



Kansas Register

Kris W. Kobach, Secretary of State

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State of Kansas

Kansas Sentencing Commission**Notice of 2011 Workshop**

The Kansas Sentencing Commission's 2011 Workshop is scheduled for November 17-18 at the Ramada Hotel and Convention Center, 420 E. 6th St., Topeka. The workshop will begin at 9 a.m. each day. Any individual with a disability may request accommodation to attend a KSC meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Brenda Harmon at (785) 296-0923.

Scott M. Schultz
Executive Director

Doc. No. 039921

State of Kansas

Attorney General**Opinion 2011-11**

Automobiles and Other Vehicles—Drivers' Licenses; Uniform Commercial Driver's License Act—Commercial Driver's Licenses; Diversion and Plea Agreements Not Allowed, Charging Amendments; June 14, 2011.

Synopsis: A person who drives a commercial vehicle, as well as a person who holds a commercial driver's license, may not enter into a diversion agreement that would prevent such person's conviction for any violation in any type of motor vehicle of any traffic control law, except a parking violation, from appearing on the person's record.

Additionally, as of July 1, 2011, plea negotiations that result in convictions for lesser or fewer traffic infractions or offenses than originally charged for driving, operation or attempting to operate a commercial motor vehicle also are precluded.

If the term "charging amendment" refers to a modification of charge that has been filed by a prosecutor, an amendment made through negotiation with the defense is a prohibited plea negotiation. However, if the term refers to modified charge being filed by a prosecutor, either due to the prosecutor's evaluation of the evidence or due to pre-charging negotiations with defense, this type of charging amendment is not prohibited. Cited herein: K.S.A. 2010 Supp. 8-2,144 as amended by 2011 House Subst. for S.B. 6, § 8; 8-2,150; L. 2010, Ch. 146, § 7. CN

Opinion 2011-12

Constitution of the State of Kansas—Education—Local Public Schools; Buildings; Remodeling or Renovation Costs of Building to be Leased or Sold.

Schools—School District Finance and Quality Performance—Definitions; Funds; Operating Expenses; General Fund; Local Option Budget; Use of Funds; Remodeling or Renovation Costs of Building to be Leased or Sold.

Schools—Capital Outlay Levy, Fund and Bonds—Capital Outlay Levy, Use of Proceeds; Remodeling or Renovation Costs of Building to be Leased or Sold; July 25, 2011.

Synopsis: A unified school district may use proceeds from its general fund, supplemental general fund and capital

outlay fund to pay the costs of remodeling or renovating a building that it intends to lease or sell to a third party regardless whether the third party will use the building for school district purposes. Cited herein: K.S.A. 2010 Supp. 19-101a; K.S.A. 19-101b; 72-1033; 72-6405; K.S.A. 2010 Supp. 72-6409; 72-6430; 72-6433; 72-8205; K.S.A. 72-8212; 72-8213b; 72-8225; K.S.A. 2010 Supp. 72-8801; K.S.A. 72-8804; Kan. Const., Art. 6, § 5; Kan. Const., Art. 12, § 5. RDS

Opinion 2011-13

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Liability of Governmental Entities for Damages Caused by Employee Acts; Defense of Governmental Entity or Employee; Governmental Employees Assigned to Represent the Governmental Entity on the Homeland Security Council; September 16, 2011.

Synopsis: Whether private professional associations that appoint Council members may be liable for the acts or omissions of such members is a question of fact. At-large members of a Regional Homeland Security Council are considered employees as defined in the Kansas Tort Claims Act and, as such, would be afforded a defense by the Regional Homeland Security Council against any tort claims while acting within the scope of their appointment if such employee did not act with actual fraud or actual malice. An individual who acts as a proxy for a Council member likely is not considered an employee of the Council and thus would not be covered by the KTCA. Cited herein: K.S.A. 65-5721 *et seq.*; K.S.A. 75-6101; K.S.A. 2010 Supp. 75-6102; K.S.A. 2010 Supp. 75-6108. SF

Opinion 2011-14

State Departments; Public Officers and Employees—Kansas Tort Claims Act—Definitions; Liability of Governmental Entities for Damages Caused by Employee Acts or Omissions; Kansas Dental Board; Board Member, Member of Specialty Committee, or Contract Investigator Testifying as Expert Witness. September 16, 2011.

Synopsis: A Kansas Dental Board member who testifies as an expert witness in a Board disciplinary hearing may be considered a governmental employee covered by the Kansas Tort Claims Act. A member of a specialty committee or a paid dentist contract investigator who testifies as an expert witness against a licensee in a Board disciplinary hearing is considered an independent contractor and, if subsequently sued by the respondent licensee in relation to that testimony, is not covered by the Kansas Tort Claims Act for the costs of a legal defense and payment of damages award, if any. Cited herein: K.S.A. 60-456; 65-1427; 65-1442; 74-1404; 74-1406; K.S.A. 2010 Supp. 75-6102; 75-6103; 75-6108; 75-6117; 77-514; 77-525; 77-527. SF

Derek Schmidt
Attorney General

Doc. No. 039932

State of Kansas

Secretary of State

Executive Appointments

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

Jefferson County Attorney

Jason Belveal, 304 Walnut, Valley Falls, 66088. Succeeds Robert Fox, resigned.

Agricultural Remediation Board

Kamyar Nikoomanesh, 17855 Bluejacket, Olathe, 66062. Term expires March 15, 2014. Reappointed.

Brian Norton, 248 S. 150th, Girard, 66743. Term expires March 15, 2014. Reappointed.

Laura Pearl, 101 E. Lasley St., St. Marys, 66536. Term expires March 15, 2014. Reappointed.

Kansas Banking Board

Thomas Pitner, 2601 C August Lane, Hays, 67601. Term expires March 15, 2014. Succeeds Winton Winter.

Behavioral Sciences Regulatory Board

Dr. Barbara Callahan, 5430 N.E. Shaffer Road, Topeka, 66617. Term expires June 30, 2015. Succeeds Dr. Richard Maxfield.

Kansas Central Interstate Low-Level
Radioactive Waste Commission

John Mitchell, Alternate Commissioner, 1012 Wagon Wheel Road, Lawrence, 66049. Serves at the pleasure of the Governor. Reappointed.

Advisory Commission on Children with
Special Health Care Needs

Theresa M. Adame, 4312 S.W. Stone Ave., Topeka, 66610. Term expires Feb. 27, 2015. Succeeds Karin Rasmussen.

Richard Martinez, 1340 S.W. High Ave., Topeka, 66604. Term expires Feb. 27, 2015. Succeeds Robin Stone.

State Board of Cosmetology

Nicole Jonas-Piper, 3008 S.E. Swygart, Topeka, 66605. Term expires June 30, 2014. Succeeds Jerry Waltrip.

Kansas Development Finance Authority

Suresh Kumar, 10212 W. 125th Terrace, Overland Park, 66213. Term expires Jan. 15, 2015. Succeeds Bret Reber.

Kansas Commission on Disability Concerns

Jaelyn Anderson, 1604 N. 128th St., Kansas City, KS 66109. Term expires Aug. 14, 2014. Reappointed.

Anne-Marie Hughey, 23304 W. 71st Terrace, Shawnee, 66227. Term expires Aug. 31, 2014.

Stephen Miller, 508 Maple Crest, Parsons, 67357. Term expires Aug. 31, 2014. Succeeds Ron Harkin.

Ricky Shellenbarger, 332 N. Dexter Ave., Valley Center, 67147. Term expires Aug. 31, 2014. Reappointed.

Kansas Coordinating Council on Early
Childhood Developmental Services

Billie Manderick, 2717 S.W. Bluestem Drive, Topeka, 66614. Term expires July 31, 2015. Succeeds Thomas Laing.

Board of Emergency Medical Services

David Ricketts-Kingfisher, 3806 S.W. Clarion Park Drive, Topeka, 66610. Term expires June 30, 2015. New position.

Governor's Mental Health
Planning Council

Dr. Jane Adams, 3926 E. Highway 40, Topeka, 66607. Term expires June 30, 2015. Reappointed.

Lee Flamik, 1104 E. Florence, Rush Center, 67575. Term expires June 30, 2015. Succeeds Linda Whitten.

Kathy McNett, 1201 Morton, Great Bend, 67530. Term expires June 30, 2015. Reappointed.

State Board of Healing Arts

Anne Hodgdon, 20320 W. 83rd St., Lenexa, 66220. Term expires June 30, 2015. Succeeds Brenda Sharpe.

Board of Examiners in the Fitting and
Dispensing of Hearing Instruments

Terry Brewster, 2602 S. Pattie, Wichita, 67216. Term expires June 30, 2014. Reappointed.

Teresa Kennalley, 3302 W. 74th Terrace, Prairie Village, 66208. Term expires June 30, 2014. Succeeds Patrick Putzier.

Paul Rowden, 227 S. Parkridge Court, Wichita, 67209. Term expires June 30, 2014. Succeeds Michael Purdy.

Kansas Human Rights Commission

Melvin Neufeld, 7405 15 Road, Ingalls, 67853. Term expires Jan. 15, 2012. Succeeds Jeffrey Lewis.

Josh Ney, 2436 Republic Road, Lawrence, 66044. Term expires Jan. 15, 2014. Succeeds David Hanson.

State Board of Indigents'
Defense Services

Penny Moylan, 6036 N.W. Jennings, Topeka, 66618. Term expires Jan. 15, 2014. Succeeds Ruth Graham.

Kansas Advisory Council on
Intergovernmental Relations

Lee Modesitt, 1401 College Ave., Apt. C304, Manhattan, 66502. Succeeds John Arnold.

Kansas Advisory Group on Juvenile Justice
and Delinquency Prevention

Dr. Brenda Dietrich, 6110 S.W. 38th Terrace, Topeka, 66610. Term expires June 30, 2015. Reappointed.

Brandon Johnson, 2029 N. Woodlawn, Apt. 104, Wichita, 67208. Term expires June 30, 2015. Reappointed.

Kansas Pet Animal Advisory Board

Dr. Robert Gentry, 900 W. 8th St., Beloit, 67420. Term expires June 30, 2014. Reappointed.

Dr. Denver Marlow, 1024 Park Shire Circle, Manhattan, 66503. Term expires June 30, 2013. Succeeds Dr. Bart Carter.

Dr. Laura J. Morland, 350 S. 160th, Girard, 66743. Term expires June 30, 2014. Succeeds Stacy Miles.

Kansas Propane Education and
Research Council

Edward Barrett, 401 N. Oak, Pratt, 67576. Term expires Aug. 30, 2014. Reappointed.

Bradley Thompson, 109 Clay St., Hutchinson, 67501. Term expires Aug. 30, 2014. Reappointed.

Kansas Public Employee
Relations Board

John Bowes, 1525 S.W. College Ave., Topeka, 66604. Term expires March 15, 2015. Succeeds Burdett Loomis.

Kenneth Gorman, 1142 S.W. Kent Place, Topeka, 66604. Term expires March 15, 2015. Reappointed.

**Kansas Public Employees Retirement System
Board of Trustees**

Christopher Long, 2360 Guilford Lane, Mission Hills, 66208. Term expires Jan. 15, 2015. Succeeds Douglas Wolff.

Kansas Sentencing Commission

Pastor Junius Boyd Dotson, 1804 N. Peckham Circle, Wichita, 67230. Term expires June 30, 2013. Reappointed.

State Use Law Committee

Steven Gieber, 2845 Fair Road, Abilene, 67410. Term expires June 30, 2013. Succeeds Linda Merrill-Parman.

Kansas Council on Travel and Tourism

Kenneth Corbet, 10351 S.W. 61st St., Topeka, 66610. Term expires Sept. 30, 2014. Reappointed.

Lynda Fort, 1675 W. Patterson Ave., Ulysses, 67880. Term expires Sept. 30, 2014. Succeeds Olivia Simmons.

Donavan Stucky, 1817 E. Schippel Road, Salina, 67401. Term expires Sept. 30, 2014. Reappointed.

University of Kansas Hospital Authority

Dr. Kirk Benson, 5213 W. 124th Terrace, Overland Park, 66160. Term expires March 15, 2014. Succeeds Linda Warren.

Robert Honse, 1533 Fountain Drive, Lawrence, 66047. Term expires March 15, 2014. Reappointed.

Kansas Volunteer Commission

Patricia Sweeney, 805 Spruceway, Abilene, 67410. Term expires March 24, 2014. Reappointed.

Kansas Water Authority

Gregg Graff, 729 N. County Road 19, Marienthal, 67863. Term expires Jan. 15, 2015. Succeeds Lon Frahm.

Kris W. Kobach
Secretary of State

Doc. No. 039920

State of Kansas

Legislature

Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet during the period of October 31-November 8, based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY 711, or e-mail LegServ@las.ks.gov. The 2011 interim committee memberships and committee agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/.html>.

Date	Room	Time	Committee	Agenda
Oct. 31	546-S	1:30 p.m.	Kansas Electric Transmission Authority	Presentation by CRA on transmission study results; quarterly business meeting.
Nov. 1	546-S	10:00 a.m.	Special Claims Against the State Joint Committee	Hearings on claims filed.
Nov. 1	548-S	9:00 a.m.	Health Care Stabilization Fund Oversight Committee	Updates on the University of Kansas Schools of Medicine in Wichita and Salina; rural health: update on the University of Kansas School of Medicine Smoky Hill Family Medicine Residency Program in Salina; progress on the University of Kansas School of Medicine application for designation by the National Cancer Center Institute as a cancer center; Medicaid provider rate reduction/impact of managed care; discussion of agenda topics for November 15 meeting.
Nov. 3	152-S	10:00 a.m.	State Employee Pay Plan Oversight Committee	Agenda not available.
Nov. 7 Nov. 8	346-S 346-S	TBA TBA	Kansas Public Employee Retirement System Study Commission	Agenda not available.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 039935

State of Kansas

Office of the Governor

Executive Order No. 11-40

**Naming the Bennie Lee Graham Memorial Cemetery
at the Kansas Juvenile Correctional Complex**

WHEREAS, the State of Kansas owns and operates the facility and grounds in Topeka, Kansas, known as the Kansas Juvenile Correctional Complex, as described in K.S.A. 76-2101, and amendments thereto; and

WHEREAS, the facility and grounds in Topeka, Kansas, presently known as the Kansas Juvenile Correctional Complex, was formerly known as: the "State Reform School" (1881); "The Boys' Industrial School, at Topeka" (1901); the "State Industrial School for Boys, at Topeka" (1907); the "Youth Center at Topeka" (1980); the "Topeka Juvenile Correctional Facility" (1997); and the "Kansas Juvenile Correctional Complex" (2008); and

WHEREAS, the control of such complex grounds is vested in the commissioner of juvenile justice for the use and benefit of the Kansas juvenile correctional complex, under the authority of K.S.A. 76-2125, and amendments thereto; and

WHEREAS, the Kansas Juvenile Correctional Complex grounds include a cemetery where twelve young men have been laid to rest from October 15, 1884, through September 19, 1938; and

WHEREAS, the cemetery on the complex grounds has been unnamed since the opening of the facility by the State of Kansas in 1881; and

WHEREAS, Bennie Lee Graham was a student at the state facility then known as the State Industrial School for Boys, at Topeka, from January 29, 1957, until his death on June 28, 1957; and

WHEREAS, the facility cemetery was "lost" to the institution at the time of Bennie Lee Graham's death, and was overgrown with brush; and

WHEREAS, as a result of the facility cemetery being lost, Bennie Lee Graham was buried on July 1, 1957, in the "paupers section" of Mount Hope Cemetery in Topeka, Kansas; and

WHEREAS, Bennie Lee Graham could not be buried in the facility cemetery and have his final resting place with his fellow peers who died before him while residing at the State Reform School and the State Industrial School for Boys.

NOW, THEREFORE, at the request of the commissioner of the juvenile justice authority and pursuant to the authority vested in me as Governor of the State of Kansas, I hereby name and designate the aforementioned cemetery: "The Bennie Lee Graham Memorial Cemetery" in memory of Bennie Lee Graham. The commissioner of juvenile justice is hereby authorized to utilize existing budget resources to cause, and provide for the payment of the erection of proper signs, monuments and insignias commemorating and recognizing the above and foregoing name on this cemetery owned by the State of Kansas.

This document shall be filed with the Secretary of State as Executive Order No. 11-40 and shall become effective immediately.

Dated October 18, 2011.

Sam Brownback
Governor

Doc. No. 039927

State of Kansas

Office of the Governor

**Executive Order 11-41 for Local Emergencies
Conditional and Temporary Relief from
Motor Carrier Rules and Regulations**

WHEREAS, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law under subsection (b) of K.S.A. 48-924; and

WHEREAS, on the 10th day of October, 2011, I declared a state of local emergency for Woodson County, as a result of a train derailment on the Union Pacific Railroad line near Yates Center; and

WHEREAS, this disaster has caused or threatens to cause an emergency as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f and which has or threatens to interrupt the delivery of essential services or essential supplies or otherwise immediately threatens physical harm or injury to persons, the public welfare and/or substantial damage to property; and

WHEREAS, conditions exist which require the operation of motor carriers and drivers of commercial motor vehicles for the purposes of providing direct assistance to supplement State and local efforts in the restoration of services and relief in the affected area(s) of the State of Kansas.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby declare there is a state of local emergency existing in the above-listed counties, and as a result, it is necessary to expedite all efforts of restoration of services and relief. In order to accommodate this need and to provide assistance to the citizens of Kansas in this emergency situation, I hereby order the following:

1. This declaration only applies to motor carriers responding to with equipment dedicated to resetting the derailed cars for Union Pacific Railroad.
2. In accordance with Title 49 C.F.R. § 390.23, the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 are hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort not to exceed a period of five (5) days from the date of the initial declaration unless the order is rescinded or expanded by executive order or concurrent resolution of the legislature; and
3. All other applicable state and federal regulations shall apply to include but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver's License Act, K.S.A. 8-234 et seq. and Title 49 C.F.R. Part 383 Commercial Driver's License Standards as adopted by the Kansas Uniform Commercial Drivers' License Act, K.S.A. 8-2,125 et seq., the federal Minimum Levels of Financial Responsibility (insurance

requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23; and, adherence to the regulations governing the Transportation of Hazardous Materials as provided by Title 49 C.F.R. 397 and adopted by K.A.R. 82-4-3k and Parts: 107, 171-173, 177, 178 and 180 as adopted by K.A.R. 82-4-20; and

4. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
5. The licensing, certification and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended; and
6. Participating motor carriers must still obtain the requisite over dimension/overweight permits as required by the Kansas Department of Transportation prior to operating; however, the fees associated with these permits are temporarily waived. Additionally, motor carriers and persons participating in restoration and recovery efforts will receive priority service and may operate during low visibility, night, holiday and curfew hours if the carriers and/or driver use clearance lights and/or escort vehicles.

This document shall be filed with the Secretary of State as Executive Order No. 11-41 and shall become effective immediately.

Dated October 18, 2011.

Sam Brownback
Governor

Doc. No. 039928

State of Kansas

Office of the Governor

Executive Order 11-42 for Local Emergencies Conditional and Temporary Relief from Motor Carrier Rules and Regulations

WHEREAS, K.S.A. 48-925(b) provides that the Governor may issue orders and proclamations which shall have the force and effect of law under subsection (b) of K.S.A. 48-924; and

WHEREAS, on the 12th day of October, 2011, I declared a state of local emergency for Wyandotte County, as a result of a train derailment in the Argentine Rail Yard in Kansas City; and

WHEREAS, this disaster has caused or threatens to cause an emergency as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f and which has or threatens to interrupt the delivery of essential services or essential supplies or otherwise immediately threatens physical harm or injury to persons, the public welfare and/or substantial damage to property; and

WHEREAS, conditions exist which require the operation of motor carriers and drivers of commercial motor vehicles for the purposes of providing direct assistance to supplement State and local efforts in the restoration of services and relief in the affected area(s) of the State of Kansas.

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

there is a state of local emergency existing in the above-listed counties, and as a result, it is necessary to expedite all efforts of restoration of services and relief. In order to accommodate this need and to provide assistance to the citizens of Kansas in this emergency situation, I hereby order the following:

1. This declaration only applies to motor carriers responding to with equipment dedicated to resetting the derailed cars for Burlington Northern Santa Fe Railroad.
2. In accordance with Title 49 C.F.R. § 390.23, the requirements contained in the Federal Motor Carrier Safety Regulations, Title 49 C.F.R. Parts 390-399 are hereby suspended through the duration of the motor carrier's assistance in the disaster relief effort not to exceed a period of five (5) days from the date of the initial declaration unless the order is rescinded or expanded by executive order or concurrent resolution of the legislature; and
3. All other applicable state and federal regulations shall apply to include but not limited to: Title 49 C.F.R. Part 382, Controlled Substances and Alcohol Use and Testing; the Kansas Motor Vehicle Driver's License Act, K.S.A. 8-234 et seq. and Title 49 C.F.R. Part 383 Commercial Driver's License Standards as adopted by the Kansas Uniform Commercial Drivers' License Act, K.S.A. 8-2,125 et seq., the federal Minimum Levels of Financial Responsibility (insurance requirements) Title 49 C.F.R. Part 387 as adopted by K.A.R. 82-4-3n and state insurance requirements as provided in K.A.R. 82-4-23; and, adherence to the regulations governing the Transportation of Hazardous Materials as provided by Title 49 C.F.R. 397 and adopted by K.A.R. 82-4-3k and Parts: 107, 171-173, 177, 178 and 180 as adopted by K.A.R. 82-4-20; and
4. The registration and fuel tax permits as enforced by the Kansas Department of Revenue are temporarily suspended; and
5. The licensing, certification and permitting rules and regulations as required by the Kansas Corporation Commission are temporarily suspended; and
6. Participating motor carriers must still obtain the requisite over dimension/overweight permits as required by the Kansas Department of Transportation prior to operating; however, the fees associated with these permits are temporarily waived. Additionally, motor carriers and persons participating in restoration and recovery efforts will receive priority service and may operate during low visibility, night, holiday and curfew hours if the carriers and/or driver use clearance lights and/or escort vehicles.

This document shall be filed with the Secretary of State as Executive Order No. 11-42 and shall become effective immediately.

Dated October 18, 2011.

