21 days preceding the election. The notice shall state the purpose of the election, giving the sale price and the name of the purchaser, the date of the election, and the places of voting. The proposed purchaser shall bear all the expenses of the election.

All sales shall be for cash, and the proceeds of the sale shall be applied upon the payment of any outstanding bonds or obligations incurred in the purchase, erection or improvement of the property sold. The excess, if any, shall be paid into the general fund of ~~such~~ *the city*. If the city is unable to purchase the unmatured bonds issued for the purchase, erection or improvement of the property sold, the governing body may invest the money necessary to take up such bonds at maturity in investments authorized by K.S.A. 12-1675, and amendments thereto, in the manner prescribed therein or in any municipal bonds of this state, which shall become due prior to the due date of the bonds issued for the purchase, erection or improvement of the property sold, or in government bonds or federal landbank bonds. The purchase price and proceeding of the sale shall be filed with the state corporation commission.

Sec. 2. From and after July 1, 2009, K.S.A. 66-104e is hereby amended to read as follows: 66-104e. (a) Any city by ordinance may relinquish to the state corporation commission the city's power and authority under K.S.A. 66-104, and amendments thereto, to control and regulate any privately owned and operated *natural gas or water public utility utilities* situated and operated wholly or principally within the city or principally operated for the benefit of the city or its people. Subsequently the city by ordinance may reassert the city's power and authority under K.S.A. 66-104, and amendments thereto, to control and regulate such utility.

(b) Within five business days after adoption of any ordinance described in subsection (a):

(1) The city clerk shall forward a certified copy of the ordinance to the state corporation commission; and

(2) if the ordinance relinquishes jurisdiction of a privately owned and operated *natural gas or water public utility*, such utility shall file with the commission an application for a certificate of convenience and necessity.

(c) Upon receipt of an ordinance relinquishing jurisdiction of a *natural gas or water public utility* pursuant to this section, the commission shall assume jurisdiction and control of the privately owned and operated *natural gas or water public utility* as provided by law for other *natural gas or water public utilities* under the jurisdiction of the commission. The commission shall maintain such jurisdiction and control until the city subsequently adopts and files with the commission an ordinance reasserting the city's power and authority pursuant to K.S.A. 66-104, and amendments thereto.

(continued)

(d) A city shall not adopt any ordinance described in subsection (a) more often than once every two years.

Sec. 3. K.S.A. 15-809 is hereby repealed.

Sec. 4. On July 1, 2009, K.S.A. 66-104e is hereby repealed.

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

(Published in the Kansas Register April 23, 2009.)

HOUSE BILL No. 2052

AN ACT relating to insurance; concerning the regulation thereof; amending K.S.A. 40-2a20 and 40-2b20 and K.S.A. 2008 Supp. 40-229a, 40-2c01, 40-2136, 40-3008 and 45-221 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 40-2c01a.

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

New Section 1. Sections 1 through 19, and amendments thereto, shall be known and may be cited as the public adjusters licensing act, and it shall govern the qualifications and procedures for the licensing of public adjusters, on and after July 1, 2009. It specifies the duties of and restrictions on public adjusters, which include limiting their licensure to assisting insureds in first party claims.

New Sec. 2. As used in sections 1 through 19, and amendments thereto: (a) "Business entity" means a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity.

(b) "Catastrophic disaster" means, according to the federal response plan, an event:

(1) Declared by the president of the United States or governor of Kansas;

(2) results in large numbers of deaths and injuries;

(3) causes extensive damage or destruction of facilities that provide and sustain human needs;

(4) produces an overwhelming demand on state and local response resources and mechanisms;

(5) causes a severe long-term effect on general economic activity; and

(6) severely affects state, local and private sector capabilities to begin and sustain response activities.

(c) "Commissioner" means the state commissioner of insurance.

(d) "FBI" means the federal bureau of investigation.

(e) "Fingerprint" means an impression of the lines on a finger taken for purpose of identification. The impression may be electronic or in ink converted to electronic format.

(f) "Home state" means the District of Columbia and any state or territory of the United States in which a public adjuster's principal place of residence or principal place of business is located. If neither the state in which the public adjuster maintains the principal place of residence nor the state in which the public adjuster maintains the principal place of business has a law governing public adjusters substantially similar to this act, the public adjuster may declare another state in which it becomes licensed and acts as a public adjuster to be the home state.

(g) "KBI" means the Kansas bureau of investigation.

(h) "Licensed public adjuster" means a public adjuster licensed in accordance with this act.

(i) "NAIC" means the national association of insurance commissioners and its affiliates and subsidiaries.

(j) "Person" means an individual or a business entity.

(k) "Public adjuster" means any individual who:

(1) For compensation or any other thing of value, and solely in relation to first party claims arising under insurance claims or contracts that insure the real or personal property of the insured, aids or acts on behalf of an insured in negotiating for, or effecting the settlement of, a claim for loss or damage covered by and limited to commercial lines insurance contracts;

(2) advertises for employment as a public adjuster of insurance claims or directly or indirectly solicits business or represents to the public that such person is a public adjuster of first party insurance

claims for losses or damages to real or personal property covered by and limited to commercial lines insurance contracts; or

(3) for compensation or any other thing of value, investigates or adjusts losses or advises an insured about first party claims for losses or damages to real or personal property of the insured covered by and limited to commercial lines insurance contracts, for another person engaged in the business of adjusting losses or damages covered by and limited to commercial lines insurance contracts.

(l) "Uniform individual application" means the current version of the NAIC uniform individual application for resident and nonresident individuals.

(m) "Uniform business entity application" means the current version of the NAIC uniform business entity application for resident and nonresident business entities.

New Sec. 3. (a) A person shall not act as or represent that such person is a public adjuster in this state unless the person is an individual licensed as a public adjuster in accordance with this act.

(b) A licensed public adjuster shall not misrepresent to a claimant that the individual is an adjuster representing an insurer in any capacity, including acting as an employee of the insurer or acting as an independent adjuster, unless so appointed by an insurer in writing to act on the insurer's behalf for that specific claim or purpose. A licensed public adjuster is prohibited from charging that specific claimant a fee when appointed by the insurer and the appointment is accepted by the licensed public adjuster.

(c) Notwithstanding the provisions of this section, a license as a public adjuster shall not be required of the following:

(1) An attorney-at-law admitted to practice in this state, when acting in such person's professional capacity as an attorney;

(2) a person who negotiates or settles claims arising under a life or health insurance policy or an annuity contract;

(3) a person employed only for the purpose of obtaining facts surrounding a loss or furnishing technical assistance to a licensed public adjuster, including photographers, estimators, private investigators, engineers and handwriting experts;

(4) a licensed health care provider, or employee of a licensed health care provider, who prepares or files a health claim form on behalf of a patient; or

(5) a person who settles subrogation claims between insurers.

New Sec. 4. (a) An individual applying for a public adjuster license shall make application to the commissioner on the appropriate uniform application or other application prescribed by the commissioner.

(b) The applicant shall declare under penalty of perjury and under penalty of refusal, suspension or revocation of the license, that the statements made in the application are true, correct and complete to the best of the applicant's knowledge and belief.

(c) In order to make a determination of license eligibility, the commissioner shall require a criminal history record check on each applicant who is not exempt from pre-licensing examination pursuant to section 7, and amendments thereto.

New Sec. 5. (a) Before issuing a public adjuster license to an applicant under this act, the commissioner shall find that the applicant:

(1) Is eligible to designate this state as the applicant's home state or is a nonresident who is not eligible for a license under section 8, and amendments thereto;

(2) has not committed any act that is a ground for denial, suspension or revocation of a license as set forth in section 10, and amendments thereto;

(3) is trustworthy, reliable and of good reputation, evidence of which may be determined by the commissioner;

(4) is financially responsible to exercise the rights and privileges under the license and has provided proof of financial responsibility as required in section 11, and amendments thereto;

(5) has paid an application fee of \$100; and

(6) maintains an office in the home state with public access during regular business hours or by reasonable appointment.

(b) In addition to satisfying the requirements of subsection (a), an applicant shall

(1) Be at least 18 years of age; and

(2) have successfully passed the public adjuster examination.

(c) The commissioner may require any documents reasonably necessary to verify the information contained in the application.

New Sec. 6. (a) An applicant for a public adjuster license under this act shall pass a written examination, unless exempt from this requirement pursuant to section 7, and amendments thereto. The examination shall test the knowledge of the individual concerning the duties and responsibilities of a public adjuster and the insurance laws and regulations of this state. Examinations required by this section shall be developed and conducted under rules and regulations prescribed by the commissioner.

(b) The commissioner may make arrangements, including contracting with an outside testing service, for administering examinations.

(c) An applicant who fails to appear for the examination as scheduled or fails to pass the examination may retake the examination following a waiting period of not less than seven days following the date of the first examination. If the applicant again fails to satisfactorily complete the examination, the applicant may retake the examination following a waiting period of not less than seven days following the date of the second examination. If the applicant again fails to satisfactorily complete the examination, the applicant may retake the examination following a waiting period of not less than six months following the date of the third examination, except that following a waiting period of not less than two years following the date of the third examination, the applicant will be treated as a new applicant and new examination and waiting periods shall apply.

New Sec. 7. (a) An applicant who applies for a public adjuster license in this state, who is currently licensed as a public adjuster in another state based on the individual's passage of a public adjuster examination, shall not be required to complete any pre-licensing examination.

(b) An individual licensed as a public adjuster in another state, based on the individual's passage of a public adjuster examination, who moves to this state shall make application within 90 days of establishing legal residence in this state to become a resident licensee pursuant to section 5, and amendments thereto. No pre-licensing examination shall be required of that individual to obtain a public adjuster license.

(c) An individual who applies for a public adjuster license in this state and who was previously licensed as a public adjuster in this state, shall not be required to complete any pre-licensing examination, if the individual's application for licensure as a public adjuster is received within 12 months of the cancellation of the applicant's previous license in this state and if, at the time of cancellation, the applicant was in good standing in this state.

New Sec. 8. (a) Unless denied licensure pursuant to section 10, and amendments thereto, a nonresident individual shall receive a nonresident public adjuster license, if:

(1) The individual is currently licensed and in good standing as a resident public adjuster in that individual's home state;

(2) the individual has submitted the proper request for licensure, has paid the appropriate fee required by section 5, and amendments thereto, and, if required by the commissioner to do so, has provided proof of financial responsibility in accordance with section 11, and amendments thereto;

(3) the individual has submitted to the commissioner the appropriate completed application for licensure; and

(4) the individual's home state awards nonresident public adjuster licenses to residents of this state on the same basis.

