



# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 29, No. 3

January 21, 2010

Pages 45-96

In this issue . . .	Page
<b>Historic Sites Board of Review</b>	
Notice of meeting .....	47
<b>Kansas Department of Transportation</b>	
Notice to consulting engineers .....	47
Notice to contractors.....	48
Requests for comments on the Statewide Transportation Improvement Program .....	49
<b>Kansas Department of Revenue</b>	
Notice of available publications.....	49
<b>Kansas Water Authority</b>	
Notice of meetings.....	49
<b>Department of Administration—Division of Facilities Management</b>	
Notices of commencement of negotiations for engineering services .....	50
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases .....	50
<b>University of Kansas</b>	
Notice to bidders.....	51
<b>Kansas State University</b>	
Notice to bidders.....	51
<b>Wichita State University</b>	
Notice to bidders.....	51
<b>Board of Emergency Medical Services</b>	
Notice of meetings.....	51
<b>Office of the Governor</b>	
Executive Orders 07-27, 08-07, 08-08 and 08-09.....	51
<b>State Employees Health Care Commission</b>	
Notice of meeting .....	54
<b>Legislative bills and resolutions introduced January 11-13 .....</b>	<b>54</b>
<b>Department of Health and Environment</b>	
Annual Program Report for the Voluntary Cleanup and Property Redevelopment Program.....	56
Notice concerning water pollution control permits/applications .....	59
Request for comments on proposed air quality permit.....	60
Notice of 2009 major administrative actions at hazardous waste facilities .....	60
Notices of hearings on Total Maximum Daily Loads .....	61
Notice of hearings on the 2010 Kansas List of Impaired Waters .....	62
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	63

(continued on next page)

**Notice of Bond Sale**

Hesston Public Building Commission .....	63
City of Wichita .....	64
Unified Government of Wyandotte County/Kansas City, Kansas.....	65

**Permanent Administrative Regulations**

Department of Wildlife and Parks .....	67
Department of Agriculture.....	69

**Temporary Administrative Regulations**

Kansas Lottery .....	73
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<b>Index to administrative regulations.....</b>	<b>91</b>
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State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consulting engineering firm, prequalified in category 323, for the project listed below. Eight signed copies of the response can be mailed to David Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Interest responses shall be limited to four pages and must be received by noon February 2 for the consulting engineering firm to be considered.

Firms not prequalified with KDOT must submit seven copies of KDOT Form 1050 to become prequalified. The form is available at [www.ksdot.org/divengdes/prequal](http://www.ksdot.org/divengdes/prequal).

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

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

**106 KA-1675-01  
Statewide**

This project is to investigate and prepare reports for underwater bridge inspections in accordance with FHWA-DP-90-1 within calendar year 2010. The project has 21 locations, which includes four Missouri River crossings. The consultant will need to augment the underwater diving inspections with side-scan radar technology. The consultant also will be an "on-call" consultant for additional underwater inspections through 2014 as warranted by flood events.

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

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

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

- Valid, reliable and current costs must be available within the system to support cost and pricing data;
- capability to provide a means of measuring the reasonableness of incurred costs;
- capability to identify and accumulate allowable costs by contract or project records that will reconcile with the general ledger; and

- ability to provide supporting documentation of actual expenditures for each billing, based on costs.

Deb Miller  
Secretary of Transportation

Doc. No. 037894

State of Kansas

Historic Sites Board of Review

Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, February 20, in classrooms A and B in the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka. The board will consider the following items concerning the National Register of Historic Places and the Register of Historic Kansas Places:

Nominations to the National Register of Historic Places:

**Topeka Provident Association Building** — 333-335 S.W. Jackson, Topeka, Shawnee County

**Union Town Cemetery** — Northwest Douglas Road, Willard vicinity, Shawnee County

**McKimmons Barn** — Kansas Highway 99, .25 mile south of Westmoreland, Pottawatomie County (Nominated as part of the "Historic Agriculture-Related Resources of Kansas" MPS)

**Shay Building** — 202 S. Broadway Ave., Sterling, Rice County

**Rock Island Depot** — 200 S.E. 5th St., Abilene, Dickinson County (Nominated as part of the "Historic Railroad Resources of Kansas" MPS)

**Santa Fe Depot** — Between Main Street and Smith Street, Holyrood, Ellsworth County (Nominated as part of the "Historic Railroad Resources of Kansas" MPS)

**Bartlett Arboretum** — Southwest corner of Highway 55 and Line Street, Belle Plaine, Sumner County

Request for Removal from the National Register of Historic Places:

**East Side School** — Corner of Third Street and Iowa Street, Oswego, Labette County (Demolished)

Request for Removal from the Register of Historic Kansas Places:

**Women's Civic Center** — 925 N. Main St., Hutchinson, Reno County (Demolished)

Anyone requiring special accommodations to attend the meeting should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, (785) 272-8681, ext. 240, at least two weeks prior to the meeting to discuss how the board can ensure participation.

Jennie Chinn  
Executive Director

Doc. No. 037943

## 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. February 17 and then publicly opened:

**District One — Northeast**

**Douglas**—24-23 KA-0389-01 — U.S. 24 Mud Creek Bridge, 2.3 miles east of the south junction of U.S. 59, bridge replacement. (Federal Funds)

**Johnson**—435-46 KA-0005-01 — I-435 interchange in the city of Lenexa, seeding and sodding, 0.4 mile. (Federal Funds)

**Marshall**—36-58 KA-1691-01 — U.S. 36 from the east city limits of Marysville east to the junction of K-87, milling and overlay, 15.8 miles. (State Funds)

**Osage**—56-70 K-9653-01 — U.S. 56, 110 Mile Creek drainage bridge, 0.4 mile west of the junction of U.S. 75, bridge replacement. (Federal Funds)

**Riley**—113-81 KA-1695-01 — K-113 from the junction of K-18 north to the junction of U.S. 24, overlay, 5.6 miles. (State Funds)

**Riley-Pottawatomie**—13-106 KA-1367-01 — K-13 from the north junction of U.S. 24 north to the Riley/Pottawatomie county line; K-13 from the Riley/Pottawatomie county line north to the junction of K-16, recycle and overlay, 14.3 miles. (State Funds)

**Shawnee**—70-89 KA-0005-02 — I-70 and Kansas Turnpike Authority interchange in the city of Topeka, seeding and sodding, 0.4 mile. (Federal Funds)

**District Two — Northcentral**

**Cloud**—24-15 KA-0709-01 — U.S. 24 West Pipe Creek drainage bridge, 0.2 mile east of U.S. 81, bridge replacement. (Federal Funds)

**Jewell**—128-45 KA-0687-01 — K-128 Limestone Creek drainage and Limestone Creek bridge, bridge replacement. (Federal Funds)

**Lincoln**—181-53 KA-1605-01 — K-181 bridge 8 miles northeast of the Russell County line, bridge repair. (State Funds)

**District Three — Northwest**

**Smith**—281-92 KA-0713-01 — U.S. 281 White Rock Creek north branch bridge, 12 miles north of U.S. 36, bridge replacement. (Federal Funds)

**District Four — Southeast**

**Chautauqua**—10 C-4180-01 — County road 2.0 miles north of Niotaze, grading, bridge and surfacing, 0.2 mile. (Federal Funds)

**Franklin**—30 C-4149-01 — County road 1.8 miles north of Rantoul, grading, bridge and surfacing 0.3 mile. (Federal Funds)

**Wilson-Woodson**—106 KA-1749-01 — K-105 from the junction of U.S. 54 to the west side of Toronto Dam; U.S. 75 from the Wilson/Woodson county line north to the south city limits of Yates Center; U.S. 75 from the west

junction of K-39 to the Wilson/Woodson county line, milling and overlay, 23.3 miles. (State Funds)

**District Five — Southcentral**

**Butler**—196-8 KA-1768-01 — K-196 from the Butler/Harvey county line east 18.6 miles, milling and overlay. (State Funds)

**Pawnee**—73 C-4468-01 — County road 2 miles north and 3.8 miles west of Rozel, grading and bridge, 0.1 mile. (Federal Funds)

**Sedgwick**—87 KA-1753-01 — U.S. 54 at Sycamore, Laura and Hillside streets; I-235 at Sycamore, Laura and Hillside streets; K-254 from the Hydraulic Bridge west 0.2 mile; West Ridge Road on U.S. 54 from Mile Post 210.40 east to the off ramp, milling and overlay, 5.8 miles. (State Funds)

**District Six — Southwest**

**Ford**—34-29 KA-0694-01 — K-34 Bridge at west fork Rattlesnake Creek, 0.4 mile south of Bucklin, bridge replacement. (Federal Funds)

**Gray**—50-35 KA-0423-01 — U.S. 50 from the Finney-Gray county line east to the west city limits of Cimarron, shoulder construction, 18.1 miles. (Federal Funds)

**Note:** A mandatory pre-bid conference is scheduled for this project at 1:30 p.m. Tuesday, February 9, at the KDOT District Six conference room, 121 N. Campus Drive, Garden City.

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. 037941

## 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 2010-2013 by adding the following projects:

**Project KA-0067-01**, Construct Parking Area and Bus Turnaround, Pioneer Bluffs Prairie Information and Education Center, Chase County

**Project KA-0068-01**, Develop a Comprehensive Project Plan and Implement Various Aspects to Promote Scenic Byways in Kansas

**Project KA-0069-01**, Digital Media, Web site Development and Marketing for Scenic Byways in Kansas

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/Hearing Impaired-711).

The comment period regarding the STIP amendment will conclude February 22.

Deb Miller  
Secretary of Transportation

Doc. No. 037930

## State of Kansas

## Department of Revenue

## Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for December 2009. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

**Private Letter Rulings**

No new publications

**Opinion Letters**

No new publications

**Final Written Determinations**

No new publications

**Revenue Rulings**

No new publications

**Notices**

09-12 Spouses of United States military servicemembers; implementation of the Federal Military Spouses Residency Relief Act (S.475).

**Memorandums**

No new publications

**Property Valuation Division Directives**

No new publications

**Q&A's**

No new publications

**Information Guides**

No new publications

Joan Wagnon  
Secretary of Revenue

Doc. No. 037923

## State of Kansas

## Kansas Water Authority

## Notice of Meetings

The Kansas Water Authority will meet Wednesday and Thursday, January 27-28, in the Kansas Department of Transportation Auditorium in the Eisenhower State Office Building, 700 S.W. Harrison, Topeka. The meeting will begin at 1 p.m. January 27 and at 9:30 a.m. January 28.

The agenda is posted on the Kansas Water Office Web site, [www.kwo.org](http://www.kwo.org), or an agenda may be requested by calling (785) 296-3185 or toll free (888) 526-9283 (KAN-WATER). If special accommodations are needed at the meeting site, please contact the Kansas Water Office at least two days in advance of the meeting.

Steve Irsik  
Chairman

Doc. No. 037903

## 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 2010-2013 by adding the following American Recovery and Reinvestment Act project:

**Project C-0005-01**, Surfacing, RS-107 from US-66 at Riverton south to Lowell, Cherokee County

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 February 22.

Deb Miller  
Secretary of Transportation

Doc. No. 037946

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations  
for "On-Call" Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" engineering services for restricted (small) projects at Fort Hays State University. Contracts will be for three years.

Two firms are required: one to provide MEP engineering services and one to provide civil-structural engineering services. Firms should designate which discipline they are submitting their proposal for when making their submittal.

For more information concerning the scope of services, contact Dana Cunningham, (785) 628-4424. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Capital Improvement Project Qualifications forms (051-054) and information regarding similar projects. State of Kansas Professional Qualifications form(s) (050) for each firm and consultant should be provided at the end. Proposals should be concise and follow the current State Building Advisory Commission guidelines. The guidelines and forms are available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon February 5.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 037935

## State of Kansas

**Department of Administration  
Division of Facilities Management**

**Notice of Commencement of Negotiations  
for "On-Call" Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" engineering services for hydrologic and hydraulic analysis and floodplain mapping for various counties in Kansas. The Kansas Department of Agriculture, Division of Water Resources, wishes to contract for the performance of field survey reconnaissance, hydrologic and hydraulic analysis of streams that drain greater than one square mile using either approximate or detailed methods, redelineation of effective detailed information using updated topography, and digitization of existing floodplain data for stream stretches. This work will be used to generate flood insurance study (FIS) data and digital flood insurance rate maps (DFIRMs) for the area. It is anticipated that one to five counties will be mapped in the first year of this on-call contract.

For more information concerning the scope of services, contact Andy Megrail, Department of Agriculture, (785) 296-2513.

To be considered, one (1) .pdf file and one (1) bound proposal of the following should be provided: State of Kansas Capital Improvement Project Qualifications forms (051-054), information regarding similar projects, and a State of Kansas Professional Qualifications form (050) for each firm and consultant. Proposals should be concise and follow the current State Building Advisory Commission guidelines. The guidelines and forms are available to firms at [www.da.ks.gov/fp/](http://www.da.ks.gov/fp/) or by contacting Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, [Phyllis.Fast@da.ks.gov](mailto:Phyllis.Fast@da.ks.gov). Submittals should be received by Phyllis Fast before noon February 5.

Marilyn L. Jacobson, Director  
Division of Facilities Management

Doc. No. 037934

## 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:

02/02/2010	12772	Enhancing Childhood Quality
02/02/2010	12775	Trailer, Equipment, Tilt Top
02/13/2010	12773	Legal Services
02/04/2009	12771	Ready Mix Concrete
02/11/2010	12766	Earthmoving, Fall River
02/24/2010	12713	Prescription Drug Program

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/](http://www.da.ks.gov/fp/).

02/02/2010	A-011165	Subarea Bay Addition, Department of Transportation, Great Bend
02/09/2010	A-011312	Partial TPO Reroof, Wichita Work Release Facility, Wichita
02/11/2010	A-010856	West Wing Reroof and Parapet Repair, Strong Hall, University of Kansas, Lawrence
02/11/2010	A-011059	Utility Tunnel Deferred Maintenance – Phase III, University of Kansas, Lawrence

Chris Howe  
Director of Purchases

Doc. No. 037945

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](mailto:purchasing@ku.edu) to request a copy of a current bid.

Barry K. Swanson  
Associate Comptroller/  
Director of Purchasing Services

Doc. No. 037757

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](mailto:cbishop@ksu.edu) to request a copy of a current bid.

Carla Bishop  
Director of Purchasing

Doc. No. 037624

State of Kansas

Wichita State University

Notice to Bidders

Wichita State University encourages interested vendors to visit the Wichita State University Office of Purchasing Web site at [wichita.edu/purchasing](http://wichita.edu/purchasing) for a complete listing of all transactions for which Wichita State University, or one of the consortia commonly utilized by WSU, is seeking competitive bids. Paper postings of WSU Office of Purchasing bid transactions may be viewed at the Office of Purchasing, 1845 Fairmount, Room 021 Morrison Hall, Wichita, or persons may contact the Office of Purchasing at (316) 978-3080, by fax at (316) 978-3528, or by e-mail at [steven.white@wichita.edu](mailto:steven.white@wichita.edu) to request a copy of a current bid.

Steve White  
Director of Purchasing

Doc. No. 037745

State of Kansas

Board of Emergency Medical Services

Notice of Meetings

The Board of Emergency Medical Services will meet at 9 a.m. Friday, February 5, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Meetings of the Planning and Operations Committee, the Education, Examination, Certification and Training Committee, the Executive Committee, and the Investigations Committee will be held Thursday, February 4, starting at 9 a.m. in the same location.

Items on the agenda for the board meeting can be found on the board's Web site at <http://www.ksbems.org>.

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

Robert Waller  
Executive Director

Doc. No. 037944

(Editor's Note: The following Executive Orders were filed with the Secretary of State's Office but were inadvertently never submitted for publication. The orders are being published below in their order of filing.)

State of Kansas

Office of the Governor

Executive Order 07-27

WHEREAS, Kansas recognized the importance of public safety and protection of public and private property throughout the state; and

WHEREAS, efficient emergency response is paramount to the safety of Kansas' citizens and visitors, and for the protection of public and private property throughout the state; and

WHEREAS, emergency responders commonly rely upon radio frequencies and technologies that are often not interoperable; and

WHEREAS, the lack of communications interoperability has the potential to create inefficiencies during emergency response and disaster recovery efforts; and

WHEREAS, interoperable public safety communications between and within jurisdictions is critical to the mission of public safety; and

WHEREAS, the attainment of interoperable communications requires statewide coordination and leadership.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Statewide Interoperability Executive Committee ("SIEC") with the following purposes and charges:

1. Conduct an assessment to better understand the current baseline of communications interoperability in the State of Kansas.
2. Identify and recommend future technologies that will enhance the communications interoperability capability within the State of Kansas.
3. Create a Statewide Communications Interoperability Plan.

(continued)

4. Manage implementation of the Interoperability Plan.
5. Create statewide best practices, policies, procedures, and protocols for communications interoperability.
6. Provide training opportunities related to communications interoperability for all necessary and authorized public safety practitioners.
7. Provide that the SIEC shall be comprised of a representative who has been given authority to represent the following agencies or organizations:
  - a. Kansas Adjutant General
  - b. Kansas Highway Patrol
  - c. Kansas Department of Transportation
  - d. Kansas Sheriff's Association
  - e. Kansas Association of Chiefs of Police
  - f. Kansas State Association of Fire Chiefs
  - g. Kansas Emergency Management Association
  - h. Kansas State Board of Emergency Medical Services
  - i. Kansas Chapter of Association of Public Safety Communications Officials
8. Provide that the SIEC may designate other members as it believes would further its mission.
9. Provide that the SIEC membership shall be for open-ended terms, and the Chair and Vice-Chair shall be selected by the members on an annual basis.
10. Direct the Kansas Adjutant General to provide staff support for the SIEC.
11. Members of the SIEC shall not receive compensation, subsistence, allowance or associated expenses. Officers or employees of state agencies who are appointed to the SIEC as part of their duties shall be authorized to participate on the SIEC and may claim subsistence, allowance, mileage or associated expenses as permitted by law.

This document shall be filed with the Secretary of State as Executive Order No. 07-27 and shall become effective immediately.

Dated December 20, 2007.

Kathleen Sebelius  
Governor  
Attest: Ron Thornburgh  
Secretary of State

#### Executive Order 08-07

WHEREAS, the Director of the Kansas Water Office has informed me, pursuant to K.S.A. 74-2608, of the drought conditions present within the state; and

WHEREAS, much of far western and southwest Kansas has experienced severely deficient precipitation in recent months resulting in deficient soil moisture and below normal streamflow; and

WHEREAS, the Kansas Emergency Management Act (K.S.A. 48-924 et seq.) states that the Governor shall be responsible for meeting the dangers to the state and its people from disasters, including drought.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby:

1. Declare a Drought Warning or Drought Watch for the counties identified below; and
2. Authorize and direct all agencies under the jurisdiction of the Governor to implement the appropriate Watch or Warning -level drought response actions assigned to them in the Operations Plan of the Governor's Drought Response Team.

Drought Warning counties by Climate/Crop Reporting District:

Southwest: Grant, Hamilton, Morton, Stanton and Stevens.

Drought Watch counties by Climate/Crop Reporting District:

West Central: Greeley, Scott and Wichita.

Southwest: Finney, Haskell, Kearney, Meade and Seward.

County drought stages declared in this Executive Order shall remain in effect for 60 days or until revised or rescinded by a subsequent Executive Order.

This document shall be filed with the Secretary of State as Executive Order No. 08-07 and shall become effective immediately.

Dated June 11, 2008.

Kathleen Sebelius  
Governor  
Attest: Ron Thornburgh  
Secretary of State

#### Executive Order 08-08

WHEREAS, the Kansas Department of Commerce ("Commerce") and the Kansas Department of Transportation ("KDOT") have jointly provided services and support to minority and women owned businesses seeking to obtain certification as Disadvantaged Business Enterprises ("DBEs"); and

WHEREAS, Commerce has assisted KDOT through the certification of women and minority businesses that are not seeking to perform work on KDOT projects. These certifications were issued utilizing 49 Code of Federal Regulation followed by the U.S. Department of Transportation; and 13 Code of Federal Regulation to determine small business size; and

WHEREAS, the State of Kansas recognizes that small, minority and women owned businesses are critical to the growth and development of the Kansas economy; and

WHEREAS, there is a need to create programs that would assist small, minority and women owned businesses by increasing their business opportunities with entities that have established goals to utilize, small, minority and women owned businesses; and

WHEREAS, the State of Kansas currently offers Disadvantaged Business Enterprise Certification, which means that the businesses are at least 51% owned by one or more socially and economically disadvantaged individuals; and

WHEREAS, the State of Kansas, recognizes that there is a segment of minority and women owned businesses that are socially disadvantaged, but do not meet the requirement for classification as being economically dis-

advantaged, because their gross receipts and/or personal net worth exceeds the DBEs Program size standards. Thus, these businesses do not qualify for the current certification and are unable to participate or compete for certain contracting and procurement bids; and

WHEREAS, it is important that the State encourages the development of opportunities that can be gained by offering certification to those minority and/or women owned businesses that are not economically disadvantaged, but are still underutilized in the procurement and contracting arena; and

WHEREAS, small businesses are critical components of the Kansas economy; these businesses also bring dynamic ideas, innovative services and new products to the marketplace. Consequently, it is our desire to focus on small businesses through an expanded certification program, while leaving as prescribed by the Code of Federal Regulation the small business size requirement utilized by the DBEs Program.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby declare that the State of Kansas will expand the current certification program to include additional certification for Women Business Enterprises ("WBEs") and Minority Business Enterprises ("MBEs"). The companies who become certified will be exposed to contract opportunities from those in the private and public sectors who are seeking MBEs and WBEs. The course of action for this expansion is outlined below:

1. The Office of Minority and Women Business Development, Kansas Department of Commerce will offer MBEs/WBEs Certification to minority and women owned businesses; while, maintaining small business size limitations.
2. Commerce shall establish policies or rules to implement the certification program.
3. Commerce will be responsible for processing the MBEs and WBEs Certifications, while maintaining the current DBEs Certification process, in association with KDOT for those companies not performing on KDOT projects.
4. Commerce will be responsible for the following functions:
  - a. Promoting the certification program for Minority and Women Business Enterprises ("M/WBEs").
  - b. Developing policies, forms and procedures to carry out the requirements of the M/WBEs certification program.
  - c. Maintaining record-keeping data to determine the effectiveness of the program and the availability and utilization of eligible M/WBEs on projects.
  - d. Building partnerships and joint programming with other small, minority and women business advocate groups, such as the Kansas African American Affairs Commission, the Kansas Hispanic and Latino American Affairs Commission, the Kansas Small Business Development Center, Chambers of Commerce, Network Kansas and other small, minority and women business organizations as appropriate.

- e. Encouraging participation from the private sector as well as from the State of Kansas.
- f. Create a partnership with the Division of Purchases to reach out to minority and women owned businesses in order to increase awareness regarding procurement and contracting opportunities.
- g. Assist the Division of Purchases by marketing business opportunities to M/WBEs vendors.
- h. Participate in outreach activities to market participation in the state bidding process as well as the certification program.

This document shall be filed with the Secretary of State as Executive Order No. 08-08 and shall become effective immediately.

Dated June 24, 2008.

Kathleen Sebelius  
Governor

Attest: Ron Thornburgh  
Secretary of State

#### Executive Order 08-09

WHEREAS, the State of Kansas must continue to be fiscally responsible as we enter the new fiscal year; and

WHEREAS, the moratorium placed on employee bonuses for Executive Branch agencies in Fiscal Years 2003 through 2008 resulted in fiscal savings; and

WHEREAS, the State of Kansas has an Award and Recognition Program that authorizes state agencies to recognize and reward employees based on designated program criteria.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby continue the moratorium on employee bonuses for Fiscal Year 2009 and maintain the dollar amount limit that was established in Fiscal Year 2006 to continue to provide for flexibility when awards are given through the State of Kansas Award and Recognition Program.

This moratorium applies to any bonus issued by contracted agreements, Memorandums of Agreement, Executive Directives, awards authorized by the Award and Recognition Program and Program Guidelines in excess of \$1,000 per employee per fiscal year, and unclassified bonuses in excess of \$1,000 per employee per fiscal year. No new contracted agreements and Memorandums of Agreement should include bonus provisions.

This moratorium does not apply to the longevity bonus or any cash award based on Memorandums of Agreement involving the Regent institutions' university police officers.

Any exceptions to this moratorium must be approved by the Office of the Governor.