Sam Brownback
Governor

Doc. No. 039929

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. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

Effective 10-24-11 through 10-30-11

Term	Rate
1-89 days	0.07%
3 months	0.02%
6 months	0.06%
1 year	0.13%
18 months	0.20%
2 years	0.28%

Scott Miller
Director of Investments

Doc. No. 039917

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Eisenhower State Office Building, fourth floor west wing, 700 S.W. Harrison, Topeka, until 1 p.m. November 16 and then publicly opened:

District One — Northeast

Pottawatomie—75 C-4236-01 — County road 5 miles south and 1 mile east of Onaga, grading, bridge and surfacing, 0.1 mile. (Federal Funds)

Pottawatomie—75 C-4237-01 — County road 2 miles north and 1 mile east of Duluth, grading, bridge and surfacing, 0.1 mile. (Federal Funds)

Johnson—69-46 K-8251-06 — Bridge no. 69-46 16.432 (134), 91st Street, bridge repair. (State Funds)

Nemaha—66 KA-2074-02 — 176th Road in Nemaha County from K-178 east to K-63, overlay, 2 miles. (State Funds)

Osage—268-70 KA-2428-01 — K-268 beginning at the U.S.75/K-31 junction east to K-68, asphalt pavement, 9.5 miles. (State Funds)

Pottawatomie—63-75 KA-2441-01 — K-63 beginning at Elm Street in St. Marys north to the Nemaha-Pottawatomie county line, asphalt pavement, 27.2 miles. (State Funds)

Riley—18-81 KA-2447-01 — K-18 beginning at the K-177 east junction east to County Route 542 at Zeandale, milling and overlay, 6.9 miles. (State Funds)

Marshall-Nemaha—106 KA-2419-01 — Marshall County — K-110, beginning at U.S. 36 north to the Axtell south city limits; Nemaha County — K-63, beginning at K-9 north to the U.S. 36 east junction; K-71, beginning at K-63 east to the Bern south city limits; K-187, beginning at K-9 north to U.S. 36, asphalt pavement, 27.4 miles. (State Funds)

Brown-Jackson—55-106 KA-2424-01 — Brown County — U.S. 75 beginning at the Jackson County line north to the junction of U.S. 36; Jackson County — U.S. 75, beginning at the north city limits of Holton north to the junction of K-9; U.S. 75, beginning at K-9 north to the Brown County line, overlay and shoulder, 26 miles. (State Funds)

Shawnee—24-89 KA -2435-01 — U.S. 24 beginning at the west K-4 junction east to the east K-4 junction; U.S. 24 beginning approximately 400 feet west of Silver Lake east to Menoken Road, milling and overlay, 7.3 miles. (State Funds)

Jackson-Nemaha—62-106 KA-2438-01 — Jackson County — K-62, beginning at K-16 north to the Nemaha-Jackson county line; Nemaha County — K-62, beginning at the Nemaha-Jackson county line north to K-9, seal, 13.3 miles. (State Funds)

Marshall-Nemaha—36-106 KA-2451-01 — Marshall County — U.S. 36, beginning at K-87 east to the Nemaha-Marshall county line; Nemaha County — U.S. 36, beginning at the Nemaha-Marshall county line east to the west junction of K-63, recycle and overlay, 14.7 miles. (State Funds)

District Two — Northcentral

Lincoln—53 C-4531-01 — County road 4 miles south and 1.5 miles east of Westfall, grading and bridge, 0.1 mile. (Federal Funds)

Lincoln—53 C-4532-01 — County road 4 miles south and 1.1 miles east of Westfall, grading and bridge, 0.1 mile. (Federal Funds)

Marshall-Washington—106 KA-2442-01 — Marshall County — U.S. 36, beginning at the Washington-Marshall county line east to the 4-lane divided highway; Washington County — K-148, beginning at the east junction of K-9 north to the Nebraska state line; K-234, beginning at the east city limits of Hanover east to K-148; K-243, beginning at K-148 east to the Pony Express Station, asphalt pavement, 28.4 miles. (State Funds)

District Three — Northwest

Ellis—26 C-4413-01 — County road 0.2 mile south and 1 mile west of Ellis, grading and bridge, 0.1 mile. (Federal Funds)

Osborne—24-71 KA-2500-01 — U.S. 24 beginning at mile marker 171.7 east to the south U.S. 281 junction, seal, 13.2 miles. (State Funds)

Phillips—9-74 KA-2501-01 — K-9 beginning at the Norton County line east to U.S. 183, asphalt pavement, 17.5 miles. (State Funds)

Phillips—36-74 KA-2503-01 — U.S. 36 beginning at the east city limits of Phillipsburg east to the Smith County line, overlay, 13.6 miles. (State Funds)

Phillips—183-74 KA-2504-01 — U.S. 183 beginning at the Rooks County line north to east U.S. 36 junction, overlay, 13.2 miles. (State Funds)

Rooks—183-82 KA-2505-01 — U.S. 183 beginning at K-18 north to U.S. 24, overlay, 14.1 miles. (State Funds)

Russell—281-84 KA-2512-01 — U.S. 281 beginning at the west K-18 junction east to the east K-18 junction, overlay, 9 miles. (State Funds)

Russell—281-84 KA -2524-01 — U.S. 281 beginning at the Barton County line north to the Russell south city limits, 11.7 miles. (State Funds)

Ellis—70-26 KA-2592-01 — I-70 beginning at the Trego-Ellis county line east to exit 159 at Hays, seal, 15.6 miles. (State Funds)

Rooks—183-82 M-0012-01 — U.S. 183, stockpile bituminous material. (State Funds)

Phillips—183-74 M-0015-01 — U.S. 183, stockpile bituminous material. (State Funds)

Phillips/Norton/Smith—106 KA-2519-01 — Phillips County — U.S. 183, beginning at the Phillipsburg north city limits north to the state line; K-121, beginning at U.S. 36 north to the Stuttgart south city limits; Norton County — K-60, beginning at U.S. 36 north to K-383; Smith County — K-248, beginning at Old U.S. 36 junction north to U.S. 36, seal, 23.4 miles. (State Funds)

District Four — Southeast

Cherokee—11 C-4223-01 — County road 3.0 miles west and .7 mile north of Riverton, grading, bridge and surfacing, 0.1 mile. (Federal Funds)

Neosho—168-67 C-4270-01 — County road .25 mile west of Shaw, grading, bridge and surfacing, 0.5 mile. (Federal Funds)

Greenwood/Woodson—106 KA-2529-01 — Greenwood County — U.S. 54 beginning at east K-99 junction east to Woodson County line: Woodson County — U.S. 54 beginning at Greenwood County line east to the Yates Center west city limits, overlay, 24.7 miles. (State Funds)

Anderson/Coffey—106 KA-2535-01 — Anderson County - K-58 beginning at the Coffey County line east to U.S. 169; Coffey County — K-58 beginning at the south U.S. 75 junction east to the Anderson County line, overlay, 20.1 miles. (State Funds)

District Five — South Central

Kingman—54-48 K-8244-05 — U.S. 54 beginning 7 miles east of the Pratt/Kingman county line east to 3.2 miles west of west K-14 junction, grading, bridge and surfacing, 4.9 miles. (Federal Funds)

Kingman—54-48 K-8244-08 — U.S. 54, from Cunningham bypass to Byron Walker Wildlife Area, grading, bridge and surfacing, 1.2 miles. (Federal Funds)

Kingman—54-48 K-8244-10 — U.S. 54 beginning 3.2 miles west of K-14 west junction east to 1 mile west of K-14 west junction, grading, bridge and surfacing, 2.2 miles. (Federal Funds)

Kingman—42-48 KA-0696-01 — K-42, from 0.2 mile and 0.96 mile west of K-14, bridge replacement. (Federal Funds)

District Six — Southwest

Clark—54-13 KA-2568-01 — U.S. 54 beginning at the Meade County line north to the Ford County line, recycle and overlay, 10.1 miles. (State Funds)

Ford—50-29 KA-2576-01 — U.S. 50 beginning near the west U.S. 283 junction east to 1 mile east of RS-257 at Spearville, 12.8 miles. (State Funds)

Ford—50-29 M-0018-01 — U.S. 50 mixing strip located 1 mile east of Wright, stockpile bituminous material. (State Funds)

Ford—29 KA-2569-01 — U.S. 54 beginning at the Clark County line north to the Kiowa County line; K-34 beginning at the Clark County line north to the east U.S. 54 junction in Bucklin, overlay, 28.3 miles. (State Funds)

Gray—35 KA-2572-01 — U.S. 56 beginning at the Haskell County line northeast to the Montezuma west city limits; U.S. 56 beginning at the Montezuma west city limits northeast to the Ensign east city limits, overlay, 25 miles. (State Funds)

Meade/Gray—106 KA-2579-01 — Meade County — K-23, beginning at the Meade north city limits then north to the Gray County line; Gray County — K-23, beginning at the Meade County line north to U.S. 56, asphalt pavement, 23.1 miles. (State Funds)

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

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

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

Deb Miller
Secretary of Transportation

Doc. No. 039911

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 12-15. The comprehensive list of projects being amended to the STIP may be viewed online at www.ksdot.org/publications.asp. This list includes projects for counties and cities and for projects on the State Highway System.

The amendment of the STIP requires a public comment period of 14 days. To make comments on this STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude November 9.

Deb Miller
Secretary of Transportation

Doc. No. 039922

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: www.emporia.edu/busaff/. Additional contact info: phone: 620-341-5145, fax: 620-341-5073, email: thouse@emporia.edu. Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

Fort Hays State University – Bid postings: www.fhsu.edu/bids. Additional contact info: phone: 785-628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State Purchasing Office, 601 Park St., 318 Sheridan Hall, Hays, KS 67601.

Kansas State University – Bid postings: www.k-state.edu/purchasing/rfq. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: www.pittstate.edu/office/purchasing. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, email: jensch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

University of Kansas – Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 30, Lawrence, KS 66045. Additional contact info: phone: 785-864-5800, fax: 785-864-3454, email: purchasing@ku.edu.

University of Kansas Medical Center – Bid postings: <http://www2.kumc.edu/finance/purchasing/bids.html>. Additional contact info: phone: 913-588-1100, fax: 913-588-1102. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: www.wichita.edu/purchasing. Additional contact info: phone: 316-978-3080, fax: 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Carla K. Bishop
Chair of Regents Purchasing Group
Director of Purchasing
Kansas State University

Doc. No. 039551

(Published in the Kansas Register October 27, 2011.)

North Central Regional
Planning Commission

Notice to Bidders

Sealed bids on a Rope Project for the Region 4 Search & Rescue Team, member of the Southwest Kansas Regional Homeland Security Council, will be accepted by the North Central Regional Planning Commission, 109 N. Mill St., P.O. Box 565, Beloit, 67420, until noon Thursday, November 10, at which time they will be publicly opened and read aloud at the same address. Copies of the Instructions to Bidders and project specifications can be accessed by contacting John Cyr at (785) 738-2218 or jcyr@nckcn.com. The estimated project value exceeds \$50,000.

John R. Cyr
Special Projects Coordinator

Doc. No. 039939

State of Kansas

Department of Administration
Procurement and Contracts

Notice to Bidders

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

11/8/2011	EVT0000974	Fish Barrier System
11/16/2011	EVT0000967	Banking Services
11/17/2011	EVT0000940	Database Development and Maintenance
11/22/2011	EVT0000957	Self-Advocacy Services
11/23/2011	EVT0000973	Services, Program Coordination

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

<http://www1.da.ks.gov/purch/contracts/bids.aspx>

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

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

11/08/2011	A-011732	Campus Metering Project — Kansas State University, Manhattan
11/10/2011	A-011682	Chiller Replacement — Spencer Research Library — University of Kansas, Lawrence
11/10/2011	A-011683	Electrical Improvements — Spencer Research Library — University of Kansas, Lawrence
11/10/2011	A-011806	Exterior Improvements — Spencer Research Library — University of Kansas, Lawrence

Information regarding prequalification, projects and bid documents can be obtained at (785) 296-8899 or <http://da.ks.gov/fp/>.

Chris Howe, Director
Procurement and Contracts

Doc. No. 039941

State of Kansas

Kansas State University

Request for Qualifications

Notice is hereby given for the commencement of the selection process for professional services to update the Campus Master Plan for Kansas State University's Manhattan campus. Anticipated services include but are not limited to:

- Interim comprehensive updated plan
- Long-range comprehensive planning process
- Overall campus framework plan, covering such ideas and directives as open space, pedestrian and bicycle plans, sustainability, historic preservation, etc.

A preview telephone conference is scheduled for 2 p.m. Tuesday, November 8. Phone conference information will be posted at the university's purchasing website at a later date.

Responses are due at 2 p.m. November 22 at the Purchasing Office, 21 Anderson Hall, Kansas State University, Manhattan, 66506.

For additional information, visit www.k-state.edu/purchasing/rfq or <http://www.k-state.edu/facilities/depts/planning/projects/index.html> for MASTER PLAN UPDATE, aka #40279. Project questions may be addressed to Abe Fattaey (abepeaia@k-state.edu) or Mark Taussig (taus@k-state.edu), (785) 532-6377.

Carla Bishop
Director of Purchasing

Doc. No. 039937

(Published in the Kansas Register October 27, 2011.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for **Lackman Road Traffic Signal Coordination** will be accepted by the city of Lenexa, Kansas, at the Community Development Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 2 p.m. November 1, 2011, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Community Development Department customer service staff (main level) in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: 79th & Lackman Road Traffic Signalization." Copies of plans, specifications, bidding documents and other contract documents are on file at Drexel Technologies, Inc., 10840 W. 86th St., Lenexa, 66214.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above. Plans and specifications may be downloaded from the Drexel Technologies, Inc. website at <http://planroom.drexeltech.com/>.

Note: Davis Bacon wage rates apply to this project.

Each bidder will be responsible for ensuring that it has received any and all addenda issued by the city in accordance with IB-10 of the instructions to bidders.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations, and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral, telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid form;
- b. 5% bid security—bid bond, cashier's check or certified check (see below); and
- c. Acknowledgment of addenda issued by the city.

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to the city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by the city of Lenexa until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of city clerk prior to the time and date for bid opening.

From and after the release of this notice, any party intending to bid on the above-referenced project, including their officers, employees, agents or contractors, are specifically prohibited from communicating with any elected or appointed official of the city, directly or indirectly, with regard to the award of the contract for the project listed above, except as specifically authorized by the instructions to bidders. Any such unauthorized communication may result in the automatic disqualification of such bidder.

All bidders agree that rejection shall create no liability on the part of the city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

David F. Bryant III, City Clerk
City of Lenexa, Kansas

Doc. No. 039851

State of Kansas

**Department of Revenue
Division of Property Valuation**

Notice of Hearing

K.S.A. 79-505 requires the Director of Property Valuation to adopt rules and regulations or appraisal directives prescribing appropriate standards for the performance of appraisals in connection with ad valorem taxation in Kansas.

The Director of Property Valuation will conduct a public hearing on an appraisal directive at 1 p.m. Thursday, January 5, in the director's conference room, Division of Property Valuation, fourth floor, Docking State Office Building, 915 S.W. Harrison, Topeka. The directive, tentatively numbered 12-045, rescinds Appraisal Directive 94-027, and updates and revises vendor and contract specifications for county real estate appraisal services.

A copy of the proposed directive may be obtained by contacting the Division of Property Valuation at (785) 296-2365 or via e-mail at pete.davis@kdor.ks.gov.

David N. Harper
Acting Director of Property Valuation

Doc. No. 039926

(Published in the Kansas Register October 27, 2011.)

City of Lenexa, Kansas

Notice to Bidders

Sealed bids for **87th Street, Pflumm Road to Renner Boulevard** will be accepted by the city of Lenexa, Kansas, at the Community Development Department, Lenexa City Hall, 12350 W. 87th St. Parkway, Lenexa, 66215, until 1 p.m. November 15, 2011, at which time bids will be publicly opened and read aloud at the Lenexa City Hall. Any bid received after the designated closing time will not be considered and will be returned unopened.

All bids shall be submitted to the Community Development Department customer service staff (main level) in sealed envelopes addressed to the City of Lenexa, Kansas, Attention: City Clerk, and marked "Bid for: 87th Street, Pflumm Road to Renner Boulevard." Copies of plans, specifications, bidding documents and other contract documents are on file at Drexel Technologies, Inc., 10840 W. 86th St., Lenexa, 66214.

Bidders desiring contract documents for use in preparing bids may obtain a set of such documents at the address above. Plans and specifications may be downloaded from the Drexel Technologies, Inc. website at <http://plan-room.drexeltech.com/>.

Note: Davis Bacon wage rates apply to this project.

Each bidder will be responsible for ensuring that it has received any and all addenda issued by the city in accordance with IB-10 of the instructions to bidders.

Contractors should read and be fully familiar with all contract documents including addenda before submitting a bid. In submitting a bid, the bidder warrants that it has read the contract documents and is fully familiar therewith and that it has visited the site of the work to fully inform itself as to all existing conditions and limitations,

and shall include in its bid a sum to cover the cost of all items of the work as specified in the contract documents.

No oral, telegraphic, telephonic proposals or alterations will be considered. Facsimile transmissions will not be accepted.

The following items must be included in the sealed envelope with the bid:

- a. Bid form;
- b. 5% bid security—bid bond, cashier's check or certified check (see below); and
- c. Acknowledgment of addenda issued by city.

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on an acceptable bank, made payable to city of Lenexa, Kansas, in an amount equal to 5 percent of the total bid, which shall be retained by the city of Lenexa until a contract for the project has been executed. Bid bonds will be returned to the bidders, with the exception of the best and lowest and second best and second lowest responsible bidders, within 21 days after their bids are rejected. The bid deposit of the lowest and the second lowest responsible bidders will be returned when the performance bond, maintenance bond and statutory bond, each in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed by the successful bidder.

In the event the low bidder is unable to execute the contract, for whatever reason, within the time provided in the notice of award, the city may annul the notice of award and the bid deposit may be forfeited, and the city shall exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security or specific performance.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of city clerk prior to the time and date for bid opening.

From and after the release of this notice, any party intending to bid on the above-referenced project, including their officers, employees, agents or contractors, are specifically prohibited from communicating with any elected or appointed official of the city, directly or indirectly, with regard to the award of the contract for the project listed above, except as specifically authorized by the instructions to bidders. Any such unauthorized communication may result in the automatic disqualification of such bidder.

All bidders agree that rejection shall create no liability on the part of city because of such rejection, and the filing of any bid in response to this notice shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 1 p.m. November 8 in the Executive Conference Room, upper level, Lenexa City Call.

David F. Bryant III, City Clerk
City of Lenexa, Kansas

Doc. No. 039890

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding two proposed air quality permits. Abengoa Bioenergy Corporation—Colwich Facility (Abengoa) has applied for a construction permit in accordance with the provisions of K.A.R. 28-19-300, and a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), particulate matter (PM), PM with an aerodynamic diameter less than or equal to 10 micrometers (PM₁₀), volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) from the existing emissions units/sources at the facility were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds, and the purpose of the construction permit is to incorporate all applicable emissions, limitations and conditions, written in the Consent Agreement and Final Order of the Secretary of Health and Environment (CAO) (Case No. 04-E-0038), issued August 16, 2010.

Abengoa Bioenergy Corporation - Colwich Facility, 523 E. Union Ave., Colwich, 67030-0427, owns and operates an ethanol production facility located at the same address, with a maximum production design capacity of 26.32 million gallons per year (gal/yr) of denatured ethanol and 25 million gal/yr of anhydrous ethanol.

A copy of the proposed permits, permit applications, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and at the Wichita Department of Environmental Health, 1900 E. 9th St., Wichita. To obtain or review the proposed permits and supporting documentation, contact Susana C. Pjesky, (785) 296-1691, at the KDHE central office; and to review the proposed permit only, contact Randy Owen, (316) 268-8350, at the Wichita Department of Environmental Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permits to Susana C. Pjesky, 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 December 1.

A person may request a public hearing be held on the proposed permits. 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 December 1 in order for the Secretary of Health and Environment to consider the request.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 039930

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. National Cooperative Refinery Association (NCRA)-McPherson 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.

National Cooperative Refinery Association (NCRA)-McPherson, P.O. Box 1404, McPherson, 67460, owns and operates a petroleum refinery located at 1391 Iron Horse Road, McPherson.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Ashley Eichman, (785) 296-1713, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Ashley Eichman, 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 December 1.

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 December 1 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

(continued)

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.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 039924

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. McPherson Area Solid Waste Utility has applied for a Class I operating permit 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.

McPherson Area Solid Waste Utility, 1431 17th Ave., McPherson, 67460, owns and operates a stationary air curtain combustor/incinerator 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 North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Susana C. Pjesky, (785) 296-1691, at the KDHE central office; and to review the proposed permit only, contact Stan Marshall, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Susana C. Pjesky, 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 December 1.

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 December 1 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.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 039925

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-11-224 Application(s) for New or Expansion of Existing Swine Facilities

**Name and Address
of Applicant**
Jennifer Gerety
1307 96th Road
Seneca, KS 66538

**Owner of Property Where
Facility Will Be Located**
J-Six Farms LP - Schultejeans Farm
Intersection of 64th Road and O Road
Goff, KS 66428

Legal Description
NE/4 of Section 29,
T04S, R13E,
Nemaha County
Kansas Permit No. A-KSNM-S037

Receiving Water
Kansas River Basin

This is an application for a permit for new construction of a swine facility with the maximum capacity of 2,400 head (960 animal units) of swine weighing greater than 55 pounds. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-11-225/235

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Lolling Jersey Farm Craig Lolling 1846 Cheyenne Road Moundridge, KS 67107	SW/4 of Section 06, T21S, R02W, McPherson County	Little Arkansas River Basin

Kansas Permit No. A-LAMP-M014

A permit is being reissued to an existing dairy facility with a maximum capacity for 80 head (112 animal units) of mature dairy cows and 30 head (15 animal units) of dairy calves. The existing dairy facility has been inactive since 2002 and will now be operated at a lower capacity. The previous animal unit capacity was 130 head (182 animal units) of mature dairy cows.

Name and Address of Applicant	Legal Description	Receiving Water
Doyle Creek Farms Inc. Clarence Busenitz 542 Mustang Road Peabody, KS 66866	SW/4 of Section 08, T22S, R03E, Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-B008

This is a renewal permit for an existing livestock facility with the maximum capacity of 999 head (999 animal units) of cattle weighing greater than 700 pounds. The facility consists of approximately 12.6 acres of open lot pens and associated areas. Surface runoff is collected by two sediment basins and an earthen retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Hirt Farms, Inc. Vernon Hirt 12640 N.W. Turkey Lane Road Sawyer, KS 67134	NW/4 of Section 15, T29S, R11W, Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-B007

This permit is being reissued for an existing facility with a maximum capacity of 999 head (999 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Rock Creek Cattle #2 Walt Salmans P.O. Box 128 Hanston, KS 67849	SW/4 of Section 28, T23S, R22W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-B002

This permit is being reissued for an existing facility with a maximum capacity of 900 head (900 animal units) of cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Randy & Denise Shadle 2145 Hackberry Road Morganville, KS 67468	SE/4 of Section 19, T07S, R02E, Clay County	Lower Republican River Basin

Kansas Permit No. A-LRCY-S041

This permit is being reissued for an existing facility with a maximum capacity of 274 head (109.6 animal units) of swine 55 pounds or more and 640 head (64 animal units) of swine 55 pounds or less, for a total of 914 head (173.6 animal units) of swine. There is no change in the permitted animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Gigstad Farms, Inc. Craig Gigstad 15272 Hwy. 59 Valley Falls, KS 66088	SW/4 of Section 28 & NW/4 of Section 33, T08S, R19E, Jefferson County	Kansas River Basin

Kansas Permit No. A-KSJF-S019

A permit is being reissued for an existing facility with a maximum capacity for 350 head (140 animal units) of swine weighing more than 55 pounds and 160 head (16 animal units) of swine weighing 55 pounds or less. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Foods - Beachner Boar #67 2801 Hurliman Road Guymon, OK 73942	SW/4 of Section 14, T33S, R43W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-S007

This permit is being reissued for an existing swine facility for 460 head (184 animal units) of swine weighing more than 55 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Foods - Shore #2 2801 Hurliman Road Guymon, OK 73942	NW/4 of Section 05, T31S, R40W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-S002

This permit is being reissued for an existing swine facility for 675 head (270 animal units) of swine weighing more than 55 pounds. The permit contains a modification consisting of the facility being utilized as a gilt isolation facility, resulting in an increase in the permitted capacity from the previous permitted capacity of 440 head (176 animal units) of swine weighing more than 55 pounds. There are no changes being made to the facility layout or to the waste management system.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Foods - Shore Nursery #108 2801 Hurliman Road Guymon, OK 73942	SW/4 of Section 21, T30S, R40W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-S001

This permit is being reissued for an existing swine facility for 8,800 head (880 animal units) of swine weighing 55 pounds or less. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Foods - Walker Isolation #8 2801 Hurliman Road Guymon, OK 73942	SW/4 of Section 07, T28S, R42W, Stanton County	Cimarron River Basin

Kansas Permit No. A-CIST-S002

This permit is being reissued for an existing swine facility for 120 head (48 animal units) of swine weighing more than 55 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Golden Belt Feeders, Inc. - St. John P.O. Box 307 St. John, KS 67576	Parts of Sections 17, 19, 20 & 28, T22S, R13W, Stafford County	Lower Arkansas River Basin

Kansas Permit No. A-ARSF-C001 Federal Permit No. KS0115240

(continued)

This permit is being reissued for an existing cattle feed yard. The maximum head capacity of the feed yard will remain unchanged at 26,250 head (26,250 animal units) of cattle weighing more than 700 pounds each. This facility has an approved Nutrient Management Plan on file with KDHE.

Public Notice No. KS-NQ-11-004

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):

Name and Address of Applicant	Legal Location	Type of Discharge
Ball Custom Kitchens 1431 S.W. Auburn Road Topeka, KS 66615	SE¼, NE¼, NE¼, S2, T12S, R14E, Shawnee County	Nonoverflowing

Kansas Permit No. C-KS72-NO20 Federal Tracking No. KSJ000164

Facility Description: This action consists of renewing an existing Kansas Water Pollution Control Permit for an existing facility. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with this permit.

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 November 26 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-224/235, KS-NQ-11-004) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available on the Internet at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays.

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 039933

(Published in the Kansas Register October 27, 2011.)

Summary Notice of Bond Sale

City of Kechi, Kansas

\$2,040,000

Aggregate Principal Amount

General Obligation Improvement and

Refunding Bonds

Series A, 2011

(General obligation bonds payable from unlimited ad valorem taxes)

Subject to the terms and conditions of the complete Official Notice of Sale dated October 13, 2011, of the city of Kechi, Kansas, in connection with the city's hereinafter described general obligation bonds, sealed or facsimile bids for the purchase of the bonds shall be received at the office of the city clerk at City Hall, 220 Kechi Road, Kechi, KS 67067, until 4 p.m. November 3, 2011. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and the bonds will be awarded by the City Council at a meeting at City Hall at 7 p.m. November 3, 2011.

No oral or auction bid for the bonds shall be considered, and no bid of less than 98.5 percent of the bonds and accrued interest thereon from the dated date to the delivery date shall be considered, and no supplemental interest payments shall be authorized. Sealed and facsimile bids will be accepted only on the official bid form that has been prepared for the bonds, which may be obtained from either the city clerk or the city's financial advisor. Bids may be submitted by mail or delivered in person to the address stated above or may be submitted by facsimile at (316) 744-9636. The city shall not be responsible for any failure, misdirection or error in the means of transmission selected by any bidder.

