

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 28, No. 26 June 25, 2009 Pages 995-1040

| In this issue . . . | Page |
|---|------------------|
| University of Kansas | |
| Notice to bidders..... | 997 |
| Kansas State University | |
| Notice to bidders..... | 997 |
| Legislative interim committee schedule..... | 997 |
| Kansas Housing Resources Corporation | |
| Notice of selection criteria for the Tax Credit Assistance Program..... | 998 |
| City of Olathe | |
| Notices to bidders | 998, 999 |
| Pooled Money Investment Board | |
| Notice of investment rates..... | 999 |
| Department of Administration—Division of Purchases | |
| Notice to bidders for state purchases..... | 999 |
| State Board of Technical Professions | |
| Notice of meetings..... | 1000 |
| Kansas Department of Labor | |
| Notice of maximum and minimum weekly unemployment benefit amounts | 1000 |
| Kansas Department of Transportation | |
| Request for comments on the Statewide Transportation Improvement Program..... | 1000 |
| Notice to contractors..... | 1000 |
| Department of Health and Environment | |
| Requests for comments on proposed air quality permits..... | 1001, 1002, 1003 |
| Notice concerning water pollution control permits/applications | 1003 |
| State Fire Marshal | |
| Notice of hearing on proposed administrative regulations..... | 1002 |
| Kansas Development Finance Authority | |
| Notice of hearing on proposed revenue bonds | 1005 |
| Riley County | |
| Notice of intent to seek private placement of general obligation bonds..... | 1006 |
| Notice of Bond Sale | |
| City of Arkansas City | 1006 |
| City of Rose Hill | |
| Notice of intent to seek private placement of general obligation bonds..... | 1007 |
| Kansas Dental Board | |
| Notice of hearing on proposed administrative regulations..... | 1007 |

(continued on next page)

Kansas Health Policy Authority
 Notice of hearing on proposed administrative regulations 1007
 Notice concerning Medicaid DSH State Plan 1008
 Notice concerning Medicaid LEA reimbursement..... 1008

Kansas Court of Appeals
 Docket for July 1009

Kansas State Treasurer
 Notice of hearing on proposed administrative regulations 1014

State Corporation Commission
 Notice of hearing on proposed administrative regulations 1014

**Kansas Health Policy Authority, Social and Rehabilitation Services
 and Kansas Department on Aging**
 Notice of final nursing facility Medicaid rates 1015

Secretary of State
 Executive appointments 1026

Department of Corrections
 Notice concerning cessation/suspension of certain operations and programming 1026

Permanent Administrative Regulations
 Real Estate Appraisal Board 1027
 Board of Emergency Medical Services..... 1030

Temporary Administrative Regulations
 Kansas Lottery 1031

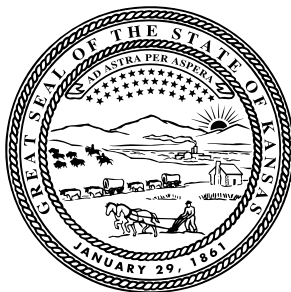
Index to administrative regulations..... 1035

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



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

State of Kansas

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. 037171

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. 037170

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 26-July 10. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/kldr>. Interim committee memberships can be found on the Legislative Research Department's Web site at <http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm>.

| Date | Room | Time | Committee | Agenda |
|---------|-------|------------|---|---|
| June 26 | 545-N | 10:00 a.m. | Kansas Electric Transmission Authority | KETA business. |
| June 29 | 535-N | 10:00 a.m. | Joint Committee on Special Claims Against the State | Orientation and hearings on claims filed. |
| June 30 | 535-N | 9:00 a.m. | | |
| June 29 | 545-N | 10:00 a.m. | 2010 Commission | Presentation of school district survey data and presentations by various school superintendents. |
| June 30 | 545-N | 9:00 a.m. | | |
| July 1 | 143-N | 10:00 a.m. | Legislative Post Audit | Presentation of six completed audit reports; consideration of audit topics; and Legislative Post Audit topics. (Meeting will last until 5 p.m.) |
| July 1 | 535-N | 10:00 a.m. | Kansas DUI Commission | Election of chairperson; briefing on Kansas Substance Abuse Policy Board's final report; and staff briefings on Kansas' and other states' DUI laws. |
| July 2 | 535-N | 9:00 a.m. | | |
| July 6 | 545-N | 10:00 a.m. | Legislative Coordinating Council | Legislative matters. |
| July 6 | 535-N | 9:00 a.m. | Joint Committee on Administrative Rules and Regulations | Agenda not available. |
| July 7 | 535-N | 9:00 a.m. | | |
| July 9 | 535-N | 10:00 a.m. | Joint Committee on Corrections and Juvenile Justice Oversight | Agenda not available. |
| July 10 | 535-N | 9:00 a.m. | | |

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 037194

State of Kansas

Kansas Housing Resources Corporation

Notice of Selection Criteria for the
Tax Credit Assistance Program

The Kansas Housing Resources Corporation hereby publishes a draft of its Selection Criteria for funding through the Tax Credit Assistance Program (TCAP). Threshold qualification for TCAP funding is any development that can be completed by February 12, 2012, and has received a HTC award by September 30, 2009. Eligible developments will then be evaluated based on the Selection Criteria in the Qualified Allocation Plan. KHRC will then rank and give priority to applications based on the following criteria:

- Property Location (50 Points max)
- Housing Needs Characteristics (45 Points max)
- Development Characteristics (80 Points max)
- Applicant/Sponsor Characteristics (10 Points max)
- Tenant Population Characteristics (75 Points max)
- Public Housing, Government Assisted and Conventionally Financed Waiting Lists (5 Points max)
- Bonus Point (45 Points max)

A detailed breakdown of the criteria is available on the KHRC Web site at www.kshousingcorp.org.

KHRC TCAP Selection Criteria are for public review, and comments will be accepted until June 30. Comments should be directed to the Director of Rental Housing, Kansas Housing Resources Corporation, 611 S. Kansas Ave., Suite 300, Topeka, 66603, (785) 296-5865, or fax (785) 296-8985.

Norma Phillips
Deputy Director

Doc. No. 037201

(Published in the Kansas Register June 25, 2009.)

City of Olathe, Kansas

Notice to Bidders

Sealed bids will be received at the office of the city clerk, City Hall, 100 E. Santa Fe, Olathe, 66061, until 10 a.m. July 27, 2009, for the construction of **I-35 northbound off-ramp at 151st Street, KDOT Project No. 46N-0460-01, City Project No. 33786C.**

At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud. The work consists of the following:

Geometric improvements include widening to add an auxiliary lane on 151st Street for the off-ramp traffic from I-35. Improvements include new curb and gutter, concrete pavement, sidewalk, new ADA ramps, curb inlets, and storm pipe extension. Work will also include modification to the existing traffic signal to accommodate the geometric improvements including traffic signal boxes, conduit, and fiber optic line relocation as detailed in the plans. Improvements also include pavement marking and signing modifications.

Contract documents including drawings and specifications are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of Olsson Associates, 7301 W. 133rd St., Suite 200, Overland Park, KS 66213, (913) 381-1170, for \$50, none of which will be refunded.

The entire title of this project must appear on the outside of the bid envelope submitted to the city clerk's office. A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

Attention is called to the fact that not less than the minimum salaries and wages as set forth in the contract documents must be paid on this project, and that the contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin. Contractors must comply with Title 29 relating to the employment of apprentices in accordance with requirements published by the United States Department of Labor as contained in the contract documents.

Bidders are informed that the prime contractor and subcontractors are required to comply with Section 109 of the Housing and Community Development Act of 1974, Title VI of the Civil Rights Act of 1964, Executive Order 11246, and Section 3 of the Housing and Urban Development Act of 1968. Contractors' responsibilities under these laws are outlined at Title 24, CFR Part 1 and Part 570, relating to nondiscrimination in federally assisted programs of the Department of Housing and Urban Development; Title 24, Part 130, relating to equal employment opportunity under HUD-assisted construction contract; and Title 24, Part 135, relating to employment opportunities for businesses and lower income persons in connection with assisted projects.

The prime general contractor, and subcontractors where appropriate, under the terms of the contract shall be required to comply with the following requirements prior to issuance of a construction work order:

(A) Maintain an affirmative action file detailing efforts to meet affirmative action hiring responsibilities and utilize minority firms as subcontractors and suppliers;

(B) Submit a copy of their affirmative action plan to the city for review and HUD concurrence;

(C) Provide a preliminary statement of workforce needs by category for the project and goals for minorities; and

(D) Attend a scheduled pre-construction conference for orientation on HUD equal opportunity and labor standards requirements.

The city of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the city of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

City of Olathe, Kansas
By Debra Gragg
City Clerk

Doc. No. 037197

(Published in the Kansas Register June 25, 2009.)

City of Olathe, Kansas

Notice to Bidders

Sealed bids will be received at the office of the city clerk at City Hall, 100 E. Santa Fe, Olathe, 66061, until 10:15 a.m. July 27, 2009, for the construction of **I-35 north-bound off-ramp at US-169, City Project No. 33786C#1.**

At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud. The work consists of the following:

Geometric improvements include median modifications on the Southeast Connector Ramp for US-169 & 151st St. to add a left turn lane. Improvements include new curb and gutter, concrete pavement, and new ADA ramps. Work will also include modification to the existing traffic signal to accommodate the geometric improvements including traffic signal boxes, conduit, and fiber optic line relocation as detailed in the plans. Improvements also include pavement marking and signing modifications.

Contract documents including drawings and specifications are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of Olsson Associates, 7301 W. 133rd St., Suite 200, Overland Park, KS 66213, (913) 381-1170, for \$50, none of which will be refunded.

The entire name of the project must appear on the outside of the bid envelope submitted to the city clerk's office. A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds.

The city of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the city of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

Effective April 24, 2000, all bidders shall submit in writing to the Director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form should be directed to the Olathe Equal Opportunity Office at (913) 971-6694.

City of Olathe, Kansas
By Debra S. Gragg
City Clerk

Doc. No. 037196

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 6-22-09 through 6-28-09

| Term | Rate |
|-----------|-------|
| 1-89 days | 0.24% |
| 3 months | 0.15% |
| 6 months | 0.30% |
| 1 year | 0.49% |
| 18 months | 0.90% |
| 2 years | 1.25% |

Elizabeth B.A. Miller
Director of Investments

Doc. No. 037172

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:

- 07/08/2009 12317 Wireless Local Area Network
- 07/09/2009 12358 Construct Earthworks Concrete Placement and Utilities
- 07/14/2009 12353 Auditing Services — Perform A-133 Compliance Audits
- 07/22/2009 12360 Domestic Violence and Sexual Assault Program Services
- 07/27/2009 12364 Laser Printers and Folder/Sealers

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

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

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

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

Contractors wishing to bid on the projects listed below must be prequalified. Information regarding prequalification, projects and bid documents can be obtained by calling (785) 296-8899 or by visiting www.da.ks.gov/fp/.

- 07/09/2009 A-011074 Small Office Building — Neosho Wildlife Area Office, Department of Wildlife and Parks, Neosho
- 07/21/2009 A-011150 Metal Roof Retrofit — A & B Dorms, Topeka Correctional Facility, Topeka

Chris Howe
Director of Purchases

Doc. No. 037202

State of Kansas

Board of Technical Professions

Notice of Meetings

The Kansas State Board of Technical Professions will conduct its Complaint Committee meeting at 8 a.m. Friday, June 10, with the board meeting following at 10 a.m., in Room 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Both meetings are open to the public. For more information, call (785) 296-3053.

Jean Boline
Executive Director

Doc. No. 037199

State of Kansas

Department of Labor

Notice of Maximum and Minimum
Weekly Unemployment Benefit Amounts

Each year, in accordance with K.S.A. 44-704 of the Kansas Employment Security Law, the maximum and minimum weekly benefit amounts payable to unemployment insurance claimants are recalculated. For SFY 2010, new claims filed on or after July 1, 2009 and before July 1, 2010, the maximum weekly benefit amount will be \$436 and the minimum weekly benefit amount will be \$109.

Jim Garner
Secretary of Labor

Doc. No. 037178

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 09-12 by adding the following project:

Project TE-0337-01, Smithsonian Traveling Transportation Museum Exhibit, Atchison, Colby, Glasco, Junction City, Lindsborg and Parsons

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

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

The comment period regarding the STIP amendment will conclude July 27.

Deb Miller
Secretary of Transportation

Doc. No. 037181

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. July 15 and then publicly opened.

District One—Northeast

Douglas—10-23 KA-1592-01—K-10 bridge 7 miles east of U.S. 59, bridge repair. (State Funds)

Johnson—69-46 KA-0756-01—167th Street and U.S. 69, 179th Street and U.S. 69, and 199th Street and U.S. 69 in the city of Overland Park, lighting. (Federal Funds)

Johnson—435-46 KA-1189-01—I-435 from Metcalf Avenue east to the Kansas/Missouri state line, Intelligent Transportation System. (State Funds)

Lyon—99-56 K-9654-01—K-99 Eagle Creek bridge, 6 miles north of the Lyon-Greenwood county line, bridge replacement. (Federal Funds)

Lyon—56 C-4437-01—Approximately 0.5 mile west of Neosho Rapids on County Road 145, flood and erosion repair. (State Funds)

Shawnee—89 U-2008-01—Southwest 29th Street and Fairlawn Road in Topeka, 0.2 mile, intersection improvement. (Federal Funds)

Wyandotte—635-105 K-4890-05—I-635 from State Avenue north to the Missouri/Kansas line, Intelligent Transportation System. (State Funds)

Wyandotte—69-105 KA-1180-04—18th Street over the Kansas River, bridge repair. (Federal Funds)

District Two—Northcentral

Geary—31 C-4406-01—County road 3 miles south and 1 mile east of Junction City, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

District Four—Southeast

Anderson—2 C-4562-01—County Route 1389, 4 miles south and 1.7 miles east of Harris, bridge repair. (Federal Funds)

Bourbon—6 U-2254-01—National Street from Linker Street to Wall Street in Fort Scott, 0.2 miles, surfacing. (Federal Funds)

Chautauqua—10 C-4563-01—Independence Road from County Route 97 east 3.5 miles, surfacing. (Federal Funds)

Crawford—19 U-2256-01—Broadway Street from Centennial to Williams in Pittsburg, 0.2 miles, surfacing. (Federal Funds)

Crawford—126-19 KA-1536-01—K-126 Little Cow Creek drainage bridge, 1.2 miles west of the Kansas/Missouri state line, grading and surfacing. (State Funds)

Elk—25 C-4567-01—Kansas Street from U.S. 160 to 6th Street in Longton, 0.4 mile, overlay. (Federal Funds)