This document shall be filed with the Secretary of State as Executive Order No. 08-09 and shall be effective June 15, 2008.

Dated June 30, 2008.

Kathleen Sebelius  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 037936

## State of Kansas

## State Employees Health Care Commission

## Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 1:30 p.m. Tuesday, January 26, in the KPERS boardroom, 611 S. Kansas Ave., Topeka. For more information, contact Laurie Knowlton with the State Employee Health Plan at (785) 296-6280.

Duane A. Goossen  
Chair

Doc. No. 037925

## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 11-13 by the 2010 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 058-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at [www.kslegislature.org](http://www.kslegislature.org).

## House Bills

**HB 2408**, An act concerning information technology; requiring state agencies to perform periodic reviews of network security, by Joint Committee on Information Technology.

**HB 2409**, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Legislative Post Audit Committee.

**HB 2410**, An act concerning school districts; relating to school finance; relating to at-risk pupils, by Legislative Post Audit Committee.

**HB 2411**, An act concerning controlled substances; relating to certain synthetic cannabinoids; amending K.S.A. 2009 Supp. 65-4105 and repealing the existing section, by Representative Olson.

**HB 2412**, An act concerning crimes, criminal procedure and punishment; relating to persons in the custody of the secretary of corrections; early release of the functionally incapacitated; early release of persons with terminal medical conditions; amending K.S.A. 22-3728 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2413**, An act relating to the disposition of district court fines, penalties and forfeitures and the funding of the alcohol and drug abuse treatment fund; amending K.S.A. 2009 Supp. 74-7336 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**HB 2414**, An act authorizing the state board of regents to convey certain real estate, by Legislative Educational Planning Committee.

**HB 2415**, An act concerning the state surplus property act; relating to state educational institutions; amending K.S.A. 2009 Supp. 75-6606 and repealing the existing section, by Legislative Educational Planning Committee.

**HB 2416**, An act making and concerning appropriations for the fiscal year ending June 30, 2010, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2417**, An act concerning judges; relating to district judges and district magistrate judges; amending K.S.A. 20-353 and 20-355 and repealing the existing sections, by Committee on Appropriations.

**HB 2418**, An act concerning the carbon dioxide reduction act; pertaining to liability of the state of Kansas; pertaining to rules and regulations; amending K.S.A. 2009 Supp. 55-1636 and 55-1637 and repealing the existing sections, by Joint Committee on Administrative Rules and Regulations.

**HB 2419**, An act concerning energy; relating to renewable energy generation units and energy storage devices, by Committee on Energy and Utilities.

**HB 2420**, An act concerning energy; relating to energy efficiency programs, by Committee on Energy and Utilities.

**HB 2421**, An act concerning energy; requiring schools of engineering to evaluate renewable, distributive generation and transmission technology upon request, by Committee on Energy and Utilities.

**HB 2422**, An act concerning energy; creating a Kansas energy science authority and providing for the powers and duties thereof; amending K.S.A. 2009 Supp. 79-213 and repealing the existing section, by Committee on Energy and Utilities.

**HB 2423**, An act concerning emergency telephone service; relating to fees, charges, collection and distribution; amending K.S.A. 2009 Supp. 12-5338 and 12-5361 and repealing the existing sections; also repealing K.S.A. 12-5301, 12-5303, 12-5304, 12-5305, 12-5306, 12-5307, 12-5308, 12-5309 and K.S.A. 2009 Supp. 12-5302, 12-5310, 12-5321, 12-5322, 12-5323, 12-5324, 12-5325, 12-5326, 12-5327, 12-5328, 12-5329, 12-5330, 12-5331, 12-5332, 12-5333, 12-5334, 12-5335, 12-5336, 12-5337, 12-5351, 12-5352, 12-5353, 12-5354, 12-5355, 12-5356, 12-5357, 12-5358, 12-5359 and 12-5360 and K.S.A. 2009 Supp. 12-5338, as amended by section 13, and 12-5361, as amended by section 14, by Committee on Energy and Utilities.

**HB 2424**, An act concerning insurance; providing coverage for telemedicine; amending K.S.A. 2009 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Vision 2020.

**HB 2425**, An act concerning workers compensation; pertaining to firefighters' exposure to certain health conditions on the job; amending K.S.A. 2009 Supp. 44-501 and repealing the existing section, by Committee on Vision 2020.

**HB 2426**, An act concerning agriculture; creating the agricultural land conservation program, by Committee on Vision 2020.

**HB 2427**, An act concerning healthcare; relating to telemedicine and telehealth monitoring; providing for reimbursement, by Committee on Vision 2020.

**HB 2428**, An act concerning drinking water supply lakes; imposing certain fees and surcharges, by Committee on Vision 2020.

**HB 2429**, An act concerning judges of the district court; relating to the reassignment of positions; amending K.S.A. 20-327, 20-333, 20-336, 20-348, 20-354 and 20-2908 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-338 and 20-354a, by Committee on Vision 2020.

**HB 2430**, An act concerning veterans; relating to post-traumatic stress disorder; relating to sentencing guidelines; amending K.S.A. 21-4703 and 21-4716 and K.S.A. 2009 Supp. 73-1209 and repealing the existing sections, by Committee on Vision 2020.

**HB 2431**, An act concerning the state conservation commission; creating the land preservation partner program; creating the land preservation partner fund, by Committee on Vision 2020.

**HB 2432**, An act concerning crimes, punishment and criminal procedure; relating to justified threat or use of force; amending K.S.A. 21-3211, 21-3212, 21-3214, 21-3215, 21-3216, 21-3217, 21-3218 and 21-3219 and repealing the existing sections, by Representative Carlson.

**HB 2433**, An act concerning state educational institutions; relating to the acquisition of property and services; amending K.S.A. 2009 Supp. 76-769 and repealing the existing section; also repealing K.S.A. 76-392, by Legislative Educational Planning Committee.

**HB 2434**, An act concerning state parks; relating to the naming thereof; amending K.S.A. 2009 Supp. 32-837 and repealing the existing section, by Committee on Appropriations.

**HB 2435**, An act concerning crimes, punishment and criminal procedure; relating to attempt, conspiracy and criminal solicitation to commit certain crimes; amending K.S.A. 21-3301, 21-3302, 21-3303, 21-3447, 21-3449, 21-3450, 21-3502, 21-3504, 21-3506, 21-3513, 21-3516 and 21-4643 and K.S.A. 2009 Supp. 21-4642 and repealing the existing sections, by Representative Kinzer.

**HB 2436**, An act designating bridge No. 62 on United States highway 77 in Marshall county as the Michael Hugh Breeding memorial bridge, by Representative Schwartz.

**HB 2437**, An act relating to license plates; concerning the Kansas arts license plate; relating to certain fees; amending K.S.A. 2009 Supp. 8-1,141 and repealing the existing section, by Committee on Transportation.

**HB 2438**, An act relating to motor vehicles; concerning restricted drivers' licenses; amending K.S.A. 2009 Supp. 8-2,101 and repealing the existing section, by Committee on Transportation.

**HB 2439**, An act regulating traffic; prohibiting the sending, reading or writing of text messages while operating a motor vehicle; amending

K.S.A. 2009 Supp. 8-2118 and repealing the existing section, by Committee on Transportation.

**HB 2440**, An act concerning crimes, criminal procedure and punishment; relating to the notification of victims of persons committed to the custody of the secretary of social and rehabilitation services; amending K.S.A. 22-3303, 22-3305, 22-3428, 22-3428a, 22-3430, 22-3431 and 22-3727 and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2441**, An act relating to crimes and punishment; prohibiting text messaging while operating a moving motor vehicle; amending K.S.A. 21-3404 and repealing the existing section, by Committee on Appropriations.

**HB 2442**, An act establishing the Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other state agencies; amending K.S.A. 2009 Supp. 75-2973 and 75-4319 and repealing the existing sections, by Committee on Appropriations.

### House Concurrent Resolutions

**HCR 5024**, A concurrent resolution providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

**HCR 5025**, A concurrent resolution amending joint rule 4 of the senate and house of representatives for the 2009-2010 biennium.

**HCR 5026**, A concurrent resolution requesting the Kansas supreme court, in cooperation with the judicial council, to make a survey and study of the Kansas court system; authorizing appointment of an advisory committee; providing and requiring a report thereon to the judiciary and the legislature.

### House Resolutions

**HR 6001**, A resolution relating to the organization of the House of Representatives.

**HR 6002**, A resolution relating to assignment of seats of the House of Representatives.

**HR 6003**, A resolution relating to committees of the House of Representatives; amending rules 1101 and 1105.

**HR 6004**, A resolution congratulating and commending Shawnee Heights math teacher Bradley Nicks for being honored as a Milken Family Foundation National Educator.

**HR 6005**, A resolution establishing targets for energy development, consumption and costs.

**HR 6006**, A resolution declaring January as Kansas Mentoring Month.

### Senate Bills

**SB 340**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6407 and repealing the existing section, by Senator Vratil.

**SB 341**, An act concerning the division of post audit; relating to the school district audit team; amending K.S.A. 2009 Supp. 46-1132 and repealing the existing section, by Legislative Post Audit Committee.

**SB 342**, An act concerning cigarette lighters; prohibiting the sale of novelty cigarette lighters, Senator Faust-Goudeau.

**SB 343**, An act concerning labor and employment; relating to leave for school-related educational activities, by Senator Faust-Goudeau.

**SB 344**, An act concerning the Kansas Sentencing Commission; relating to duties and functions; amending K.S.A. 74-9103, 74-9105 and 75-7001 and K.S.A. 2009 Supp. 74-9101 and 75-52,144 and repealing the existing sections; also repealing K.S.A. 74-9104, by the Legislative Post Audit Committee.

**SB 345**, An act concerning criminal procedure; relating to the probation services fee and the community correctional services fee; amending K.S.A. 21-4610a and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 346**, An act concerning the department of corrections; relating to the transfer of certain offenders; amending K.S.A. 2009 Supp. 75-5220 and repealing the existing section, by Joint Committee on Corrections and Juvenile Justice Oversight.

**SB 347**, An act concerning postsecondary technical education; relating to the postsecondary technical education authority; amending K.S.A. 2009 Supp. 72-4482 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 348**, An act concerning controlled substances; relating to certain synthetic cannabinoids; amending K.S.A. 2009 Supp. 65-4105 and re-

pealing the existing section, by Senators V. Schmidt, D. Schmidt and Petersen.

**SB 349**, An act concerning birth centers; amending K.S.A. 65-501, 65-502, 65-504, 65-505, 65-506, 65-507, 65-508, 65-512 and 65-513 and K.S.A. 2009 Supp. 39-923, 59-2123, 65-525 and 65-67a10 and repealing the existing sections, by Joint Committee on Administrative Rules and Regulations.

**SB 350**, An act making and concerning appropriations for the fiscal year ending June 30, 2010, for state agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

**SB 351**, An act relating to crimes and punishment; prohibiting text messaging while operating a moving motor vehicle; amending K.S.A. 21-3404 and repealing the existing section, by Committee on Ways and Means.

**SB 352**, An act concerning law enforcement officers; relating to eligibility and certification; amending K.S.A. 2009 Supp. 74-5605 and 74-5616 and repealing the existing sections, by Senator Hensley.

**SB 353**, An act concerning trafficking; relating to coercing employment; peonage; human trafficking; aggravated human trafficking; forfeiture; amending K.S.A. 21-3446, 21-3447, 21-4643 and 22-4906 and K.S.A. 2009 Supp. 22-4902, 38-2361, 60-4104, 75-451, 75-452 and 75-453 and repealing the existing sections, by Senator D. Schmidt.

**SB 354**, An act concerning school districts; relating to school finance; amending K.S.A. 2009 Supp. 72-6441, 72-6449 and 72-6451 and repealing the existing sections, by Committee on Ways and Means.

**SB 355**, An act concerning teachers; relating to teachers' contracts; amending K.S.A. 2009 Supp. 72-5437 and repealing the existing section, by Committee on Ways and Means.

**SB 356**, An act concerning the residential childhood lead poisoning prevention act; pertaining to rules and regulations; amending K.S.A. 65-1,201 and 65-1,202 and repealing the existing sections, by Committee on Ways and Means.

**SB 357**, An act concerning the Beloit juvenile correctional facility; authorizing the secretary of the department of administration to convey a certain tract of real estate for and on behalf of the juvenile justice authority; amending K.S.A. 2009 Supp. 38-2302 and 72-978 and repealing the existing sections; also repealing K.S.A. 76-2201, 76-2202, 76-2219 and 76-2220 and K.S.A. 2009 Supp. 76-2201a, by Senator Lee.

**SB 358**, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Legislative Educational Planning Committee.

**SB 359**, An act concerning school districts; relating to special education; amending K.S.A. 72-983 and repealing the existing section, by Legislative Educational Planning Committee (By Request of the 2010 Commission).

**SB 360**, An act concerning small claims; amending K.S.A. 61-2714 and K.S.A. 2009 Supp. 61-2704 and 61-2707 and repealing the existing sections, by Senators D. Schmidt, Abrams, Apple, Huelskamp, Lynn, Petersen, V. Schmidt, Schodorf, Taddiken, Vratil and Wagle.

**SB 361**, An act relating to motor vehicles; providing for the issuance of gold star family license plates; amending K.S.A. 2009 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, by Senator Kelsey.

**SB 362**, An act concerning school districts; relating to contracts of employment; amending K.S.A. 72-5452 and K.S.A. 2009 Supp. 72-5437 and repealing the existing sections, by Committee on Ways and Means.

**SB 363**, An act concerning civil procedure; relating to bankruptcy; exempt property; earned income tax credit, by Committee on Ways and Means.

**SB 364**, An act concerning the state fair board; authorizing the purchase of workers compensation insurance; amending K.S.A. 2009 Supp. 44-575 and repealing the existing section, by Committee on Ways and Means.

### Senate Concurrent Resolutions

**SCR 1620**, A concurrent resolution relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

### Senate Resolutions

**SR 1801**, A resolution relating to the organization of the Senate.

Doc. No. 037929

## State of Kansas

Department of Health  
and EnvironmentDivision of Environment  
Bureau of Environmental Remediation  
Remedial SectionAnnual Program Report for the  
Voluntary Cleanup and Property  
Redevelopment Program  
(Pursuant to the requirements of  
K.S.A. 65-34,161 et seq.)

Activities from January 1, 2009 to December 31, 2009

**Background**

The Voluntary Cleanup and Property Redevelopment Act was enacted by the Kansas Legislature on July 1, 1997 (Kansas Statutes Annotated 65-34,161 through 65-34,174). The purpose of the Act is to allow voluntary cleanups of contaminated properties with oversight by the Kansas Department of Health and Environment to promote the transfer, redevelopment, and reuse of contaminated properties and protect public health and the environment. Article 71 of Kansas Administrative Regulations, specifically K.A.R. 28-71-1 through 28-71-12, was promulgated on June 26, 1998, officially establishing the Voluntary Cleanup and Property Redevelopment Program (VCPRP). The law and program are administered by the Kansas Department of Health and Environment (the "Department").

Under the VCPRP, voluntary parties with properties meeting the statutory criteria of low to medium priority and minimal risk can receive a "no further action" (NFA) determination from the Department. An NFA provides some protection from potential environmental liability. Properties that are adjacent to contaminated sites but did not contribute to the contamination may also receive a no further action determination. The VCPRP uses a streamlined approach to investigate and clean up properties in an expeditious manner, thereby encouraging the redevelopment or enhancement of such properties. Clearly defined cleanup standards identifying the extent of cleanup have been developed and are provided to the voluntary party early in the program so that time and costs involved in cleanup can be determined. The VCPRP is truly voluntary and is designed for industries and businesses to properly address contamination on their properties through a private/state partnership. There are no additional burdens or requirements on voluntary parties participating in the program.

A Memorandum of Agreement (MOA) between KDHE and Region VII of the United States Environmental Protection Agency became effective March 2, 2001. The MOA provides USEPA's acknowledgment of the adequacy of the Kansas VCPRP program and also provides assurances to voluntary parties that there will be no federal involvement at properties properly addressed within the VCPRP. The additional assurance from USEPA enhances the De-

partment's actions in issuing an NFA determination letter in terms of relieving environmental liability.

**Report Summary**

In accordance with K.S.A. 65-34,173, the Department shall publish annually in the Kansas Register a summary of the number of applicants, the general categories of those applicants and the number of cleanups completed pursuant to this act. This annual report describes the activities accomplished by the Department in the VCPRP for the period of January 1, 2009, to December 31, 2009.

Since the inception of the Voluntary Cleanup Program on July 1, 1997, the Department has received a total of 548 completed application packages of which 539 properties have been determined eligible to participate in the program. A total of 529 voluntary agreements have been signed. Investigations have been initiated and/or completed at 466 properties. Currently, 197 properties are in one of three cleanup phases: the preliminary proposal stage, planning stage, or the active cleanup stage. Cleanups have been successfully completed at 61 properties. To date, the Department has issued a total of 190 NFA letters (36% of total signed voluntary agreements), achieving cleanup of 2,011.43 acres.

A total of 38 applications were received by the VCPRP during calendar year 2009, which is approximately 3 applications per month. This is a significant decrease with respect to the 62 applications received during 2007 (5 per month), but is twice as many as the 19 received in 2008. The decrease during 2008-2009 can be attributed to the difficult economic conditions experienced during the year, in particular from mid-2008 through mid-2009. The number of applications received is expected to return to a normal level as the economic climate improves.

NFAs are issued for properties at various points in the VCPRP process, including: 1) following cleanup of contamination; 2) following investigation that indicates no, or insignificant, contamination present; and 3) when a property is impacted but the contamination is determined to have originated from an off-property source. Since the inception of the VCPRP, approximately 16 NFAs have been issued per year. The number of NFAs issued by the Department for the 2009 calendar year was 24.

Approximately 75% of the properties participating in the VCPRP are from three industrial categories, including the oil and gas industry (28% of the total), manufacturing (21%) and agri-business (26%). Participation by other categories includes commercial (13%), railroad (6%), government (3%) and private citizen (3%). Approximately 75% of all properties participating in the VCPRP involve groundwater contamination, which typically requires years to clean up.

Tables 1 and 2 below summarize the number of applicants, the general categories of those applicants and the number of voluntary actions completed pursuant to K.S.A. 65-34,161 through 65-34,174. Figure 1 depicts the cumulative voluntary actions within the VCPRP, and Figure 2 depicts the percentage of applications received relative to applicant category.

**TABLE 1  
SUMMARY OF VOLUNTARY APPLICATIONS**

Applicant Category	Contaminant Class Category*				Total Applications
	Class I	Class II	Class III	Class IV	
Agri-Business	1	20	52	72	145
Industry	16	13	55	31	115
Commercial	29	8	27	7	71
Oil/Gas Related	1	27	72	53	153
Governmental Entity	1	6	7	1	15
Private Citizen	7	4	2	1	14
Railroad Related	0	1	19	15	35
<b>Class Category Total</b>	<b>55</b>	<b>79</b>	<b>234</b>	<b>180</b>	<b>548</b>

**\*Definition of Classes:**

*Class I* - means suspected or confirmed contamination is determined to exist on the eligible property, and the eligible property is not a source of contamination or is located adjacent to a property with a known source of contamination.

*Class II* - means suspected or confirmed soil contamination is determined to exist on the eligible property, there is no known or suspected soil contamination migrating off the eligible property and there is no known or suspected ground water contamination.

*Class III* - means suspected or confirmed soil or ground water contamination, or both, is determined to exist on the eligible property, and there is no known or suspected soil or ground water contamination that has migrated off the eligible property.

*Class IV* - means suspected or confirmed soil or ground water contamination, or both, and the contamination exists on and off the eligible property.

**TABLE 2  
SUMMARY OF VOLUNTARY ACTIONS  
Cumulative Voluntary Action Totals**

Type of Voluntary Action	2009	2008	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998	1997
Applications Denied/Withdrawn	32	29	24	13	10	10	9	5	4	2	1	1	0
Applications in Review	1	0	0	9	4	0	2	0	4	0	3	0	0
Applications Approved	539	502	481	416	376	353	300	265	219	173	100	56	6
Voluntary Agreements Signed	529	493	469	409	372	341	298	259	206	162	96	46	3
Vol. Investigations Initiated	466	446	408	362	331	306	271	230	156	114	57	19	0
Vol. Investigations Completed	306	283	255	226	208	171	133	121	83	41	23	5	0
Voluntary Cleanups Initiated	197	187	169	147	135	124	104	74	39	27	17	3	0
Voluntary Cleanups Completed	61	50	48	40	29	25	21	15	11	6	2	0	0
<b>No Further Actions Issued **</b>	<b>190</b>	<b>166</b>	<b>152</b>	<b>139</b>	<b>113</b>	<b>92</b>	<b>69</b>	<b>58</b>	<b>38</b>	<b>16</b>	<b>7</b>	<b>3</b>	<b>0</b>

Prior year data are from Annual Report to Legislature for respective year.

\*\* Cumulative Totals Revised as of 12-1-09

(continued)

Figure 1: Voluntary Actions

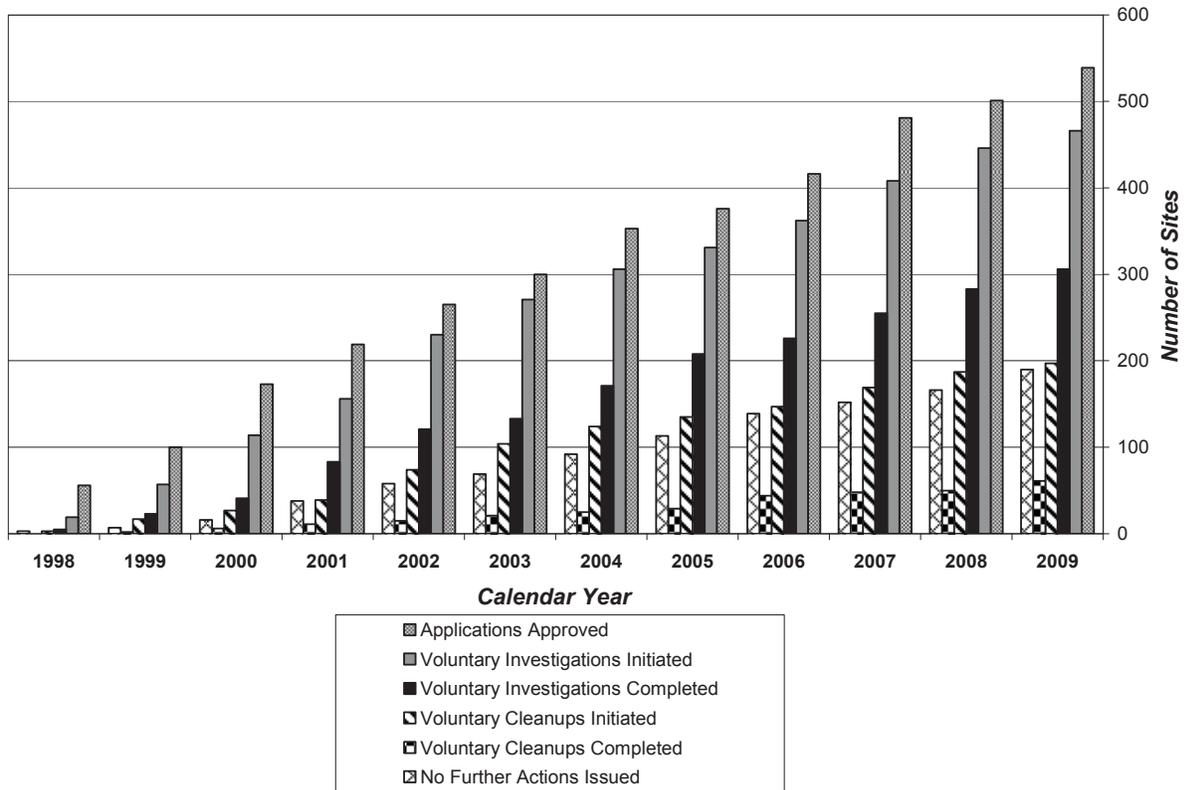
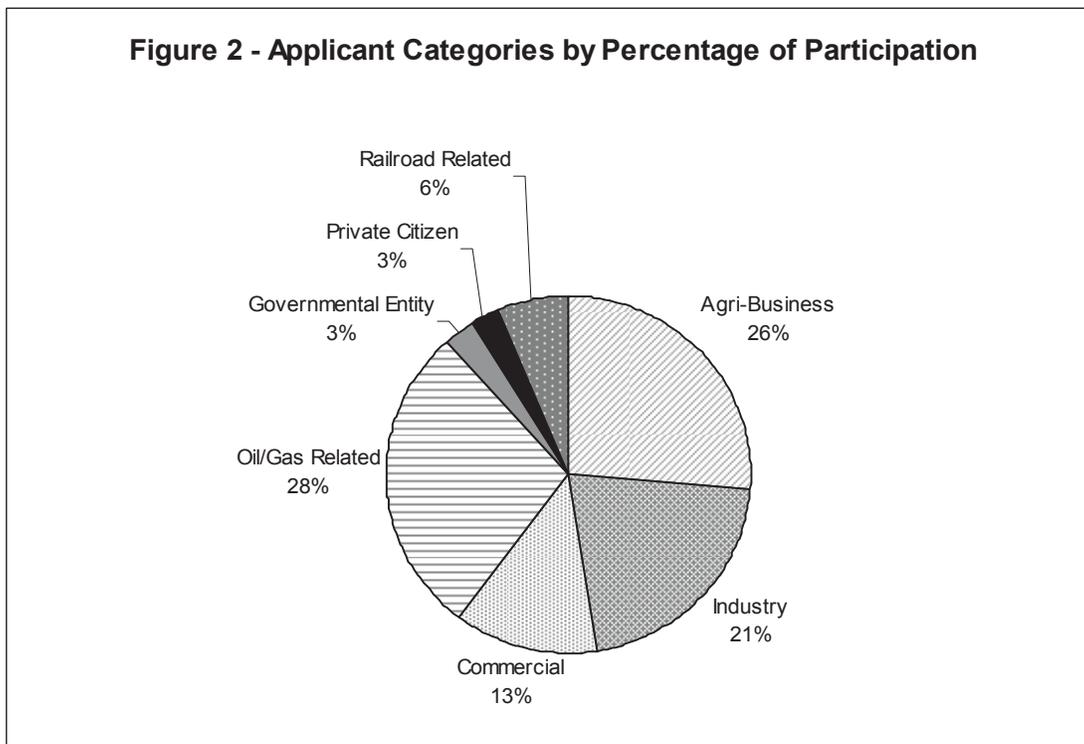


Figure 2 - Applicant Categories by Percentage of Participation



Roderick L. Bremby  
Secretary of Health  
and Environment

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-10-010

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Hillcrest Farm David Andres 14919 N.W. 160th St. Newton, KS 67114	NW/4 of Section 16, T23S, R03E, Butler County	Walnut River Basin
Kansas Permit No. A-WABU-M004		
This is a reissuance of a permit for an existing facility for 60 head (84 animal units) of mature dairy cattle.		