All bids must be received at the place and not later than the date and time herein specified. Each bid shall be accompanied by a good faith deposit in the form of cash, including cash deposited into an account of the municipality or its agent by electronic fund transfer, or a certified or cashier's check in the amount of 2 percent of the total par value of the bonds being sold, except that if a bidder agrees to submit the good faith deposit through the Federal Reserve system into an account of the municipality or its agent, the good faith deposit may be furnished any time prior to the time the governing body of the municipality accepts the bid. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$2,040,000 and shall bear a dated date of November 22, 2011. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their maturities as set forth in the Official Notice of Bond Sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 in each year, commencing

March 2013, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 5,000	09/01/2013
70,000	09/01/2014
75,000	09/01/2015
75,000	09/01/2016
80,000	09/01/2017
85,000	09/01/2018
90,000	09/01/2019
90,000	09/01/2020
95,000	09/01/2021
100,000	09/01/2022
105,000	09/01/2023
110,000	09/01/2024
115,000	09/01/2025
120,000	09/01/2026
125,000	09/01/2027
130,000	09/01/2028
135,000	09/01/2029
140,000	09/01/2030
145,000	09/01/2031
150,000	09/01/2032

Form of Bonds

The bonds will be issued in book-entry-only form.

Paying Agent and Bond Registrar; Payment of Principal and Interest

The Kansas State Treasurer, Topeka, Kansas, shall serve as bond registrar and paying agent for the bonds. The principal amount of and the interest on the bonds shall be paid by the paying agent from funds made available by the city by wire transfer of same day funds to Cede & Co., nominee for the Depository Trust Company, New York, New York (DTC). The transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners. Reference is made to the Official Notice of Sale for additional information regarding payment of principal and interest to owners of the bonds.

Redemption

Certain of the bonds are subject to redemption as set forth in the Official Notice of Sale.

Delivery

The bonds shall be delivered at the expense of the city on or about November 22, 2011. As a condition to delivery, the successful bidders shall be required to deposit the bonds with DTC. Reference is made to the Official Notice of Sale for additional information regarding delivery.

Legal Opinion

Hinkle Law Firm LLC, Wichita, Kansas. All fees and expenses of bond counsel shall be paid by the city. Reference is made to the Official Notice of Sale and the city's Preliminary Official Statement for additional information regarding legal matters.

Security

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon, in part, from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Financial Matters

The city's equalized assessed tangible valuation for computation of bonded debt limitations, after statutory adjustments, is \$18,284,991. The total outstanding general obligation bonded indebtedness of the city, at November 16, 2011, less exempt amounts, will be \$1,103,108.75. This amount includes the within-described bonds.

Official Statement

The city has authorized and directed preparation of a Preliminary Official Statement in connection with the bonds herein described. Said Preliminary Official Statement is in a form "deemed final" by the city for purposes of the Securities and Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final Official Statement. Not later than seven business days after the date of the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final Official Statement, without cost.

Continuing Disclosure

The city has adopted an ordinance establishing a master undertaking to provide ongoing disclosure concerning the city in connection with its general obligation bonds for the benefit of owners of the bonds, as required under Section (b)(5)(i) of Securities and Exchange Commission Rule 15c2-12. A copy of that ordinance is included as an appendix to the Official Statement.

Additional Information

Copies of the Official Notice of Sale and Preliminary Official Statement may be obtained from the city's financial advisor, Mark Detter, Vice President, Central States Capital Markets, 245 N. Waco, Suite 525, Wichita, KS 67202.

City of Kechi, Kansas
By Laura Hill, City Clerk

Doc. No. 039940

(Published in the Kansas Register October 27, 2011.)

Summary Notice of Bond Sale City of Manhattan, Kansas	Year	Principal Amount*
\$10,535,000*	2013	\$425,000
General Obligation Bonds	2014	215,000
Series 2011-A	2015	235,000
\$2,850,000*	2016	250,000
General Obligation Refunding Bonds	2017	245,000
Series 2011-B	2018	245,000
(General obligation bonds payable from unlimited ad valorem taxes)	2019	255,000
	2020	255,000
	2021	275,000
	2022	280,000
	2023	170,000

Bids

Subject to the Notice of Bond Sale dated October 18, 2011, written and electronic bids will be received on behalf of the director of finance of the city of Manhattan, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 2 p.m. November 15, 2011, for the separate purchase of each series of the above-referenced bonds (collectively, the bonds). No bid of less than (a) \$10,457,041 for the Series 2011-A Bonds, and (b) \$2,824,350 for the Series 2011-B Bonds, and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof (the authorized denomination), will be dated December 1, 2011 (the dated date), and will bear interest from the dated date at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year (the interest payment dates).

Series 2011-A Bonds. The Series 2011-A Bonds will become due in principal installments on November 1 in the years as follows:

Year	Principal Amount*
2012	\$900,000
2013	890,000
2014	890,000
2015	905,000
2016	920,000
2017	925,000
2018	940,000
2019	955,000
2020	975,000
2021	990,000
2022	110,000
2023	110,000
2024	115,000
2025	115,000
2026	120,000
2027	125,000
2028	130,000
2029	135,000
2030	140,000
2031	145,000

Series 2011-B Bonds. The Series 2011-B Bonds will become due in principal installments on November 1 in the years as follows:

The initial interest payment date for the Series 2011-A Bonds shall be May 1, 2012. The initial interest payment date for the Series 2011-B Bonds shall be November 1, 2012.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer. The amount of the deposit for each series of bonds is as follows: (a) Series 2011-A — \$210,700, and (b) Series 2011-B — \$57,000.

Delivery

The issuer 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 December 5, 2011, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2011 is \$486,497,559. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$156,915,000; such amount includes the issuer's temporary notes in the principal amount of \$7,445,000, dated as of December 15, 2011, which will be issued on or about the closing date. Temporary notes in the principal amount of \$13,035,000 will be retired out of proceeds of the bonds and other available funds, which will reduce the outstanding general obligation indebtedness of the issuer to \$143,880,000.

Approval of Bonds

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

Additional Information

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

Written Bid and Good Faith Deposit Delivery Address:

Elizabeth Peterson, City Treasurer
 City Hall, First Floor
 1101 Poyntz Ave.
 Manhattan, KS 66502-5497
 (785) 587-2465
 Fax (785) 587-2409
 Email: peterson@ci.manhattan.ks.us

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

Springsted Incorporated
 380 Jackson St., Suite 300
 St. Paul, MN 55101-2887
 (651) 223-3000
 Fax (651) 223-3046
 Email: advisors@springsted.com

Dated October 18, 2011.

City of Manhattan, Kansas

*Preliminary; subject to change.

Doc. No. 039934

(Published in the Kansas Register October 27, 2011.)

Summary Notice of Bond Sale

City of Russell, Kansas

\$5,215,000*

General Obligation Bonds, Series 2011

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the Notice of Bond Sale dated October 18, 2011, written and electronic bids will be received on behalf of the clerk of the city of Russell, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 1 p.m. November 21, 2011, for the purchase of the above-referenced bonds. No bid of less than 99.00 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 15, 2011 (the dated date), and will become due in principal installments on August 1 in the years as follows:

Year	Principal Amount*
2012	\$315,000
2013	290,000
2014	295,000
2015	295,000
2016	300,000
2017	300,000
2018	305,000
2019	315,000

2020	320,000
2021	325,000
2022	335,000
2023	345,000
2024	355,000
2025	360,000
2026	375,000
2027	385,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning February 1, 2012.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$104,300.

Delivery

The issuer 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 December 15, 2011, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2011 is \$30,314,771. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$5,465,000.

Approval of Bonds

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

Additional Information

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

Written and Facsimile Bid and Good Faith Deposit Delivery Address:

Sheldon Hamilton, Clerk
 133 W. 8th
 Russell, KS 67665
 (785) 483-6311
 Fax (785) 483-4397
 Email: treasurer@russellcity.org

(continued)

Financial Advisor Address:

George K. Baum & Company, Inc.
4801 Main St., Suite 500
Kansas City, MO 64112
Attn: David Arteberry
(816) 283-5137
Fax (816) 283-5326
Email: arteberry@gkbaum.com

Dated October 18, 2011.

City of Russell, Kansas

***Subject to change.**

Doc. No. 039938

(Published in the Kansas Register October 27, 2011.)

**Summary Notice of Bond Sale
City of Iola, Kansas
\$7,455,000***

General Obligation Bonds, Series 2011

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

Bids

Subject to the Notice of Bond Sale dated October 11, 2011, written and electronic bids will be received on behalf of the clerk of the city of Iola, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. November 8, 2011, for the purchase of the above-referenced bonds. No bid of less than 99.25 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 2011 (the dated date), and will become due in principal installments on August 1 in the years as follows:

Year	Principal Amount*
2012	\$550,000
2013	475,000
2014	485,000
2015	490,000
2016	505,000
2017	520,000
2018	540,000
2019	555,000
2020	570,000
2021	590,000
2022	605,000
2023	625,000
2024	645,000
2025	300,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on February 1 and August 1 in each year, beginning February 1, 2012.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States, a qualified financial surety bond or a wire transfer in Federal Reserve funds immediately available for use by the issuer in the amount of \$149,100.

Delivery

The issuer 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 December 1, 2011, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2010 is \$32,459,530. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold, is \$7,455,000.

Approval of Bonds

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

Additional Information

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

Written and Facsimile Bid and Good Faith Deposit**Delivery Address:**

Roxanne Hutton, Clerk
2 W. Jackson, P.O. Box 308
Iola, KS 66749
(620) 365-4910
Fax (620) 365-4918
Email: roxanne.hutton@cityofiola.com

Financial Advisor – Facsimile Bid Delivery Address:

Piper Jaffray & Co.
1150 Overbrook Road, Suite 300
Leawood, KS 66211-2298
Attn: Dustin Avey
(913) 345-3374
Fax (913) 345-3393
Email: Gregory.M.Vahrenberg@pjc.com

Dated October 11, 2011.

City of Iola, Kansas

***Subject to change.**

Doc. No. 039943

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, November 10, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The projects shall be located as shown:

Project No. 000826 — Maximum Principal Amount: \$110,000. Owner/Operator: Aaron K. and Deena B. Gasper. Description: Acquisition of 148.3 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Aaron K. and Deena B. Gasper and is located at Section 3, Township 6, Range 13, Osborne County, Kansas, approximately 3 miles west of Portis on Osborne County Road 863.

Project No. 000827 — Maximum Principal Amount: \$259,500. Owner/Operator: Brigham B. Stewart. Description: Acquisition of 313 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Brigham B. Stewart and is located at the Northeast Quarter of the Southeast Quarter of Section 36, Township 1, Range 2, the Northwest Quarter of the Northeast Quarter of Section 13, Township 2, Range 2, and the Northeast Quarter of Section 6, Township 2, Range 4, Washington County, Kansas, approximately 7 miles north from Washington on Quivira Road and 2 miles east on Road 24, and 6 miles west of Washington on Highway 36, north 7 miles on Highway 15 and 1 mile east on Road 24.

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

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

Tim Shallenburger
President

Doc. No. 039942

State of Kansas

Behavioral Sciences Regulatory Board

Notice of Hearing on Proposed
Administrative Regulations

The Behavioral Sciences Regulatory Board will conduct a public hearing from 10 to 11 a.m. Thursday, December 29, in the board conference room at 712 S. Kansas Ave., Topeka, to consider the revocation of permanent rules and regulations for registered alcohol and other drug abuse counseling (RAODC).

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the revocation of these regulations. All interested parties may submit written comments prior to the hearing to Tom Hawk, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Ave., Topeka, 66603-3817. Email comments may be directed to tom.hawk@bsrb.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Allen, licensing manager, at (785) 296-3240, or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Avenue, and the front entrance of the board office is accessible.

A copy of the full text of the proposed regulations and the economic impact statement may be reviewed or obtained at the board office or can be found on the board's website at www.ksbsrb.org (under proposed regulations). The following is a summary of the proposed regulations and economic statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of this regulation.

K.A.R. 102-6-1, 102-6-2, 102-6-4, 102-6-5, 102-6-8, 102-6-9, 102-6-9a, 102-6-10, 102-6-11 and 102-6-12 — Revocation of these regulations is necessary due to the implementation of House Bill 2577, the Licensed Addictions Counselors Act, passed by the 2010 Legislature, and Senate Bill 100, which was passed as part of Substitute for House Bill 2182 by the 2011 Legislature. With the Addictions Counselor Act, there is no longer a RAODAC category under the board.

Economic Impact: There would be a positive economic impact to the Behavioral Sciences Regulatory Board, the state of Kansas and other governmental agencies. There would be an economic impact to the new applicants and licensees of the Kansas Behavioral Sciences Regulatory Board. There would not be an economic impact to the public.

Tom Hawk, Ph.D.
Executive Director

Doc. No. 039936

State of Kansas

Board of Indigent's Defense Services

Permanent Administrative
RegulationsArticle 4.—ENTITLEMENT TO LEGAL
REPRESENTATION

105-4-2. Definition of terms. Terms used to determine eligibility for indigents' defense services shall have the following meanings: (a) Household income. The defendant's household income shall be defined as the defendant's income and the income of all other persons related by birth, marriage, or adoption who reside with the defendant. Income shall include the total cash receipts before taxes from all resources, including money, wages, and the net receipts from nonfarm or farm self-employment. Income shall include regular payments from a governmental income maintenance program, alimony, child support, public or private pensions, annuities, and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts.

(b) Liquid assets. The defendant's liquid assets shall be defined as cash in hand, stocks and bonds, accounts at financial institutions, real property or homestead having a net value greater than \$50,000, a car, and any other property that can be readily converted to cash, with the following exceptions:

(1) The defendant's clothing, household furnishings, and any personal property that is exempt from attachment or levy of execution by K.S.A. 60-2304, and amendments thereto; and

(2) any other property, except a homestead having a net value greater than \$50,000, that is exempt from attachment or levy of execution by K.S.A. 60-2301 et seq., and amendments thereto.

The net value of the homestead shall be the fair market value less the mortgage, other encumbrances, and the reasonable cost of sale. The net value of any property transferred after the date of the alleged commission of the offense shall be included in the determination of the defendant's liquid assets.

(c) Transfer of property.

(1) If the defendant has transferred property after the alleged commission of the offense, the court shall determine the reason for the transfer of property and whether adequate monetary consideration was received. If adequate monetary consideration was not received, the court shall presume that the transfer was made for the purpose of establishing eligibility unless the defendant furnishes clear and convincing evidence that the transfer was made exclusively for another purpose.

(2) If a transfer was made either for the purpose of establishing eligibility or without adequate monetary consideration and the property is reconveyed to the defendant or an adjustment is made by which the defendant receives full value, the defendant shall, if otherwise qualified, be eligible to receive legal representation at state expense. (Authorized by K.S.A. 22-4504 and 22-4522; implementing K.S.A. 22-4504; effective May 1, 1984; amended Nov. 1, 1996; amended, T-105-7-22-11, July 22, 2011; amended Nov. 14, 2011.)

105-4-3. Affidavit of indigency. A standard format for an affidavit of indigency shall include the following information: (a) The defendant's liquid assets and household income;

(b) the defendant's household expenses;

(c) any extraordinary financial obligations of the defendant;

(d) the size of the defendant's household; and

(e) any transfer of property by the defendant after the date of the alleged commission of the offense.

If the information provided by the defendant on the affidavit is unclear, incomplete, contradictory, or questionable, further inquiry may be conducted by the board, the court, the county or district attorney, or other officer assigned by the court. The affidavit of indigency forms shall be published and distributed annually to the judicial administrator and to the administrative judge of each district. (Authorized by K.S.A. 22-4522; implementing K.S.A. 22-4504; effective May 1, 1984; amended May 1, 1985; amended, T-105-7-22-11, July 22, 2011; amended Nov. 14, 2011.)

Article 11.—REIMBURSEMENT FROM DEFENDANT

105-11-1. Defendant reimbursement of attorney fees. The document titled "attorney cost reimbursement tables: assigned counsel and public defender," as revised by the state board of indigents' defense services on June 10, 2011, is hereby adopted by reference. (Authorized by K.S.A. 22-4504; implementing K.S.A. 22-4522 (e); effective, T-105-10-3-05, Oct. 3, 2005; effective Feb. 17, 2006; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-7-26-07, July 26, 2007; amended Nov. 26, 2007; amended, T-105-8-12-08, Aug. 12, 2008; amended Dec. 29, 2008; amended, T-105-6-26-09, June 26, 2009; amended Oct. 16, 2009; amended, T-105-8-16-10, Aug. 16, 2010; amended Nov. 5, 2010; amended, T-105-7-22-11, July 22, 2011; amended Nov. 14, 2011.)

Patricia A. Scalia
Executive Director

Doc. No. 039923

State of Kansas

Department of Wildlife, Parks, and Tourism

Permanent Administrative
RegulationsArticle 2.—FEES, REGISTRATIONS
AND OTHER CHARGES

115-2-3. Camping, utility, and other fees. (a) Each overnight camping permit shall be valid only for the state park for which it is purchased and shall expire at 2:00 p.m. on the day following its effective date.

(b) Any annual camping permit may be used in any state park for unlimited overnight camping, subject to other laws and regulations of the secretary. This permit shall expire on December 31 of the year for which it is issued.

(c) Any 14-night camping permit may be used in any state park. This permit shall expire when the permit has

been used a total of 14 nights, or on December 31 of the year for which it is issued, whichever is first.

(d) Camping permits shall not be transferable.

(e) The fee for a designated prime camping area permit shall be in addition to the overnight, annual, 14-night, or other camping permit fee, and shall apply on a nightly basis.

(f) Fees shall be due at the time of campsite occupancy and by noon of any subsequent days of campsite occupancy.

(g) Fees set by this regulation shall be in addition to any required motor vehicle permit fee specified in K.A.R. 115-2-2.

(h) The following fees shall be in effect for state parks and for other designated areas for which camping and utility fees are required:

Camping—per camping unit (April 1 through September 30):

Annual camping permit	\$200.00
Overnight camping permit	7.00
14-night camping permit	99.00
Prime camping area permit	2.00

Camping—per camping unit (October 1 through March 31):

Annual camping permit	150.00
Overnight camping permit	6.00
14-night camping permit	85.00
Overflow primitive camping permit, per night	5.00

Recreational vehicle long-term camping permit, except for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):

One utility	240.00
Two utilities	300.00
Three utilities	360.00

Recreational vehicle long-term camping permit for El Dorado, Milford, and Tuttle Creek State Parks (includes utilities)—per month, per unit (annual camping permit and annual vehicle permit required):

One utility	280.00
Two utilities	340.00
Three utilities	400.00
Recreational vehicle short-term parking—per month	125.00

Utilities—electricity, water, and sewer hookup per night, per unit:

One utility	7.50
Two utilities	9.50
Three utilities	10.50

Youth group camping permit in designated areas, per camping unit—per night

2.50

Group camping permit in designated areas, per person—per night

1.50

Reservation fee, per reservation (camping, special use, or day use)

10.00

Rent-a-camp: equipment rental per camping unit—per night

15.00

Duplicate permit

10.00

Special event permit negotiated based on event type, required services, and lost revenue—maximum

200.00

This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2010 Supp. 32-988; effective Jan. 22, 1990;

amended Jan. 28, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended Aug. 21, 1995; amended Sept. 19, 1997; amended Jan. 1, 1999; amended Jan. 1, 2001; amended Jan. 1, 2003; amended Jan. 1, 2005; amended Jan. 1, 2009; amended Jan. 1, 2011; amended April 8, 2011; amended Jan. 1, 2012.)

Article 8.—DEPARTMENT LANDS AND WATERS

115-8-1. Department lands and waters: hunting, furharvesting, and discharge of firearms. (a) Subject to provisions and restrictions as established by posted notice or as specified in the document adopted by reference in subsection (e), the following activities shall be allowed on department lands and waters:

(1) Hunting during open seasons for hunting on lands and waters designated for public hunting;

(2) furharvesting during open seasons for furharvesting on lands and waters designated for public hunting and other lands and waters as designated by the department;

(3) target practice in areas designated as open for target practice; and

(4) noncommercial training of hunting dogs.

(b) Other than as part of an activity under subsection (a), the discharge of firearms and other sport hunting equipment capable of launching projectiles shall be allowed on department lands and waters only as specifically authorized in writing by the department.

(c) The discharge of fully automatic rifles or fully automatic handguns on department lands and waters shall be prohibited.

(d) Department lands and waters shall be open neither for commercial rabbit and hare furharvesting nor for commercial harvest of amphibians and reptiles.

(e) The department’s “KDWPT fisheries and wildlife division public land special use restrictions,” dated July 18, 2011, is hereby adopted by reference. (Authorized by K.S.A. 32-807; implementing K.S.A. 32-807; effective Dec. 4, 1989; amended July 13, 2001; amended May 16, 2008; amended May 15, 2009; amended July 23, 2010; amended Nov. 14, 2011.)

115-8-9. Camping. (a) Camping shall be allowed only in designated areas on department lands and waters and shall be subject to provisions or restrictions as established by posted notice.

(b) All campers and camping units shall be limited to a stay of not more than 14 consecutive days in a campground unless otherwise established by posted notice or as otherwise authorized by the department.

(c) Upon completing 14 consecutive days in a campground, each person and all property of each person shall be absent from that campground for at least five days.

(d) One extended camping stay of not more than 14 additional consecutive days at the same campground may be granted through a written permit issued by the department if vacant camping sites are available. Upon completing 28 consecutive days at the same campground, each person and all property of each person shall be absent from the department-managed area for at least five days, except as authorized in subsection (e).

(continued)

(e) Long-term camping in state parks shall be allowed on designated camping sites for six consecutive months through a written permit issued by the department if vacant long-term camping sites are available. Upon completing six consecutive months at the same state park, each person and all property of each person shall be absent from the state park for at least five days.

(f) Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, camping units shall not be left unoccupied in a campground for more than 24 hours.

(g) Unless authorized by the department or located on a prepaid state park campsite reserved through the department's electronic reservation system, vehicles or other property shall not be left unattended upon department lands or waters for more than 24 hours.

(h) Except as authorized by the department, any property unoccupied or unattended for more than 48 hours, unless the property is on a prepaid state park campsite reserved through the department's electronic reservation system, and any property abandoned upon department lands or waters shall be subject to removal by the department and may be reclaimed by the owner upon contacting the department.

(i) A campsite shall not be left unoccupied in a campground for more than 24 hours, unless the department so authorizes or the campsite is a prepaid state park campsite reserved through the department's electronic reservation system. (Authorized by and implementing K.S.A. 32-807; effective March 19, 1990; amended Feb. 10, 1992; amended Oct. 12, 1992; amended Sept. 12, 2008; amended Nov. 14, 2011.)

115-8-10. Pets; provisions and restrictions. (a) Pets shall be allowed but shall not be permitted to enter into any of the following:

(1) Areas that are posted as swimming beaches or swimming areas that are delineated by buoys or other markers;

(2) public buildings, except designated public-use department cabins; or

(3) public structures.

(b) Pets shall be controlled at all times by using any of the following:

(1) Hand-held lead not more than 10 feet in length;

(2) tethered chain or leash not more than 10 feet in length. The pet shall be under the direct observation of and control by the owner; or

(3) confined to a cage, pen, vehicle, trailer, privately owned cabin, or designated public-use department cabin.

(c) The requirements of subsection (b) shall not apply to dogs while being used during and as a part of any of the following acts or activities:

(1) Hunting during open hunting seasons on lands or waters open for hunting;

(2) authorized field trial events;

(3) noncommercial training of hunting dogs subject to any provisions or restrictions as established by posted notice;

(4) special events or activities as authorized by the department; or

(5) working as a "guide dog," "hearing assistance dog," or "service dog," as defined in K.S.A. 39-1113 and amendments thereto.

(d) Guide dogs, hearing assistance dogs, and service dogs shall not be restricted by the requirements of subsection (a). (Authorized by and implementing K.S.A. 32-807; effective Dec. 4, 1989; amended Sept. 12, 2008; amended Nov. 14, 2011.)

Article 17.—WILDLIFE, COMMERCIAL USES AUTHORIZED

115-17-1. Commercial harvest of fish bait; legal species, harvest seasons, size restrictions, daily limits, and possession limits. (a) The following wildlife may be commercially harvested in Kansas for sale as fishing bait:

(1) Crayfish, all species;

(2) annelids; and

(3) insects.

(b) The season for commercial harvest of wildlife listed in subsection (a) shall be year-round.

(c) There shall be no minimum or maximum size restrictions for wildlife listed in subsection (a).

(d) There shall be no maximum daily or possession limits for wildlife listed in subsection (a).

(e) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 shall not be harvested. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-2. Commercial sale of fish bait. (a) The following wildlife may be commercially sold in Kansas for fishing bait:

(1) The following species of fish:

(A) Black bullhead (*Ameiurus melas*);

(B) bluegill (*Lepomis macrochirus*), including hybrids;

(C) common carp (*Cyprinus carpio*), including koi;

(D) fathead minnow (*Pimephales promelas*), including "rosy reds";

(E) golden shiner (*Notemigonus crysoleucas*);

(F) goldfish (*Carassius auratus*), including "black saltys";

(G) green sunfish (*Lepomis cyanellus*), including hybrids; and

(H) yellow bullhead (*Ameiurus natalis*);

(2) only species of annelids native to or naturalized in the continental United States;

(3) the following species of crayfish:

(A) Virile crayfish (*Orconectes virilis*);

(B) calico crayfish (*Orconectes immunes*); and

(C) white river crayfish (*Procambarus acutus*); and

(4) only species of insects native to or naturalized in Kansas.