(b) The commissioner may verify the public adjuster's licensing status through the producer database maintained by the NAIC.

(c) As a condition to continuation of a public adjuster license issued under this section, the licensee shall maintain a resident public adjuster license in the licensee's home state. The nonresident public adjuster license issued under this section shall terminate and be surrendered immediately to the commissioner, if the home state public adjuster license terminates for any reason, unless the public adjuster has a new home state and has been issued a license as a resident public adjuster in the new home state. Notification to the state or states where the nonresident license is issued must be made as soon as practicable, but no later than 30 days of a change in the new home state resident license. The licensee shall include in such notification the licensee's new and old addresses. A new home state resident license is required for a nonresident license to remain valid, and the new home state must have reciprocity with this state, in order for the nonresident license to remain valid.

New Sec. 9. (a) An individual who has met the requirements for licensure under this act shall be issued a public adjuster license. A public adjuster license shall remain in effect, unless revoked, terminated or suspended, as long as the request for renewal is timely submitted and a license renewal fee of \$100 is paid and any other requirements for license renewal are met by the due date. The licensee shall inform the commissioner by any means acceptable to the commissioner of a change of address, change of legal name or change of information submitted on the application within 30 days of the change.

(b) A public adjuster shall be subject to the provisions of subsection (9) of K.S.A. 40-2404, and amendments thereto.

(c) A public adjuster who allows such person's license to lapse may, within 12 months from the due date of the renewal, be issued a new public adjuster license upon the commissioner's receipt of proof that the licensee has satisfactorily completed the renewal process and the licensee's payment of a reinstatement fee of \$100. The new public adjuster license shall be effective the date the commissioner receives such proof and the reinstatement fee.

(d) A licensed public adjuster that is unable to comply with license renewal procedures due to military service, a long-term medical disability or some other extenuating circumstance, may request an extension of time to comply with those procedures.

(e) The public adjuster license shall contain the licensee's name, city and state of business address, personal identification number, the date of issuance, the expiration date and any other information the commissioner deems necessary.

(f) In order to assist in the performance of the commissioner's duties, the commissioner may contract with non-governmental entities, including the NAIC, to perform any ministerial functions, including the collection of fees and data related to licensing that the commissioner may deem appropriate.

New Sec. 10. (a) The commissioner may suspend, revoke or refuse to issue or renew a public adjuster's license for any of the following causes:

(1) Providing incorrect, misleading, incomplete or materially untrue information in the license application;

(2) violating:

(A) Any provision of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or any rule and regulation promulgated thereunder;

(B) any subpoena or order of the commissioner;

(C) any insurance law or regulation of another state; or

(D) any subpoena or order issued by the regulatory official for insurance in another state;

(3) obtaining or attempting to obtain a license through misrepresentation or fraud;

(4) misappropriating, converting or improperly withholding any monies or properties received in the course of doing insurance business;

(5) intentionally misrepresenting the terms of an actual or proposed insurance contract or application for insurance;

(6) having been convicted of a misdemeanor or felony;

(7) having admitted or committed any insurance unfair trade practice or insurance fraud;

(8) using fraudulent, coercive or dishonest practices or demonstrating incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere;

(9) having an insurance license, or its equivalent, denied, suspended or revoked in any other state, province, district or territory;

(10) forging another's name to an application for insurance or to any document related to an insurance transaction;

(11) cheating, including improperly using notes or any other reference material, to complete an examination for an insurance license;

(12) knowingly accepting insurance business from an individual who is not licensed but who is required to be licensed by the commissioner;

(13) failing to comply with an administrative or court order imposing a child support obligation upon the applicant or license holder; or

(14) failing to pay state income tax or comply with any administrative or court order directing payment of state income tax.

(continued)

(b) In addition, the commissioner may deny, suspend, revoke or refuse renewal of a public adjuster's license if the commissioner finds that the interests of the public are not properly served under such license. Any action taken under this section which affects any license or imposes any administrative penalty shall be taken only after notice and an opportunity for a hearing conducted in accordance with the Kansas administrative procedure act.

(c) In lieu of any action under subsection (a), the commissioner may:

(1) Censure the individual; or

(2) issue an order imposing an administrative penalty up to a maximum of \$500 for each violation, but not to exceed \$2,500 for the same violation occurring within any six consecutive calendar months from the date of the original violation, unless such person knew or should have known that the violative act could give rise to disciplinary action under subsection (a). If such person knew or reasonably should have known the violative act could give rise to any disciplinary proceeding authorized by subsection (a), the commissioner may impose a penalty up to a maximum of \$1,000 for each violation, but not to exceed \$5,000 for the same violation occurring within any six consecutive calendar months from the date of the original violation.

(d) The commissioner shall remit all such fines collected under subsection (c) 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.

(e) The commissioner shall retain the authority to enforce the provisions of and impose any penalty or remedy authorized by this act against any individual who is under investigation for or charged with a violation of this act, even if the individual's license or registration has been surrendered or has lapsed by operation of law.

New Sec. 11. (a) Prior to issuance of a public adjuster license and for the duration of the license, the commissioner may require the applicant to furnish evidence of financial responsibility, in a format prescribed by the commissioner, by means of:

(1) A surety bond executed and issued by an insurer authorized to issue surety bonds in this state, which bond:

(A) Shall be in such reasonable amount as the commissioner may require;

(B) shall be in favor of the commissioner and shall specifically authorize recovery by the commissioner on behalf of any person in this state who sustains damages as the result of erroneous acts, failure to act, conviction of fraud or conviction of unfair practices in the applicant's capacity as a public adjuster; and

(C) shall not be terminated unless at least 30-days prior written notice has been filed by the insurer with the commissioner and given to the licensee.

(2) An irrevocable letter of credit issued by a qualified financial institution, which letter of credit:

(A) Shall be in such reasonable amount as the commissioner may require;

(B) shall be to an account of the commissioner and subject to lawful levy of execution on behalf of any person to whom the public adjuster has been found to be legally liable as the result of erroneous acts, failure to act, fraudulent acts or unfair practices in the applicant's capacity as a public adjuster; and

(C) shall not be terminated unless at least 30-days prior written notice has been filed by the issuer with the commissioner and given to the licensee.

(b) Where the commissioner has required an applicant to furnish evidence of financial responsibility pursuant to subsection (a):

(1) The issuer of the evidence of financial responsibility shall notify the commissioner upon termination of the bond or letter of credit, unless otherwise directed by the commissioner;

(2) the commissioner may ask for the evidence of the public adjuster's financial responsibility at any time the commissioner deems relevant; and

(3) the authority to act as a public adjuster shall terminate automatically if the evidence of financial responsibility terminates or becomes impaired.

New Sec. 12. (a) As used in this section:

(1) "Biennium due date" means the date of birth of any public adjuster who is required to complete continuing education credits

and report the completion of the continuing education credits to the commissioner, except that such due date shall not be earlier than two years from the date of the public adjuster's initial licensure under this act.

(2) "Biennium" means, for any public adjuster who was born in an odd-numbered year, the two-year period starting with the public adjuster's biennial due date in 2011 and each two-year period thereafter. For any public adjuster who was born in an even-numbered year, such term means the two-year period starting with the public adjuster's biennial due date in 2012 and each two-year period thereafter.

(b) An individual, who holds a public adjuster license and who is not exempt under subsection (d), shall satisfactorily complete a minimum of 12 hours of continuing education courses, which shall include 11 hours of property/casualty or general continuing education courses and one hour of ethics, reported on a biennial basis in conjunction with the license renewal cycle. Only continuing education courses approved by the commissioner shall be used to satisfy the requirements of this subsection.

(c) Unless suspended, revoked or refused renewal pursuant to section 10, and amendments thereto, a public adjuster's license shall remain in effect as long as the education requirements for a resident public adjuster are met by such public adjuster's biennial due date.

(d) The continuing education requirements of this section shall not apply to licensees holding nonresident public adjuster licenses who have met the continuing education requirements of their home state and whose home state gives credit to residents of this state on the same basis.

New Sec. 13. (a) No public adjuster shall charge, agree to or accept as compensation or reimbursement any payment, commission, fee or other thing of value equal to more than 10% of any insurance settlement or proceeds.

(b) A public adjuster shall not pay a commission, service fee or other valuable consideration to a person for investigating or settling first party claims in this state, if that person is a business entity or is an individual required to be licensed under this act and is not so licensed.

(c) A person shall not accept a commission, service fee or other valuable consideration for investigating or settling first party claims in this state, if that person is a business entity or is an individual required to be licensed under this act and is not so licensed.

(d) No public adjuster shall require, demand or accept any fee, retainer, compensation, deposit or other thing of value, prior to settlement of a claim.

New Sec. 14. (a) Public adjusters shall ensure that all contracts for their services are in writing and contain the following:

(1) Legible full name of the public adjuster signing the contract;

(2) permanent home state business address and phone number of the public adjuster;

(3) the public adjuster's license number;

(4) title of "public adjuster contract";

(5) the insured's full name, street address, insurance company name and policy number, if known or upon notification;

(6) a description of the loss and its location, if applicable;

(7) description of services to be provided to the insured;

(8) signatures of the public adjuster and the insured;

(9) the date the contract was signed by the public adjuster and the date the contract was signed by the insured;

(10) attestation language stating that the public adjuster is fully bonded pursuant to this act; and

(11) full salary, fee, commission, compensation or other considerations the public adjuster is to receive for services to be rendered by the public adjuster for or on behalf of the insured.

(b) The public adjuster contract may specify that the public adjuster shall be named as a co-payee on an insurer's payment of a claim. If the compensation is based on a share of the insurance settlement, the exact percentage shall be specified. Compensation provisions in a public adjuster contract shall not be redacted in any copy of the contract provided to the commissioner.