Public Notice No. KS-NQ-10-001/002

The requirements of the draft permits public-noticed below 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	Legal Location	Type of Discharge
Ellis County Public Works P.O. Box 691 Hays, KS 67601	NE¼, NE¼, S12, T14S, R18W, Ellis County	Nonoverflowing
Kansas Permit No. I-SH16-NP04      Federal Tracking No. KSJ000490		
Facility Name: Ellis County Highway Department		
Facility Address: 1195 - 280th Ave., Hays, KS 67601-0691		
Facility Description: The proposed action is to reissue an existing wastewater permit for an existing nonoverflowing wastewater retention system. Contained in the permit is a schedule of compliance requiring the permittee to submit a Notice of Intent (NOI) for coverage under the Kansas Stormwater Runoff from Industrial Activity general permit within 90 days of permit issuance and to develop and implement a Stormwater Pollution Prevention (SWP2) plan in conformance with the Kansas Stormwater Runoff from Industrial Activity general permit requirements. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.		

Name and Address of Applicant	Legal Location	Type of Discharge
Nelda Rolfe 740 W. 6th St. Holton, KS 66436	SE¼, NW¼, SW¼, S16, T7S, R15E, Jackson County	Nonoverflowing
Kansas Permit No. C-KS23-NO01      Federal Tracking No. KSJ000584		
Facility Name: Holton Bowling Center		
Facility Address: 21650 S. Highway 75, Holton, KS 66436		
Facility Description: The proposed action is to reissue an existing wastewater permit for an existing nonoverflowing wastewater retention system. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.		

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 St., Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before February 20 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-010, KS-NQ-10-001/002) 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. 037931

## 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. City of Anthony-Anthony Municipal Power Plant 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.

City of Anthony-Anthony Municipal Power Plant, Anthony, owns and operates a municipal power plant located at 71D S.W. 20 Road, Anthony.

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, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Lynelle Ladd, (785) 296-1719, at the KDHE central office; and to review the proposed permit only, contact David Butler, (316) 337-6042, at the KDHE South 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 Ladd, KDHE, Bureau of Air, 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 February 22.

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, not later than the close of business February 22 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. 037924

## State of Kansas

Department of Health  
and EnvironmentNotice of 2009 Major Administrative Actions  
at Hazardous Waste Facilities

The Hazardous Waste Permits Section of the Bureau of Waste Management has available for review a list of all permit modifications and major administrative actions for facilities that treat, store or dispose of hazardous waste in Kansas that were finalized or approved from January 1, 2009, through December 31, 2009. The publication of this list fulfills the requirement of 40 CFR 270.42(i).

For further information, contact Mostafa Kamal, Chief, Hazardous Waste Permits Section, at (785) 296-1609.

<b>Abbott Laboratories</b>	<b>EPA I.D. KSD981495567</b>
10/08/09	Comprehensive Monitoring Evaluation Report finalized and sent to facility
07/03/09	Revised Post-Closure Plan approved
<b>Ash Grove Cement Company</b>	<b>EPA I.D. KSD031203318</b>
03/23/09	Class 1 Permit Modification
04/02/09	Class 1 Permit Modification
04/24/09	Class 1 Permit Modification
05/28/09	Class 1 Permit Modification
<b>Ashland Chemical</b>	<b>EPA I.D. KSD057889313</b>
4/21/09	Class 1 Permit Modification
<b>Chemical Waste Management of Kansas</b>	<b>EPA I.D. KSD070902952</b>
09/23/09	Permit Renewal issued
<b>Coffeyville Resources-Coffeyville Refinery</b>	<b>EPA I.D. KSD007134695</b>
03/27/09	Operation and Maintenance Inspection Report finalized and sent to facility
07/08/09	Revised Sampling and Analysis Plan approved
<b>Coffeyville Resources-Phillipsburg Terminal</b>	<b>EPA I.D. KSD007134695</b>
08/12/09	Operation and Maintenance Inspection Report finalized and sent to facility
11/10/09	Revised Post-Closure Plan approved
<b>E.I. DuPont De Nemours &amp; Co.</b>	<b>EPA I.D. KSD133579698</b>
04/27/09	Addendum to Statistical Method for Analysis of Groundwater Data approved
12/07/09	Revised Sampling and Analysis Plan approved
<b>Exline, Inc.</b>	<b>EPA I.D. KSD007127327</b>
11/12/09	Class I Permit Modification

<b>Koch Nitrogen Company</b>	EPA I.D. KSD044625010
07/10/09	Operation and Maintenance Inspection Report finalized and sent to facility
<b>Lafarge Corp.</b>	EPA I.D. KSD007148034
04/13/09	Comprehensive Performance Test approved
06/19/09	Performance Test completed
10/16/09	Class 1 Permit Modification
<b>Michigan Reutilization Properties</b>	EPA I.D. KSD087418695
04/01/09	Temporary Authorization to shut down RW-80A ended
<b>Systech Environmental Corporation</b>	EPA I.D. KSD980633259
02/09/09	Class 2 Permit Modification
03/11/09	Class 1 Permit Modification
09/23/09	Class 1 Permit Modification
10/13/09	Class 1 Permit Modification
10/26/09	Class 1 Permit Modification
12/09/09	Class 1 Permit Modification
<b>Williams Pipeline Company</b>	EPA I.D. KSD007235138
10/09/09	Operation and Maintenance Inspection Report finalized and sent to facility

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037926

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

**Notice of Hearings**

The Kansas Department of Health and Environment has prepared eight Total Maximum Daily Loads (TMDLs) for streams in the Smoky-Hill Saline and lower Solomon River Basins that are impaired by not meeting state water quality standards. These TMDLs address impairment issues that KDHE has identified with the help of the Basin Advisory Committees and represents the third round of TMDLs for waters in the Smoky-Saline Basin since 2004. The TMDLs presented for public review follow:

**Smoky Hill Saline River Basin:**

1. Smoky Hill River near Mentor — Total Suspended Solids
2. Smoky Hill River near Mentor — E. Coli Bacteria
3. Smoky Hill River at Junction City — Total Suspended Solids
4. Big Creek, Smoky Hill River near Russell, and Landon Creek near Russell — Total Phosphorus
5. Big Creek — Total Suspended Solids
6. Big Creek — E. Coli Bacteria
7. Big Creek — Nitrate

**Lower Solomon River Basin:**

1. Solomon River at Niles — Total Suspended Solids

These TMDLs are available for review at the Kansas Department of Health and Environment TMDL Web site at <http://www.kdheks.gov/tmdl/index.htm>. Additionally, copies of the TMDLs can be obtained by contacting the Bureau of Water, Watershed Planning Section, at (785) 296-8791.

Two public hearings are scheduled to take testimony from interested parties. The hearings are scheduled as follows:

**February 10, 2 p.m.**  
Hays Convention and Visitors Bureau  
(Hays Welcome Center)  
2700 Vine St., Hays

**February 11, 10:30 a.m.**  
City of Assaria City Hall  
315 E. Main St., Assaria

The first portion of the hearing will be a briefing by the Watershed Planning Section, outlining each of the TMDLs. The public record for these TMDLs will be held open until February 24. After reviewing the testimony and public comments, KDHE will make any appropriate revisions to the TMDLs and will submit them to Region VII of the U.S. Environmental Protection Agency.

Any individual with a disability may request accommodation in order to participate in the public hearing process and may request the proposed TMDLs in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting KDHE.

In the event of inclement weather this hearing will not be rescheduled, in which case comments will need to be submitted in writing. Requests, questions or written comments should be directed to Tom Stiles, KDHE, Watershed Planning Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, (785) 296-6170 or fax (785) 291-3266, or e-mail at [tstiles@kdheks.gov](mailto:tstiles@kdheks.gov).

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037932

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

**Notice of Hearing**

The Kansas Department of Health and Environment has prepared two Total Maximum Daily Loads (TMDLs) for streams and lakes in the Upper Republican River Basin and three TMDLs for streams in the Solomon River Basin that are impaired by not meeting state water quality standards. These TMDLs address impairment issues that KDHE has identified with the help of the Basin Advisory Committees and represents the second round of TMDLs for waters in the Solomon Basin since 2003 and the third round of TMDLs for waters in the Upper Republican Basin since 2003 and 2006. The TMDLs presented for public review follow:

**Upper Republican Basin:**

1. Upper Prairie Dog Creek and Norton Lake — Total Phosphorus and Eutrophication (revision to existing Eutrophication TMDL)
2. Lower Prairie Dog Creek — Total Phosphorus

**Solomon Basin:**

1. North Fork Solomon River at Portis — E. Coli Bacteria
2. South Fork Solomon River near Osborne — E. Coli Bacteria

*(continued)*

### 3. Deer Creek — Selenium (revision)

These TMDLs are available for review at the Kansas Department of Health and Environment TMDL Web site at <http://www.kdheks.gov/tmdl/index.htm>. Additionally, copies of the TMDLs can be obtained by contacting the Bureau of Water, Watershed Planning Section, at (785) 296-8791.

A public hearing to take testimony from interested parties is scheduled from 10 to 11 a.m. Wednesday, February 10, at the Phillips County Extension Office, 784 6th St., Phillipsburg. The first portion of the hearing will be a briefing by the Watershed Planning Section, outlining each of the TMDLs. The public record for these TMDLs will be held open until February 24. After reviewing the testimony and public comments, KDHE will make any appropriate revisions to the TMDLs and will submit them to Region VII of the U.S. Environmental Protection Agency.

Any individual with a disability may request accommodation in order to participate in the public hearing process and may request the proposed TMDLs in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting KDHE.

In the event of inclement weather this hearing will not be rescheduled, in which case comments will need to be submitted in writing. Requests, questions or written comments should be directed to Tom Stiles, KDHE, Watershed Planning Section, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367, (785) 296-6170 or fax (785) 291-3266, or e-mail at [tstiles@kdheks.gov](mailto:tstiles@kdheks.gov).

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 037933

## State of Kansas

### Department of Health and Environment

#### Notice of Hearings

The Kansas Department of Health and Environment announces a series of four public hearings on the 2010 Kansas 303(d) List of Impaired Waters. Section 303(d) of the Clean Water Act requires states to biennially prepare a list of waters failing to meet State Water Quality Standards. Such waters are required to have Total Maximum Daily Loads (TMDLs) prepared by the state to restore their water quality. A Total Maximum Daily Load is the maximum amount of the impairing pollutant that can enter the water without causing a violation of its water quality standards.

Kansas has developed TMDLs for impaired surface waters in each of the state's 12 river basins. KDHE develops and revises TMDLs for selected impairments identified in the current Section 303(d) list on a rotating basin approach. Over the course of the next two years, TMDLs will be developed for the Lower Arkansas, Upper Arkansas and Cimarron basins in 2011; and developed for the Missouri and Marais des Cygnes basins in 2012. The draft 2010 Kansas 303(d) list will emphasize waters in those

five basins, including an initial designation of TMDLs to be developed over the next two years. The list and its methodology are available for review on the Internet at <http://www.kdhe.state.ks.us/tmdl/>.

Additionally, the Clean Water Act requires the states to assemble and evaluate "all existing and readily available water quality related data and information" in developing the 303(d) list. Such data includes information from local, state and federal agencies; members of the public; and academic institutions conducting research. This notice requests any data or information on the water quality condition of waters of the state over the period 2000-2009. Submitted data may include chemical, physical or biological measurements and should be accompanied by information to identify the waterbody with as much geographic specificity as possible. In order to be considered for evaluation, submissions also should ensure quality control and quality assurance of the data provided to KDHE.

The hearings will open with a brief summary of the list and its methodology as it pertains to the waters of the applicable river basin. Public testimony will then be taken after the presentation. Please provide a written copy of any testimony at the hearings. Written testimony and water quality data will be accepted by KDHE any time prior to the close of business March 19. KDHE will prepare a response to all public comments and revise the draft list as necessary, and will submit the list, the methodology, the public comments and the KDHE response to Region VII of the U.S. Environmental Protection Agency on April 1, 2010.

The public hearings will take place in conjunction with specific Basin Advisory Committee meetings and are scheduled as follows:

#### **February 23, 1 p.m. — Marais des Cygnes Basin Advisory Committee**

Courthouse Annex Building  
306 Main St., Mound City

#### **March 2, 1 p.m. — Upper Arkansas Basin Advisory Committee**

Cheyenne Bottoms Visitor Center  
Great Bend

#### **March 2, TBA — Missouri Basin Advisory Committee** Bern

#### **March 3, 9 a.m. — Lower Arkansas Basin Advisory Committee**

City of Hutchinson Water Treatment Plant  
Hutchinson

Please consult the Web site for the Kansas Water Office at [www.kwo.org](http://www.kwo.org) for updated locations and agendas.

If accommodations at the hearing locations are needed by persons with disabilities, notify KDHE at least five business days before the respective hearing. Requests for accommodation or other inquiries should be directed to Thomas Stiles at (785) 296-6170.

John Mitchell  
Director of Environment

Doc. No. 037939

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. 2009 Supp. 12-1675(b)(c)(d) and K.S.A. 2009 Supp. 12-1675a(g).

**Effective 1-18-10 through 1-24-10**

Term	Rate
1-89 days	0.11%
3 months	0.10%
6 months	0.17%
1 year	0.36%
18 months	0.61%
2 years	0.88%

Elizabeth B.A. Miller  
Director of Investments

Doc. No. 037922

(Published in the Kansas Register January 21, 2010.)

**Summary Notice of Bond Sale**  
**Hesston, Kansas, Public Building Commission**  
**\$855,000**  
**Revenue Bonds**  
**Series 2010**

**Details of the Sale**

Subject to the terms and requirements of the official notice of bond sale dated January 11, 2010, of the Hesston, Kansas, Public Building Commission, bids to purchase the commission's Revenue Bonds, Series 2010, will be received on behalf of the governing body of the commission at the office of the commission's financial advisor, Ranson Financial Consultants, L.L.C., 200 W. Douglas, Suite 600, Wichita, KS 67202, or by telefacsimile at (316) 265-5403, until 2 p.m. Monday, February 8, 2010. The bids will be considered by the governing body at its meeting at 6 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 98.5 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

**Good Faith Deposit**

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

**Details of the Bonds**

The bonds are dated March 1, 2010, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on March 1 and September 1 of each year, beginning March 1, 2011. Principal of the bonds becomes due on September 1 in the years and amounts as shown below:

**Maturity Schedule**

Principal Amount	Maturity Date
\$10,000.00	2011
30,000.00	2012
30,000.00	2013
35,000.00	2014
35,000.00	2015
35,000.00	2016
35,000.00	2017
40,000.00	2018
40,000.00	2019
40,000.00	2020
40,000.00	2021
45,000.00	2022
45,000.00	2023
50,000.00	2024
50,000.00	2025
55,000.00	2026
55,000.00	2027
60,000.00	2028
60,000.00	2029
65,000.00	2030

**Payment of Principal and Interest**

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

**Book-Entry Bonds**

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

**Delivery of the Bonds**

The commission will prepare the bonds at the city's expense and will deliver the registered bonds to DTC on or about March 1, 2010.

**Legal Opinion**

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

**Financial Matters**

The city of Hesston, Kansas', current assessed valuation for purposes of calculating statutory debt limitations is \$28,169,605. As of March 1, 2010, the city of Hesston, Kansas', total outstanding general obligation debt is \$5,921,000. The bonds of the commission will not be subject to such limitation.

**Additional Information**

For additional information, contact the secretary at the address and telephone number shown below or the financial advisor, John Haas, Ranson Financial Consultants, L.L.C., 200 W. Douglas, Suite 600, Wichita, KS 67202, (316) 264-3400.

Hesston, Kansas, Public Building Commission  
By Jason Thrasher, Secretary  
City Hall, 115 E. Smith  
Hesston, KS 67062  
(316) 327-4412  
Fax (316) 327-4595

Doc. No. 037940

(Published in the Kansas Register January 21, 2010.)

**Summary Notice of Sale  
City of Wichita, Kansas  
\$49,280,000\***

**Aggregate Principal Amount of  
General Obligation Bonds  
Series 799, 800, 800A and 800B**

(General obligation bonds payable from  
unlimited ad valorem taxes)

**Bids**

Subject to the official notice of sale dated January 12, 2010, bids will be received by the director of finance on behalf of the city of Wichita, Kansas, at the office of the Department of Finance, 12th Floor, City Hall, 455 N. Main, Wichita, KS 67202-1697, by electronic bids via PARITY electronic bid submission system, until 10 a.m. Tuesday, February 2, 2010, for the purchase of the city's \$23,525,000\* principal amount of General Obligation Bonds, Series 799; \$10,950,000\* principal amount of General Obligation Bonds, Series 800; \$13,175,000\* principal amount of General Obligation Bonds, Series 800A; and \$1,630,000\* principal amount of General Obligation Bonds, Series 800B (Taxable Under Federal Law). The Series 799, Series 800, Series 800A and Series 800B Bonds are herein collectively referred to as the "bonds." All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and each series of bonds will be awarded by the City Council in the Council Chamber at City Hall at its earliest convenience following the bid opening.

No oral or auction bid for the bonds shall be considered, and no bid of less than the entire principal amount of each series of bonds, plus accrued interest to the date of delivery, will be considered.

Bids must be submitted electronically submitted through PARITY. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the notice of sale. To the extent any instructions or directions set forth in PARITY conflict with the notice of sale, the terms of the notice of sale shall control. The city shall not be responsible for any failure, misdirection or error in the transmission of a bid through PARITY. For further information about the electronic bidding services of PARITY, potential bidders may contact Ipreo, 1359 Broadway, 2nd Floor, New York, NY 10018, (212) 849-5021. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

**Bond Details**

The bonds will be in book-entry-only form. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof; will be dated March 1, 2010 (the dated date); and will become due in the years as follows:

**Maturity Schedule - Series 799 Bonds**

Maturing June 1	Principal Amount*
2011	\$2,005,000
2012	2,075,000
2013	2,150,000

2014	2,225,000
2015	2,300,000
2016	2,380,000
2017	2,465,000
2018	2,550,000
2019	2,640,000
2020	2,735,000

**Maturity Schedule - Series 800 Bonds**

Maturing June 1	Principal Amount*
2011	\$565,000
2012	585,000
2013	610,000
2014	630,000
2015	650,000
2016	675,000
2017	700,000
2018	720,000
2019	740,000
2020	775,000
2021	800,000
2022	830,000
2023	860,000
2024	890,000
2025	920,000

**Maturity Schedule - Series 800A Bonds**

Maturing June 1	Principal Amount*
2011	\$440,000
2012	460,000
2013	480,000
2014	500,000
2015	520,000
2016	540,000
2017	560,000
2018	580,000
2019	605,000
2020	630,000
2021	655,000
2022	680,000
2023	710,000
2024	735,000
2025	765,000
2026	800,000
2027	830,000
2028	860,000
2029	895,000
2030	930,000

**Maturity Schedule - Series 800B Bonds  
(Taxable Under Federal Law)**

Maturing June 1	Principal Amount*
2011	\$ 55,000
2012	60,000
2013	60,000
2014	65,000
2015	70,000
2016	75,000
2017	75,000

2018	80,000
2019	85,000
2020	90,000
2021	100,000
2022	105,000
2023	110,000
2024	115,000
2025	125,000
2026	65,000
2027	70,000
2028	70,000
2029	75,000
2030	80,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the notice of sale. Interest on the bonds will be payable semiannually on June 1 and December 1 in each year, beginning December 1, 2010.

**Principal Amounts Subject to Change**

The city reserves the right to increase or decrease the total principal amount of each series of bonds and the principal amount of any maturity in order to properly size a bond issue, including adjustments based on net bond proceeds received by the city as a result of any premium bid. Adjustments, if required, will be made proportionately to each maturity as permitted by the authorized denominations of such series of bonds. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of a series of bonds as described. If there is an adjustment in the final aggregate principal amount of a series of bonds or the schedule of principal payments as described above, any premium bid on such series of bonds will be proportionately adjusted. At the request of the city, each successful bidder agrees to resize the applicable bond issue, adjust the premium and provide a revised maturity schedule to the city promptly after receipt of notification of such a request by the city.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid for each series of bonds shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in an amount equal to 2 percent of the principal amount of the applicable series of bonds for which the bid is submitted.

**Delivery**

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about March 4, 2010, at the offices of the Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations is \$3,547,637,000. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds, is \$716,545,862.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of each series of bonds will be furnished and paid for by the city and delivered to the successful bidder(s) when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679 (Catherine Gilley, Debt Coordinator), (316) 268-4143: or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated January 12, 2010.

City of Wichita, Kansas  
 By: Karen Sublett, City Clerk  
 City Hall, 13th Floor  
 455 N. Main  
 Wichita, KS 67202-1679  
 (316) 268-4529

\* Subject to change.

Doc. No. 037937

(Published in the Kansas Register January 21, 2010.)

**Summary Notice of Sale  
 Unified Government of Wyandotte County/  
 Kansas City, Kansas**

**\$55,230,000\***

**General Obligation Improvement Bonds  
 Series 2010-A**

**\$10,780,000\***

**Taxable General Obligation Improvement Bonds  
 Series 2010-B**

**\$7,810,000\***

**General Obligation Improvement Bonds  
 Series 2010-C**

**\$19,535,000\***

**General Obligation Improvement Bonds  
 Series 2010-D**

**(General obligations payable from  
 unlimited ad valorem taxes)**

**Bids**

Subject to the notices of sale dated December 17, 2009, written and electronic bids for the purchase of the above-referenced bonds of the Unified Government of Wyandotte County/Kansas City, Kansas (the issuer), will be received on behalf of the issuer by the issuer's financial advisor, in the case of written bids, at the address hereinafter set forth, and in the case of electronic bids, via PARITY, until 10:30 a.m. for the Series 2010-A Bonds and the Series 2010-B Bonds, and until 11 a.m. for the Series 2010-C Bonds and the Series 2010-D Bonds, on February 4, 2010 (the sale date). No bid for less than 98.80 percent of the Series 2010-A Bonds, 98.60 percent of the Series

(continued)

2010-B Bonds, 98.50 percent of the Series 2010-C Bonds and 98.50 percent of the Series 2010-D Bonds will be considered. All bids will be publicly evaluated at said time and place and the award of the bonds will be acted upon by the governing body at its meeting to be held at 7 p.m. on the sale date. No oral or auction bids will be considered.