(b) Wildlife listed in K.A.R. 115-15-1 or in K.A.R. 115-15-2 or prohibited from importation pursuant to K.S.A. 32-956, and amendments thereto, shall not be sold.

(c) Live aquatic bait shall be certified free of the following pathogens before import, according to K.A.R. 115-17-2a:

(1) Spring viremia of carp virus;

(2) infectious pancreatic necrosis virus;

(3) viral hemorrhagic septicemia virus; and

(4) infectious hematopoietic virus.

(d) Each distribution tank and each retail tank shall utilize a source of potable water or well water.

(e) Each sale of fish bait shall be accompanied by a receipt that indicates the date of sale, the number and type of fish sold, and the name, address, phone number, and bait permit number of the vendor. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-2a. Commercial sale of bait fish; testing procedures. (a) Live aquatic bait shall be certified free of the following pathogens before import, according to the requirements in this regulation:

- (1) Spring viremia of carp virus;
- (2) infectious pancreatic necrosis virus;
- (3) viral hemorrhagic septicemia virus; and
- (4) infectious hematopoietic virus.

(b) On and after January 1, 2014, upon application or renewal, each applicant and each commercial fish bait permittee shall provide documentation of two consecutive years of pathogen-free status from an independent laboratory approved by United States department of agriculture, animal and plant health inspection service, for the pathogens listed in subsection (a) for the source of bait fish being sold. If the facility is new, the applicant shall certify by affidavit that the facility does not meet the requirements in this regulation and shall provide documentation of pathogen-free status for the current year of operation.

(c) The sample size shall be 150 fish and shall include moribund fish observed in the sampling process. The samples shall be collected twice each year. The samples shall be collected once during the month of October, November, or December and once during the month of March, April, or May.

(d) Collection of each sample shall be overseen by a doctor of veterinary medicine accredited by the United States department of agriculture, animal and plant health inspection service. The collection shall be made under the direct observation of the overseer to the extent that the official can attest to the origin of the fish and that the sampling scheme meets the requirements in this regulation.

(e) Each sample shall include all of the ponds and grow-out tanks. The final species and age composition of each sample shall reflect the overall composition of the certified fish on location. For locations with more than 50 ponds, all species and sizes of fish shall be included in each sample, but the ponds may be sampled in rotation so that all ponds are sampled at least once every two years. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807; effective Jan. 1, 2012.)

115-17-3. Commercial fish bait permit; requirement, application, and general provisions. (a) A commercial fish bait permit shall be required for the harvest, sale, or purchase for resale of fish bait, except that a commercial fish bait permit shall not be required for the harvest or sale of annelids or insects or for the purchase of annelids or insects for resale.

(b) Any person may apply to the secretary for a commercial fish bait permit. The application shall be submitted on forms provided by the department and completed in full by the applicant. Each incomplete application shall be returned to the applicant.

(c) Each commercial fish bait permit shall be valid for only those wildlife species specified in the permit.

(d) Each commercial fish bait permit shall authorize the permittee to perform any of the following:

- (1) Sell fish bait to any person for use as fish bait;
- (2) purchase fish bait for resale as fish bait, if the purchase is made from a person who meets at least one of the following requirements:
 - (A) Possesses a valid commercial fish bait permit;
 - (B) is a commercial fish grower, as defined by K.S.A. 32-974 and amendments thereto; or
 - (C) is authorized by another state to export and sell fish bait; or
- (3) import fish bait for sale as fish bait.

(e) Each permittee harvesting or purchasing fish bait shall maintain records of the following information and, if requested by the secretary, shall provide a report to the department containing the following information:

- (1) The permittee's name;
- (2) the permit number;
- (3) the number, location, and species of wildlife harvested;
- (4) the number and species of wildlife sold;
- (5) for each permittee purchasing fish bait, the name, address, and phone number of each individual distributor or producer from whom the permittee purchased; and
- (6) for each permittee purchasing fish bait, the delivery date of each purchase.

(f) Each permittee shall make records required under the permit available for inspection by any law enforcement officer or department employee upon demand.

(g) Each permittee shall make the fish and the distribution or retail holding tanks that are subject to sample testing pursuant to K.A.R. 115-17-2a available for inspection by any law enforcement officer or department employee upon demand.

(h) Each permittee shall respond to any survey regarding activities conducted under the permit if requested by the secretary.

(i) In addition to other penalties prescribed by law, a commercial fish bait permit or application may be denied or revoked by the secretary if either of the following conditions is met:

- (1) The application is incomplete or contains false information.
- (2) The permittee fails to meet permit requirements or violates permit conditions.

(j) Each commercial fish bait permit shall expire on December 31 of the year for which the permit is issued.

(k) A permittee may possess and sell legally acquired wildlife for fish bait for not more than 30 days following expiration of the permit. This regulation shall be effective on and after January 1, 2012. (Authorized by K.S.A. 32-807 and K.S.A. 32-941; implementing K.S.A. 32-807 and K.S.A. 32-941; effective Jan. 1, 1991; amended Jan. 1, 2012.)

(continued)

115-17-4. Commercial harvest of fish bait; legal equipment, taking methods, and general provisions. (a) Legal equipment and taking methods permitted for commercial harvest of wildlife for use as fish bait shall be as follows:

(1) Crayfish may be taken by the following methods and means:

(A) By hand;

(B) by trap with ½-inch or smaller mesh size, using the bar measurement, and with two-inch or smaller entrance openings;

(C) by seine with ½-inch or smaller mesh size, using the bar measurement. The seine may be of any length, height, or twine size;

(D) by lift net with ½-inch or smaller mesh size, using the bar measurement;

(E) by dip net with ½-inch or smaller mesh size, using the bar measurement. The dip net may be of any dimension and have any handle configuration; and

(F) by other methods as approved by the secretary.

(2) Annelids and insects may be taken by any method.

(b) (1) Boats with or without mechanical propulsion may be used.

(2) Depth-recording or fish-locating devices may be used.

(3) Holding baskets, holding cages, and holding bags may be used, if the permittee's name and permit number are attached.

(4) The permittee's name and permit number shall be attached to each trap and seine while the trap or seine is in use. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-5. Commercial harvest of fish bait; open areas. The following areas shall be open for the commercial harvest of crayfish, annelids, and insects:

(a) For crayfish, all lands and waters of the state except department lands and waters and federal and state sanctuaries; and

(b) for annelids and insects, all lands and waters of the state except department lands and waters and federal and state sanctuaries. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective Sept. 10, 1990; amended Nov. 30, 1998; amended Jan. 1, 2012.)

115-17-10. Commercial harvest of fish; permit requirement and application, reports, permit revocation.

(a) Except as authorized in K.A.R. 115-17-13, a commercial fishing permit shall be required for the taking of fish for commercial purposes from that portion of the Missouri River bordering on this state.

(b) Each application for a commercial fishing permit shall be submitted on forms provided by the department and completed in full by the applicant. Each incomplete application shall be returned to the applicant.

(c) Any permittee may possess, sell, transport, or trade those species of fish as authorized under K.A.R. 115-17-12.

(d) Each permittee shall maintain a current record of activity and shall submit monthly reports to the depart-

ment on forms provided by the department. The reports shall be submitted not later than 15 days following the end of the month for which the report is prepared. A permit shall not be renewed until all reports due have been received by the department.

(e) Any permittee may sell fish taken under a commercial fishing permit to any person.

(f) Any person may purchase fish from a commercial fish permittee for commercial purposes or for personal use.

(g) Each person purchasing fish from a commercial fish permittee for resale purposes shall retain a bill of sale in possession while in possession of the fish.

(h) In addition to other penalties prescribed by law, a commercial fishing application or permit may be denied or revoked by the secretary if any of the following conditions is met:

(1) The application is incomplete or contains false information.

(2) The permittee fails to meet permit requirements or violates permit conditions.

(3) The permittee violates any provision of law or regulations related to commercial fishing on the Missouri River.

(i) Each commercial fishing permit shall expire on December 31 of the year for which the permit was issued. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective May 27, 1991; amended Jan. 1, 2012.)

115-17-11. Commercial harvest of fish; legal equipment and taking methods; identification tags and identification tag fee. (a) The legal equipment and taking methods for the commercial harvest of fish shall be the following:

(1) Hoop net with a mesh size of 2.5 or more inches using the bar measurement and with individual wings and leads not to exceed 12 feet in length. There shall be no limitation on the number, net diameter, net length, twine size, or throat size of hoop nets;

(2) gill net and trammel net with a mesh size of two or more inches, using the bar measurement. There shall be no limitation on the number, net length, height, or twine size of gill or trammel nets; and

(3) seine with a mesh size of two or more inches, using the bar measurement. There shall be no limitation on the height, length, or twine size of seines.

(b) (1) Boats with or without mechanical propulsion may be used.

(2) Depth-recording or fish-locating devices may be used.

(3) Non-toxic baits may be used.

(4) Each gill net or trammel net shall be attended at all times while the gill net or trammel net is in use.

(5) Each hoop net shall be attended at least one time every 24 hours while the hoop net is in use.

(6) Commercial fishing equipment authorized in subsection (a) shall not be used in the following locations, except as authorized by the department:

(A) In any cutoff, chute, bayou, or other backwater of the Missouri river;

(B) within 300 yards of any spillway, lock, dam, or the mouth of any tributary stream or ditch; and

(C) under or through ice or in overflow waters.

(7) Holding baskets and holding cages may be used.

(c) Each net or seine shall have an identification tag supplied by the department and attached as specified by the department during commercial fishing use. Identification tags supplied by the state of Missouri and approved by the department also shall be deemed to meet this requirement.

(d) The fee for identification tags shall be five dollars for each tag. The payment shall be submitted to the department with the initial or renewal application for a commercial fishing permit.

(e) The holding basket and holding cage used to hold fish shall not require an identification tag, but shall be identified by the permittee with the permittee's name and permit number attached. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807, K.S.A. 32-941, and K.S.A. 2010 Supp. 32-988; effective May 27, 1991; amended Sept. 27, 2002; amended Jan. 1, 2012.)

115-17-12. Commercial harvest of fish; legal species, seasons, size restrictions, daily limits, and possession limits. (a) The legal species of fish that may be taken under a commercial fishing permit shall be the following:

- (1) Bowfin;
- (2) suckers, including buffalo;
- (3) common carp and exotic carp;
- (4) freshwater drum;
- (5) gar;
- (6) shad;
- (7) goldeye;
- (8) goldfish; and
- (9) skipjack herring.

(b) None of the following shall be possessed by a permittee while in possession of commercial fishing gear or while transporting fish taken using commercial fishing gear:

- (1) All species of fish excluded from subsection (a); and
- (2) any species of fish listed in K.A.R. 115-15-1 or K.A.R. 115-15-2.

The species of fish specified in this subsection shall be immediately returned unharmed to the water from which removed.

(c) There shall be no size restriction on fish taken by a permittee.

(d) There shall be no maximum daily or possession limit on the number of fish taken by a permittee.

(e) No live specimen of bighead carp, silver carp, or black carp may be transported after commercial harvest. This regulation shall be effective on and after January 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 32-941; effective May 27, 1991; amended Sept. 27, 2002; amended Jan. 1, 2012.)

Robin Jennison
Secretary of Wildlife,
Parks, and Tourism

Doc. No. 039931

State of Kansas

Department of Health and Environment

Permanent Administrative Regulations

Article 34.—HOSPITALS

28-34-126. Definitions. For the purposes of K.A.R. 28-34-126, 28-34-127, and 28-34-129 through 28-34-144, the following terms shall have the meanings specified in this regulation. (a) "Admitting privileges" means permission extended by a hospital to a physician to allow the physician to admit a patient to that hospital either as active or courtesy staff.

(b) "Ancillary services" means laboratory, radiology, or pharmacy services.

(c) "Ancillary staff member" means an individual who performs laboratory, radiology, or pharmacy services at a facility.

(d) "Applicant" means a person who has applied for a license but who has not yet been granted a license to operate a facility.

(e) "Clinical privileges" means permission extended by a hospital to a physician to allow the physician to provide treatment to a patient in that hospital.

(f) "Health professional" means an individual, other than a physician, who is one of the following:

- (1) A nurse licensed by the Kansas state board of nursing; or
- (2) a physician assistant licensed by the Kansas state board of healing arts.

(g) "Licensee" means a person who has been granted a license to operate a facility.

(h) "Medical staff member" means an individual who is one of the following:

- (1) A physician licensed by the Kansas state board of healing arts;
- (2) a health professional; or
- (3) an ancillary staff member.

(i) "Newborn child" means a viable child delivered during an abortion procedure.

(j) "Person" means any individual, firm, partnership, corporation, company, association, or joint-stock association, and the legal successor thereof.

(k) "Reportable incident" means an act by a medical staff member which:

(1) Is or may be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or

(2) may be grounds for disciplinary action by the appropriate licensing agency.

(l) "Risk manager" means the individual designated by the applicant or licensee to administer the facility's internal risk management program and to receive reports of reportable incidents within the facility.

(m) "Staff member" means an individual who provides services at the facility and who is compensated for those services.

(n) "Unborn child" means a living individual organism of the species homo sapiens, in utero, at any stage of gestation from fertilization to birth.

(continued)

(o) "Viable" shall have the same meaning ascribed in K.S.A. 65-6701, and amendments thereto.

(p) "Volunteer" means an individual who provides services at the facility and who is not compensated for those services. (Authorized by L. 2011, ch. 82, sec. 9; implementing L. 2011, ch. 82, sec. 1; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-127. Application process. (a) Any person desiring to operate a facility shall apply for a license on forms provided by the department.

(b) Each applicant shall submit a fee of \$500 for a license. The applicable fee shall be submitted at the time of license application and shall not be refundable.

(c) Before initial licensing each applicant shall submit to the department the following information:

(1) Written verification from the applicable local authorities showing that the premises are in compliance with all local codes and ordinances, including all building, fire, and zoning requirements;

(2) written verification from the state fire marshal showing that the premises are in compliance with all applicable fire codes and regulations;

(3) documentation of the specific arrangements that have been made for the removal of biomedical waste and human tissue from the premises; and

(4) documentation that the facility is located within 30 miles of an accredited hospital.

(d) The granting of a license to any applicant may be denied by the secretary if the applicant is not in compliance with all applicable laws, rules, and regulations. (Authorized by L. 2011, ch. 82, sec. 9; implementing L. 2011, ch. 82, secs. 2 and 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-129. Terms of a license. (a) Each license shall be effective for one year following the date of issuance.

(b) Each license shall be valid for the licensee and the address specified on the license. When an initial, renewed, or amended license becomes effective, all licenses previously granted to the applicant or licensee at the same address shall become invalid.

(c) Only one physical location shall be described in each license.

(d) Any applicant may withdraw the application for a license.

(e) Any licensee may submit, at any time, a request to close the facility permanently and to surrender the license.

(f) If a facility is closed, any license granted for that facility shall become void. (Authorized by L. 2011, ch. 82, sec. 9; implementing L. 2011, ch. 82, sec. 2; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-130. Renewals; amendments. (a) No earlier than 90 days before but no later than the renewal date, each licensee wishing to renew the license shall submit the following:

(1) The nonrefundable license fee of \$500; and

(2) an application to renew the license on the form provided by the department.

(b) Each licensee shall submit a request for an amended license to the department within 30 days after either of the following:

(1) A change of ownership by purchase or by lease; or

(2) a change in the facility's name or address. (Authorized by L. 2011, ch. 82, sec. 9; implementing L. 2011, ch. 82, secs. 2, 3, and 4; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-131. Operation of the facility. (a) Each applicant and each licensee shall be responsible for the operation of the facility.

(b) Each applicant and each licensee shall:

(1) Ensure compliance with all applicable federal, state, and local laws;

(2) serve as or designate a medical director who is a physician licensed by the Kansas state board of healing arts and who has no limitations to the license that would prohibit the physician's ability to serve in the capacity as a medical director of a facility; and

(3) ensure the following documents are conspicuously posted at the facility:

(A) The current facility license issued by the department; and

(B) the current telephone number and address of the department.

(c) Each applicant and each licensee shall ensure that written policies and procedures are developed and implemented for the operation of the facility. The policies and procedures shall include the following requirements:

(1) An organized recordkeeping system to meet the requirements in K.A.R. 28-34-144;

(2) documentation of personnel qualifications, duties, and responsibilities to meet the requirements in K.A.R. 28-34-132;

(3) that the facility is designed, constructed, equipped, and maintained to protect the health and safety of patients, staff, and visitors to meet the requirements in K.A.R. 28-34-133 through 28-34-136;

(4) ensure proper and adequate medical screening and evaluation of each patient to meet the requirements in K.A.R. 28-34-137;

(5) consent is obtained from each patient before the procedure;

(6) safe conduct of abortion procedures to meet the requirements in K.A.R. 28-34-138;

(7) the appropriate use of anesthesia, analgesia and sedation to meet the requirements in K.A.R. 28-34-138;

(8) ensure the use of appropriate precautions for any patient undergoing a second or third trimester abortion to meet the requirements in K.A.R. 28-34-138;

(9) post-procedure care of patients to meet the requirements in K.A.R. 28-34-139;

(10) identify and ensure a physician with admitting privileges at an accredited hospital located within 30 miles of the facility is available during facility hours of operation;

(11) if indicated, the transfer of any patient and newborn child to a hospital to meet the requirements in K.A.R. 28-34-140;

(12) follow-up and aftercare for each patient receiving an abortion procedure in the facility to meet the requirements in K.A.R. 28-34-141;

(13) a written plan for risk management to meet the requirements in K.A.R. 28-34-142, including policies and

procedures for staff member or volunteer reporting of any clinical care concerns; and

(14) ensure that incidents that require reporting to the department are completed as required in K.A.R. 28-34-143. (Authorized by L. 2011, ch. 82, sec. 9; implementing L. 2011, ch. 82, secs. 2 and 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-132. Staff requirements. (a) Each applicant and each licensee shall ensure that each physician performing surgery in a facility is approved by the medical director, licensed to practice medicine and surgery in the state of Kansas, and demonstrates competence in the procedure involved in the physician's duties at the facility. Competence shall be demonstrated through both of the following means and methods:

(1) Documentation of education and experience; and
 (2) observation by or interaction with the medical director.

(b) Each applicant and each licensee shall ensure the following:

(1) A physician with admitting privileges at an accredited hospital located within 30 miles of the facility is available.

(2) Any physician performing or inducing abortion procedures in the facility has clinical privileges at a hospital located within 30 miles of the facility.

(c) Each applicant and each licensee shall ensure that each individual who performs an ultrasound is one of the following:

(1) A physician licensed in the state of Kansas who has completed a course for the type of ultrasound examination the physician performs; or

(2) an individual who performs ultrasounds under the supervision of a physician and who meets all of the following requirements:

(A) Has completed a course in performing ultrasounds;

(B) has completed a training for the specific type of ultrasound examination the individual performs; and

(C) is not otherwise precluded by law from performing ultrasound examinations.

(d) Each applicant and each licensee shall ensure that each staff member employed by or contracted with the facility is licensed, if required by state law, is qualified, and provides services to patients consistent with the scope of practice of the individual's training and experience.

(e) Each applicant and each licensee shall ensure that each surgical assistant employed by or contracted with the facility receives training in the specific responsibilities of the services the surgical assistant provides in the facility.

(f) Each applicant and each licensee shall ensure that each volunteer receives training as identified by the medical director in the specific responsibilities the volunteer provides at the facility.

(g) Each applicant and each licensee shall ensure that at least one physician or registered nurse is certified in advanced cardiovascular life support and is present at the facility when any patient who is having an abortion procedure or recovering from an abortion procedure is present at the facility. (Authorized by and implementing L.

2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-133. Facility environmental standards. (a) Each applicant and each licensee shall ensure that the facility is designed, constructed, equipped, and maintained to protect the health and safety of patients, staff members, volunteers, and visitors.

(b) Each facility shall include the following rooms and areas:

(1) At least one room designated for patient interviews, counseling, and medical evaluations, located and arranged to preserve patient privacy;

(2) at least one dressing room for patients only and arrangements for storage of patient clothing and valuables;

(3) at least one dressing room for staff members, including a toilet, hand washing station, and arrangements for storage for staff member clothing and valuables;

(4) a toilet room and hand washing station designated for patients;

(5) hand washing stations for pre-procedure hand washing by staff members;

(6) private procedure rooms and doorways of those rooms of sufficient size to accommodate the following:

(A) The equipment, supplies, and medical staff members required for performance of an abortion procedure; and

(B) emergency equipment and personnel in the event of a transfer, as described in K.A.R. 28-34-140;

(7) a recovery area that meets all of the following requirements:

(A) Has a nurse station with visual observation of each patient in the recovery area;

(B) provides privacy for each patient in the recovery area with at least cubicle curtains around each patient gurney or bed; and

(C) has sufficient space to accommodate emergency equipment and personnel in the event of a transfer, as described in K.A.R. 28-34-140;

(8) a waiting area for patients and visitors;

(9) an administrative area, including office space for the secure filing and storage of facility patient records;

(10) a workroom separate from the procedure rooms for cleaning, preparation, and sterilization of instruments, arranged to separate soiled or contaminated instruments from clean or sterilized instruments, including the following:

(A) A hand washing station;

(B) receptacles for waste and soiled items;

(C) designated counter space for soiled or contaminated instruments;

(D) a sink for cleaning soiled or contaminated instruments;

(E) designated counter space for clean instruments; and

(F) an area for sterilizing instruments, if sterilization is completed at the facility;

(11) storage space for clean and sterile instruments and supplies; and

(12) at least one room equipped with a service sink or a floor basin and space for storage of janitorial supplies and equipment. (Authorized by and implementing L.

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2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-134. Health and safety requirements. (a) Each applicant and each licensee shall ensure that the facility meets the following health and safety requirements:

(1) The temperature in each procedure room and in each recovery area shall be between 65 and 75 degrees Fahrenheit unless otherwise ordered by a physician in order to meet the comfort or medical needs of the patient.

(2) Fixed or portable lighting units shall be present in each examination, procedure, and recovery room or area, in addition to general lighting.

(3) Each emergency exit shall accommodate a stretcher or a gurney.

(4) The facility shall be maintained in a clean condition.

(5) The facility shall not be infested by insects and vermin.

(6) A warning notice shall be placed at the entrance to any room or area where oxygen is in use.

(7) Soiled linen and clothing shall be kept in covered containers in a separate area from clean linen and clothing.

(b) A written emergency plan shall be developed and implemented, including procedures for protecting the health and safety of patients and other individuals in any of the following circumstances:

(1) A fire;

(2) a natural disaster;

(3) loss of electrical power; or

(4) threat or incidence of violence.

(c) An evacuation drill shall be conducted at least once every six months, including participation by all individuals in the facility at the time of the drill. Documentation shall be maintained at the facility for one year from the date of the drill and shall include the date and time of the drill. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-135. Equipment; supplies; drugs and medications. (a) Each applicant and each licensee shall ensure that supplies, equipment, drugs, and medications are immediately available for use or in an emergency.

(b) Equipment and supplies shall be maintained in the amount required to assure sufficient quantities of clean and sterilized durable equipment to meet the needs of each patient during any abortion procedure and for monitoring each patient throughout the procedure and recovery period.

(c) Each applicant and each licensee shall ensure that the following equipment and supplies are maintained in the facility for airway management:

(1) An oxygen source with flowmeter;

(2) face masks, in child and adult sizes for assisting ventilation;

(3) a non self-inflating bag with face mask;

(4) suction, either wall or machine;

(5) suction catheters, in sizes 8, 10, 14F, and Yankauer;

(6) oral airways, in child and adult sizes;

(7) nasal cannulas, in child and adult sizes; and

(8) the following additional equipment and supplies for airway management for any abortion procedure per-

formed when the gestational age of the unborn child is 22 weeks or more:

(A) A self-inflating bag with reservoir, 500 cc and 1000 cc;

(B) oral airways, in infant sizes;

(C) a laryngoscope handle with batteries;

(D) straight blades or curved blades, in sizes 0, 1, 2, and 3;

(E) endotracheal tubes, uncuffed, in sizes 3.0, 3.5, 4.0, 4.5, 5.0, 6.0, 7.0, and 8.0;

(F) stylets, small and large; and

(G) adhesive tape to secure airway.

(d) Each applicant and each licensee shall ensure that the following supplies are maintained in the facility for fluid management:

(1) Intraosseous needles, 15 or 18 gauge;

(2) intravenous catheters, 18, 20, 22, and 24 gauge;

(3) butterfly needles, 23 gauge;

(4) tourniquets, alcohol swabs, and tape;

(5) isotonic fluids, either normal saline or lactated Ringer's solution; and

(6) for any abortion procedure performed when the gestational age of the unborn child is 22 weeks or more, pediatric drip chambers and tubing.