Franklin—30 C-4565-01—John Brown Road from Kentucky Road to Florida Road, 5 miles, surfacing. (Federal Funds)

Greenwood—37 C-4566-01—County Route 291 from Hamilton to Virgil, 4 miles, surfacing. (Federal Funds)

Montgomery—63 U-2253-01—Fourth Avenue from U.S. 75 to Wood Street in Caney, 0.2 mile, milling and overlay. (Federal Funds)

Miami—61 U-2255-01—Eighth Street from the north city limits to Main Street in Osawatomie, 0.2 mile, surfacing. (Federal Funds)

District Five—Southcentral

Cowley—18 C-4220-01—County Route 164 from K-15 south 6.5 miles, surfacing. (Federal Funds)

Sedgwick—87 C-4343-01—Hydraulic Avenue over the Wichita Valley Center Floodway, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Sedgwick—135-87 KA-1006-02—I-135 and 47th street just north of the South Wichita Kansas Turnpike Authority entrance, grading, surfacing and bridge. (Federal Funds)

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

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 037180

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. The Goodyear Tire & Rubber Company has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and require-

ments applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

The Goodyear Tire & Rubber Company, Topeka, owns and operates Tire Manufacturing located at 2000 N.W. Highway 24, Topeka.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the Shawnee County Health Agency, 1515 N.W. Saline, North Annex, Suite 101, Topeka. To obtain or review the proposed permit and supporting documentation, contact Susana C. Pjesky, (785) 296-1691, at the KDHE central office; and to review the proposed permit only, contact Tim Simons, (785) 291-2457, at the Shawnee County Health Agency. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Susana C. Pjesky, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business July 27.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 27 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 037177

State of Kansas

Department of Health
and Environment

Request for Comments

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

Board of Public Utilities, 400 E. Kansas, McPherson, owns and operates McPherson Municipal Power Plant #2, a fossil fuel electric power generating plant located at 1128 W. Ave. A, McPherson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Lynelle Stranghoner, (785) 296-1719, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Lynelle Stranghoner, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business July 27.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, Bureau of Air and Radiation, not later than the close of business July 27 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this

notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 037175

State of Kansas

State Fire Marshal

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, August 31, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka, to consider the adoption of proposed changes in an existing rule and regulation of the office of the State Fire Marshal.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to the State Fire Marshal, Suite 600, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3714. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit 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 regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Brenda Schuette at (785) 296-0654 or TTY (800) 966-3777. The west entrance to the building is accessible to individuals with disabilities.

This regulation is proposed for adoption on a permanent basis. A summary of the proposed regulation and its economic impact follows:

K.A.R. 22-24-3. Adoption by reference. Changes involve updating the references to the 2008 standards of the National Fire Protection Association, NFPA 472 and 473, replacing the 1997 editions.

There is no significant or quantifiable economic impact as a result of the amendment.

Copies of the regulation and the economic impact statement may be obtained from the Kansas State Fire Marshal's office at the address above, by calling (785) 296-3401, or by e-mail request to nan.hipsher@ksfm.ks.gov.

Dan McLaughlin
State Fire Marshal

Doc. No. 037182

State of Kansas

Department of Health
and Environment

Request for Comments

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

Kansas City Power & Light Company, Kansas City, Missouri, owns and operates a fossil fuel power generation facility located at 25166 E. 2200 Road, LaCygne, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th St., Chanute. To obtain or review the proposed permit and supporting documentation, contact Lynelle Stranghoner, (785) 296-1719, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Lynelle Stranghoner, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business July 27.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Christy Thurman, Bureau of Air and Radiation, not later than the close of business July 27 in order for the Secretary of Health and Environment to consider the request.

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

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was im-

practicable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Patricia Scott, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7312, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 037179

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas/Federal Water
Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-09-174/177
Pending Permits for Confined Feeding Facilities

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|---|-------------------------|
| Altenhofen Farms Donald Altenhofen 7101 Main St. Kelly, KS 66538 | SE/4 of Section 31, T03S, R13E, Nemaha County | Missouri River Basin |

Kansas Permit No. A-MONM-S072

This is a new permit for an existing facility for 400 head (160 animal units) of swine weighing more than 55 pounds and 139 head (13 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 4 open face swine buildings with 0.3 acres of concrete lots and alleys. The facility is proposing to abandon 0.7 acres of the beef confinement lots and construct a diversion, sediment basin, and retention control structure. Head capacity at the facility will not change as a result of the construction.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|--|-------------------------|
| Holthaus Bros LLC Eugene Holthaus 531 State Hwy. 9 Centralia, KS 66415 | SW/4 of Section 02,T04S, R11E, Nemaha County | Big Blue River Basin |

Kansas Permit No. A-BBNM-B002

This permit is being reissued. The permit is for an existing facility for 590 head (295 animal units) of beef cattle weighing less than 700

(continued)

pounds. This represents a decrease in the permitted animal units from the previous permit.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|--|---------------------------|
| Riedel Feedyard Don D. Riedel 26085 K Road WaKeeney, KS 67672 | NE/4 of Section 27, T12S, R23W, Trego County | Smoky Hill River Basin |

Kansas Permit No. A-SHTR-B001

This permit is being reissued for a maximum capacity of 800 head (800 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|--|---------------------------|
| Leland & Janice Werth 24023 360 Ave. Ellis, KS 67637 | NE/4 of Section 18, T13S, R21W, Trego County | Smoky Hill River Basin |

Kansas Permit No. A-SHTR-B003

This permit is being reissued for an existing facility with a maximum capacity of 800 head (400 animal units) of beef cattle 700 pounds or less. There is no change in the permitted animal units from the previous permit.

Public Notice No. KS-Q-09-083/088

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|--|---|-----------------------|
| Abengoa Bioenergy Corporation 16150 Main Circle Drive Suite 300 Chesterfield, MO 63017 | Arkansas River via Cowskin Creek via via Unnamed Tributary | Process Wastewater |

Kansas Permit No. I-AR24-PO02 Federal Permit No. KS0081329

Legal Description: SW¼, S15, T26S, R2W, Sedgwick County

Facility Location: 523 E. Union Ave., Colwich, KS 67030-0427

Facility Description: This action consists of renewal of an existing NPDES/Kansas water pollution control permit for an existing facility. This facility is engaged in processing grain into ethanol and high protein feed. About 35,000 gallons/day of process wastewater is directed to Pond #1 prior to treatment in a complete-mix aerated lagoon, a clarifier and two polishing ponds (ponds No. 2 and 3). About 100,000 gpd of reverse osmosis concentrate and cooling tower blow-down is discharged through Pond #4 (Outfall 001B1). Outfall 001X1 is the combined discharge of 001A1 and 001B1 to an unnamed tributary of Cowskin Creek via a pipeline. Stormwater runoff is discharged at Outfall 002X1. Treated effluent also can be irrigated from the final polishing pond upon approval of a land application plan. Waste-activated sludge is incorporated into the ethanol and high protein feed processes or as an alternative can be land applied. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, total residual oxidant, total recoverable copper, oil and grease, and pH, as well as monitoring for ammonia, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus, chlorides, sulfates, total recoverable metals, whole effluent toxicity and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|--|--|
| Ash Grove Aggregates, Inc. P.O. Box 70 Butler, MO 64730 | South Fork Pottawatomie Creek viaBradshaw Creek | Pit Dewatering & Stormwater Runoff |

Kansas Permit No. I-MC53-PO02 Federal Permit No. KS0093521

Legal Description: SE¼, SW¼, S30, T21S, R20E, Anderson County

Facility Name: Welda Quarry

Facility Description: The proposed action consists of reissuing an existing permit for discharge of wastewater during quarrying operations. This facility is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of pit dewatering and stormwater

runoff. Contained in the permit is a schedule of compliance requiring the permittee to develop and implement a 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.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|--------------------------------------|--|
| BPE Manufacturing, Inc. 1237 Road J Emporia, KS 66801 | Cottonwood River via dry drainage | Noncontact Cooling Water and Treated Domestic Wastewater |

Kansas Permit No. I-NE24-BO01 Federal Permit No. KS0098264

Legal Description: SE¼, S17, T19S, R11E, Lyon County

Facility Description: This action consists of renewal of an existing NPDES/Kansas water pollution control permit for an existing facility. This facility primarily manufactures aluminum molds, uses the molds to cast plastic parts, and warehouses molds for future production. Once-through noncontact cooling water, used to cool hydraulic components of the mold machines, is discharged into the road ditch. Domestic wastewater is treated in a one-cell clay-lined wastewater stabilization lagoon. Noncontact cooling water averages 1,000 to 1,500 gallons per day. Domestic sewage flow averages about 100 gallons per day. The proposed permit requires monitoring for nitrates and total phosphorus. 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.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|------------------------------------|--------------------------------|
| Edgerton, City of P.O. Box 255 Edgerton, KS 66021 | Big Bull Creek via Martin Creek | Treated Domestic Wastewater |

Kansas Permit No. M-MC08-IO01 Federal Permit No. KS0046388

Legal Description: NW¼, NW¼, S8, T15S, R22E, Johnson County

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, total phosphorus and pH, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---|--------------------------------|
| Spring Hill, City of P.O. Box 424 Spring Hill, KS 66083 | Bull Creek via Ten Mile Creek via Sweet Water Creek | Treated Domestic Wastewater |

Kansas Permit No. M-MC45-OO04 Federal Permit No. KS0095516

Legal Description: NE¼, NW¼, SW¼, S25, T15S, R23E, Miami County

Facility Name: Spring Hill Treatment Plant #2

Facility Location: 22711 S. Woodland, Spring Hill, KS 66083

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, dissolved oxygen and pH, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

| Name and Address of Applicant | Receiving Stream | Type of Discharge |
|---|---------------------------------|-----------------------|
| Strother Field Commission P.O. Box 747 Winfield, KS 67156 | Walnut River via Posey Creek | Process Wastewater |

Kansas Permit No. I-WA17-PO01 Federal Permit No. KS0118427

Legal Description: SW¼, Section 20, T33S, R4E, Cowley County

Facility Name: Strother Field Airport /Industrial Park

Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. This facility treats about 0.1 MGD of domestic and industrial wastewater from the industrial park and airport. Wastewater treatment consists of an integrated fixed-film/activated sludge (IFAS) wastewater treatment system, consisting of a manual bar screen, ultrasonic flow meter, an aeration basin containing three STM-Aerotor™ Wheels and a submersible mixer, followed by a "first stage" clarifier, ultraviolet disinfection, a sludge digester and three sludge drying beds. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli and pH, as well as monitoring for nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total phosphorus and effluent flow. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria.

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 July 25 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-09-174/177, KS-Q-09-083/088) 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. 037195

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, July 9, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The projects shall be located as shown:

Project No. 000763—Maximum Principal Amount: \$249,000. Owner/Operator: Levi R. Felbush. Description: Acquisition of 362 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Levi R. Felbush and is located at Section 17, Township 14, Range 2, and Section 16, Township 14, Range 2, Dickinson County, Kansas, approximately 5 miles south of Abilene adjacent to K-15 Highway.

Project No. 000764—Maximum Principal Amount: \$81,000. Owner/Operator: Brett and Karody Robbins. Description: Acquisition of 220 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Brett and Karody Robbins and is located at Section 33, Township 13, Range 5, Saline County, Kansas, approximately 8 miles north of Brookville on the southwest corner of the intersection of West Pleasant Hill Road and Brookville Road.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the projects may be obtained by contacting the KDFA.

Stephen R. Weatherford
President

Doc. No. 037203

(Published in the Kansas Register June 25, 2009.)

Riley County, Kansas

**Notice of Intent to Seek Private Placement
\$90,000
General Obligation Bonds, Series 2009**

Notice is hereby given that Riley County, Kansas, proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$90,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds, the adoption of a resolution by the governing body of the county authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Rich Vargo
County Clerk

Doc. No. 037200

(Published in the Kansas Register June 25, 2009.)

**Summary Notice of Bond Sale
City of Arkansas City, Kansas
\$1,950,000
General Obligation Bonds, Series 2009
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated June 2, 2009, written and electronic bids will be received on behalf of the clerk of the city of Arkansas City, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. July 7, 2009, for the purchase of the above-referenced bonds. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

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

| Year | Principal Amount |
|------|------------------|
| 2010 | \$130,000 |
| 2011 | 170,000 |
| 2012 | 175,000 |
| 2013 | 185,000 |
| 2014 | 195,000 |
| 2015 | 200,000 |
| 2016 | 210,000 |
| 2017 | 220,000 |
| 2018 | 230,000 |
| 2019 | 235,000 |

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

nually on June 1 and December 1 in each year, beginning June 1, 2010.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$39,000.

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 July 30, 2009, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2008 is \$56,799,013. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$12,790,000.

Approval of Bonds

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

Additional Information

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

Written Bid and Good Faith Deposit

Delivery Address:

Lesley Shook, Clerk
City Hall, 118 W. Central, P.O. Box 778
Arkansas City, KS 67005-0778
(620) 441-4400
Fax (620) 441-4426
E-mail: lshook@arkansascityks.gov

Financial Advisor - Facsimile Bid and Good

Faith Deposit Delivery Address:

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

Dated June 2, 2009.

City of Arkansas City, Kansas

Doc. No. 037189

(Published in the Kansas Register June 25, 2009.)

City of Rose Hill, Kansas

Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2009

Notice is hereby given that the city of Rose Hill, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$455,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated June 15, 2009.

Kathy A. Raney
City Clerk

Doc. No. 037188

State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Friday, September 18, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the revocation of K.A.R. 71-5-1 through 71-5-6 and the adoption of K.A.R. 71-5-7 through K.A.R. 71-5-13 as permanent regulations of the Kansas Dental Board.

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 revocation of K.A.R. 71-5-1 through 71-5-6 and adoption of K.A.R. 71-5-7 through K.A.R. 71-5-13. All parties may submit written comments prior to the hearing to Betty Wright, Executive Secretary, Kansas Dental Board, Room 564-S, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231, or by e-mail to info@dental.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally on the proposed adoption of the regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to 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 regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting the Kansas Dental Board at the address above, (785) 296-4690. Handicapped parking is located at the west and north sides of the building, and the north entrance to the building is accessible to individuals with disabilities.

The regulations are proposed for adoption as permanent regulations. A summary of the proposed regulations follows:

K.A.R. 71-5-7. This regulation defines the terms used for, and applicable to, the administration of a sedative agent as part of a dental procedure.

K.A.R. 71-5-8. This regulation describes that the regulations to be considered for adoption apply in all treatment settings except when a dentist is treating a patient in a medical care facility.

K.A.R. 71-5-9. This regulation outlines the general requirements that shall be met for the administration of a sedative agent as part of a dental procedure.