**Alternative Bids for the Series 2010-C Bonds as Recovery Zone Economic Development Bonds**

Bids will be accepted for the Series 2010-C Bonds as both tax-exempt bonds and as taxable, direct-pay Recovery Zone Economic Development Bonds.

**Alternative Bids for the Series 2010-D Bonds as Taxable Build America Bonds**

Bids will be accepted for the Series 2010-D Bonds as both tax-exempt bonds and as taxable, direct-pay Build America Bonds.

**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 February 26, 2010, and will become due on August 1 in the years as follows:

**Series 2010-A Bonds**

Maturity Date (August 1)	Principal Amount*
2011	\$ 155,000
2012	425,000
2013	825,000
2014	125,000
2015	1,125,000
2016	1,150,000
2017	1,200,000
2018	1,225,000
2019	2,250,000
2020	1,250,000
2021	1,350,000
2022	1,425,000
2023	2,800,000
2024	2,900,000
2025	3,025,000
2026	6,075,000
2027	6,325,000
2028	7,075,000
2029	7,100,000
2030	7,425,000

**Series 2010-B Bonds**

Maturity Date (August 1)	Principal Amount*
2011	\$ 100,000
2012	190,000
2013	195,000
2014	200,000
2015	655,000
2016	680,000
2017	705,000
2018	735,000
2019	765,000
2020	805,000

2021	840,000
2022	885,000
2023	930,000
2024	975,000
2025	1,030,000
2026	1,090,000

**Series 2010-C Bonds**

Maturity Date (August 1)	Principal Amount*
2011	\$ 135,000
2012	225,000
2013	230,000
2014	230,000
2015	360,000
2016	365,000
2017	375,000
2018	385,000
2019	395,000
2020	400,000
2021	410,000
2022	425,000
2023	440,000
2024	445,000
2025	460,000
2026	475,000
2027	485,000
2028	510,000
2029	525,000
2030	535,000

**Series 2010-D Bonds**

Maturity Date (August 1)	Principal Amount*
2011	210,000
2012	375,000
2013	400,000
2014	400,000
2015	900,000
2016	925,000
2017	925,000
2018	950,000
2019	1,000,000
2020	1,025,000
2021	1,075,000
2022	1,100,000
2023	1,125,000
2024	1,150,000
2025	1,200,000
2026	1,275,000
2027	1,300,000
2028	1,350,000
2029	1,400,000
2030	1,450,000

The bonds will bear interest from the date thereof at rates to be determined when such bonds are sold, which interest will be payable semiannually on February 1 and August 1 in each year, beginning February 1, 2011.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Book-Entry-Only System**

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

**Good Faith Deposit**

Each bid for a series of the bonds shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located in the United States or a financial surety bond in the amount of 2 percent of the principal amount of the bonds of such series, payable to the order of the issuer.

**Pre-Bid Revisions**

The issuer reserves the right to issue a supplemental notice of sale not later than 48 hours prior to the sale date via the MUNIFACTS News Service. If issued, the supplemental notice of sale may (i) modify the principal amount of one or more series of the bonds, (ii) withdraw one or more series of the bonds from the sale, and/or (iii) modify such other terms of this notice of sale as the issuer determines.

**Adjustment of Issue Size**

The issuer reserves the right on the date of the award to, in its sole discretion, increase or decrease the total principal amount of a series of the bonds and/or to increase or decrease individual principal maturities, depending on the interest rates bid and the issue price specified, in order to properly structure the financing for the projects to be paid for with proceeds of the bonds.

**Delivery and Payment**

The issuer will pay for preparing the bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder(s), on or about February 26, 2010, to DTC for the account(s) of the successful bidder(s).

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the issuer for the year 2009 is \$1,143,897,672. The total general obligation bonded indebtedness of the issuer as of the date of the bonds, including the bonds being issued and the temporary notes being issued contemporaneously with the bonds, but excluding the temporary notes to be retired with the proceeds of the bonds, the notes and other funds of the issuer, is \$307,865,000, of which \$640,000 is indebtedness of the issuer payable only from taxes on taxable tangible property within Wyandotte County, Kansas.

**Approval of the Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the office of the chief financial officer at (913) 573-5186; from Springsted Incorporated, the issuer's financial advisor, at (612) 223-3000; or from bond counsel, Gilmore & Bell, P.C., 2405 Grand Blvd., Suite 1100, Kansas City, MO 64108, at (816) 221-1000.

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

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

Dated December 17, 2009.

Unified Government of Wyandotte County/  
Kansas City, Kansas  
Lew Levin  
Chief Financial Officer  
701 N. 7th St.  
Kansas City, KS 66101  
Fax (913) 573-5003

\*Preliminary; subject to change.

Doc. No. 037942

**State of Kansas****Department of Wildlife and Parks****Permanent Administrative Regulations****Article 4.—BIG GAME**

**115-4-11. Big game and wild turkey permit applications.** (a) General application provisions.

(1) Unless otherwise authorized by law or regulation, an individual shall not apply for or obtain more than one antlered or horned big game or wild turkey permit for each big game species or wild turkey, except when the individual is unsuccessful in a limited quota drawing and alternative permits for the species are available at the time of subsequent application or when the individual is the final recipient of a commission permit.

(2) Unless otherwise authorized by law or regulation, each big game or wild turkey permit application shall be signed by the individual applying for the permit.

(3) Subject to any priority draw system established by this regulation, if the number of permit applications of a specific species and type received by the designated application deadline exceeds the number of available permits of that species and type, a random drawing to issue permits of that species and type shall be conducted by the secretary.

(4) A hunt-on-your-own-land permit shall not be tabulated in a priority draw system if the permit would otherwise reduce the applicant's odds of receiving a big game permit through that draw system.

(b) Deer permit applications.

(1) Subject to any priority draw system established by this subsection, in awarding deer permits in units having a limited number of permits, the first priority shall be given to those applicants who did not receive, in the previous year, a deer permit that allowed the taking of an antlered deer. All other deer permit applicants shall be given equal priority.

(continued)

(2) In awarding a limited number of deer permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a deer permit that allows the taking of an antlered deer.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a deer permit that allows the taking of an antlered deer, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a deer permit that allows the taking of antlered deer and not receive a permit, the person may apply for and receive a preference point by paying the proper application or preference point fee and making application during the application period specified in K.A.R. 115-25-9. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(3) If an individual is a final recipient of a commission deer permit, the individual shall not possess more than one regular antlered deer permit and one commission deer permit.

(c) Firearm antelope permit applications. In awarding firearm antelope permits, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(1) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining a firearm antelope permit.

(2) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(3) If an applicant obtains a firearm permit by a priority draw system, all earned points shall be lost.

(4) If the number of applicants with the most preference points exceeds the number of permits for specified units or permit types, then a drawing shall be held to determine the successful applicants.

(5) If an individual desires to apply for a preference point for an antelope firearms permit that allows the taking of an antelope and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-7. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit.

(d) Elk permit applications. An individual receiving a limited-quota elk permit shall not be eligible to apply for or receive an elk permit in subsequent seasons, with the following exceptions:

(1) An individual receiving an any-elk or a bull-only elk permit may apply for and receive an antlerless-only elk permit in subsequent seasons.

(2) An individual receiving a limited-quota, antlerless-only elk hunting permit shall not be eligible to apply for or receive a limited-quota, antlerless-only elk permit for a five-year period thereafter. Subject to this subsection, however, this individual may apply for and receive an any-elk or bull-only elk permit without a waiting period.

(3) When a limited number of elk permits are awarded by a random draw system, each individual shall have an additional opportunity of drawing for each bonus point earned by the individual in addition to the current application. Bonus points shall be awarded as follows:

(A) One bonus point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a random draw system, an elk permit that allows the taking of an elk.

(B) If an individual fails to make at least one application or purchase one bonus point within a period of five consecutive years, all earned bonus points shall be lost.

(C) If an applicant obtains, by a random draw system, an elk permit that allows the taking of an elk, all earned points shall be lost.

(D) If an individual desires to apply for a bonus point for an elk permit that allows the taking of elk and not receive a permit, the person may apply for and receive a bonus point by paying the proper application or bonus point fee and making application during the application period specified in K.A.R. 115-25-8. No individual may apply for more than one bonus point in the same calendar year, and no individual shall apply for a bonus point in the same calendar year as the calendar year in which the individual is applying for a permit.

(4) Each individual who is the final recipient of a commission elk permit shall be eligible for a limited-quota elk permit, subject to the provisions of subsection (d).

(e) Wild turkey permit applications.

(1) When awarding wild turkey permits in units having a limited number of permits, the first priority shall be given to those individuals who did not receive a permit in a limited wild turkey unit during the previous year. All other applicants shall be given equal priority.

(2) In awarding a limited number of wild turkey permits by a priority draw system, the first priority shall be given to those individuals who have earned the highest number of preference points. Preference points shall be awarded as follows:

(A) One point shall be awarded to an individual for each year the individual is unsuccessful in obtaining, by a priority draw system, a wild turkey permit.

(B) If the individual fails to make at least one application or purchase one preference point within a period of five consecutive years, all earned points shall be lost.

(C) If an applicant obtains, by a priority draw system, a wild turkey permit, all earned points shall be lost.

(D) If the number of applicants with the most preference points exceeds the number of permits for specified

units or permit types, then a drawing shall be held to determine the successful applicants.

(E) If an individual desires to apply for a preference point for a wild turkey permit and not receive a permit, the person may apply for and receive a preference point by paying the preference point fee and making application during the application period specified in K.A.R. 115-25-6. No individual may apply for more than one preference point in the same calendar year, and no individual shall apply for a preference point in the same calendar year as the calendar year in which the individual is applying for a permit. (Authorized by K.S.A. 32-807, K.S.A. 2008 Supp. 32-937, K.S.A. 2008 Supp. 32-969, and K.S.A. 2008 Supp. 32-970; implementing K.S.A. 2008 Supp. 32-937, K.S.A. 2008 Supp. 32-969, and K.S.A. 2008 Supp. 32-970; effective Sept. 10, 1990; amended May 27, 1991; amended June 1, 2001; amended April 18, 2003; amended Feb. 18, 2005; amended May 15, 2009; amended Feb. 5, 2010.)

J. Michael Hayden  
Secretary of Wildlife  
and Parks

Doc. No. 037938

## State of Kansas

### Department of Agriculture

#### Permanent Administrative Regulations

#### Article 13.—PESTICIDES

**4-13-2. Pesticide business license application.** Each application for issuance or renewal of a business license shall provide the following information in addition to that required by K.S.A. 2-2440 (b) (1) through (3), and amendments thereto: (a) The home address and birth date of each owner, officer, representative, and any resident agent;

(b) the name of any other state in which the applicant holds or has held a pesticide business license within the last five years and a list of any such license that has been denied, modified, revoked, suspended, or surrendered;

(c) for each business location serving Kansas, the business name and street address of the business and the name of the certified applicator or other person responsible for pesticide business activity at that location. "Business location" shall include all locations where records of application are maintained, where application equipment and pesticide materials are stored, and from which customers are served;

(d) the name of each certified commercial applicator serving the applicant, for each business location;

(e) the name, home address, birth date, and driver's license number of each non-certified employee who applies pesticides for the applicant. If the applicant's uncertified commercial applicator does not have a driver's license, then the number assigned to any federal or state government-issued identification card shall be provided for that employee;

(f) the categories and subcategories in which the applicant business will operate;

(g) the signature and title of the applicant or authorized representative; and

(h) the date of submission of the application. (Authorized by and implementing K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11, and K.S.A. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended July 18, 2003; amended Feb. 5, 2010.)

**4-13-3. Categories and subcategories of qualification for the licensing of pesticide businesses and certification of commercial applicators.** (a) The categories and subcategories of qualification for licensing of pesticide businesses and certification of commercial applicators shall include the following:

(1) Category 1: agricultural pest control. This category shall include any commercial application of pesticide in the production of agricultural plants or animals.

(A) Subcategory 1A: agricultural plant pest control. This subcategory shall include any commercial application of pesticide on grasslands and noncrop agricultural lands, and in the production of agricultural crops, including tobacco, peanuts, cotton, feed grains, soybeans and forage, vegetables, small fruits, tree fruits, and nuts.

(B) Subcategory 1B: agricultural animal pest control. This subcategory shall include any commercial application of pesticide to places on, or in which, animals are confined and on animals, including beef cattle, dairy cattle, swine, sheep, horses, goats, poultry, and livestock. This subcategory shall include any doctor of veterinary medicine who applies pesticides for hire, engages in the large-scale use of pesticides, or is publicly held out as a pesticide applicator.

(C) Subcategory 1C: wildlife damage control. This subcategory shall include any commercial application of pesticide for the management and control of wildlife in rangeland and agricultural areas. Wildlife shall mean nondomesticated vertebrate species that hinder agricultural and rangeland production.

(D) Subcategory 1D: stump treatment. This subcategory shall be limited to the commercial application of pesticide for the treatment of cut stumps to control resprouting in pastures, rangeland, or lands held in conservation reserve. Nothing in this subcategory shall prohibit stump treatment by pesticide businesses and commercial applicators in other categories and subcategories that include pesticide application to cut stumps.

(2) Category 2: forest pest control. This category shall include any commercial application of pesticide in forests, forest nurseries, and forest seed-producing areas.

(3) Category 3: ornamental and turf pest control. This category shall include any commercial application of pesticide in the maintenance of ornamental trees, shrubs, flowers, and turf.

(A) Subcategory 3A: ornamental pest control. This subcategory shall include any commercial application of pesticide to control pests in the maintenance and production of ornamental trees, shrubs, and flowers. This subcategory shall not include those pests included in subcategory 3C.

(B) Subcategory 3B: turf pest control. This subcategory shall include any commercial application of pesticide to control pests in the maintenance and production of turf.

(continued)

(C) Subcategory 3C: interior landscape pest control. This subcategory shall include any commercial application of pesticide to control pests in the production and maintenance of houseplants and other indoor ornamental plants kept or located within structures occupied by humans, including houses, apartments, offices, shopping malls, and other places of business and dwelling places.

(4) Category 4: seed treatment. This category shall include any commercial application of pesticide on seeds.

(5) Category 5: aquatic pest control. This category shall include any commercial application of pesticide to standing or running water. Applicators engaged in public health pest control and health-related pest control activities shall be excluded.

Subcategory 5S: sewer root control. This subcategory shall be limited to any commercial application of pesticide for the control of roots in sewer lines and septic systems.

(6) Category 6: right-of-way pest control. This category shall include any commercial application of pesticide to control vegetation in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way, industrial sites, parking lots, or other similar areas.

(A) This category shall include the types of commercial pesticide application specified in subcategory 7C.

(B) This category shall not include those types of commercial pesticide application specified in paragraph (a)(9).

(7) Category 7: industrial, institutional, structural, and health-related pest control.

(A) This category shall include any commercial application of pesticide for the protection of stored, processed, or manufactured products. This category shall also include any commercial application of pesticide in, on, or around the following:

(i) Food handling establishments, human dwellings, institutions including schools and hospitals, and any other similar structures and the areas immediately adjacent to those structures; and

(ii) industrial establishments including warehouses, grain elevators, food processing plants, and any other related structures and adjacent areas.

(B) Subcategory 7A: wood-destroying pest control. This subcategory shall include any commercial application of pesticide in the control of termites, powder post beetles, wood borers, wood rot fungus, and any other wood-destroying pest.

(C) Subcategory 7B: stored products pest control. This subcategory shall include any commercial application of pesticide for the control of pests in stored grain and food products.

(D) Subcategory 7C: industrial weed control. This subcategory shall include any commercial application of pesticide for the control of pest weeds.

(E) Subcategory 7D: health-related pest control. This subcategory shall include any commercial application of pesticide in health programs for the management and control of terrestrial and aquatic pests having medical or public health significance.

(F) Subcategory 7E: structural pest control. This subcategory shall include any commercial application of pes-

ticide in a structure for the control of any pest not covered in subcategories 7A and 7B.

(G) Subcategory 7F: wood preservation and wood products treatment. This subcategory shall include any commercial application of pesticide made to extend the life of wooden poles, posts, crossties, and other wood products to preserve or protect them from damage by insects, fungi, marine organisms, weather deterioration, or other wood-destroying agents.

(8) Category 8: public health pest control. This category shall apply to qualification for commercial certification of employees of government agencies, including state, federal, and other governmental agencies, who apply or supervise the application of a restricted-use pesticide for the management and control of terrestrial and aquatic pests having medical or public health significance.

(9) Category 9: regulatory pest control. This category shall apply to qualification for commercial certification of employees of government agencies, including state, federal, and other governmental agencies, who apply or supervise the application of a restricted-use pesticide in the control of federally regulated and state-regulated pests.

(A) Subcategory 9A: noxious weed control. This subcategory shall include qualification for commercial certification of employees of state, federal, and other governmental agencies who use or supervise the use of a restricted-use pesticide in the control of weed pests regulated under the Kansas noxious weed law.

(B) Subcategory 9B: regulated pest control. This subcategory shall include qualification for commercial certification of employees of state, federal, and other governmental agencies who use or supervise the use of a restricted-use pesticide in the control of federally regulated or state-regulated pests not covered in subcategory 9A.

(10)(A) Category 10: demonstration and research pest control. This category shall include the following:

(i) Those persons who demonstrate to the public the proper techniques for application and use of restricted-use pesticides or who supervise such a demonstration. These persons shall include extension specialists, county agents, commercial representatives who demonstrate pesticide products, and persons who demonstrate, in public programs, methods of pesticide use;

(ii) those persons who use or supervise the use of restricted-use pesticides in conducting field research that involves the use of pesticides. These persons shall include state, federal, and commercial employees and other persons who conduct field research regarding or utilizing restricted-use pesticides; and

(iii) qualified laboratory personnel using restricted-use pesticides while engaged in pesticide research in areas where environmental factors beyond the control of laboratory personnel, including wind, rain, and similar factors, can affect the safe use of the pesticide or can cause the pesticide to have an adverse impact on the environment.

(B) The persons listed in paragraphs (a)(10)(A)(ii) and (iii) shall not be considered exempt from certification under the provisions of K.S.A. 2-2441a(d) and amendments thereto.

(b) Each pesticide business shall be licensed in all categories in which the pesticide business makes commercial pesticide applications and shall employ one or more persons who maintain commercial certification in each subcategory in which the pesticide business makes commercial pesticide applications.

(c) Each state, federal, and other governmental agency shall be registered in all categories and subcategories in which the agency makes commercial pesticide applications. (Authorized by K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11, and K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2444a and K.S.A. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-9. Report of address, name, or personnel change by business.** (a) Each pesticide business licensee shall provide the secretary with written notification of any modification or change to the initial application regarding the business address or business name and of any change in service personnel involved in the application of pesticides. Each notification shall be provided within 30 days of the modification or change made by the pesticide business licensee. Notification shall be required for the following:

(1) Hiring or terminating, or both, any employees involved in the application of pesticides;

(2) making any change in certification or technician status, or both; and

(3) making any change in the manager, operator, authorized representative, or resident agent.

(b) The pesticide business licensee shall submit with each such notification the required \$15.00 fee for each previously unreported uncertified individual employed to apply pesticides for a total of more than 10 days or for a period of five or more consecutive days during any 30-day period.

(c) Each notification shall include the full name, home address, birth date, and social security number of each applicator of pesticides listed who is a certified applicator or a registered pest control technician.

(d) Each notification shall also include the full name, home address, birth date, and driver's license number of each applicator of pesticides listed who is not a certified commercial applicator of pesticides or a registered pest control technician.

(e) The \$15.00 fee shall revert to \$10.00 on and after July 1, 2015, unless this date is modified by statute. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-14. Private applicator examination.** Initial examinations for certified private applicators shall be taken in the presence of a representative of the Kansas department of agriculture or the Kansas state university extension service. Each applicant for this certification shall be required to answer at least 75% of the questions correctly to pass the examination.

Examinations for private applicator certification shall test the applicant's knowledge in those subject areas specified in K.S.A. 2-2445, and amendments thereto, involving pest control practices associated with the applicant's agricultural operation and the applicant's legal responsibility as a certified applicator of restricted pesticides. Each applicant shall be tested to determine the applicant's ability to meet the following requirements:

(a) Recognize common pests to be controlled and damage caused by them;

(b) read and understand the label and labeling information, including the common name of the pesticide applied, pest or pests to be controlled, timing and methods of application, safety precautions, any preharvest reentry restrictions, and any specific disposal procedures;

(c) apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation;

(d) recognize local environmental situations that must be considered during application to avoid contamination;

(e) recognize poisoning symptoms and procedures to follow in case of a pesticide accident; and

(f) understand federal and state supervisory requirements, including labeling, that must be met by a certified private applicator in supervising the non-certified application of restricted pesticides. These supervisory requirements shall include verifiable instruction of the applicator, availability during application, and any added restrictions that may be imposed for specific pesticides through labeling. These restrictions may include the required physical presence of the supervising applicator during the application. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2445a, as amended by L. 2009, Ch. 128, §18; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended May 1, 1988; amended Feb. 5, 2010.)

**4-13-16. Supervision of uncertified applicators.** (a) An uncertified commercial applicator of any pesticide and an uncertified private applicator of restricted-use pesticides shall be considered to be under the supervision of a certified applicator if the certified applicator has provided the uncertified applicator with instructions in the handling and application of the pesticide being used.

(b) The certified applicator shall be available to the uncertified applicator by telephone, two-way radio, or other comparable means of communication when the pesticide is being applied.

(c) The certified applicator shall be physically present if that person's presence is required by the pesticide label.

(d) The certified applicator shall verify that the requirements of this regulation were met when requested to do so by the secretary or the secretary's authorized representative.

(e) An uncertified applicator of pesticides, including registered pest control technicians, shall be considered to be under the supervision of a certified commercial appli-

*(continued)*

cator only if both individuals are stationed at and work from the same business address. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2441a, as amended by L. 2009, Ch. 128, §16; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended Feb. 5, 2010.)

**4-13-17. Report of address change by certified applicators.** Each certified commercial applicator shall notify the secretary of any change in that applicator's mailing address within 30 days of the change. (Authorized by and implementing K.S.A. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended Feb. 5, 2010.)

**4-13-18. Disposal of pesticides and containers.** Any amount of unused pesticide and each empty pesticide container shall be stored in the same manner as the pesticide involved until the unused pesticide or empty container is disposed of in a manner consistent with technology current at the time of disposal. Questions regarding the latest technology shall be submitted to any of the following: (a) The Kansas department of agriculture;

(b) Kansas state university extension service;

(c) Kansas department of health and environment; or

(d) the United States environmental protection agency. (Authorized by and implementing K.S.A. 2-2467a; effective, E-78-26, Sept. 7, 1977; effective May 1, 1978; amended Feb. 5, 2010.)

**4-13-20. Pesticide business license, renewal, and uncertified commercial applicator fees.** The application fee for a pesticide business license or for the renewal of a pesticide business license shall be \$140.00 for each category in which the applicant applies for a pesticide business license or renewal of that license. An additional fee of \$15.00 for each uncertified commercial applicator employed by the applicant to apply pesticides shall also be paid. This regulation shall apply to all pesticide business licenses, or renewals of these licenses, that will be effective through June 30, 2015, regardless of when the application is received by the agency.

The \$140.00 pesticide business license fee shall revert to \$112.00 on and after July 1, 2015, unless this date is modified by statute. The \$15.00 uncertified commercial applicator shall revert to \$10.00 on and after July 1, 2015, unless this date is modified by statute. (Authorized by K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11, and K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-88-46, Nov. 10, 1987; amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-21. Government agency registration and renewal fees.** The application fee for a government agency registration shall be \$50.00. This regulation shall apply to all government agency registrations, or renewals of these registrations, effective through June 30, 2015, regardless of when the agency receives the application. The \$50.00 government agency registration fee shall revert to \$35.00 on and after July 1, 2015, unless this date is modified by statute. (Authorized by K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11, and K.S.A. 2-2467a;

implementing K.S.A. 2008 Supp. 2-2440, as amended by L. 2009, Ch. 128, §11; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-22.** (Authorized by K.S.A. 2006 Supp. 2-2441a and K.S.A. 2-2467a; implementing K.S.A. 2006 Supp. 2-2441a; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; revoked Feb. 5, 2010.)