(e) Each applicant and each licensee shall ensure that the following miscellaneous equipment and supplies are maintained in the facility:

(1) Blood pressure cuffs, in small, medium and large adult sizes;

(2) adult nasogastric tubes;

(3) manual sphygmomanometer; and

(4) for any abortion procedure performed when the gestational age of the unborn child is 22 weeks or more, blood pressure cuffs in premie and infant sizes.

(f) Each applicant and each licensee shall ensure that all equipment is safe for each patient and for the staff.

(g) Each applicant and each licensee shall ensure that each item of equipment is installed and used according to the manufacturer's recommendations for use.

(h) Each applicant and each licensee shall ensure that each item of equipment is checked annually to ensure safety and required calibration.

(i) Each applicant and each licensee shall ensure that equipment and supplies are clean and sterile, if applicable, before each use.

(j) Each applicant and each licensee shall ensure that the facility meets the following requirements for equipment:

(1) All equipment shall be clean, functional, and maintained in accordance with the manufacturer's instructions.

(2) The following equipment shall be available at all times:

(A) Ultrasound equipment;

(B) intravenous equipment;

(C) laboratory equipment;

(D) patient resuscitation and suction equipment;

(E) equipment to monitor vital signs in each room in which an abortion is performed;

(F) a surgical or gynecologic examination table;

(G) equipment to measure blood pressure;

(H) a stethoscope; and

(l) a scale for weighing a patient.

(k) Each applicant and each licensee shall ensure that, for any abortion procedure performed when the gestational age of the unborn child is 22 weeks or more, the following equipment and supplies are maintained in the facility:

- (1) Equipment to monitor cardiopulmonary status; and
- (2) drugs to support cardiopulmonary function.

(l) Each applicant and each licensee shall ensure that equipment and appropriate medications are located in the recovery area as needed for the provision of appropriate emergency resuscitative and life support procedures pending the transfer to a hospital of a patient or a newborn child.

(1) Each applicant and each licensee shall maintain a stock supply of drugs and medications for the use of the physician in treating the emergency needs of patients.

(2) The medications shall be stored in such a manner as to prohibit access by unauthorized personnel.

(3) The stock supplies of medications shall be regularly reviewed to ensure proper inventory control with removal or replacement of expired drugs and medications.

(4) Drugs and equipment shall be available within the facility to treat the following conditions consistent with standards of care for advanced cardiovascular life support:

- (A) Cardiac arrest;
- (B) a seizure;
- (C) an asthma attack;
- (D) allergic reaction;
- (E) narcotic or sedative toxicity;
- (F) hypovolemic shock;
- (G) vasovagal shock; and
- (H) anesthetic reactions.

(m) Drugs and medications shall be administered to individual patients only by a facility physician or a facility health professional.

(n) If a stock of controlled drugs is to be maintained at the facility, the applicant or licensee shall ensure that the facility is registered by the Kansas board of pharmacy. Each applicant and each licensee shall ensure the proper safeguarding and handling of controlled substances within the facility, and shall ensure that all possible control measures are observed and that any suspected diversion or mishandling of controlled substances is reported immediately.

(o) Records shall be kept of all stock supplies of controlled substances giving an accounting of all items received or administered. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-136. Ancillary services. (a) Each applicant and each licensee shall document that the facility maintains a certificate of compliance from the centers for medicare and medicaid services pursuant to section 353 of the public health services act, 42 U.S.C. 263a, as revised by the clinical laboratory and current clinical laboratory improvement amendments for the purpose of performing examinations or procedures.

(b) Each applicant and each licensee shall ensure that the facility meets the following requirements for radiology services:

(1) Allow only trained and qualified individuals to operate radiology equipment;

(2) document annual checks and calibration of radiology equipment and maintain records of the annual checks and calibrations;

(3) ensure that all radiology and diagnostic procedures are provided only on the order of a physician; and

(4) maintain signed and dated clinical reports of the radiological findings in each patient's record.

(c) Each applicant and each licensee shall ensure that written policies and procedures are developed and implemented relating to drugs, including the following:

- (1) Storage of drugs;
- (2) security of drugs;
- (3) labeling and preparation of drugs;
- (4) administration of drugs; and
- (5) disposal of drugs.

(d) Each applicant and each licensee shall ensure that all drugs and medications shall be administered pursuant to a written order from a facility physician or a facility health professional.

(e) Each applicant and each licensee shall ensure that each adverse drug reaction is reported to the physician responsible for the patient and is documented in the patient record.

(f) Each applicant and each licensee shall ensure that each drug and each medication requiring refrigeration is stored in a refrigerator that is used only for drug and medication storage.

(g) Each applicant and each licensee shall ensure that there is a mechanism for the ongoing review and evaluation of the quality and scope of laboratory, radiology, and pharmaceutical services. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-137. Patient screening and evaluation. (a) Each applicant and each licensee shall ensure written policies and procedures are developed and implemented for the medical screening and evaluation of patients. A medical screening and evaluation shall be completed on each patient before an abortion procedure is performed.

(b) The medical screening and evaluation shall consist of the following:

(1) A medical history shall be completed, including the following:

(A) Reported allergies to medications, antiseptic solution, or latex;

(B) obstetric and gynecologic history;

(C) past surgeries;

(D) medication currently being taken by the patient; and

(E) any other medical conditions.

(2) A physical examination shall be performed by a physician, including a bimanual examination to estimate uterine size and palpation of the adnexa.

(3) An ultrasound evaluation shall be completed for any patient who elects to have an abortion of an unborn child. The physician shall estimate the gestational age of the unborn child based on the ultrasound examination and obstetric standards in keeping with established stan-

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dards of care regarding the estimation of the age of the unborn child and shall verify the estimate in the patient's medical history. The physician shall keep the original prints of each ultrasound examination for each patient in the patient's medical history file. The original prints may consist of a digitized record or an electronic record.

(4) The appropriate laboratory tests shall be completed, including the following:

(A) For an abortion performed in a medical emergency and in which an ultrasound examination is not performed before the abortion procedure, urine or blood tests for pregnancy, which shall be completed before the abortion procedure;

(B) a test for anemia as indicated;

(C) determination of Rh factor or Rh typing, unless the patient provides written documentation of blood type acceptable to the physician; and

(D) other tests recommended by the physician or the medical director on the basis of the physical examination, which may include tests for chlamydia and gonorrhea and other cultures, syphilis serology, and a papanicolaou procedure.

(c) Each licensee shall ensure that another individual is present in the room during a pelvic examination or an abortion procedure. If the physician conducting the examination or the procedure is male, the other individual in the room shall be female.

(d) The physician or health care professional shall review, at the request of the patient, the ultrasound evaluation results with the patient before the abortion procedure is performed, including the probable gestational age of the unborn child. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-138. Abortion procedure. (a) Each applicant and each licensee shall ensure that written policies and procedures are developed and implemented for the following procedures:

(1) Safe conduct of abortion procedures that conform to obstetric standards in keeping with established standards of care regarding the estimated gestational age of the unborn child;

(2) the appropriate use of local anesthesia, analgesia, and sedation if ordered by the physician; and

(3) the use of appropriate precautions, including the establishment of intravenous access for any patient undergoing a second or third trimester abortion, unless the physician determines that establishing intravenous access is not appropriate for the patient and documents that fact in the medical record of the patient.

(b) Each licensee shall ensure that the following procedures are followed for each patient after completion of all requirements for patient screening and evaluation required in K.A.R. 28-34-137 and before performance of an abortion:

(1) Information is provided to the patient on the abortion procedure, including alternatives, risks, and potential complications.

(2) Written consent is signed and dated by the patient.

(c) Each licensee shall ensure that a physician and at least one health professional is available to each patient throughout the abortion procedure.

(d) Each licensee shall ensure that an infection control program is established which includes the following:

(1) Measures for surveillance, prevention, and control of infections;

(2) policies and procedures outlining infection control and aseptic techniques to be followed by staff members and volunteers; and

(3) training on infection control and aseptic techniques for all staff members and volunteers.

(e) Each licensee shall ensure that each abortion is performed according to the facility's policies and procedures and in compliance with all applicable laws, rules, and regulations.

(f) Each licensee shall ensure that health professionals monitor each patient's vital signs throughout the abortion procedure to ensure the health and safety of the patient.

(g) Each licensee shall ensure that the following steps are performed if an abortion procedure results in the delivery of a newborn child:

(1) Resuscitative measures are used to support life;

(2) the newborn child is transferred to a hospital; and

(3) resuscitative measures and the transfer to a hospital are documented. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-139. Recovery procedures; discharge. (a) Each applicant and each licensee shall ensure that written policies and procedures are developed and implemented for the post-procedure care of patients who are administered local anesthesia, analgesia, or sedation, including the following:

(1) Immediate post-procedure care for each patient shall consist of observation in a supervised recovery area.

(2) The vital signs and bleeding of each patient shall be monitored by a physician or a health professional.

(3) Each patient shall remain in the recovery area following the abortion procedure for the following time periods, based on the gestational age of the unborn child:

(A) For a gestational age of 12 weeks or less, a minimum of 30 minutes;

(B) for a gestational age of 13 to 15 weeks, a minimum of 45 minutes; and

(C) for a gestational age of 16 weeks or more, a minimum of 60 minutes. The patient shall remain in the recovery area for a longer period of time when necessary based on the physician's evaluation of the patient's medical condition.

(b) Each licensee shall ensure that a physician or an individual designated by a physician shall discuss Rho(d) immune globulin with each patient for whom it is indicated and assure that it is offered to the patient in the immediate post-procedure period or that it will be available to the patient within 72 hours after completion of the abortion procedure. If the patient refuses the Rho(d) immune globulin, the refusal shall be documented on a form approved by the department, signed by the patient and a witness, and filed in the medical record of the patient.

(c) At the time of discharge from the facility, each patient shall receive the following written information:

(1) Signs of possible complications;

(2) when to access medical care in response to complications;

- (3) the telephone number to call in an emergency;
- (4) instructions and precautions for resuming vaginal intercourse; and
- (5) any other instructions specific to a patient's abortion or condition.

(d) Each licensee shall ensure that a physician signs the discharge order for each patient. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-140. Transfers. (a) Each applicant and each licensee shall ensure that written policies and procedures are developed and implemented for the transfer of patients and newborn children to a hospital.

(b) Each licensee shall ensure that a physician arranges the transfer of a patient to a hospital if any complications beyond the medical capability of the health professionals of the facility occurs or is suspected.

(c) Each licensee shall ensure that a physician arranges the transfer of a newborn child to a hospital if the child requires emergency care.

(d) A physician or a nurse who is certified in advanced cardiovascular life support shall remain on the premises of the facility to facilitate the transfer of an emergency case if hospitalization of a patient or a newborn child is required. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-141. Follow-up contact and care. Each applicant and each licensee shall ensure that written policies and procedures are developed and implemented for follow-up and aftercare for each patient receiving an abortion procedure in the facility, including the following: (a) With the consent of the patient, a health professional from the facility shall make a good faith effort to contact the patient by telephone within 24 hours after the procedure to assess the patient's recovery.

(b) Each patient shall be offered a follow-up visit and, if requested by the patient, shall be scheduled no more than four weeks after completion of the procedure. The follow-up visit shall include the following:

- (1) A physical examination;
- (2) a review of all laboratory tests performed as required in K.A.R. 28-34-137; and
- (3) a urine pregnancy test.

If a continuing pregnancy is suspected, a physician who performs abortion procedures shall be consulted.

(c) The physician who performs or induces the abortion, or an individual designated by the physician, shall make all reasonable efforts to ensure that the patient returns for a subsequent examination so the physician can assess the patient's medical condition. A description of the efforts made to comply with this regulation, including the date, time, and name of the individual making the efforts, shall be included in the patient's medical record. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-142. Risk management. (a) Each applicant and each licensee shall develop and implement a written risk management plan.

(b) The risk management plan shall be reviewed and approved annually by the licensee.

(c) Findings, conclusions, recommendations, actions taken, and results of actions taken shall be documented and reported through procedures established within the risk management plan.

(d) All patient services, including those services provided by outside contractors or consultants, shall be periodically reviewed and evaluated in accordance with the risk management plan.

(e) Each risk management plan shall include the following:

(1) Section I. A description of the system implemented by the facility for investigation and analysis of the frequency and causes of reportable incidents within the facility;

(2) Section II. A description of the measures used by the facility to minimize the occurrence of reportable incidents and the resulting injuries within the facility;

(3) Section III. A description of the facility's implementation of a reporting system based upon the duty of all medical staff members staffing the facility and all agents and staff members of the facility directly involved in the delivery of health care services to report reportable incidents; and

(4) Section IV. A description of the organizational elements of the plan, including the following:

- (A) Name and address of the facility;
- (B) name and title of the facility's risk manager; and
- (C) description of involvement and organizational structure of medical staff members as related to the risk management program, including names and titles of medical staff members involved in investigation and review of reportable incidents.

(f) The standards-of-care determinations shall include the following:

(1) Each facility shall assure that analysis of patient care incidents complies with the definition of a "reportable incident." Each facility shall use categories to record its analysis of each incident, and those categories shall be in substantially the following form:

- (A) Standards of care met;
- (B) standards of care not met, but with no reasonable probability of causing injury;
- (C) standards of care not met, with injury occurring or reasonably probable; or
- (D) possible grounds for disciplinary action by the appropriate licensing agency.

(2) Each reported incident shall be assigned an appropriate standard-of-care determination. Separate standard-of-care determinations shall be made for each involved medical staff member and each clinical issue reasonably presented by the facts. Any incident determined to meet paragraph (f)(1)(C) or (D) of this regulation shall be reported to the appropriate licensing agency. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-143. Reporting requirements. In addition to the reporting requirements for risk management required

(continued)

in K.A.R. 28-34-142, each licensee shall ensure that the following incidents are reported to the department, on a form provided by the department:

(a) Each incident resulting in serious injury of a patient or a viable unborn child shall be reported to the department within 10 days after the incident.

(b) The death of a patient, other than the death of an unborn child, shall be reported to the department not later than the next department business day. (Authorized by and implementing L. 2011, ch. 82, sec. 9; effective, T-28-7-1-11, July 1, 2011; effective Nov. 14, 2011.)

28-34-144. Records. (a) Each applicant and each licensee shall maintain an organized recordkeeping system that provides for identification, security, confidentiality, control, retrieval, and preservation of all staff member and volunteer records, patient medical records, and facility information.

(b) Each applicant and each licensee shall ensure that only individuals authorized by the applicant or licensee have access to patient medical records.

(c) All records shall be available at the facility for review by the secretary or the authorized agent of the secretary.

(d) For staff member and volunteer records, each applicant and each licensee shall ensure that an individual record is maintained at the facility. The record shall include all of the following information:

(1) The staff member's or volunteer's name, position, title, and the first and last date of employment or volunteer service;

(2) verification of qualifications, training, or licensure, if applicable;

(3) documentation of cardiopulmonary resuscitation certification, if applicable;

(4) if a physician, documentation of verification of competence, as required in K.A.R. 28-34-132, signed and dated by the medical director;

(5) if an individual who performs ultrasounds, documentation of ultrasound training required in K.A.R. 28-34-132;

(6) if a surgical assistant, documentation of training required in K.A.R. 28-34-132; and

(7) if a volunteer, documentation of training required in K.A.R. 28-34-132.

(e) For patient records, each licensee shall ensure that an individual record is maintained at the facility for each patient. The record shall include all of the following information:

(1) Patient identification, including the following:

(A) Name, address, and date of birth; and

(B) name and telephone number of an individual to contact in an emergency;

(2) medical history as required in K.A.R. 28-34-137;

(3) the physical examination required in K.A.R. 28-34-137;

(4) laboratory test results required in K.A.R. 28-34-137;

(5) ultrasound results required in K.A.R. 28-34-137;

(6) the physician's estimated gestational age of the unborn child as required in K.A.R. 28-34-137;

(7) each consent form signed by the patient;

(8) a record of all orders issued by a physician, physician assistant, or nurse practitioner;

(9) a record of all medical, nursing, and health-related services provided to the patient;

(10) a record of all adverse drug reactions as required in K.A.R. 28-34-136; and

(11) documentation of the efforts to contact the patient within 24 hours of the procedure and offer and schedule a follow-up visit no more than four weeks after the procedure, as required in K.A.R. 28-34-141.

(f) For facility records, each applicant and each licensee shall ensure that a record is maintained for the documentation of the following:

(1) All facility, equipment, and supply requirements specified in K.A.R. 28-34-133 through 28-34-136;

(2) ancillary services documentation required in K.A.R. 28-34-136;

(3) risk management activities required in K.A.R. 28-34-142; and

(4) submission of all reports required in K.A.R. 28-34-143. (Authorized by L. 2011, ch. 82, sec. 9; implementing L. 2011, ch. 82, secs. 5 and 9; effective, T-28-7-11, July 1, 2011; effective Nov. 14, 2011.)

Robert Moser, M.D.
Secretary of Health
and Environment

Doc. No. 039919

State of Kansas

State Corporation Commission

Permanent Administrative Regulations

Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

82-4-1. Definitions. The following terms used in connection with the regulations of the state corporation commission governing motor carriers shall be defined as follows:

(a) "Affiliate" means a person or company controlling, controlled by, or under common control or ownership with, another person or company.

(b) "Authorized agent" and "authorized representative" mean any authorized special agent or employee of the commission, any member of the Kansas highway patrol, or any law enforcement officer in the state certified in the inspection of motor carriers and authorized in accordance with the requirements of the Kansas motor carrier safety program.

(c) "Certificate" means a document evidencing a certificate of convenience and necessity or a certificate of public service issued to an intrastate common carrier to operate motor vehicles as a common carrier.

(d) "Commercial motor vehicle" means any of the following, except when used in 49 C.F.R. Part 382 as adopted by K.A.R. 82-4-3c:

(1) A vehicle that has a gross vehicle weight rating or gross combination weight rating, or a gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater;

(2) a vehicle designed or used to transport more than eight passengers, including the driver, for compensation;

(3) a vehicle that is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

(4) a vehicle used in transporting material found by the secretary of transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding according to regulations prescribed by the secretary under 49 C.F.R. Part 172 as adopted in K.A.R. 82-4-20.

(e) "Commission" means the Kansas corporation commission.

(f) "Conviction" means any of the following, regardless of whether or not the penalty is reduced, suspended, or resolved by means of a probationary agreement:

(1) An unvacated adjudication of guilt or a determination by a federal, state, or local court of original jurisdiction or by an authorized administrative tribunal that a person has violated or failed to comply with the law;

(2) an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court;

(3) a plea of guilty or nolo contendere accepted by the court;

(4) the payment of a fine or court cost; or

(5) violation of a condition of release without bail.

(g) "Director" means the director of the transportation division of the commission.

(h) "Distance" means airline distances.

(1) Distances shall be computed from the corporate limits of incorporated communities and from the post office of unincorporated communities.

(2) If there is no post office in the unincorporated community, the distance shall be computed from the center of the business district.

(i) "Docketing" means entering a proposal in the organization files and then giving notice of the proposal to other carrier members of the organization and shipper subscribers.

(j) "Driveaway operation" and "towaway operation" mean any operation in which an empty or unladen motor vehicle with one or more sets of wheels on the surface of the roadway is being transported according to one of the following:

(1) Between a vehicle manufacturer's facilities;

(2) between a vehicle manufacturer and a dealership or purchaser;

(3) between a dealership, or other entity selling or leasing the vehicle, and a purchaser or lessee;

(4) to a motor carrier's terminal or repair facility for the repair of disabling damage, as defined in K.A.R. 82-4-3f, following a crash;

(5) to a motor carrier's terminal or repair facility for repairs associated with the failure of a vehicle component or system; or

(6) by means of a saddle-mount or towbar.

(k) "Driver" means any person who operates any commercial motor vehicle.

(l) "Entire direct case" shall include, for the purpose of this article, all testimony, exhibits, and other documentation offered in support of the proposed rates.

(m) "Express carrier" means a common carrier who carries packages or parcels, the maximum weight of which does not exceed 350 pounds for each package or parcel.

(n) "FHWA" means the federal highway administration.

(o) "FMCSA" means the federal motor carrier safety administration.

(p) "General increase" and "general decrease" mean a common motor carrier rate increase or decrease proposed as a general adjustment of substantially all the rates published in a tariff.

(q) "Hazardous material" means a substance or material that the U.S. secretary of transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce and has designated as hazardous under section 5103 of federal hazardous materials transportation law, 49 U.S.C. 5103. This term shall include hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the hazardous materials table in 49 C.F.R. 172.101 as adopted in K.A.R. 82-4-20, and materials that meet the criteria for hazard classes and divisions in 49 C.F.R. Part 173, subpart C as adopted in K.A.R. 82-4-20.

(r) "Hazardous materials regulations" and "HMR" mean the federal hazardous material regulations as adopted in K.A.R. 82-4-20.

(s) "Industry average carrier cost information" means the average intrastate cost of the carriers who participate in an organization tariff and who have authority from the commission to transport the commodities indicated in the organization tariff.

(t) "Joint line rate" means a rate, charge, or allowance established by two or more common motor carriers of property or passengers that is applicable over the carriers' lines and for which the transportation can be provided by these carriers.

(u) "License" means the document or registration receipt evidencing the registration of an interstate common motor carrier or interstate exempt motor carrier to operate motor vehicles in the state of Kansas in interstate commerce.

(v) "Licensed medical examiner" means a person who meets one of the following conditions:

(1) Is licensed by the Kansas state board of healing arts to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) is licensed by the Kansas state board of healing arts as a physician assistant; or

(3) is licensed by the Kansas state board of nursing as a registered professional nurse qualified to practice as an advanced registered nurse practitioner.

(w) "Motor carrier" means any corporation, limited liability company, partnership, limited liability partnership, or individual subject to the provisions of the motor carrier laws of Kansas and under the jurisdiction of the Kansas corporation commission.

(x) "Moving violation" means the commission or omission of an act by a person operating a motor vehicle that could result in injury or property damage and that is also

(continued)

a violation of a statute, ordinance, or regulation of this state or any other jurisdiction.

(y) "Notice" means advance notification to shipper subscribers through an organization's docket service.

(z) "Organization" means a legal entity that administers an agreement approved under K.A.R. 82-4-69.

(aa) "Out-of-service" and "OOS," when used to describe a driver, a commercial motor vehicle, or a motor carrier operation, mean that the driver, commercial motor vehicle, or motor carrier has ceased to operate or move pursuant to the statutes and regulations of the state of Kansas, the federal motor carrier safety administration regulations, or the industry standards specified in the "North American standard out-of-service criteria," including the appendixes, published by the commercial vehicle safety alliance, revised on April 1, 2011, and hereby adopted by reference.

(bb) "Ownership" means an equity holding in a business entity of at least five percent.

(cc) "Permit" means the document evidencing authority of a motor carrier to operate motor vehicles as a private carrier.

(dd) "PHMSA" means pipeline and hazardous materials safety administration of the United States department of transportation.

(ee) "Single line rate" means a rate, charge, or allowance established by a single common motor carrier of property or passengers that is applicable only over its line and for which the transportation can be provided by that carrier.

(ff) "Tariff publication" means the rates, charges, classification, ratings, or policies published by, for, or on behalf of common motor carriers of property or passengers.

(gg) "Transportation" means the movement of property and passengers and the loading, unloading, or storage incidental to this movement.

(hh) "USDOT" means the United States department of transportation. (Authorized by and implementing K.S.A. 2010 Supp. 66-1,112, K.S.A. 661,112g, K.S.A. 2010 Supp. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, Ch. 424, May 1, 1981; amended, T-83-45, Dec. 8, 1982; amended May 1, 1983; amended May 1, 1984; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 28, 2000; amended Nov. 14, 2011.)

82-4-2a. Authority of agents, employees, or representatives authorized by commission. The special agents, agents, employees, or representatives authorized by the commission shall have the authority to perform the following:

(a) Examine motor carrier equipment operating on the highways in this state;

(b) enter upon any motor carrier's premises located in the state of Kansas and inspect and examine the motor carrier's records, books, and equipment located on the premises; and

(c) examine the manner of the motor carrier's conduct as it relates to the public safety and the operation of commercial motor vehicles in this state. (Authorized by K.S.A. 2010 Supp. 66-1,108a and K.S.A. 2010 Supp. 66-1,108c; im-

plementing K.S.A. 2010 Supp. 66-1,108b; effective Nov. 14, 2011.)

82-4-3a. Hours of service. (a) With the following exceptions, 49 C.F.R. Part 395, as in effect on October 1, 2009, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 395.1:

(A) 49 C.F.R. 395.1(a)(2), 49 C.F.R. 395.1(h), and 49 C.F.R. 395.1(i) shall be deleted.

