



Kansas Register

Chris Biggs, Secretary of State

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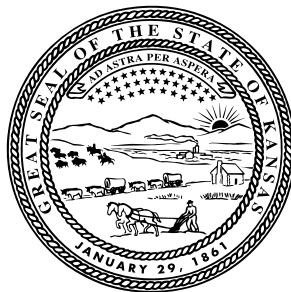
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Workforce Alliance of South Central Kansas

Request for Proposals and Invitation for Bids

The Workforce Alliance of South Central Kansas is soliciting bids and proposals from vendors interested in providing youth services under the Workforce Investment Act. The invitation for bid and request for proposal may be obtained by visiting the Workforce Alliance Web site at www.workforce-ks.com. Pre-bid and pre-proposal conferences will be conducted May 4. Bids and proposals are due May 21. For more information, contact Chad Pettera, Workforce Alliance of South Central Kansas, 150 N. Main, Suite 200, Wichita, 67202, (316) 771-6602.

Chad Pettera
Chief Fiscal Officer

Doc. No. 038238

State of Kansas

Department of Administration Division of Facilities Management

Request for Bids for Construction Services

Notice is hereby given for the receipt of subcontractor and supplier bids for **Memorial Union Remodel and Addition, Emporia State University, 1200 Commercial St., Emporia, Kansas, Project Number A-010897**. This project is being delivered under the construction manager at risk statute, K.S.A. 75-37,144. Ferrell Construction of Topeka, Inc. is the construction manager.

Subcontractor and supplier bids will be received for work shown on the plans and as specified in Divisions 1 — 33.

Special conditions for this project include, but are not limited to: bonding and bid bonds, substitution requests, parking and storage, site use and site access, working days and hours, construction schedule requirements, and phasing. Subcontractors and suppliers are encouraged to carefully review all of the bidding documents for the unique aspects of the project.

Subcontractor and supplier bids will be received until 2 p.m. May 13. Bids will be received by Ferrell Construction of Topeka, Inc. at 2420 N.W. Button Road, Topeka, 66618. Bids also may be faxed to Ferrell Construction of Topeka, Inc. at (785) 354-1549 or e-mailed to Tim@Ferrellconstr.com. Lump sum bids will be received for subcontractor scopes of work. Bids shall include all work defined within the scope of work, including but not limited to the specification section(s) and bidding documents. All subcontractors with bids exceeding \$25,000 shall include the cost of performance and payment bonds separately on their form of bid.

Ferrell Construction of Topeka, Inc. will submit competitive bids on the work of the following packages. Contractors submitting bids for these packages of work will be required to submit a sealed bid using the included bid form. Each package is to be bid complete. Sealed bids will be received at Ferrell Construction of Topeka, Inc., P.O. Box 750107, Topeka, KS 66675, or 2420 N.W. Button Road,

Topeka, KS 66618, until 2 p.m. local time May 13, and will at that time and place be publicly opened and read aloud:

1. **Package A**
 - a. Section 02 4119 Selective Demolition
2. **Package B**
 - a. Section 03 3000 Cast-in-Place Concrete
 - b. Section 03 3300 Architectural Concrete
 - c. Section 31 6329 Drilled Piers
 - d. Section 32 1313 Concrete Paving
 - e. Section 31 2319 Dewatering
3. **Package C**
 - a. Division 4 — Masonry (All Sections)
4. **Package D**
 - a. Section 05 1200 Structural Steel Framing
 - b. Section 05 3123 Steel Roof Decking
 - c. Section 05 3133 Steel Form Decking
 - d. Section 05 4000 Cold-Formed Metal Framing
 - e. Section 05 5000 Metal Fabrications
 - f. Section 05 5100 Metal Stairs
 - g. Section 05 5213 Pipe and Tube Railings
 - h. Section 05 7300 Decorative Metal and Glass Railings
5. **Package E**
 - a. Section 05 7500 Decorative Formed Metal
 - b. Division 6 — Wood, Plastics and Composites (All Sections)
 - c. Section 08 1113 Hollow Metal Doors and Frames
 - d. Section 08 1416 Flush Wood Doors
 - e. Section 08 1433 Stile and Rail Wood Doors
 - f. Section 08 3113 Access Doors and Frames
 - g. Section 08 7100 Door Hardware
 - h. Section 10 1100 Visual Display Surfaces
 - i. Section 10 2113 Toilet Compartments
 - j. Section 10 2600 Wall and Door Protection
 - k. Section 10 2800 Toilet and Bath Accessories
 - l. Section 10 3050 Manufactured Gas Fireplaces
 - m. Section 10 4413 Fire Extinguisher Cabinets
 - n. Section 11 5213 Projection Screens

Plan and specifications are available for review, print and download at the Kansas Department of Administration, Division of Facilities Management's Electronic Plan Room via the following link: <http://kansasdfm.contractorsplanroom.com/secure/>.

A copy of the bid documents also can be viewed during normal office hours at the office of Ferrell Construction of Topeka, Inc., 2420 N.W. Button Road, Topeka.

A pre-bid conference and building tour is scheduled for 1:30 p.m. April 27 at the Emporia State University Memorial Union, Webb Lecture Hall. This pre-bid meeting is not mandatory, but all potential bidders are strongly encouraged to attend. There also will be a guided tour of the building at 1:30 p.m. May 6. Questions should be directed to Tim Browder, Ferrell Construction of Topeka, Inc., (785) 354-4309, fax (785) 354-1549 or Tim@Ferrellconstr.com.

Marilyn L. Jacobson, Director
Division of Facilities Management

Doc. No. 038246

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City of Overland Park, Kansas

Notice of Public Information Meeting

The city of Overland Park will be conducting the first public meeting regarding the roadway improvement plan for Quivira Road, 99th Street to I-435. This meeting has been scheduled to review the preliminary improvement plans that have been prepared for this project.

The open house public meeting is scheduled from 6 to 7:30 p.m. Thursday, April 29, at the Johnson County Resource Library, located at the southeast corner of 87th Street and Farley, Overland Park. Parking and entrance are located on the north side of the building.

The city of Overland Park wants to ensure that the public is aware of this meeting. The city considers the community's thoughts and ideas about this project to be extremely valuable and encourages members of the Overland Park community to attend.

For more information, contact Tony Rome, Civil Engineer II, city of Overland Park, at (913) 895-6001.

Mary Lou McClanahan
Contract Specialist
Public Works Department
City of Overland Park, Kansas

Doc. No. 038245

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 24, at the Herington Community Center, 810 S. Broadway, Herington, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife and Parks.

A general discussion and workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 24 at the location listed above. The meeting will recess at 5:30 p.m., then resume at 7 p.m. at the same location for more business and the regulatory hearing. There will be public comment periods at the beginning of the afternoon and evening meetings for any issues not on the agenda, and additional comment periods will be available during the meeting on agenda items. Old and new business also may be discussed at this time. If necessary to complete business matters, the commission will reconvene at 9 a.m. June 25 at the same location.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, commission secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at (800) 432-0698 to request special accommodations.

This 60-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving

written public comments on the proposed administrative regulations. All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, 1020 S. Kansas Ave., Suite 200, Topeka, 66612, or to sheilak@wp.state.ks.us if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-2-1. This permanent regulation establishes the amount of fees for various issues of the department. The proposed amendment would add a category of hunt-on-your-own-land either-sex elk permits to accompany other changes proposed for elk seasons.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-8-1. This permanent regulation establishes provisions and restrictions for hunting, furharvesting and discharge of firearms on department lands and waters. The proposed amendment would update the reference document and changes to specific parcels of land.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-9a. This exempt regulation establishes additional considerations for the open season, bag limit, and permits for deer season. The proposed changes in the regulation would update the season dates on Fort Riley, propose a new season for designate persons in October on Fort Riley, and authorize a special extended firearms season in three units.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-9b. This exempt regulation establishes the nonresident limited quota antlered deer permit application period. The proposed changes in the regulation would update the application period dates for the 2011-2012 deer season.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the commission at the address above, electronically on the department's Web site at www.kdwp.state.ks.us, or by calling (785) 296-2281.

Kelly Johnston
Chairman

Doc. No. 038230

State of Kansas

**Department of Revenue
Division of Alcoholic Beverage Control**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted by the Department of Revenue at 10 a.m. Wednesday, June 30, in Room 230, Secretary's Conference Room, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of alcoholic beverage control regulations. Copies of these proposed regulations may be found at www.ksrevenue.org.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612, or through e-mail at kathleen-smith@kdor.state.ks.us.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kathleen Smith at (785) 296-3081 or TTY (785) 296-6461. Disabled parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is accessible.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impacts follow:

Article 6.—CONTAINERS AND LABELS

Revocation of K.A.R. 14-6-2a. This regulation lists approved container sizes for the sale of alcoholic liquor and authorizes the sale of alcoholic liquor in a container of any other size only upon written approval of the director. The list is out-dated and obsolete. All packages of alcoholic liquor offered for sale in this state must be registered with the ABC and registration includes container size. Federal regulators approve the container and label prior to registration in Kansas, so any Kansas list is redundant.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-6-3. The regulation provides requirements for the label on any container of alcoholic liquor except beer. The federal government has regulations concerning labeling of alcoholic liquor containers. The Tax and Trade Bureau regulations must be complied with or the alcoholic liquor will not be approved for sale

anywhere in the U.S. Any separate Kansas regulations are redundant.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-6-4. This amendment removes the listing of all required information from the label of any beer container and inserts a requirement that any cereal malt beverage container must bear a statement that the contents contain no more than 3.2 percent alcohol by weight.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Article 11.—FARM WINERIES

Adoption of K.A.R. 14-11-1. Definitions. This new regulation defines terms used in 2009 SB 212 relating to special order shipping licenses, bona fide farmers' market sales permits, and farm wineries.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Adoption of K.A.R. 14-11-4. Registration of employees; salesperson permits. Subsection (a) requires farm wineries to notify the director of each employee. Subsection (b) requires each employee of the winery who is engaged in the sale of domestic wine to get a salesperson's permit.

Economic Impact: This regulation may minimally increase revenue through salesperson's permit application fees. This regulation creates no economic impact on other government agencies, private business or individuals.

Amendments to K.A.R. 14-11-5. This amended regulation requires farm winery outlets, in addition to farm wineries, to provide a warehouse area where wine will be stored. It also includes domestic fortified wine as a type of wine that may be stored in the warehouse. The amendment clarifies the title by striking "to be separate."

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-6. This amended regulation includes domestic fortified wine as a type of wine that may be sampled by consumers on the licensed premises of a farm winery or a farm winery outlet.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-7. This amended regulation includes domestic fortified wine as a type of wine that may be sold at retail to consumers on the licensed premises of a farm winery or a farm winery outlet. It further allows a farm winery to sell and deliver domestic wine to clubs, drinking establishments, wine distributors, retailers and caterers.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-9. This amended regulation includes a farm winery outlet in the prohibition

(continued)

against sales taking place outside legal hours. It also includes domestic fortified wine as a type of wine that is precluded from being sold or delivered outside legal hours.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-11-10a. This regulation requires a sworn statement from each farm winery that it will sell its wines to distributors for certain prices before making any such sales.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-11-10b. This regulation establishes requirements for price listings filed with the director under the provisions of K.A.R. 14-11-10a.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-11-10d. This regulation prohibits a farm winery from selling domestic wine to licensees without first filing a sworn statement with the director as required by K.A.R. 14-11-10a.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-11. This amended regulation adds domestic fortified wine to the wine manufactured by a farm winery that is subject to rationing.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-14. This amended regulation removes many of the restrictions on advertising of domestic table wine and domestic fortified wine.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-15. This amended regulation includes domestic fortified wine in wines that may be displayed by a farm winery or farm winery outlet. It also allows a farm winery to display its wines at retail liquor stores, a farmers' market, or a special event approved by the director.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-11-16. This amendment removes the prohibition against marking prices on the label, ID stamp, or federal strip of a bottle of domestic wine. It also includes domestic fortified wine as wine that a farm winery may sell at retail and clarifies that farm winery outlets are allowed to sell domestic wine at retail.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Adoption of K.A.R. 14-11-22. Special order shipping; license requirements. This new regulation specifies certain application requirements and factors that may lead to rejection of an application for a special order shipping license.

Economic Impact: The special order shipping license fee is \$50. The application fee is \$50 for a new application and \$10 for a renewal. The ABC estimates that there will be many wineries submitting applications for the special order shipping license, resulting in a small increase in licensing revenues. This regulation creates no economic impact on other government agencies. The licensing and application fees, as well as the \$750 bond requirement, may prevent smaller wineries from participating.

Adoption of K.A.R. 14-11-23. Special order shipping. This new regulation establishes procedures for licensees holding the special order shipping license to follow in making shipments of wine to consumers in Kansas, collecting, remitting, and reporting taxes on such shipments, and retaining records of such shipments.

Economic Impact: The special order shipping license fee is \$50. The application fee is \$50 for a new application and \$10 for a renewal. The ABC estimates that there will be many wineries submitting applications for the special order shipping license, resulting in a small increase in licensing revenues. Also, small increases in gallonage tax and enforcement taxes may ensue. This regulation creates no economic impact on other government agencies. The licensing and application fees, as well as the \$750 bond requirement, may prevent smaller wineries from participating.

Adoption of K.A.R. 14-11-24. Bona fide farmers' market sales permit. This new regulation specifies certain application requirements for a bona fide farmers' market sales permit and factors that may lead to rejection of the application. It also establishes procedures for permittees to follow in: making sales under the permit; collecting, remitting, and reporting taxes on such sales; and retaining records of such sales.

Economic Impact: A minimal increase in liquor enforcement tax is anticipated. The Department of Revenue does not anticipate any impact on other government agencies, or private businesses or individuals.

Adoption of K.A.R. 14-11-25. Licensee of farm winery also licensed as manufacturer. This new regulation specifies certain application requirements for a manufacturer's license by a farm winery and factors that may lead to rejection of the application. It also provides a regulatory framework for the combined operation of the two licenses; collection, remittance, and reporting of gallonage taxes; monthly sales reports; and records retention.

Economic Impact: ABC does not believe that many farm wineries will become manufacturers. There could be a nominal increase in revenue through license and application fees, and increased gallonage tax collections. The Department of Revenue does not anticipate any impact on other government agencies, or private businesses or individuals.

Adoption of K.A.R. 14-11-26. Label approval required. This new regulation requires each farm winery and farm winery outlet to submit each label of domestic wine for approval by the director prior to offering such wine for sale.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Adoption of K.A.R. 14-11-27. Domestic table wine and domestic fortified wine; Kansas product requirement. This new regulation clarifies how the department interprets and applies the provisions of K.S.A. 41-308a regarding the Kansas product requirement in domestic wines.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Adoption of 14-11-28. Sales to minors prohibited. This new regulation prohibits a farm winery, farm winery outlet, holder of a special order shipping license, or holder of a bona fide farmers' market sales permit from selling domestic wine to a minor.

Economic Impact: A minimal increase in revenues from administrative fines is anticipated. This regulation has no economic impact on other government agencies. Licensees in violation of this regulation may face fines not exceeding \$1,000 per violation, and potential suspensions of their licenses.

Adoption of K.A.R. 14-11-29. Record retention; reporting requirements. This new regulation requires each farm winery, farm winery outlet, holder of a special order shipping license, or holder of a bona fide farmers' market sales permit to maintain and provide for inspection records of all sales made under such license or permit. It also requires each farm winery to submit a monthly sales report showing all sales made under any license or permit issued under the liquor control act that the farm winery holds.

Economic Impact: A minimal increase in revenues from administrative fines for noncompliance is anticipated. This regulation has no economic impact on other government agencies. Licensees in violation of this regulation may face fines not exceeding \$1,000 per violation, and potential suspensions of their licenses.