K.A.R. 71-5-10. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level I permit and the conditions that apply to the performance of a dental procedure in which a Level I permit is required.

K.A.R. 71-5-11. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level II permit and the conditions that apply to the performance of a dental procedure in which a Level II permit is required.

K.A.R. 71-5-12. This regulation identifies the specific eligibility requirements for the acquisition and renewal of a Level III permit and the conditions that apply to the performance of a dental procedure in which a Level III permit is required.

K.A.R. 71-5-13. This regulation specifies the grounds for refusal to issue a sedation permit or for revocation, suspension, or limitation of the permit.

Copies of the regulations and the economic impact statements may be obtained from the Kansas Dental Board at the contact information above or from the board's Web site at <http://www.kansas.gov/kdb/>.

Betty Wright
Executive Secretary

Doc. No. 037187

State of Kansas

Kansas Health Policy Authority

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 10 a.m. Thursday, August 27, in Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of amendments to an existing regulation on a permanent basis effective 15 days after publication in the Kansas Register. Telephone conference is not available.

Chapter 187, 2005 Session Laws of Kansas transferred specific powers, duties and regulatory authority from the Department of Social and Rehabilitation Services to the Division of Health Policy and Finance (DHFP) within the Department of Administration, and then transferred those powers, duties and regulatory authority to the Kansas Health Policy Authority (KHPA), effective July 1, 2006. The statutes provide that KHPA will be the single state agency for Medicaid, Medikan and HealthWave in Kansas.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulation as stated in K.S.A. 2008 Supp. 77-421(a)(3). All in-

(continued)

interested parties may submit written comments before the hearing to Rita Haverkamp, Kansas Health Policy Authority, Room 900-N, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1220, or by e-mail at Rita.Haverkamp@khpa.ks.gov. The KHPA will give all interested parties a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Please make any request for accommodation at least five working days before the hearing by contacting Rita Haverkamp at (785) 296-5107 or by calling the Kansas Relay Center at (800) 766-3777.

A copy of the regulation and the economic impact statement may be obtained by contacting Rita Haverkamp or from the KHPA Web site at www.khpa.ks.gov.

A summary of the regulation and the economic impact follows:

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

129-5-78. Scope of and reimbursement for home- and community-based services for persons with traumatic brain injury (TBI). This regulation is being amended in order to provide clarification of the requirement of service recipients to make progress. The KHPA has deleted the requirement that recipients receive transitional living skills (TLS), in keeping with CMS's requirement that individual waiver services cannot be mandated. TLS was added to the list of optional services. The KHPA has removed drug and alcohol abuse therapy, currently available as a service through the Home- and Community-Based Traumatic Brain Injury Medicaid Waiver program, may be directly administered by SRS/Addiction and Prevention Services (AAPS) under the substance abuse Prepaid Inpatient Health Plan (PIHP). This change more appropriately places responsibility for provider licensure and service oversight directly under AAPS. This change will have no impact to TBI Waiver recipients, as they will continue to have access to this service as Kansas Medicaid recipients.

Federal Mandate: This regulation change is not federally mandated.

Economic Impact: There is no economic impact.

Bearer of Cost: None.

Affected Parties: Kansans with traumatic brain injury (TBI) who receive services through the Home- and Community-Based TBI Waiver program.

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

Andrew Allison, Ph.D.
Acting Executive Director

Doc. No. 037185

State of Kansas

Kansas Health Policy Authority

Public Notice

The Kansas Health Policy Authority (KHPA) is updating the Medicaid Disproportionate Share Hospital (DSH) State Plan to reflect the fiscal year 2010 DSH funds available and the 2010 DSH pools.

The KHPA anticipates an increase in DSH for federal fiscal year 2010 of \$1,372,387.

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

Andrew Allison, Ph.D.
Acting Executive Director

Doc. No. 037183

State of Kansas

Kansas Health Policy Authority

Public Notice

In order to provide school districts with financial support for medical services that are required by the Individuals with Disabilities Education Act, the Kansas Health Policy Authority (KHPA) recommends that Local Education Agencies (LEA) are subject to an annual cost-based settlement. This settlement process will ensure that Kansas Medicaid reimburses LEAs at cost for medical services provided to Medicaid Eligible Special Education Students. The medical services to be reimbursed include: Health Screenings, Nursing Services, Occupational Therapy, Physical Therapy, Speech Therapy, Language and Hearing Therapy, and Vision Services.

As of July 1, 2009, an annual cost-based settlement will be implemented. This settlement process will ensure that Kansas Medicaid reimburses Local Education Agencies at cost for medical services provided for Medicaid Eligible Special Education Students. Local Education Agencies shall be reimbursed on an interim basis and those payments shall be retrospectively reconciled to the LEAs' cost for the preceding state fiscal year.

The KHPA anticipates a fiscal impact for federal fiscal year 2009 of approximately \$9.7 million and \$38.8 million for federal fiscal year 2010.

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

Andrew Allison, Ph.D.
Acting Executive Director

Doc. No. 037193

State of Kansas

Office of Judicial Administration
Court of Appeals Docket

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

Kansas Court of Appeals
U.S. Courthouse
401 N. Market
Wichita, Kansas

Before Hill, P.J.; Elliott and Buser, JJ.

Tuesday, July 7, 2009

9:00 a.m.

| Case No. / Case Name | Attorneys | Jurisdiction |
|---|---|--------------|
| 99,539 State of Kansas, Appellee v. Frank James Burnett, Appellant | Stephen N. Six, A.G. Ty Kaufman, Special Prosecutor Michael P. Whalen | McPherson |
| 101,619 Edith Dia, Appellee v. Marvin Oakley, Jr., Appellant | Lisa A. Long-Horton Randy M. Barker Douglas C. Cranmer Jeffrey N. Lowe | Sedgwick |
| 100,235 Nash Special K's LLC, et al., Appellants v. City of Wichita, Kansas, a Municipal Corporation, Appellee | Robert W. Kaplan Joe Allen Lang | Sedgwick |

1:30 p.m.

| | | |
|--|---|----------|
| 100,492 State of Kansas, Appellee v. Joseph M. Franklin, Appellant | Stephen N. Six, A.G. Nola Tedesco Foulston, D.A. David Lowden, Chief Attorney Rick Kittel, A.D. | Sedgwick |
| 100,403 State of Kansas, Appellee v. William R. Johnson, Appellant | Stephen N. Six, A.G. Nola Tedesco Foulston, D.A. Boyd K. Isherwood, Asst. D.A. Patrick H. Dunn, A.D. | Sedgwick |
| 99,754 William M. Del Gaudio, Sr., Appellant v. Kansas Department of Corrections, Appellee | Michael P. Whalen Randall J. Price Julie St. Peter, Department of Corrections Fred W. Phelps, Jr., Department of Corrections | Sedgwick |

Wednesday, July 8, 2009

9:00 a.m.

| Case No. / Case Name | Attorneys | Jurisdiction |
|--|---|--------------|
| 101,055 State of Kansas, Appellee v. Jeffrey H. Jabara, Appellant | Stephen N. Six, A.G. Nola Tedesco Foulston, D.A. Lesley A. Isherwood, Asst. D.A. Mark T. Schoenhofer | Sedgwick |
| 100,715 Fee Insurance Group, a Kansas Corporation, Appellee v. Brian Martin and Commercial Insurance Group, Appellants | Thomas A. Dower Jeffrey L. Carmichael | Reno |

(continued)

100,215
 Tom Bates and Michelle Entriken, as Parents and Next
 Friends of Haley Bates, a Minor, Appellant
 v.
 Dodge City Healthcare Group, L.P., d/b/a Western
 Plains Regional Hospital, Appellees

Bradley J. Prochaska
 Bradley A. Levin
 Jeremy A. Sitcoff
 James Leventhal
 Isobel Thomas
 John H. Gibson
 Bradley C. Ralph
 Stephen J. Rodolf
 Leslie C. Weeks
 Charles H. Moody, Jr.

Sedgwick

Summary Calendar — No Oral Argument

These cases shall be submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of judges.

| | | | |
|----------------|--|----------------|---|
| 98,934 | State v. Christopher Dewayne Harris | 101,969 | Robert Blanchette v. Roger Werholtz |
| 100,408 | Jonathon Stowers v. Kansas Dept. of Revenue | 100,404 | State v. Sydney D. Peeks |
| 100,226 | State v. Michael P. Berwert | 100,929 | In the Matter of the Marriage of Miller |
| 100,495 | Kenneth R. Williams v. State | 101,771 | In the Matter of the Marriage of Maule |
| 100,123 | Travis Hauschulz v. State | 99,887 | State v. Loressa J. Turner |
| 100,572 | State v. Gregory Lee Hobson | 100,585 | State v. Charles Winfred Davis |
| 100,666 | Melvin Holmes v. State | 100,945 | State v. Ashley Reed |

**Kansas Court of Appeals
 Butler County Courthouse
 201 W. Pine St.
 El Dorado, Kansas**

Before McAnany, P.J.; Pierron and Marquardt, JJ.

**Tuesday, July 7, 2009
 9:00 a.m.**

| Case No. / Case Name | Attorneys | Jurisdiction |
|--|--|--------------|
| 100,513 State of Kansas, Appellee v. Derek D. Brice, Appellant | Stephen N. Six, A.G. Jared S. Maag, Deputy Solicitor General Ryan Eddinger, A.D. | Labelle |
| 101,145 Unified School District 446, Independence, Kansas, Appellee v. Deborah L. Sandoval, Appellant | Donna L. Whiteman Angela E. Stallbaumer Marjorie A. Blaufuss-Sandoval | Montgomery |
| 99,734 William R. Hattan, Appellant v. Mark T. Schoenhofer, Appellee | Ron D. Beal Arthur S. Chalmers | Sedgwick |
| 1:30 p.m. | | |
| 100,299 State of Kansas, Appellee v. Anthony Vincent Curreri, Appellant | Stephen N. Six, A.G. John P. Wheeler, Jr., C.A. Linda J. Lobmeyer, Asst. C.A. Matthew J. Edge, A.D. | Finney |
| 99,802 State of Kansas, Appellee v. Delano Hoskins, Appellant | Stephen N. Six, A.G. David Maslen, Asst. C.A. Rachel L. Pickering, A.D. | Montgomery |
| 100,596 State of Kansas, Appellee v. Alexander Tapia, Appellant | Stephen N. Six, A.G. Don L. Scott, C.A. Heather Cessna, A.D. | Seward |

Wednesday, July 8, 2009

9:00 a.m.

| Case No. / Case Name | Attorneys | Jurisdiction |
|---|--|--------------|
| 100,774 Liberal Feeders, L.P., Appellant v. Larry Joe Lambert, Appellee | Nathan A. McCaffrey Clint W. Floyd | Seward |
| 101,239 Neal Diers and Jana Diers, Appellees v. American Exteriors, Inc., a Colorado Corporation, Appellant | Kari M. Gilliland Etta L. Walker | Cheyenne |
| 100,894 Maxine McKellar, Personal Representative of the Estate of Donald R. McKellar, Ronald McDaniel and Selene Hummer, Appellants v. Indian Oil Company, Inc., Appellee | Lee Thompson Deborah Petrotta Robert R. Eisenhauer | Barber |

Summary Calendar — No Oral Argument

These cases shall be submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of judges.

| | |
|---|---|
| 100,030 State v. Lee Hill, Jr. | 100,150 State v. Brian A. Gilbert |
| 100,939 Christian Lord Ministries, Inc. v. Clifford N. Cormier | 101,256 Tyrone James, #77522 v. David R. McKune, et al. |
| 99,789 State v. Troy D. Ball | 100,481 Gordy Askvig v. State |
| 101,251 City of Pittsburg v. Benjamin Witty | 100,369 Presta Oil #16, Andover, KS v. Clinton James Allen |
| 100,382 State v. Jose L. Leos-Hernandez | 100,983 State v. Timothy Clinton |
| 100,592 State v. Miles P. Hinkle | 100,751 State v. Matthew Buckaloo |
| 101,384 In the Matter of the Marriage of Williams | 99,985 Jose M. Arce v. State |

**Kansas Court of Appeals
U.S. Courthouse
Courtroom 655
500 State Ave.
Kansas City, Kansas**

Before Malone, P.J.; Green and Standridge, JJ.

Tuesday, July 7, 2009

9:00 a.m.

| Case No. / Case Name | Attorneys | Jurisdiction |
|--|--|--------------|
| 99,856 State of Kansas, Appellee v. Charles David Green, Appellant | Stephen N. Six, A.G. Phill Kline, D.A. Steven J. Obermeier, Asst. D.A. Shawn E. Minihan, A.D. | Johnson |
| 101,371 Linus L. Baker, et al., Appellants v. City of Overland Park, et al., Appellees | Linus L. Baker Mark D. Hinderks | Johnson |
| 101,202 (Moved to July 15 @ 1:30 p.m.) Eugene Wayne Snider, d/b/a West Heating & Cooling, Appellant v. American Family Mutual Insurance Company, Appellee | James E. Kiley, Jr. Matthew W. Geary | Wyandotte |

(continued)

1:30 p.m.

101,643
Mary Bigby, Appellant
v.
Farmers Insurance Company, Appellee

John E. McKay
Mav Mirfasihi, pro hac vice
Craig Kennedy

Wyandotte

100,028
Jack R. Lapointe, Appellant
v.
State of Kansas, Appellee

Richard Ney
Stephen N. Six, A.G.
Stephen M. Howe, D.A.
Steven J. Obermeier, Asst. D.A.

Johnson

100,553
State of Kansas, Appellee
v.
Dennis L. Foster, Appellant

Stephen N. Six, A.G.
Stephen M. Howe, D.A.
Steven J. Obermeier, Asst. D.A.
Kristi C. Hartmann
Jessica J. Travis

Johnson

Wednesday, July 8, 2009

9:00 a.m.

Case No. / Case Name

Attorneys

Jurisdiction

101,281
Day Advertising, Inc., Appellant
v.
Michael R. Clarke, Appellee

Paul Hasty, Jr.
Daniel F. Church

Douglas

101,445
Danny Douglas, Appellee
v.
Ad Astra Information Systems, L.L.C., and Hartford
Insurance Company, Appellants

Daniel L. Smith
Tracy M. Vetter

Work. Comp.