(B) 49 C.F.R. 395.1(k) shall be deleted and replaced by the following:

"(k)(1) The provisions of this regulation shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes if the transportation meets the following conditions:

"(A) Is limited to an area within a 100-air-mile radius from the source of the commodities or the distribution point for the farm supplies; and

"(B) is conducted within the planting and harvesting seasons.

"(2) 'Planting and harvesting seasons' means the time periods for planting and harvesting that occur between January 1 and December 31."

(C) 49 C.F.R. 395.1(q) shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 395.2:

(A) The definition of "agricultural commodity" shall be deleted and replaced by the following: "Agricultural commodity' means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, sunflowers, and soybeans. Agricultural commodities shall not include livestock, honey, poultry products, timber products, and nursery stock."

(B) The definition of "farm supplies" shall be deleted and replaced by the following: "'Farm supplies' means supplies or equipment for use in the planting or harvesting of agricultural commodities and livestock feed."

(C) The definition of "sleeper berth" shall be deleted and replaced by the following: "'Sleeper berth' means a berth conforming to the requirements of 49 C.F.R. 393.76, as adopted in K.A.R. 82-4-3i."

(D) The phrase "found by the Secretary to be hazardous under 49 U.S.C. 5103 in a quantity requiring placarding under regulations issued to carry out such section," which appears in the definition of "transportation of construction materials and equipment," shall be deleted and replaced by "requiring placarding pursuant to 49 C.F.R. Part 172, as adopted in K.A.R. 82-4-20."

(3) The following revisions shall be made to 49 C.F.R. 395.8:

(A) The last sentence in 49 C.F.R. 395.8(a)(1) shall be deleted.

(B) The "Note" that appears between 49 C.F.R. 395.8(c) and (d) shall be deleted.

(C) The "Note" that appears between 49 C.F.R. 395.8(h)(5) and (i) shall be deleted.

(D) The "Note," including the graphic, that appears after 49 C.F.R. 395.8(k)(2) shall be deleted.

(4) The following revisions shall be made to 49 C.F.R. 395.13:

(A) In paragraph (a), the phrase "every special agent" shall be deleted and replaced by "any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program."

(B) 49 C.F.R. 395.13(c)(2) shall be deleted and replaced by the following: "Within fifteen days following the date any driver is placed out of service, the motor carrier that employed the driver shall personally deliver or place in the U.S. mail to the division administrator or the state director of transportation and to the federal motor carrier safety administration a signed certification in a form acceptable to the commission. Any signed certification acceptable to the commission shall include the following information:

"(i) All violations have been corrected;

"(ii) action has been taken to assure compliance with 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15; and

"(iii) the motor carrier understands that false certification can result in appropriate enforcement action."

(C) The phrase "as adopted in K.A.R. 82-4-3k" shall be added before the phrase "pertaining to attendance and surveillance of commercial motor vehicles," which appears in 49 C.F.R. 395.13(d)(4).

(5) The last sentence in 49 C.F.R. 395.15(b)(3) shall be deleted.

(6)(A) The phrase "special agent of the Federal Motor Carrier Safety Administration (as defined in appendix B to this subchapter)," which appears in 49 C.F.R. 395.5 and 49 C.F.R. 395.15, shall be deleted and replaced by "any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforcement officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards."

(B) The phrases "Federal Motor Carrier Safety Administration" and "FMCSA," which appear in 49 C.F.R. 395.1, 49 C.F.R. 395.2, 49 C.F.R. 395.3, 49 C.F.R. 395.5, 49 C.F.R. 395.8, 49 C.F.R. 395.13, and 49 C.F.R. 395.15, shall be deleted and replaced by "commission."

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted.

(c) No wrecker or tow truck, as defined by K.S.A. 66-1329 and amendments thereto, with a gross vehicle weight rating or gross combination vehicle weight rating of 26,000 pounds or less shall be subject to this regulation. (Authorized by and implementing K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2010 Supp. 66-1,129; effective, T-82-12-16-03, Jan. 4, 2004; effective, T-82-4-27-04, May 3, 2004; effective, T-82-8-23-04, Aug. 31, 2004; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended, T-82-10-25-05, Nov. 1, 2005; amended Feb. 17, 2006; amended, T-82-3-21-06, March 21, 2006;

amended June 30, 2006; amended Oct. 2, 2009; amended Oct. 22, 2010; amended Nov. 14, 2011.)

82-4-3f. General motor carrier safety regulations.

(a) With the following exceptions, 49 C.F.R. Part 390, as in effect on October 1, 2009, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 390.3:

(A) In paragraph (a), the phrase "or intrastate" shall be added after the word "interstate."

(B) In paragraph (e)(1), the phrase "all regulations contained in this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."

(C) In paragraph (e)(2), the phrase "all applicable regulations contained in this subchapter" shall be deleted and replaced by "K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20."

(D) Paragraph (g)(1) shall be deleted and replaced with the following: "(1) 49 C.F.R. Part 385, subparts A and E, as adopted by K.A.R. 82-4-3d, for carriers subject to the requirements of 49 C.F.R. 385.403, as adopted by K.A.R. 82-4-3d."

(E) Paragraph (g)(4) shall be deleted.

(2) The following revisions shall be made to 49 C.F.R. 390.5:

(A) The following definitions shall be deleted:

- (i) Conviction;
- (ii) driveaway-towaway operation;
- (iii) exempt motor carrier;
- (iv) hazardous waste;
- (v) operator;
- (vi) other terms;
- (vii) school bus;
- (viii) school bus operation;
- (ix) secretary;
- (x) state; and
- (xi) United States.

(B) In the definition of "commercial motor vehicle," the phrase "or intrastate" shall be inserted following the term "interstate."

(C) In the definition of "exempt intracity zone," the following text shall be deleted: "of a municipality or the commercial zone of that municipality described in appendix F to subchapter B of this chapter. The term 'exempt intracity zone' does not include any municipality or commercial zone in the State of Hawaii." The deleted text shall be replaced by the following: "described in section 8 of appendix F to Title 49, Chapter III, Subchapter B, as in effect on October 1, 2007, and hereby adopted by reference."

(D) The definition of "for hire motor carrier" shall be deleted and replaced by the following: "For purposes of this regulation, 'for-hire motor carrier' shall have the same meaning as 'public motor carrier of household goods,' 'public motor carrier of passengers,' or 'public motor carrier of property,' as defined in K.S.A. 66-1,108 and amendments thereto."

(E) The definition of "gross combination weight rating (GCWR)" shall be deleted and replaced by the following:

(continued)

“Gross combination weight rating (GCWR)’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

(F) The definition of “gross vehicle weight rating (GVWR)’ shall be deleted and replaced by the following: “Gross vehicle weight rating (GVWR)’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

(G) In the definition of “Hazardous material,” the phrase “United States” shall be inserted immediately before the phrase “Secretary of Transportation.”

(H) The following changes shall be made in the definition of “hazardous substance”:

(i) Both instances of the phrase “Section 172.101” shall be deleted and replaced by “49 C.F.R. 172.101.”

(ii) The first instance of the phrase “of this title” shall be deleted and replaced by “as adopted by K.A.R. 82-4-20.”

(iii) The phrase “Section 171.8 of this title” shall be deleted and replaced by “49 C.F.R. 171.8, as adopted by K.A.R. 82-4-20.”

(I) The definition of “highway” shall be deleted and replaced by the following: “Highway’ shall have the same meaning as ‘public highway,’ as defined by K.S.A. 66-1,108 and amendments thereto.”

(J) The definition of “motor carrier” shall be deleted and replaced by the following: “Motor carrier’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

(K) The definition of “motor vehicle” shall be deleted and replaced by the following: “Motor vehicle’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

(L) The definition of “out of service order” shall be deleted.

(M) The definition of “person” shall be deleted and replaced by the following: “Person’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

(N) The following revisions shall be made to the definition of “principal place of business”:

(i) The phrase “parts 382, 387, 390, 391, 395, 396, and 397 of this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a, K.A.R. 82-4-3c, K.A.R. 82-4-3f, K.A.R. 82-4-3g, K.A.R. 82-4-3j, K.A.R. 82-4-3k, and K.A.R. 82-4-3n.”

(ii) The first instance of the term “Federal” shall be deleted.

(iii) The phrase “of the Federal Motor Carrier Safety Administration” shall be deleted.

(O) The following sentence shall be inserted before the definition of “radar detector”: “Private motor carrier of passengers’ shall have the same meaning as defined in K.S.A. 66-1,108 and amendments thereto.”

(P) The definition of “Special agent” shall be deleted and replaced by the following: “Special agent or authorized representative means an authorized representative of the commission, and members of the highway patrol or any other law enforcement officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(3) 49 C.F.R. 390.7 and 49 C.F.R. 390.9 shall be deleted.

(4) In 49 C.F.R. 390.11, the phrase “part 325 of subchapter A or in this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(5) In 49 C.F.R. 390.13, the phrase “violate the rules of this chapter” shall be deleted and replaced by “operate in Kansas in a manner which violates any order, decision, or regulation of the commission.”

(6) The following revisions shall be made to 49 C.F.R. 390.15:

(A) In paragraph (a)(1), the phrase “of the Federal Motor Carrier Safety Administration, an authorized State or local enforcement agency representative or authorized third party representative” shall be deleted.

(B) In paragraph (b)(1), the phrase “Section 390.5 of this chapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.”

(7) The following revisions shall be made to 49 C.F.R. 390.19:

(A) In paragraph (a)(1), the phrase “interstate commerce” shall be deleted and replaced by “Kansas.”

(B) In paragraph (a)(2), the phrase “as adopted by K.A.R. 82-4-3d,” shall be inserted following “49 C.F.R. part 385, subpart E.” The phrase “of this chapter” shall be deleted.

(C) Paragraph (b) shall be deleted and replaced by the following: “The Form MCS-150 shall contain the following information:

- “(1) The USDOT number assigned to the carrier;
- “(2) the legal name of the motor carrier;
- “(3) the trade or ‘doing business as’ name of the motor carrier, if applicable;
- “(4) the street address of the motor carrier, including city, state, and zip code;
- “(5) the mailing address of the motor carrier, including city, state, and zip code;
- “(6) the motor carrier’s principal telephone number and facsimile number;
- “(7) whether the motor carrier conducts intrastate only carriage of hazardous materials or intrastate carriage of non-hazardous materials;
- “(8) the motor carrier’s mileage, rounded to the nearest 10,000, for the last calendar year;
- “(9) the type of operations the motor carrier conducts;
- “(10) the classification of cargo that the motor carrier transports;
- “(11) the hazardous materials transported by the motor carrier;
- “(12) the type of equipment owned or leased or both for transporting property or passengers;
- “(13) the number of drivers that operate within a 100-mile radius of the carrier’s principal place of business;
- “(14) the number of drivers that operate outside a 100-mile radius of the carrier’s principal place of business;
- “(15) the number of drivers with commercial drivers’ licenses;
- “(16) the total number of drivers; and
- “(17) for Kansas-based, intrastate carriers, a signed and dated statement with the signatory’s printed name and title, certifying that the signatory is familiar with the commission’s safety regulations and that the information contained in the report is accurate.”

(D) In paragraph (d), the term “agency’s” shall be deleted and replaced by “FMCSA’s.” The following sentence shall be inserted after the last sentence in paragraph (d): “Kansas-based motor carriers may file the completed Form MCS-150 online at fmcsa.dot.gov or with the Kansas Corporation Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604.”

(E) In paragraph (g), the words “the penalties prescribed in 49 U.S.C. 521(b)(2)(B)” shall be deleted and replaced by “civil penalties as provided in K.S.A. 66-1,142b.”

(F) Paragraph (h) shall be deleted.

(G) Paragraph (i) shall be deleted and replaced by the following: “Kansas-based motor carriers that register vehicles with the Commission and the Kansas Trucking Connection (www.truckingks.org) are exempt from the requirements of this section, provided the carriers file all required information with the Commission and update the MCS-150 information annually.”

(8) The following revisions shall be made to 49 C.F.R. 390.21:

(A) In paragraph (a), the words “subject to subchapter B of this chapter must” shall be deleted and replaced by “required to be marked pursuant to K.A.R. 82-4-8h shall.”

(B) Paragraph (e)(2)(iii)(C) shall be deleted and replaced by the following: “A statement that the lessor cooperates with all relevant special agents and authorized representatives to provide the identity of customers who operate the rental commercial motor vehicles; and.”

(C) The last sentence of paragraph (e)(2)(iv) shall be deleted.

(D) In paragraph (g)(1), the phrase “§390.5” shall be deleted and replaced by “49 C.F.R. 390.5.”

(9) The following changes shall be made to 49 C.F.R. 390.23:

(A) In paragraphs (a), (a)(1)(B), and (a)(2)(B), the phrase “Parts 390 through 399 of this chapter” shall be deleted and replaced by “K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3o.”

(B) In paragraph (b), both instances of the phrase “parts 390 through 399 of this chapter” shall be deleted and replaced by “K.A.R. 82-4-3a, and K.A.R. 82-4-3f through K.A.R. 82-4-3o.”

(C) In paragraph (c)(1), the phrase “Secs. 395.3(a) and 395.5(a) of this chapter” shall be deleted and replaced by “49 C.F.R. 395.3(a) and 49 C.F.R. 395.5(a), as adopted by K.A.R. 82-4-3c.”

(10) 49 C.F.R. 390.27 shall be deleted.

(11) The following revisions shall be made to 49 C.F.R. 390.29:

(A) In paragraph (a), the phrase “this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(B) The following revisions shall be made to paragraph (b):

(i) The phrase “of the Federal Motor Carrier Safety Administration” shall be deleted.

(ii) The word “Federal” appearing in the last sentence shall be deleted.

(12) In 49 C.F.R. 390.33, the phrase “this subchapter and part 325 of subchapter A” shall be deleted and replaced

by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(13) The following revisions shall be made to 49 C.F.R. 390.35:

(A) In paragraph (a), the phrase “by part 325 of subchapter A or this subchapter” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(B) In paragraphs (b) and (c), the phrase “this subchapter or part 325 of subchapter A” shall be deleted and replaced by “K.A.R. 82-4-3a through K.A.R. 82-4-3o, and K.A.R. 82-4-20.”

(14) 49 C.F.R. 390.37 shall be deleted.

(15) In 49 C.F.R. 390.40(j), the phrase “as defined in § 386.72(b)(1) of this chapter” shall be deleted and replaced with “as defined in K.A.R. 82-4-3o.”

(16) The following revisions shall be made to 49 C.F.R. 390.42:

(A) In paragraph (a), the phrase “listed in §392.7(b) of this subchapter” shall be deleted and replaced by “specified in K.A.R. 82-4-3h.”

(B) In paragraph (b), the phrase “in §396.11(a)(2) of this chapter” shall be deleted and replaced by “required by K.A.R. 82-4-3j.”

(17) The following revisions shall be made to 49 C.F.R. 390.44:

(A) The following revisions shall be made to paragraph (a):

(i) The phrase “listed in §392.7(b) of this subchapter” shall be deleted and replaced by “specified in K.A.R. 82-4-3h.”

(ii) The phrase “pursuant to §392.7(b)” shall be deleted and replaced by “K.A.R. 82-4-3h.”

(B) The following revisions shall be made to paragraph (b):

(i) The phrase “listed in §392.7(b) of this subchapter” shall be deleted and replaced by “adopted and specified in K.A.R. 82-4-3h.”

(ii) The phrase “with §392.7(b)” shall be deleted and replaced by “with K.A.R. 82-4-3h.”

(C) The following revisions shall be made to paragraph (c):

(i) The term “FMCSA” shall be deleted and replaced by “the commission.”

(ii) The phrase “under 49 U.S.C. 31151 or the implementing regulations in this subchapter regarding interchange of intermodal equipment by contacting the appropriate FMCSA Field Office” shall be deleted and replaced by “adopted in this subchapter by filing a written complaint with the commission by: fax — 785-271-3124; email: trucking_complaint_questions@kcc.ks.gov; or by mail addressed to: 1500 SW Arrowhead Rd, Topeka, KS 66604-3124. The commission may also be contacted by phone number: 785.271.3145, select option one.”

(18) 49 C.F.R. 390.46 shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by

(continued)

and implementing K.S.A. 2010 Supp. 661,112, K.S.A. 66-1,112g, and K.S.A. 2010 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Oct. 8, 2010; amended Nov. 14, 2011.)

82-4-3g. Qualifications of drivers. (a) With the following exceptions, 49 C.F.R. Part 391, as in effect on October 1, 2009, is hereby adopted by reference:

(1) In 49 C.F.R. 391.2(c), the phrase "Sec. 390.5" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(2) 49 C.F.R. 391.11(b)(1) shall apply only to commercial motor vehicle operations in interstate commerce.

(3) In 49 C.F.R. 391.13, the phrase "Sec. 392.9(a) and Sec. 393.9 of this subchapter" shall be deleted and replaced by "49 C.F.R. 392.9(a), as adopted by K.A.R. 82-4-3h, and 49 C.F.R. 393.9, as adopted by K.A.R. 82-4-3i."

(4) The following revisions shall be made to 49 C.F.R. 391.15:

(A) In paragraphs (c)(1)(i) and (c)(2)(iii), the phrase "Sec. 395.2 of this subchapter" shall be deleted and replaced by "49 C.F.R. 395.2(a), as adopted by K.A.R. 82-4-3a."

(B) In paragraph (c)(2)(i)(C), the phrase "Sec. 392.5(a)(2)" shall be deleted and replaced by "49 C.F.R. 392.5(a)(2), as adopted by K.A.R. 82-4-3h."

(C) In paragraphs (c)(2)(ii) and (iii), the phrase "as adopted by K.A.R. 82-4-3h" shall be added after the phrase "21 C.F.R. 1308.11 Schedule I."

(5) In 49 C.F.R. 391.21(b)(11), the phrase "as defined by Part 383 of this subchapter" shall be deleted.

(6) The following changes shall be made to 49 C.F.R. 391.23:

(A) In paragraph (a)(2), (h)(i)(1) and (h)(iii)(2), the term "U.S." shall be inserted before the phrase "Department of Transportation." The phrase "or commission" shall be inserted after the phrase "Department of Transportation."

(B) Paragraph (c)(3) shall be deleted and replaced by the following: "Prospective employers shall submit a report noting any failure of a previous employer to respond to an inquiry into a driver's safety performance history to the commission.

"(A) Reports shall be addressed to the Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604.

"(B) Reports shall be submitted to the commission within 90 days after the inquiry was submitted to the previous employer.

"(C) Reports must be signed by the prospective employer submitting the report and must include the following information:

"(i) The name, address, and telephone number of the person who files the report;

"(ii) The name and address of the previous employer who has failed to respond to the inquiry into a driver's safety performance history;

"(iii) A concise but complete statement of the facts, including the date the inquiry was sent to the previous employer, the method by which the inquiry was sent, and the dates of any follow-up communications with the previous employer."

(C) In paragraphs (c)(4), (e), and (g)(1), the term "U.S." shall be inserted before the term "DOT" and the phrase "or commission" shall be inserted after the term "DOT."

(D) In paragraph (d)(2), the phrase "Sec. 390.15(b)(1) of this chapter" shall be deleted and replaced by "49 C.F.R. 390.15(b)(1), as adopted by K.A.R. 82-4-3f."

(E) In paragraph (d)(2)(i), the phrase "Sec. 390.5 of this chapter" shall be deleted and replaced by "49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f."

(F) In paragraph (d)(2)(ii), the phrase "Sec. 390.15(b)(2)" shall be deleted and replaced by "49 C.F.R. 390.15(b)(2), as adopted by K.A.R. 82-4-3f."

(G) In paragraph (e), the phrase "as adopted by K.A.R. 82-4-3b" shall be added at the end of the last sentence.

(H) In paragraph (e)(1), the phrase "part 382 of this subchapter" shall be deleted and replaced by "49 C.F.R. part 382, as adopted by K.A.R. 82-4-3c." The phrase "as adopted by K.A.R. 82-4-3b" shall be inserted at the end of the last sentence.

(I) In paragraph (e)(2), the phrase "Sec. 382.605 of this subpart" shall be deleted and replaced by "49 C.F.R. 382.605, as adopted by K.A.R. 82-4-3c." The phrase "part 40, subpart 0" shall be deleted and replaced by "40.281 through 49 C.F.R. 40.313, as adopted by K.A.R. 82-4-3b."

(J) In paragraph (f), the term "Sec. 40.321(b)" shall be deleted and replaced by "49 C.F.R. 40.321(b), as adopted by K.A.R. 82-4-3b."

(K) In paragraph (j)(6), the following changes shall be made:

(i) In the first sentence, the comma following the phrase "safety performance information" shall be deleted, and the following text shall be inserted at the end of the first sentence: "if the previous employer is an interstate motor carrier, the driver may submit a complaint."

(ii) The term "Sec. 386.12" shall be deleted and replaced with "49 C.F.R. 386.12."

(iii) The following sentence shall be inserted at the end of the paragraph: "If the motor carrier is a Kansas-based interstate motor carrier, or an intrastate motor carrier, the driver may submit such report in writing to Director, Transportation Division, Kansas Corporation Commission, 1500 SW Arrowhead Road, Topeka, KS 66604."

(7) In 49 C.F.R. 391.25(b)(1), the phrase "Federal Motor Carrier Safety Regulations in this subchapter or hazardous materials regulations (49 CFR chapter 1, subchapter C)" shall be deleted and replaced by "commission motor carrier safety regulations as adopted by K.A.R. 82-4-20."

(8) The following revisions shall be made to 49 C.F.R. 391.27:

(A) In paragraph (c), the words "be prescribed by the motor carrier. The following form may be used to comply with this section" shall be deleted and replaced by "read substantially as follows."

(B) Paragraph (e) shall be deleted.

(9) In 49 C.F.R. 391.33(a)(1), the phrase "Sec. 383.5 of this subchapter" shall be deleted and replaced by "K.S.A. 8-234b."

(10) The following revisions shall be made to 49 C.F.R. 391.41:

(A) The paragraph that appears between paragraphs (a) and (b) shall be deleted.

(B) In paragraph (b)(11), the clause "when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5 1951" shall be deleted.

(C) In paragraph (b)(12)(i), the phrase "as adopted by K.A.R. 82-4-3h" shall be added after the phrase "21 C.F.R. 1308.11 Schedule I."

(11) The following changes shall be made to 49 C.F.R. 391.43:

(A) In paragraph (a), the phrase "licensed medical examiner as defined in Sec. 390.5 of this subchapter" shall be deleted and replaced by "licensed medical practitioner, as defined by K.A.R. 82-4-1."

(B) In paragraph (b), the phrase "licensed optometrist" shall be deleted and replaced by "licensed medical practitioner, as defined by K.A.R. 82-4-1."

(C) The last sentence of paragraph (f) shall be deleted.

(D) In the portion titled "Extremities" in paragraph (f), the words "Field Service Center of the FMCSA, for the State in which the driver has legal residence" shall be deleted and replaced by "commission."

(E) The last sentence of paragraph (h) shall be deleted.

(F) The editorial note found after paragraph (h) shall be deleted.

(12) The following revisions shall be made to 49 C.F.R. 391.47:

(A) Paragraph (b)(8) shall be deleted.

(B) In paragraph (b)(9), the words "or intrastate" shall be inserted following the word "interstate."

(C) In paragraphs (c) and (d), the phrase "Director, Office of the Bus and Truck Standards and Operations (MC-PSD)" shall be deleted and replaced by the phrase "director of the commission's transportation division."

(D) The last two sentences of paragraph (e) shall be deleted and replaced by the following sentence: "Petitions shall be filed in accordance with K.A.R. 82-1-225 and K.S.A. 77-601 et seq."

(E) In paragraph (f), the first two occurrences of the phrase "Director, Office of the Bus and Truck Standards and Operations (MC-PSD)" shall be deleted and replaced by the phrase "director of the commission's transportation division." The clause "or until the Director, Office of Bus and Truck Standards and Operations (MC-PSD) orders otherwise" shall be deleted.

(13) The following revisions shall be made to 49 C.F.R. 391.49:

(A) The phrase "Division Administrator, FMCSA" in paragraph (a) and the phrase "State Director, FMCSA" in paragraphs (g), (h), (j)(1), and (k) shall be deleted and replaced by "director of the commission's transportation division."

(B) The remainder of paragraph (b)(2) after "The application must be addressed to" shall be deleted and replaced by ": Director of the Transportation Division, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, KS 66604."

(C) In paragraph (b)(3), the words "field service center, FMCSA, for the state in which the driver has legal residence" shall be deleted and replaced by "director of the commission's transportation division at the address provided in paragraph (b)(2)."

(D) Paragraph (c)(2)(i) shall be deleted.

(E) The phrase "Medical Program Specialist, FMCSA service center" in paragraph (e)(1), the words "Medical Program Specialist, FMCSA for the State in which the carrier's principal place of business is located" in paragraph (e)(1)(i), and the words "Medical Program Specialist, FMCSA service center, for the State in which the driver has legal residence" in paragraph (e)(1)(ii) shall be deleted and replaced by "director of the transportation division of the commission."

(F) In paragraph (i), the words between "submitted to the" and "The SPE certificate renewal application" shall be deleted and replaced by "director of the transportation division of the commission."