(c) If the insurer, not later than 72 hours after the date on which the loss is reported to the insurer, either pays or commits in writing to pay to the insured the policy limit of the insurance policy, the public adjuster shall:

- (1) Not receive a commission consisting of a percentage of the total amount paid by an insurer to resolve a claim;
- (2) inform the insured that the loss recovery amount might not be increased by the insurer; and
- (3) be entitled only to reasonable compensation from the insured for services provided by the public adjuster on behalf of the insured, based on the time spent on a claim and expenses incurred by the public adjuster, until the claim is paid or the insured receives a written commitment to pay from the insurer.
- (d) A public adjuster shall provide the insured a written disclosure concerning any direct or indirect financial interest that the public adjuster has with any other party who is involved in any aspect of the claim, other than the salary, fee, commission or other consideration established in the written contract with the insured, including, but not limited to, any ownership of, other than as a minority stockholder, or any compensation expected to be received from, any construction firm, salvage firm, building appraisal firm, motor vehicle repair shop or any other firm that provides estimates for work, or that performs any work, in conjunction with damages caused by the insured loss on which the public adjuster is engaged. As used in this subsection, the word "firm" shall include any individual or business entity.
- (e) A public adjuster contract may not contain any contract term that:
- (1) Allows the public adjuster's percentage fee to be collected when money is due from an insurance company, but not paid, or that allows a public adjuster to collect the entire fee from the first check issued by an insurance company, rather than as percentage of each check issued by an insurance company;
- (2) requires the insured to authorize an insurance company to issue a check only in the name of the public adjuster;
- (3) imposes collection costs or late fees; or
- (4) precludes a public adjuster from pursuing civil remedies.
- (f) Prior to the signing of the contract the public adjuster shall provide the insured with a separate disclosure document regarding the claim process that states:
- (1) Property insurance policies obligate the insured to present a claim to the insured's insurance company for consideration;
- (2) there are three types of adjusters that could be involved in that process, and they are as follows:
- (A) A company adjuster who is an employee of an insurance company, represents the interest of the insurance company, is paid by the insurance company and will not charge the insured a fee;
- (B) an independent adjuster who is hired on a contract basis by an insurance company to represent the insurance company's interest in the settlement of the claim, who is paid by the insured's insurance company and will not charge the insured a fee; or
- (C) a public adjuster who does not work for any insurance company but works for an insured to assist in the preparation, presentation and settlement of a claim. An insured engages a public adjuster by signing a contract agreeing to pay the public adjuster a fee or commission based on a percentage of the settlement, or other method of compensation;
- (3) the insured is not required to hire a public adjuster to help the insured meet the insured's obligations under the policy, but has the right to do so;
- (4) the insured has the right to initiate direct communications with the insured's attorney, the insurer, the insurer's adjuster and the insurer's attorney, or any other person regarding the settlement of the insured's claim;
- (5) the public adjuster is not a representative or employee of the insurer;
- (6) the salary, fee, commission or other consideration is the obligation of the insured, not the insurer.
- (g) The contracts shall be executed in duplicate to provide an original contract to the public adjuster and an original contract to the insured. The public adjuster's original contract shall be available at all times for inspection without notice by the commissioner.
- (h) The public adjuster shall provide the insurer a notification letter, which has been signed by the insured, authorizing the public adjuster to represent the insured's interest.
- (i) The insured has the right to rescind the public adjuster contract within three business days after the date the contract was signed. The rescission shall be in writing and mailed or delivered

to the public adjuster at the address in the contract within the three business day period.

(j) If the insured exercises the right to rescind the contract, anything of value given by the insured under the contract will be returned to the insured within 15 business days following the receipt by the public adjuster of the rescission notice.

New Sec. 15. (a) A public adjuster shall maintain a complete record of each transaction as a public adjuster. The records required by this section shall include the following:

- (1) Name of the insured;
- (2) date, location and amount of the loss;
- (3) copy of the contract between the public adjuster and insured;
- (4) name of the insurer and the amount, expiration date and number of each policy carried by the insured with respect to the loss;
- (5) itemized statement of the insured's recoveries;
- (6) itemized statement of all compensation received by the public adjuster, from any source whatsoever, in connection with the loss;
- (7) a register of all moneys received, deposited, disbursed or withdrawn in connection with a transaction with an insured, including fees, transfers and disbursements from a trust account and all transactions concerning all interest-bearing accounts;
- (8) name of public adjuster who executed the contract;
- (9) name of the attorney representing the insured, if applicable, and the name of the claims representatives of the insurance company; and
- (10) evidence of financial responsibility in the format prescribed by the commissioner.

(b) Records shall be maintained for at least five years after the termination of the transaction with an insured and shall be open to examination by the commissioner at all times.

(c) Records submitted to the commissioner in accordance with this section that contain information identified in writing as proprietary by the public adjuster shall be treated as confidential by the commissioner and shall not be open for inspection under the Kansas open records act.

(d) The provisions of subsection (c) shall expire on July 1, 2014, unless the legislature acts to reenact such provisions. The provisions of subsection (c) shall be reviewed by the legislature prior to July 1, 2014.

New Sec. 16. (a) A public adjuster is obligated, under the public adjuster's license, to serve with objectivity and complete loyalty, the interest of the insured only and to render to the insured such information, counsel and service, as within the knowledge, understanding and opinion in good faith of the public adjuster, as will best serve the insured's insurance claim needs and interest.

(b) A public adjuster shall not solicit, or attempt to solicit, an insured during the progress of a loss-producing occurrence, as defined in the insured's insurance contract.

(c) A public adjuster shall not permit an unlicensed employee or representative of the public adjuster to conduct business for which a license is required under this act.

(d) A public adjuster shall not have a direct or indirect financial interest in any aspect of the claim, other than the salary, fee, commission or other consideration established in the written contract with the insured, unless full written disclosure has been made to the insured as set forth in section 14, and amendments thereto.

(e) A public adjuster shall not acquire any interest in salvage of property subject to the contract with the insured, unless the public adjuster obtains written permission from the insured after settlement of the claim with the insurer as set forth in section 14, and amendments thereto.

(f) The public adjuster shall abstain from referring or directing the insured to get needed repairs or services in connection with a loss from any person, unless disclosed to the insured:

- (1) With whom the public adjuster has a financial interest; or
- (2) from whom the public adjuster may receive direct or indirect compensation for the referral.

(g) The public adjuster shall disclose to an insured if the public adjuster has any interest or will be compensated by any construction firm, salvage firm, building appraisal firm, motor vehicle repair shop or any other firm that performs any work in conjunction

(continued)

with damages caused by the insured loss. As used in this subsection "firm" shall include any business entity or individual.

(h) Any compensation or anything of value in connection with an insured's specific loss that will be received by a public adjuster shall be disclosed by the public adjuster to the insured in writing, including the source and amount of any such compensation.

(i) Public adjusters shall adhere to the following general ethical requirements:

(1) A public adjuster shall not undertake the adjustment of any claim if the public adjuster is not competent and knowledgeable as to the terms and conditions of the insurance coverage, or which otherwise exceeds the public adjuster's current expertise;

(2) a public adjuster shall not knowingly make any oral or written material misrepresentations or statements which are false or maliciously critical and intended to injure any person engaged in the business of insurance to any insured client or potential insured client;

(3) no licensed public adjuster may represent or act as a company adjuster or independent adjuster on the same claim;

(4) the public adjuster contract shall not be construed to prevent an insured from pursuing any civil remedy after the three-business day revocation or cancellation period;

(5) a public adjuster shall not enter into a contract or accept a power of attorney that vests in the public adjuster the effective authority to choose the persons who shall perform repair work; and

(6) a public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(j) A public adjuster may not agree to any loss settlement without the insured's knowledge and consent.

New Sec. 17. (a) The public adjuster shall report to the commissioner any administrative action taken against the public adjuster in another jurisdiction or by another governmental agency in this state within 30 days of the final disposition of the matter. This report shall include a copy of the order, consent to order or other relevant legal documents.

(b) Within 30 days of the initial pretrial hearing date, the public adjuster shall report to the commissioner any criminal prosecution of the public adjuster taken in any jurisdiction. The report shall include a copy of the initial complaint filed, the order resulting from the hearing and any other relevant legal documents.

New Sec. 18. The commissioner shall promulgate such reasonable rules and regulations as are necessary to carry out the provisions of this act. The commissioner shall adopt such rules and regulations by July 1, 2010.

New Sec. 19. If any provisions of this act, or the application of a provision to any person or circumstances, shall be held invalid, the remainder of the act, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected.

New Sec. 20. On and after July 1, 2009, the commissioner may adopt by rules and regulations, any later version of the RBC instructions promulgated by the NAIC, which are consistent with the provisions of this act, including the provisions of K.S.A. 40-2c03, and amendments thereto, provided that before any later version may be adopted by the commissioner in rules and regulations, the commissioner shall prepare an impact statement indicating the projected impact upon domestic insurers and notify any affected insurer of the projected impact. If the projected impact is likely to cause the amount of a domestic insurer's total adjusted capital or its RBC report for the previous year to vary by more than 2.5% or to cause a domestic insurer's control level to change upon application of the later version of the risk-based capital instructions, then such later version shall not be adopted in rules and regulations until such later version is approved by legislative action.

Sec. 21. On and after July 1, 2009, K.S.A. 2008 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address a RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group which is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" mean the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, 2007 2008, or any later version promulgated by the NAIC as may be adopted by the commissioner under section 20, and amendments thereto.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of .70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

(1) An insurer's capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.

Sec. 22. On and after July 1, 2009, K.S.A. 2008 Supp. 40-229a is hereby amended to read as follows: 40-229a. (a) (1) (A) All cash, securities, real estate deeds, mortgages or other assets deposited with the commissioner of insurance pursuant to the provisions of the insurance code of the state of Kansas shall be deposited with any Kansas financial institution acceptable to the commissioner through which a custodial or controlled account, a joint custody receipt arrangement or any combination of these or other measures that are acceptable to the commissioner is used.

(B) All such deposits shall be held by such financial institution on behalf of the commissioner in trust for the use and benefit of such company and such company's policyholders and creditors. Such assets shall be released from such deposits only upon written approval of the commissioner.

(C) All income from deposits belong to the depositing organization and shall be paid to it as it becomes available. The commissioner, upon written approval, may direct the financial institution to permit exchange of securities or assets upon deposit of specified substituted securities or assets.

(D) All forms for deposit, withdrawal or exchange shall be prescribed, prepared and furnished by the commissioner and no facsimile signatures shall be used or recognized.

(E) The commissioner or assistant commissioner of insurance or insurance department employee authorized by the commissioner may at any time inspect the securities on deposit in any such financial institution.

(F) Nothing in this act shall be construed to hold the state of Kansas, the commissioner, assistant commissioner or authorized employee liable either personally or officially for any default of such financial institution.