100,335
State of Kansas, Appellee
v.
Michael P. Schaefer, Appellant

Stephen N. Six, A.G.
Phill Kline, D.A.
Steven J. Obermeier, Asst. D.A.
William Grimshaw
Courtney T. Henderson

Johnson

Summary Calendar — No Oral Argument

These cases shall be submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of judges.

| | | | |
|---------|---|---------|------------------------------|
| 99,488 | State v. Durayl Vann | 100,918 | State v. Rolla R. Bailey |
| 100,897 | City of Marysville v. Gerald L. Lake, Jr. | 100,493 | State v. Charles A. Chambers |
| 99,614 | State v. Orlando Paul Cisneros | 100,232 | Kenneth F. Berres v. State |
| 100,819 | Rebecca Green v. Linda Brunner | 100,662 | State v. John Immell |
| 100,152 | State v. Michael A. Johnson | 100,131 | August R. Droge v. State |
| 100,602 | State v. Edgar Arnaldo Flores-Picasso | 100,459 | State v. Rosalind Holloway |
| 101,181 | State of Kansas, ex rel. v. Charles Cleland | 100,560 | State v. Deandrew V. Dixon |

Kansas Court of Appeals
Court of Appeals Courtroom
Kansas Judicial Center
301 S.W. 10th Ave.
Topeka, Kansas

Before Rulon, C.J.; Greene and Leben, JJ.

Tuesday, July 7, 2009

9:00 a.m.

Case No. / Case Name

Attorneys

Jurisdiction

100,419
State of Kansas, Appellee
v.
Bill E. Culbertson, Appellant

Stephen N. Six, A.G.
Chadwick J. Taylor, D.A.
Amy Taylor, Asst. D.A.
Eric Kjorlie

Shawnee

| | | |
|--|--|--------------------|
| <p>100,814 Joseph Barbury, Appellant v. Duckwall Alco Stores, Inc., and Liberty Mutual Insurance, Co., Appellees</p> | <p>Jeff K. Cooper Gary M. Peterson Andrew D. Wimmer</p> | <p>Work. Comp.</p> |
| <p>101,120 Don Cain, Appellee v. Riley Construction Co., and Builders Assoc. Self Insurers Fund, Appellants</p> | <p>Larry G. Karns Roger D. Fincher</p> | <p>Work. Comp.</p> |
| 1:30 p.m. | | |
| <p>101,225 City of Salina, Appellant v. Troy Ragnoni, Appellee</p> | <p>Jennifer L. Wyatt Andrew Couch</p> | <p>Saline</p> |
| <p>100,640 State of Kansas, Appellee v. Shannon Dale Lewellyn, Appellant</p> | <p>Stephen N. Six, A.G. Robert A. Walsh, C.A. Janine Cox, A.D.</p> | <p>Cloud</p> |
| <p>100,499 In the Matter of the Protests of City of Hutchinson/ Dillon Stores for Taxes Paid for 2001 and 2002 in Reno County, Kansas and In the Matter of the Protests of Dillon Real Estate Co., Inc. for Taxes Paid for 2001 and 2002 in Reno County, Kansas</p> | <p>Robert J. O'Connor Jarred C. Kieffer S. Lucky DeFries Jeffrey A. Wietharn</p> | <p>Reno</p> |

Wednesday, July 8, 2009

9:00 a.m.

| Case No. / Case Name | Attorneys | Jurisdiction |
|--|---|----------------|
| <p>100,580 David M. Payne, Appellant v. State of Kansas, Appellee</p> | <p>Edward G. Collister, Jr. Stephen N. Six, A.G. Charles E. Branson, D.A. Mark A. Simpson, Asst. D.A.</p> | <p>Douglas</p> |
| <p>100,531 State of Kansas, Appellee v. Adrian Reese, Appellant</p> | <p>Stephen N. Six, A.G. Barry Wilkerson, C.A. Bethany C. Fields, Deputy C.A. Carl Folsom III, A.D.</p> | <p>Riley</p> |
| <p>100,249 Mark W. Hanson, Appellant v. State of Kansas, Appellee</p> | <p>Carl Folsom III, A.D. Stephen N. Six, A.G. Barry Wilkerson, C.A. Mellissa K. Rundus, Asst. C.A.</p> | <p>Riley</p> |

Summary Calendar — No Oral Argument

These cases shall be submitted without oral argument, and an opinion may be released prior to the regularly scheduled docket without further notice. The cases will receive full consideration by the assigned panel of judges.

| | |
|--|---|
| <p>100,518 John Pickerill v. State 101,194 State v. Brian Smardo 100,091 State v. Michael Paul Wirtz 100,471 State v. Sherman Tisdale 101,059 State v. Shaun J. Salazar 100,687 In the Matter of the Care and Treatment of: Jimmy W. Miles 99,659 State v. Leonard W. Carnall</p> | <p>100,813 Linda S. Graham v. Amrakh Mamedov 100,067 State v. Justin Phinney 99,916 State v. Anthony Mathiasen 100,494 State v. Joshua B. Coman 100,907 Everett Holloway v. State 100,811 James L. Carlson v. State 100,963 State v. James B. Borders, Jr.</p> |
|--|---|

Carol G. Green
Clerk of the Appellate Courts

State of Kansas

Kansas State Treasurer

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Friday, September 4, in Room 201, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider amendments to K.A.R. 3-4-1, 3-4-2, 3-4-4, 3-4-5 and 3-4-7, and revocation of K.A.R. 3-4-6, governing the Kansas Investments Developing Scholars Matching Grant Program.

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 Scott Gates, Chief Counsel and Learning Quest Director, Kansas State Treasurer's Office, Room 201, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1235 or by e-mail to scott@treasurer.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit 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 Scott Gates at (785) 296-5317 or TTY (800) 766-3777, or scott@treasurer.state.ks.us. Handicapped parking is located at the north entrance of the building, and the north entrance is accessible.

Summary of the Proposed Regulations:

The proposed change will allow each beneficiary to receive a \$600 matching grant instead of the current rule that gives one \$600 match to each account owner. This is accomplished by changing the definition of the term "participant" to refer to the beneficiary. The beneficiary is selected by the account owner and is the student whose higher education expenses can be paid for from the account. If the beneficiary is enrolled in the matching grant program after January 1, 2010, the account owner will no longer be able to change the beneficiary without forfeiting the matching grant funds. The amended rules will not be applied to existing accounts that have received a K.I.D.S. matching grant years unless the beneficiary is enrolled in the program after January 1, 2010. Each beneficiary will only be allowed to receive one matching grant.

Copies of the proposed regulations and the associated economic impact statement may be obtained from the State Treasurer's Office at the address above, by calling (785) 296-3171, or from the State Treasurer's Web site at www.kansasstatetreasurer.com/kids.

Dennis McKinney
State Treasurer

Doc. No. 037198

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed
Administrative Regulations

The Kansas Corporation Commission will conduct a public hearing at 9 a.m. Tuesday, August 25, in the first floor hearing room at the office of the Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, to consider proposed amendments to rules and regulations of the commission on a permanent basis.

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

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

A summary of the proposed regulations and the economic impact follows:

K.A.R. 82-4-3a, Hours of service; **K.A.R. 82-4-3b**, Procedures for transportation workplace drug and alcohol testing programs; **K.A.R. 82-4-3c**, Testing for controlled substances and alcohol use; **K.A.R. 82-4-3d**, Safety fitness procedures; **K.A.R. 82-4-3e**, Minimum levels of financial responsibility for motor carriers; **K.A.R. 82-4-3f**, General motor carrier safety regulations; **K.A.R. 82-4-3g**, Qualifications of drivers; **K.A.R. 82-4-3h**, Driving of commercial motor vehicles; **K.A.R. 82-4-3i**, Parts and accessories necessary for safe operation; **K.A.R. 82-4-3j**, Inspection, repair, and maintenance; **K.A.R. 82-4-3k**, Transportation of hazardous materials, driving and parking rules; **K.A.R. 82-4-3l**, Transportation of migrant workers; **K.A.R. 82-4-3m**, Employee safety and health standards; and **K.A.R. 82-4-20**, Transportation of hazardous materials by motor vehicles, will be permanently amended to reflect changes to federal regulations and other updates relating to the safety requirements of motor carriers that will make Kansas requirements more uniform with federal requirements. K.A.R. 82-4-3e is proposed to be revoked. The proposed changes are updates to current regulations and not expected to generate any additional economic impact for either enforcement or compliance.

Susan K. Duffy
Executive Director

Doc. No. 037191

State of Kansas

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

**Notice of Final Nursing Facility Medicaid Rates
for State Fiscal Year 2010;**

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

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 final Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2010, the methodology underlying the establishment of the final nursing facility rates, and the justifications for those final rates. SRS and KDOA are also providing notice of the state's intent to submit 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 final Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

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

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

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

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

(1) Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in 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 calendar year in which the new operator was not involved in running the facility. The cost report information from

(continued)

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

(Reenrollment Status)

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the

program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding calendar year 2005.

All cost data used to set rates for facilities reentering the program shall be adjusted to 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 reenrollment status.

(3) Quarterly Case Mix Index Calculation

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

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.12b case mix indices developed by the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the State.

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

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

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

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

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

(4) Resident Days

Facilities with 60 beds or less:

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

Facilities with more than 60 beds:

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

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

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

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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. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-

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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% Contracted labor < 10% of total direct health care labor costs | 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-

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

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

(1) Qualifying Providers

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

(2) Per Diem Pass-Through Calculation

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

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

A. Cost Center Limitations: The state establishes 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 final 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 final per diem rate.

C. Final 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 | 145.40 | 1.0503 |
| Alma Manor | Alma | 142.19 | 0.8775 |
| Life Care Center of Andover | Andover | 143.42 | 1.1411 |
| Anthony Community Care Center | Anthony | 130.77 | 1.0616 |
| Medicalodges Health Care Center | Arkansas City | 162.17 | 1.0266 |
| Arkansas City Presbyterian Manor | Arkansas City | 145.95 | 0.9636 |
| Deseret Nursing & Rehab at Arma, Inc | Arma | 118.12 | 1.0148 |
| Ashland Health Center - LTCU | Ashland | 157.87 | 1.0790 |
| Medicalodges Atchison | Atchison | 144.08 | 1.0124 |
| Atchison Senior Village | Atchison | 136.13 | 0.9067 |
| Dooley Center | Atchison | 142.18 | 0.7188 |
| Attica Long Term Care | Attica | 156.70 | 1.0707 |
| Good Samaritan Society-Atwood | Atwood | 133.70 | 0.8900 |
| Lake Point Nursing Center | Augusta | 117.26 | 0.9366 |
| Baldwin Care Center | Baldwin City | 138.03 | 1.1343 |
| Quaker Hill Manor | Baxter Springs | 120.66 | 1.1145 |
| Catholic Care Center Inc. | Belaire | 158.99 | 1.0337 |
| Great Plains of Republic County, Inc | Belleville | 145.00 | 0.9100 |
| Belleville Health Care Center | Belleville | 109.38 | 0.9266 |
| Mitchell County Hosptial LTCU | Beloit | 122.62 | 1.0189 |
| Hilltop Lodge Nursing Home | Beloit | 134.94 | 0.9688 |
| Bonner Springs Nursing and Rehab. | Bonner Springs | 130.00 | 1.0363 |
| Hill Top House | Bucklin | 139.29 | 0.9258 |

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|--------------------------------------|------------------|--------|--------|
| Buhler Sunshine Home, Inc. | Buhler | 160.13 | 1.0750 |
| Life Care Center of Burlington | Burlington | 121.22 | 0.9246 |
| Caney Nursing Center | Caney | 86.19 | 0.8678 |
| Eastridge Nursing Home | Centralia | 137.80 | 1.0100 |
| Heritage Health Care Center | Chanute | 119.87 | 1.0467 |
| Chanute Health Care Center | Chanute | 138.37 | 1.1035 |
| Applewood Rehabilitation | Chanute | 79.93 | 0.8216 |
| Chapman Valley Manor | Chapman | 119.82 | 0.9211 |
| Cheney Golden Age Home Inc. | Cheney | 133.04 | 0.9623 |
| Cherryvale Care Center | Cherryvale | 118.86 | 0.8842 |
| Chetopa Manor | Chetopa | 107.18 | 0.9854 |
| The Shepherd's Center | Cimarron | 124.60 | 0.8900 |
| Medicalodges Clay Center | Clay Center | 147.81 | 0.9284 |
| Clay Center Presbyterian Manor | Clay Center | 159.01 | 0.9910 |
| Clearwater Ret. Community | Clearwater | 119.41 | 0.9000 |
| Community Care, Inc. | Clifton | 98.16 | 0.8711 |
| Park Villa Nursing Home | Clyde | 111.00 | 0.9011 |
| Coffeyville Regional Medical Center | Coffeyville | 160.81 | 0.9763 |
| Windsor Place | Coffeyville | 132.06 | 1.0307 |
| Medicalodges Coffeyville | Coffeyville | 129.78 | 0.9942 |
| Windsor Place at Iola, LLC | Coffeyville | 131.40 | 1.0515 |
| Deseret Nursing & Rehab at Colby | Colby | 125.61 | 0.9421 |
| Prairie Senior Living Complex | Colby | 143.22 | 0.8350 |
| Pioneer Lodge | Coldwater | 113.49 | 0.8321 |
| Medicalodges Columbus | Columbus | 157.44 | 1.1296 |
| Mt Joseph Senior Village, LLC | Concordia | 120.79 | 0.9627 |
| Sunset Home, Inc. | Concordia | 118.33 | 0.9400 |
| Spring View Manor | Conway Springs | 98.22 | 0.8164 |
| Golden Living Center-Chase Co. | Cottonwood Falls | 124.25 | 1.0183 |
| Council Grove Healthcare Center | Council Grove | 123.36 | 1.0005 |
| Hilltop Manor | Cunningham | 105.28 | 0.9216 |
| Westview of Derby | Derby | 124.20 | 1.0063 |
| Hillside Village | De Soto | 134.12 | 0.9382 |
| Dexter Care Center | Dexter | 123.06 | 0.9180 |
| Lane County Hospital - LTCU | Dighton | 136.94 | 0.9163 |
| Trinity Manor | Dodge City | 133.90 | 0.9403 |
| Good Samaritan Society-Dodge City | Dodge City | 130.61 | 0.9665 |
| Manor of the Plains | Dodge City | 156.86 | 1.0090 |
| Medicalodges Douglass | Douglass | 147.20 | 0.9284 |
| Golden Living Center-Downs | Downs | 129.51 | 1.0920 |
| Country Care Home | Easton | 132.64 | 0.9631 |
| Golden Living Center-Parkway | Edwardsville | 142.95 | 1.1464 |
| Golden Living Center-Kaw River | Edwardsville | 139.77 | 1.0422 |
| Golden Living Center-Edwardsville | Edwardsville | 118.83 | 0.9178 |
| Lakepoint Nursing Center-El Dorado | El Dorado | 127.97 | 0.9353 |
| Golden Living Center-El Dorado | El Dorado | 117.85 | 1.0659 |
| Morton County Hospital | Elkhart | 127.85 | 1.0429 |
| Woodhaven Care Center | Ellinwood | 130.24 | 1.0323 |
| Good Samaritan Society-Ellis | Ellis | 146.19 | 0.9509 |
| Good Sam Society-Ellsworth Village | Ellsworth | 143.00 | 1.0125 |
| Emporia Presbyterian Manor | Emporia | 157.58 | 1.0450 |
| Holiday Resort | Emporia | 130.12 | 1.0248 |
| Flint Hills Care Center, Inc. | Emporia | 111.88 | 1.0043 |
| Enterprise Estates Nursing Center | Enterprise | 111.09 | 1.0076 |
| Golden Living Center-Eskridge | Eskridge | 100.03 | 0.8006 |
| Medicalodges of Eudora | Eudora | 126.68 | 0.9116 |
| Eureka Nursing Center | Eureka | 131.58 | 0.9151 |
| Medicalodges Fort Scott | Fort Scott | 149.12 | 0.9392 |
| Fort Scott Manor | Fort Scott | 118.87 | 1.0045 |
| Fowler Nursing Home | Fowler | 135.01 | 0.9400 |
| Frankfort Community Care Home, Inc. | Frankfort | 130.50 | 1.0635 |
| Golden Living Center-Fredonia | Fredonia | 129.23 | 1.2568 |
| Sunset Manor, Inc | Frontenac | 114.84 | 0.9764 |
| Emerald Pointe Health & Rehab Centre | Galena | 116.28 | 0.8137 |
| Galena Nursing & Rehab Center | Galena | 128.14 | 1.0576 |
| Garden Valley Retirement Village | Garden City | 133.99 | 0.9813 |
| Homestead Health & Rehab | Garden City | 141.85 | 0.9361 |
| Meadowbrook Rehab Hosp., LTCU | Gardner | 179.07 | 1.1873 |
| Medicalodges Gardner | Gardner | 140.80 | 0.8984 |
| Anderson County Hospital | Garnett | 150.08 | 0.8935 |
| Golden Heights Living Center | Garnett | 134.54 | 0.9462 |
| The Heritage | Girard | 120.78 | 1.2861 |
| The Nicol Home, Inc. | Glasco | 126.25 | 0.9486 |
| Medicalodges Goddard | Goddard | 151.05 | 0.8948 |
| Bethesda Home | Goessel | 158.25 | 0.9741 |
| Good Samirtan Society-Sherman Co. | Goodland | 147.25 | 1.0717 |
| Cherry Village Benevolence | Great Bend | 116.67 | 0.9340 |
| Great Bend Health & Rehab Center | Great Bend | 130.61 | 0.9347 |
| Halstead Health and Rehab Center | Halstead | 126.60 | 0.8983 |
| Lakewood Senior Living of Haviland | Haviland | 87.01 | 0.6668 |
| St. John's of Hays | Hays | 124.46 | 0.9307 |
| St. Johns Victoria | Hays | 128.59 | 0.9359 |
| Good Samaritan Society-Hays | Hays | 116.89 | 0.8952 |
| Haysville Healthcare Center | Haysville | 141.92 | 1.0412 |