Article 16.—LICENSES; SUSPENSION AND REVOCATION

Adoption of K.A.R. 14-16-25. Imposition of penalties for violations. This new regulation provides a schedule of penalties that the director of ABC may use in ordering penalties for violations of the liquor control act and the club and drinking establishment act. Penalties may vary from the schedule based upon aggravating and mitigating circumstances.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Article 19.—CLASS A CLUBS

Amendments to K.A.R. 14-19-27. This amendment implements the changes to K.S.A. 41-2637 required by SB 212, allowing licensees to store wine for consumers on the licensed premises.

Economic Impact: A minimal increase in revenue from administrative fines anticipated. Licensees who violate the provisions of this regulation may face civil penalties of up to \$1,000 per violation and potential license suspension or revocation.

Adoption of K.A.R. 14-19-38. Denial, revocation, or suspension of license upon request for hearing by gov-

erning body of city or county; request; evidence. This new regulation provides a procedure to follow when a city or county requests a hearing before the director to determine whether a license should be denied, revoked or suspended. It also provides factors for the director to consider when determining whether a license shall be denied, revoked or suspended.

Economic Impact: Potential negative impact on state revenues through increased administrative hearings. The ABC will absorb any such costs. This regulation may have minimal impact of the Department of Administration if any hearings are required to be removed from KDOR to the Department of Administration. Licensees subject to any such hearing may incur costs in legal fees.

Adoption of K.A.R. 14-19-39. Extension of premises. This new regulation provides a procedure to follow when a club permanently or temporarily extends its licensed premises.

Economic Impact: Minimal increase in revenues through civil fines for noncompliance anticipated. This regulation has no economic impact on any other governmental agency. Licensees found to be in violation of this regulation may face civil penalties of up to \$1,000 per violation and potential license suspension or revocation.

Article 20.—CLASS B CLUBS

Amendments to K.A.R. 14-20-29. This amendment implements the changes to K.S.A. 41-2641 required by SB 212, allowing licensees to store wine for consumers on the licensed premises.

Economic Impact: Minimal increase in revenue from administrative fines anticipated. This regulation creates no economic impact on other government agencies. Licensees who violate the provisions of this regulation may face civil penalties of up to \$1,000 per violation and potential license suspension or revocation.

Adoption of K.A.R. 14-20-40. Denial, revocation, or suspension of license upon request for hearing by governing body of city or county; request; evidence. This new regulation provides a procedure to follow when a city or county requests a hearing before the director to determine whether a license should be denied, revoked or suspended. It also provides factors for the director to consider when determining whether a license shall be denied, revoked or suspended.

Economic Impact: Potential negative impact on state revenues through increased administrative hearings. The ABC will absorb any such costs. This regulation may have minimal impact of the Department of Administration if any hearings are required to be removed from KDOR to the Department of Administration. Licensees subject to any such hearing may incur costs in legal fees.

Adoption of K.A.R. 14-20-41. Extension of premises. This new regulation provides a procedure to follow when a club permanently or temporarily extends its licensed premises.

Economic Impact: Minimal increase in revenues through civil fines for noncompliance anticipated. This regulation has no economic impact on any other governmental agency. Licensees found to be in violation of this regulation may face civil penalties of up to \$1,000 per violation and potential license suspension or revocation.

(continued)

Article 21.—DRINKING ESTABLISHMENTS

Amendments to K.A.R. 14-21-12. This amendment implements the changes to K.S.A. 41-2642 required by SB 212, allowing licensees to store wine for consumers on the licensed premises, and the changes to K.S.A. 41-2645 required by SB 212, allowing a drinking establishment to extend its premises into a special event area for which a temporary permit has been issued.

Economic Impact: Minimal increase in revenue from administrative fines anticipated. This regulation creates no economic impact on other government agencies. Licensees who violate the provisions of this regulation may face civil penalties of up to \$1,000 per violation and potential license suspension or revocation.

Adoption of K.A.R. 14-21-21. Extension of premises. This new regulation provides a procedure to follow when a drinking establishment permanently or temporarily extends its licensed premises.

Economic Impact: Minimal increase in revenues through civil fines for noncompliance anticipated. This regulation has no economic impact on any other governmental agency. Licensees found to be in violation of this regulation may face civil penalties of up to \$1,000 per violation and potential license suspension or revocation.

Adoption of K.A.R. 14-21-22. Denial, revocation, or suspension of license upon request for hearing by governing body of city or county; request; evidence. This new regulation provides a procedure to follow when a city or county requests a hearing before the director to determine whether a license should be denied, revoked or suspended. It also provides factors for the director to consider when determining whether a license shall be denied, revoked or suspended.

Economic Impact: Potential negative impact on state revenues through increased administrative hearings. The ABC will absorb any such costs. This regulation may have minimal impact of the Department of Administration if any hearings are required to be removed from KDOR to the Department of Administration. Licensees subject to any such hearing may incur costs in legal fees.

Article 23.—TEMPORARY PERMITS

Amendments to K.A.R. 14-23-2. This amendment implements the changes to K.S.A. 41-2645 required by SB 212, allowing the issuance of a temporary permit for a special event.

Economic Impact: Minimal increase in revenue from administrative fines anticipated. This regulation creates no economic impact on other government agencies. Permittees who violate the provisions of this regulation may face civil penalties of up to \$1,000 per violation.

Amendments to K.A.R. 14-23-5. This amendment implements the changes to K.S.A. 41-2645 required by SB 212, allowing the issuance of a temporary permit for a special event. It also implements K.S.A. 41-2645, as amended L. 2008, Ch. 126, Sec. 3, allowing a temporary permit holder to sell wine in the unopened, original container at the state fair.

Economic Impact: Minimal increase in revenue from administrative fines anticipated. This regulation creates no economic impact on other government agencies. Permittees who violate the provisions of this regulation may face civil penalties of up to \$1,000 per violation.

Amendments to K.A.R. 14-23-8. This amendment adds farm wineries as licensees from whom temporary permit holders may purchase alcoholic liquor.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Amendments to K.A.R. 14-23-10. This amendment implements the changes to K.S.A. 41-2645 required by SB 212, allowing the issuance of a temporary permit for a special event. It requires the holder of a temporary permit to clearly mark the boundaries of the permitted area.

Economic Impact: Minimal increase in revenue from administrative fines anticipated. This regulation creates no economic impact on other government agencies. Permittees who violate the provisions of this regulation may face civil penalties of up to \$1,000 per violation.

Article 24.—WINERY SHIPPING PERMITS

Revocation of K.A.R. 14-24-1. This regulation defines terms used in the winery shipping regulations.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-24-2. This regulation provides for shipping records to accompany the shipment of wine from a small or large winery shipping permit holder into Kansas.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-24-3. This regulation provides for the disposition of wine shipped under a small or large winery shipping permit which the consumer failed to collect.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-24-4. This regulation provides requirements and procedure for the remittance of gallonage tax by the holder of a small or large winery shipping permit.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-24-5. This regulation provides requirements and procedure for the collection and remittance of liquor enforcement tax by a retailer receiving shipment of wine from a small or large winery shipping permit holder.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

Revocation of K.A.R. 14-24-6. This regulation provides requirements for reporting sales made to Kansas consumers by a small or large winery shipping permit holder.

Economic Impact: The Department of Revenue does not anticipate any impact on the department, other government agencies, or private businesses or individuals.

A copy of these regulations and the economic impact statement may be obtained from the Kansas Department of Revenue, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588, or via the department's Web site at www.ksrevenue.org.

Joan Wagnon
Secretary of Revenue

Doc. No. 038228

State of Kansas

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

**Notice of Proposed Nursing Facility Medicaid Rates
for State Fiscal Year 2011;
Methodology for Calculating Proposed Rates, and
Rate Justifications; Notice of Intent to Amend the
Medicaid State Plan; Request for Written Comments;
and Notice of Intent to Publish Final Rates**

Under the Medicaid program, 42 U.S.C. 1396 et seq., the state of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the nursing facility program, which includes hospital long-term care units, and the Secretary of Social and Rehabilitation Services administers the nursing facility for mental health program. Both Secretaries act on behalf of the Kansas Health Policy Authority (KHPA), the single state Medicaid agency. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the Secretary of the Kansas Department on Aging (KDOA) and the Secretary of the Kansas Department of Social and Rehabilitation Services (SRS) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2011, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. SRS and KDOA also are providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2010.

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

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

- A. The following portions of the Kansas Medicaid State Plan are maintained by KHPA:
1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
 2. Attachment 4.19D, Part I, Subpart J; and
 3. Attachment 4.19D, Part I, Subpart K.

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provision set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2010. The proposed Medicaid State

Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

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

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

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

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

1) Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 129-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care, and direct health care). Ownership costs (i.e., mortgage interest, depreciation, lease, and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers' accounting records.

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

Calendar Year End Cost Reports:

All providers that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in K.A.R. 129-10-17.

When a non-arms length or related party change of provider takes place or an owner of the real estate assumes the operations from a lessee, the facility will be treated as an ongoing operation. In this situation, the related provider or owner shall be required to file the calendar year end cost report. The new operator or owner is responsible for obtaining the cost report information from the prior operator for the months during the cal-

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endar year in which the new operator was not involved in running the facility. The cost report information from the old and new operators shall be combined to prepare a 12-month calendar year end cost report.

Projected Cost Reports:

The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 129-10-17.

2) Rate Determination

Rates for Existing Nursing Facilities

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

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

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in K.A.R. 129-10-18.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the midpoint of that year to 12/31/08. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

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

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

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor, the real and personal property fee, and per diem pass-throughs to cover

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

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

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 129-10-17.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to 12/31/08. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/08. The provider shall remain in new enrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

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

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2005 to 2007. If base cost data is not available the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to 12/31/08. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/08. The provider shall remain in change-of-provider status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

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

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

The per diem rate for all other providers reentering the program shall be determined from the base cost data filed with the agency or the most recent cost report filed preceding calendar year 2005.

All cost data used to set rates for facilities reentering the program shall be adjusted to 12/31/08. This adjustment will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The DRI indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to 12/31/08. The provider shall remain in reenrollment status until the base data is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

3) Quarterly Case Mix Index Calculation

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

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

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

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

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

<u>Rate Effective Date:</u>	<u>Cutoff Date:</u>
July 1	April 1
October 1	July 1
January 1	October 1
April 1	January 1

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

4) Resident Days

Facilities with 60 beds or less:

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

Facilities with more than 60 beds:

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

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

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

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subject to the 85% minimum occupancy rule for the months in the first year of operation. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

5) Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to 12/31/08. The inflation will be based on the Data Resources, Inc., National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index).

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

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

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

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

6) Upper Payment Limits

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

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

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

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five percent), the time spent in the function, the compensation, and a description of the work performed for each owner and/

or related party. Any salaries reported in excess of the Kansas Civil Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

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

The Schedule C is used to set the per diem limitation for all non-owner administrator and co-administrator salaries and owner/related party compensation in excess of the civil service based salary limitation schedule. The per diem limit for a 50-bed or larger home is set at the 90th percentile on all salaries reported for non-owner administrators and co-administrators. A limitation table is then established for facilities with less than 50 beds. This table begins with a reasonable salary per diem for an administrator of a 15-bed or less facility. The per diem limit for a 15-bed or less facility is inflated based on the State of Kansas annual cost of living allowance for classified employees for the rate period. A linear relationship is then established between the compensation of the administrator of the 15-bed facility and the compensation of the administrator of a 50-bed facility. The linear relationship determines the per diem limit for the facilities between 15 and 50 beds.

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

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit will be 105% of the median determined from a total resident day-weighted array of the property fees in effect July 1, 2008.

Cost Center Upper Payment Limits

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

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food and utilities are subject to the 85% minimum occupancy for facilities over 60 beds. All previous desk review and field audit adjustments are considered in the per diem expense

calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines is adjusted from the midpoint of the cost report period to 12/31/08. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the DRI Index.

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

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

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

Direct Health Care Cost Center Limit:

The Kansas reimbursement methodology has a component for a case mix payment adjustment. The Direct Health Care cost center rate component and upper payment limit are adjusted by the facility average CMI.

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

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

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

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at

which point the cumulative total of all resident days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are 8 million resident days, the facility in the array with the 4 millionth day would set the median.

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

7) Quarterly Case Mix Rate Adjustment

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

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

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

8) Real and Personal Property Fee

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-

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enrollment in the Medicaid program. The original property fee was comprised of two components, a property allowance and a property value factor. The differentiation of fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor.

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

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated to 12/31/08 and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in (K.A.R. 30-10-25).

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in (K.A.R. 129-10-25). The rebased property fee is subject to the upper payment limit.

9) Incentive Factors

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

Nursing Facility Quality and Efficiency Incentive Factor:

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

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

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

Incentive Outcome:	Incentive Points:
1) CMI adjusted staffing ratio ≥ 75th percentile (4.83) or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$ 1.00 0.10
2) Staff turnover rate ≤ 75th percentile (29%) or Staff turnover rate > 75th percentile but reduced ≥ 10%	1.00 0.10
3) Completion of the full Kansas Culture Change Instrument Survey	0.15
4) Medicaid occupancy > 60%	0.45
Total Incentive Per Diem Add-on Available	\$ 2.60

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:

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

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

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case-mix adjusted staffing ratio equals or exceeds 3.50, which is 120% of the statewide NFMH median of 2.92. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.21, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

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

NFMH providers may earn one point for low operating expense outcomes measures. They will earn a point if their per diem operating expenses are below \$19.49, or 90% of the statewide median of \$21.66.

NFMH providers may earn up to two points for their turnover rate outcome measure. Providers with direct health care staff turnover equal to or below 29%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's

total direct health care labor costs. Providers with direct health care staff turnover greater than 29% but equal to or below 33%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs.

Finally, NFMH providers may earn up to two points for their retention rate outcome measure. Providers with staff retention rates at or above 84%, the 75th percentile statewide will earn two points. Providers with staff retention rates at or above 77%, the 50th percentile statewide will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome:	Incentive Points:
1) CMI adjusted staffing ratio \geq 120% (3.50) of state median (2.92), or CMI adjusted staffing ratio between 110% (3.21) and 120%	2, or 1
2) Total occupancy < 90%	1
3) Operating expenses < \$19.49, 90% of NFMH median (\$21.66)	1
4) Staff turnover rate at or better than the 75th percentile, 29% Staff turnover rate > 29% but at or better than the 50th percentile, 33% Contracted labor < 10% of total direct health care labor costs	2, or 1
5) Staff retention \geq 75th percentile, 84% Staff retention \geq 50th percentile, 77%	2, or 1
Total Incentive Points Available	8

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

Total Incentive Points:	Incentive Factor Per Diem:
Tier 1: 6-8 points	\$3.00
Tier 2: 5 points	\$2.00
Tier 3: 4 points	\$1.00
Tier 4: 0-3 points	\$0.00

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

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

10) Rate Effective Date

Rate effective dates are determined in accordance with

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

11) Retroactive Rate Adjustments

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

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

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

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

12) Comparable Private Pay Rates

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

Case Mix Adjustments to Private Pay Rates:

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

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

To compensate providers for increased expenses incurred to raise employees' wages to the new minimum wage effective July 1, 2009 (\$7.25), a per diem pass-through will be determined and added on to each qualifying provider's per diem rate. The pass-through per diem will not be subject to cost center limits, and the 85% occupancy rule will not be applied to the calculation of the minimum wage pass-through.

1) Qualifying Providers

In order to qualify for the minimum wage pass-through, a provider must submit a pass-through application on the forms provided by the Kansas Department on Aging. The application will document the hourly

(continued)

wages of all affected employees prior to the implementation of the new minimum wage. Wage increases made prior to June 1, 2009 will not be eligible for the minimum wage pass-through. Providers will also estimate and report the number of hours each affected employee is expected to work during state fiscal year 2010 (the twelve months beginning July 1, 2009 and ending June 30, 2010). Completed applications must be returned to the Kansas Department prior to September 30, 2009.