(2) Real estate shall be deposited with the commissioner by the depositing organization executing a deed or assignment conveying title thereto to the commissioner, in trust for the use and benefit of such company. Such deeds or assignment shall be recorded in the office of the register of deeds of the county in which such real estate is situated. When the depositing organization is authorized to withdraw real estate from deposit, the commissioner shall execute deeds to such organization or such other persons, companies or corporations as directed by such organization. The costs of registering such deeds shall be paid by the depositing organization.

(3) All deposits made with the commissioner shall be audited by the commissioner and the state treasurer not less frequently than once each three years. The commissioner may accept an audit performed by another governmental agency acceptable to the commissioner, in lieu of this audit requirement.

(b) Assets, except real estate assets, deposited pursuant to this section shall be held by the custodian on behalf of the commissioner as in trust for the use and benefit of the depositing organization. Such assets shall remain the specific property of the organization and shall not be subject to the claim of any third party against the custodian.

(c) The custodian is authorized to redeposit such assets with a clearing corporation as defined in K.S.A. 84-8-102 and amendments thereto, if such clearing corporation is domiciled in the United States. The custodian is authorized to hold such assets through the federal reserve bank book-entry system.

(d) The commissioner shall adopt rules and regulations to establish requirements relating to deposits under this section appropriate to assure the security and safety of such deposits, including but not limited to the following:

- (1) Capital and surplus of the custodian;
- (2) title in which deposited assets are held;
- (3) records to be kept by the custodian and the commissioner's access thereto;
- (4) periodic reports by the custodian to the commissioner;
- (5) responsibility of the custodian to indemnify the depositor for loss of deposited assets;
- (6) withdrawal or exchange of deposited assets; and
- (7) authority of the commissioner to terminate the deposit if the condition of the custodian should threaten the security of the deposited assets.

(e) As used in this section:

(1) "Commissioner" means the commissioner of insurance; and

(2) "financial institution" means a *federal home loan bank*, a savings and loan association and savings bank organized under the laws of the United States or another state, a national bank, state bank or trust company, which have main or branch offices in this state, shall at all times during which such *federal home loan bank*, savings and loan association, savings bank, national bank, state bank or trust company acts as a custodian be:

(A) No less than adequately capitalized as determined by the standards adopted by the ~~United States banking regulators~~ *regulator charged with establishing standards for, and assessing, the institution's solvency;*

(B) regulated by either state or federal banking laws, *the federal home loan bank act, as amended* or is a member of the federal reserve system; and

(C) legally qualified to accept custody of securities.

(3) "Main office" and "branch" shall have the meanings ascribed to such terms in K.S.A. 9-1408 and amendments thereto.

Sec. 23. On and after July 1, 2009, K.S.A. 40-2a20 is hereby amended to read as follows: 40-2a20. (a) Any insurance company other than life organized under any law of this state, with the direction or approval of a majority of its board of directors or authorized committee thereof, may:

(1) Adopt a nominee name unique to such insurance company in which such insurance company's securities may be registered;

(2) designate a state or national bank or a *federal home loan bank* having trust powers to obtain a nominee name for such insurance company in which such insurance company's securities may be registered; or

(3) designate a state or national bank having trust powers as trustee to make any investment authorized by this act in the name of such trustee or such trustee's nominee.

(b) Under the provisions of paragraphs (2) and (3) of subsection (a), the designated state or national bank or *the federal home loan bank* may arrange for such securities to be held in a clearing corporation. Such arrangement must be in accordance with a written agreement, approved by the commissioner of insurance, between the insurance company and its designated bank and must impose the same degree of responsibility on the bank as if such securities were held in definitive form by such bank.

(c) As used in this section "clearing corporation" means: (1) A corporation defined in subsection (5) of K.S.A. 84-8-102, and amendments thereto;

(2) any organization or system for clearance and settlement of securities transactions which is operated or owned by a bank, trust company or other entity that is subject to regulation by the United States federal reserve board or the United States comptroller of the currency; or

(3) any clearing agency registered with the securities and exchange commission pursuant to the securities exchange act of 1934, section 17A, and amendments thereto.

Sec. 24. On and after July 1, 2009, K.S.A. 40-2b20 is hereby amended to read as follows: 40-2b20. (a) Any life insurance company organized under any law of this state, with the direction or approval of a majority of its board of directors, may:

(1) Adopt a nominee name unique to such insurance company in which such insurance company's securities may be registered;

(2) designate a state or national bank or a *federal home loan bank* having trust powers to obtain a nominee name for such insurance company in which such insurance company's securities may be registered; or

(3) designate a state or national bank having trust powers as trustee to make any investment authorized by this act in the name of such trustee or such trustee's nominee.

(b) Under the provisions of paragraphs (2) and (3) of subsection (a), the designated state or national bank or *the federal home loan bank* may arrange for such securities to be held in a clearing corporation. Such arrangement must be in accordance with a written agreement, approved by the commissioner of insurance, between the insurance company and its designated bank and must impose the same degree of responsibility on the bank as if such securities were held in definitive form by such bank.

(c) As used in this section "clearing corporation" means: (1) A corporation defined in subsection (3) of K.S.A. 84-8-102, and amendments thereto;

(2) any organization or system for the clearance and settlement of securities transactions which is operated or owned by a bank, trust company or other entity that is subject to regulation by the United States federal reserve board or the United States comptroller of the currency; or

(3) any clearing agency registered with the securities and exchange commission pursuant to the securities exchange act of 1934, section 17A, and amendments thereto.

Sec. 25. On and after July 1, 2009, K.S.A. 2008 Supp. 40-2136 is hereby amended to read as follows: 40-2136. Each issuer of qualified long-term care partnership program policies in this state shall: (a) Provide regular reports to both the secretary of the United States department of human services in accordance with federal law and regulations and to the Kansas health policy authority and the commissioner of insurance as provided in section 6021 of the federal deficit reduction act of 2005, public law 109-171.

(b) Provide to consumers a notice explaining the benefits associated with a partnership policy and indicating that at the time issued, the policy is a qualified state long-term care insurance partnership policy at a time and in a manner to be determined by the commissioner of insurance.

(continued)

(c) Submit a partnership certification form signed by an officer of the company with all policies submitted for certification as partnership policies.

(d) Obtain verification that producers receive training required by the commissioner of insurance before a producer is permitted to sell, solicit or negotiate the insurer's long-term care insurance products, maintain records of compliance, and make the verification available to the commissioner of insurance upon request.

(e) Maintain records with respect to the training of its producers concerning the distribution of its partnership policies that will allow the department of insurance to provide assurance to the Kansas health policy authority that producers have received the training required by the commissioner of insurance and that producers have demonstrated an understanding of the partnership policies and their relationship to public and private coverage of long-term care, including medical assistance in this state. These records shall be maintained and made available to the commissioner of insurance upon request.

(f) (1) *Offer, on a one time basis, in writing, to all existing policyholders that were issued long-term care coverage of the type certified by the insurer on or after February 8, 2006, the option to exchange their existing long-term care coverage for coverage that is intended to qualify under Kansas' long-term care partnership program. The mandatory offer of an exchange shall only apply to products issued by the insurer that are comparable to the type of policy form, such as group policies and individual policies and on the policy series that the company has certified as partnership qualified;*

(2) *the offer shall remain open for a minimum of 45 days from the date of mailing by the insurer;*

(3) *the offer shall be made on a nondiscriminatory basis without regard to the age or health status of the insured. However, the insurer may underwrite if the policy is amended to provide additional benefits or the exchange would require the issuance of a new policy. Any portion of the policy that was issued prior to the exchange date shall be priced based on the policyholder's age when the policy was originally issued. Any portion of the policy that is added as a result of the exchange may be priced based on the policyholder's age at the time of the exchange;*

(4) *if there is no change in coverage material to the risk, policies exchanged under this provision shall not be subject to any medical underwriting;*

(5) *notwithstanding paragraphs (1) and (3), an insurer is not required to offer an exchange to an individual who is eligible for benefits within an elimination period, who is, or who has been in claim status or who would not be eligible to apply for coverage due to issue age or plan design limitations under the new policy. The insurer may require that policyholders meet all eligibility requirements, including plan design, underwriting, if applicable and payment of the required premium;*

(6) *policies issued pursuant to this section shall be considered exchanges and not replacements and are not subject to K.A.R. 40-4-37i; and*

(7) *a policy received in an exchange after the effective date of the long-term care partnership program act is treated as newly issued and is eligible for partnership policy status. For purposes of applying the Medicaid rules relating to Kansas' long-term care partnership program, the addition of a rider, endorsement or change in schedule page for a policy may be treated as giving rise to an exchange.*

Sec. 26. On and after January 1, 2010, K.S.A. 2008 Supp. 40-3008 is hereby amended to read as follows: 40-3008. (a) If a member insurer is an impaired domestic insurer, the association may, in its discretion and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer, that are approved by the commissioner and that are, except in cases of court-ordered conservation or rehabilitation, also approved by the impaired insurer:

(1) Guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the policies or contracts of the impaired insurer;

(2) provide such moneys, pledges, notes, guarantees or other means as are proper to effectuate the provisions of paragraph (1) of this subsection and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (1); or

(3) lend money to the impaired insurer.

(b) (1) If a member insurer is an impaired insurer, whether domestic, foreign or alien, and the insurer is not paying claims timely, then subject to the preconditions specified in paragraph (2) of this

subsection, the association shall, in its discretion, either: (A) Take any of the actions specified in subsection (a), subject to the conditions therein; or

(B) provide substitute benefits in lieu of the contractual obligations of the impaired insurer solely for health claims, periodic annuity benefit payments, death benefits, supplemental benefits and cash withdrawals for policy or contract owners who petition therefor under claims of emergency or hardship in accordance with standards proposed by the association and approved by the commissioner.

(2) The association shall be subject to the requirements of paragraph (1) of this subsection only if: (A) The laws of the impaired insurer's state of domicile provide that: (i) The delinquency proceeding shall not be dismissed;

(ii) neither the impaired insurer nor its assets shall be returned to the control of its shareholders or private management; and

(iii) it shall not be permitted to solicit or accept new business or have any suspended or revoked license restored; and until all payments of or on account of the impaired insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been repaid to the guaranty associations or a plan of repayment by the impaired insurer shall have been approved by the guaranty associations; and

(B) (i) with respect to the impaired insurer who is a domestic insurer, it has been placed under an order of rehabilitation by a court of competent jurisdiction in this state; or

(ii) with respect to the impaired insurer who is a foreign or alien insurer: (aa) It has been prohibited from soliciting or accepting new business in this state;

(bb) its certificate of authority has been suspended or revoked in this state; and

(c) a petition for rehabilitation or liquidation has been filed in a court of competent jurisdiction in its state of domicile by the commissioner of the state.