**4-13-23. Examination fees.** The examination fee for a commercial applicator's certificate shall be \$45.00 through June 30, 2015, for each category, subcategory, and general core examination taken. The fee shall also apply if the applicant seeks reexamination. The \$45.00 examination fee shall revert to \$35.00 on and after July 1, 2015, unless this date is modified by statute. (Authorized by K.S.A. 2008 Supp. 2-2443a, as amended by L. 2009, Ch. 128, §17, and K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2443a, as amended by L. 2009, Ch. 128, §17; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-24. Certified private applicator's certificate fee.** The certified private applicator's certificate fee shall be \$25.00. This regulation shall apply to certified private applicator certificates that will be effective through June 30, 2015, regardless of when the department receives the application. The \$25.00 certified private applicator's certificate fee shall revert to \$10.00 on and after July 1, 2015, unless this date is modified by statute. (Authorized by K.S.A. 2008 Supp. 2-2445a, as amended by L. 2009, Ch. 128, §18, and K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2445a, as amended by L. 2009, Ch. 128, §18; effective, T-83-36, Nov. 10, 1982; effective May 1, 1983; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-30. Dealer recordkeeping requirements.** (a) Each pesticide dealer shall maintain records of all restricted-use pesticide products sold or otherwise conveyed. These records shall be made available during reasonable business hours to the secretary or the secretary's authorized representative for purposes of inspection and copying. Each record required by this regulation shall be kept for at least two years after the date of the sale or conveyance.

(b) The records specified in subsection (a) shall contain the following information:

(1) The name of each person to whom the restricted-use pesticide product has been sold or conveyed, as verified by the person's presentation of a federal or state government-issued identification card;

(2) the address of either the residence or principal place of business of each person to whom the restricted-use pesticide product has been sold or conveyed;

(3) the name and address of either the residence or principal place of business of the individual to whom the restricted-use pesticide product has been delivered or conveyed, if different from the purchaser;

(4) the certification number of the applicator's certificate;

(5) the name of the state issuing the certificate;

(6) the expiration date of the certificate;

(7) if the applicator is a certified commercial applicator of pesticides, then, if applicable, the categories and sub-categories in which the applicator is certified;

(8) the registered name of the restricted-use pesticide product, the EPA registration number of the restricted-use pesticide product, and, if applicable, the "special local need" state registration number of the restricted-use pesticide product;

(9) the quantity of the restricted-use pesticide product sold or conveyed; and

(10) the date of the transaction.

(c) If the pesticide dealer makes a restricted-use pesticide product available to an uncertified person for use by a certified applicator, then the following records shall be kept in addition to those required in subsection (a):

(1) The name of the uncertified person to whom the restricted-use pesticide product has been made available, as verified by the uncertified person's presentation of a federal or state government-issued identification card;

(2) the address of either the residence or principal place of business of the uncertified person to whom the restricted-use pesticide product has been made available;

(3) the name of the certified applicator who will use the restricted-use pesticide product; and

(4) the address of either the residence or principal place of business of the certified applicator who will use the restricted-use pesticide product.

(d) Each pesticide dealer shall submit an annual report for each restricted-use pesticide product that the dealer has sold or otherwise conveyed. The report shall include the following:

(1) The registered name of the restricted-use pesticide product, the EPA registration number of the restricted-use pesticide product, and, if applicable, the "special local need" state registration number of the restricted-use pesticide product; and

(2) the quantity of the restricted-use pesticide product sold or otherwise conveyed. (Authorized by and implementing K.S.A. 2-2467a; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986; amended May 1, 1987; amended Feb. 5, 2010.)

**4-13-33. Pest control technician registration and renewal fees.** The application fee for a pest control technician registration or for the renewal of a pest control technician registration shall be \$40.00. Each fee paid by the applicant pursuant to K.A.R. 4-13-9 shall be applied toward payment of the fee required by this regulation. This regulation shall apply to all pest control technician registrations, or renewals of these registrations, that will be effective through June 30, 2015, regardless of when the department receives the application. The \$40.00 pest control technician registration fee shall revert to \$25.00 on and after July 1, 2015, unless this date is modified by statute. (Authorized by K.S.A. 2008 Supp. 2-2440b, as amended by L. 2009, Ch. 128, §13, and K.S.A. 2-2467a; implementing K.S.A. 2008 Supp. 2-2440b, as amended by L. 2009, Ch. 128, §13; effective, T-88-46, Nov. 10, 1987;

amended May 1, 1988; amended, T-4-6-27-02, July 1, 2002; amended Oct. 25, 2002; amended Feb. 29, 2008; amended Feb. 5, 2010.)

**4-13-62. Amount of civil penalty.** (a) A separate civil penalty shall be assessed for each violation of the pesticide law that results from each independent act or failure to act by any pesticide business licensee or pesticide dealer, or any agent or employee of a pesticide business licensee or pesticide dealer. In determining whether a given violation is independent of and substantially distinguishable from any other violation for the purpose of assessing separate civil penalties, consideration shall be given to whether each violation requires an element of proof not required by another violation. If several violations require the same elements of proof and are not distinguishable, the assessment of separate civil penalties shall be within the discretion of the secretary or the secretary's authorized representative.

(b) The amount of each civil penalty shall be within the following ranges:

(1) For each violation of K.S.A. 2-2453(a) or (b) and amendments thereto, the civil penalty shall be not less than \$100 and not more than \$5,000.

(2) For each violation of K.S.A. 2-2454(b), (m), (o), (r), (s), or (t) and amendments thereto, the civil penalty shall be not less than \$100 and not more than \$5,000.

(3) For each violation of K.S.A. 2-2454, and amendments thereto, not covered in paragraph (b)(2), the civil penalty shall be not less than \$100 and not more than \$1,000.

(4) For each violation of K.S.A. 2-2453(c), and amendments thereto, not already covered in paragraph (b) (1), (2), or (3), the civil penalty shall be not less than \$100 and not more than \$1,000.

(c) For each subsequent occurrence of a violation for which a civil penalty has been assessed within a three-year period, the civil penalty assessed for the subsequent violation shall be the maximum amount for the category listed. (Authorized by K.S.A. 2-2467a; implementing K.S.A. 2-2440e, as amended by L. 2009, Ch. 128, §15; effective Jan. 1, 1989; amended Jan. 25, 1993; amended Feb. 5, 2010.)

Josh Svaty

Acting Secretary of Agriculture

Doc. No. 037928

State of Kansas

**Kansas Lottery**

**Temporary Administrative  
Regulations**

**KANSAS EXPANDED LOTTERY RULES  
AND REGULATIONS**

**Article 201.—GENERIC RULES FOR LOTTERY  
FACILITY GAMES AT LOTTERY GAMING  
FACILITIES**

**111-201-1. Definitions.** (a) "Central computer system" means the central site computer system established

(continued)

or designated by the executive director for purposes of information retrieval, security, monitoring, and terminal activation or deactivation, which shall be linked to each electronic gaming machine operated under the Kansas expanded lottery act.

(b) "Player" means a person who: (1) takes part in a lottery facility game by paying consideration for the chance of winning a Prize; and (2) is lawfully eligible to play a lottery facility game under the Kansas expanded lottery act or applicable rules and regulations.

(c) "Promotional Credit" means any non-cashable credit, coupon or voucher redeemable by a Player at a Lottery Gaming Facility for use in playing Lottery Facility Games that is provided to a player by manager on a discretionary basis for purposes of promoting the Lottery Gaming Facility in accordance with a promotional program approved by the Executive Director.

(d) "Prize" means any money or non-cash rewards a Player may be entitled to as an award for playing a lottery facility game. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-2. Credentialing or certification.** Each employee, contractor or agent of a lottery gaming facility manager shall comply with all credentialing or certification requirements imposed by the Kansas racing and gaming commission or specified by the Kansas lottery commission. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-3. Certifying lottery gaming facility revenues.** (a) Each lottery gaming facility manager shall cooperate fully with any inspection or audit of the operations of the lottery gaming facility required by the executive director in order to determine and certify lottery gaming facility revenues.

(b) Each lottery gaming facility manager shall make available immediately to the executive director, or the executive director's designee, upon request, all accounting records, internal control documents, bank accounts, financial statements, files or other records concerning the lottery gaming facility manager's management of that facility.

(c) Each lottery gaming facility manager shall authorize all third parties in possession or control of any records referred to in paragraph (b) to allow examination of such records by the executive director or the executive director's designee.

(d) Each lottery gaming facility manager shall provide immediate access to the executive director, or the executive director's designee, upon request, to observe and physically inspect or monitor any area located within the lottery gaming facility, including, but not limited to, areas where accounting functions are performed, or where surveillance or other monitoring equipment is located. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710 and 8752(a); effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-4. Advertising, marketing, and promotion materials.** (a) No lottery gaming facility manager

shall use or allow any advertising, marketing or promotion materials related to the lottery gaming facility or referencing lottery facility games at the lottery gaming facility unless such materials are submitted to the executive director for review and approval.

(b) Advertising, marketing, and promotion materials related to a lottery gaming facility or referencing lottery facility games at a lottery gaming facility need not be submitted for review and approval as required by 111-201-4(a) if identical materials were previously submitted and approved and if such approval was not subsequently withdrawn.

(c) Advertising, marketing, and promotion materials related to a lottery gaming facility or referencing lottery facility games at a lottery gaming facility shall be approved provided the lottery gaming facility manager meets all standards, terms and conditions for advertising, marketing and promotion materials that may be set out in the lottery gaming facility management contract, unless the executive director determines that such materials:

(1) Result in an appearance that reflects adversely on the lottery as the owner and operator of the lottery facility games;

(2) contain inaccurate, deceptive, or misleading information;

(3) imply that playing games of chance promotes or is required for social acceptance, personal success, financial success, or the resolution of any economic, social or personal problems;

(4) contain endorsements by well-known personalities suggesting that playing games of chance contributed to their success; or

(5) directly encourage individuals less than 21 years of age to play games of chance.

(d) Each lottery gaming facility manager shall ensure that all advertising, marketing and promotion materials related to the lottery gaming facility or referencing lottery facility games at the lottery gaming facility, unless expressly waived in writing by the executive director, contain the following information:

(1) A statement that the lottery facility games at the lottery gaming facility are owned and operated by the Kansas lottery; and,

(2) A problem gambling message approved by the executive director.

(e) Each lottery gaming facility manager shall ensure that all advertising, marketing, and promotion materials related to a lottery gaming facility or referencing lottery facility games at the lottery gaming facility that is disseminated in print, billboard, or by the internet shall display the information required by paragraph (d) in a size and form that is adequate in size, style and font to allow individuals to readily notice and read such information.

(f) Each lottery gaming facility manager shall ensure that all advertising, marketing, and promotion materials related to a lottery gaming facility or referencing lottery facility games at the lottery gaming facility that are disseminated by television or radio speaks aloud the information required by paragraph (d) and, in the case of television, is displayed visually in a form that allows individuals to readily notice and read the statement.

(g) Subject to approval by the executive director, each lottery gaming facility manager shall post and maintain signs in conspicuous locations within the lottery gaming facility informing patrons of the toll-free telephone number and internet web address available to provide information and referral services regarding compulsive or problem gambling.

(h) Each lottery gaming facility management contract shall contain terms and conditions requiring the lottery gaming facility manager to submit to the executive director for approval policies and procedures relating to the issuing of a promotional credit to a player. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-5. Kind, type, number and location of lottery facility games.** (a) Each lottery gaming facility shall have available for play on its premises only those lottery facility games specifically authorized by the executive director for use at such lottery gaming facility.

(b) No lottery facility game shall be used at a lottery gaming facility unless such game meets the following criteria:

(1) Meets all statutory requirements, and any rules and regulations imposed by the Kansas lottery;

(2) can be monitored, audited, and controlled by the executive director as specified by the executive director for each such lottery facility game;

(3) the rules of play for each such lottery facility game are approved by the executive director; and

(4) is purchased, leased or licensed for the commission on terms and conditions approved by the executive director, if such purchase or lease is necessary for the commission to be able to operate such game.

(c) Lottery facility games shall be authorized for placement at a lottery gaming facility based on a determination by the executive director that such placement will maximize lottery gaming facility revenues from the lottery gaming facility, and all other lottery gaming facilities and racetrack gaming facilities operated by the commission.

(d) Lottery facility games authorized for placement at a lottery gaming facility and the rules of play for such games shall not be modified without the written consent of the executive director.

(e) No lottery gaming facility shall have in active use more than the number of lottery facility games authorized by the executive director for that facility.

(f) Any lottery facility game placed at a lottery gaming facility may be confiscated by the executive director, or the executive director's designee, upon a determination by the executive director that such game does not comply with requirements of any applicable laws, rules and regulations, or the contract between the commission and the lottery gaming facility manager. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710, 74-8750(d), and 74-8752(a); effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-6. Accounting and reporting of required payments from lottery gaming facility managers.** (a) Each lottery gaming facility manager shall remit daily to the executive director all lottery gaming facility revenues

from all lottery facility games through the electronic transfer of funds to an account established by the executive director for such purpose unless such daily remission cannot be achieved due to the unavailability of bank services, force majeure events as specified in the lottery gaming facility management contract or malfunctions in the central communications system not within manager's control, in which case the remission shall be made on the first succeeding day that such services are available.

(b) Each lottery gaming facility manager shall report as required by the executive director lottery gaming facility revenues for each lottery facility game using forms prepared and supplied by the executive director, and in a format determined by the executive director.

(c) Each lottery gaming facility manager shall report such additional information, including statistical data, as may be required by the executive director in order to evaluate the financial position and operating performance of each lottery gaming facility, as well as the performance and trends from lottery facility games utilized in the state of Kansas. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-7. Notices regarding released information.** (a) Any applicant, certificate holder, vendor, or lottery gaming facility manager shall be provided notice of the contents of information pertaining to such person that was released by the Kansas lottery, except information provided to a duly authorized law enforcement agency, upon the filing of a request for this information.

(b) A person wanting to request notice of released information pursuant to paragraph (a) shall make a written request to the executive director.

(c) Each request for notice shall include the following information:

(1) The requesting party's name; and

(2) the requesting party's address where written notification may be mailed or delivered.

(d) Subsequent requests to receive notification pursuant to this regulation shall specify the date of the previous request.

(e) Each notice regarding the release of information shall be sent to the requesting party at the address provided in the then-current written request by regular postal delivery by the United States Postal Service, or by facsimile, email, personal delivery, or any other means designed to reach the requesting party in a timely manner.

(f) Notices regarding the release of information will not be provided in any manner other than as provided by this regulation. (Authorized by K.S.A. 2008 Supp. 74-8710, 74-8745, and 74-8748; implementing K.S.A. 2008 Supp. 74-8710 and 74-8745; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-8. Floor plan.** (a) Each lottery gaming facility management contract shall contain terms and conditions requiring the lottery gaming facility manager to submit to the executive director for approval a floor plan showing the location of all lottery facility games, count

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rooms, cages and other equipment and facilities to be contained within the lottery gaming facility.

(b) A lottery gaming facility manager who proposes to make any change to an approved floor plan shall submit the proposed change to the executive director for approval in accordance with the terms and conditions set out in the lottery gaming facility management contract. No change to any approved floor plan shall be made without prior written approval by the executive director.

(c) Each lottery gaming facility manager shall ensure its operations are conducted in accordance with the floor plan currently approved by the executive director. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710 and 74-8734(c); effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-9. Surveillance plan.** (a) Each lottery gaming facility management contract shall contain terms and conditions requiring the lottery gaming facility manager to submit to the executive director for approval a surveillance plan, including diagrams, for the surveillance of activities related to the playing of lottery facility games at the lottery gaming facility.

(b) Each surveillance plan shall include, but not be limited to, the following:

(1) A floor plan for the premises showing the placement of all surveillance equipment in relation to the areas under surveillance;

(2) a description of the surveillance equipment and its capabilities;

(3) a copy of the lottery gaming facility manager's policies and procedures with respect to surveillance including the areas of the lottery gaming facility under surveillance, the types of activities that are recorded and the periods of time for which recordings of activities are kept and maintained for such period as determined by the executive director;

(4) a copy of the lottery gaming facility manager's policies and procedures with respect to access to the surveillance equipment and the areas of the premises in which it is placed;

(5) a description of the access to, and use of, the surveillance system by the Kansas lottery commission and the Kansas racing and gaming commission; and

(6) a copy of the lottery gaming facility manager's plan for carrying out surveillance if any or all of the surveillance equipment in use fails.

(c) Any lottery gaming facility manager who proposes to make a change to an approved surveillance plan shall submit the proposed changes to the executive director for approval in accordance with the terms and conditions set out in the lottery gaming facility management contract. No change to any approved surveillance plan shall be made without prior written approval by the executive director.

(d) Each lottery gaming facility manager shall ensure that its operations are conducted in accordance with the policies and procedures outlined in the surveillance plan approved by the executive director.

(e) Each lottery gaming facility manager shall ensure that no lottery facility games are operated during a time when there is a failure of electronic surveillance capability

at the lottery gaming facility until electronic surveillance is restored. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710 and 74-8734(c); effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-10. Security.** (a) Each lottery gaming facility management contract shall contain terms and conditions requiring the lottery gaming facility manager to submit to the executive director for approval policies and procedures relating to security at the lottery gaming facility.

(b) Policies and procedures relating to security submitted for approval shall include, but are not limited to, the following:

(1) A detailed description of the responsibilities of the security department;

(2) procedures for handling and moving money and money equivalents and any electronic gaming machines or related equipment;

(3) procedures for transferring money between the lottery gaming facility and a financial institution;

(4) procedures for ensuring the security of lottery facility games located at the lottery gaming facility;

(5) procedures for dealing with persons suspected of having used counterfeit money, money equivalents, or forged or stolen checks, credit cards, or debit cards, and any different procedures to be followed if a suspect is at the lottery gaming facility or has left the premises.

(6) procedures for preventing individuals who are prohibited from playing or operating lottery facility games from playing such games at the lottery gaming facility;

(7) procedures for dealing with persons trespassing on the premises of the lottery gaming facility;

(8) procedures for protecting players who have won large sums of money;

(9) procedures for protecting players and employees during severe or inclement weather;

(10) procedures for protecting players in parking lots, garages, and elsewhere on and about the lottery gaming facility premises; and

(11) procedures for evacuating the lottery gaming facility in an emergency.

(c) A lottery gaming facility manager who proposes to make a change to approved policies and procedures relating to security shall submit the proposed change to the executive director for approval in accordance with the terms and conditions set out in the lottery gaming facility management contract. No change to any approved policies or procedures relating to security shall be made without prior written approval by the executive director.

(d) A lottery gaming facility manager shall ensure its operations are conducted in accordance with the policies and procedures relating to security approved by the executive director. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710 and 74-8734(c); effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-11. Equipment tampering, damage or malfunctions.** No lottery gaming facility manager shall permit any person to play a lottery facility game located at a lottery gaming facility if that lottery facility game or the equipment used to play such game is, in any way,

tampered with, damaged, or malfunctioning, so that the tampering, damage or malfunction could affect the game's integrity, security, accounting capability, or the outcome or payout from the game. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-12. Equipment manipulation.** No lottery gaming facility manager shall permit any person to use an electrical, electronic, mechanical or other device, including a calculator or computer, at the lottery gaming facility if the device could assist in projecting the outcome, change the probabilities, or alter any playing strategy used in operating or playing a lottery facility game. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-13. Equipment installation, maintenance or repair.** No lottery gaming facility manager shall permit the installation, maintenance, or repair of any lottery facility game or any component necessary for playing a lottery facility game at any location other than the lottery gaming facility for which the game has been approved unless the executive director has approved the alternative location in writing. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-14. Internal controls.** (a) No lottery gaming facility manager shall place or permit operation of lottery facility games at a lottery gaming facility unless the following criteria are met:

(1) The lottery gaming facility manager has submitted to the executive director policies and procedures establishing a system of internal controls at the lottery gaming facility to ensure the safe handling and movement of money and money equivalents and the maintenance of timely and accurate accounting information and data; and

(2) the policies and procedures establishing a system of internal controls are approved by the executive director in writing.

(b) The policies and procedures establishing a system of internal controls submitted by a lottery gaming facility manager shall provide reasonable assurance that each of the following conditions will be met:

(1) Financial records and reporting will be accurate, reliable and prepared on a timely basis;

(2) potential for error and fraud is minimized;

(3) money and money equivalents will be safeguarded;

(4) access to gaming machines, currency, coins, and tokens is restricted;

(5) each job function has a proper segregation of duties;

(6) all assets are safeguarded;

(7) financial transactions will comply with applicable laws and regulations;

(8) all promotional credits are documented, and the value attributed to such promotional credits recorded in the financial records maintained by the lottery gaming facility manager;

(9) all prizes are documented, and the value attributed to any non-cash prize is recorded in the financial records maintained by the lottery gaming facility manager; and

(10) efficient operations will be promoted.

(c) Each lottery gaming facility manager shall have its policies and procedures establishing a system of internal controls reviewed by a certified public accountant, who shall provide to the executive director a written report as to whether the internal controls submitted for approval comply with this regulation, as well as generally accepted standards for internal controls used in the gaming industry.

(d) Each lottery gaming facility manager shall have a certified public accountant review at least annually the operations at the lottery gaming facility and provide to the executive director a written report as to whether those operations are conducted in accordance with the policies and procedures establishing the system of internal controls approved by the executive director.

(e) A lottery facility manager who proposes to change any of the policies and procedures establishing the system of internal controls approved by the executive director shall submit the proposed changes to the executive director for approval, along with a written verification by a certified public accountant that the proposed changes comply with this regulation, as well as generally accepted standards for internal controls used in the gaming industry.

(f) Each lottery gaming facility manager shall ensure that its operations are conducted in accordance with the policies and procedures establishing the system of internal controls approved by the executive director. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-15. Persons prohibited from playing lottery facility games.** (a) No lottery gaming facility manager shall permit any of the following individuals to play any lottery facility game:

(1) Persons less than 21 years of age;

(2) persons who appear to be intoxicated or under the influence of drugs;

(3) persons prohibited by the Kansas expanded lottery act from playing lottery facility games at a lottery gaming facility;

(4) persons who the lottery gaming facility manager has reason to believe have been excluded from any race-track gaming facility or lottery gaming facility at the direction of the executive director or the Kansas racing and gaming commission; and

(5) persons participating in a self-exclusion process in place at the lottery gaming facility.

(b) Each lottery gaming facility manager shall keep and maintain at the lottery gaming facility a confidential, self-exclusion list comprised of the name, address and date of birth of any persons who wants to be excluded from access to lottery facility games.

(c) Each lottery gaming facility manager shall prepare and submit its policies and procedures regarding self-exclusion lists to the executive director for written approval.

(d) Each lottery gaming facility manager shall ensure its operations are conducted in accordance with its policies and procedures regarding self-exclusion lists. (Au-

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thorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-16. Prohibited acts involving state or local officials or affiliated persons.** (a) No lottery gaming facility manager shall authorize or permit any state or local official or affiliated person, or any such person within five years immediately subsequent to termination of the office or employment of the official, to do the following:

(1) Hold, directly or indirectly, an interest in the lottery gaming facility or lottery gaming facility manager, or any holding or intermediary company with respect thereto;

(2) be employed by the lottery gaming facility or lottery gaming facility manager, or any holding or intermediary company with respect thereto; or

(3) represent, appear for, or negotiate on behalf of the lottery gaming facility or lottery gaming facility manager, or any holding or intermediary company with respect thereto, in connection with any cause, application, phase of development, or any other matter whatsoever related to activities or operations of the lottery gaming facility.

(b) No person with a pending proposal for a lottery gaming facility or lottery gaming facility manager shall authorize or permit any state or local official or affiliated person, or any such person within five years immediately subsequent to termination of the office or employment of the official, to do any of the following:

(1) Hold, directly or indirectly, an interest in the proposed lottery gaming facility or the proposed lottery gaming facility manager, or any holding or intermediary company with respect thereto;

(2) be employed by the proposed lottery gaming facility or the proposed lottery gaming facility manager, or any holding or intermediary company with respect thereto; or

(3) represent, appear for, or negotiate on behalf of the proposed lottery gaming facility or the proposed lottery gaming facility manager, or any holding or intermediary company with respect thereto, in connection with any cause, application, phase of development, or any other matter whatsoever related to activities or operations of such entity.