2) Per Diem Pass-Through Calculation

The per diem pass-through will be determined by first estimating the total impact of increasing wages to the new minimum wage, and then dividing by resident days to get a per diem add-on. The total impact of increasing wages to the new minimum wage will be determined for each provider through three steps. First, the incremental wage increase to the new minimum wage will be calculated for each affected employee. Second, the individual impact for each affected employee will be determined by multiplying the incremental wage increase by the estimated hours each affected employee is expected to work during fiscal year 2010. Finally, the total impact of the minimum wage increase for each provider will be the sum of the individual impacts determined for each employee. A per diem pass-through add-on will then be calculated by dividing each provider's estimated total impact by the provider's most recent cost report resident day total.

As an example, consider an employer that has ten employees receiving a wage of \$6.75 prior to July 1, 2009. If the employer raises their wages effective July 1, 2009, the incremental wage increase due to the new minimum wage will be \$0.50. If each employee is expected to work 2,000 hours during fiscal year 2010, the total impact per employee will be \$1,000 ($\$0.50 \times 2,000$ hrs). The total estimated impact for the provider will be \$10,000 ($\$1,000 \times 10$). If the employer provided 10,000 resident days during the most recent cost report, the pass-through per diem will be $\$10,000/10,000$ days, or \$1.00.

3) Per Diem Limits

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

4) Effective Dates

Pass-through applications received prior to June 30, 2009 will be effective July 1, 2009. After that date, each provider's per diem pass-through will be effective on the first day of the month following the receipt of a completed application. No pass-through per diems will be implemented after October 1, 2009.

5) Phasing Out the Pass-Through

The per diem pass-through will be phased out as the effects of the minimum wage increase are reflected in the cost reports. The pass-through per diems will be adjusted on a facility-specific basis to reflect the ratio of cost data that includes the new minimum wage costs. Since the base cost period for fiscal year 2010 is the cost report data from 2005-2007, minimum wage increases for July 1, 2008 are not reflected in the base cost data. Minimum wage pass-through per diems calculated during fiscal year 2009 will be continued through fiscal year 2011.

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

6) Auditing and Adjustments

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

A.3 Attachment 4.19D, Part I, Subpart K.

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

1) Qualifying Providers

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

2) Per Diem Pass-Through Calculation

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

As an example, consider a provider that reported \$1,000 on line 507 for each year in the base cost data period from 2005 through 2007. The cost will first be inflated for each year based on the DRI factors applied to cost data used to determine the base reimbursement rates. For 2005 the inflated cost would be \$1,134, for 2006 the inflated costs would be \$1,089, and for 2007 the inflated costs would be \$1,055. The total inflated costs would be \$3,278. If the provider reported 30,000 resident days during the base cost data period and 20,000 Medicaid days, the non-Medicaid resident day total would be 10,000 ($30,000 - 20,000$). The DME pass-through per diem would then be $\$0.33$ ($\$3,278 / 10,000$ rounded to the nearest hundredth).

3) Per Diem Limits

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

4) Effective Dates

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

5) Phasing Out the Pass-Through

The per diem pass-through will be phased out as the effects of transferring responsibility for all DME to the nursing home program are reflected in the cost reports.

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

During the phasing out of the DME pass-through, if the per diem add-on falls below \$0.10, it will be removed

from the rate calculation. Since the base cost period for fiscal year 2010 is the cost report data from 2005-2007, DME expenses for July 1, 2008 are not reflected in the base cost data. DME per diems calculated during fiscal year 2009 will be continued through fiscal year 2011.

6) Auditing and Adjustments

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

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

A. Cost Center Limitations: The state proposes the following cost center limitations which are used in setting rates effective July 1, 2010.

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

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

B. Case Mix Index. These proposed rates are based upon each nursing facility's Medicaid average CMI calculated with a cutoff date of April 1, 2010, using the July 1, 2010 Kansas Medicaid/Medikan CMI Table. In Section II.C below, each nursing facility's Medicaid average CMI is listed beside its proposed per diem rate.

C. Proposed Nursing Facility Per Diem Rates and CMI.

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

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	133.67	0.8758
Alma Manor	Alma	147.49	0.9486
Life Care Center of Andover	Andover	139.76	1.0830
Anthony Community Care Center	Anthony	139.69	1.2009
Medicalodges Health Care Center	Arkansas City	153.16	0.9016
Arkansas City Presbyterian Manor	Arkansas City	144.38	0.9167
Deseret Nursing & Rehab at Arma, Inc.	Arma	140.14	1.0590
Ashland Health Center - LTCU	Ashland	139.74	1.1313
Medicalodges Atchison	Atchison	146.33	1.1233
Atchison Senior Village	Atchison	139.50	0.9133
Dooley Center	Atchison	144.55	0.7469
Attica Long Term Care	Attica	154.18	1.0342
Good Samaritan Society-Atwood	Atwood	144.04	1.0192
Lake Point Nursing Center	Augusta	119.52	0.9745
Baldwin Care Center	Baldwin City	134.83	1.0700
Quaker Hill Manor	Baxter Springs	115.53	1.0189
Catholic Care Center Inc.	Bel Aire	157.86	1.0176
Great Plains of Republic County, Inc.	Belleville	153.66	0.9917
Belleville Health Care Center	Belleville	108.87	0.9072
Mitchell County Hospital LTCU	Beloit	135.08	0.9221
Hilltop Lodge Nursing Home	Beloit	136.78	0.9909
Bonner Springs Nursing and Rehab	Bonner Springs	127.70	0.9204
Hill Top House	Bucklin	145.11	0.9994
Buhler Sunshine Home, Inc.	Buhler	165.06	1.1550
Life Care Center of Burlington	Burlington	122.77	0.9500
Caney Nursing Center	Caney	96.11	1.0574

Facility Name	City	Daily Rate	Medicaid CMI
Eastridge Nursing Home	Centralia	129.28	0.9613
Heritage Health Care Center	Chanute	126.32	1.1493
Chanute Health Care Center	Chanute	137.33	1.0866
Applewood Rehabilitation	Chanute	81.65	0.8400
Chapman Valley Manor	Chapman	118.09	0.8906
Cheney Golden Age Home Inc.	Cheney	136.10	1.0043
Cherryvale Care Center	Cherryvale	129.81	1.0656
Chetopa Manor	Chetopa	105.51	0.9389
The Shepherd's Center	Cimarron	126.40	0.9859
Medicalodges Clay Center	Clay Center	151.11	1.0232
Clay Center Presbyterian Manor	Clay Center	161.52	0.9960
Clearwater Ret. Community	Clearwater	122.66	0.9360
Community Care, Inc.	Clifton	103.90	0.9700
Park Villa Nursing Home	Clyde	113.18	0.9406
Coffeyville Regional Medical Center	Coffeyville	194.00	1.7900
Windsor Place	Coffeyville	146.30	1.1033
Medicalodges Coffeyville	Coffeyville	132.01	1.0265
Windsor Place at Iola, LLC	Coffeyville	131.40	1.0579
Deseret Nursing & Rehab at Colby	Colby	141.41	1.1524
Prairie Senior Living Complex	Colby	160.95	1.0454
Pioneer Lodge	Coldwater	115.50	0.8550
Medicalodges Columbus	Columbus	157.44	1.0638
Mt Joseph Senior Village, LLC	Concordia	123.44	0.9714
Sunset Home, Inc.	Concordia	126.83	0.9229
Spring View Manor	Conway Springs	99.00	0.8311
Golden Living Center-Chase Co.	Cottonwood Falls	125.90	1.0362
Council Grove Healthcare Center	Council Grove	125.59	1.0353
Hilltop Manor	Cunningham	103.01	0.8793
Westview of Derby	Derby	124.17	0.9925
Derby Health and Rehabilitation	Derby	162.23	0.9878
Hillside Village	DeSoto	134.35	0.9500
Dexter Care Center	Dexter	122.49	0.9053
Lane County Hospital - LTCU	Dighton	139.06	0.9467
Trinity Manor	Dodge City	136.67	0.9779
Good Samaritan Society-Dodge City	Dodge City	128.63	0.9273
Manor of the Plains	Dodge City	156.75	1.0322
Medicalodges Douglass	Douglass	155.43	1.0525
Golden Living Center-Downs	Downs	132.39	1.1618
Country Care Home	Easton	125.94	0.8678
Golden Living Center-Parkway	Edwardsville	138.91	1.0829
Golden Living Center-Kaw River	Edwardsville	145.33	1.1369
Golden Living Center-Edwardsville	Edwardsville	115.78	0.8605
Lakepoint Nursing Center-El Dorado	El Dorado	123.72	1.0354
Golden Living Center-El Dorado	El Dorado	116.61	1.0313
Morton County Hospital	Elkhart	128.64	0.9174
Woodhaven Care Center	Ellinwood	127.90	0.9905
Good Samaritan Society-Ellis	Ellis	145.90	0.9591
Good Sam Society-Ellsworth Village	Ellsworth	135.73	0.8952
Emporia Presbyterian Manor	Emporia	158.99	1.0429
Holiday Resort	Emporia	134.49	1.0981
Flint Hills Care Center, Inc.	Emporia	106.10	0.9107
Enterprise Estates Nursing Center, I	Enterprise	114.95	1.0545
Golden Living Center-Eskridge	Eskridge	101.25	0.8268
Medicalodges of Eudora	Eudora	134.61	0.8542
Eureka Nursing Center	Eureka	140.54	0.9811
Kansas Soldiers' Home	Fort Dodge	145.99	0.9763
Medicalodges Fort Scott	Fort Scott	150.68	0.9573
Fort Scott Manor	Fort Scott	121.64	0.9267
Fowler Residential Care	Fowler	134.18	0.8000
Frankfort Community Care Home, Inc.	Frankfort	120.84	0.8950
Golden Living Center-Fredonia	Fredonia	124.55	1.1560
Sunset Manor, Inc	Frontenac	113.95	0.9607
Emerald Pointe Health & Rehab Centre	Galena	114.71	0.8055
Galena Nursing & Rehab Center	Galena	125.49	1.0127
Garden Valley Retirement Village	Garden City	139.27	1.0493
Homestead Health & Rehab	Garden City	135.95	0.9123
Meadowbrook Rehab Hosp., LTCU	Gardner	181.14	1.2190
Medicalodges Gardner	Gardner	143.94	0.9669
Anderson County Hospital	Garnett	153.73	0.9329
Golden Heights Living Center	Garnett	134.66	0.9495
The Heritage	Girard	107.74	1.0338
The Nicol Home, Inc.	Glasco	125.07	0.8820
Medicalodges Goddard	Goddard	153.40	0.9244
Bethesda Home	Goessel	168.46	1.0597
Good Samaritan Society-Sherman C	Goodland	141.95	0.9942
Cherry Village Benevolence	Great Bend	115.09	0.9318
Great Bend Health & Rehab Center	Great Bend	135.21	0.9940
Halstead Health and Rehab Center	Halstead	125.94	0.8871
Lakewood Senior Living of Haviland	Haviland	87.47	0.6466
St. John's of Hays	Hays	125.90	0.9456
St. Johns Victoria	Hays	125.56	0.8832