(c) If a member insurer is an insolvent insurer, the association shall, in its discretion, either: (1) (A) Guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer;

(B) assure payment of the contractual obligations of the insolvent insurer; and

(C) provide such moneys, pledges, guarantees or other means as are reasonably necessary to discharge such duties; or

(2) with respect only to life and health policies, provide benefits and coverages in accordance with subsection (d).

(d) When proceeding under subsection (b)(1)(B) or (c)(2), the association shall, with respect only to life and health insurance policies: (1) Assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies of the insolvent insurer, for claims incurred: (A) With respect to group policies, not later than the earlier of the next renewal date under such policies or contracts or 45 days, but in no event less than 30 days, after the date on which the association becomes obligated with respect to such policies;

(B) with respect to individual policies, not later than the earlier of the next renewal date, if any, under such policies or one year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to such policies;

(2) make diligent efforts to provide all known insureds or group policyholders with respect to group policies 30 days' notice of the termination of the benefits provided; and

(3) with respect to individual policies, make available to each known insured, or owner if other than the insured, and with respect to an individual formerly insured under a group policy who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of paragraph (4) of this subsection, if the insureds had a right under law or the terminated policy to convert coverage to individual coverage or to continue an individual policy in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or had a right only to make changes in premium by class;

(4) (A) in providing the substitute coverage required under paragraph (3) of this subsection, the association may offer either to reissue the terminated coverage or to issue an alternative policy;

(B) alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy; and

(C) the association may reinsure any alternative or reissued policy;

(5) (A) alternative policies adopted by the association shall be subject to the approval of the commissioner. The association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency;

(B) alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premiums charged. The association shall set the premiums in accordance with a table of rates which it shall adopt. The premiums shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten;

(C) any alternative policy issued by the association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association;

(6) if the association elects to reissue the insured's terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval by the commissioner and by a court of competent jurisdiction;

(7) the association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date such coverage or policy is replaced by another similar policy by the policyholder, the insured or the association.

(e) When proceeding under subsection (b)(1)(B) or (c) with respect to any policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with subsection (n)(3).

(f) Nonpayment of premiums within 31 days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under such policy or coverage under this act with respect to such policy or coverage, except with respect to any claims incurred or any net cash surrender value which may be due in accordance with the provisions of this act.

(g) Premiums due after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association, and the association shall be liable for unearned premiums due to policy or contract owners arising after the entry of such order.

(h) The protection provided by this act shall not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

(i) In carrying out its duties under subsections (b) and (c), the association may, subject to approval by the court: (1) Impose permanent policy or contract liens in connection with any guarantee, assumption or reinsurance agreement, if the association finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the association's duties under this act, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens to be in the public interest; and

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value.

(j) If the association fails to act within a reasonable period of time as provided in subsections (b)(1)(B), (c) and (d) of this section, the commissioner shall have the powers and duties of the association under this act with respect to impaired or insolvent insurers.

(k) The association may render assistance and advice to the commissioner, upon request, concerning rehabilitation, payment of

claims, continuance of coverage or the performance of other contractual obligations of any impaired or insolvent insurer.

(l) The association shall have standing to appear before any court in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this act. Such standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired insurer and the determination of the covered policies or contracts and contractual obligations. The association shall also have the right to appear or intervene before a court in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over a third party against whom the association may have rights through subrogation of the insurer's policyholders.

(m) (1) Any person receiving benefits under this act shall be deemed to have assigned the rights under any cause of action relating to the covered policy or contract to the association to the extent of the benefits received because of this act, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative coverages. The association may require an assignment to it of such rights and cause of action by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this act upon such person.

(2) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(3) In addition to paragraphs (1) and (2), the association shall have all common-law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or holder of a policy or contract with respect to such policy or contracts.

(n) The contractual obligations of the impaired or insolvent insurer for which the association becomes, or may become, liable shall be as great as but no greater than the contractual obligations of the impaired or insolvent insurer would have been in the absence of an impairment or insolvency unless such obligations are reduced as permitted by subsection (e) but the association shall not provide coverage for: (1) Any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

(2) any policy or contract of reinsurance, unless assumption certificates have been issued;

(3) any portion of a policy or contract to the extent that the rate of interest on which it is based: (A) Averaged over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds a rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the association became obligated; and

(B) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(4) any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited, to benefits payable by an employer, association or similar entity under: (A) A multiple employer welfare arrangement as defined in section 514 of the employee retirement income security act of 1974, as amended;

(B) a minimum premium group insurance plan;

(C) a stop-loss group insurance plan; or

(D) an administrative services only contract;

(5) any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides that any fees or allowances be paid to any person, including the policy or

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contract holder, in connection with the service to or administration of such policy or contract;

(6) any policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this state; ~~and~~

(7) any unallocated annuity contract, except as provided in subsection (b) of K.S.A. 40-3003 and amendments thereto; *and*

(8) *a policy or contract providing any hospital, medical, prescription drug or other health care benefits pursuant to part C or part D of subchapter XVIII, chapter 7 of title 42 of the United State code (commonly known as medicare part C & D) or any regulations issued pursuant thereto.*

(o) The benefits for which the association may become liable shall in no event exceed the lesser of: (1) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) with respect to any one life, regardless of the number of policies or contracts: (A) \$300,000 in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(B) \$100,000 in health insurance benefits, including any net cash surrender and net cash withdrawal values; or

(C) ~~\$100,000~~ \$250,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal values;

(D) In no event shall the association be liable to expend more than \$300,000 in the aggregate with respect to any one life as provided in paragraph (A), (B) or (C) of this subsection.

(E) ~~Any increased limits of liability of the guaranty association by this act shall not apply to an impaired or insolvent insurer for which the guaranty association becomes liable prior to July 1, 1999. The guaranty association's limits of liability with respect to the obligations of any impaired or insolvent insurer shall be the limits of liability in effect under this act on the date the guaranty association became liable for that impaired or insolvent insurer.~~

The provisions of subsection (o) shall not apply to annuity contracts for future economic loss procured pursuant to a judgment or settlement agreement in a medical malpractice liability action.

(p) The association may: (1) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this act;

(2) sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under K.S.A. 40-3009 and amendments thereto, and to settle claims or potential claims against it;

(3) borrow money to effect the purposes of this act. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(4) employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this act;

(5) take such legal action as may be necessary to avoid payment of improper claims; or

(6) exercise, for the purposes of this act and to the extent approved by the commissioner, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform its obligations under this act.

(q) The association may join an organization of one or more other state associations of similar purposes to further the purposes and administer the powers and duties of the association.

(r) The association shall pay any and all persons who, as a provider, may have claims as a result of a member insurer being found insolvent between March 1, 1999 and June 1, 1999.

Sec. 27. On and after July 1, 2009, K.S.A. 2008 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2008 Supp. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas

supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 2008 Supp. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or releasee, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or

location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq. and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20 and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the

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chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse.

(48) *Policy information provided by an insurance carrier in accordance with subsection (h)(1) of K.S.A. 44-532, and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.*

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

New Sec. 28. (a) An individual who qualifies as an assistance eligible individual on or after March 1, 2009, under the American recovery and reinvestment act of 2009 may elect special assisted continuation of coverage as provided in the American recovery and reinvestment act of 2009.

(b) An individual who does not have continuation of coverage as described in K.S.A. 40-2209(i), and amendments thereto, in effect on March 1, 2009, but who would be an assistance eligible individual under the American recovery and reinvestment act of 2009 if such assistance had been in effect, may elect special assisted continuation of coverage pursuant to this subsection.

(c) The employer of the terminated employee shall provide the additional notice of the right to elect coverage pursuant to this section as required by the American recovery and reinvestment act of 2009.

(d) Election as required by the American recovery and reinvestment act of 2009 shall be made by an assistance eligible individual to the insurer.

(e) Special assisted continuation of coverage elected pursuant to this section shall commence with the first period of assisted continuation of coverage beginning on or after the date of the enactment of the American recovery and reinvestment act of 2009 and shall extend for the period of special assisted continuation of coverage allowed by the American recovery and reinvestment act of 2009 and amendments thereto.

(f) With respect to individuals who elect special assisted continuation coverage pursuant to this section, the 18 months of continuation coverage required by K.S.A. 40-2209(i), and amendments thereto, shall commence on the date an individual qualifies for continuation of coverage and shall terminate 18 months thereafter with the period of special assisted continuation coverage included therein.

(g) With respect to an individual who elects special assisted coverage pursuant to this section, any preexisting conditions arising between the date of the qualifying event and ending with the first period of coverage beginning on or after the date of the enactment of the American recovery and reinvestment act of 2009 shall be disregarded for the purpose of determining the 63-day period referred to in K.S.A. 40-2209(a)(8)(L), and amendments thereto.

(h) An individual applying for special assisted continuation coverage must provide the individual's social security number to the insurer.

(i) Premiums for special assistance continuation of coverage shall be paid by the assistance eligible individual to the insurance carrier.

(j) An individual eligible for assisted continuation of coverage who elects such coverage shall be entitled to the premium subsidy provided in the American recovery and reinvestment act of 2009, and amendments thereto, so long as they meet the requirements for special assisted continuation coverage pursuant to the terms of the American recovery and reinvestment act of 2009.

(k) The insurer shall pay the subsidy required by the American recovery and reinvestment act of 2009, and amendments thereto. Such insurer shall have the right to reimbursement for the subsidy as set forth in the American recovery and reinvestment act of 2009.

(l) In all cases in which an individual described above pays the premium for continuation of coverage, the individual shall have the right to continuation of coverage for 18 months as set forth in K.S.A. 40-2209(i), and amendments thereto, with any period of premium subsidy counted toward that individual's period of continuation of coverage. In no case, shall an individual be entitled to

more than 18 months of continuing of coverage or more than nine months of special assisted continuing coverage.

(m) The provisions of this section shall expire on January 1, 2011.

Sec. 29. On and after July 1, 2009, K.S.A. 40-2a20 and 40-2b20 and K.S.A. 2008 Supp. 40-229a, 40-2c01, 40-2c01a, 40-2136 and 45-221 are hereby repealed.

Sec. 30. On and after January 1, 2010, K.S.A. 2008 Supp. 40-3008 is hereby repealed.

Sec. 31. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 23, 2009.)

SENATE BILL No. 9

AN ACT concerning state educational institutions;
relating to construction improvement projects.