(G) The following revisions shall be made to paragraph (j)(2):

(i) The words "State Director, FMCSA, for the State where the driver applicant has legal residence" shall be deleted and replaced by "director of the transportation division of the commission."

(ii) The phrase "the following form" shall be deleted and replaced by "a form substantially similar to the following."

(iii) The phrase "subchapter B of the Federal Motor Carrier Safety Regulations" shall be deleted and replaced by the phrase "as adopted by K.A.R. 82-4-3g."

(iv) The term "FMCSRs" shall be deleted and replaced by "commission's regulations regarding motor carrier safety."

(14) The following revisions shall be made to 49 C.F.R. 391.51(b)(8):

(A) The phrase "Field Administrator, Division Administrator, or State Director" shall be deleted and replaced by "the director of the transportation division of the commission."

(B) The phrase "or under K.A.R. 82-4-6d" shall be added at the end of the paragraph.

(15) In 49 C.F.R. 391.55, the clause ", which are hereby adopted by reference" shall be inserted at the end of paragraph (b)(1).

(16) The following revisions shall be made to 49 C.F.R. 391.62:

(A) In paragraph (c), the phrase ", as adopted by K.A.R. 82-4-3f" shall be added after the phrase "49 C.F.R. 390.5"

(B) In paragraph (d), the phrase "under regulations issued by the Secretary under 49 U.S.C. chapter 51" shall be deleted and replaced by "under the regulations adopted by K.A.R. 82-4-20."

(C) In paragraph (e)(1), the phrase "Federal Motor Carrier Safety Regulations" shall be deleted and replaced by "commission's motor carrier regulations found in Article 4."

(17) 49 C.F.R. 391.64 shall be revised as follows:

(A) In paragraph (a)(2)(iii), the phrase "an authorized agent of the FMCSA" shall be deleted and replaced by "the director of the transportation division of the commission."

(B) In paragraphs (a)(2)(v) and (b)(3), the phrase "duly authorized federal, state or local enforcement official" shall be deleted and replaced by the phrase "any authorized representative of the commission, and any member of the Kansas highway patrol or any other law enforce-

(continued)

ment officer in the state who has been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.”

(18) The form set out in 49 C.F.R. 391.65 shall be revised as follows:

(A) The phrase “as adopted by K.A.R. 82-4-3f” shall be added after the phrase “Sec. 390.5.”

(B) The phrase “Federal Motor Carrier Safety Regulations” shall be deleted and replaced by the phrase “as adopted by K.A.R. 82-4-3g.”

(19) 49 C.F.R. 391.67 shall be deleted.

(20) In 49 C.F.R. 391.68(a), “(b)(1)” shall be deleted.

(21) In 49 C.F.R. 391.69, the phrase “Sec. 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.” The term “(business)” shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission’s regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2010 Supp. 66-1,129; implementing K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. 2010 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011.)

82-4-3i. Parts and accessories necessary for safe operation. (a) With the following exceptions, 49 C.F.R. Part 393, as in effect on October 1, 2009, is hereby adopted by reference:

(1) The following revisions shall be made to 49 C.F.R. 393.5:

(A) The following definition shall be added after the definition of “curb weight”: “DOT C-2, DOT C-3, and DOT C-4. These terms shall be defined by figure 29, found in 49 C.F.R. 571.108 as in effect on October 1, 2009, and figure 29 is hereby adopted by reference.”

(B) In the definition of “low chassis vehicle,” the phrase “of Sec. 571.224 in effect on the date of manufacture, or a subsequent edition” shall be deleted and replaced by “found in S5.1.1, S5.1.2, and S5.1.3 of 49 C.F.R. 571.224, as in effect on October 1, 2009, and hereby adopted by reference.”

(C) The definition of “manufactured home” shall be deleted and replaced by the following: “Manufactured home means a structure as defined by K.S.A. 58-4202(a), as in effect April 21, 2005 and amendments thereto, and hereby adopted by reference. The term shall also include structures that meet the requirements of K.S.A. 58-4202(a) except the size requirements. These structures shall be considered manufactured homes when the manufacturer files with the transportation division a certification that it intends that these structures shall be considered manufactured homes. The manufacturer shall also certify that, if at any time it manufactures structures it does not intend to be manufactured homes, it shall identify those structures by a permanent serial number placed on the structure during the first stage of production and that the series of serial numbers for such structures shall be distinguishable on the structures and in its records from

the series of serial numbers used for manufactured homes.”

(D) The following definition shall be added after the definition of “manufactured home”: “Optically combined. This term refers to two or more lights that share the same body and have one lens totally or partially in common.”

(E) The definition for “reflective material” shall be deleted.

(F) In the definition of “special purpose vehicle,” the phrase “of Sec. 571.224 (paragraphs S5.1.1 through S5.1.3), in effect on the date of manufacture or a subsequent edition” shall be deleted and replaced by “found in S5.1.1, S5.1.2, and S 5.1.3 of 49 C.F.R. 571.224, as adopted by reference above.”

(2) 49 C.F.R. 393.7 shall be deleted.

(3) The following revisions shall be made to 49 C.F.R. 393.13:

(A) In paragraph (a), the phrase “Sec. 390.5 of this subchapter” shall be deleted and replaced by “49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f.” The last two sentences of paragraph (a) shall be deleted.

(B) Paragraph (b) shall be deleted and replaced by the following: “(b) Retroreflective sheeting and reflex reflectors. Unless otherwise preempted by federal law, motor carriers shall retrofit their trailers with a conspicuity system that meets the following requirements:

“(1) Conspicuity systems. Each trailer not exempted from the commission’s safety regulations found in Article 4 of these regulations shall be equipped with either retroreflective sheeting that meets the requirements of paragraph (B), reflex reflectors that meet the requirements of paragraph (C), or a combination of retroreflective sheeting and reflex reflectors that meets the requirements of paragraph (D).

“(2) Retroreflective sheeting.

“(A) Construction. Retroreflective sheeting shall consist of a smooth, flat, transparent exterior film with retroreflective elements embedded or suspended beneath the film so as to form a non-exposed retroreflective optical system.

“(B) Performance requirements. Retroreflective sheeting shall meet the minimum photometric performance requirements specified in Figure 29 as found in 49 C.F.R. 571.108, and adopted by reference above.

“(C) Sheeting pattern. Retroreflective sheeting shall be applied in a pattern of alternating white and red color segments to the sides and rear of each trailer, and to the rear of each truck tractor, and in white to the upper rear corners of each trailer and truck tractor as specified in this paragraph, and, as appropriate, as shown in figures 30-1 through 30-4, or figure 31 found in 49 C.F.R. 571.108. Figures 30-1 through 30-4 and figure 31, as found in 49 C.F.R. 571.108 and as in effect on October 1, 2009, are hereby adopted by reference.

“(D) Sheeting length. Except for a segment that is trimmed to clear obstructions or lengthened to provide red sheeting near red lamps, each white or red segment shall have a length of 300 mm plus or minus 150 mm. Neither white nor red sheeting shall represent more than two-thirds of the aggregate of any continuous strip mark-

ing the width of a trailer, or any continuous or broken strip marking its length.

“(E) Sheeting width. Retroreflective sheeting shall have a width of not less than 50 mm for grade DOT-C2 sheeting, 75 mm for grade DOT-C3 sheeting, or 100 mm for grade DOT-C4 sheeting.

“(F) Sheeting retroreflection. The coefficients for retroreflection of each segment of red or white sheeting shall not be less than the minimum values specified in Figure 29 as adopted above for grades DOT-C2, DOT-C3, and DOT-C4.

“(G) Location. Retroreflective sheeting shall be applied to each trailer and truck tractor as specified in paragraphs (c) and (d) below, but need not be applied to discontinuous surfaces such as outside ribs, stake post pickets on platform trailers, and external protruding beams, or to items of equipment such as door hinge and lamp bodies on trailers and body joints, stiffening beads, drip rails and rolled surfaces on truck tractors. The edge of white sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any red or amber lamp that is required by K.A.R. 82-4-3i. The edge of red sheeting shall not be located closer than 75 mm to the edge of the luminous lens area of any amber lamp that is required by K.A.R. 82-4-3i.

“(H) Certification. In order to demonstrate that the retroreflective sheeting meets the standards of paragraphs (B)(i) and (ii), the letters DOT-C2, DOT-C3, or DOT-C4, as appropriate, shall appear at least once on the exposed surface of each white or red segment of reflective sheeting, and at least once every 300 mm on the retroreflective sheeting that is white only. The characters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

“(3) Reflex Reflectors. Each trailer or truck tractor to which paragraph (b)(2)(C) applies that does not conform with either paragraph (B) or paragraph (D) shall be equipped with reflex reflectors as set forth in this paragraph.

“(A) Visibility of reflector by color.

“(i) Red reflex reflector. Each red reflex reflector shall provide, at an observation angle of 0.2 degree, not less than 33 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 75 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right.

“(ii) White reflex reflector. Each white reflex reflector shall also provide at an observation angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light angle of 0.2 degree, not less than 1,250 millicandelas per lux at any light entrance angle between 30 degrees left and 30 degrees right, including an entrance angle of 0 degree, and not less than 33 millicandelas per lux at any light entrance angle between 45 degrees left and 45 degrees right. A white reflex reflector complying with this paragraph when tested in a horizontal orientation may be installed in all orientations specified for rear upper locations in paragraphs (viii) element 2, and (x), element 2 above if, when tested in a vertical orientation, it provides an observation angle of 0.2 degree not less than 1,680 millicandelas per lux at a light entrance angle of 0 degree,

not less than 1,120 millicandelas per lux at any light entrance angle from 10 degrees down to 10 degrees up, and not less than 560 millicandelas per lux at any light entrance angle from 20 degrees right to 20 degrees left.

“(B) Certification. In order to demonstrate that the retroreflective sheeting meets the standards of K.A.R. 82-4-3i, the letters DOT-C shall appear on the exposed surface of each reflex reflector. The letters shall not be less than 3 mm high, and shall be permanently stamped, etched, molded, or printed in indelible ink.

“(4) Combination of sheeting and reflectors. Each trailer to which paragraph (b)(1) applies may use a combination of retroreflective materials as long as they are located as specified by paragraphs (c) and (d) below.”

(4) In 49 C.F.R. 393.17(c)(1), the phrase “under Sec. 392.30” shall be deleted.

(5) The following revisions shall be made to 49 C.F.R. 393.26: in paragraph (d)(4), the phrase “Sec. 177.823 of this title” shall be deleted and replaced by “49 C.F.R. 177.823, as adopted by K.A.R. 82-4-20.”

(6) In 49 C.F.R. 393.45, the phrase “and hereby adopted by reference” shall be added following “49 C.F.R. 517.106” in paragraph (a).

(7) The note following 49 C.F.R. 393.51 (b) shall be deleted.

(8) 49 C.F.R. 393.67(c)(3) shall be deleted and replaced by “Threads. At least four full threads must be in engagement in each fitting.”

(9) The following revisions shall be made to 49 C.F.R. 393.71:

(A) Paragraph (h)(8) and the related footnote shall be deleted.

(B) In paragraph (h)(9), the phrase “requirements of the Federal Motor Carrier Safety Administration” shall be deleted and replaced by “appropriate requirements.”

(C) In paragraph (m)(8), the phrase “requirements of the Federal Motor Carrier Safety Administration” shall be deleted and replaced by “appropriate requirements.”

(10) The following revisions shall be made to 49 C.F.R. 393.75:

(A) In paragraphs (g)(1) and (g)(2), the clause “that are labeled pursuant to 24 C.F.R. 3282.362(c)(2)(i)” shall be deleted and replaced by “built.”

(B) In paragraph (g)(1), the phrase “Or, in the absence of such a marking, more than 18 percent over the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))” shall be deleted.

(C) In paragraph (g)(2), the phrase “or, in the absence of such a marking, the load rating specified in any of the publications of any of the organizations listed in FMVSS No. 119 (49 CFR 571.119, S5.1(b))” shall be deleted.

(11) In 49 C.F.R. 393.77(15)(i), the phrase “Sec. 177.834(1) of this title” shall be deleted and replaced by “49 C.F.R. 177.834(a) as adopted by K.A.R. 82-4-20.”

(12) In 49 C.F.R. 393.90, the phrase “of the Federal Motor Carrier Safety Administration’s regulations” shall be deleted.

(13) In 49 C.F.R. 393.94, paragraph (c)(4) shall be deleted and replaced by the following: “Set the sound level meter to the A-weighting network, ‘fast’ meter response.”

(continued)

(14) In 49 C.F.R. 393.95, in paragraph (f)(1) the clause "that conform to the requirements of Federal Motor Vehicle Safety Standard No. 125, Sec. 571.125 of this title" shall be deleted.

(15) 49 C.F.R. 393.104(e), the related table, and the related footnotes shall be deleted.

(b) Whenever the federal regulations adopted in this regulation refer to portions of the federal regulations or other operating standards that are not already adopted by reference in article 4 of the commission's regulations, the references shall not be applicable to this regulation unless otherwise specifically adopted. (Authorized by and implementing K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g, and K.S.A. 2010 Supp. 66-1,129; effective, T-82-12-29-04, Dec. 29, 2004; effective April 29, 2005; amended Oct. 2, 2009; amended Nov. 14, 2011.)

82-4-6d. Waiver of physical requirements. (a) Any person failing to meet the requirements of K.A.R. 82-4-3g may be permitted to drive a vehicle, other than a vehicle transporting passengers, if the director finds that the granting of a waiver is consistent with highway safety and the public interest.

(b) The application for a waiver shall meet these requirements:

(1) The application shall be submitted jointly by the person seeking the waiver and by the motor carrier wishing to employ the person as a driver.

(2) The application shall be accompanied by the following:

(A) A copy of the driver applicant's motor vehicle driving record. Any changes to this record occurring after submission of the application shall be immediately forwarded to the commission;

(B) reports of medical examinations, administered by a licensed medical practitioner, that are satisfactory to the director; and

(C) letters of recommendation from at least two licensed medical practitioners, written on their personalized or institutional letterhead and meeting the following requirements:

(i) The reports and letters of recommendation shall indicate the opinions of the licensed medical practitioners regarding the ability of the driver to safely operate a commercial motor vehicle of the type to be driven;

(ii) letters of recommendation regarding vision impairments shall be provided by a licensed ophthalmologist or optometrist who treated the driver applicant;

(iii) letters of recommendation regarding limb impairment or amputation shall include a medical summary conducted by a board of qualified, or board-certified, physiatrists or orthopedic surgeons, preferably associated with a rehabilitation center; and

(iv) letters of recommendation shall include a description of any prosthetic or orthopedic devices worn by the driver applicant.

(3) The application shall contain a description that is satisfactory to the director of the type, size, and special equipment of the vehicle or vehicles to be driven, the general area and type of roads to be traversed, the distances and time period contemplated, the nature of the commodities to be transported and the method of loading and

securing them, and the experience of the applicant in driving vehicles of the type to be driven.

(A) If the applicant motor carrier is a corporation, the application shall be signed by a corporation officer and the driver applicant.

(B) If the applicant motor carrier is a limited liability company, the application shall be signed by a company officer and the driver applicant.

(C) If the applicant motor carrier is a limited liability partnership, the application shall be signed by at least one of the members of the partnership and the driver applicant.

(D) If the applicant motor carrier is a partnership, the application shall be signed by at least one of the members of the partnership and the driver applicant.

(E) If the applicant motor carrier is a sole proprietorship, the application shall be signed by the proprietor and the driver applicant.

(4) The application shall specify that both the person and the carrier will file periodic reports as required with the director. These reports shall contain complete and truthful information regarding the extent of the person's driving activity, any accidents in which the person was involved, and all suspensions or convictions in which the person is or has been involved.

(5) By completing the application, both the driver applicant and the motor carrier applicant shall be deemed to agree that upon grant of the waiver, they will fulfill all conditions of the waiver.

(c) Each driver applicant shall complete a skill performance evaluation administered by a commission driver waiver program manager or a commission special investigator. The driver and motor carrier applicants shall secure the vehicle and provide the necessary insurance for the skill performance evaluation. The skill performance evaluation may be waived if the driver applicant has otherwise met the regulatory requirements of 49 C.F.R. 391.49 as adopted in K.A.R. 82-4-3g.

(d) If the application is approved, a driver medical waiver card signed by the director and accompanied by a letter acknowledging approval shall be issued by the commission. While on duty, the driver medical waiver card shall be in the driver's possession. The motor carrier shall retain the accompanying letter in its files at its principal place of business during the period the driver is in the motor carrier's employment. The motor carrier shall retain this letter for 12 months after the termination of the driver's employment.

(e) If the application is denied, an order setting forth an explanation for the denial and specifying the procedure for appeal of the decision shall be issued by the commission.

(f) The waiver shall not exceed two years and may be renewable upon submission and approval of a new application.

(g) All intrastate vision waiver recipients shall be subject to the following conditions:

(1) Each driver shall be physically examined every year by the following individuals:

(A) A licensed ophthalmologist or optometrist who attests that the vision in the better eye continues to meet

the standard specified in 49 C.F.R. 391.41(b)(10) as adopted in K.A.R. 82-4-3g; and

(B) a licensed medical practitioner who attests that the individual is otherwise physically qualified under the standards specified in 49 C.F.R. 391.41 as adopted in K.A.R. 82-4-3g.

(2) Each driver shall provide a copy of the ophthalmologist's or optometrist's report to the medical practitioner at the time of the annual medical examination.

(3) Each driver shall provide the motor carrier with a copy of the annual medical reports for retention in the motor carrier's driver qualification files.

(4) Each driver shall provide a copy of the annual medical reports to the commission.

(h) The waiver may be revoked by the director after the applicant has been given notice of the proposed revocation and has been given a reasonable opportunity to show cause, if any, why the revocation should not be made.

(i) Each motor carrier and driver shall notify the director within 72 hours upon any conviction of a moving violation or any revocation or suspension of driving privileges.

(j) Written notice shall be given to the director when any of the following occurs:

(1) A driver ceases employment with the "original employer" with whom the waiver was first granted.

(2) A change occurs in employment duties or functions.

(3) A change occurs in the driver's medical condition.

(k) Written notice shall be given by both the motor carrier and the driver within 10 days of any change in employment, duties, or functions, except in cases of termination of employment. Notice of termination of employment shall be given by both the motor carrier and the driver within 72 hours of termination.

(l) A waiver shall become void upon termination of employment from the motor carrier joint-applicant.

(m) Each application for renewal of waiver shall be submitted at least 60 days before the expiration date of the existing waiver. (Authorized by and implementing K.S.A. 2010 Supp. 66-1,129; effective May 1, 1981; amended Sept. 16, 1991; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Nov. 14, 2011.)

82-4-8a. Accessories and equipment. Each motor vehicle that meets the definition of commercial motor vehicle shall be equipped with a fire extinguisher.

(a)(1) Each motor vehicle shall be equipped with a fire extinguisher that is properly filled and is readily accessible.

(2) The fire extinguisher shall be securely mounted on the vehicle.

(3) The fire extinguisher shall be designed, constructed, and maintained to permit visual determination of whether it is fully charged.

(4) The extinguisher shall have an extinguishing agent that does not need protection from freezing. Each extinguishing agent shall meet the requirements of the toxicity provisions of the environmental protection agency's significant new alternatives policy (SNAP) regulations under 40 C.F.R. Part 82, subpart G, as adopted by K.A.R. 824-3i.

(5) The fire extinguisher shall be labeled or marked with its underwriters laboratories rating.

(6) The fire extinguisher shall be kept in good operating condition, shall be located in an accessible place on each motor vehicle or tank vehicle, and shall be housed in a weathertight enclosure.

(b)(1) Each motor vehicle that is not used to transport hazardous materials shall be equipped with either a fire extinguisher having a rating of at least five B:C or two fire extinguishers, each of which has a rating of at least four B:C.

(2) Each motor vehicle that is used to transport hazardous materials shall be equipped with a fire extinguisher having a rating of at least 10 B:C.

(3) Each cargo tank vehicle requiring flammable liquid placards shall be provided with at least one approved handheld fire extinguisher, whether a dry chemical or carbon dioxide type, having a rating of at least 20 B:C. Two approved handheld fire extinguishers, either a dry chemical or carbon dioxide type, having a rating of at least 10 B:C for each extinguisher, may be used in lieu of one 20 B:C rated extinguisher.

(c) The requirements of this regulation shall not apply to a driveaway or towaway operation. (Authorized by and implementing K.S.A. 2010 Supp. 66-1,129; effective May 1, 1981; amended May 1, 1984; amended April 30, 1990; amended May 10, 1993; amended July 14, 2000; amended Nov. 14, 2011.)

82-4-20. Transportation of hazardous materials by motor vehicles. (a) The federal regulations adopted by reference in this regulation shall govern the transportation of hazardous materials in Kansas in commerce to the extent that the regulations pertain to the transportation of hazardous materials by commercial motor vehicle.

(b) The following federal regulations, as in effect on October 1, 2009, are hereby adopted by reference:

(1) 49 C.F.R. 107.105, 107.107, 107.502, and 107.503;

(2) 49 C.F.R. Part 171, except 171.1(a), 171.1(b), and 171.6;

(3) 49 C.F.R. Part 172, except 172.1, 172.701, and 172.822;

(4) 49 C.F.R. Part 173, except 173.10, 173.27, and 173.31;

(5) 49 C.F.R. Part 177;

(6) 49 C.F.R. Part 178; and

(7) 49 C.F.R. Part 180.

(c) When used in any provision adopted from 49 C.F.R. Parts 171, 173, 177, 178, and 180, the following substitutions shall be made unless otherwise specified:

(1) The terms "administrator," "associate administrator," and "regional administrator" shall be replaced with "director as defined in K.A.R. 82-4-1."

(2) The term "commercial motor vehicle" shall be replaced with "commercial motor vehicle as defined in K.A.R. 82-4-1."

(3) The term "competent authority" shall mean "the Kansas corporation commission or any other Kansas agency or federal agency that is responsible, under its law for the control or regulation of some aspect of hazardous materials transportation."

(5) The terms "DOT" and "department" shall be replaced with "commission as defined in K.A.R. 82-4-1."

(continued)

(6) The term “the United States” shall be replaced with “the state of Kansas.”

(d) Carriers transporting hazardous materials in intra-state commerce shall be subject to the packaging provisions as provided in K.S.A. 66-1,129b, and amendments thereto.

(e) Whenever the adopted federal hazardous materials regulations refer to portions of the federal hazardous materials regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. 2010 Supp. 66-1,112, K.S.A. 66-1,112g, K.S.A. 2010 Supp. 66-1,129, and K.S.A. 66-

1,129b; implementing K.S.A. 2010 Supp. 66-1,112, K.S.A. 2010 Supp. 66-1,129, and K.S.A. 66-1,129b; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended Oct. 2, 2009; amended Nov. 14, 2011.)