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Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Good Samaritan Society-Hays	Hays	123.77	1.0013	Andbe Home, Inc.	Norton	146.84	1.0108
Haysville Healthcare Center	Haysville	141.19	1.0278	Village Villa	Nortonville	147.95	1.1060
Medicalodges Herington	Herington	120.62	0.9920	Logan County Manor	Oakley	152.07	0.8767
Schowalter Villa	Hesston	164.02	0.9835	Decatur County Hospital	Oberlin	132.25	0.8800
Maple Heights of Hiawatha	Hiawatha	128.86	0.9984	Good Samaritan Society-Decatur Co.	Oberlin	127.23	0.8350
Highland Care Center	Highland	132.12	0.8288	Villa St. Francis	Olathe	157.41	1.0774
Dawson Place, Inc.	Hill City	127.87	1.0212	Pinnacle Ridge Nursing and Rehabilitation	Olathe	137.38	1.0691
Salem Home	Hillsboro	131.33	0.7720	Royal Terrace Nrsrg. & Rehab. Center	Olathe	152.68	1.0349
Parkside Homes, Inc.	Hillsboro	143.49	1.0454	Good Samaritan Society-Olathe	Olathe	146.74	0.9315
Medicalodges Jackson County	Holton	134.40	0.8814	Evergreen Community of Johnson Count	Olathe	184.48	1.2106
Tri County Manor Living Center, Inc.	Horton	120.33	0.9568	Aberdeen Village, Inc.	Olathe	166.11	1.0029
Howard Twilight Manor	Howard	138.21	1.0074	Deseret Nursing & Rehab at Onaga	Onaga	162.05	1.1795
Sheridan County Hospital	Hoxie	144.01	0.9950	Peterson Health Care, Inc.	Osage City	113.13	0.9587
Pioneer Manor	Hugoton	132.22	0.9390	Osage Nursing & Rehab Center	Osage City	136.71	1.0937
Pinecrest Nursing Home	Humboldt	121.26	0.9471	Life Care Center of Osawatomie	Osawatomie	137.66	1.0743
Golden Plains	Hutchinson	140.47	1.0164	Parkview Care Center	Osborne	131.84	1.0000
Good Sam Society-Hutchinson Village	Hutchinson	140.56	0.9477	Hickory Pointe Care & Rehab Center	Oskaloosa	129.65	0.9600
Hutchinson Care Center	Hutchinson	115.66	1.0092	Deseret Nursing & Rehab at Oswego	Oswego	130.87	1.1570
Wesley Towers	Hutchinson	172.20	1.0875	Ottawa Retirement Village	Ottawa	131.62	1.1367
Ray E. Dillon Living Center	Hutchinson	151.10	0.9300	Brookside Manor	Overbrook	121.68	0.8918
Regal Estate	Independence	122.78	1.0433	Garden Terrace at Overland Park	Overland Park	151.02	1.0739
Windsor Place at Independence	Independence	145.00	1.1236	Indian Meadows Healthcare Center	Overland Park	206.02	1.3979
Pleasant View Home	Inman	143.88	0.8541	Manorcare Health Services of Overland Park	Overland Park	168.35	1.1589
Iola Nursing Center	Iola	138.60	0.9591	Villa Saint Joseph	Overland Park	164.53	1.0557
Hodgeman Co Health Center-LTCU	Jetmore	176.41	1.2260	Delmar Gardens of Overland Park	Overland Park	150.80	0.9491
Stanton County Hospital - LTCU	Johnson	142.43	0.8825	Overland Park Nursing & Rehab	Overland Park	157.20	0.9892
Valley View Senior Life	Junction City	151.41	1.0394	Indian Creek Healthcare Center	Overland Park	166.40	1.0463
Medicalodges Post Acute Care Center	Kansas City	158.81	1.1393	Village Shalom, Inc.	Overland Park	165.08	0.9911
Kansas City Presbyterian Manor	Kansas City	158.95	0.9329	Riverview Manor, Inc.	Oxford	118.40	0.9344
Medicalodges Kansas City	Kansas City	146.58	0.8812	North Point Skilled Nursing Center	Paola	129.74	0.9246
Lifecare Center of Kansas City	Kansas City	143.79	1.0667	Medicalodges Paola	Paola	112.45	0.7614
Deseret Nursing & Rehab at Kensington	Kensington	123.60	1.0495	Elmhaven East	Parsons	112.65	1.0910
The Wheatlands	Kingman	124.34	0.9147	Elmhaven West	Parsons	111.89	0.9670
Medicalodges Kinsley	Kinsley	146.14	0.9568	Parsons Presbyterian Manor	Parsons	155.45	1.1047
Kiowa Hospital District Manor	Kiowa	133.31	0.8578	Good Samaritan Society-Parsons	Parsons	129.93	0.9862
Rush Co. Memorial Hospital	La Crosse	135.59	0.9756	Legacy Park	Peabody	141.23	0.9888
Rush County Nursing Home	Lacrosse	135.21	1.0365	Westview Manor of Peabody	Peabody	77.98	0.6373
High Plains Retirement Village	Lakin	164.36	1.0118	Phillips County Retirement Center	Phillipsburg	115.32	0.9463
Golden Living Center-Lansing	Lansing	128.36	1.1109	Medicalodges Pittsburg South	Pittsburg	153.37	1.1100
Larned Healthcare Center	Larned	138.34	0.9597	Mt. Carmel Regional Medical Center SNF	Pittsburg	189.20	1.3300
Lawrence Presbyterian Manor	Lawrence	167.62	1.0492	Golden Living Center-Pittsburg	Pittsburg	115.55	1.0256
Brandon Woods at Alvar	Lawrence	150.77	0.9567	Cornerstone Village, Inc.	Pittsburg	137.40	0.9774
Pioneer Ridge Retirement Community	Lawrence	150.16	1.0416	Rooks County Senior Services, Inc.	Plainville	139.76	0.8413
Medicalodges Leavenworth	Leavenworth	151.61	0.9248	Pratt Regional Medical Center	Pratt	136.26	0.9591
Delmar Gardens of Lenexa	Lenexa	140.39	1.0337	Lakewood Senior Living of Pratt, LLC	Pratt	118.25	0.9954
Lakeview Village	Lenexa	173.47	1.1213	Prescott Country View Nursing Center	Prescott	106.93	0.9744
Leonardville Nursing Home	Leonardville	110.82	1.0044	Prairie Sunset Manor	Pretty Prairie	149.62	0.9318
Wichita County Health Center	Leoti	141.74	0.8000	Protection Valley Manor	Protection	115.45	0.8625
Good Samaritan Society-Liberal	Liberal	145.31	1.0253	Gove County Medical Center	Quinter	149.03	0.8494
Wheatridge Park Care Center	Liberal	145.13	0.9964	Grissell Memorial Hosp Dist #1-LTCU	Ransom	151.28	0.9094
Lincoln Park Manor, Inc.	Lincoln	130.26	1.0190	Richmond Healthcare and Rehabilitati	Richmond	123.36	1.1318
Bethany Home Association	Lindsborg	151.63	0.9386	Lakepoint Nursing Center-Rose Hill	Rose Hill	126.47	1.0347
Linn Community Nursing Home	Linn	122.56	1.0056	Rossville Healthcare & Rehab Center	Rossville	133.05	1.0221
Sandstone Heights	Little River	147.97	1.0800	Wheatland Nursing & Rehab Center	Russell	121.97	1.0588
Logan Manor Community Health Service	Logan	139.46	0.9657	Russell Regional Hospital	Russell	110.86	0.9840
Louisburg Care Center	Louisburg	156.42	1.2784	Sabetha Nursing Center	Sabetha	142.37	1.1024
Good Samaritan Society-Lyons	Lyons	146.35	1.0300	Apostolic Christian Home	Sabetha	125.76	0.9685
Meadowlark Hills Retirement Community	Manhattan	159.41	0.9468	Smokey Hill Rehabilitation Center	Salina	125.17	0.9689
Stoneybrook Retirement Community	Manhattan	138.51	1.0435	Kenwood View Nursing Center	Salina	127.56	1.1174
St. Joseph Village, Inc.	Manhattan	150.23	1.0364	Windsor Estates	Salina	123.70	0.8822
Jewell County Hospital	Mankato	114.15	0.9992	Pinnacle Park Nursing and Rehabilitation	Salina	114.68	1.0400
St. Luke Living Center	Marion	139.79	0.9888	Salina Presbyterian Manor	Salina	160.51	0.9917
Riverview Estates, Inc.	Marquette	126.55	0.8533	Holiday Resort of Salina	Salina	132.96	0.9573
Cambridge Place	Marysville	125.57	1.0163	Satanta Dist. Hosp. LTCU	Satanta	160.24	1.0550
McPherson Care Center	McPherson	156.22	1.0727	Park Lane Nursing Home	Scott City	139.33	0.8647
The Cedars, Inc.	McPherson	157.35	0.9104	Pleasant Valley Manor	Sedan	109.73	1.0298
Meade District Hospital, LTCU	Meade	126.55	0.8331	Sedgwick Healthcare Center	Sedgwick	153.33	0.9650
Trinity Nursing & Rehab Center	Merriam	167.65	1.0752	Crestview Manor	Seneca	105.48	0.9856
Great Plains of Ottawa County, Inc.	Minneapolis	120.84	0.9567	Life Care Center of Seneca	Seneca	126.63	1.0422
Good Samaritan Society-Minneapolis	Minneapolis	131.57	0.9907	Good Samaritan Society	Sharon Springs	117.37	0.9144
Minneola District Hospital	Minneola	136.65	1.0436	Shawnee Gardens Nursing Center	Shawnee	150.75	1.2190
Bethel Home, Inc.	Montezuma	142.72	0.8879	Sharon Lane Health Services	Shawnee	128.71	1.0069
Moran Manor	Moran	119.65	1.1954	Smith County Memorial Hospital LTCU	Smith Center	123.61	0.8575
Memorial Home for the Aged	Moundridge	155.45	0.9837	Deseret Nursing & Rehab at Smith Center	Smith Center	128.27	1.1042
Moundridge Manor, Inc.	Moundridge	135.75	0.8513	Mennonite Friendship Manor, Inc.	Smith Hutchinson	157.46	0.9619
Mt. Hope Nursing Center	Mt. Hope	127.34	0.9600	Golden Living Center-Spring Hill	Spring Hill	129.27	1.0525
Villa Maria, Inc.	Mulvane	141.79	1.0936	Good Sam Society-St. Francis Village	St. Francis	146.41	0.9873
Golden Living Center-Neodesha	Neodesha	132.86	1.2994	Leisure Homestead at St. John	St. John	138.56	1.0000
Ness County Hospital Dist.#2	Ness City	139.74	0.9500	Community Hospital of Onaga, LTCU	St. Mary's	152.20	0.9405
Asbury Park	Newton	166.07	1.0340	Prairie Mission Retirement Village	St. Paul	119.11	0.8047
Kansas Christian Home	Newton	158.93	1.0578	Leisure Homestead at Stafford	Stafford	114.60	0.9567
Newton Presbyterian Manor	Newton	160.43	0.9605	Sterling Presbyterian Manor	Sterling	146.43	0.9152
Bethel Care Center	North Newton	154.01	1.0965				

Facility Name	City	Daily Rate	Medicaid CMI
Solomon Valley Manor	Stockton	142.87	1.0420
Seasons of Life Living Center	Syracuse	148.47	0.8886
Tonganoxie Nursing Center	Tonganoxie	143.60	0.9932
Brewster Place	Topeka	154.66	0.8842
Topeka Presbyterian Manor Inc.	Topeka	160.48	0.9759
Eventide Convalescent Center, Inc.	Topeka	107.93	0.8891
Topeka Community Healthcare Center	Topeka	129.35	0.9516
McCrite Plaza Health Center	Topeka	137.59	0.9772
Rolling Hills Health Center	Topeka	150.78	1.0433
Manorcare Health Services of Topeka	Topeka	149.82	1.0472
Westwood Manor	Topeka	123.89	1.1055
Aldersgate Village	Topeka	165.61	1.0262
Plaza West Care Center, Inc.	Topeka	151.85	1.0013
Lexington Park Nursing and Post Acute	Topeka	157.54	0.9800
IHS of Brighton Place	Topeka	103.97	0.7831
Countryside Health Center	Topeka	105.87	0.6870
Providence Living Center	Topeka	91.41	0.7211
Brighton Place North	Topeka	88.06	0.7047
Greeley County Hospital, LTCU	Tribune	143.11	0.9036
The Legacy at Park View	Ulysses	158.30	1.0784
Valley Health Care Center	Valley Falls	113.35	0.6631
Trego Co. Lemke Memorial LTCU	WaKeeney	153.41	0.8923
Trego Manor	WaKeeney	112.51	0.8400
Golden Living Center-Wakefield	Wakefield	124.71	1.0150
Good Samaritan Society-Valley Vista	Wamego	144.24	0.9463
The Centennial Homestead, Inc.	Washington	95.01	0.8593
Wathena Nursing & Rehab Center	Wathena	129.62	1.0436
Coffey County Hospital	Waverly	121.76	0.8500
Golden Living Center-Wellington	Wellington	118.57	0.9684
Deseret Nursing & Rehab at Wellington	Wellington	122.82	1.1392
Wellsville Manor	Wellsville	123.23	0.9607
Westy Community Care Home	Westmoreland	123.40	1.0171
Wheat State Manor	Whitewater	144.55	0.9655
Medicalodges Wichita	Wichita	152.64	0.9751
Meridian Nursing & Rehab Center	Wichita	126.11	1.0192
Kansas Masonic Home	Wichita	159.32	1.0438
Homestead Health Center, Inc.	Wichita	142.33	0.9578
Deseret Nursing & Rehab at Wichita	Wichita	147.72	1.2442
Wichita Presbyterian Manor	Wichita	168.04	1.0425
Sandpiper Healthcare and Rehab Center	Wichita	139.01	1.0793
Lakepoint Nursing and Rehabilitation	Wichita	145.45	1.0560
Manorcare Health Services of Wichita	Wichita	148.70	1.1371
College Hill Nursing and Rehab Center	Wichita	136.74	0.9654
Lakewood Senior Living of Seville	Wichita	124.56	1.0309
Golden Living Center-Wichita	Wichita	128.57	0.9494
Wichita Nursing Center	Wichita	104.98	0.7867
The Health Care Center @ Larksfield Pl	Wichita	161.33	0.9843
Life Care Center of Wichita	Wichita	146.51	1.1840
Via Christi Hope	Wichita	134.24	0.9778
Family Health & Rehabilitation Center	Wichita	161.26	0.9763
Golden Living Center-Wilson	Wilson	133.67	1.2290
Jefferson Co. Memorial Hospital-LTCU	Winchester	146.68	1.0065
Good Samaritan Society-Winfield	Winfield	143.56	1.0077
Cumbernauld Village, Inc.	Winfield	151.16	0.8927
Winfield Rest Haven, Inc.	Winfield	137.66	0.9100
Deseret Nursing & Rehab at Yates Center	Yates Center	143.40	1.1886

III. Justifications for the Proposed Rates.

1. The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. The proposed rates are calculated according to a methodology which satisfies the requirements of K.S.A. 39-708c(x) and the KHPA regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
3. The state's analyses project that the proposed rates:
 - a. Would result in payment, in the aggregate of 92% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
 - b. Would result in a maximum allowable rate of \$161.26; with the total average allowable cost being \$156.89.
 - c. Estimated average rate July 1, 2010 \$137.37
 - d. Average payment rate July 1, 2009 \$135.21
 - Amount of change \$2.16
 - Percent of change 1.60%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will remain approximately equal.
5. The state estimates that the proposed rates will continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population in the geographic area. The state's analyses indicate:
 - a. Service providers operating a total of 292 nursing facilities (representing 96% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 36 hospital-based long-term care units are also certified to participate in the Medicaid program;
 - b. There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in 105 of the 105 counties in Kansas;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 82.99%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 55.68%; and
 - e. The proposed rates would cover 95% of the estimated Medicaid direct health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the proposed methodology will result in compliance with the federal regulation.

IV. Request for Comments; Request for Copies.

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver, or fax their signed, written comments before the close of business Friday, May 21, 2010, to:

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

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

The state intends to submit proposed Medicaid State Plan amendments to CMS on or before September 30, 2010.

Martin Kennedy
 Secretary of Aging

Don Jordan
 Secretary of Social and
 Rehabilitation Services

Dr. Andrew Allison
 KHPA Executive Director

Doc. No. 038247

State of Kansas
Board of Technical Professions

2029 75,000
2030 80,000

Notice of Meetings

The Kansas State Board of Technical Professions will conduct its Complaint Committee meeting at 2 p.m. Thursday, May 6, and the full board will meet at 10 a.m. Friday, May 7, in Suite 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Both meetings are open to the public. For more information, call (785) 296-3053.

Jean Boline
Executive Director

Doc. No. 038229

(Published in the Kansas Register April 22, 2010.)

Summary Notice of Sale
City of Hutchinson, Kansas
\$3,820,000*
General Obligation Bonds
Series 2010-A

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of sale dated April 6, 2010, bids will be received by the finance director of the city of Hutchinson, Kansas, on behalf of the governing body at City Hall, 125 E. Ave. B, Hutchinson, KS 67501, or, in the case of electronic proposals, via PARITY electronic bid submission system, until 10 a.m. May 4, 2010, for the purchase of \$3,820,000* principal amount of General Obligation Bonds, Series 2010-A. No bid of less than the entire par value of the bonds, plus accrued interest to the date of delivery, will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated June 1, 2010 (the dated date), and will become due on October 1 in the years as follows:

Year	Principal Amount*
2011	\$220,000
2012	280,000
2013	290,000
2014	300,000
2015	310,000
2016	325,000
2017	340,000
2018	350,000
2019	365,000
2020	380,000
2021	55,000
2022	55,000
2023	60,000
2024	60,000
2025	65,000
2026	65,000
2027	70,000
2028	75,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the notice of sale, which interest will be payable semi-annually on April 1 and October 1 in each year, beginning April 1, 2011. A bidder may elect to have all or a portion of the bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the notice of sale.

Paying Agent and Bond Registrar
Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$76,400 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 1, 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 for the year 2009 is \$281,191,934. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold and certain notes being sold simultaneously with the bonds, is \$33,787,000.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the financial advisor, Ranson Financial Consultants, L.L.C., Sutton Place, 209 E. William, Suite 401, Wichita, KS 67202, Attention: John Haas, (316) 264-3400; from the finance director; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, (816) 960-0090, Attention: Dorothea Riley.

Dated April 22, 2010.

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

*Subject to change.

Doc. No. 038241

(Published in the Kansas Register April 22, 2010.)

Summary Notice of Sale
City of Olathe, Kansas
\$53,955,000*
General Obligation Bonds
Series 215
(the "Series 215 Bonds")
\$1,203,000*
Taxable General Obligation Bonds
Series 216
(the "Series 216 Bonds")
\$7,065,000*
Taxable General Obligation Bonds
(Recovery Zone Economic Development
Bonds – Direct Pay)
Series 217
(the "Series 217 Bonds")
(General obligation bonds payable from
unlimited ad valorem taxes)

Bids

Written and electronic (as explained below) bids for the purchase of the above-referenced Series 215 Bonds, Series 216 Bonds and Series 217 Bonds (collectively, the bonds), of the city of Olathe, Kansas (the issuer), herein described will be received on behalf of the undersigned Director of Resource Management of the issuer, in the case of written bids, at the address hereinafter set forth, and in the case of electronic bids, via PARITY, on May 4, 2010 (the sale date), until the times set forth in the following table:

Series	Submission Hour (Central Time)
Series 215 Bonds	11 a.m.
Series 216 Bonds	10 a.m.
Series 217 Bonds	10 a.m.

No bid for less than 99.0 percent of the Series 215 Bonds, 98.9 percent of the Series 216 Bonds, and 99.0 percent of the Series 217 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.

Series 215 Bond Details

The Series 215 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 215 Bonds will be dated May 27, 2010, and will become due on October 1 in the years as follows:

Year	Principal Amount*
2011	\$2,280,000
2012	2,840,000
2013	2,900,000
2014	2,960,000
2015	3,015,000
2016	3,075,000
2017	3,145,000
2018	3,220,000
2019	3,315,000

2020	3,410,000
2021	2,235,000
2022	2,300,000
2023	2,375,000
2024	2,455,000
2025	2,540,000
2026	2,200,000
2027	2,285,000
2028	2,375,000
2029	2,465,000
2030	2,565,000

The Series 215 Bonds will bear interest from the date thereof at rates to be determined when the Series 215 Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2011. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the Series 215 Bonds.