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

Section 1. (a) Sections 1 through 9, and amendments thereto, shall be known and may be cited as the state educational institution project delivery construction procurement act.

(b) The provisions of this act shall apply only to construction projects and construction project services totally funded by non-state moneys.

(c) The provisions of this act shall expire on June 30, 2012.

Sec. 2. As used in this act, unless the context expressly provides otherwise:

(a) "State educational institution" or "institution" means Fort Hays state university, Kansas state university of agriculture and applied science, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university and Kansas state university, college of technology at Salina.

(b) "Alternative project delivery" means an integrated comprehensive building design and construction process, including all procedures, actions, sequences of events, contractual relations, obligations, interrelations and various forms of agreement all aimed at the successful completion of the design and construction of buildings and other structures whereby a construction manager or general contractor team is selected based on a qualifications and best value approach.

(c) "Ancillary technical services" include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing air conditioning, ventilating, heating and other mechanical building systems and testing and consultant services that are determined by the institution to be required for the project.

(d) "Architectural services" means those services described by subsection (e) of K.S.A. 74-7003, and amendments thereto.

(e) "Best value selection" means a selection based upon project cost, qualifications and other factors.

(f) (1) "Building construction" means furnishing labor, equipment, material or supplies used or consumed for the design, construction, alteration, renovation, repair or maintenance of a building or structure.

(2) "Building construction" does not include highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(g) "Construction project services" means the process of planning, acquiring, building, equipping, altering, repairing, improving, or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property, excluding highways, roads, bridges, dams, turnpikes or related structures or stand-alone parking lots.

(h) "Construction management at-risk services" means the services provided by a firm which has entered into a contract with the institution to be the construction manager or general contractor for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor, and which is required to solicit competitive bids for the trade packages developed for the

project and to enter into the trade contracts for a project with the lowest responsible bidder therefor. Construction management at-risk services may include, but are not limited to scheduling, value analysis, system analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees and construction coordination.

(i) "Construction management at-risk contract" means a contract under which an institution acquires from a construction manager or general contractor a series of preconstruction services and an at-risk financial obligation to carry out construction under a specified cost agreement.

(j) "Construction manager or general contractor" means any individual, partnership, joint venture, corporation, or other legal entity who is a member of the integrated project team with the institution, design professional and other consultants that may be required for the project, who utilizes skill and knowledge of general contracting to perform preconstruction services and competitively procures and contracts with specialty contractors assuming the responsibility and the risk for construction delivery within a specified cost and schedule terms including a guaranteed maximum price.

(k) "Design criteria consultant" means a person, corporation, partnership, or other legal entity duly registered and authorized to practice architecture or professional engineering in this state pursuant to K.S.A. 74-7003, and amendments thereto, and who is employed by contract to the institution to provide professional design and administrative services in connection with the preparation of the design criteria package.

(l) "Engineering services" means those services described by subsection (i) of K.S.A. 74-7003, and amendments thereto.

(m) "Guaranteed maximum price" means the cost of the work as defined in the contract.

(n) "Non-state moneys" means any funds received by a state educational institution from any source other than the state of Kansas or any agency thereof.

(o) "Parking lot" means a designated area constructed on the ground surface for parking motor vehicles. A parking lot included as part of a building construction project shall be subject to the provisions of this act. A parking lot designed and constructed as a stand-alone project shall not be subject to the provisions of this act.

(p) "Preconstruction services" means a series of services including, but not limited to: Design review, scheduling, cost control, value engineering, constructability evaluation and preparation and coordination of bid packages.

(q) (1) "Construction project" or "project" means the process of designing, constructing, reconstructing, altering or renovating a building or other structure.

(2) "Construction project" or "project" does not mean the process of designing, constructing, altering or repairing a public highway, road, bridge, dam, turnpike or related structure.

(r) "Procurement committee" means the state educational institution procurement committee established by section 6, and amendments thereto.

(s) "State board" means the state board of regents.

Sec. 3. (a) The procedure established in this section shall be used unless the use of the alternative project delivery process is determined appropriate as provided by section 6, and amendments thereto.

(b) All contracts for construction projects and construction project services shall be let by the institution to the lowest responsible bidder based on plans and specifications prepared for the project that received prior approval by the state board and the secretary of administration.

(c) (1) Upon any construction project for which plans and specifications will be prepared and bids let for the project as a whole the general contractor shall submit with the bid the names and addresses of subcontractors in accordance with paragraph (2) of this subsection. The general contractor shall submit the name and address of the electrical subcontractor for the electrical work portions of the project and the name and address of the mechanical subcontractor for the mechanical work portions of the project, if the general contractor will be subcontracting for such work. If there are project alternates listed in the bid documents and the general

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contractor's choice of subcontractors is dependent upon the combination of project alternates the state chooses, the general contractor shall submit for each combination of project alternates under which any subcontractor would change from the one named in the base bid, at the time such contractor submits such bid: (A) The name and address of the electrical subcontractor, if the general contractor will be subcontracting for the electrical work portions thereunder; and (B) the name and address of the mechanical subcontractor, if the general contractor will be subcontracting for the mechanical work portions thereunder. All changes and substitutions in listed subcontractors shall be subject to approval of the institution.

(2) The state board shall adopt a standard contract for use in connection with construction projects upon which bids are let for the project as a whole. No such standard contract adopted by the state board shall contain any provisions authorizing arbitration of any matters thereunder.

(3) The state board may adopt rules and regulations necessary for the implementation and administration of the provisions of this subsection.

(d) The provisions of this section shall not be construed to prohibit the administrative head of an institution from making any improvement or improvements when the same can be made by institutional labor or the use of material manufactured by an institution.

(e) The institution's purchasing department shall solicit sealed bids by publishing a notice once in the Kansas register not less than 10 days before the date stated in the notice for the opening of the bids. The institution's purchasing department with the approval of the state board may waive this publication of notice requirement when the state board determines that a more timely procurement is in the best interest of the institution. The institution's purchasing department also may designate a trade journal for the publication. The institution's purchasing department also may solicit such bids by sending notices by mail to prospective bidders and by posting the notice on a public bulletin board for at least 10 business days before the date stated in the notice for the opening of the bids unless otherwise provided by law. All bids shall be sealed when received and shall be opened in public at the hour stated in the notice.

(f) Competitive bids shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(g) The institution's purchasing department shall have power to decide as to the lowest responsible bidder for all purchases, but if:

(1) The dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without the state, the contract shall be awarded to the bidder from within the state; and

(2) The institution's purchasing department may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state.

(h) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the institution's purchasing department for five years, unless reproduced as provided in K.S.A. 75-3737, and amendments thereto, and shall be open to public inspection as required by the Kansas open records act.

Sec. 4. Each change order to a contract entered into under the provisions of this act shall be related to an item or a matter that was included within the original program statement which was prepared and submitted with the capital improvement budget estimate for the project. Each such change order may be negotiated with a contractor performing work under the original contract for the project.

Sec. 5. (a) Construction projects shall not be subject to any building permit requirement or building code of any county, township, district, city or other political subdivision of this state or fees charged therefor. No construction project shall be subject to any

inspection requirement or any requirement to obtain any permit, license or other instrument of approval for the project which is imposed by any county, township, district, city or other political subdivision of this state, except that such project shall be subject to reasonable inspections for the sole purpose of allowing members of the police and fire departments and other public emergency services personnel to become familiar with the project. As used in this section "building code" means any building code and includes any plumbing code, electrical wiring code, gas piping code or similar code. This act shall apply to all construction projects in existence prior to the effective date of this act and to those commenced on or after the effective date.

(b) Construction projects shall be exempt from the payment of fees relating to local zoning ordinances and resolutions, but the state shall reimburse a political subdivision for any related publication expenses incurred by the political subdivision.

Sec. 6. (a) As an alternative to the procedure established in section 3, and amendments thereto, the state board may establish an alternative project delivery program under which construction management at-risk procurement processes may be utilized for state educational institution construction projects. This authorization for construction management at-risk procurement shall be for the sole and exclusive use of planning, acquiring, designing, building, equipping, altering, repairing, improving or demolishing any structure or appurtenance thereto, including facilities, utilities or other improvements to any real property.

(b) The state board shall establish a state educational institution procurement committee which shall be composed of five members, or their designees, as follows: (1) The director of facilities at the state board who shall serve as chairperson of the committee; (2) an architect or engineer from a state educational institution; (3) a representative of the associated general contractors of Kansas appointed from a list of at least three nominees submitted by the association to the state board; (4) a representative of the American institute of architects appointed from a list of at least three nominees submitted by the association to the state board; and (5) a representative of the American council of engineering companies appointed from a list of at least three nominees submitted by the association to the state board.

(c) The procurement committee shall review and approve requests for the utilization of alternative project delivery under the state educational institution project delivery building construction procurement act for capital improvement projects financed totally from non-state moneys. If the committee approves a request for utilization of alternative project delivery, the committee shall provide a shortlist of construction managers/design builders for use in such capital improvement project.

(d) The procurement committee shall approve those projects for which the use of alternative project delivery procurement process is appropriate. In making such determination, the committee shall consider the following factors:

(1) The likelihood that the alternative project delivery method of procurement selected will serve the public interest by providing substantial savings of time or money over the traditional design-bid-build delivery process.

(2) The ability to overlap design and construction phases is required to meet the needs of the end user.

(3) The use of an accelerated schedule is required to make repairs resulting from an emergency situation.

(4) The project presents significant phasing or technical complexities, or both, requiring the use of an integrated team of designers and constructors to solve project challenges during the design or preconstruction phase.

(5) The use of an alternative project delivery method will not encourage favoritism in awarding the public contract or substantially diminish competition for the public contract.

(e) When a request is made for alternative delivery procurement by a state educational institution, the institution on behalf of the state board shall publish a notice in the Kansas register that the procurement committee will be holding a public hearing with the opportunity for comment on such request. Notice shall be published at least 15 days prior to the hearing.

(f) If the procurement committee finds that the project does not qualify for the alternative project delivery methods included under this act, then the construction services for such project shall be

obtained pursuant to competitive bids and all contracts for construction services shall be awarded to the lowest responsible bidder in accordance with procurement procedures determined and administered by the state board which shall be consistent with the provisions of this act.

(g) When it is necessary in the judgment of an institution to obtain project services for a particular project as described under this act, the institution shall publish a notice of the request for qualifications and proposals for the required project services at least 15 days prior to the commencement of such request in the Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the institution.