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| Medicalodges Herington | Herington | 111.00 | 0.8918 | Andbe Home, Inc. | Norton | 140.72 | 0.9381 |
| Schowalter Villa | Hesston | 164.09 | 0.9951 | Village Villa | Nortonville | 141.68 | 1.0240 |
| Maple Heights of Hiawatha | Hiawatha | 129.09 | 1.0086 | Logan County Manor | Oakley | 130.14 | 0.8920 |
| Highland Care Center | Highland | 126.38 | 0.9106 | Decatur County Hospital | Oberlin | 120.42 | 0.8830 |
| Dawson Place, Inc. | Hill City | 116.11 | 0.8822 | Good Samaritan Society-Decatur Co. | Oberlin | 137.64 | 0.9973 |
| Salem Home | Hillsboro | 140.73 | 0.9035 | Villa St. Francis | Olathe | 155.52 | 1.0419 |
| Parkside Homes, Inc. | Hillsboro | 145.96 | 1.0922 | Pinnacle Ridge Nursing and Rehabilitation | Olathe | 127.46 | 1.0314 |
| Medicalodges Jackson County | Holton | 138.21 | 0.9343 | Royal Terrace Nrsng. & Rehab. Center | Olathe | 142.26 | 1.0356 |
| Tri County Manor Living Center, Inc. | Horton | 122.86 | 1.0471 | Good Samaritan Society-Olathe | Olathe | 150.38 | 0.9736 |
| Howard Twilight Manor | Howard | 134.77 | 0.9636 | Johnson County Nursing Center | Olathe | 174.53 | 1.0912 |
| Sheridan County Hospital | Hoxie | 134.76 | 0.8767 | Aberdeen Village, Inc. | Olathe | 160.23 | 0.9330 |
| Pioneer Manor | Hugoton | 141.08 | 1.0330 | Deseret Nursing & Rehab at Onaga | Onaga | 149.33 | 1.0371 |
| Pinecrest Nursing Home | Humboldt | 125.05 | 1.0100 | Peterson Health Care, Inc. | Osage City | 111.14 | 0.9193 |
| Golden Plains | Hutchinson | 138.08 | 0.9800 | Osage Nursing & Rehab Center | Osage City | 135.27 | 1.0704 |
| Good Sam Society-Hutchinson Village | Hutchinson | 140.42 | 0.9526 | Life Care Center of Osawatomie | Osawatomie | 135.45 | 1.0402 |
| Deseret Nursing & Rehab at Hutchinson | Hutchinson | 114.01 | 1.0522 | Parkview Care Center | Osborne | 130.71 | 0.9958 |
| Wesley Towers | Hutchinson | 166.45 | 1.0192 | Hickory Pointe Care & Rehab Center | Oskaloosa | 134.67 | 1.0281 |
| Ray E. Dillon Living Center | Hutchinson | 139.40 | 0.8028 | Deseret Nursing & Rehab at Oswego | Oswego | 120.09 | 0.9892 |
| Regal Estate | Independence | 122.91 | 1.0439 | Ottawa Retirement Village | Ottawa | 123.64 | 1.0707 |
| Windsor Place at Independence | Independence | 145.00 | 1.2295 | Brookside Manor | Overbrook | 130.46 | 1.0321 |
| Pleasant View Home | Inman | 149.25 | 0.9190 | Garden Terrace at Overland Park | Overland Park | 144.58 | 1.0005 |
| Iola Nursing Center | Iola | 91.89 | 0.9618 | Indian Meadows Healthcare Center | Overland Park | 189.71 | 1.1967 |
| Hodgeman Co Health Center-LTCU | Jetmore | 161.78 | 1.2000 | Manorcare Health Services of Overland | Overland Park | 153.89 | 0.9860 |
| Stanton County Hospital- LTCU | Johnson | 141.81 | 0.8456 | Villa Saint Joseph | Overland Park | 173.57 | 1.1642 |
| Valley View Senior Life | Junction City | 118.48 | 0.8920 | Delmar Gardens of Overland Park | Overland Park | 150.83 | 0.9584 |
| Good Samaritan Society-Junction City | Junction City | 150.90 | 1.0574 | Overland Park Nursing & Rehab. | Overland Park | 162.36 | 1.0683 |
| Medicalodges Post Acute Care Center | Kansas City | 154.46 | 1.0621 | Indian Creek Healthcare Center | Overland Park | 159.78 | 0.9685 |
| Kansas City Presbyterian Manor | Kansas City | 159.71 | 0.9545 | Village Shalom, Inc. | Overland Park | 169.77 | 1.0588 |
| Medicalodges Kansas City | Kansas City | 150.94 | 0.9274 | Riverview Manor, Inc. | Oxford | 105.25 | 0.8904 |
| Lifecare Center of Kansas City | Kansas City | 140.53 | 1.0204 | Medicalodges Paola | Paola | 109.55 | 0.6952 |
| Deseret Nursing & Rehab at Kensington | Kensington | 117.08 | 0.9716 | North Point Skilled Nursing Center | Paola | 135.57 | 1.0279 |
| The Wheatlands | Kingman | 127.93 | 0.9805 | Elmhaven East | Parsons | 109.16 | 1.0168 |
| Medicalodges Kinsley | Kinsley | 142.24 | 0.8558 | Elmhaven West | Parsons | 114.54 | 1.0186 |
| Kiowa Hospital District Manor | Kiowa | 135.30 | 0.8957 | Parsons Presbyterian Manor | Parsons | 150.27 | 1.0584 |
| Rush Co. Memorial Hospital | La Crosse | 117.15 | 0.8988 | Good Samaritan Society-Parsons | Parsons | 129.09 | 0.9963 |
| Rush County Nursing Home | Lacrosse | 132.93 | 0.9800 | Ledy Park | Peabody | 142.45 | 1.0111 |
| High Plains Retirement Village | Lakin | 156.34 | 0.9284 | Westview Manor of Peabody | Peabody | 80.88 | 0.6562 |
| Golden Living Center-Lansing | Lansing | 125.11 | 1.0577 | Phillips County Retirement Center | Phillipsburg | 116.24 | 0.9617 |
| Larned Healthcare Center | Larned | 143.79 | 1.0351 | Medicalodges Pittsburg South | Pittsburg | 149.73 | 1.0436 |
| St. Joseph Memorial Hospital | Larned | 136.38 | 0.9191 | Mt. Carmel Regional Medical Ctr. SNF | Pittsburg | 157.28 | 0.9763 |
| Lawrence Presbyterian Manor | Lawrence | 162.51 | 0.9994 | Golden Livng Center-Pittsburg | Pittsburg | 115.01 | 1.0316 |
| Brandon Woods at Alvarar | Lawrence | 148.48 | 0.9152 | Cornerstone Village, Inc. | Pittsburg | 136.53 | 0.9793 |
| Pioneer Ridge Retirement Community | Lawrence | 140.76 | 0.9005 | Rooks County Senior Services, Inc. | Plainville | 141.49 | 0.8996 |
| Medicalodges Leavenworth | Leavenworth | 152.60 | 0.9371 | Pratt Regional Medical Center | Pratt | 136.48 | 0.9700 |
| Delmar Gardens of Lenexa | Lenexa | 138.22 | 1.0036 | Lakewood Senior Living of Pratt, LLC | Pratt | 110.90 | 0.8636 |
| Lakeview Village | Lenexa | 150.58 | 0.8470 | Prescott Country View Nursing Center | Prescott | 102.09 | 0.8927 |
| Leonardville Nursing Home | Leonardville | 107.91 | 0.9667 | Prairie Sunset Manor | Pretty Prairie | 158.52 | 1.0482 |
| Wichita County Health Center | Leoti | 145.45 | 0.8560 | Protection Valley Manor | Protection | 109.33 | 0.8036 |
| Good Samaritan Society-Liberal | Liberal | 138.94 | 0.9434 | Gove County Medical Center | Quinter | 139.19 | 0.8670 |
| Wheatridge Park Care Center | Liberal | 143.98 | 0.9836 | Grisell Memorial Hosp Dist #1-LTCU | Ransom | 138.78 | 1.0079 |
| Mid-America Health Center of Lincoln | Lincoln | 127.72 | 0.9744 | Richmond Healthcare and Rehabilitation | Richmond | 123.36 | 1.0760 |
| Bethany Home Association | Lindsborg | 147.79 | 0.9114 | Lakepoint Nursing Center-Rose Hill | Rose Hill | 122.13 | 0.9813 |
| Linn Community Nursing Home | Linn | 118.54 | 0.9527 | Rossville Healthcare & Rehab Center | Rossville | 133.35 | 1.0337 |
| Sandstone Heights | Little River | 135.75 | 1.0786 | Wheatland Nursing & Rehab Center | Russell | 118.83 | 1.0049 |
| Logan Manor Community Health Service | Logan | 138.20 | 0.9860 | Russell Regional Hospital | Russell | 109.86 | 0.9427 |
| Louisburg Care Center | Louisburg | 149.89 | 1.2106 | Sabetha Nursing Center | Sabetha | 136.61 | 1.0204 |
| Good Samaritan Society-Lyons | Lyons | 150.07 | 1.1013 | Apostolic Christian Home | Sabetha | 123.79 | 0.9555 |
| Meadowlark Hills Retirement Community | Manhattan | 159.74 | 0.9508 | Smoky Hill Rehabilitation Center | Salina | 119.53 | 0.9374 |
| Stoneybrook Retirement Community | Manhattan | 135.70 | 1.0100 | Kenwood View Nursing Center | Salina | 122.57 | 1.0393 |
| St. Joseph Village, Inc. | Manhattan | 150.25 | 1.0381 | Windsor Estates | Salina | 124.73 | 0.9397 |
| Jewell County Hospital | Mankato | 109.10 | 0.9023 | Pinnacle Park Nursing and Rehabilitation | Salina | 116.51 | 0.9800 |
| St. Luke Living Center | Marion | 131.00 | 0.9267 | Salina Presbyterian Manor | Salina | 158.15 | 0.9800 |
| Riverview Estates, Inc. | Marquette | 136.32 | 0.9793 | Holiday Resort of Salina | Salina | 134.99 | 0.9930 |
| Cambridge Place | Marysville | 124.62 | 1.0155 | Satanta Dist. Hosp. LTCU | Satanta | 157.71 | 1.0040 |
| Deseret Nursing & Rehab at McPherson | McPherson | 145.30 | 0.9143 | Park Lane Nursing Home | Scott City | 139.94 | 0.8910 |
| The Cedars, Inc. | McPherson | 159.81 | 0.9581 | Pleasant Valley Manor | Sedan | 112.20 | 1.0732 |
| Meade District Hospital, LTCU | Meade | 121.99 | 0.8429 | Sedgwick Healthcare Center | Sedgwick | 157.04 | 1.0141 |
| Trinity Nursing & Rehab Ctr | Merriam | 160.57 | 0.9910 | Crestview Manor | Seneca | 107.21 | 1.0315 |
| Great Plains of Ottawa County, Inc. | Minneapolis | 107.66 | 0.9286 | Life Care Center of Seneca | Seneca | 119.24 | 0.9050 |
| Good Samritan Society-Minneapolis | Minneapolis | 129.37 | 0.9597 | Good Samaritan Society | Sharon Springs | 118.06 | 0.9279 |
| Minneola District Hospital | Minneola | 130.26 | 0.9682 | Shawnee Gardens Nursing Center | Shawnee | 143.64 | 1.1125 |
| Bethel Home, Inc. | Montezuma | 151.49 | 1.0074 | Sharon Lane Health Services | Shawnee | 122.10 | 0.9091 |
| Moran Manor | Moran | 126.03 | 1.3254 | Smith County Memorial Hospital LTCU | Smith Center | 123.40 | 0.8543 |
| Memorial Home for the Aged | Moundridge | 164.86 | 1.0983 | Deseret Nursing & Rehab at Smith Center | Smith Center | 123.74 | 1.0400 |
| Moundridge Manor, Inc. | Moundridge | 138.47 | 0.8936 | Mennonite Friendship Manor, Inc. | South Hutchinson | 155.16 | 0.9456 |
| Mt. Hope Nursing Center | Mt. Hope | 125.64 | 0.9388 | Golden Living Center-Spring Hill | Spring Hill | 122.01 | 0.9359 |
| Villa Maria, Inc. | Mulvane | 135.09 | 1.0020 | Good Sam Society-St. Francis Village | St. Francis | 141.69 | 0.9197 |
| Golden Living Center-Neodesha | Neodesha | 124.25 | 1.1428 | Leisure Homestead at St. John | St. John | 134.02 | 0.9058 |
| Ness County Hospital Dist.#2 | Ness City | 136.95 | 0.8622 | Community Hospital of Onaga, LTCU | St. Marys | 142.29 | 0.9486 |
| Asbury Park | Newton | 162.20 | 1.0000 | Prairie Mission Retirement Village | St. Paul | 123.09 | 0.8800 |
| Kansas Christian Home | Newton | 161.26 | 1.1015 | Leisure Homestead at Stafford | Stafford | 116.51 | 0.9917 |
| Newton Presbyterian Manor | Newton | 169.62 | 1.0932 | Sterling Presbyterian Manor | Sterling | 151.58 | 0.9911 |
| Bethel Care Center | North Newton | 149.53 | 1.0215 | | | | |