Series 216 Bond Details

The Series 216 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one Series 216 Bond in the denomination of \$3,000. The Series 216 Bonds will be dated May 27, 2010, and will become due on October 1 in the years as follows:

Year	Principal Amount*
2011	\$ 98,000
2012	110,000
2013	115,000
2014	115,000
2015	115,000
2016	120,000
2017	125,000
2018	130,000
2019	135,000
2020	140,000

The Series 216 Bonds will bear interest from the date thereof at rates to be determined when the Series 216 Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2011. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the Series 216 Bonds.

Series 217 Bond Details

The Series 217 Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 217 Bonds will be dated May 27, 2010, and will become due on October 1 in the years as follows:

Year	Principal Amount*
2011	\$635,000
2012	675,000
2013	680,000
2014	690,000
2015	700,000
2016	710,000
2017	720,000

(continued)

2018	735,000
2019	750,000
2020	770,000

The Series 217 Bonds will bear interest from the date thereof at rates to be determined when the Series 217 Bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2011. The Kansas State Treasurer, Topeka, Kansas, will be the paying agent and registrar for the Series 217 Bonds.

Book-Entry-Only System

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

Good Faith Deposit

Each bid for the bonds shall be accompanied by a good faith deposit in the form of (i) a cashier's or certified check drawn on a bank located in the United States, or (ii) a qualified financial surety bond in the amount 2 percent of the principal amount of the applicable series of bonds.

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about May 27, 2010, to DTC for the account of the successful bidder(s).

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the issuer for the year 2009 is \$1,496,081,699. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds and notes being sold, but excluding the notes to be retired with the proceeds of such bonds and notes, is \$366,403,000.

Approval of Bonds

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

Additional Information

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

Written and Facsimile Bid and Good Faith Deposit

Delivery Address:

Donald T. Howell, Clerk
City Hall
100 E. Santa Fe
Olathe, KS 66061
(913) 971-6212
Fax (913) 971-6283

Financial Advisor:

Springsted Incorporated
380 Jackson St., Suite 300
St. Paul, MN 55101
Attn: Bond Services
(651) 223-3000

Fax (651) 223-3046
E-mail: advisors@springsted.com

Dated April 6, 2010.

City of Olathe, Kansas

***Preliminary; subject to change.**

Doc. No. 038240

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 10-13 by adding the following projects:

Project C-0053-01, Road Safety Audit on Old Highway 40 from city limit of Ellis east 7.2 miles to Yocemento, Ellis County

Project C-0061-01, Road Safety Audit on County Road 3900 from US-166 to Wingard Road, Montgomery County

Project C-0065-01, Road Safety Audit on 223rd Street from Woodland Road to Metcalf Road, Miami County

Project K-5070-11, Federal Fiscal Year 2011 Skill Training for Women and Minorities in Highway Construction Work, Northeast Kansas

Project KA-0052-02, Construction of Interim Improvements to accommodate super load trucks from the Kansas Logistics Park in Newton at I-135/36th Street 2 miles south of south jct. of I-135/US-50, Harvey County

Project KA-1169-11, Federal Fiscal Year 2011 Skill Training for Women and Minorities in Highway Construction Work, Central Kansas

Project KA-1661-10, 5-Week Non-Residential 2010 National Summer Transportation Institute Program — Instruction for a group of 20 students (16 to 18 years of age) concerning transportation-related careers including hands on activities and field trips as well as classroom instruction, at Donnelly College, Kansas City, 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. Additional information about these projects and other pending STIP amendments may be viewed online at www.ksdot.org/publications.asp.

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 for these projects will conclude May 24.

Deb Miller
Secretary of Transportation

Doc. No. 038227

(Published in the Kansas Register April 22, 2010.)

Butler County, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series A, 2010**

Notice is hereby given that Butler County, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$295,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated April 12, 2010.

Ronald L. Roberts
County Clerk

Doc. No. 038226

(Published in the Kansas Register April 22, 2010.)

Kingman County, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2010**

Notice is hereby given that Kingman County, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$2,000,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated April 12, 2010.

Inge Luntsford
County Clerk

Doc. No. 038249

(Published in the Kansas Register April 22, 2010.)

Norton County, Kansas

**Notice of Intent to Seek Private Placement
\$88,000
Recovery Zone Economic Development Bonds
Series 2010 (Taxable)**

Notice is hereby given that Norton County, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$88,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Robert D. Wyatt
County Clerk

Doc. No. 038242

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will conduct a conference call meeting at 9 a.m. Monday, May 24. Individuals may attend the telephone conference by reporting to the commission's conference room, 109 S.W. 9th, Suite 500, Topeka, or by contacting the commission office at (785) 296-3600 for call-in information. A copy of the agenda may be obtained by contacting Cathy Thompson at the address and phone number above.

Greg A. Foley
Executive Director

Doc. No. 038235

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

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

05/04/2010	12992	ITS Device Maintenance
05/05/2010	12753	Pest Control System
05/05/2010	12997	Paving of Parking Lot
05/05/2010	13005	Handicapped Vehicle Conversion
05/06/2010	12991	Dump Trucks/Anti-Ice Tanks
05/06/2010	12994	Washers High Pressure
05/07/2010	12955	Investigative Services, WIC
05/07/2010	13010	Bond Underwriter Services
05/11/2010	12972	Printer, Continuous Form Line
05/11/2010	12987	Hepatitis C Test Kits
05/11/2010	13004	Aggregate
05/12/2010	12976	Printer, Large Format Plotter
05/12/2010	12983	Training Services for the Clandestine Lab Certification
05/12/2010	12984	Camera, Equipment Accessories
05/12/2010	12998	Brake Pads and Rotors

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

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

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

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

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

05/13/2010	A-011004	Reroof Eastman Building, Kansas Department of Labor, Topeka
05/13/2010	A-011005	Renovation of Curtain Wall — Eastman Building, Kansas Department of Labor, Topeka

Chris Howe
Director of Purchases

Doc. No. 038248

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 4-19-10 through 4-25-10

Term	Rate
1-89 days	0.21%
3 months	0.13%
6 months	0.22%
1 year	0.43%
18 months	0.67%
2 years	0.96%

Elizabeth B.A. Miller
Director of Investments

Doc. No. 038225

State of Kansas

Kansas State University**Notice to Bidders**

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

Carla Bishop
Director of Purchasing

Doc. No. 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 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 to request a copy of a current bid.

Steve White
Director of Purchasing

Doc. No. 037745

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 issuing requests for proposals, solicitations, bids or information. **This includes requests for proposals, solicitations and bids for University of Kansas construction projects, including requests relating to consulting and design services.** Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 5, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Director of Purchasing and
Strategic Sourcing

Doc. No. 037757

State of Kansas

Department on Aging**Request for Applications for 2010
PEANE Special Project Grants**

Special Project Grant applications are now being accepted by the Kansas Department on Aging for the Prevention of Elder Abuse, Neglect and Exploitation (PEANE). Only project proposals requesting \$6,000 or less will be considered. The grant period is from June 1, 2010 through May 31, 2011. Any Kansas public agency or private not-for-profit corporation registered with the office of the Kansas Secretary of State may apply for these funds.

To request a PEANE Special Project Grant application, contact Roxanne DeGraw at (785) 368-6665 or (800) 432-3535. The completed application must be returned to the Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603-3404, by 5 p.m. May 14.

Martin Kennedy
Secretary of Aging

Doc. No. 038237

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. Evonik-Jayhawk Fine Chemicals Corporation 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.

Evonik-Jayhawk Fine Chemicals Corporation, 8545 S.E. Jayhawk Drive, Galena, owns and operates a batch specialty organic chemicals manufacturing facility located at the same address.

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 Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, 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 May 24.

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 May 24 in order for the Secretary of Health and Environment to consider the request.

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

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

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 038236

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. Oneok Field Services 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.

Oneok Field Services, Tulsa, Oklahoma, owns and operates Haskell County #1 compressor station located at Section 19, T30S, R33W, Haskell County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; and to review the proposed permit only, contact Ethyl Evans, (620) 225-0596, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air, 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 May 24.

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 May 24 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-

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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. 038231

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-10-051
Application(s) for New or Expansion of
Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located	Receiving Water
Darren Grauerholz 420 S. Jackson Kensington, KS 66951	Donald and Beverly Grauerholz 15042 A Road Kensington, KS 66951	Solomon River Basin
Legal Description NW/4 of Section 18, T03S, R15W, Smith County Kansas Permit No. A-SOSM-S003		

This is an application for a permit for expansion of an existing swine facility for 1,972 head (788.8 animal units) of swine weighing greater than 55 pounds and 120 head (12 animal units) of swine weighing 55 pounds or less, for a total of 2,092 head (800.8 animal units) of swine. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-10-052
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Kirk Feedlot Chuck Kirk, Gabe Lawrence 206 N. Main Scott City, KS 67871 Kansas Permit No. A-SHSC-B004	SW/4 of Section 21, T17S, R33W, Scott County	Smoky Hill River Basin

This permit is being reissued for 990 head (990 animal units) of beef cattle weighing more than 700 pounds. The permit contains modifications consisting of a new earthen wastewater retention structure and two fresh water diversion berms to control wastewater from approximately 7.7 acres. Four acres of existing pens will be abandoned. This represents an increase in the permitted animal units from the previous permit.

Public Notice No. KS-Q-10-039

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	Receiving Stream	Type of Discharge
Linn County Commission Linn County Courthouse P.O. Box 350 Mound City, KS 66056 Kansas Permit No. M-MC64-OO01	Big Sugar Creek via Sugar Creek	Treated Domestic Wastewater

Federal Permit No. KS0092941
Legal Description: NW¼, SW¼, NW¼, S17, T21S, R22E, Linn County
Facility Name: Linn County Sewer District #1 (Centerville)

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand and total suspended solids, as well as monitoring of ammonia, E. coli and pH.

Public Notice No. KS-EG-10-012/016

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

Name and Address of Applicant	Well and Permit Number	Location
Occidental Chemical Corporation 6300 S. Ridge Road Wichita, KS 67277-2283 Facility Location: Wichita, Kansas	Pauly 1-1 / KS-03-173-249	NE¼, SE¼, SW¼, Section 20, T29S, R02W, Sedgwick Co.
	Pauly 1-2 / KS-03-173-250	NW¼, SW¼, SE¼, Section 20, T29S, R02W, Sedgwick Co.
	Pauly 1-3 / KS-03-173-251	SW¼, SW¼, SE¼, Section 20, T29S, R02W, Sedgwick Co.
	Pauly 1-4 / KS-03-173-252	SE¼, SE¼, SW¼, Section 20, T29S, R02W, Sedgwick Co.
	Pauly 1-5 / KS-03-173-253	NE¼, SE¼, SW¼, Section 20, T29S, R02W, Sedgwick Co.

Facility Description: The proposed action is to reissue five Class III salt solution mining well permits. The injection fluids consist of fresh water and unsaturated brine. Injection is to be made into Hutchinson Salt member of the Wellington formation. The top of the cavity shall be no shallower than 250 feet below land surface and mining shall not extend into the upper 40 feet of the salt member. The maximum operation injection pressure is not to exceed 130 pounds per square inch at the well head. All construction, monitoring and operation of these wells will meet the requirements that apply to Class III injec-

tion wells under the Kansas Underground Injection Control Regulations, K.A.R. 28-43-1 through 28-43-11, and Kansas Underground Injection Control Regulations, K.A.R. 28-46-1 through 28-46-44.

Persons wishing to comment on the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural-related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft documents or application notices received on or before May 22 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-051/052, KS-Q-10-039, KS-EG-10-012/016) 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. 038244

State of Kansas
Home Inspectors Registration Board
Permanent Administrative
Regulations

Article 1.—REGISTRATION, RENEWAL,
AND EXAMINATION

130-1-2. Registration renewal. Each person applying for annual renewal of registration shall provide the following to the board:

- (a) the applicant’s full legal name and date of birth;
- (b) the applicant’s residential, business, and mailing addresses;
- (c) the applicant’s residential and business telephone numbers;

- (d) the applicant’s electronic mail address;
- (e) proof that the applicant has obtained at least 16 credit hours of approved continuing education;
- (f) complete answers to all questions regarding conduct that might be grounds for denying an application for registration or imposing a disciplinary sanction against a registered home inspector;
- (g) documentation from an insurer authorized to do business in Kansas stating that the applicant is insured by a policy of liability insurance in the amount required by K.S.A. 58-4509, and amendments thereto;
- (h) documentation from an insurer or financial institution establishing that the applicant is financially responsible as required by K.S.A. 58-4509, and amendments thereto;
- (i) the renewal fee specified in K.A.R. 130-2-1; and
- (j) a declaration signed by the applicant under penalty of perjury under Kansas law stating that all information submitted is true and correct. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; implementing K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, §6; effective, T-130-1-4-10, Jan. 4, 2010; effective May 7, 2010.)

130-1-3. Examination. (a) To be approved by the board, each examination required for registration shall meet the following requirements:

- (1) Test the applicant’s knowledge of and proficiency in methods of inspection, residential building systems, report writing, and professional practices; and
- (2) be psychometrically sound as evidenced by documented evaluation of the examination by an independent organization.

(b) Each examination shall be administered at a location that is under the control of either the examination owner or an entity that has agreed by contract to administer the examination. Each examination shall be proctored according to written policies and procedures that ensure the security and integrity of the examination.

(c) Each applicant shall determine, before taking an examination, whether both the examination and the entity proctoring the examination have been approved by the board.

(d) Each applicant shall pay all examination fees directly to the examination owner or administrator.

(e) Successful completion of the examination by an applicant shall mean that the applicant meets either of the following requirements:

- (1) Achieved a scaled score of at least 500 on a range of 200 to 800 on the national home inspection exam offered by the examination board of professional home inspectors; or
- (2) achieved a raw score of 70% on the examination offered by the national association of home inspectors, inc. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; implementing K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, §6; effective, T-130-1-4-10, Jan. 4, 2010; effective May 7, 2010.)

130-1-4. Registration expiration; renewal. Each application for renewal of a registration shall be submitted to the board before the end of each calendar year. Each

(continued)

registration that is not renewed shall expire on December 31 of the year in which the registration was issued. (Authorized by and implementing K.S.A. 2008 Supp. 58-4509(c), as amended by L. 2009, Ch. 118, § 6; effective Jan. 4, 2010; amended May 7, 2010.)

Article 3.—EDUCATION PROGRAMS

130-3-1. Approval of education providers. (a) Each application packet submitted by an education provider shall include a completed application on a form provided by the board, the fee required by K.A.R. 130-2-1, a syllabus describing the course of study and the proposed date the education program is to begin, and sufficient documentation to establish that all of the requirements of this regulation have been met. Each application packet shall be submitted at least 90 days before the proposed date the education is to begin.

(b) The course of study of each educational program shall include at least 80 hours of instruction in the following topics:

- (1) Structural systems, including the following:
 - (A) Foundations, basements, and drainage;
 - (B) interior walls, windows, doors, stairways, ceilings, and floors;
 - (C) exterior walls, windows, doors, and stairways;
 - (D) exterior coatings, claddings, and glazing;
 - (E) roof structure, coverings, penetration, drainage, and attics;
 - (F) porches, decks, driveways, and walkways;
 - (G) railings and assistive devices; and
 - (H) thermal insulation, air penetration, and moisture barriers;
- (2) environmental heating, cooling, and ventilation devices, controls, and distribution systems, including the following:
 - (A) Solid, liquid, and gas fuel heating systems;
 - (B) electrical heating and cooling systems; and
 - (C) chimneys, ductwork, vents, fans, flues, and dryer vents;
- (3) plumbing systems, controls, and drain, vent, water, and gas components;
- (4) waste and sewage systems, but not including private waste systems;
- (5) water supply systems and components, but not including private water supplies;
- (6) electrical systems, controls, and components for heating, ventilation, and air conditioning;
- (7) electrical systems, controls, and components for lighting and home appliance power;
- (8) (A) Primary electrical service from the masthead to the main panel, which is also known as the electrical service entrance; and
 - (B) electrical panels, branch electrical circuits, connected devices, and fixtures;
- (9) the Kansas home inspection laws and regulations;
- (10) the Kansas code of ethics specified in K.A.R. 130-4-1 and the standards of practice specified in K.A.R. 130-4-2;
- (11) home inspection documents, forms, and contracts; and

(12) report writing and the legal ramifications of report content.