(c) No person preparing a proposal for a lottery gaming facility or lottery gaming facility manager shall authorize or permit any state or local official or affiliated person, or any such person within five years immediately subsequent to termination of the office or employment of the official, to do any of the following:

(1) Hold, directly or indirectly, an interest in the proposed lottery gaming facility or the proposed lottery gaming facility manager, or any holding or intermediary company with respect thereto;

(2) be employed by the proposed lottery gaming facility or the proposed lottery gaming facility manager, or any holding or intermediary company with respect thereto; or

(3) represent, appear for, or negotiate on behalf of the proposed lottery gaming facility or the proposed lottery gaming facility manager, or any holding or intermediary company with respect thereto, in connection with any

cause, application, phase of development, or any other matter whatsoever related to activities or operations of the proposed lottery gaming facility.

(d) No lottery gaming facility or lottery gaming facility manager shall offer, or provide, directly or indirectly, to any state or local official any complimentary service or discount that is not provided to members of the general public in like circumstance.

(e) No person with a pending proposal for a lottery gaming facility or lottery gaming facility manager shall offer, or provide, directly or indirectly, to any state or local official any complimentary service or discount that is not provided to members of the general public in like circumstance.

(f) No person preparing a proposal for a lottery gaming facility or lottery gaming facility manager shall offer, or provide, directly or indirectly, to any state or local official any complimentary service or discount that is not provided to members of the general public in like circumstance.

(g) As used in this section, the following words and phrases shall have the meaning specified below.

(1) "Affiliated Person" means:

(A) Any member of the immediate family of a state or local official; or

(B) any partnership, firm, corporation or limited liability company with which a state or local official has an interest, or any partner, officer, director or employee thereof while the state or local official is associated with such partnership, firm, corporation or company.

(2) "Associated" means to be a partner, officer, director, board member, manager, owner, employee, advisor, or consultant regardless of whether compensation or any other financial or equitable benefit or control is conferred by such status.

(3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by such person or another.

(4) "Head of any state agency, the assistant or deputy heads of any state agency or the head of any division" means a natural person with administrative control over a state agency or any division of a state agency.

(5) "Immediate family" means a person's parents, step-parents, spouse, children, stepchildren, brothers, step-brothers, sisters, or stepsisters.

(6) "Interest" means to have any present or future legal or equitable claim or right of a financial nature of any kind.

(7) "Matters affecting the activities or operations of any lottery gaming facility or racetrack gaming facility" means one or more subjects reasonably likely to directly influence or change any means by which a lottery gaming facility or racetrack gaming facility conducts business pursuant to, or complies with, the Kansas expanded lottery act.

(8) "Professional employee" means any person who meets the following criteria:

(A) Is employed in a position that requires a certificate or license evidencing an advanced level of education, training, or proficiency;

(B) performs work that is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; and

(C) involves the consistent exercise of discretion and judgment.

(9) "Regularly employed or retained by" means to be consistently or habitually authorized to perform certain acts or functions for compensation.

(10) "State or local official" means any person who, on or after January 9, 2006, is:

(A) Any state officer or employee required to file a written statement of substantial interest pursuant to the state governmental ethics laws, who had responsibility on behalf of the state for matters affecting the activities or operations of any lottery gaming facility or racetrack gaming facility;

(B) any other state officer or employee with responsibility on behalf of the state for matters affecting the activities or operations of any lottery gaming facility or racetrack gaming facility;

(C) the governor or any full-time professional employee of the office of the governor;

(D) any member of the legislature and any full-time professional employee of the legislature;

(E) any justice of the supreme court, judge of the court of appeals or judge of the district court;

(F) the head of any state agency, the assistant or deputy heads of any state agency, or the head of any division within a state agency;

(G) any member of the governing body of a city or county where a lottery gaming facility or racetrack gaming facility is located;

(H) any municipal or county judge of a city or county where a lottery gaming facility or racetrack gaming facility is located;

(I) any city, county or district attorney of a city or county where a lottery gaming facility or racetrack gaming facility is located;

(J) any member of the planning board or zoning board of a city or county where a lottery gaming facility or racetrack gaming facility is located; or

(K) any attorney, professional planner or consultant regularly employed or retained by a planning board or zoning board of a city or county where a lottery gaming facility or racetrack gaming facility is located.

(11) "State officer or employee" shall have the meaning given to that term in K.S.A. 46-221, and amendments thereto. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710 and 74-8734(c); effective, T-111-12-24-09, Dec. 3, 2009.)

**111-201-17. Malfunction, tampering, or cheating.**

(a) Malfunction of a lottery facility game shall void all play affected by the malfunction and shall void all prizes awarded as a result of the malfunction, except that a player shall be entitled to a refund of the amount wagered on the play that resulted in the malfunction.

(b) Tampering with or cheating a lottery facility game by a player shall void all play affected by the tampering or cheating and shall void all prizes awarded as a result of the tampering or cheating. A player found to have tampered with or cheated a lottery facility game shall not be

entitled to a refund of any amount wagered on said lottery facility game.

(c) Attempting to tamper with or cheat a lottery facility game by a player shall void all play affected by the attempted tampering or cheating and all prizes awarded as a result of the attempted tampering or cheating shall be void. A player found to have attempted to tamper with or cheat a lottery facility game shall not be entitled to a refund of any amount wagered on said lottery facility game.

(d) If any tampering, cheating, attempted tampering, or attempted cheating set forth in K.A.R. 111-201-17 (b) or (c) affects any players other than the player who engaged in tampering, cheating, attempted tampering, or attempted cheating, those players shall be entitled to a refund of any amount wagered on said lottery facility game for any play actually affected by the tampering, cheating, attempted tampering or attempted cheating.

(e) In no event shall any refund issued pursuant to K.A.R. 111-201-17 exceed the amount of that player's actual wager so affected. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**Article 301.—SPECIFIC LOTTERY FACILITY GAMES AT LOTTERY GAMING FACILITIES; BLACKJACK**

**111-301-1. Name of the game; rules and regulations.** The Kansas lottery shall conduct a lottery facility game at the Boot Hill Casino & Resort in Dodge City, Kansas, entitled "Blackjack," also known as "21," beginning on or after December 3, 2009.

The rules and regulations for the game of "Blackjack" are contained in K.A.R. 111-301-1 through 111-301-6, and applicable generic rules are contained in K.A.R. 111-201-1 *et seq.* (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-301-2. Object of game.** The object of the "Blackjack" game is for a player to beat the dealer's hand by accepting cards without exceeding the sum of 21 points. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-301-3. Definitions.** The following definitions, when used in the Southwest Kansas Lottery Gaming Zone, when pertaining to the game of "Blackjack" or "21," shall have the following meanings unless the context clearly indicates otherwise.

(a) "A blackjack" shall mean an ace and any card having a point value of 10 dealt as the initial two cards to a player or a dealer, except that this shall not include an ace and a ten point value card dealt to a player who has split pairs.

(b) "Burned" shall mean to remove a card from play.

(c) "Dealer" shall mean the person responsible for dealing the cards at a Blackjack table.

(d) "Discard rack" shall mean the receptacle into which cards are placed after each round of decisions is rendered in a game.

(continued)

(e) "Hard total" shall mean the total point count of a hand which contains no aces or which contains one or more aces that are each counted as having one point in value.

(f) "Push" or "tie" shall mean the player does not lose or win the hand played.

(g) "Shoe" shall mean the receptacle into which cards are placed to be held for dealing to the players and dealer.

(h) "Soft total" shall mean the total point count of a hand containing an ace when the ace is counted as having 11 points in value. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-301-4. Characteristics of the game.** Blackjack shall be played with at least two decks of playing cards and all decks of cards shall be identical in appearance. Each deck of playing cards shall consist of 13 value cards (2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, king, and ace) in each of four suits (hearts, spades, diamonds, and clubs). The value of the cards contained in each deck shall be as follows:

(a) Any card from 2 to 10 shall have its face value;

(b) Any jack, queen or king shall have a value of 10; and

(c) An ace shall have a value of 11, unless that value would give a player or the dealer a score in excess of 21, in which case it shall have a value of one. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-301-5. Wagers.** (a) Prior to the first card being dealt for each round of play, each player at the game of blackjack shall make a wager against the dealer which shall win if:

(1) The score of the player is 21 or less and the score of the dealer is in excess of 21;

(2) The score of the player exceeds that of the dealer without either score exceeding 21; or

(3) The player has achieved a score of 21 in two cards and the dealer has achieved a score of 21 in more than two cards.

(b) Except as otherwise provided in these rules a wager made in accordance with this section shall be void when the score of the player is the same as the dealer; provided, however, that a player's wager shall be lost when the dealer has a blackjack and the player has a score of 21 which is not a blackjack.

(c) Except as otherwise provided in these rules, no wager shall be made, increased or withdrawn after the first card of the respective round has been dealt.

(d) All wagers at blackjack shall be made by placing gaming chips on the appropriate areas of the blackjack layout.

(e) After each round of play is complete, the dealer shall collect all losing wagers and pay off all winning wagers, except that if the cards in a player's hand exceed a total of 21 points ("busts,") the wager for that hand shall be lost and the wager shall be immediately collected by the dealer. All winning wagers made in accordance with these rules shall be paid at odds of one to one with the exception of a blackjack which shall be paid at odds of three to two.

(f) Once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager except as permitted by these rules.

(g) Once a wager on the insurance line, a wager to double down, or a wager to split pairs has been made and confirmed by the dealer, no player shall handle, remove or alter such wagers until a decision has been rendered and implemented with respect to that wager except as permitted by these regulations.

(h) A double down wager shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of twenty-one (21). A double down wager shall push or tie if the player's hand and the dealer's hand are equal. A double down wager shall lose if the total of the player's cards exceeds twenty-one (21) or is less than the total of the dealer's cards. A double down wager shall be paid at the rate of one to one on both the original wager and the double down portion of the wager. A player may not double down after splitting pairs.

(i) A split bet shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of twenty-one (21). A split bet shall lose if the total of the player's cards exceeds twenty-one (21) or is less than the total of the dealer's cards. A split bet shall tie or push if the player's hand and the dealer's hand are equal. A split bet shall be paid at the rate of one to one on both the original wager and the split wager. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-301-6. Play.** (a) After the cards have been shuffled, the dealer shall offer the stack of cards to a player to be cut. The player may cut the cards by placing a cutting card provided by the dealer at a random place in the stack.

(b) At the commencement of each round of play, the dealer shall, starting on his left and continuing around the table, deal the cards in the following order:

(1) One card face upwards to each box on the blackjack layout in which a wager is contained;

(2) One card face upwards to himself; and,

(3) A second card face upwards to each box in which a wager is contained.

(c) After two cards have been dealt to each player and the appropriate number to the dealer, the dealer shall, beginning from his left, announce the point total of each player. As each player's point total is announced, such player shall indicate whether he wishes to double down, split pairs, stand or draw.

(d) As each player indicates his decision(s), the dealer shall deal face upwards whatever additional cards, if any, which are necessary to effectuate such decision and shall announce the new point total of such player after each additional card is dealt.

(e) After the decision(s) of each player have been implemented and all additional cards have been dealt, the dealer shall deal a second card face upward to himself provided, however, that such card shall not be removed

from the dealing shoe until the dealer has first announced "dealer's card." Any additional cards authorized to be dealt to the hand of the dealer shall be dealt face upwards after which the dealer shall announce his total point count.

(f) A dealer may, in the alternative, deal himself a card face downward after a second card is dealt to each player and before additional cards are dealt to the players, provided that the dealer not look at the face of his face down card until after all other cards requested by the players pursuant to those rules are dealt to them.

(g) If the dealer has a blackjack, no additional cards shall be dealt and each player's wager shall be settled.

(h) Payment of blackjack shall be made as follows:

(1) If the first face up card dealt to the dealer is a 2, 3, 4, 5, 6, 7, 8, or 9 and a player has a blackjack, the dealer shall immediately announce and pay the blackjack at odds of 3 to 2 and shall remove that player's cards before any player receives a third card. If the first face up card dealt to the dealer is an ace, king, queen, jack or 10 and a player has a blackjack, the dealer shall announce the blackjack but shall make no payment nor remove any cards until all other cards are dealt to the players and the dealer receives his second card. If, in such circumstances, the dealer's second card does not give him a blackjack, the player having a blackjack shall immediately be paid at odds of 3 to 2. If the dealer's second card gives him a blackjack, the wager of the player having a blackjack shall be void and constitute a "push" or a "tie."

(2) Whenever the first card dealt to the dealer is an ace, each player shall have the right to make an insurance bet which, except as otherwise provided herein, shall win if the dealer's second card is a king, queen, jack or 10 and shall lose if the dealer's second card is an ace, 2, 3, 4, 5, 6, 7, 8, or 9. An insurance bet may be made by placing on the insurance line of the layout an amount not more than half the amount staked on the player's initial wager, except that a player may bet an amount in excess of half the initial wager to the next unit that can be wagered in chips, when because of the limitation of the value of chip denominations, half the initial wager cannot be bet. All winning insurance wagers shall be paid at odds of 2 to 1. All insurance wagers shall be collected or paid by the dealer immediately after he draws his second face up card or discloses his face down card, and before he draws any additional cards.

(3) Except for a blackjack, a player may elect to double down, which means to make an additional wager not in excess of the amount of the player's original wager on the first two cards dealt to him on the condition that one and only one additional card shall be dealt to the hand on which he has elected to double down. If a dealer obtains a blackjack after a player doubles down, the dealer shall only collect the amount of the original wager of such player and shall not collect the additional amount wagered in doubling down. Upon a player's election to double down, the dealer shall deal the player's hand one additional card face upwards or sideways on the layout. In the alternative, if the one additional card is dealt face down, such card shall be turned face upward after the dealer has drawn additional cards to his hand and at such time as all players' wagers are to be settled at the conclu-

sion of the round of play. A double down wager shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of twenty-one (21). A double down wager shall push or tie if the player's hand and the dealer's hand are equal. A double down wager shall lose if the total of the player's cards exceeds twenty-one (21) or is less than the total of the dealer's cards. A double down wager shall be paid at the rate of 1:1 on both the original wager and the double down portion of the wager.

(i) If the initial two cards dealt to a player are identical in value, the player may elect to split the hand into two separate hands provided that he makes a wager on the second hand so formed in an amount equal to his original wager. When a player splits pairs, the dealer shall deal a card to and complete the player's decisions with respect to the first incomplete hand on the dealer's left before proceeding to deal any cards to any other hand. After a second card is dealt to a split pair, the dealer shall announce the point total of such hand and the player shall indicate his decision to stand or draw with respect thereto except that:

(A) A player may split pairs a maximum of three times to make a total of four hands; and

(B) A player splitting aces shall only have one card dealt to each ace and may not elect to receive additional cards.

(j) A player may elect to draw one or more additional cards whenever his point count total is less than 21 except that:

(1) A player electing to double down shall draw one and only one additional card;

(2) A player splitting aces shall only have one card dealt to each ace and may not elect to receive additional cards.

(k) A dealer shall draw additional cards to his or her hand until he or she has:

(1) A hard total of 17, 18, 19, 20, or 21, whichever comes first; or

(2) A soft total of 18, 19, 20, or 21, whichever comes first.

A dealer shall draw no additional cards to his hand, regardless of the point count, if decisions have been made on all players' hands and the point count of the dealer's hand will have no effect on the outcome of the round of play. A split bet shall win if the total of the player's cards exceeds the total of the dealer's cards without exceeding a total of twenty-one (21). A split bet shall lose if the total of the player's cards exceeds twenty-one (21) or is less than the total of the dealer's cards. A split bet shall tie or push if the player's hand and the dealer's hand are equal. A split bet shall be paid at the rate of 1:1 on both the original wager and the split wager.

(l) A card found turned face upwards in the shoe shall not be used in the game and shall be placed in the discard rack.

(m) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe.

(n) If the dealer has a hard total of 17 and accidentally draws a card for himself, such card shall be burned.

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(o) If the dealer misses dealing his first or second card to himself, the dealer shall continue dealing the first two cards to each player, and then deal the appropriate number of cards to himself. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**Article 302.—SPECIFIC LOTTERY FACILITY GAMES AT LOTTERY GAMING FACILITIES; CRAPS**

**111-302-1. Name of the game; rules and regulations.** The Kansas lottery shall conduct a lottery facility game at the Boot Hill Casino & Resort in Dodge City, Kansas, entitled “Craps” beginning on or after December 3, 2009.

The rules and regulations for the game of “Craps” are contained in K.A.R. 111-302-1 through 111-302-6, and applicable generic rules are contained in K.A.R. 111-201-1 *et seq.* (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-302-2. Object of game.** The object of the “Craps” game is to play with two six-sided cubes (dice) with one (1) to six (6) spots on each face, with the sum of opposite sides of each die equaling (7) seven, giving 36 possible combinations. All odds and probabilities are calculated from this figure. Winning or losing decisions on craps are determined by the sum of the spots shown on the upward facing side of the two dice (“point value” or “total”) that come to rest after being thrown by a player or “shooter.” The shooter places a pass or don’t pass line bet and then selects two of the five dice offered by the dealer (stickperson). The shooter throws the dice so that they bounce off the opposite end of the craps table. On the initial throw, the shooter wins, loses or establishes a point. If a point is established, the shooter continues to throw the dice and on each subsequent roll either wins, loses, or continues as the shooter. Other players at the table may also make wagers without being the shooter. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-302-3. Definitions.** The following definitions, when used in the Southwest Kansas Lottery Gaming Zone, when pertaining to the game of “Craps” shall have the following meanings unless the context clearly indicates otherwise:

(a) “Come out point” shall mean a total of 4, 5, 6, 8, 9, or 10 thrown by the shooter on the come out roll.

(b) “Come out roll” shall mean the first roll of the dice at the opening of the game and the first roll of the dice after a decision with respect to a pass bet and a don’t pass bet has been effected.

(c) “Come point” shall mean a total of 4, 5, 6, 8, 9, or 10 thrown by the shooter on the next roll following placement of a come bet or don’t come bet.

(d) A “stick” is a device used by the stickperson to retrieve dice.

(e) “Pucks” or “marker buttons” are round plastic cylinders that are used to mark the point. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing

K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-302-4. Characteristics of the game.** (a) Craps is played at a large rectangular shaped table with rounded corners.

(b) A cloth covering the table has areas for all possible bets that can be made.

(c) Two dice as described in K.A.R. 111-302-2 are required to play the game.

(d) The table layout is divided in half and both halves are imprinted the same.

(e) There is a dealer for each half of the table (also known as a “base dealer”) and one employee that is called the “stickperson” that is positioned at the center across from the base dealers.

(f) A floor supervisor sits in between the two base dealers.

(g) The players are able to play on either half of the table along the far side away from the stickperson and the base dealers. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-302-5. Wagers.** (a) The following shall constitute the permissible wagers at the games of craps:

(1) A “pass bet” is a wager placed on the pass line of the layout immediately prior to the come out roll. A pass bet shall win if, on the come out roll:

(AA) A total of 7 or 11 is thrown; or

(BB) A total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a 7 total appears. A pass bet shall lose if, on the come out roll:

(CC) A total of 2, 3, or 12 is thrown; or

(DD) A total of 4, 5, 6, 8, 9, or 10 is thrown and a total of 7 subsequently appears before that total is again thrown.

(2) A “don’t pass bet” is a wager placed on the don’t pass line of the layout immediately prior to the come out roll. A don’t pass bet shall win if, on the come out roll:

(AA) A total of 2 or 3 is thrown; or

(BB) A total of 4, 5, 6, 8, 9, or 10 is thrown and a total of 7 subsequently appears before that total is again thrown.

A don’t pass bet shall lose if, on the come out roll:

(CC) A total of 7 or 11 is thrown; or

(DD) A total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a total of 7 appears.

A don’t pass bet shall be void if, on the come out roll, a total of 12 is thrown.

(3) A “come bet” is a wager placed on the come line of the layout at any time after the come out roll. A come bet shall win if, on the roll immediately following placement of such bet:

(AA) A total of 7 or 11 is thrown; or

(BB) A total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a total of 7 appears. A come bet shall lose if, on the roll immediately following placement of such bet:

(CC) A total of 2, 3, or 12 is thrown; or

(DD) A total of 4, 5, 6, 8, 9, or 10 is thrown and a total of 7 subsequently appears before that total is again thrown.

(4) A "don't come bet" is a wager placed on the don't come area of the layout at any time after the come out roll. A don't come bet shall win if, on the roll immediately following placement of such bet:

(AA) A total of 2 or 3 is thrown; or

(BB) A total of 4, 5, 6, 8, 9, or 10 is thrown and a total of 7 subsequently appears before that total is again thrown.

A don't come bet shall lose if, on the roll immediately following placement of such bet:

(CC) A total of 7 or 11 is thrown; or

(DD) A total of 4, 5, 6, 8, 9, or 10 is thrown and that total is again thrown before a total of 7 appears.

A don't come bet shall be void if, on the roll immediately following placement of such bet, a total of 12 is thrown.

(5) "Place bet to win" is a wager that may be made at any time on any of the numbers 4, 5, 6, 8, 9, or 10, which shall win if the number on which the wager was placed is thrown before a total of 7 and shall lose if a total of 7 is thrown before such number. All place to win bets, hardway bets and come odds bets shall be inactive on any come out roll unless called "on" by the player and confirmed by the dealer through placement of an "on" marker button on top of such player's wager.

(6) "Four the hardway" is a wager that may be made at any time, which shall win if a total of 4 is thrown the hardway (that is, with 2 spots appearing on each die) before a total of 4 is thrown in any other way and before a total of 7 is thrown.

(7) "Six the hardway" is a wager that may be made at any time, which shall win if a total of 6 is thrown the hardway (that is, with 3 spots appearing on each die) before a total of 6 is thrown in any other way and before a total of 7 is thrown.

(8) "Eight the hardway" is a wager that may be made at any time, which shall win if a total of 8 is thrown the hardway (that is, with 4 spots appearing on each die) before a total of 8 is thrown in any other way and before a total of 7 is thrown.

(9) "Ten the hardway" is a wager that may be made at any time, which shall win if a total of 10 is thrown the hardway (that is, with 5 spots appearing on each die) before a total of 10 is thrown in any other way and before a total of 7 is thrown.

(10) "Field bet" is a one roll wager that may be made at any time, which shall win if any one of the totals 2, 3, 4, 9, 10, 11, or 12 is thrown on the roll immediately following placement of such bet and shall lose if a total of 5, 6, 7, or 8 is thrown on such roll.

(11) "Any seven" is a one roll wager that may be made at any time, which shall win if a total of 7 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(12) "Any craps" is a one roll wager that may be made at any time, which shall win if a total of 2, 3 or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(13) "Craps two" is a one roll wager that may be made at any time, which shall win if a total of 2 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(14) "Craps three" is a one roll wager that may be made at any time, which shall win if a total of 3 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(15) "Craps twelve" is a one roll wager that may be made at any time, which shall win if a total of 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(16) "11 in one roll" is a one roll wager that may be made at any time, which shall win if a total of 11 is thrown on the next roll and shall lose if any other total is thrown.

(17) "Craps-eleven" or "C and E" is a one roll wager that may be made at any time, which shall win if either a craps (a total of 2, 3 or 12) is rolled or a total of 11 is rolled immediately following placement of such bet and shall lose if any other total is thrown.

(18) "Horn bet" is a one roll wager that may be made at any time, which shall win if any one of the totals 2, 3, 11 or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown.

(19) "Horn high bet" is a wager that may be made at any time, which shall win if any one of the totals 2, 3, 11, or 12 is thrown on the roll immediately following placement of such bet and shall lose if any other total is thrown. A horn high bet shall be placed in wager units of five with four units wagered as a horn bet and an additional unit wagered on one of the totals 2, 3, 11, or 12. If the craps table layout does not have a designated area for the acceptance of a horn high bet, a dealer shall break down the bet into two separate wagers on the horn and one of the totals 2, 3, 11, or 12.

(20) "Whirl bet" or "world bet" is a one roll wager that may be made at any time, which bet shall consist of a horn bet and an any seven wager. A whirl bet shall be placed in units of five, with four units wagered on 2, 3, 11 and 12 and the fifth unit wagered as an any seven wager. A dealer shall break down a whirl bet into two separate wagers on the horn bet and the any seven wager.