Sec. 7. Construction management at-risk project delivery procedures shall be conducted as follows:

(a) The state board shall determine the scope and level of detail required to permit qualified construction manager or general contractors to submit construction management at-risk proposals in accordance with the request for proposals given the nature of the project.

(b) Prior to completion of the construction documents, but as early as during the schematic design phase, the construction manager or general contractor shall be selected. The project design professional may be employed or retained by the institution to assist in the selection process.

(c) The institution shall publish a notice of the request for qualifications and proposals for the required project services at least 15 days prior to the commencement of such requests in the Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the institution.

(d) The state board shall solicit proposals in a three stage qualifications based selection process. Phase I shall be the solicitation of qualifications and prequalifying a minimum of three but no more than five construction managers or general contractors to advance to phase II. Phase II shall be the solicitation of a request for proposal for the project, and phase III shall include an interview with each proposer to present their qualifications and answer questions.

(1) Phase I shall require all proposers to submit a statement of qualifications which shall include, but not be limited to:

- (A) Similar project experience;
- (B) experience in this type of project delivery system;
- (C) references from design professionals and owners from previous projects;
- (D) description of the construction manager's or general contractor's project management approach;
- (E) financial statements; and
- (F) bonding capacity.

Firms submitting a statement of qualifications shall be capable of providing a public works bond in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bonding capacity to the procurement committee with their statement of qualifications. If a firm fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection.

(2) The procurement committee shall evaluate the qualifications of all proposers in accordance with the instructions of the request for qualifications. The procurement committee shall prepare a short list containing a minimum of three and maximum of five qualified firms, which have the best and most relevant qualifications to perform the services required of the project, to participate in phase II of the selection process. If three qualified proposers cannot be identified, the selection process shall cease. The procurement committee shall have discretion to disqualify any proposer that, in the procurement committee's opinion, lacks the minimal qualifications required to perform the work.

(3) Phase II of the process shall be conducted as follows:

(A) Prequalified firms selected in phase I shall be given a request for proposal. The request for proposal shall require all proposers to submit a more in depth response including, but not be limited to:

- (i) Company overview;
- (ii) experience or references, or both, relative to the project under question;

- (iii) resumes of proposed project personnel;
- (iv) overview of preconstruction services;
- (v) overview of construction planning;
- (vi) proposed safety plan;
- (vii) fees, including fees for preconstruction services, fees for general conditions, fees for overhead and profit and fees for self-performed work, if any.

(4) Phase III shall be conducted as follows:

(A) (i) Once all proposals have been submitted, a negotiating committee shall interview all of the proposers, allowing the competing firms to present their proposed team members, qualifications and project plan and to answer questions. Interview scores shall not account for more than 50% of the total possible score.

(ii) A negotiating committee shall be composed of the head of the institution for which the proposed construction project is planned, or a person designated by the head of the institution, and two other persons designated by the head of the institution for which the proposed project is planned.

(B) The negotiating committee shall select the firm providing the best value based on the proposal criteria and weighting factors utilized to emphasize important elements of each project. All scoring criteria and weighting factors shall be identified by the institution in the request for proposal instructions to proposers. The negotiating committee shall proceed to negotiate with and attempt to enter into a contract with the firm receiving the best total score to serve as the construction manager or general contractor for the project. If the negotiating committee be unable to negotiate a satisfactory contract with the firm scoring the best total score, negotiations with that firm shall be terminated, and the committee shall undertake negotiations with the firm with the next best total score, in accordance with this section.

(C) If the negotiating committee determines that it is not in the best interest of the institution to proceed with the project pursuant to the proposals offered, the negotiating committee shall reject all proposals. If all proposals are rejected, the state board may solicit new proposals using different design criteria, budget constraints or qualifications.

(D) The contract to perform construction management at-risk services for a project shall be prepared by the institution and entered into between the institution and the firm performing such construction management at-risk services. A construction management at-risk contract utilizing a cost plus guaranteed maximum price contract value shall return all savings under the guaranteed maximum price to the institution.

(E) The institution shall publish a construction services bid notice in the Kansas register and in such other appropriate manner for the construction manager or general contractor as may be determined by the institution. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager or general contractor and the institution. The institution may allow the construction manager or general contractor to self-perform construction services provided the construction manager or general contractor submits a bid proposal under the same conditions as all other competing firms. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection. At the time for opening the bids, the construction manager or general contractor shall evaluate the bids and shall determine the lowest responsible bidder except in the case of self-performed work for which the institution shall determine the lowest responsible bidder. The construction manager or general contractor shall enter into a contract with each firm performing the construction services for the project and make a public announcement of each firm selected in accordance with this subsection.

Sec. 8. (a) Each state educational institution may initiate and complete construction projects on state-owned property of the state educational institution from any non-state moneys granted, given to or otherwise received by the state educational institution if the construction projects have received prior approval by the state board and the plans and specifications for such projects have received prior approval by the secretary of administration. Such construction projects shall be totally financed from non-state moneys and the buildings and facilities shall become the property of the state of Kansas upon completion and acceptance by the secretary

(continued)

of administration. No such construction project for the construction of a building or facility shall be approved by the state board without having first advised and consulted with the joint committee on state building construction.

(b) A state educational institution may initiate and complete construction projects for repairs, remodeling or renovation of buildings and facilities located on state-owned property of the state educational institution from any non-state moneys granted, given to or otherwise received by the state educational institution if the construction projects for such repairs, remodeling or renovations have received prior approval by the state board and the plans and specifications for such projects have received prior approval by the secretary of administration. Such construction projects shall be totally financed from non-state moneys and the repairs, remodeling or renovations shall become the property of the state of Kansas upon completion and acceptance by the secretary of administration. No such construction projects to repair, remodel or renovate

a building or facility shall be approved by the state board without having first advised and consulted with the joint committee on state building construction.

(c) Construction projects financed totally from non-state moneys shall be exempt from the provisions of K.S.A. 75-1251, 75-1252, 75-1253, 75-1254, 75-1255, 75-1256, 75-1257, 75-1258, 75-1259, 75-1260, 75-1261, 75-1262, 75-1263, 75-1264, 75-1265, 75-1266, 75-1267, 75-1268, 75-3739, 75-3740, 75-3740a, 75-3741, 75-3741a, 75-3741b, 75-3742, 75-3743, 75-3744, 75-5802, 75-5803, 75-5804, 75-5805, 75-5806 and 75-5807 and K.S.A. 2008 Supp. 75-37,141 75-37,142, 75-37,143 and 75-37,144, and amendments thereto. Such construction projects shall be inspected by the secretary of administration.

Sec. 9. The state board may adopt any rules and regulations necessary to implement the provisions of this act.

Sec. 10. 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 2008 Supplement of the *Kansas Administrative Regulations*.

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New (T)	V. 27, p. 1091
3-3-2	New	V. 27, p. 1517

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-6-1	New	V. 27, p. 1741
4-6-2	New	V. 27, p. 1741
4-6-3	New	V. 27, p. 1741
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
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
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-1a	Amended	V. 27, p. 1741
4-16-1c	Amended	V. 27, p. 1742
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025

4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
4-17-301	Revoked	V. 27, p. 1026
4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
4-17-304	Amended	V. 27, p. 1026
4-17-305	Amended	V. 27, p. 1027
4-20-11	Amended	V. 27, p. 1027
4-28-5	Amended	V. 27, p. 1742
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
5-1-1	Amended	V. 27, p. 1549
5-1-2	Amended	V. 27, p. 1553
5-1-7	Amended	V. 27, p. 1553
5-2-4	New	V. 27, p. 1554
5-3-3	Amended	V. 27, p. 1554
5-3-4	Amended	V. 27, p. 1555
5-3-4a	Amended	V. 28, p. 241
5-3-5d	Amended	V. 27, p. 1555
5-3-16	Amended	V. 27, p. 1555
5-4-2	New	V. 27, p. 1556
5-5-6c	New	V. 27, p. 1556
5-5-13	Amended	V. 27, p. 1556
5-5-14	Amended	V. 27, p. 1557
5-6-2	Amended	V. 27, p. 1557
5-6-5	Amended	V. 27, p. 1557
5-9-1a		
through		
5-9-1d	New	V. 27, p. 1557, 1558
5-14-3	Amended	V. 28, p. 241
5-14-3a	New	V. 28, p. 242
5-14-10	Amended	V. 27, p. 1558
5-40-24	Amended	V. 27, p. 1438
5-45-1	Amended	V. 27, p. 1439
5-45-4	Amended	V. 27, p. 1440
5-45-19		
through		
5-45-23	New	V. 27, p. 1441, 1442

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	Amended	V. 27, p. 1548
7-16-2	Amended	V. 27, p. 1548
7-17-1	Amended	V. 27, p. 965
7-17-4	Amended	V. 27, p. 966
7-17-11	Amended	V. 27, p. 966
7-17-19	Amended	V. 27, p. 966
7-17-21	Amended	V. 27, p. 966
7-17-22	Amended	V. 27, p. 966
7-17-24	Amended	V. 27, p. 967
7-21-1	Amended	V. 27, p. 967
7-21-2	Amended	V. 27, p. 967
7-21-3	Revoked	V. 27, p. 967
7-21-4	New	V. 27, p. 967
7-23-13	Revoked	V. 27, p. 968
7-37-2	Revoked	V. 27, p. 968
7-38-2	Revoked	V. 27, p. 968

7-41-1		
through		
7-41-7	Amended	V. 28, p. 193-195
7-41-8	Revoked	V. 28, p. 195
7-41-9	Revoked	V. 28, p. 195
7-41-10		
through		
7-41-17	Amended	V. 28, p. 195, 196
7-41-18		
through		
7-41-29	Revoked	V. 28, p. 196
7-41-30	Amended	V. 28, p. 196
7-41-31	Revoked	V. 28, p. 196
7-41-32	Amended	V. 28, p. 196
7-41-33	Amended	V. 28, p. 197
7-41-34	New	V. 28, p. 197
7-41-35	New	V. 28, p. 197
7-45-1	New	V. 27, p. 968
7-45-2	New	V. 27, p. 968

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-6-1		
through		
11-6-6	New	V. 27, p. 1633, 1634
11-12-1	Amended	V. 27, p. 1374
11-12-2	Amended	V. 27, p. 1375
11-12-3	Amended	V. 27, p. 1376
11-12-4	Amended	V. 27, p. 1377
11-12-6	Amended	V. 27, p. 1377