(c) Instruction shall be on-site, except that an educational program may include as many as three field training experiences of no more than four hours each. Field training shall not include distance learning or any other type of instruction in a virtual classroom. The duration of each course shall not exceed six months.

(d) Each instructor shall meet at least one of the following requirements:

- (1) Have experience practicing as a home inspector for at least five of the seven years immediately before becoming an instructor;
- (2) have experience teaching the subject matter now being taught for at least five of the seven years immediately before becoming an instructor in the program;
- (3) have attained at least 12 credit hours in the subject being taught and have practiced in a field related to the subject being taught for at least 12 of the 24 months immediately before becoming an instructor;
- (4) have successfully completed a postsecondary educational program in the subject being taught and have practiced in a field related to the subject matter being taught for at least 12 of the 24 months immediately before becoming an instructor; or
- (5) have experience working in a field related to the subject being taught at least 1,000 hours each year for at least five of the seven years immediately before becoming an instructor.

(e) Each educational provider shall require 100 percent attendance during the course of study instruction.

(f) Each educational provider shall require successful completion of at least one comprehensive examination on the topics in the course of study.

(g) The provider of each educational program shall furnish a certificate or other official document verifying successful completion of the program to each student who has successfully completed the program.

(h) The provider of each educational program shall maintain a record of each program for at least 36 months following the completion of the program and shall provide a copy of each record to the board within five days following receipt of a request by the board. The record shall include at least the following:

- (1) Course materials;
- (2) documentation that each instructor who provides instruction in the program meets the requirements of this regulation;
- (3) a list of each student enrolled in the program;
- (4) for each student enrolled in the program, a record that the student completed the program, failed the program, or withdrew from the program; and
- (5) for each field training experience included as part of the program, a statement of the date, number of hours, and location of the field training experience.

(i) Each approved education provider shall notify the board within 10 days that any of the information provided to the board has changed. Approval of an education provider shall be withdrawn if the board determines after notice and an opportunity to be heard that the education provider no longer meets the requirements of this regulation. (Authorized by and implementing K.S.A.

2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; effective, T-130-1-4-10, Jan. 4, 2010; effective May 7, 2010.)

Article 5.—CONTINUING EDUCATION

130-5-2. Approval of continuing education providers. (a) Each continuing education course required by K.A.R. 130-1-2 or K.A.R. 130-1-5 shall meet all of the following requirements:

(1) Each workshop, seminar, or presentation offered shall be conducted by a person having expertise in home inspections through education, training, or experience.

(2) Each registrant attending a continuing education course shall receive written materials suitable for later reference by the registrant.

(3) Each continuing education course shall be publicized with identification and qualifications of the faculty who will present the course, a description of the subject matter, the learning objectives, the cost of attending the program, and the number of continuing education hours to be awarded upon completing the course.

(4) Each continuing education course offered shall be open for attendance by any registrant who pays the fee. No registrant shall be denied admission on the basis of race, gender, age, or any similar factor.

(5) Each continuing education course shall be accessible by a person with a disability.

(6) Each registrant attending a continuing education course shall be given written documentation identifying the course by name, the approved continuing education provider, and the date on which the registrant attended the course and certifying the number of hours awarded to the registrant.

(b) Any continuing education provider that has not previously been approved by the board may submit a written request for approval to the board. Each request for approval shall contain the following:

(1) The name, address, and telephone number of the organization or person requesting approval;

(2) a description of each continuing education course that the provider intends to offer and each date on which the course is intended to be offered;

(3) a copy of the publication materials required by paragraph (a)(3) for each course that is intended to be offered; and

(4) the fee specified in K.A.R. 130-2-1.

(c) Each approved continuing education provider shall maintain records of each continuing education course offered for at least three years from the date the course was offered. These records shall include a copy of all publication materials distributed, identification of each presenter, a description of the qualifications of each presenter, a copy of all written materials distributed to registrants, and a copy of the documentation for each registrant required by paragraph (a)(6).

(d) Each approval of a continuing education provider shall be effective for one year. (Authorized by K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3; implementing K.S.A. 2008 Supp. 58-4504, as amended by L. 2009, Ch. 118, §3, and K.S.A. 2008 Supp. 58-4509, as amended by L. 2009, Ch. 118, §6; effective May 7, 2010.)

Jeff Barnes
Chairman

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-2939. “Championship Rodeo” instant ticket lottery game number 256. (a) The Kansas lottery shall conduct an instant winner lottery game entitled “Championship Rodeo” commencing on or after April 1, 2010. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2939.

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

Play Symbols	Captions
1	ONE
2	TWO
3	THREE
4	FOUR
5	FIVE
6	SIX
7	SEVEN
8	EIGHT
9	NINE
10	TEN
11	ELEVN
12	TWELV
Prize Symbols	Captions
FREE	Ticket
\$1. ⁰⁰	ONE\$
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THREE\$
\$5. ⁰⁰	FIVE\$
\$7. ⁰⁰	SEVEN\$
\$10. ⁰⁰	TEN\$
\$15. ⁰⁰	FIFTN\$
\$20. ⁰⁰	TWENTY
\$40. ⁰⁰	FORTY
\$100	HUNDRED
\$250	TWO-FTY
\$2,500	TFV-HUN

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

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

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

FRE	=	Free Ticket
ONE	=	\$1.00
TWO	=	\$2.00
THR	=	\$3.00
FIV	=	\$5.00
SEV	=	\$7.00
TEN	=	\$10.00
FTN	=	\$15.00

(continued)

TWY	=	\$20.00
FRY	=	\$40.00
HUN	=	\$100.00
THF	=	\$250.00

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

(g) In the "Championship Rodeo" game, a player will scratch the game play area to reveal five "YOUR NUMBERS," each with an associated prize, plus two "WINNING NUMBERS." If one or more of the five "YOUR NUMBERS" is the same as any of the "WINNING NUMBERS," the player wins the prize associated with the matching number(s).

(h) Each ticket in this game may win five times.

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 150,000 tickets, and the same odds as were contained in the initial ticket order.

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

Game	Prize	Expected Number of Prizes in Game	Expected Value in Game
\$1 Free Ticket	Free Ticket	90,000	\$0
\$1	\$1	66,000	66,000
\$2	\$2	30,000	60,000
\$3	\$3	3,000	9,000
(\$1 x 3)	\$3	6,000	18,000
\$5	\$5	1,000	5,000
\$3 + \$2	\$5	3,000	15,000
(\$1 x 5)	\$5	5,000	25,000
\$7	\$7	2,000	14,000
(\$1 x 4) + \$3	\$7	4,000	28,000
\$10	\$10	500	5,000
(\$2 x 5)	\$10	2,500	25,000
\$15	\$15	750	11,250
(\$5 x 3)	\$15	750	11,250
(\$2 x 2) + (\$5 x 2) + \$1	\$15	1,500	22,500
\$20	\$20	500	10,000
(\$7 x 2) + (\$3 x 2)	\$20	1,500	30,000
(\$10 x 2)	\$20	1,000	20,000
\$40	\$40	200	8,000
(\$10 x 3) + (\$5 x 2)	\$40	500	20,000
(\$15 x 2) + (\$5 x 2)	\$40	300	12,000
\$100	\$100	50	5,000
(\$20 x 5)	\$100	100	10,000
(\$40 x 2) + (\$5 x 2) + \$10	\$100	100	10,000
\$250	\$250	20	5,000
(\$100 x 2) = (\$20 x 2) + \$10	\$250	40	10,000
\$2,500	\$2,500	6	15,000
TOTAL		<u>220,316</u>	<u>\$470,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.09. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-5-10, March 17, 2010.)

111-4-2740. "Lucky 7s Bingo" instant ticket lottery game number 276. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Lucky 7s Bingo" commencing on or after April 1, 2010. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2740.

(b) The "play symbols" for the four bingo "CARD" play areas for this game are as follows:

01 02 03 04 05 06 07 08 09 10

11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
31	32	33	34	35	36	37	38	39	40
41	42	43	44	45	46	47	48	49	50
51	52	53	54	55	56	57	58	59	60
61	62	63	64	65	66	67	68	69	70
71	72	73	74	75	FREE				

In the "CALLER'S CARD" play area, a letter/number combination game symbol appears in each of the 24 play spots. In the "BONUS NUMBERS" play area, a letter/combination game symbol appears in each of the six play spots. "Play symbols" for the "CALLER'S CARD," and the "BONUS NUMBERS" play areas for this instant game are the following:

B01	I16	N31	G46	O61
B02	I17	N32	G47	O62
B03	I18	N33	G48	O63
B04	I19	N34	G49	O64
B05	I20	N35	G50	O65
B06	I21	N36	G51	O66
B07	I22	N37	G52	O67
B08	I23	N38	G53	O68
B09	I24	N39	G54	O69
B10	I25	N40	G55	O70
B11	I26	N41	G56	O71
B12	I27	N42	G57	O72
B13	I28	N43	G58	O73
B14	I29	N44	G59	O74
B15	I30	N45	G60	O75

(c) There are no "play symbol captions" for this game.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

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

TWO	=	\$2.00
FOR	=	\$4.00
FIV	=	\$5.00
SEV	=	\$7.00
NIN	=	\$9.00
TEN	=	\$10.00
FTN	=	\$15.00
NTN	=	\$19.00
TWY	=	\$20.00
FTY	=	\$50.00
HUN	=	\$100.00
HFY	=	\$150.00
THN	=	\$200.00
THY	=	\$250.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Lucky 7s Bingo" is a two-part vertically oriented game. The first part consists of the "CALLER'S CARD" and the "BONUS NUMBERS." The "CALLER'S CARD" contains 24 draw numbers covered by opaque latex. The "BONUS NUMBERS" consist of six draw numbers covered by opaque latex.

The second part consists of four "GAME CARDS" each containing 24 squares, plus a "FREE" space in the center of each "GAME CARD," for a total of 25 squares. Each square (excluding the FREE space in the center of each "GAME CARD") contains one number. The "GAME CARDS" are each covered by translucent blue scratch-off.

A player removes the scratch-off material from the areas on the ticket indicated by the words "CALLER'S CARD" and "BONUS NUMBERS" to reveal a total of 30 "Bingo" letter/number combinations. A player wins by matching the "CALLER'S CARD" and "BONUS NUMBERS" to the numbers on the four "GAME CARDS." If the player finds a diagonal, vertical, or horizontal straight line, or four corners of the grid, or an "X" pattern, the player wins a prize according to the prize legend beside the respective "GAME CARD."

The "7" appears within each of the four "Bingo" cards. It consists of eight squares plus the free space and the "7" pattern is highlighted in red. If a player matches all eight of the numbers within the "7" pattern within a "Bingo" card, the player wins the corresponding "7" prize as shown in the prize legend for that "Bingo" card.

(h) Each ticket in this game may win up to four times. Only the highest prize won on each card will be awarded.

(i) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Line - Card 1	\$2	84,000	\$168,000
Line - Card 2	\$2	84,000	168,000
Line - Card 1 & Card 2	\$4	40,000	160,000
Line - Card 3	\$5	32,000	160,000
Line - Card 2 & 3	\$7	22,800	159,600
Line - Card 1 & 2 & 3	\$9	12,000	108,000
Line - Card 4	\$10	8,800	88,000
Line - Card 3 & 4	\$15	6,000	90,000
Line - Card 1 & 2 & 3 & 4	\$19	2,000	38,000
4 Corners - Card 1	\$20	2,000	40,000
4 Corners - Card 2	\$50	480	24,000
7 - Card 1	\$50	480	24,000
X - Card 1	\$100	80	8,000
4 Corners - Card 3	\$100	80	8,000
4 Corners - Card 4	\$100	80	8,000
7 - Card 2	\$100	80	8,000
4 Corners - Card 2 & 3	\$150	60	9,000
4 Corners - Card 2 & 4	\$150	60	9,000
4 Corners - Card 3 & 4	\$200	32	6,400
7 - Card 3	\$200	40	8,000
4 Corners - Card 2 & 3 & 4	\$250	32	8,000
7 - Card 4	\$250	36	9,000
X - Card 2	\$500	24	12,000
X - Card 3	\$1,000	20	20,000
X - Card 4	\$10,000	12	120,000
TOTAL		<u>295,196</u>	<u>\$1,461,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.07. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-5-10, March 17, 2010.)

111-4-2941. "Bonus Crossword" instant ticket lottery game number 281. (a) The Kansas lottery shall

conduct an instant winner lottery game entitled "Bonus Crossword" commencing on or after April 1, 2010. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2941.

(b) The "play symbols" for this game are as follows: A - B - C - D - E - F - G - H - I - J - K - L - M - N - O - P - Q - R - S - T - U - V - W - X - Y - Z. There are no "play symbol captions" in this game.

(c) For this game, a play symbol shall appear in each of 18 play spots within the "YOUR LETTERS" play area, in each of two play spots within the "BONUS" play area, and a variable number of times within the crossword puzzle grid.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

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

FRE	=	Free ticket
FIV	=	\$5.00
TEN	=	\$10.00
TWY	=	\$20.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Bonus Crossword" consists of three play areas. In the upper part of the ticket there is a crossword puzzle grid that contains 11 spaces (height) by 11 spaces (width) covered by transparent latex. In the "YOUR LETTERS" play area, located in the lower part of the ticket, there are 18 letters located under opaque latex. To the right of the "YOUR LETTERS" play area is the "BONUS" play area in which there are two letters covered by opaque latex. Imaged around each of the 18 "YOUR LETTERS" and two "BONUS" letters there will be a four-sided box composed of solid lines. A player will remove the latex from the "YOUR LETTERS" and "BONUS" play areas one letter at a time, and then for each matching letter in the crossword puzzle grid scratch off the transparent latex. Each letter revealed in the "YOUR LETTERS" and "BONUS" play areas may be used an unlimited number of times in the crossword puzzle grid. If a player reveals at least three complete words in the crossword puzzle grid, the player wins the corresponding prize in the prize legend. The prize legend on the front of the ticket indicates prizes won for number of words revealed, as is also set forth in subsection (k) hereinafter.

(h) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the "crossword" puzzle;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces;

(continued)

(5) every single letter in the unbroken string must be revealed in "YOUR LETTERS," or "BONUS" areas and be included to form a word; and

(6) the three small letters outside the squares in the "YOUR LETTERS" area are for validation purposes and cannot be used to play "Bonus Crossword."

(i) Each ticket in this game may win up to one time. Only the highest prize won on each ticket will be awarded.

(j) Approximately 3,600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

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

Match	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - words	FREE TICKET	600,000	\$0
4 - words	\$5	156,000	780,000
5 - words	\$10	82,800	828,000
6 - words	\$20	27,600	552,000
7 - words	\$100	3,600	360,000
8 - words	\$500	552	276,000
9 - words	\$2,000	132	264,000
10 - words	\$20,000	24	480,000
TOTAL		<u>870,708</u>	<u>\$3,540,000</u>

(l) The odds of winning a prize in this game are approximately one in 4.13. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-5-10, March 17, 2010.)

111-4-2942. "Win It All" instant ticket lottery game number 288. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Win It All" commencing on or after April 1, 2010. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2942.