(21) "Four the hardway on the hop" is a one roll wager that may be made at any time, which shall win if a total of 4 is thrown the hardway (that is, with 2 spots appearing on each die) on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(22) "Six the hardway on the hop" is a one roll wager that may be made at any time, which shall win if a total of 6 is thrown the hardway (that is, with 3 spots appearing on each die) on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(23) "Eight the hardway on the hop" is a one roll wager that may be made at any time, which shall win if a total of 8 is thrown the hardway (that is, with 4 spots appearing on each die) on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(24) "Ten the hardway on the hop" is a one roll wager that may be made at any time, which shall win if a total of 10 is thrown the hardway (that is, with 5 spots appearing on each die) on the roll immediately following

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placement of such bet and shall lose if any other combination is thrown.

(25) "One-three (ace-trey) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 4 is thrown with a 1 spot appearing on one die and a 3 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(26) "One-four (ace-four) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 5 is thrown with a 1 spot appearing on one die and a 4 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(27) "Two-three (deuce-trey) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 5 is thrown with a 2 spot appearing on one die and a 3 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(28) "One-five (ace-five) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 6 is thrown with a 1 spot appearing on one die and a 5 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(29) "Two-four (deuce-four) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 6 is thrown with a 2 spot appearing on one die and a 4 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(30) "One-six (ace-six) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 7 is thrown with a 1 spot appearing on one die and a 6 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(31) "Two-five (deuce-five) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 7 is thrown with a 2 spot appearing on one die and a 5 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(32) "Three-four (trex-four) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 7 is thrown with a 3 spot appearing on one die and a 4 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(33) "Two-six (deuce-six) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 8 is thrown with a 2 spot appearing on one die and a 6 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(34) "Three-five (trex-five) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 8 is thrown with a 3 spot appearing on one die and a 5 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(35) "Three-six (trex-six) on the hop" is a one roll wager that may be made at any time, which shall win if a total of 9 is thrown with a 3 spot appearing on one die and a 6 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(36) "Four-five on the hop" is a one roll wager that may be made at any time, which shall win if a total of 9 is thrown with a 4 spot appearing on one die and a 5 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(37) "Four-six on the hop" is a one roll wager that may be made at any time, which shall win if a total of 10 is thrown with a 4 spot appearing on one die and a 6 spot appearing on the other die on the roll immediately following placement of such bet and shall lose if any other combination is thrown.

(38) "Big 6" is a wager that may be made at any time on the big number 6 on the table layout, which shall win if a total of 6 is rolled before a total of 7 is rolled and shall lose if a total of 7 is thrown before a total of 6.

(39) "Big 8" is a wager that may be made at any time on the big number 8 on the table layout, which shall win if a total of 8 is rolled before a total of 7 is rolled and shall lose if a total of 7 is thrown before a total of 8.

(40) A "put bet" is a wager that may be made at any time on any of the numbers 4, 5, 6, 8, 9, and 10 which wins if the number on which the wager was placed is thrown before a 7 appears and loses if a 7 is thrown before such number.

(41) A "high low" bet is a one roll wager that wins if either a high (12) or low (2) is rolled and loses if any other total is thrown. This bet is broken down into separate wagers and placed on the appropriate areas of "12" and "2" on the table layout.

(42) "Three way craps" is a one roll wager that wins if either an ace deuce (3) or any craps (2, 3 or 12) is rolled and loses if any other total is thrown. This bet is broken down into separate wagers and placed on the appropriate areas of the "ace-deuce", "2", and "12" on the table layout.

(b) Wagers are made before the dice are thrown but they may also be made between the time the dice leave the shooter's hand and the time the dice come to rest, provided that the wager is confirmed orally by the dealer and a supervisor.

(c) All wagers at craps are made by placing gaming chips on the appropriate area of the table layout.

(d) A wager made on any bet may be removed or reduced at any time prior to a roll that decides the outcome of such wager except that a pass line bet and a come bet may not be removed or reduced after a come out point or come point is established with respect to such bet.

(e) A don't come bet and a don't pass bet may be removed or reduced at any time but may not be replaced or increased after such removal or reduction until a new come out roll.

(f) All place to win bets, hardway bets and come odds bets are inactive on any come out roll unless called "on" by the player and confirmed by the dealer through place-

ment of an “on” marker button on the top of each player’s wager. All other wagers are considered “on.”

(g) The minimum and maximum wagers allowed at a table shall be posted at the table.

(h) No call bets are allowed. A “call bet” is a bet made verbally without actually placing gaming chips on the table layout.

(i) Winning payoff wagers at the game of craps are at the odds listed below:

Wager	Payout Odds
Pass Bet	1 to 1
Don’t Pass Bet	1 to 1
Come Bet	1 to 1
Don’t Come Bet	1 to 1
Put Bet	1 to 1
Points of 4 and 10 put bet	2 to 1
Points of 5 and 9 put bet	3 to 2
Points of 6 and 8 put bet	6 to 5
Place Bet 4 to Win	9 to 5
Place Bet 5 to Win	7 to 5
Place Bet 6 to Win	7 to 6
Place Bet 8 to Win	7 to 6
Place Bet 9 to Win	7 to 5
Place Bet 10 to Win	9 to 5
Four the Hardway	7 to 1
Six the Hardway	9 to 1
Eight the Hardway	9 to 1
Ten the Hardway	7 to 1
Field Bet	1 to 1 on 3, 4, 9, 10, and 11
	2 to 1 on 2
	2 to 1 on 12
Any Seven	4 to 1
Any Craps	7 to 1
Craps 2	30 to 1
Craps 3	15 to 1
Craps 12	30 to 1
11 in one roll	15 to 1
Four the Hardway on the Hop	30 to 1
Six the Hardway on the Hop	30 to 1
Eight the Hardway on the Hop	30 to 1
Ten the Hardway on the Hop	30 to 1
One-Three (Ace-Trey) on the Hop	15 to 1
One-Four (Ace-Four) on the Hop	15 to 1
One-Five (Ace-Five) on the Hop	15 to 1
One-Six (Ace-Six) on the Hop	15 to 1
Two-Three (Deuce-Trey) on the Hop	15 to 1
Two-Four (Deuce-Four) on the Hop	15 to 1
Two-Five (Deuce-Five) on the Hop	15 to 1
Two-Six (Deuce-Six) on the Hop	15 to 1
Three-Four (Trey-Four) on the Hop	15 to 1
Three-Five (Trey-Five) on the Hop	15 to 1
Three-Six (Trey-Six) on the Hop	15 to 1
Four-Five on the Hop	15 to 1
Four-Six on the Hop	15 to 1
Big 6	1 to 1
Big 8	1 to 1
Put Bet	1 to 1
Six-Seven-Eight	1 to 1 on 6

(One-Five or Two-Four), 7, 8 (Two-Six or Three-Five) 2 to 1 on 6 (the Hardway) or 8 (the Hardway)

(j) A horn bet and horn high bet shall be paid as if they were four separate wagers on 2, 3, 11, and 12.

(k) A craps-eleven or C and E bet shall be paid as if one half of the wagered amount had been placed on “any craps” and one half on “eleven,” and shall be paid as if two separate wagers were made for the one roll.

(l) A lottery gaming facility manager (“manager”) may offer true odds on place bets under the following circumstances:

(1) In addition to the payout odds set forth in above for place bets to win on 4, 5, 6, 8, 9, and 10, a manager may offer a player the option of receiving true odds on these bets in return for the player paying to manager, at the time of making the bet, a percentage of the amount wagered which in no event shall exceed five percent of such wager;

(2) If a true odds place bet to win is made by a player, winning wagers shall be paid as follows:

Buy Bet made	True odds paid
4 to Win	2 to 1
5 to Win	3 to 2
6 to Win	6 to 5
8 to Win	6 to 5
9 to Win	3 to 2
10 to Win	2 to 1

(3) In addition to the payout odds set forth in above for lay bets to lose on 4, 5, 6, 8, 9, and 10, a manager may offer a player the option of receiving true odds on these bets in return for the player paying to manager, at the time of making the bet, a percentage of the amount wagered which in no event shall exceed five percent of such wager;

(4) Lay bets: If a true odds place bet to lose is made by a player, winning wagers shall be paid as follows:

Lay bet made	True odds paid
4 to Lose	1 to 2
5 to Lose	2 to 3
6 to Lose	5 to 6
8 to Lose	5 to 6
9 to Lose	2 to 3
10 to Lose	1 to 2

(m) Supplemental wagers shall also be allowed as follows:

(1) Whenever a player makes a pass bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the come out roll, the player shall have the right to make a supplemental wager in support of the pass bet which may be limited to an amount that is equal to the amount of the original pass bet. If, in such circumstances, the pass bet wins, the original pass bet shall be paid at odds of 1 to 1 and the supplemental wager shall be paid at odds of 2 to 1 if the come out point was 4 or 10, at odds of 3 to 2 if the come out point was 5 or 9, and at odds of 6 to 5 if the come out

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point was 6 or 8. A player loses this supplemental wager if the pass bet loses.

(2) Whenever a player makes a don't pass bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the come out roll, the player shall have the right to make a supplemental wager in support of the don't pass bet which may be limited to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the don't pass bet. If, in such circumstances, the don't pass bet wins, the original don't pass bet shall be paid at odds of 1 to 1 and the supplemental wager shall be paid at odds of 1 to 2 if the come out point was 4 or 10, at odds of 2 to 3 if the come out point was 5 or 9, and at odds of 5 to 6 if the come out point was 6 or 8. A player loses this supplemental wager if the don't pass bet loses.

(3) Whenever a player makes a come bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of such bet, the player shall have the right to make a supplemental wager in support of the come bet which may be limited to an amount that is equal to the amount of the original come bet. If, in such circumstances, the come bet wins, the original come bet shall be paid at odds of 1 to 1 and the supplemental wager shall be paid at odds of 2 to 1 if the come point was 4 or 10, at odds of 3 to 2 if the come point was 5 or 9, and at odds of 6 to 5 if the come point was 6 or 8. A player loses this supplemental wager if the come bet loses.

(4) Whenever a player makes a don't come bet and a total of 4, 5, 6, 8, 9, or 10 is thrown on the roll immediately following placement of such bet, the player shall have the right to make a supplemental wager in support of the don't come bet which may be limited to an amount so calculated as to provide winnings not in excess of the amount originally wagered on the don't come bet. If, in such circumstances, the don't come bet wins, the original don't come bet shall be paid at odds of 1 to 1 and the supplemental wager shall be paid at odds of 1 to 2 if the come point was a 4 or 10, at odds of 2 to 3 if the come point was 5 or 9, and at odds of 5 to 6 if the come point was 6 or 8. A player loses this supplemental wager if the don't come bet loses.

(5) Manager may allow a supplemental wager in support of a pass or come bet in an amount up to 10 (ten) times the amount of the original pass or come bet. Manager may allow a supplemental wager in support of a don't pass or don't come bet in an amount so calculated as to provide a winning player with winnings not in excess of up to 10 (ten) times the amount originally wagered on the don't pass or don't come bet. The original pass, don't pass, come or don't come bet and any supplemental wager allowed pursuant to this subsection shall be paid at the same odds as the original and supplemental wagers are paid under (1) through (4) above.

(6) Whenever a player makes a put bet, the player has the right to make an additional wager in support of the bet which may be limited to an amount equal to the table minimum or maximum odds. If, in such circumstances, the bet wins, the original amount of the bet is paid at odds of 1 to 1 and the supplemental amount is paid in multiples of 2 to 1 if the come point was 4 or 10, 3 to 2 if the come point was 5 or 9, and 6 to 5 if the come point was

6 or 8. A player loses this supplemental bet if the put bet loses.

(7) Manager may accept a supplemental wager that exceeds an amount that is otherwise authorized by this section or posted as the maximum wager permitted at the table, provided that the excess amount of the supplemental wager is necessary to facilitate the payouts permitted by this section. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-302-6. Play.** (a) Control of the dice at a craps table is the responsibility of the stickperson at the table.

(b) At the commencement of play, the craps stickperson shall offer the set of dice to the player immediately to the left of the dealer at the table. If the player rejects the dice, the stickperson shall offer the dice to each of the other players in turn clockwise around the table until one of the players accepts the dice. The first player to accept the dice when offered shall become the shooter who shall select and retain two of the dice offered. Upon selection of the dice, the shooter shall make a pass or don't pass bet after which he shall throw the two selected dice so that they leave his hand simultaneously and in a manner calculated to cause them to strike the end of the craps table farthest from him. It shall be the option of the shooter, after any roll, either to pass the dice or remain the shooter except that the shooter shall pass the dice upon throwing a losing total of 7 (this does not apply to the come out roll). The craps dealer may order the shooter to pass the dice to another player if the shooter unreasonably delays the game, repeatedly makes invalid rolls or violates applicable rules and regulations pertaining to the game of craps.

(c) If a shooter, after making the come out point, elects not to place a pass or don't pass bet, and other wagers remain on the table with respect to come and/or don't come numbers, the craps stickperson shall offer the dice to the player immediately to the left of the previous shooter.

(d) A roll of the dice shall be invalid whenever either or both of the dice go off the table or whenever one die comes to rest on top of the other.

(e) The dealer or stickperson shall also have the authority to invalidate a roll of the dice by calling "no roll" for any of the following reasons:

(1) The dice do not leave the shooter's hand simultaneously;

(2) Either or both of the dice fail to strike an end of the table;

(3) Either or both of the dice come to rest on the chips constituting the bank of chips located in front of the dealer;

(4) Either or both of the dice come to rest in the dice cup in front of the craps stickperson or on one of the rails surrounding the table;

(5) The use of a cheating, crooked or fixed device or technique was used in the roll of the dice; and,

(6) For any other reason the craps dealer or stickperson considers the throw to be improper.

(f) The call of "no roll" under any applicable rules of this game shall, whenever possible, be made before both dice come to rest.

(g) A throw of the dice which results in the dice coming into contact with any match play coupons or chips on the table, other than the bank of chips located in front of the dealer, shall not be a cause for a call of "no roll."

(h) "No roll" may be called in craps by a dealer or stickperson.

(i) Roll results shall be as follows:

(1) In the event either or both of the dice do not land flat on the table (for example, one edge of the die is resting cocked on a stack of chips), the side directly opposite the side that is resting on the chips or other object shall be considered uppermost and skyward or "face up." If more than one side of a die is resting on a stack of chips or other object, the roll shall be void and the dice shall be re-thrown.

(2) In the event of a dispute as to which face is uppermost or "face up," the dealer shall have discretion to determine which face is uppermost or to order the throw be void and the dice be re-thrown. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

### Article 303.—SPECIFIC LOTTERY FACILITY GAMES AT LOTTERY GAMING FACILITIES; ROULETTE

**111-303-1. Name of the game; rules and regulations.** The Kansas lottery shall conduct a lottery facility game at the Boot Hill Casino & Resort in Dodge City, Kansas, entitled "Roulette" beginning on or after December 3, 2009.

The rules and regulations for the game of "Roulette" are contained in K.A.R. 111-303-1 through 111-303-5, and applicable generic rules are contained in K.A.R. 111-201-1 *et seq.* (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-303-2. Object of game.** Roulette is a game of chance where a ball shall be spun by the dealer in a direction opposite to the rotation of a wheel with various numbered and colored compartments and the players make wagers based upon numbers and colors for the compartment on the wheel in which the ball will come to rest. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-303-3. Definitions.** The following definitions, when used in the Southwest Kansas Lottery Gaming Zone, when pertaining to the game of "Roulette" shall have the following meanings unless the context clearly indicates otherwise:

(a) "American wheel" shall mean a roulette wheel with 38 compartments containing the numbers one through thirty-six (1-36) and a zero (0) and double zero (00).

(b) "Compartment" or "slots on the roulette wheel" shall mean where the roulette ball will land to decide the outcome of the bet. The numbers of the roulette wheel are numbered from 1 to 36, with background colors alternating between red and black. The background color of the zero and double zero compartments is green.

(c) "Crown" shall mean a point marker used by the dealer to mark the corresponding number on the roulette table layout where the roulette ball has come to rest.

(d) "Croupier" or "dealer" shall mean a person in charge of the roulette game. This person handles the wagers and payouts and spins the roulette wheel and ball.

(e) "Inside bets" shall mean the following types of wagers:

(1) One number (straight bet)

(2) Two numbers (split bet)

(3) Three numbers (street bet)

(4) Four numbers (corner bet)

(5) First five numbers

(6) Six numbers (line bet).

(f) "No more bets" shall mean that a dealer states that no more bets will be accepted on the roulette layout and waves one hand over the layout prior to the roulette ball coming to rest in a compartment on the wheel.

(g) "No spin" shall mean when a dealer states the spin is void because of an irregularity in the spin.

(h) "Non-value chips" shall mean gaming chips of various colors that have no value amount imprinted on them. The value of these chips is established with the dealer by the player before any betting takes place on the roulette layout. Each player receives chips of a different color, thus eliminating possible confusion of which player placed the bet.

(i) "Outside bets" shall mean the following types of wagers:

(1) Twelve numbers (column bet)

(2) Twelve numbers (dozen bet)

(3) Red or black

(4) Even or odd

(5) Low or high numbers

(j) "Value chips" shall mean gaming chips that have specific dollar denominations imprinted on them, which chips may be redeemed by a player for cash from the lottery gaming facility manager. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-303-4. Wagers.** (a) All wagers (or "bets") at roulette shall be made by placing accepted gaming chips on the appropriate areas of the roulette layout. No verbal wagers or cash may be accepted by the dealer to wager on the table. Value chips, issued by the lottery gaming facility manager and used on other table games within the lottery gaming facility, may be accepted for one round of play by an individual player only. Non-value chips must be re-issued for value chips by the dealer before the start of a second round of play.

(b) Non-value chips issued by the dealer on a roulette table have no value off the table and may not be taken off the table to be exchanged for value cash chips or cash. Non-value chips may only be redeemed at the table at which they were originally purchased. Each roulette table shall have non-value chips that are of a different design from chips at any other roulette table at the lottery gaming facility. Non-value chips shall only be used and redeemed at the roulette table where issued. The lottery gaming facility manager may limit or prohibit the use of value chips at any roulette table.

(c) No player at a roulette table shall be issued or permitted to game with non-value chips that are identical in color and design to cash value chips or to non-value chips being used by another player at the same table.

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(d) Each player shall be responsible for the correct positioning of their wager on the roulette layout regardless of whether the player is assisted by the dealer. Each player shall be responsible for ensuring that instructions given to the dealer regarding the placement of a wager are correctly carried out.

(e) Each wager shall be settled strictly in accordance with its position on the layout when the ball falls to rest in a compartment of the wheel.

(f) The permissible wagers in the game of roulette shall be:

(1) "Straight bet" (one number) is a wager that the roulette ball will come to rest in the compartment of the roulette wheel that corresponds to a single number selected by the player. The player shall select a number by placing a wager within the box on the roulette layout that contains the selected number.

(2) "Split bet" (two numbers) is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to either of two numbers selected by the player. The player shall select the numbers by placing a wager on the line between the two boxes on the roulette layout that contain the two selected numbers, except that a split wager on "0" and "00" may also be placed on the line between the "2nd 12" and the "3rd 12" boxes.

(3) "Street bet" (three numbers) is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any of three numbers in a single row on the roulette layout selected by the player. The player shall select a row of numbers by placing a wager on the outside line of the box on the roulette layout that contains the first number in the selected row.

(4) "Three numbers" shall also include a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of the three numbers contained in one of the following groups of numbers: (0,1,2) (0,2,00) or (00,2,3). The player shall select one of the "three numbers" wagers by placing a wager on the common corner of the three boxes containing the selected numbers.

(5) "Corner bet" (four numbers) is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of four numbers in contiguous boxes on the roulette layout selected by the player. The player shall select the four numbers by placing a wager on the common corner of the four boxes containing the selected numbers.

(6) "First five numbers" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any of the numbers "0," "00," "1," "2," or "3." The player shall bet the "first" of the boxes on the roulette layout that contains the label "1st 12" and the numbers "0" and "1."

(7) "Line bet" (six numbers) is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any one of six numbers contained in two contiguous rows of numbers on the roulette layout selected by the player. The player shall select the two rows of numbers by placing a wager on the outside common corner of the boxes on the roulette layout that contains the first number in each of the rows being selected.

(8) "Column bet" (12 numbers) is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any of 12 numbers contained in a single column on the roulette layout selected by the player. The player shall select a column of 12 numbers by placing a wager in the box on the roulette layout that is at the bottom of the column being selected.

(9) "Dozen bet" (12 numbers) is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any of 12 consecutive numbers from 1 through 12, 13 through 24, or 25 through 36 selected by the player. The player shall select the 12 numbers by placing a wager in the box on the roulette layout labeled "1st 12" (1 through 12) "2nd 12" (13 through 24), or "3rd 12" (25 through 36).

(10) "Red" is a wager that the roulette ball will come to rest in any compartment with a red background on the roulette wheel. The player shall bet on "red" by placing a wager within the red box on the roulette layout used for such wagers.

(11) "Black" is a wager that the roulette ball will come to rest in any compartment with a black background on the roulette wheel. The player shall bet on "black" by placing a wager within the black box on the roulette layout used for such wagers.

(12) "Odd" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to any "odd" number. The player shall bet on an "odd" by placing a wager within the box on the roulette layout that is labeled "odd."

(13) "Even" is a wager that the roulette ball will come to rest in any compartment of the roulette wheel that corresponds to any "even" number. The player shall bet on an "even" by placing a wager within the box on the roulette layout that is labeled "even."

(14) "1 to 18" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any of 18 consecutive numbers from 1 through 18. The player shall bet on "1 to 18" by placing a wager within the box on the roulette layout that is labeled "1 to 18." This is also referred to as a "low" bet.

(15) "19 to 36" is a wager that the roulette ball will come to rest in a compartment of the roulette wheel that corresponds to any of 18 consecutive numbers from 19 through 36. The player shall bet on "19 to 36" by placing a wager within the box on the roulette layout that is labeled "19 to 36." This is also referred to as a "high" bet.

(g) The maximum and minimum bets will be set by the Lottery and be posted on the game table at the time the game is operating.

(h) The odds paid for winning wagers for roulette shall be:

Bet made	Payout Odds
Straight	35 to 1
Split	17 to 1
Street	11 to 1
Three numbers	11 to 1
Corner	8 to 1
First five numbers	6 to 1
Line	5 to 1
Column	2 to 1
Dozen	2 to 1
Red	1 to 1

Black	1 to 1
Odd	1 to 1
Even	1 to 1
1 to 18	1 to 1
19 to 36	1 to 1

(Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-303-5. Play.** (a) The roulette ball shall be spun by the dealer in a direction opposite to the rotation of the wheel and shall complete at least three (3) revolutions around the track of the wheel to constitute a valid spin.

(b) Prior to the ball coming to rest in a compartment, the dealer shall call "no more bets" and wave a hand over the table layout.

(c) Upon the ball coming to rest in a compartment, the dealer shall announce the number of such compartment and shall place a crown on that number on the roulette table layout.

(d) After placing the crown on the layout, the dealer shall first collect all losing wagers and then pay off all winning wagers.

(e) Irregularities necessitating a call of "no spin" and a subsequent re-spin of the ball shall be as follows:

(1) If the ball is spun in the same direction as the wheel, the dealer shall state "no spin" and shall attempt to remove the roulette ball from the wheel prior to its coming to rest in one of the compartments.

(2) If the roulette ball does not complete three (3) revolutions around the track of the wheel, the dealer shall announce "no spin" and shall attempt to remove the ball from the wheel prior to its coming to rest in one of the compartments.

(3) If a foreign object enters the wheel prior to the ball coming to rest, the dealer shall announce "no spin" and shall attempt to remove the ball from the wheel prior to its coming to rest in one of the compartments.

(4) If the ball leaves the wheel prior to the ball coming to rest, the dealer shall announce "no spin." The ball shall be recovered and inspected by the pit supervisor for any damage or tampering before being placed back into the wheel. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

#### Article 304.—SPECIFIC LOTTERY FACILITY GAMES AT LOTTERY GAMING FACILITIES; TEXAS HOLD 'EM

**111-304-1. Name of the game; rules and regulations.** The Kansas lottery shall conduct a lottery facility game at the Boot Hill Casino & Resort in Dodge City, Kansas, entitled "Texas Hold'em Poker" beginning on or after December 3, 2009.