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

Reg. No.	Action	Register
14-8-6	Revoked	V. 27, p. 1214
14-8-7	Amended	V. 27, p. 1214
14-8-8	Revoked	V. 27, p. 1214
14-8-12	Revoked	V. 27, p. 1214
14-17-7	New	V. 27, p. 1214

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

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

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Reg. No.	Action	Register
19-20-4	Amended	V. 27, p. 1020
19-20-5	New	V. 27, p. 1021
19-27-2	Amended	V. 27, p. 1021

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-6-1	Amended	V. 27, p. 1834
22-6-2	Revoked	V. 27, p. 1834
22-6-3	Revoked	V. 27, p. 1834
22-6-4	Revoked	V. 27, p. 1834
22-6-5	Amended	V. 27, p. 1834
22-6-6	Revoked	V. 27, p. 1834
22-6-7	Revoked	V. 27, p. 1835

22-6-8	Revoked	V. 27, p. 1835
22-6-9	Amended	V. 27, p. 1835
22-6-12	Amended	V. 27, p. 1835
22-6-13	Revoked	V. 27, p. 1835
22-6-14	Revoked	V. 27, p. 1835
22-6-18		
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22-6-27	New	V. 27, p. 1835-1837

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-20	Amended	V. 27, p. 989
28-4-117	Amended	V. 27, p. 990
28-4-120	Amended	V. 27, p. 990
28-4-121	New	V. 27, p. 990
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
28-4-430	Amended	V. 27, p. 991
28-4-800		
through		
28-4-825	New	V. 27, p. 318-334
28-16-28g	Amended	V. 27, p. 779
28-23-16	Revoked	V. 27, p. 191
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
28-36-33		
through		
28-36-49	Revoked	V. 27, p. 73
28-36-70		
through		
28-36-89	New	V. 27, p. 73-87
28-38-18	Amended	V. 27, p. 1742
28-38-19	Amended	V. 27, p. 1743
28-38-21	Amended	V. 27, p. 1743
28-38-22	Amended	V. 27, p. 1744
28-38-23	Amended	V. 27, p. 1744
28-38-29	Amended	V. 27, p. 1745
28-53-1		
through		
28-53-5	Amended	V. 28, p. 240, 241
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464
28-73-1	Amended	V. 28, p. 74

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30-5-78	Revoked	V. 27, p. 1022
30-10-15a	Revoked	V. 27, p. 1345
30-10-15b	Revoked	V. 27, p. 1345
30-10-17	Revoked	V. 27, p. 1345
30-10-18	Revoked	V. 27, p. 1345
30-10-23a	Revoked	V. 27, p. 1346
30-10-23b	Revoked	V. 27, p. 1346
30-10-25	Revoked	V. 27, p. 1346
30-10-26	Revoked	V. 27, p. 1346
30-10-27	Revoked	V. 27, p. 1346
30-10-200	Revoked	V. 27, p. 1346
30-10-210	Revoked	V. 27, p. 1346
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 27, p. 1709
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
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

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127		
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44-6-132	New	V. 27, p. 1135-1138

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

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
66-10-1	Amended	V. 27, p. 317
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-12b	Amended	V. 27, p. 1518
68-7-20	Amended	V. 27, p. 435
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857

68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 28, p. 298

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-9-1		
through		
71-9-4	New	V. 27, p. 1878
71-10-1		
through		
71-10-4	New	V. 27, p. 1879

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 27, p. 626
74-4-8	Amended	V. 27, p. 626
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-5-7	Amended	V. 27, p. 1156
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 27, p. 1159
81-14-9	Amended	V. 27, p. 1163

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521
82-4-30a	Amended	V. 27, p. 1020

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200	Amended	V. 27, p. 1027
91-1-201	Amended	V. 27, p. 1028
91-1-203	Amended	V. 27, p. 1030
91-1-204	Amended	V. 27, p. 1034
91-1-205	Amended	V. 27, p. 1036
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
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

(continued)

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
92-12-114	New	V. 27, p. 865
92-12-140		
through		
92-12-145	New	V. 27, p. 866, 867
92-19-70	Revoked	V. 27, p. 868
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1		
through		
92-28-4	New	V. 28, p. 113
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1		
through		
94-2-5	Amended (T)	V. 27, p.1091-1093
94-2-1		
through		
94-2-5	Amended	V. 27, p.1522-1524
94-2-8		
through		
94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-8		
through		
94-2-16	Amended	V. 27, p. 1524-1526
94-2-19	Amended (T)	V. 27, p. 1095
94-2-19	Amended	V. 27, p. 1527
94-2-20	Amended (T)	V. 27, p. 1096
94-2-20	Amended	V. 27, p. 1527
94-2-21	Amended (T)	V. 27, p. 1096
94-2-21	Amended	V. 27, p. 1528
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462
97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3		
through		
97-2-8	Revoked	V. 28, p. 462

97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4		
through		
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463

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
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended (T)	V. 27, p. 1602
100-11-1	Amended	V. 28, p. 112
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended (T)	V. 27, p. 1602
100-28a-1	Amended	V. 28, p. 112
100-29-7	Amended	V. 27, p. 209
100-54-4	Amended	V. 27, p. 209
100-55-4	Amended	V. 27, p. 209
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-72-1	Amended (T)	V. 27, p. 1602
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122
102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-11-1	Amended (T)	V. 27, p. 1233
105-11-1	Amended	V. 27, p. 1838

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-5-5	New	V. 27, p. 1548

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1		
through		
110-19-4	New	V. 27, p. 1064, 1065
110-20-1		
through		
110-20-4	New	V. 27, p. 1065, 1066

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
111-2-211	New	V. 27, p. 992
111-2-212	New	V. 27, p. 1559
111-2-213	New	V. 27, p. 1560
111-2-214		
through		
111-2-218	New	V. 28, p. 10, 11
111-2-216	Amended	V. 28, p. 383
111-2-217	Amended	V. 28, p. 383
111-2-219		
through		
111-2-223	New	V. 28, p. 46, 47
111-4-2614	Amended	V. 27, p. 964
111-4-2645		
through		
111-4-2656	New	V. 27, p. 436-442
111-4-2657		
through		
111-4-2662	New	V. 27, p. 992-996
111-4-2663	New	V. 27, p. 1489
111-4-2664		
through		
111-4-2683	New	V. 27, p. 1560-1570
111-4-2680	Amended	V. 28, p. 11
111-4-2684		
through		
111-4-2702	New	V. 27, p. 1634-1644
111-4-2695	Amended	V. 27, p. 1709
111-4-2703		
through		
111-4-2710	New	V. 27, p. 1672-1677
111-4-2711		
through		
111-4-2715	New	V. 27, p. 1677-1680
111-4-2716		
through		
111-4-2726	New	V. 27, p. 1709-1718
111-4-2727		
through		
111-4-2744	New	V. 27, p. 1746-1761
111-4-2745		
through		
111-4-2754	New	V. 28, p. 11-20
111-4-2755		
through		
111-4-2766	New	V. 28, p. 47-55
111-4-2767		
through		
111-4-2779	New	V. 28, p. 274-278
111-4-2781	New	V. 28, p. 278
111-4-2782	New	V. 28, p. 279
111-4-2783	New	V. 28, p. 281
111-4-2784	New	V. 28, p. 298
111-4-2785		
through		
111-4-2790	New	V. 28, p. 342-346
111-4-2791		
through		
111-4-2799	New	V. 28, p. 383-389
111-5-23		
through		
111-5-28	Amended	V. 28, p. 299-302
111-5-33	Amended	V. 28, p. 303
111-5-81	Amended	V. 27, p. 1490
111-5-83	Amended	V. 27, p. 1490
111-5-84	Amended	V. 27, p. 1491
111-5-90	Amended	V. 27, p. 1491
111-5-127	Amended	V. 27, p. 442
111-5-128	Amended	V. 27, p. 443
111-5-132	Amended	V. 27, p. 443
111-5-165		
through		
111-5-169	New	V. 27, p. 1491-1493

111-5-170		
through		
111-5-174	New	V. 28, p. 347, 348
111-7-80a	Amended	V. 28, p. 282
111-7-223		
through		
111-7-232	New	V. 27, p. 1493-1495
111-7-223a	New	V. 27, p. 1762
111-7-233		
through		
111-7-237	New	V. 28, p. 57, 58
111-7-238		
through		
111-7-242	New	V. 28, p. 283, 284
111-9-152	New	V. 27, p. 1762
111-9-153	New	V. 28, p. 20
111-9-154	New	V. 28, p. 21
111-9-155	New	V. 28, p. 22
111-9-156	New	V. 28, p. 390
111-14-4	New	V. 28, p. 22
111-14-5	New	V. 28, p. 23
111-14-6	New	V. 28, p. 24

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-13-6	New	V. 28, p. 376
112-100-1		
through		
112-100-7	New	V. 27, p. 1378
112-101-1		
through		
112-101-16	New	V. 28, p. 376-379
112-103-1		
through		
112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1		
through		
112-104-33	New	V. 27, p. 1378-1406
112-105-1		
through		
112-105-7	New	V. 27, p. 1406-1408
112-106-1		
through		
112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430

112-107-13		
through		
112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-110-1		
through		
112-110-13	New	V. 28, p. 464-470
112-111-1		
through		
112-111-5	New	V. 28, 470-472
112-112-1		
through		
112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1		
through		
112-114-6	New	V. 28, p. 472
112-114-8		
through		
112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 27, p. 1704
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 27, p. 1705
115-2-5	Amended	V. 27, p. 1265
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. 27, p. 1707
115-7-2	Amended	V. 27, p. 1708
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-8-1	Amended	V. 27, p. 572
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-2a	Amended	V. 28, p. 373
117-3-2a	Amended	V. 28, p. 373
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 27, p. 357
117-7-1	Amended	V. 28, p. 375

117-10-1	New	V. 28, p. 375
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AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	New	V. 27, p. 1099
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

AGENCY 127: KANSAS HOUSING RESOURCES CORPORATION

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

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. 27, p. 628
129-5-78	New	V. 27, p. 1022
129-5-108	Amended	V. 27, p. 1346
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348
129-10-17	New	V. 27, p. 1348
129-10-18	New	V. 27, p. 1350
129-10-23a	New	V. 27, p. 1353
129-10-23b	New	V. 27, p. 1353
129-10-25	New	V. 27, p. 1354
129-10-26	New	V. 27, p. 1355
129-10-27	New	V. 27, p. 1356
129-10-200	New	V. 27, p. 1356
129-10-210	New	V. 27, p. 1358

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