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

Play Symbols	Captions
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EGHTN
19	NINTN
20	TWNTY
21	TWYONE
22	TWY TWO

23	TWYTHR
24	TWYFOR
25	TWYFIV

Prize Symbols	Captions
FREE	TICKET
\$2 ⁰⁰	TWO\$
\$3 ⁰⁰	THR\$
\$5 ⁰⁰	FIVE\$
10 ⁰⁰	TEN\$
15 ⁰⁰	FIFTEEN
20 ⁰⁰	TWENTY
50 ⁰⁰	FIFTY
\$100\$	ONE-HUN
\$200\$	TWOHUN
\$1000	ONETHOU
\$10000	10-THOU

(c) For this game, a play/prize symbol shall appear in each of 13 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

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

FRE	=	Free Ticket
TWO	=	\$2.00
THR	=	\$3.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
FTY	=	\$50.00
HUN	=	\$100.00
THN	=	\$200.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Win It All" is a ticket with two play areas. Area 1 is a key number match game. If the player matches any of the "YOUR NUMBERS" to either of the "LUCKY NUMBERS," the player wins the prize shown. Area 2 is a "WIN IT ALL" feature. If the player matches any of the "YOUR NUMBERS" to the "WIN IT ALL" number, the player wins all 10 prizes.

(h) Each ticket in this game may win up to 10 times.

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

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

Prize	Expected Number of Prizes in Game	Expected Value in Game	
Free	Free Ticket	80,000	\$0
\$2	\$2	18,000	36,000
\$3	\$3	14,000	42,000
\$5	\$5	6,000	30,000
\$2 + \$3	\$5	3,000	15,000
\$10	\$10	3,000	30,000

(\$5 x 2)	\$10	2,400	24,000
(\$2 x 2) + (\$3 x 2)	\$10	2,400	24,000
\$15	\$15	2,400	36,000
\$5 + \$10	\$15	2,000	30,000
(\$2 x 3) + (\$3 x 3)	\$15	2,000	30,000
\$20	\$20	1,600	32,000
(\$2 x 10) WIN IT ALL	\$20	1,800	36,000
(\$2 x 10)	\$20	1,400	28,000
\$5 + \$15	\$20	1,000	20,000
\$50	\$50	500	25,000
(\$2 x 3) + (\$3 x 3) + \$5 + (\$10 x 3) WIN IT ALL	\$50	700	35,000
(\$2 x 2) + (\$3 x 2) + (\$10 x 4)	\$50	400	20,000
(\$5 x 10)	\$50	200	10,000
\$10 + (\$20 x 2)	\$50	200	10,000
\$100	\$100	100	10,000
(\$50 x 2)	\$100	100	10,000
(\$5 x 4) + (\$10 x 4) + (\$20 x 2) WIN IT ALL	\$100	100	10,000
\$200	\$200	40	8,000
(\$20 x 10) WIN IT ALL	\$200	40	8,000
(\$100 x 2)	\$200	40	8,000
\$1,000	\$1,000	6	6,000
(\$200 x 5)	\$1,000	4	4,000
(\$200 x 2) + (\$100 x 4) + (\$50 x 4) WIN IT ALL	\$1,000	4	4,000
\$10,000	\$10,000	4	40,000
(\$1,000 x 10) WIN IT ALL	\$10,000	2	20,000
TOTAL		<u>143,440</u>	<u>\$641,000</u>

(k) The odds of winning a prize in this game are approximately one in 4.18. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710, and K.S.A. 74-8720; effective, T-111-4-5-10, March 17, 2010.)

111-4-2943. "Triple Play" instant ticket lottery game number 289. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Triple Play" commencing on or after April 1, 2010. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2943.

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

Play Symbols	Captions
01	ONE
02	TWO
03	THR
04	FOR
05	FIV
06	SIX
07	SEV
08	EGT
09	NIN
10	TEN
11	ELVN
12	TWLV
13	THRTN
14	FOURTN
15	FIFTN
16	SIXTN
17	SEVTN
18	EGHTN
19	NINTN
20	TWNTY
21	TWYONE
22	TWYTWO
23	TWYTHR

24	TWYFOR
25	TWYFIV
Symbol of a money bag	\$15WIN

Prize Symbols	Captions
FREE	TICKET
\$2. ⁰⁰	TWO\$
\$3. ⁰⁰	THR\$
\$5. ⁰⁰	FIVE\$
10. ⁰⁰	TEN\$
15. ⁰⁰	FIFTEEN
25. ⁰⁰	TWEN-FIV
50. ⁰⁰	FIFTY
75. ⁰⁰	SVTYFIV
\$100\$	ONE-HUN
\$1000	ONETHOU
\$10000	10-THOU

(c) For this game, a play/prize symbol shall appear in each of 13 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

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

FRE	=	Free Ticket
TWO	=	\$2.00
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWF	=	\$25.00
FTY	=	\$50.00
STF	=	\$75.00
HUN	=	\$100.00

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Triple Play" is a ticket with one play area with three different ways to win: a key number match, a match three, and an instant reveal. A player will remove the scratch-off material to reveal three "WINNING NUMBERS" and 10 "YOUR NUMBERS" and 10 prize amounts. If a player matches any of the "YOUR NUMBERS" to any of the "WINNING NUMBERS," the player wins the prize shown below that number. If the player finds three matching prize amounts, the player wins that amount. If the player reveals a "MONEY BAG" symbol, the player wins \$15 instantly.

(h) Each ticket in this game may win up to 10 times.

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

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

Prize	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	40,000 \$0

(continued)

\$2		\$2	20,000	40,000
	\$2	\$2	24,000	48,000
\$3		\$3	8,000	24,000
	\$3	\$3	8,000	24,000
\$5		\$5	8,000	40,000
\$2 + \$3		\$5	4,000	20,000
	\$5	\$5	12,000	60,000
\$10		\$10	5,000	50,000
	\$10	\$10	5,000	50,000
(\$5 x 2)		\$10	5,000	50,000
\$15		\$15	1,400	21,000
	\$15	\$15	1,400	21,000
\$2 + \$3 + \$10		\$15	1,400	21,000
(\$2 x 2) + (\$3 x 2) + \$5		\$15	700	10,500
\$25		\$15	700	10,500
	\$25	\$25	900	22,500
\$10		\$25	950	23,750
(\$5 x 2) + \$2 + \$3 + \$10		\$25	950	23,750
\$50		\$25	900	22,500
(\$5 x 2) + (\$10 x 2) + \$2 + \$3		\$50	140	7,000
(\$2 x 2) + (\$3 x 2) + (\$10 x 2) + \$5 + \$15		\$50	140	7,000
	\$50	\$50	140	7,000
\$75		\$75	40	3,000
(\$10 x 2) + (\$15 x 2) + \$25		\$75	40	3,000
(\$2 x 2) + (\$3 x 2) + \$5 x 2) + (\$15 x 2) + \$10		\$75	40	3,000
\$100		\$100	16	1,600
(\$25 x 2) + \$50		\$100	16	1,600
(\$25 x 2) + (\$10 x 2) + (\$15 x 2)		\$100	16	1,600
	\$100	\$100	10	1,000
(\$5 x 2) + (\$10 x 2) + (\$25 x 2) + \$2 + \$3		\$100	10	1,000
\$1,000		\$1,000	12	12,000
\$10,000		\$10,000	6	60,000
TOTAL			<u>149,066</u>	<u>\$698,300</u>

(k) The odds of winning a prize in this game are approximately one in 4.03. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-4-5-10, March 17, 2010.)

WORLD CLASS LACROSSE DRAWING

111-4-2944. Name of drawing. The Kansas lottery shall conduct a drawing entitled “World Class LaCrosse Drawing,” and will accept entries on and after the day the Kansas lottery “World Class LaCrosse” instant tickets are first offered for sale to the general public and ending on Sunday, September 19, 2010. The drawing will be held soon after 6:00 p.m. on or about Sunday, September 19, 2010, at the Kansas state fair lottery building, Hutchinson, Kansas. Rules applicable to this drawing are contained in K.A.R. 111-4-2944 through 111-4-2948 and K.A.R. 111-6-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-5-10, March 17, 2010.)

111-4-2945. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) “World Class LaCrosse Drawing” means the act of drawing prizes conducted by the Kansas Lottery at the 2010 Kansas state fair in Hutchinson, Kansas, at the time described in these rules, in which participants are selected to win various prizes as described in these rules.

(c) “Non-winning ticket” means any valid Kansas lottery “World Class LaCrosse” instant game ticket not eligible to win a prize under the rules of that instant game.

(d) “Receptacle” or “drum” means a container in which non-winning Kansas instant game lottery tickets are placed and from which the entries for this drawing

are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-5-10, March 17, 2010.)

111-4-2946. Prize. (a) Two grand prizes will be awarded at the “World Class LaCrosse Drawing,” which will be conducted on or about September 19, 2010. The winner of each grand prize at the “World Class LaCrosse Drawing” shall receive a 2010 Buick LaCross luxury sport sedan, together with mandatory federal and state income withholding taxes, property taxes, registration fee, and title fee. Each prize package shall have an estimated value of \$42,857 dollars.

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

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

(d) If any prize in this drawing becomes unavailable, the lottery reserves the right to replace it with a prize of the lottery’s choice of approximately equal value. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-5-10, March 17, 2010.)

111-4-2947. Method of entry. (a) Entry into the “World Class LaCrosse Drawing” to be conducted on or about September 19, 2010, shall be accomplished as follows:

(1) Obtain a valid “World Class LaCrosse” instant Kansas lottery ticket;

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

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

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

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

(6) A receptacle or drum shall be available and entries may be made at the Kansas lottery building at the Kansas state fair between September 10, 2010, and 6:00 p.m. September 19, 2010.

(7) Entries other than those entered pursuant to subsection (a)(5) herein shall be mailed with proper postage to “World Class LaCrosse, c/o Kansas Lottery, P. O. Box 750980, Topeka, Kansas 66675-0980.” Mailed entries must be received by morning mail pickup on Tuesday, September 14, 2010, for the drawing on September 19, 2010. More than one entry may be mailed in one envelope.

(8) No later than 5:00 p.m. CDT on September 14, 2010, players may also deposit entries for this drawing into any receptacle the Kansas lottery has specifically designated for deposit of said entries, with the exception of the drawing receptacle designated by the Kansas lottery at the Kansas state fair.

(9) No later than 6:00 p.m. CDT on September 19, 2010, players may deposit entries for this drawing into the drawing receptacle the Kansas lottery has specifically designated for deposit of said entries which is located at the Kansas state fair.

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

(11) The drawing will be conducted soon after 6:00 p.m. on or about Sunday, September 19, 2010.

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

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

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

(e) Only valid entry forms which are mailed and received by the lottery as provided by these rules and entry forms entered into any other receptacle designated by the lottery or at the Kansas state fair lottery building as provided in the rules herein shall be eligible for the drawing. All entries so mailed or deposited shall be secured by the lottery until the drawing is conducted. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-5-10, March 17, 2010.)

111-4-2948. Selection of winners. The following process shall be used for the selection of winners in the "World Class LaCrosse Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "World Class LaCrosse Drawing" entries at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, September 14, 2010. Following said morning mail pickup, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall then be placed in a secure receptacle, transported to the state fair, and placed in the drawing receptacle or drum with all entries deposited at the state fair and into any other receptacle designated by the lottery.

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

(c) At the final drawing on or about Sunday, September 19, 2010, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed with a shovel or by other means.

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

(e) The designated individual shall then repeat the drawing process, using the bare-arm technique and while looking away, and draw a single entry from the receptacle or drum. The person whose name appears on the entry shall be the second winner of one of the grand prizes identified in these rules, subject to validation by the lottery as set forth in these rules.

(f) After two single entries have been drawn and the entries have been verified as valid, six more valid entries will be drawn, one at a time. The last six entries drawn will serve as alternate entries for the grand prizes. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, 5A, and 6A. The winners shall have until 5:00 p.m. on the seventh day following mailing of a claim form to the winner to present the fully-executed claim form to lottery headquarters. If a grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the grand prize will be awarded to the first alternate entry drawn. The alternates will be used, if necessary, in the order drawn. If a winner or an alternate winner for a grand prize cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters as required herein, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

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

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

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

(j) All entries remaining in the drum or receptacle after the winners and alternatives have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-4-5-10, March 17, 2010.)

Ed Van Petten
Executive Director

Doc. No. 038200

State of Kansas

Secretary of State

Certification of New State Laws

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

Chris Biggs
Secretary of State

(Published in the Kansas Register April 22, 2010.)

HOUSE BILL No. 2652

AN ACT concerning the Kelsey Smith act; amending K.S.A. 2009 Supp. 22-4615 and repealing the existing section.

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

Section 1. K.S.A. 2009 Supp. 22-4615 is hereby amended to read as follows: 22-4615. (a) Upon request of a law enforcement agency, a wireless telecommunications carrier shall provide call location information concerning the telecommunications device of the user to the requesting law enforcement agency in order to respond to a call for emergency services or in an emergency situation that involves the risk of death or serious physical harm.

(b) Notwithstanding any other provision of law to the contrary, nothing in this section prohibits a wireless telecommunications carrier from establishing protocols by which the carrier could voluntarily disclose call location information.

(c) No cause of action shall lie in any court against any wireless telecommunications carrier, its officers, employees, agents or other specified persons for providing call location information while acting in good faith and in accordance with the provisions of this section.

(d) (1) ~~The Kansas bureau of investigation shall obtain contact information for~~ All wireless telecommunications carriers ~~authorized~~ registered to do business in the state of Kansas or submitting to the jurisdiction thereof and all resellers of wireless telecommunications services shall submit their emergency contact information to the Kansas bureau of investigation in order to facilitate ~~a request~~ requests from a law enforcement agency for call location information in accordance with this section. ~~This contact information must be submitted annually by June 15th or immediately upon any change in contact information.~~

(2) ~~The Kansas bureau of investigation shall disseminate the information obtained pursuant to subsection (d)(1) on a quarterly basis or immediately as changes occur, maintain a database containing emergency contact information for all wireless telecommunications carriers registered to do business in the state of Kansas and shall make the information immediately available upon request to all public safety answer points in the state.~~

(e) Rules and regulations shall be promulgated by the director of the Kansas bureau of investigation to fulfill the requirements of this section no later than July 1, ~~2010~~ 2011.

(f) This section shall be known and may be cited as the Kelsey Smith act.

Sec. 2. K.S.A. 2009 Supp. 22-4615 is hereby repealed.

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

(Published in the Kansas Register April 22, 2010.)

HOUSE BILL No. 2666

AN ACT concerning the animal health department; relating to fees; amending K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and 47-2101 and repealing the existing sections.

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

Section 1. K.S.A. 47-1001e is hereby amended to read as follows: 47-1001e. (a) Each livestock market operator shall pay annually, on or before June 30, a renewal market license fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than ~~\$40~~ \$250 to the commissioner for each public livestock market operated by such operator, which payment shall constitute a renewal until June 30 of the following year. The renewal market license fee established by this section on the day preceding the effective date of this act shall continue in effect until a different renewal market license fee is set as provided under this section.

(b) Any person who owns or operates an electronic auction which is simulcast into the state of Kansas and at which livestock located in the state of Kansas are offered for sale, shall apply to the livestock commissioner for an electronic auction license. A license shall be granted to such person upon a showing that such person meets the bond requirements, as established in K.S.A. 47-1002, and amendments thereto, and has paid an annual fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner of not more than ~~\$40~~ \$250. Any such license shall expire on June 30 of each year.

Sec. 2. K.S.A. 2009 Supp. 47-1011 is hereby amended to read as follows: 47-1011. (a) The public livestock market operator shall collect from the consignor of horses, mules, cattle, hogs, sheep and goats the fee per head on all such livestock sold at a public livestock market in the amount fixed by the commissioner under this section. The public livestock market operator shall remit to the commissioner on or before the 15th day of each month the amounts collected during the preceding calendar month.

(b) The electronic auction operator shall collect from the consignor of horses, mules, cattle, hogs, sheep and goats the fee per head in an amount fixed by the commissioner under this section on all such livestock sold at an electronic auction if such livestock is located in the state of Kansas. The electronic auction operator shall remit to the commissioner on or before the 15th day of each month the amounts collected during the preceding calendar month.