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|---|--------------|--------|--------|
| Solomon Valley Manor | Stockton | 140.76 | 1.0113 |
| Seasons of Life Living Center | Syracuse | 155.76 | 0.9917 |
| Tonganoxie Nursing Center | Tonganoxie | 130.05 | 0.9959 |
| Brewster Place | Topeka | 154.28 | 0.8678 |
| Topeka Presbyterian Manor Inc. | Topeka | 158.17 | 0.9645 |
| Eventide Convalescent Center, Inc. | Topeka | 105.41 | 0.8447 |
| Topeka Community Healthcare Center | Topeka | 131.33 | 0.9824 |
| McCrite Plaza Health Center | Topeka | 139.84 | 1.0155 |
| Rolling Hills Health Center | Topeka | 144.13 | 0.9556 |
| Manorcare Health Services of Topeka | Topeka | 147.03 | 1.0135 |
| Westwood Manor | Topeka | 122.24 | 0.9659 |
| IHS of Brighton Place | Topeka | 103.46 | 0.7744 |
| Countryside Health Center | Topeka | 106.49 | 0.6979 |
| Providence Living Center | Topeka | 90.58 | 0.7053 |
| Brighton Place North | Topeka | 83.31 | 0.6388 |
| Aldersgate Village | Topeka | 165.47 | 1.0245 |
| Plaza West Care Center, Inc. | Topeka | 152.60 | 1.0091 |
| Lexington Park Nursing and Post Acute | Topeka | 165.05 | 1.0716 |
| Greeley County Hospital, LTCU | Tribune | 119.84 | 0.8858 |
| The Legacy at Park View | Ulysses | 137.41 | 0.9516 |
| Valley Health Care Center | Valley Falls | 111.88 | 0.6147 |
| Trego Co. Lemke Memorial LTCU | WaKeeney | 136.44 | 0.9375 |
| The Lutheran Home - WaKeeney | WaKeeney | 114.71 | 0.8743 |
| Golden Living Center-Wakefield | Wakefield | 124.80 | 1.0753 |
| Good Samaritan Society-Valley Vista | Wamego | 147.32 | 0.9872 |
| The Centennial Homestead, Inc. | Washington | 93.97 | 0.8440 |
| Wathena Nursing & Rehab Center | Wathena | 118.50 | 1.0432 |
| Coffey County Hospital | Waverly | 121.76 | 0.8527 |
| Golden Living Center-Wellington | Wellington | 124.53 | 1.0772 |
| Deseret Nursing & Rehab at Wellington | Wellington | 142.30 | 0.9404 |
| Wellsville Manor | Wellsville | 135.20 | 1.0355 |
| Westy Community Care Home | Westmoreland | 117.68 | 0.9283 |
| Wheat State Manor | Whitewater | 137.39 | 0.8862 |
| Medicalodges Wichita | Wichita | 155.27 | 0.9972 |
| Meridian Nursing & Rehab Center | Wichita | 122.07 | 0.9619 |
| Kansas Masonic Home | Wichita | 157.63 | 1.0257 |
| Homestead Health Center, Inc. | Wichita | 146.39 | 1.0137 |
| Deseret Nursing & Rehab at Wichita | Wichita | 132.34 | 1.1171 |
| Wichita Presbyterian Manor | Wichita | 168.19 | 1.0455 |
| Sandpiper Healthcare and Rehab Center | Wichita | 123.88 | 1.0557 |
| Lakepoint Nursing and Rehabilitation | Wichita | 140.50 | 1.0976 |
| Manorcare Health Services of Wichita | Wichita | 146.85 | 1.1160 |
| College Hill Nursing and Rehab Center | Wichita | 131.25 | 0.8892 |
| Lakewood Senior Living of Seville | Wichita | 118.68 | 0.9173 |
| Golden Living Center-Wichita | Wichita | 127.42 | 0.9313 |
| Wichita Nursing Center | Wichita | 104.90 | 0.7920 |
| The Health Care Center @ Larkfield Pl. | Wichita | 157.20 | 0.9364 |
| Life Care Center of Wichita | Wichita | 139.47 | 1.0700 |
| Via Christi Hope | Wichita | 136.85 | 1.0222 |
| Golden Living Center-Wilson | Wilson | 129.69 | 1.1728 |
| Jefferson Co. Memorial Hospital-LTCU | Winchester | 141.19 | 0.9158 |
| Good Samaritan Society-Winfield | Winfield | 150.45 | 1.1159 |
| Cumbernauld Village, Inc. | Winfield | 146.23 | 0.8450 |
| Winfield Rest Haven, Inc. | Winfield | 140.02 | 0.9443 |
| Deseret Nursing & Rehab at Yates Center | Yates Center | 128.03 | 1.0269 |

III. Justifications for the Final Rates

1. The final rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The final 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 final rates:
 - a. Would result in payment, in the aggregate of 94% 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 \$150.30.
 - c. Estimated average rate July 1, 2009 \$135.21
 Average payment rate July 1, 2008 \$136.26
 Amount of change - \$1.05
 Percent of change - .77%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will remain approximately equal.
5. The state estimates that the final 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 105 of the 105 counties in Kansas;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 83.73%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 54.84%; and
 - e. The final rates would cover 97% 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 final methodology will result in compliance with the federal regulation.

IV. The State's Response to Written Comments on the Published Proposals

The state received three letters with comments to the 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 and Request for Comments published in the April 23, 2009 Kansas Register. The state thanks the commenters for their interest, efforts and suggestions. The state reviewed, discussed, and considered those comments before approving the final rate-setting methodology and the final per diem rates published in this notice.

V. Notice of Intent to Amend the Medicaid State Plan

The state intends to submit 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

Andrew Allison, Ph.D.
KHPA Acting Executive Director

Doc. No. 037192

State of Kansas

Secretary of State**Executive Appointments**

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

Trego County Attorney

Jill A. Elliott, P.O. Box 128, Hill City, 67642. Succeeds David Basgall, resigned.

Athletic Trainers Council

Dr. William D. Carr, 2108 E. 26th, Lawrence, 66046. Term expires June 30, 2012. Reappointed.

**Delta Dental Plan of Kansas
Board of Directors**

Wilbert J. Leiker, 11521 S.W. Frontage Road, Topeka, 66615. Term expires June 30, 2013. Reappointed.

**Kansas Geographic Information
Systems Policy Board**

Dr. Eric A. Bernard, 102F Seaton Hall, Kansas State University, Manhattan, 66505. Term expires Sept. 30, 2012. Succeeds Shawn Hutchinson.

Linda M. Buttron, 19724 Osage Road, Nortonville, 66060. Term expires Sept. 30, 2012. Reappointed.

Deborah P. Divine, 1748 Glen Ave., Salina, 67401. Term expires Sept. 30, 2012. Reappointed.

Joseph M. Fritton, 4511 S.E. 25th Terrace, Topeka, 66605. Term expires Sept. 30, 2010. Succeeds Gregg Noland.

Gary L. Middleton, 6453 S.E. Ratner Road, Berryton, 66409. Term expires Sept. 30, 2012. Reappointed.

Mark Runge, P.O. Box 991, Emporia, 66801. Term expires Sept. 30, 2012. Reappointed.

Dr. Thomas C. Schafer, 1304 10th St., Wamego, 66547. Term expires Sept. 30, 2012. Reappointed.

Kansas Humanities Council

Marc R. Galbraith, 1230 College, Topeka, 66604. Term expires June 30, 2011. Succeeds Christi Brandau.

Dr. James McHenry, 2439 N.W. 35th St., Topeka, 66618. Term expires June 30, 2012. Reappointed.

Naturopathic Advisory Council

Daphne Roberts, 1780 Road 30, Bird City, 67731. Term expires Dec. 31, 2011. Reappointed.

Kansas Volunteer Commission

David W. Battey, 5739 Windsor Drive, Fairway, 66205. Term expires March 24, 2012. Reappointed.

Ron Thornburgh
Secretary of State

State of Kansas

Department of Corrections**Notice Concerning Cessation of Operations
of Labette Correctional Conservation Camps
and Suspension of Intensive Substance
Abuse Treatment Programming in Kansas
Department of Corrections Facilities**

Please take due notice of decisions and actions recently taken in regard to certain criminal sentencing dispositions, i.e., placement in either the Labette Community Correctional Conservation Camp for males or the Labette Correctional Conservation Camp for females, and intensive substance abuse treatment for offenders of both genders in facilities of the Kansas Department of Corrections, as follows:

In regard to the former subject of this Notice, due to lack of appropriated funding for its operation in Fiscal Year 2010, the Labette Community Correctional Conservation Camp for males (more commonly known as the "Labette County male boot camp") shall cease to operate as of June 30, 2009. It shall not thenceforth be available in practice as a sentencing disposition for male offenders who are subject to possible placement therein by sentencing courts pursuant to K.S.A. 21-4603d(a)(5) or (g).

This Notice will further serve to confirm that placement of offenders in the Labette Correctional Conservation Camp for females (more commonly known as the "Labette County female boot camp") has already been effectively curtailed in Fiscal Year 2009 due to a budgetary rescission, and likewise, that said facility did not receive appropriated funding for operation in Fiscal Year 2010, and will therefore also not be available in practice as a sentencing disposition for female offenders.

In regard to the second subject of this Notice, the Kansas Legislature recently enacted 2009 House Bill 2060, effective July 1, 2009, which at Section 11 amends K.S.A. 2008 Supp. 21-4705(f)(1), dealing with mandatory intensive substance abuse treatment to be provided by the Secretary of Corrections in connection with sentences of imprisonment for third and subsequent felony convictions of K.S.A. 65-4160 or 65-4162 prior to their repeal, or, on and after July 1, 2009, Section 6 of 2009 House Bill 2236. Prior to said amendment, such offenders were to undergo intensive substance abuse treatment for a minimum period of four months in a facility designated by the Secretary of Corrections, and after successful completion of the program, were to be returned to the sentencing court for reconsideration and possible modification of the prison portion of the sentence.

Due to the budgetary difficulties now facing the Kansas Department of Corrections, the Legislature has provided in said amendment, that, subject to appropriations, and the Secretary's determination that such substance abuse treatment resources are otherwise available, such programming may be provided in a facility so designated by the Secretary, and further, that the Secretary's determination in regard to availability of treatment resources is not subject to review.

As Secretary of Corrections, by these presents, I hereby state and determine that necessary funding for provision

of such intensive substance abuse treatment will not be initially available during Fiscal Year 2010, nor is it reasonably foreseeable that necessary treatment resources will otherwise be available. Indeed, budget rescissions effective during the latter half of Fiscal Year 2009 have already required a de facto suspension of such programming. Accordingly, until further notice given in the Kansas Register, all such programming is suspended.

I further hereby state that, in accordance with the same determination, intensive substance abuse treatment programming recommended by a sentencing court for offenders who are sentenced to imprisonment for violation of K.S.A. 21-3701 with any combination of three or more prior convictions of violation of K.S.A. 21-3701, 21-3715, or 21-3716, or offenders who are sentenced for a violation of K.S.A. 21-3715 with any combination of two or more prior convictions of K.S.A. 21-3701, 21-3715, or 21-3716, all pursuant to K.S.A. 2008 Supp. 21-4704(p), is likewise suspended until further notice.

This Notice is provided for the guidance of Kansas courts, prosecutors, members of the defense bar, and the public in regard to making appropriate alternative sentencing dispositions for those offenders subject to the provisions of K.S.A. 21-4603d(a) & (g), K.S.A. 2008 Supp. 21-4704(p), and 21-4705(f), as amended.

Roger Werholtz
Secretary of Corrections

Doc. No. 037174

State of Kansas

Real Estate Appraisal Board

Permanent Administrative Regulations

Article 3.—QUALIFICATIONS CRITERIA— GENERAL REAL ESTATE APPRAISER CLASSIFICATION

117-3-1. General classification; education requirements. (a) Except as provided in subsection (e), in order to sit for the general classification examination, each applicant shall meet the following requirements:

(1)(A) Have a bachelor's degree or higher from an accredited college or university; or

(B) have passed all of the following types of courses from an accredited college, junior college, community college, or university for a total of 30 semester credit hours, except as specified in subsection (b):

- (i) English composition;
- (ii) microeconomics;
- (iii) macroeconomics;
- (iv) finance;
- (v) algebra, geometry, or higher mathematics;
- (vi) statistics;
- (vii) computers, word processing, or spreadsheets;
- (viii) business or real estate law; and
- (ix) two elective courses in accounting, geography, agricultural economics, business management, or real estate;

(2) have received credit for 300 classroom hours in the following subjects, as specified:

(A) 30 classroom hours in basic appraisal principles;
(B) 30 classroom hours in basic appraisal procedures;
(C) 15 classroom hours in the national uniform standards of professional appraisal practice course or its equivalent;

(D) 30 classroom hours in general appraisal market analysis and highest and best use;

(E) 15 classroom hours in statistics, modeling, and finance;

(F) 30 classroom hours in the general appraisal sales comparison approach;

(G) 30 classroom hours in the general appraisal site valuation and cost approach;

(H) 60 classroom hours in the general appraisal income approach;

(I) 30 classroom hours in general appraisal report writing and case studies; and

(J) 30 classroom hours in appraisal subject matter electives, which may include hours over the minimum specified in paragraphs (a)(2)(A) through (I); and

(3) provide evidence, satisfactory to the board, of one of the following:

(A) Successful completion of courses approved by the board as specified in paragraph (a)(2); or

(B) successful completion of courses not approved by the board, with evidence that the education covered all of the requirements specified in paragraph (a)(2).