The rules and regulations for the game of "Texas Hold'em Poker" are contained in K.A.R. 111-304-1 through 111-304-6, and applicable generic rules are contained in K.A.R. 111-201-1 *et seq.* (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-304-2. Object of game.** Texas Hold'em Poker is played at a large table with a maximum number of 10

players using one deck of playing cards. The object of the game is for a player to either:

(1) create a five-card poker hand of a higher rank than the poker hand of all other players, with each player utilizing any combination of the two cards dealt to them and the five community cards available for use by all players; or

(2) remain the only player in the hand after all other players have folded. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-304-3. Definitions.** The following definitions, when used in the Southwest Kansas Lottery Gaming Zone and pertaining to the game of Texas Hold'em Poker, shall have the following meanings unless the context clearly indicates otherwise:

(a) "All in" means when a player who has no funds remaining on the poker table to continue betting in a round of play still retains the right to contend for that portion of the pot in which the player has already placed a bet.

(b) "Ante" means a predetermined wager, which a player may be required to make prior to any cards being dealt in order to participate in the round of play.

(c) "Bet" or "wager" means an action by which a player places gaming chips into the pot on any betting round.

(d) "Betting round" means a complete wagering cycle in a hand of poker.

(e) "Blind bet" means a forced bet that only players sitting in specific betting positions at the poker table shall be required to place prior to looking at any cards.

(f) "Burn a card" means to remove a card from the top of a deck, which is discarded face down, which card is not in play and the identity of which remains unknown.

(g) "Button" or "dealer button" means an object, which is moved clockwise around the table after each hand is complete to denote an imaginary dealer and thereby determine the betting and dealing sequence.

(h) "Call" means a wager made in an amount equal to the immediately preceding wager.

(i) "Check" means when a player waives the right to initiate the betting in a betting round but retains the right to act if another player initiates the betting.

(j) "Collection" means another name for the rake collected by the house, which may be a specified amount charged to each player or as a percentage of the pot for each hand.

(k) "Community cards" means cards which are dealt face upward and which can be used by all players to form their best hand.

(l) "Cut" means to divide a deck of playing cards into two parts in order to change the order of the cards without revealing the identity of any cards in the deck.

(m) "Deck" means a standard collection of 52 playing cards with the following 13 cards in each of four suits: 2, 3, 4, 5, 6, 7, 8, 9, 10, jack, queen, king, and ace.

(n) "Face card" is a king, queen, or jack.

(o) "Flop" means the first three community cards dealt during a hand.

(p) "Fold" means the withdrawal of a player from a round of play by discarding his hand of cards during a betting round and refusing to equal a wager.

(continued)

(q) "Forced bet" means a wager, which is required to start the wagering on the first betting round.

(r) "Hand" means one of two things, depending upon the context in which the term is used:

(1) the cards available to a player to use; or

(2) a complete round of play from the first ante or blind bet until the pot is awarded to a player.

(s) "Hole cards" means any cards dealt to a player face down, which are also "pocket cards," "in the hole," or "in the pocket."

(t) "Opening bet" means the first bet by each player in a round of play.

(u) "Pot" or "kitty" means the amount that is awarded to the winning player or players at the conclusion of a round of play and is equal to the total amount wagered by the players during the round of play minus any rake.

(v) "Raise" means a bet in an amount greater than the immediately preceding bet in that betting round.

(w) "Rake" means the amount of gaming chips collected on each hand by the dealer representing the predetermined amount to be included in net gaming revenue.

(x) "Round of plays" means the process by which cards are dealt, bets are placed and the winner of the pot is determined and paid in accordance with the rules of this game.

(y) "Suit" means one of the following four categories of cards: diamonds, spades, clubs, or hearts.

(z) "Table stakes" means the gaming chips on the table, which are in play. A player may not add or subtract from his or her gaming chips at any time during a betting round of play.

(aa) "Up-cards" means any card dealt face up to a player or as community cards. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-304-4. Poker Rankings.** (a) The rank of the cards used in Texas Hold'em for the determination of winning hands, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3, and 2. All suits shall be considered equal in rank. Notwithstanding the foregoing, an ace may be used to complete a "straight flush" or a "straight" formed with a 2, 3, 4, and 5.

(b) The permissible poker hands in order of highest to lowest rank, shall be:

(1) "Royal flush" is a hand consisting of an ace, king, queen, jack, and 10 of the same suit;

(2) "Straight flush" is a hand consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10, and 9 being the highest ranking straight flush and ace, 2, 3, 4, and 5 being the lowest ranking straight flush;

(3) "Four-of-a-kind" is a hand consisting of four cards of the same rank regardless of suit, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind;

(4) "Full house" is a hand consisting of "three-of-a-kind" and a "pair," with the three aces and two kings being the highest ranking full house and three twos, two 3s being the lowest ranking full house;

(5) "Flush" is a hand consisting of five cards of the same suit;

(6) "Straight" is a hand consisting of five cards of consecutive rank, regardless of suit with an ace, king, queen, jack, and 10 being the highest ranking straight and an ace, 2, 3, 4, and 5 being the lowest ranking straight, provided that an ace may not be combined with any other sequence of cards for purposes of determining a winning hand, (for example, queen, king, ace, 2, 3);

(7) "Three-of-a-kind" is a hand consisting of three cards of the same rank regardless of suit, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind;

(8) "Two pairs" is a hand consisting of two "pairs," with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair; and

(9) "One pair" is a hand consisting of two cards of the same rank, regardless of suit with two aces being the highest ranking pair and two 2s being the lowest ranking pair;

(10) "High hand" is, when comparing two hands that are of otherwise identical poker rank, the hand with the highest-ranking card.

(c) When comparing two hands, if none of the above poker rankings are contained in a ranking hand, the hand with the highest-ranking card shall be considered the higher hand.

(d) If, after all five cards are compared and the hands are identical, they shall be considered a tie and the pot split equally among those players that are tied. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-304-5. Wagers.** (a) Only players who are seated at the poker table shall be permitted to receive cards and participate in each betting round.

(b) Depending upon the predetermined option for the poker game being dealt, a player may be required to:

(1) Place a predetermined ante prior to receiving any cards; or

(2) Place a predetermined blind bet prior to receiving any cards.

(c) A player may only participate in the wagering during a round of play with the table stakes gaming chips, which were already placed on the poker table in front of that player when the round of play commenced.

(d) A player may only add to his gaming chips between rounds of play and may not remove any of his gaming chips from the poker table at any time during ongoing play.

(e) A player who depletes his funds on the poker table prior to the completion of a round of play shall be deemed to be "all-in."

(f) An "all-in" player shall retain financial interest in the outcome of the round of play, but shall only be eligible to win the amount of the pot to which he contributed.

(g) An "all-in" player shall continue to receive any cards to which he would normally be entitled.

(h) Betting shall continue unimpeded among the other players by generating a separate secondary pot that only those active players shall be eligible to win.

(i) A verbal statement of "fold," "check," "call," "raise," or an announcement of a specific size wager by

a player, assuming it is within the rules herein and the minimum and maximum wager limits for the poker table, shall be binding on the player if it is that player's turn to act.

(j) A player who announces a bet or raise of a certain amount but places a different amount of gaming chips in the pot shall be required to correct his or her bet or raise to the announced amount in accordance with the instructions of the dealer.

(k) A player shall be considered to have placed a wager if the player:

(1) Pushes gaming chips forward to indicate the intent of placing a wager;

(2) Releases gaming chips into the pot; or

(3) Releases gaming chips at a sufficient distance from the player and towards the pot to make it obvious that it is intended as a wager.

(l) A player shall not be permitted to make a wager and thereafter attempt to increase the amount of that wager.

(m) If the player wishes to add additional gaming chips to a wager, the player must indicate at the time the wager is being made that the wager is not yet complete.

(n) A player who puts the proper amount of gaming chips into the pot to call a wager, without indicating his or her intention to raise, may not thereafter raise the previous wager.

(o) No player may touch any of the gaming chips once placed into the pot until a decision on the hand has been made.

(p) Unless a raise has been verbally announced by that player, a player who puts into the pot a single gaming chip that is larger than required is assumed to have only called the preceding wager and to be awaiting change from the dealer.

(q) Unless specifically posted at the gaming table to the contrary, a player shall be permitted to raise after he has previously checked in a betting round. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

**111-304-6. Play.** (a) Prior to dealing the cards, the player in the first playing position clockwise from the player who has the dealer button must post a small blind bet and the player to the immediate left of the player posting a small blind bet must post a big blind bet. This constitutes the initial betting action.

(b) The dealer must deal two cards one at a time face down to each player. The first player to receive a card is the player in the first player position clockwise from the player assigned the button. The last player to receive cards is the player assigned the button.

(c) After each player receives two cards there is a first round of betting. The player to the left of the player placing the big blind bet may call, raise, or fold and each player following in order shall have the same option to call, raise, or fold.

(d) After the first round of betting is complete the dealer will burn one card and deal three community cards from the deck. Each card will be dealt face up and placed in the center of the table. Community cards are common to the hand of every active player in the hand. Community cards are also known as the "flop."

(e) Following the flop, a second round of betting occurs. The player in the first position clockwise from the player assigned the button shall either check or bet and each player following in order shall call, raise, or fold.

(f) The dealer will burn another card on top of the first burn card. Following the burn card, the dealer then deals another community card face up in the center of the table.

(g) A third round of betting occurs. The player in the first position clockwise from the player assigned the button shall either check or bet and each player following in order shall call, raise, or fold.

(h) Following the third round of betting dealer will burn a third card. The dealer then deals the fifth and final community card and places it face up in the center of table and the final betting round is conducted. The player in the first position clockwise from the player assigned the button shall either check or bet and each player following in order shall call, raise, or fold.

(i) Upon the completion of the final betting round, the cards belonging to each active player are turned face-up and the highest ranking five-card poker hand wins the pot, unless there is a tie, in which case the pot is split equally between the active players holding tied hands. (Authorized by K.S.A. 2008 Supp. 74-8710 and 74-8748; implementing K.S.A. 2008 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009.)

Ed Van Petten  
Executive Director

Doc. No. 037897

**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 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-64	New	V. 28, p. 1338
1-2-65	New	V. 28, p. 1338

1-7-3	Amended	V. 28, p. 1338
1-7-4	Amended	V. 28, p. 1338
1-7-6	Amended	V. 28, p. 1339
1-7-7	Amended	V. 28, p. 1339
1-7-10	Amended	V. 28, p. 1339
1-7-11	Amended	V. 28, p. 1340
1-7-12	Amended	V. 28, p. 1340
1-14-8	Amended	V. 28, p. 1341

**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
3-4-1	Amended	V. 28, p. 1716
3-4-2	Amended	V. 28, p. 1716
3-4-4	Amended	V. 28, p. 1716
3-4-5	Amended	V. 28, p. 1717
3-4-6	Revoked	V. 28, p. 1717
3-4-7	Amended	V. 28, p. 1717

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-6-1	Amended	V. 28, p. 1594
4-6-2	Amended	V. 28, p. 1594
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

(continued)

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
5-7-4	Amended	V. 28, p. 1715
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
5-20-1	New	V. 28, p. 1317
5-20-2	New	V. 28, p. 1318
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
17-24-2	Amended	V. 28, p. 1371
17-24-3	Amended	V. 28, p. 1371
17-24-4	Amended	V. 28, p. 1371
17-24-5	New	V. 28, p. 1373
17-24-6	New	V. 28, p. 1373
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
22-24-3	Amended	V. 28, p. 1367

**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

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-20	Amended	V. 27, p. 989
28-4-117	Amended	V. 27, p. 990
28-4-120	Amended	V. 27, p. 990
28-4-121	New	V. 27, p. 990
28-4-122	Amended	V. 27, p. 317
28-4-311	Amended	V. 27, p. 317
28-4-312		
through		
28-4-317	Revoked	V. 27, p. 317, 318
28-4-430	Amended	V. 27, p. 991
28-4-800		
through		
28-4-825	New	V. 27, p. 318-334
28-4-1200		
through		
28-4-1218	New	V. 28, p. 1426-1437
28-16-28g	Amended	V. 27, p. 779
28-17-6	Amended	V. 28, p. 1809
28-17-12	Amended	V. 28, p. 1809
28-19-350	Amended	V. 28, p. 1490
28-23-16	Revoked	V. 27, p. 191
28-29-501	New	V. 28, p. 1809
28-32-1	Revoked	V. 27, p. 247
28-32-2	Revoked	V. 27, p. 247
28-32-4	Revoked	V. 27, p. 247
28-32-5	Revoked	V. 27, p. 247
28-32-6	Revoked	V. 27, p. 247
28-32-7	Revoked	V. 27, p. 247
28-32-8		
through		
28-32-14	New	V. 27, p. 247-249
28-36-33		
through		
28-36-49	Revoked	V. 27, p. 73
28-36-70		
through		
28-36-89	New	V. 27, p. 73-87
28-38-18	Amended	V. 27, p. 1742
28-38-19	Amended	V. 27, p. 1743
28-38-21	Amended	V. 27, p. 1743
28-38-22	Amended	V. 27, p. 1744
28-38-23	Amended	V. 27, p. 1744
28-38-29	Amended	V. 27, p. 1745
28-39-145a	Revoked	V. 28, p. 623
28-39-146	Revoked	V. 28, p. 623
28-39-147	Revoked	V. 28, p. 623
28-39-148	Revoked	V. 28, p. 623
28-39-164		
through		
28-39-168	Amended	V. 28, p. 798-800
28-39-240		
through		
28-39-253	Revoked	V. 28, p. 672

28-39-275		
through		
28-39-288	Revoked	V. 28, p. 672
28-39-425		
through		
28-39-436	Revoked	V. 28, p. 672
28-45b-1		
through		
28-45b-28	New	V. 28, p. 973-988
28-53-1		
through		
28-53-5	Amended	V. 28, p. 240, 241
28-59-5	Amended	V. 27, p. 462
28-61-11	Amended	V. 27, p. 464
28-70-4	New	V. 28, p. 800
28-73-1	Amended	V. 28, p. 74

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-90	Amended	V. 28, p. 916
30-5-78	Revoked	V. 27, p. 1022
30-10-15a	Revoked	V. 27, p. 1345
30-10-15b	Revoked	V. 27, p. 1345
30-10-17	Revoked	V. 27, p. 1345
30-10-18	Revoked	V. 27, p. 1345
30-10-23a	Revoked	V. 27, p. 1346
30-10-23b	Revoked	V. 27, p. 1346
30-10-25	Revoked	V. 27, p. 1346
30-10-26	Revoked	V. 27, p. 1346
30-10-27	Revoked	V. 27, p. 1346
30-10-200	Revoked	V. 27, p. 1346
30-10-210	Revoked	V. 27, p. 1346
30-45-20	New	V. 28, p. 966
30-46-10	Amended	V. 28, p. 966
30-46-17	Amended	V. 28, p. 967
30-63-10	Amended	V. 28, p. 1806
30-63-11	Amended	V. 28, p. 1807
30-63-12	Amended	V. 28, p. 1807
30-63-32	New	V. 27, p. 664
30-64-24	Revoked	V. 27, p. 665

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-37	Amended	V. 28, p. 966
40-1-38	Amended	V. 28, p. 1593
40-1-48	Amended	V. 27, p. 1709
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-52	New	V. 27, p. 133
40-3-56	New	V. 28, p. 1518
40-3-57	New	V. 28, p. 1518
40-3-58	New	V. 28, p. 1518
40-4-35	Amended	V. 28, p. 915
40-4-36	Amended	V. 28, p. 1252
40-4-37v	New	V. 28, p. 643
40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-20a	Amended	V. 28, p. 604

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127		
through		
44-6-132	New	V. 27, p. 1135-1138

**AGENCY 48: DEPARTMENT OF LABOR—EMPLOYMENT SECURITY BOARD OF REVIEW**

Reg. No.	Action	Register
48-1-1		
through		
48-1-6	Amended	V. 29, p. 15-17
48-2-1		
through		
48-2-5	Amended	V. 29, p. 17
48-3-1	Amended	V. 29, p. 18

48-3-2	Amended	V. 29, p. 18
48-3-4	Amended	V. 29, p. 18
48-3-5	Amended	V. 29, p. 18
48-4-1	Amended	V. 29, p. 18
48-4-2	Amended	V. 29, p. 18

**AGENCY 49: DEPARTMENT OF LABOR**

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467

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

Reg. No.	Action	Register
51-9-7	Amended	V. 28, p. 1536

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198

60-11-101		
through		
60-11-105	Amended	V. 28, p. 1252-1254
60-11-107	Amended	V. 28, p. 1254
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-6-6	Amended	V. 28, p. 1536
66-6-8	Revoked	V. 28, p. 1537
66-6-9	Revoked	V. 28, p. 1537
66-7-2	Amended	V. 28, p. 1537
66-8-1	Revoked	V. 28, p. 1537
66-8-3	Amended	V. 28, p. 1537
66-8-4	Amended	V. 28, p. 1537
66-8-7	Amended	V. 28, p. 1537
66-9-4	Amended	V. 28, p. 1538
66-10-1	Amended	V. 28, p. 1538
66-10-9	Amended	V. 28, p. 1538
66-10-14	Amended	V. 28, p. 1538
66-11-1	Amended	V. 28, p. 1539
66-11-1a	Amended	V. 28, p. 1539

66-11-1b	Amended	V. 28, p. 1539
66-11-4	Amended	V. 28, p. 1539
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

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

Reg. No.	Action	Register
67-3-5	New	V. 28, p. 1187

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1h	New	V. 28, p. 1491
68-1-3a	Amended	V. 28, p. 1491
68-2-20	Amended	V. 28, p. 1765
68-2-22	Amended	V. 28, p. 1491
68-7-12b	Amended	V. 27, p. 1518
68-7-20	Amended	V. 27, p. 435
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342
68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-16	Amended	V. 28, p. 1561
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 28, p. 923
69-11-1	Amended	V. 28, p. 298

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-9-1		
through		
71-9-4	New	V. 27, p. 1878
71-10-1		
through		
71-10-4	New	V. 27, p. 1879
71-11-1	New	V. 28, p. 1187

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-4-7	Amended	V. 28, p. 643
74-4-8	Amended	V. 28, p. 644
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 28, p. 645
74-5-2a	New	V. 28, p. 646
74-5-101	Amended	V. 28, p. 646
74-5-102	Amended	V. 28, p. 646
74-5-103	Amended	V. 28, p. 646
74-5-201	Amended	V. 28, p. 646
74-5-202	Amended	V. 28, p. 646
74-5-301	Amended	V. 28, p. 647
74-5-302	Amended	V. 28, p. 647
74-5-401	Amended	V. 28, p. 647
74-5-403	Amended	V. 28, p. 647
74-5-405a	Amended	V. 28, p. 647
74-5-406	Amended	V. 28, p. 647
74-7-4	Amended	V. 28, p. 648
74-11-6	Amended	V. 28, p. 648

**AGENCY 75: OFFICE OF THE STATE BANK COMMISSIONER—CONSUMER AND MORTGAGE LENDING DIVISION**

Reg. No.	Action	Register
75-6-1	Amended	V. 28, p. 1367
75-6-9	Amended	V. 28, p. 1367
75-6-31	Amended	V. 28, p. 1367
75-6-33	Revoked	V. 28, p. 1368
75-6-34	Revoked	V. 28, p. 1368
75-6-36	New	V. 28, p. 1368
75-6-37	New	V. 28, p. 1368

(continued)

75-6-38 New V. 28, p. 1368

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-3-6	Amended	V. 28, p. 606
81-5-7	Amended	V. 27, p. 1156
81-5-14	Amended	V. 28, p. 571
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 28, p. 610
81-14-9	Amended	V. 27, p. 1163

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521
82-4-3a through		
82-4-3d	Amended	V. 28, p. 1373-1385
82-4-3e	Revoked	V. 28, p. 1386
82-4-3f through		
82-4-3m	Amended	V. 28, p. 1386-1397
82-4-20	Amended	V. 28, p. 1397
82-4-30a	Amended	V. 27, p. 1020
82-11-4	Amended	V. 28, p. 917
82-11-10	Amended	V. 28, p. 922
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 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-29-1	Amended (T)	V. 28, p. 1101
88-29-1	Amended	V. 28, p. 1561
88-29-4	Amended (T)	V. 28, p. 1102
88-29-4	Amended	V. 28, p. 1562
88-29-5	Amended (T)	V. 28, p. 1103
88-29-5	Amended	V. 28, p. 1563
88-29-7	Amended (T)	V. 28, p. 1103
88-29-7	Amended	V. 28, p. 1563
88-29-8	Amended (T)	V. 28, p. 1103
88-29-8	Amended	V. 28, p. 1563
88-29-8a	New (T)	V. 28, p. 1103
88-29-8a	New	V. 28, p. 1563
88-29-8b	New (T)	V. 28, p. 1104
88-29-8b	New	V. 28, p. 1564
88-29-9	Amended (T)	V. 28, p. 1104
88-29-9	Amended	V. 28, p. 1564
88-29-11	Amended (T)	V. 28, p. 1105
88-29-11	Amended	V. 28, p. 1565
88-29-12	Amended (T)	V. 28, p. 1106
88-29-12	Amended	V. 28, p. 1566
88-29-18	Amended (T)	V. 28, p. 1107
88-29-18	Amended	V. 28, p. 1567
88-29-19	Amended (T)	V. 28, p. 1108
88-29-19	Amended	V. 28, p. 1568

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-200	Amended	V. 28, p. 1222
91-1-201	Amended	V. 27, p. 1028

91-1-202	Amended	V. 28, p. 1223
91-1-203	Amended	V. 28, p. 1225
91-1-204	Amended	V. 28, p. 1229
91-1-205	Amended	V. 28, p. 1232
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-216	Amended	V. 28, p. 1233
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-2	Amended	V. 28, p. 1736
100-28a-10	Amended	V. 28, p. 572
100-29-3a	Amended	V. 28, p. 1737
100-29-16	Amended	V. 28, p. 1060
100-49-4	Amended (T)	V. 28, p. 923
100-49-4	Amended	V. 28, p. 1281
100-54-1	Amended	V. 28, p. 1594
100-54-4	Amended	V. 27, p. 209
100-54-8	Amended	V. 28, p. 1595
100-55-4	Amended	V. 27, p. 209
100-55-7	Amended	V. 28, p. 1061
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
100-73-1	Amended	V. 28, p. 1282
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

102-1-13	Amended (T)	V. 28, p. 1101
102-1-13	Amended	V. 28, p. 1426
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. 28, p. 1079
105-11-1	Amended	V. 28, p. 1457

**AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-4	Amended	V. 28, p. 1062

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-2-9	Amended	V. 28, p. 1030
109-3-1	Amended	V. 28, p. 1030
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 from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-4-2899		
through		
111-4-2907	New	V. 29, p. 9-14

**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
112-102-1		
through		
112-102-13	New	V. 28, p. 1161-1163
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
112-104-34		
through		
112-104-41	New	V. 28, p. 1457-1459
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
112-108-1		
through		
112-108-57	New	V. 28, p. 1766-1788
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. 28, p. 1595
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 28, p. 1596
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
115-5-1	Amended	V. 28, p. 1250
115-5-2	Amended	V. 28, p. 1251
115-6-1	Amended	V. 28, p. 1251
115-7-1	Amended	V. 28, p. 1598
115-7-2	Amended	V. 27, p. 1708
115-7-3	Amended	V. 28, p. 1599
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-7-10	New	V. 28, p. 1600
115-8-1	Amended	V. 28, p. 571
115-8-6	Amended	V. 28, p. 1600
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112

115-15-1	Amended	V. 28, p. 1079
115-15-2	Amended	V. 28, p. 1080
115-18-7	Amended	V. 27, p. 406
115-18-21	New	V. 27, p. 1708
115-20-7	New	V. 28, p. 1600

**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
117-3-1	Amended	V. 28, p. 1027
117-3-2a	Amended	V. 28, p. 373
117-4-1	Amended	V. 28, p. 1028
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. 28, p. 1029
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	Amended	V. 28, p. 1464
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

**AGENCY 130: HOME INSPECTORS REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-1	New	V. 28, p. 1737
130-1-2	New (T)	V. 29, p. 38
130-1-3	New (T)	V. 29, p. 38
130-1-4	New	V. 28, p. 1737
130-1-5	New	V. 28, p. 1738
130-2-1	New	V. 28, p. 1738
130-3-1	New (T)	V. 29, p. 38
130-4-1	New (T)	V. 29, p. 39
130-4-2	New (T)	V. 29, p. 39

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