(c) The fee per head provided for in this section shall be in addition to the inspection fee stated in K.S.A. 47-1008, and amendments thereto, to the license fee payable to the commissioner for licenses mentioned and described in K.S.A. 47-1002, and amendments thereto, and to the fee provided for in K.S.A. 74-534, and amendments thereto.

(d) The commissioner shall determine annually the amount of funds which will be required, in addition to the funds received for fees imposed under K.S.A. 47-1001a and 47-1001e, and amendments thereto, to properly enforce and administer the laws contained in article 10 of chapter 47 of the Kansas Statutes Annotated, and amendments thereto, and shall fix and adjust from time to time the fee per head imposed under this section in such reasonable sum as may be necessary for such purposes, except that the fee per head fixed under this section shall not be more than ~~\$15~~ \$.25. The fee per head in effect on the day preceding the effective date of this act shall continue in effect until the commissioner fixes a different fee per head under this section.

(e) The commissioner shall remit all moneys received by or for the commissioner under K.S.A. 47-1001a, 47-1001e and this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

Sec. 3. K.S.A. 2009 Supp. 47-1503 is hereby amended to read as follows: 47-1503. (a) It shall be unlawful for any person to operate a feedlot within the state of Kansas without having first ob-

tained a license from the livestock commissioner authorizing and permitting such operation.

(b) An operator of any feedlot in the state of Kansas, or a person desiring to operate a feedlot in the state of Kansas, shall obtain, from the livestock commissioner, a license to operate a feedlot, unless exempted therefrom. The owner or operator of any livestock feedlot, with a capacity of less than 1,000 head of livestock, may apply for and obtain a license for feedlot operations, if such owner or operator chooses and elects to come under the terms and provisions of this act, but the licensing for operations at a capacity of less than 1,000 head shall not be required.

(c) Application for a livestock feedlot license shall be filed with the livestock commissioner, on a form prescribed and furnished by the commissioner. Upon the filing of such an application and payment of the required fees, the commissioner shall issue a livestock feedlot license to such applicant, provided the application discloses information assuring the commissioner that the operation of such feedlot will be conducted in accordance with the standards set forth elsewhere in this act, and with rules and regulations adopted by the commissioner.

(d) Feedlot licenses shall be issued for the term of one year, to expire on June 30 following the date of issuance. Feedlot licenses may be continued in force by annual renewal or extension of such license with the payment of an annual license fee, and with continued compliance by the operator with the provisions of this act, and acts amendatory of the provisions thereof and supplemental thereto, and rules and regulations adopted hereunder.

(e) Each *cattle* feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
Under 1,000 head	\$75
1,000 to 2,999 head.....	\$150 \$350
3,000 to 9,999 5,999 head	\$300 \$650
6,000 to 9,999 head.....	\$750
10,000 to 17,999 head.....	\$450 \$1,100
18,000 head and over.....	\$750
18,000 to 29,999 head.....	\$1,500
30,000 to 49,999 head.....	\$1,650
50,000 to 99,999 head.....	\$1,800
100,000 head and over	\$2,000

The fees established by this subsection on the day preceding the effective date of this act shall continue in effect until different fees are set as provided under this subsection.

(f) For the purposes of this subsection, "animal unit" means the number of swine weighing more than 55 pounds multiplied by 0.4; plus the number of swine weighing 55 pounds or less multiplied by 0.1; plus the number of sheep or lambs multiplied by 0.1; plus the number of goats multiplied by 0.1. Each swine, sheep and goat feedlot operator, who shall be granted a license, shall pay a fee in an amount set by the Kansas animal health board and adopted by rules and regulations of the commissioner for such license and for annual renewal thereof, in accordance with and subject to the following schedule of maximum fees:

<i>Feedlot capacity</i>	<i>Maximum fee</i>
300 to 999 Animal units.....	\$75
1,000 to 2,999 Animal units.....	\$350
3,000 to 5,999 Animal units.....	\$650
6,000 to 9,999 Animal units.....	\$750
10,000 to 17,999 Animal units.....	\$1,100
18,000 to 29,999 Animal units.....	\$1,500
30,000 to 49,999 Animal units.....	\$1,650
50,000 to 99,999 Animal units.....	\$1,800
100,000 Animal units and over	\$2,000

(g) If an original feedlot license expires within six months after date of issuance, only 50% of the applicable license fee shall be required. An application for feedlot license shall not be approved, nor shall a license be issued to any applicant unless the application is accompanied by the applicable license fee under the schedule of fees in this section. Each licensed feedlot operator shall pay an annual license fee in accordance with the schedule of fees in this section and, upon payment of such fee and a showing of

compliance with other requirements, shall be entitled to a renewal or extension of such operator's license for the ensuing license year.

(h) The livestock commissioner shall remit all moneys received by or for the commissioner under article 15 of chapter 47 of Kansas Statutes Annotated, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

Sec. 4. K.S.A. 2009 Supp. 47-2101 is hereby amended to read as follows: 47-2101. (a) It shall be unlawful for any person to engage in the business of raising domesticated deer unless such person has obtained from the livestock commissioner a domesticated deer permit. Application for such permit shall be made in writing on a form provided by the commissioner. The permit period shall be for the permit year ending on June 30 following the issuance date.

(b) Each application for issuance or renewal of a permit shall be accompanied by a fee of not more than ~~\$100~~ \$150 as established by the commissioner in rules and regulations.

(c) The livestock commissioner shall adopt any rules and regulations necessary to enforce this section.

(d) Any person who fails to obtain a permit as prescribed in section (a) shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding ~~\$100~~ \$150. Continued operation, after a conviction, shall constitute a separate offense for each day of operation.

(e) The commissioner may refuse to issue or renew or may suspend or revoke any permit for any one of the following reasons:

(1) Material misstatement in the application for the original permit or in the application for any renewal of a permit;

(2) the conviction of any crime, an essential element of which is misstatement, fraud or dishonesty, or relating to the theft of or cruelty to animals;

(3) substantial misrepresentation;

(4) the person who is issued a permit is found to be adding to such person's herd by poaching or illegally obtaining deer;

(5) willful disregard to any rule or regulation adopted under this section.

(f) Any refusal to issue or renew a permit and any suspension or revocation of a permit under this section shall be in accordance with the provisions of the Kansas administrative procedure act and shall be subject to review in accordance with the act for judicial review and civil enforcement of agency actions.

(g) Domesticated deer shall be identified through implantation of microchips, ear tags, ear tattoos, ear notches or any other permanent identification on such deer as to identify such deer as domesticated deer. Any person who receives a permit issued pursuant to subsection (a) shall keep records of the deer herd pursuant to rules and regulations.

(h) The livestock commissioner shall inspect any premises where a domesticated deer herd has been issued a permit upon receipt of a written, signed complaint that such premises is not being operated, managed or maintained in accordance with rules and regulations.

(i) The livestock commissioner, on a quarterly basis, shall transmit to the secretary of wildlife and parks a current list of persons issued a permit pursuant to this section.

(j) All moneys received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the animal disease control fund.

(k) As used in this section:

(1) "Deer" means any member of the family cervidae.

(2) "Domesticated deer" means any member of the family cervidae which was legally obtained and is being sold or raised in a confined area for breeding stock; for any carcass, skin or part of such animal; for exhibition; or for companionship.

Sec. 5. K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and 47-2101 are hereby repealed.

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

(Published in the Kansas Register April 22, 2010.)

HOUSE BILL No. 2551

AN ACT concerning recovery zone bonds; granting authority to the department of commerce to recapture unissued bonds.

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

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

(1) "Department" means the department of commerce.

(2) "Recovery zone bonds" means any recovery zone economic development bonds or recovery zone facility bonds that are allocated pursuant to Section 1400U-1 of the Internal Revenue Code of 1986, as amended.

(b) (1) The department shall allocate recovery zone bonds to counties and large municipalities in accordance with Section 1400U-1 of the Internal Revenue Code of 1986, as amended, and shall provide notice of such allocation to each county and large municipality. A county or large municipality may, at any time, waive any allocation of recovery zone bonds by providing written notice to the department. Each allocation shall be deemed waived by the county or large municipality on the sixtieth day following notice of allocation, except to the extent the county or large municipality provided the department with written notice of intent to issue recovery zone bonds stating the amount and type to be issued. Each county or large municipality shall notify the department in writing of the issuance of recovery zone bonds. Any recovery zone bonds allocated to a county or large municipality which remain unissued as of June 30, 2010, shall be recaptured by the department for reallocation.

(2) Any county or municipality may apply to the department for the allocation of additional recovery zone bonds to the extent such bonds are available due to the waiver of recovery zone bond allocations by other counties or large municipalities or the recapture of recovery zone bonds by the department as provided under paragraph (1) of this subsection. The department may reallocate such recovery zone bonds to any county or municipality as provided by rule.

(c) The department may adopt such rules and regulations as may be required for the implementation and administration of this section.

Sec. 2. (a) As used in this section:

(1) "Department" means the department of commerce.

(2) "Qualified energy conservation bonds" means any qualified energy conservation bonds that are allocated pursuant to Section 54D(e)(1) of the Internal Revenue Code of 1986, as amended.

(b) (1) The department shall allocate qualified energy conservation bonds to large local governments in accordance with Section 54D(e)(1) of the Internal Revenue Code of 1986, as amended, and shall provide notice of such allocation to each large local government. A large local government may, at any time, waive any allocation of qualified energy conservation bonds by providing written notice to the department. Each allocation shall be deemed waived by the large local government on the sixtieth day following notice of allocation, except to the extent the large local government provided the department with written notice of intent to issue qualified energy conservation bonds stating the amount and type to be issued. Each large local government shall notify the department in writing of the issuance of qualified energy conservation bonds. Any qualified energy conservation bonds allocated to a large local government which remain unissued as of June 30 of each year, shall be recaptured by the department for reallocation.

(2) Any local government may apply to the department for the allocation of additional qualified energy conservation bonds to the extent such bonds are available due to the waiver of qualified energy conservation bond allocations by other large local governments or the recapture of qualified energy conservation bonds by the department as provided under paragraph (1) of this subsection. The department may reallocate such qualified energy conservation bonds to any local government as provided by rule.

(c) The department may adopt such rules and regulations as may be required for the implementation and administration of this section.

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

INDEX TO ADMINISTRATIVE REGULATIONS

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AGENCY 3: KANSAS STATE TREASURER

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26-39-243	Revoked	V. 28, p. 649
26-39-278	Revoked	V. 28, p. 649
26-39-427	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
26-43-101		
through		
26-43-106	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. 29, p. 181
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
28-61-1	Amended	V. 29, p. 419
28-61-2	Amended	V. 29, p. 419
28-61-5	Amended	V. 29, p. 420
28-61-8	Amended	V. 29, p. 422
28-61-11	Amended	V. 27, p. 464
28-70-4	New	V. 28, p. 800
28-72-1	Revoked	V., 29, p. 357
28-72-1a	New	V. 29, p. 357
28-72-1c	New	V. 29, p. 357
28-72-1d	New	V. 29, p. 358

(continued)

28-72-1e	New	V. 29, p. 358
28-72-1g	New	V. 29, p. 358
28-72-1h	New	V. 29, p. 358
28-72-1i	New	V. 29, p. 359
28-72-1k	New	V. 29, p. 359
28-72-1l	New	V. 29, p. 359
28-72-1m	New	V. 29, p. 360
28-72-1n	New	V. 29, p. 360
28-72-1o	New	V. 29, p. 360
28-72-1p	New	V. 29, p. 360
28-72-1r	New	V. 29, p. 361
28-72-1s	New	V. 29, p. 361
28-72-1t	New	V. 29, p. 361
28-72-1v	New	V. 29, p. 361
28-72-1x	New	V. 29, p. 361
28-72-2	Amended	V. 29, p. 361
28-72-3	Amended	V. 29, p. 362
28-72-4	Amended	V. 29, p. 362
28-72-4a	Amended	V. 29, p. 366
28-72-4b	Revoked	V. 29, p. 368
28-72-4c	Amended	V. 29, p. 368
28-72-5	Amended	V. 29, p. 369
28-72-6	Amended	V. 29, p. 370
28-72-6a	New	V. 29, p. 371
28-72-7	Amended	V. 29, p. 373
28-72-7a	New	V. 29, p. 373
28-72-8	Amended	V. 29, p. 374
28-72-9	Amended	V. 29, p. 375
28-72-10	Amended	V. 29, p. 376
28-72-10a	New	V. 29, p. 377
28-72-11	Amended	V. 29, p. 378
28-72-12	Amended	V. 29, p. 378
28-72-13	Amended	V. 29, p. 379
28-72-14	Amended	V. 29, p. 379
28-72-15	Amended	V. 29, p. 380
28-72-16	Amended	V. 29, p. 380
28-72-17	Amended	V. 29, p. 381
28-72-18	Amended	V. 29, p. 382
28-72-18a	Amended	V. 29, p. 383
28-72-18b	Amended	V. 29, p. 384
28-72-18c	Amended	V. 29, p. 384
28-72-18d	Amended	V. 29, p. 385
28-72-18e	Amended	V. 29, p. 386
28-72-19	Amended	V. 29, p. 387
28-72-20	Amended	V. 29, p. 387
28-72-21	Amended	V. 29, p. 387
28-72-22	Amended	V. 29, p. 388
28-72-51	Amended	V. 29, p. 388
28-72-52	Amended	V. 29, p. 389
28-72-53	Amended	V. 29, p. 389
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
30-5-118a	Revoked	V. 29, p. 293
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 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-42-1 through 36-42-9	New	V. 29, p. 502-504

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
68-1-1b	Amended	V. 29, p. 465
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
68-7-14	Amended	V. 28, p. 1492
68-7-20	Amended	V. 27, p. 435
68-7-21	New	V. 29, p. 465
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
68-20-10a	Amended	V. 29, p. 466
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
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
82-3-311a	New	V. 29, p. 181
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
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
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
88-28-6	Amended	V. 29, p. 408
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

(continued)

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
97-7-1		
through		
97-7-6	New	V. 29, p. 252-254

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
102-2-3	Amended	V. 29, p. 340
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
109-5-4	Revoked	V. 29, p. 113
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-6-3	Revoked	V. 28, p. 575
109-10-7	New	V. 29, p. 113
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
111-2-30	Amended	V. 29, p. 215
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-4-2899		
through		
111-4-2907	New	V. 29, p. 9-14
111-4-2908		
through		
111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912		
through		
111-4-2923	New	V. 29, p. 153-157
111-4-2924		
through		
111-4-2930	New	V. 29, p. 216-222
111-4-2931		
through		
111-4-2938	New	V. 29, p. 467-473
111-5-175		
through		
111-5-179	New	V. 29, p. 157-159
111-5-180		
through		
111-5-194	New	V. 29, p. 222-228
111-9-162	New	V. 29, p. 229

111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-201-1		
through		
111-201-17	New	V. 29, p. 73-79
111-301-1		
through		
111-301-6	New	V. 29, p. 79, 80
111-302-1		
through		
111-302-6	New	V. 29, p. 82-86
111-303-1		
through		
111-303-5	New	V. 29, p. 87-89
111-304-1		
through		
111-304-6	New	V. 29, p. 89-91
111-305-1		
through		
111-305-6	New	V. 29, p. 474, 475

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
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 27, p. 403
115-4-4a	Amended	V. 27, p. 403
115-4-6	Amended	V. 29, p. 409
115-4-6a	Revoked	V. 27, p. 112
115-4-11	Amended	V. 29, p. 67
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. 29, p. 411
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
117-2-1	Amended	V. 29, p. 412
117-2-2	Amended	V. 29, p. 413

117-2-2a	Amended	V. 28, p. 373
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-3-2a	Amended	V. 28, p. 373
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
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
117-8-1	Amended	V. 29, p. 418
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
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
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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