(b) If an accredited college or university accepts the college-level examination program (CLEP) examination and issues a transcript for an exam showing its approval, the examination shall be considered as credit for the corresponding college course.

(c) Classroom hours may be obtained only if both of the following conditions are met:

(1) The length of the educational offering is at least 15 classroom hours.

(2) The applicant successfully completes an approved closed-book examination pertinent to that educational offering.

(d) The 300 classroom hours specified in paragraph (a)(2) may include a portion of the 150 classroom hours required for the licensed classification or the 200 classroom hours required for the residential classification.

(e) (1) Any appraiser holding a valid state license as a real property appraiser may meet the educational requirements for the general classification by performing the following:

(A) Satisfying the college level educational requirements as specified in paragraph (a)(1); and

(B) completing an additional 150 educational hours in the following subjects:

(i) 15 hours of general appraiser market analysis and highest and best use;

(ii) 15 hours of statistics, modeling and finance;

(iii) 15 hours of general appraiser sales comparison approach;

(iv) 15 hours of general appraiser site valuation and cost approach;

(v) 45 hours of general appraiser income approach;

(vi) 15 hours of general appraiser report writing and case studies; and

(continued)

(vii) 30 hours of appraisal subject matter electives.

(2) Any appraiser holding a valid residential real property appraiser credential may meet the educational requirements for the general classification by performing the following:

(A) Satisfying the college level educational requirements as specified in paragraph (a)(1); and

(B) completing an additional 100 educational hours in the following subjects:

(i) 15 hours of general appraiser market analysis and highest and best use;

(ii) 15 hours of general appraiser sales comparison approach;

(iii) 15 hours of general appraiser site valuation and cost approach;

(iv) 45 hours of general appraiser income approach; and

(v) 10 hours of general appraiser report writing and case studies.

(f) A distance education course may be deemed to meet the classroom hour requirement specified in paragraph (a)(2) if all of the following conditions are met:

(1) The course provides an environment in which the student has verbal or written communication with the instructor.

(2) The sponsor obtains course content approval from any of the following:

(A) The appraiser qualifications board;

(B) an appraiser licensing or certifying agency in this or any other state; or

(C) an accredited college, community college, or university that offers distance education programs and is approved or accredited by the commission on colleges, a regional or national accreditation association, or an accrediting agency that is recognized by the U.S. secretary of education. Each non-academic credit college course provided by a college shall be approved by the appraiser qualifications board or the appraiser licensing or certifying agency in this or any other state.

(3) The course design and delivery are approved by one of the following sources:

(A) An appraiser qualifications board-approved organization;

(B) a college that qualifies for course content approval as specified in paragraph (f)(2)(C) that awards academic credit for the distance education course; or

(C) a college that qualifies for course content approval as specified in paragraph (f)(2)(C) with a distance education delivery program that approves the course design and that includes a delivery system incorporating interactivity.

(g) Each distance education course intended for use as qualifying education shall include a written examination proctored by an official approved by the college or university or by the sponsor.

(h) Any applicant who has completed two or more courses generally comparable in content, meaning topics covered, may receive credit only for the longest of the comparable courses completed. The national uniform standards of professional appraisal practice course (US-PAP) taken in different years shall not be considered repetitive.

(i) Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses. (Authorized by and implementing K.S.A. 58-4109; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended May 24, 1993; amended Jan. 9, 1998; amended March 26, 1999; amended May 23, 2003; amended Jan. 1, 2008; amended July 10, 2009.)

Article 4.—QUALIFICATIONS CRITERIA— CERTIFIED RESIDENTIAL REAL PROPERTY APPRAISER CLASSIFICATION

117-4-1. Residential classification; education requirements. (a) Except as provided in subsection (d), in order to sit for the residential classification examination, each applicant shall meet the following requirements:

(1)(A) Have an associate's degree or higher from an accredited college, junior college, community college, or university; or

(B) have passed all of the following types of courses from an accredited college, junior college, community college, or university for a total of 21 semester credit hours, except as specified in subsection (b):

(i) English composition;

(ii) principles of economics, either microeconomics or macroeconomics;

(iii) finance;

(iv) algebra, geometry, or higher mathematics;

(v) statistics;

(vi) computers, word processing, or spreadsheets; and

(vii) business or real estate law;

(2) have received credit for 200 classroom hours in the following subjects, as specified:

(A) 30 classroom hours in basic appraisal principles;

(B) 30 classroom hours in basic appraisal procedures;

(C) 15 classroom hours in the national uniform standards of professional appraisal practice course or its equivalent;

(D) 15 classroom hours in residential market analysis and highest and best use;

(E) 15 classroom hours in the residential appraiser site valuation and cost approach;

(F) 30 classroom hours in residential sales comparison and income approaches;

(G) 15 classroom hours in residential report writing and case studies;

(H) 15 classroom hours in statistics, modeling, and finance;

(I) 15 classroom hours in advanced residential applications and case studies; and

(J) 20 classroom hours in appraisal subject matter electives, which may include hours over the minimum specified in paragraphs (a)(2)(A) through (I); and

(3) provide evidence, satisfactory to the board, of one of the following:

(A) Successful completion of courses approved by the board as specified in paragraph (a)(2); or

(B) successful completion of courses not approved by the board, with evidence that the education covered all of the requirements specified in paragraph (a)(2).

(b) If an accredited college or university accepts the college-level examination program (CLEP) examination and

issues a transcript for an exam showing its approval, the examination shall be considered as credit for the corresponding college course.

(c) Classroom hours may be obtained only if both of the following conditions are met:

(1) The length of the educational offering is at least 15 classroom hours.

(2) The applicant successfully completes an approved closed-book examination pertinent to that educational offering.

(d) Any appraiser holding a valid state license as a real property appraiser may meet the educational requirements for residential classification by performing the following:

(1) Satisfying the college level educational requirements as specified in paragraph (a)(1); and

(2) completing an additional 50 educational hours in the following subjects:

(A) 15 hours of statistics, modeling, and finance;

(B) 15 hours of advanced residential applications and case studies; and

(C) 20 hours of appraisal subject matter electives.

(e) The 200 classroom hours specified in paragraph (a)(2) may include a portion of the 150 classroom hours required for the licensed classification.

(f) A distance education course may be deemed to meet the classroom hour requirement specified in paragraph (a)(2) if all of the following conditions are met:

(1) The course provides an environment in which the student has verbal or written communication with the instructor.

(2) The sponsor obtains course content approval from any of the following:

(A) The appraiser qualifications board;

(B) an appraiser licensing or certifying agency in this or any other state; or

(C) an accredited college, community college, or university that offers distance education programs and is approved or accredited by the commission on colleges, a regional or national accreditation association, or an accrediting agency that is recognized by the U.S. secretary of education. Each non-academic credit college course provided by a college shall be approved by the appraiser qualifications board or the appraiser licensing or certifying agency in this or any other state.

(3) The course design and delivery are approved by one of the following sources:

(A) An appraiser qualifications board-approved organization;

(B) a college that qualifies for course content approval as specified in paragraph (f)(2)(C) that awards academic credit for the distance education course; or

(C) a college that qualifies for course content approval as specified in paragraph (f)(2)(C) with a distance education delivery program that approves the course design and that includes a delivery system incorporating interactivity.

(g) Each distance education course intended for use as qualifying education shall include a written examination proctored by an official approved by the college or university or by the sponsor.

(h) Any applicant who has completed two or more courses generally comparable in content, meaning topics covered, may receive credit only for the longest of the comparable courses completed. The national uniform standards of professional appraisal practice course (US-PAP) taken in different years shall not be considered repetitive.

(i) Credit toward the classroom hour requirement may be awarded to teachers of appraisal courses. (Authorized by and implementing K.S.A. 58-4109; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended May 24, 1993; amended Jan. 1, 1994; amended Jan. 9, 1998; amended March 26, 1999; amended May 23, 2003; amended Jan. 1, 2008; amended July 10, 2009.)

Article 6.—CONTINUING EDUCATION

117-6-1. Continuing education; renewal requirements. (a)(1) The continuing education requirement for renewal of any license or certificate for the provisional, licensed, residential, or general classification that has been in force for one year or more shall be a total of 28 hours, which may be averaged over each two-year education cycle as defined in paragraph (a)(5) and as provided in paragraph (a)(6).

(2) The continuing education requirement for renewal of any license or certificate for the provisional, licensed, residential, or general classification that has been in force for less than one year but more than 184 days shall be a total of 14 hours, completed on or after the original date of issuance of the license or certificate.

(3) The continuing education requirement for renewal of any license or certificate for the provisional, licensed, residential, or general classification that has been in force for 184 days or less shall be a total of two hours, completed on or after the original date of issuance of the license or certificate.

(4) Each course for which credit is requested shall have received the approval of the board or approval of the appraisal licensing agency of the state in which the course was held for renewal of the applicable classification before the completion of the course.

(5) The two-year education cycle shall commence on July 1 of each odd-numbered year and end on June 30 of the next odd-numbered year.

(6) Within every two-year education cycle, each certified or licensed appraiser required to complete 14 or more continuing education hours shall attend a seven-classroom-hour national uniform standards of professional appraisal practice update course, or its equivalent.

(b) An appraiser shall not receive continuing education credit for a course for which the appraiser received credit toward the original classroom-hour requirement specified in K.A.R. 117-2-1, 117-3-1, or 117-4-1, except for the course on the uniform standards of professional appraisal practice and updates of the course. However, if a licensed or certified appraiser receives credit for a course to apply toward a higher classification, the appraiser may also receive continuing education credit for the course if it is approved by the board or by the appraisal licensing

(continued)

agency of the state in which the course was held for continuing education credit.

(c)(1) Up to one-half of an individual's continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Activities for which credit may be granted shall include any of the following:

(A) Teaching of appraisal courses. Credit for any course or seminar shall be awarded only once during each two-year continuing education cycle;

(B) program development;

(C) authorship of textbooks; or

(D) similar activities that are determined by the board to be equivalent to obtaining continuing education.

(2) Each appraiser seeking credit for attendance at or participation in an educational activity that was not previously accredited shall submit to the board a request for credit, which shall include the following information:

(A) A description of the activity;

(B) the date or dates of the activity;

(C) the subject or subjects covered;

(D) the name of each instructor and the instructor's qualifications; and

(E) any other relevant information required by the board. Within 30 days after receipt of this request, the appraiser shall be advised by the board in writing whether credit is granted and what amount of continuing education credit will be allowed. Either the sponsor or appraiser shall submit a separate request for approval of each continuing education activity.

(d) It shall be the appraiser's responsibility to keep track of that individual's continuing education credit. At the time of renewal of a license or certificate, the appraiser shall provide verification of completion of continuing education by affidavit to the board.

(1) The affidavit shall contain a statement of continuing education courses completed by the appraiser.

(2) The appraiser shall list all courses completed on the affidavit.

(3) The appraiser shall retain all course completion certificates for five years and shall make the certificates available to the board for review upon request.

(e) If any appraiser requests credit according to subsection (c), the appraiser shall submit a detailed description of the activities with the application for renewal on a form obtained from the board. (Authorized by K.S.A. 2008 Supp. 58-4105(a) and K.S.A. 58-4109; implementing K.S.A. 58-4109, K.S.A. 2008 Supp. 58-4112, and K.S.A. 2008 Supp. 58-4117; effective Jan. 21, 1991; amended, T-117-6-10-91, June 10, 1991; amended Aug. 5, 1991; amended May 24, 1993; amended July 25, 1994; amended Feb. 6, 1995; amended Jan. 9, 1998; amended July 16, 1999; amended May 17, 2002; amended May 23, 2003; amended Sept. 1, 2006; amended Jan. 1, 2008; amended April 4, 2008; amended July 10, 2009.)

Sally Pritchett
Executive Director

Doc. No. 037186

State of Kansas

Board of Emergency Medical Services

Permanent Administrative
Regulations

Article 2.—AMBULANCE SERVICES;
PERMITS AND REGULATIONS

109-2-9. Variances. (a) A temporary variance from any or all portions of an identified regulation may be granted by the board to an applicant for no more than 30 days. For good cause shown, one extension of a variance may be granted by the board for no more than an additional 30 days.

(b) Each applicant for a variance shall submit a written request, no later than 30 calendar days before a regularly scheduled board meeting, that contains the following information:

(1) The name, address, and certificate level or license type of the applicant;

(2) a statement of the reason for the variance request;

(3) the specific portion or portions of an identified regulation from which a variance is requested;

(4) the period of time for which a variance is requested;

(5) the number of units or persons involved;

(6) an explanation of how adherence to each portion or portions of the regulation from which the variance is requested would result in a serious hardship to the applicant; and

(7) an explanation and, if applicable, supportive documents indicating how a variance would not result in an unreasonable risk to the public interest, safety, or welfare.

(c) In addition to meeting the requirements in subsection (b), each instructor-coordinator or training officer who requests a variance shall describe how granting a variance will not jeopardize the quality of instruction.

(d) Periodic evaluations of the variance after it is granted may be conducted by the board.

(e) Conditions may be imposed by the board on any variance granted as necessary to protect the public interest, safety, or welfare, including conditions to safeguard the quality of the instruction provided by an instructor-coordinator or training officer. (Authorized by and implementing K.S.A. 2008 Supp. 65-6111; effective May 1, 1985; amended July 17, 1989; amended Jan. 31, 1997; amended July 10, 2009.)

Article 3.—STANDARDS FOR AMBULANCE
ATTENDANTS, FIRST RESPONDERS,
AND DRIVERS

109-3-1. Standards for ambulance attendants. Each attendant shall be at least 17 years of age. (Authorized by and implementing K.S.A. 65-6110; effective July 17, 1989; amended Jan. 31, 1997; amended July 10, 2009.)

Robert Waller
Executive Director

Doc. No. 037190

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2840. “Forest of \$50s” instant ticket lottery game number 193. (a) The Kansas lottery shall conduct an instant winner lottery game entitled “Forest of \$50s” commencing on or after June 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2840.

(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) “Forest of \$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

121,694

\$308,760

(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-111-6-5-09, May 13, 2009.)

111-4-2841. “Handyman \$100s” instant ticket lottery game number 194. (a) The Kansas lottery shall conduct an instant winner lottery game entitled “Handyman \$100s” commencing on or after June 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2841.

(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) “Handyman \$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 |
| 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 |

(continued)

TOTAL 115,346 \$310,000

(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-111-6- 5-09, May 13, 2009.)

111-4-2842. "Double Doubler" instant ticket lottery game number 195. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Double Doubler" commencing on or after June 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4- 2842.

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

| | |
|----------------------|-----------------|
| Prize Symbols | Captions |
| \$1. ⁰⁰ | ONE\$ |
| \$2. ⁰⁰ | TWO\$ |
| \$5. ⁰⁰ | FIVE\$ |
| 20. ⁰⁰ | TWENTY |
| 40. ⁰⁰ | FORTY |
| \$2500 | TWYFHUN |
| \$5000 | FIVTHOU |
| Play Symbols | Captions |
| SINGLE PRIZE | |
| DOUBLE PRIZE | |
| DOUBLE DOUBLER | |

(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 |
| TWO | = | \$2.00 |
| FOR | = | \$4.00 |
| FIV | = | \$5.00 |
| TEN | = | \$10.00 |
| TWY | = | \$20.00 |
| FRY | = | \$40.00 |
| ETY | = | \$80.00 |

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

(g) "Double Doubler" is a match three of six game with a "DOUBLE PRIZE" and a "DOUBLE DOUBLER" feature. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "PRIZE LEVEL." The "PRIZE LEVEL" will be either the words "SINGLE PRIZE," the words "DOUBLE PRIZE," or the words "DOUBLE DOUBLER." If a player matches three like prize amounts and the words "SINGLE PRIZE" are revealed, the player wins the prize amount shown. If a player matches three like prize amounts and the words "DOUBLE PRIZE" are revealed, the player wins double the prize amount shown. If a player matches three like prize amounts and the words "DOUBLE DOUBLER" are revealed, the player wins four times the prize amount shown.

(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:

| Get | Prize | Expected Number of Prizes in Game | Expected Value in Game |
|----------------------------------|----------|-----------------------------------|------------------------|
| 3 - \$1's + (single prize) | \$1 | 48,000 | \$48,000 |
| 3 - \$2's + (single prize) | \$2 | 12,600 | 25,200 |
| 3 - \$1's + (double prize) | \$2 | 15,600 | 31,200 |
| 3 - \$1's + (double doubler) | \$4 | 7,000 | 28,000 |
| 3 - \$5's + (single prize) | \$5 | 8,000 | 40,000 |
| 3 - \$5's + (double prize) | \$10 | 5,200 | 52,000 |
| 3 - \$5's + (double doubler) | \$20 | 3,000 | 60,000 |
| 3 - \$20's + (double prize) | \$40 | 260 | 10,400 |
| 3 - \$40's + (single prize) | \$40 | 80 | 3,200 |
| 3 - \$20's + (double doubler) | \$80 | 20 | 1,600 |
| 3 - \$2,500's + (single prize) | \$2,500 | 3 | 7,500 |
| 3 - \$5,000's + (double prize) | \$10,000 | 2 | 20,000 |
| 3 - \$2,500's + (double doubler) | \$10,000 | 3 | 30,000 |
| TOTAL | | <u>99,768</u> | <u>\$357,100</u> |

(k) The odds of winning a prize in this game are approximately one in 6.01. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T- 111-6-5-09, May 13, 2009.)

111-4-2843. "Wild Bill" instant ticket lottery game number 196. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Wild Bill" commencing on or after June 1, 2009. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2843.

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

| | |
|---------------------------|-----------------|
| Play/Prize Symbols | Captions |
| FREE | TICKET |
| \$1. ⁰⁰ | ONE\$ |
| \$2. ⁰⁰ | TWO\$ |
| \$4. ⁰⁰ | FOUR\$ |
| \$5. ⁰⁰ | FIVE\$ |
| 10. ⁰⁰ | TEN\$ |
| 20. ⁰⁰ | TWENTY |
| 40. ⁰⁰ | FORTY |
| \$100\$ | ONE-HUN |
| \$500\$ | FIVHUN |
| \$1500 | FTENHUN |
| \$3000 | THRTHOU |
| WILD | DOUBLER |

(c) For this game, a play/prize 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 |
| ONE | = | \$1.00 |
| TWO | = | \$2.00 |
| FOR | = | \$4.00 |
| FIV | = | \$5.00 |
| TEN | = | \$10.00 |

| | |
|-------|----------|
| TWY = | \$20.00 |
| FRY = | \$40.00 |
| HUN = | \$100.00 |
| FHN = | \$500.00 |

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

(g) "Wild Bill" is a match three of six prize amounts or a match two prize amounts plus a "WILD" symbol to win double the prize amount. A player will remove the scratch-off material covering the game play area to reveal six prize amounts or five prize amounts and a "WILD" symbol. If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus a "WILD" symbol, the player wins double the 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 | 56,000 | \$0 |
| 3 - \$1.00's | \$1 | 24,000 | 24,000 |
| 2 - \$1.00's & (D) | \$2 | 19,000 | 38,000 |
| 3 - \$2.00's | \$2 | 19,000 | 38,000 |
| 2 - \$2.00's & (D) | \$4 | 6,200 | 24,800 |
| 3 - \$4.00's | \$4 | 6,200 | 24,800 |
| 3 - \$5.00's | \$5 | 8,000 | 40,000 |
| 2 - \$5.00's & (D) | \$10 | 2,600 | 26,000 |
| 3 - \$10.00's | \$10 | 2,200 | 22,000 |
| 2 - \$10.00's & (D) | \$20 | 760 | 15,200 |
| 3 - \$20.00's | \$20 | 680 | 13,600 |
| 2 - \$20.00's & (D) | \$40 | 180 | 7,200 |
| 3 - \$40.00's | \$40 | 140 | 5,600 |
| 3 - \$100.00's | \$100 | 52 | 5,200 |
| 3 - \$500.00's | \$500 | 16 | 8,000 |
| 2 - \$1,500's & (D) | \$3,000 | 4 | 12,000 |
| 3 - \$3,000's | \$3,000 | 4 | 12,000 |
| TOTAL | | <u>145,036</u> | <u>\$316,400</u> |

(D) - denotes doubler symbol.

(k) The odds of winning a prize in this game are approximately one in 4.14. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-6-5-09, May 13, 2009.)

PAINTED BYWAYS DRAWING

111-4-2844. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Painted Byways," and will accept entries on and after the day Kansas lottery "Painted Byways" instant tickets are first offered for sale to the general public and ending on the date specified in K.A.R. 111-4-2847. The drawing will be held on or about November 13, 2009. Rules applicable to this drawing are contained in K.A.R. 111-4-2844 through 111-4-2848 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-6-5-09, May 13, 2009.)

111-4-2845. 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) "Painted Byways Drawing" means the act of drawing prizes conducted by the Kansas Lottery on the dates described in K.A.R. 111-4-2847, in which participants are selected to win prizes as described in K.A.R. 111-4-2846.

(c) "Non-winning ticket" means any valid Kansas "Painted Byways" instant game lottery 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-111-6-5-09, May 13, 2009.)

111-4-2846. Prize. (a) The first winner drawn in the "Painted Byways Drawing" shall receive his or her choice of nine original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(b) The second winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining eight original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(c) The third winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining seven original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(d) The fourth winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining six original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(e) The fifth winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining five original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(f) The sixth winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining four original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(g) The seventh winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining three original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(h) The eighth winner drawn in the "Painted Byways Drawing" shall receive his or her choice of the remaining two original Kansas Byways paintings by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(i) The ninth winner drawn in the "Painted Byways Drawing" shall receive the last original Kansas Byways painting by artist Stan Herd, having an approximate value of \$4,446, and mandatory federal and state income withholding taxes.

(continued)

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

(k) The winner of a prize shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the thirtieth day following the day of the drawing 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.

(l) If any prize for some reason is not available, the lottery shall have the right to substitute an alternate prize of approximate equal value. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-6-5-09, May 13, 2009.)

111-4-2847. Method of entry. (a) Entry into the "Painted Byways Drawing" shall be accomplished as follows:

(1) Obtain a valid "Painted Byways" Kansas instant 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 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) Players may deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for said purpose until 5:00 p.m. on Tuesday, November 10, 2009.

(6) Entries other than those entered pursuant to subsection (a)(5) herein shall be mailed with proper postage to "Painted Byways Drawing, c/o Kansas lottery, P. O. Box 4568, Topeka, Kansas 66604-0568." Mailed entries must be received by morning mail pickup on Tuesday, November 10, 2009. More than one entry may be mailed in one envelope.

(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 by the lottery on or about November 13, 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. Entries in a drawing are not eligible for another drawing and will be destroyed following the drawing for which they were eligible.

(c) Only valid non-winning "Painted Byways" tickets that are mailed with proper postage to the address set forth above, and tickets deposited into any receptacle designated by the lottery as provided in the rules herein shall be eligible for the drawing. All tickets so mailed or deposited shall be secured by the lottery until the drawing is conducted.

(d) Eligible entrants in this 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 con-

stitutes authorization to identify publicly the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-6-5-09, May 13, 2009.)

111-4-2848. Selection of winners. The following process shall be used for the selection of winners in the "Painted Byways Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing tickets for this drawing 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, November 10, 2009, for the drawing on or about November 13, 2009. Following the final 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 the drawing receptacle or drum along with all entries deposited into any other receptacle designated by the lottery.

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

(c) At the drawing, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to each 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) At the drawing, 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 one of the grand prizes identified in these rules, subject to validation by the lottery as set forth in these rules.

(e) After nine valid grand prize winners have been drawn and verified as valid, four more valid entries will be drawn, one at a time to serve as alternate entries for the prizes. The alternate entries will be marked in order drawn, 1A, 2A, 3A, and 4A. Each winner shall have until 5:00 p.m. on the thirtieth day following the drawing to present the fully-executed claim form to lottery headquarters. If a prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, that prize will be awarded to the first alternate entry drawn. The alternates will be used, if necessary, in the order drawn.

(f) The Kansas lottery security official present shall review each ticket 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 herein above.

(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 non-winning "Painted Byways" instant tickets are eligible for the drawing.

(i) All tickets remaining in the drum or receptacle after the winners and alternatives have been selected in this drawing, 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-111-6-5-09, May 13, 2009.)

Ed Van Petten
Executive Director

Doc. No. 037184

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 |
| 4-15-5 | Amended | V. 28, p. 690 |
| 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 | | |
| through | | |
| 22-6-27 | New | V. 27, p. 1835-1837 |

AGENCY 26: DEPARTMENT ON AGING

| Reg. No. | Action | Register |
|-----------|---------|-------------------|
| 26-39-100 | | |
| through | | |
| 26-39-105 | New | V. 28, p. 615-623 |
| 26-39-144 | Revoked | V. 28, p. 623 |
| 26-39-243 | Revoked | V. 28, p. 649 |
| 26-39-278 | Revoked | V. 28, p. 649 |
| 28-39-427 | Revoked | V. 28, p. 649 |
| 26-41-101 | | |
| through | | |
| 26-41-106 | New | V. 28, p. 649-651 |
| 26-41-200 | | |
| through | | |
| 26-41-207 | New | V. 28, p. 652-657 |
| 26-42-101 | New | V. 28, p. 657 |
| 26-42-102 | New | V. 28, p. 658 |
| 26-42-104 | New | V. 28, p. 659 |
| 26-42-105 | New | V. 28, p. 659 |
| 26-42-200 | | |
| through | | |
| 26-42-207 | New | V. 28, p. 659-664 |
| 26-44-101 | | |
| through | | |
| 26-44-106 | New | V. 28, p. 664-667 |
| 26-43-200 | | |
| through | | |
| 26-43-207 | New | V. 28, p. 667-671 |

(continued)

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for various health and environmental topics.

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for social and rehabilitation services.

30-63-32 New V. 27, p. 664
30-64-24 Revoked V. 27, p. 665

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for insurance.

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for corrections.

AGENCY 49: DEPARTMENT OF LABOR

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for labor.

AGENCY 60: BOARD OF NURSING

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for nursing.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for mortuary arts.

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for technical professions.

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for various agencies.

AGENCY 68: BOARD OF PHARMACY

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for pharmacy.

AGENCY 69: BOARD OF COSMETOLOGY

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for cosmetology.

AGENCY 71: KANSAS DENTAL BOARD

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for dental.

AGENCY 74: BOARD OF ACCOUNTANCY

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for accountancy.

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for securities.

AGENCY 82: STATE CORPORATION COMMISSION

Table with columns: Reg. No., Action, Register. Rows include amendments and new regulations for state corporation commission.

| | | |
|---------|---------|-------------------|
| 82-14-1 | | |
| through | | |
| 82-14-5 | Amended | V. 28, p. 967-971 |
| 82-14-6 | New | V. 28, p. 972 |

AGENCY 84: PUBLIC EMPLOYEE RELATIONS BOARD

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 84-2-1 | Amended | V. 28, p. 872 |

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 |
| 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 |
| 92-12-145 | Amended | V. 28, p. 604 |
| 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 |
| 99-25-5 | Amended | V. 28, p. 522 |
| 99-25-9 | Amended | V. 27, p. 108 |
| 99-25-11 | New | V. 27, p. 109 |
| 99-26-1 | Amended | V. 28, p. 522 |
| 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 |
| 100-28a-10 | Amended | V. 28, p. 572 |
| 100-29-7 | Amended | V. 27, p. 209 |
| 100-49-4 | Amended (T) | V. 28, p. 923 |
| 100-54-4 | Amended | V. 27, p. 209 |
| 100-55-4 | Amended | V. 27, p. 209 |
| 100-55-9 | Amended | V. 28, p. 572 |
| 100-69-1 | Amended | V. 27, p. 1672 |
| 100-69-2 | Revoked | V. 27, p. 1672 |
| 100-69-10 | Amended | V. 28, p. 572 |
| 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 |
| 100-73-1 | Amended (T) | V. 28, p. 923 |
| 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 |
|----------|---------|----------------|
| 109-5-2 | Amended | V. 28, p. 574 |
| 109-5-3 | Amended | V. 28, p. 574 |
| 109-5-5 | New | V. 27, p. 1548 |
| 109-5-6 | New | V. 28, p. 575 |
| 109-6-3 | Revoked | V. 28, p. 575 |
| 109-15-1 | New | V. 28, p. 575 |
| 109-15-2 | New | V. 28, p. 576 |

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 |

(continued)

| | | |
|------------|---------|---------------------|
| 111-2-224 | New | V. 28, p. 853 |
| 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 |
| 111-4-2800 | | |
| through | | |
| 111-4-2814 | New | V. 28, p. 516-522 |
| 111-4-2815 | | |
| through | | |
| 111-4-2838 | New | V. 28, p. 853-871 |
| 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 |
|------------|--------|---------------------|
| 112-12-15 | New | V. 28, p. 797 |
| 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 |
| 115-4-1 | Amended | V. 28, p. 569 |
| 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. 28, p. 571 |
| 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 |

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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In this issue . . .

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

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