Patrice Petersen-Klein
Executive Director

Doc. No. 039918

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22-10-3	Amended	V. 30, p. 47
22-11-6	Revoked	V. 30, p. 48
22-11-8	Amended	V. 30, p. 48
22-15-7	Revoked	V. 30, p. 49
22-18-3	Amended	V. 30, p. 49
22-19-2	Amended	V. 30, p. 1024
22-19-3	Revoked	V. 30, p. 1025
22-19-5	Amended	V. 30, p. 1025

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-1-1	Amended	V. 30, p. 915
26-1-5	Amended	V. 30, p. 916
26-1-6	Amended	V. 30, p. 916
26-1-7	Revoked	V. 30, p. 917
26-1-8	New	V. 30, p. 917
26-2-3	Amended	V. 30, p. 917
26-2-9	Revoked	V. 30, p. 918
26-2-10	New	V. 30, p. 919
26-3-1	Amended	V. 30, p. 920
26-3-4	Revoked	V. 30, p. 921
26-4-1	Amended	V. 30, p. 921
26-4-6 through 26-4-15	Revoked	V. 30, p. 921
26-4a-1	Revoked	V. 30, p. 921
26-4a-2	New	V. 30, p. 921
26-5-2 through 26-5-10	Revoked	V. 30, p. 922
26-8-2	Amended	V. 30, p. 922
26-8-5	Amended	V. 30, p. 922
26-8-8	Amended	V. 30, p. 922
26-9-1	Amended	V. 30, p. 922
26-11-1 through 26-11-3	Revoked	V. 30, p. 923
26-39-100	Amended	V. 29, p. 1772
26-39-101	Amended	V. 29, p. 1775
26-39-105	Amended	V. 29, p. 1777
26-40-301 through 26-40-305	New	V. 29, p. 1777-1793
26-42-103	New	V. 30, p. 1349

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-27	New	V. 30, p. 111
28-1-30	New	V. 30, p. 369
28-1-31	New	V. 30, p. 370
28-1-32	New	V. 30, p. 370
28-4-92	Amended (T)	V. 29, p. 1348
28-4-92 through 28-4-370	Amended	V. 29, p. 1705
28-4-379	Revoked	V. 29, p. 1024
28-4-503	Amended	V. 29, p. 1662
28-4-505	Amended	V. 29, p. 1662
28-4-514	Amended	V. 29, p. 1663
28-4-520	New	V. 29, p. 1663
28-4-521	New	V. 29, p. 1663
28-4-1300 through 28-4-1318	New	V. 29, p. 1024-1032

28-16-28g	Amended	V. 30, p. 1023
28-19-200a	New	V. 29, p. 1634
28-19-202	Amended	V. 29, p. 1509
28-19-325	New	V. 29, p. 1634
28-19-350	Amended	V. 29, p. 1635
28-19-517	Amended	V. 29, p. 1510
28-19-645a	New (T)	V. 30, p. 232
28-19-645a	New	V. 30, p. 1181
28-19-712	New	V. 29, p. 866
28-19-712a through 28-19-712d	New	V. 29, p. 867
28-19-713	New	V. 29, p. 867
28-19-713a through 28-19-713d	New	V. 29, p. 867, 868
28-19-720	Amended	V. 29, p. 1510
28-19-728	Revoked	V. 29, p. 1511
28-19-728a through 28-19-728f	Revoked	V. 29, p. 1511
28-19-735	Amended	V. 29, p. 1511
28-19-750	Amended	V. 29, p. 1511
28-19-750a	Amended	V. 29, p. 1511
28-21-1	Revoked	V. 29, p. 725
28-21-6	Revoked	V. 29, p. 725
28-21-7	Revoked	V. 29, p. 725
28-21-8	Revoked	V. 29, p. 725
28-21-9	Revoked	V. 29, p. 725
28-21-10	Revoked	V. 29, p. 726
28-21-11	Revoked	V. 29, p. 726
28-21-20a	Revoked	V. 29, p. 726
28-21-21a	Revoked	V. 29, p. 726
28-21-22a	Revoked	V. 29, p. 726
28-21-23a	Revoked	V. 29, p. 726
28-21-24a	Revoked	V. 29, p. 726
28-21-25a	Revoked	V. 29, p. 726
28-21-26a	Revoked	V. 29, p. 726
28-21-27a	Revoked	V. 29, p. 726
28-21-28a	Revoked	V. 29, p. 726
28-21-29a	Revoked	V. 29, p. 726
28-21-30a	Revoked	V. 29, p. 726
28-21-31a	Revoked	V. 29, p. 726
28-21-32a	Revoked	V. 29, p. 726
28-21-33a	Revoked	V. 29, p. 726
28-21-34a	Revoked	V. 29, p. 726
28-21-35a	Revoked	V. 29, p. 726
28-21-40a	Revoked	V. 29, p. 726
28-21-41a	Revoked	V. 29, p. 726
28-21-42a	Revoked	V. 29, p. 726
28-21-43a	Revoked	V. 29, p. 726
28-21-44a	Revoked	V. 29, p. 726
28-21-50a	Revoked	V. 29, p. 726
28-21-51a	Revoked	V. 29, p. 726
28-21-52a	Revoked	V. 29, p. 726
28-21-53a	Revoked	V. 29, p. 726
28-21-54a	Revoked	V. 29, p. 726
28-21-55a	Revoked	V. 29, p. 726
28-21-56a	Revoked	V. 29, p. 726
28-21-57a	Revoked	V. 29, p. 726
28-21-58a	Revoked	V. 29, p. 726
28-21-59a	Revoked	V. 29, p. 726
28-21-60a	Revoked	V. 29, p. 726
28-21-61a	Revoked	V. 29, p. 726
28-21-62a	Revoked	V. 29, p. 726
28-21-63	Revoked	V. 29, p. 726
28-21-64	Revoked	V. 29, p. 726
28-21-70a	Revoked	V. 29, p. 726
28-21-71a	Revoked	V. 29, p. 726
28-21-72a	Revoked	V. 29, p. 726
28-21-82 through 28-21-85	Revoked	V. 29, p. 726
28-23-4	Revoked	V. 29, p. 726
28-23-9	Revoked	V. 29, p. 726
28-23-10	Revoked	V. 29, p. 726
28-23-20 through 28-23-24	Revoked	V. 29, p. 726
28-23-26 through 28-23-32	Revoked	V. 29, p. 726
28-23-34 through 28-23-36	Revoked	V. 29, p. 727
28-23-41 through 28-23-55	Revoked	V. 29, p. 727
28-23-70	Revoked	V. 29, p. 727

28-23-71	Revoked	V. 29, p. 727
28-23-73	Revoked	V. 29, p. 727
28-23-75	Revoked	V. 29, p. 727
28-23-78 through 28-23-80	Revoked	V. 29, p. 727
28-31-1	Revoked	V. 30, p. 414
28-31-2	Revoked	V. 30, p. 414
28-31-3	Revoked	V. 30, p. 414
28-31-4	Amended	V. 30, p. 414
28-31-5	Revoked	V. 30, p. 415
28-31-6	Amended	V. 30, p. 415
28-31-7	Revoked	V. 30, p. 415
28-31-8	Revoked	V. 30, p. 415
28-31-8b	Revoked	V. 30, p. 415
28-31-9	Revoked	V. 30, p. 415
28-31-10	Amended	V. 30, p. 415
28-31-12	Amended	V. 30, p. 416
28-31-13	Amended	V. 30, p. 417
28-31-14	Revoked	V. 30, p. 417
28-31-15	Revoked	V. 30, p. 417
28-31-16	Revoked	V. 30, p. 417
28-31-100	New	V. 30, p. 417
28-31-100a	New	V. 30, p. 418
28-31-100d	New	V. 30, p. 418
28-31-100e	New	V. 30, p. 419
28-31-100f	New	V. 30, p. 420
28-31-100p	New	V. 30, p. 420
28-31-100q	New	V. 30, p. 420
28-31-100r	New	V. 30, p. 420
28-31-100s	New	V. 30, p. 421
28-31-124	New	V. 30, p. 422
28-31-124a	New	V. 30, p. 423
28-31-124b	New	V. 30, p. 423
28-31-124c	New	V. 30, p. 423
28-31-124d	New	V. 30, p. 424
28-31-124e	New	V. 30, p. 424
28-31-260	New	V. 30, p. 425
28-31-260a	New	V. 30, p. 426
28-31-261	New	V. 30, p. 426
28-31-261a	New	V. 30, p. 427
28-31-262	New	V. 30, p. 427
28-31-262a	New	V. 30, p. 427
28-31-263	New	V. 30, p. 428
28-31-263a	New	V. 30, p. 429
28-31-264	New	V. 30, p. 429
28-31-264a	New	V. 30, p. 431
28-31-265	New	V. 30, p. 432
28-31-265a	New	V. 30, p. 433
28-31-266	New	V. 30, p. 433
28-31-267	New	V. 30, p. 434
28-31-267a	New	V. 30, p. 434
28-31-268	New	V. 30, p. 434
28-31-270	New	V. 30, p. 434
28-31-270a	New	V. 30, p. 435
28-31-273	New	V. 30, p. 436
28-31-279	New	V. 30, p. 436
28-31-279a	New	V. 30, p. 437
28-34-126	New (T)	V. 30, p. 1000
28-34-127	New (T)	V. 30, p. 1000
28-34-129 through 28-34-144	New (T)	V. 30, p. 1000-1006
28-35-135l	Amended	V. 30, p. 195
28-35-135t	Amended	V. 30, p. 196
28-35-135w	Amended	V. 30, p. 197
28-35-175a	Amended	V. 30, p. 198
28-35-178b	Amended	V. 30, p. 198
28-35-178e	Amended	V. 30, p. 200
28-35-178j	Amended	V. 30, p. 201
28-35-180b	Amended	V. 30, p. 201
28-35-181a	Amended	V. 30, p. 203
28-35-181e	Revoked	V. 30, p. 203
28-35-181j	Amended	V. 30, p. 203
28-35-181m	Amended	V. 30, p. 204
28-35-181o	Amended	V. 30, p. 205
28-35-192b	Amended	V. 30, p. 206
28-35-192c	Amended	V. 30, p. 206
28-35-192d	Revoked	V. 30, p. 207
28-35-192e	Amended	V. 30, p. 207
28-35-192g	Amended	V. 30, p. 207
28-35-194a	Amended	V. 30, p. 207
28-35-212a	Amended	V. 30, p. 208
28-35-216a	Amended	V. 30, p. 209
28-35-225b	New	V. 30, p. 210
28-35-231c	Amended	V. 30, p. 210
28-35-242	Amended	V. 30, p. 210
28-35-264	Amended	V. 30, p. 210

(continued)

28-35-334	Amended	V. 30, p. 211
28-35-346	Amended	V. 30, p. 212
28-35-411	Amended	V. 30, p. 212
28-36-30	Revoked	V. 29, p. 727
28-36-31	Revoked	V. 29, p. 727
28-36-70		
through		
28-36-89	Revoked	V. 29, p. 727
28-36-101		
through		
28-36-109	Revoked	V. 29, p. 727
28-38-18	Amended	V. 30, p. 1346
28-39-162	Revoked	V. 29, p. 1777
28-39-162a	Revoked	V. 29, p. 1777
28-39-162b	Revoked	V. 29, p. 1777
28-39-162c	Revoked	V. 29, p. 1777
28-39-169a	Amended	V. 30, p. 1346
28-39-169b	Amended	V. 30, p. 1347
28-39-169c	Amended	V. 30, p. 1348
28-43-1		
through		
28-43-11	Revoked	V. 29, p. 1137
28-46-1	Amended	V. 29, p. 1138
28-46-2a	Amended	V. 29, p. 1138
28-46-3		
through		
28-46-22	Amended	V. 29, p. 1139-1141
28-46-27	Amended	V. 29, p. 1141
28-46-28	Amended	V. 29, p. 1141
28-46-29	Amended	V. 29, p. 1141
28-46-29a	New	V. 29, p. 1142
28-46-30	Amended	V. 29, p. 1142
28-46-30a	New	V. 29, p. 1142
28-46-30b	New	V. 29, p. 1144
28-46-31	Amended	V. 29, p. 1144
28-46-33	Amended	V. 29, p. 1144
28-46-34	Amended	V. 29, p. 1145
28-46-35	Amended	V. 29, p. 1145
28-46-40	Amended	V. 29, p. 1145
28-46-41	Amended	V. 29, p. 1145
28-46-44	Amended	V. 29, p. 1145
28-46-45	New	V. 29, p. 1145
28-53-1	Amended	V. 30, p. 463
28-53-2	Amended	V. 30, p. 463
28-53-4	Amended	V. 30, p. 463
28-61-1	Amended	V. 29, p. 419
28-61-2	Amended	V. 30, p. 336
28-61-3	Amended	V. 30, p. 337
28-61-4	Amended	V. 30, p. 337
28-61-5	Amended	V. 29, p. 420
28-61-8	Amended	V. 29, p. 422
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
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

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-5-118a	Revoked	V. 29, p. 293

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-39-2	Amended (T)	V. 29, p. 1090
36-39-2	Amended	V. 29, p. 1416
36-39-4	Amended (T)	V. 29, p. 1091
36-39-4	Amended	V. 29, p. 1416
36-39-6	Amended (T)	V. 29, p. 1091
36-39-6	Amended	V. 29, p. 1416
36-42-1	through	
36-42-9	New	V. 29, p. 502-504

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-22	Amended	V. 30, p. 722
40-1-37	Amended	V. 30, p. 193
40-1-48	Amended	V. 29, p. 1752
40-3-33	Revoked	V. 30, p. 232
40-3-43	Amended	V. 29, p. 1337
40-4-43	New	V. 29, p. 703
40-7-26	New	V. 29, p. 1752
40-7-27	New	V. 29, p. 1753
40-9-23	New	V. 29, p. 1813
40-10-16	New	V. 30, p. 556

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
49-55-1	through	
49-55-12	New	V. 29, p. 675, 676

AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-21a	New (T)	V. 29, p. 701
50-2-21a	New	V. 29, p. 1214

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 29, p. 1508

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-16-105	Revoked	V. 29, p. 1115

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-6	Amended	V. 30, p. 1215
63-4-1	Amended	V. 30, p. 1215
63-6-2	Amended	V. 30, p. 1215
63-6-3	Amended	V. 30, p. 1216
63-7-1	Amended	V. 30, p. 1216
63-7-2	Amended	V. 30, p. 1217
63-7-6	Amended	V. 30, p. 1217
63-7-7	Amended	V. 30, p. 1217
63-7-9	New	V. 30, p. 1218
63-7-10	New	V. 30, p. 1218
63-7-11	New	V. 30, p. 1218

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 29, p. 990

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-6	Amended	V. 29, p. 794
66-10-1	Amended	V. 29, p. 794
66-12-1	Amended	V. 29, p. 794
66-14-10	Amended	V. 29, p. 794

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-2-22	Amended	V. 30, p. 537
68-7-11	Amended	V. 29, p. 1053
68-7-21	New	V. 29, p. 465
68-20-10a	Amended	V. 30, p. 538
68-20-24	New (T)	V. 30, p. 357
68-20-25	New (T)	V. 30, p. 357
68-20-26	New (T)	V. 30, p. 357
68-20-27	New (T)	V. 30, p. 357
68-20-28	New (T)	V. 30, p. 635
68-20-29	New (T)	V. 30, p. 635
68-21-1	through	
68-21-7	New	V. 29, p. 1417-1420
68-21-2	Amended	V. 30, p. 370

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-5-1	through	
71-5-6	Revoked	V. 29, p. 1593
71-5-7	through	
71-5-13	New	V. 29, p. 1593-1597

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-8	Amended	V. 29, p. 1636
74-4-9	Amended	V. 29, p. 1638
74-5-2	Amended	V. 29, p. 1638
74-5-101	Amended	V. 29, p. 1639
74-5-202	Amended	V. 29, p. 1639
74-5-203	Amended	V. 29, p. 1639
74-6-2	Amended	V. 29, p. 1640
74-11-6	Amended	V. 29, p. 1640
74-11-7	Amended	V. 29, p. 1640
74-12-1	Amended	V. 29, p. 1641
74-15-2	Revoked	V. 29, p. 1641

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 30, p. 1048
81-5-21	New	V. 30, p. 1049
81-20-1	Revoked	V. 30, p. 866
81-20-2	Revoked	V. 30, p. 866
81-22-1	Amended	V. 30, p. 866
81-22-2	Revoked	V. 30, p. 866
81-23-1	Revoked	V. 30, p. 867
81-23-2	Revoked	V. 30, p. 867
81-24-1	Revoked	V. 30, p. 867
81-25-1	Revoked	V. 30, p. 867
81-25-2	Revoked	V. 30, p. 867
81-25-3	Revoked	V. 30, p. 867
81-26-3	Revoked	V. 30, p. 867
81-28-1	Revoked	V. 30, p. 867
81-28-2	Revoked	V. 30, p. 867
81-30-1	Revoked	V. 30, p. 867

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-219	Amended	V. 29, p. 1099
82-3-101a	New	V. 29, p. 1508
82-3-120	Amended	V. 29, p. 1508
82-3-311a	New	V. 29, p. 181
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
82-4-2	Amended	V. 29, p. 1443
82-4-3a	Amended	V. 29, p. 1443
82-4-3d	Amended	V. 29, p. 1444
82-4-3f	Amended	V. 29, p. 1390
82-4-3n	New	V. 29, p. 1444
82-4-3o	New	V. 29, p. 1445
82-4-6a	Amended	V. 29, p. 1446
82-4-8h	Amended	V. 29, p. 1446
82-4-21	Amended	V. 29, p. 1446
82-4-22	Amended	V. 29, p. 1446
82-4-23	Amended	V. 29, p. 1447
82-4-24a	Amended	V. 29, p. 1447
82-4-26	Amended	V. 29, p. 1447
82-4-26a	Amended	V. 29, p. 1447
82-4-27	Amended	V. 29, p. 1447
82-4-27a	Amended	V. 29, p. 1448
82-4-27c	Amended	V. 29, p. 1448
82-4-27e	Amended	V. 29, p. 1449
82-4-28	Revoked	V. 29, p. 1449
82-4-28a	Revoked	V. 29, p. 1449
82-4-28b	Revoked	V. 29, p. 1449
82-4-30a	Amended (T)	V. 29, p. 702
82-4-30a	Amended	V. 29, p. 1392
82-4-31	Revoked	V. 29, p. 1450
82-4-32	Amended	V. 29, p. 1450
82-4-33	Amended	V. 29, p. 1450
82-4-35	Amended	V. 29, p. 1450
82-4-35a	Amended	V. 29, p. 1450
82-4-37	Revoked	V. 29, p. 1450
82-4-40	Amended	V. 29, p. 1450
82-4-42	Amended	V. 29, p. 1450
82-4-48	Amended	V. 29, p. 1451
82-4-48a	Amended	V. 29, p. 1451
82-4-53	Amended	V. 29, p. 1451
82-4-54	Amended	V. 29, p. 1452
82-4-55	Amended	V. 29, p. 1452
82-4-56a	Amended	V. 29, p. 1452
82-4-57	Amended	V. 29, p. 1453
82-4-58	Amended	V. 29, p. 1453
82-4-62	Revoked	V. 29, p. 1453
82-4-63	Amended	V. 29, p. 1453
82-4-65	Amended	V. 29, p. 1453
82-4-77	Amended	V. 29, p. 1454
82-11-4	Amended	V. 30, p. 1026
82-11-10	Amended	V. 30, p. 1030
82-12-7	Amended	V. 30, p. 1085
82-16-1 through 82-16-6	New	V. 29, p. 1598-1601
82-17-1 through 82-17-5	New	V. 29, p. 1136, 1137

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-24-1	Amended	V. 29, p. 1415
88-28-1	Amended	V. 30, p. 193
88-28-6	Amended (T)	V. 30, p. 1047
88-28-6	Amended	V. 30, p. 1377
88-29-1	Amended	V. 30, p. 946
88-29-3 through 88-29-7	Amended	V. 30, p. 947, 948
88-29-7a	New	V. 30, p. 949
88-29-8	Amended	V. 30, p. 949
88-29-8c	New	V. 30, p. 949
88-29-9 through 88-29-12	Amended	V. 30, p. 949-952
88-29-18	Amended	V. 30, p. 953
88-29-19	Amended	V. 30, p. 953
88-29a-5	New	V. 30, p. 954
88-29a-6	New	V. 30, p. 955
88-29a-7	New	V. 30, p. 955
88-29a-7a	New	V. 30, p. 956
88-29a-8	New	V. 30, p. 956
88-29a-8c	New	V. 30, p. 956
88-29a-9	New	V. 30, p. 956

88-29a-10	New	V. 30, p. 957
88-29a-11	New	V. 30, p. 958
88-29a-18	New	V. 30, p. 959
88-29a-19	New	V. 30, p. 960
88-30-1	Amended	V. 30, p. 194

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200 through 91-1-204	Amended	V. 30, p. 1050-1057
91-1-230	Amended	V. 30, p. 1060
91-1-231	Amended	V. 30, p. 1060
91-1-232	Amended	V. 30, p. 1061
91-1-235	Amended	V. 30, p. 1062
91-1-236	Amended	V. 30, p. 1063
91-40-1	Amended	V. 29, p. 1093
91-40-27	Amended	V. 29, p. 1098

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-66a	Amended	V. 30, p. 1415
92-19-3	Revoked	V. 30, p. 280
92-19-3a	New	V. 30, p. 280
92-19-3b	New	V. 30, p. 283
92-19-3c	New	V. 30, p. 285
92-19-10	Revoked	V. 30, p. 285
92-19-16a	Amended	V. 30, p. 285
92-19-16b	Revoked	V. 30, p. 286
92-19-40	Revoked	V. 30, p. 286
92-19-42	Revoked	V. 30, p. 286
92-19-49b	Amended	V. 30, p. 286
92-19-55b	New	V. 30, p. 287
92-19-59	Amended	V. 30, p. 289
92-19-73	Amended	V. 30, p. 289
92-24-23	Amended	V. 29, p. 1633
92-51-25a	New	V. 29, p. 1281

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-21	Revoked	V. 29, p. 1478, 1479
94-3-2	Amended	V. 30, p. 1213
94-5-1 through 94-5-25	New	V. 29, p. 1479-1485
94-5-8	Amended	V. 30, p. 1213

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
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. 29, p. 1242
99-25-9	Amended	V. 29, p. 1242
99-25-12	New	V. 29, p. 1242

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-29-1	Amended	V. 29, p. 598
100-49-4	Amended	V. 29, p. 651
100-55-1	Amended	V. 29, p. 704
100-55-7	Amended	V. 29, p. 651
100-69-12	New	V. 29, p. 704
100-72-2	Amended	V. 29, p. 705
100-73-2	Amended	V. 29, p. 598

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 29, p. 340
102-5-3	Amended	V. 30, p. 371
102-7-1	New (T)	V. 30, p. 986
102-7-2	New (T)	V. 30, p. 987
102-7-3	New (T)	V. 30, p. 987
102-7-4	New (T)	V. 30, p. 990
102-7-4a	New (T)	V. 30, p. 991
102-7-4b	New (T)	V. 30, p. 992
102-7-5	New (T)	V. 30, p. 993

102-7-6	New (T)	V. 30, p. 993
102-7-7	New (T)	V. 30, p. 995
102-7-7a	New (T)	V. 30, p. 995
102-7-8	New (T)	V. 30, p. 996
102-7-9	New (T)	V. 30, p. 996
102-7-10	New (T)	V. 30, p. 997
102-2-11	New (T)	V. 30, p. 997
102-7-11a	New (T)	V. 30, p. 999
102-7-12	New (T)	V. 30, p. 999

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 29, p. 1338
105-4-1	Amended	V. 29, p. 1506
105-4-2	Amended (T)	V. 30, p. 1086
105-4-3	Amended (T)	V. 30, p. 1086
105-5-2	Amended (T)	V. 29, p. 1339
105-5-2	Amended	V. 29, p. 1506
105-5-3	Amended (T)	V. 29, p. 1339
105-5-3	Amended	V. 29, p. 1506
105-5-6	Amended (T)	V. 29, p. 1339
105-5-6	Amended	V. 29, p. 1506
105-5-7	Amended (T)	V. 29, p. 1339
105-5-7	Amended	V. 29, p. 1507
105-5-8	Amended (T)	V. 29, p. 1340
105-5-8	Amended	V. 29, p. 1507
105-11-1	Amended	V. 29, p. 1507
105-11-1	Amended (T)	V. 30, p. 1086

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended (T)	V. 29, p. 1340
108-1-1	Amended	V. 30, p. 166
108-1-3	Amended (T)	V. 29, p. 1342
108-1-3	Amended	V. 30, p. 168
108-1-4	Amended (T)	V. 29, p. 1344
108-1-4	Amended	V. 30, p. 170

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1a	New (T)	V. 30, p. 138
109-1-1a	New	V. 30, p. 573
109-5-1	Amended (T)	V. 30, p. 138
109-5-1	Amended	V. 30, p. 573
109-5-1a	New (T)	V. 30, p. 139
109-5-1a	New	V. 30, p. 574
109-5-1b	New (T)	V. 30, p. 139
109-5-1b	New	V. 30, p. 574
109-5-1d	New (T)	V. 30, p. 139
109-5-1d	New	V. 30, p. 574
109-5-1e	New (T)	V. 30, p. 139
109-5-1e	New	V. 30, p. 574
109-5-1f	New (T)	V. 30, p. 139
109-5-1f	New	V. 30, p. 574
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-5	Amended	V. 30, p. 1154
109-5-7a	New (T)	V. 30, p. 139
109-5-7a	New	V. 30, p. 574
109-5-7b	New (T)	V. 30, p. 140
109-5-7b	New	V. 30, p. 575
109-5-7d	New (T)	V. 30, p. 141
109-5-7d	New	V. 30, p. 576
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-8-1	Amended (T)	V. 30, p. 141
109-8-1	Amended	V. 30, p. 576
109-9-1	Amended	V. 30, p. 1154
109-9-4	Amended	V. 30, p. 1154
109-10-1a	New (T)	V. 30, p. 141
109-10-1a	New	V. 30, p. 577
109-10-1b	New (T)	V. 30, p. 142
109-10-1b	New	V. 30, p. 577
109-10-1d	New (T)	V. 30, p. 142
109-10-1d	New	V. 30, p. 577
109-10-1e	New (T)	V. 30, p. 142
109-10-1e	New	V. 30, p. 577
109-10-1f	New (T)	V. 30, p. 142
109-10-1f	New	V. 30, p. 577
109-10-1g	New (T)	V. 30, p. 142
109-10-1g	New	V. 30, p. 578
109-10-3	Amended	V. 30, p. 1155
109-10-5	Revoked	V. 30, p. 1155
109-10-6	Amended (T)	V. 30, p. 143

(continued)

109-10-6	Amended	V. 30, p. 578	111-4-2912		111-9-168	New	V. 29, p. 1526	
109-10-7	New	V. 29, p. 113	through		111-9-169	New	V. 29, p. 1527	
109-11-1	Amended	V. 29, p. 1283	111-4-2923	New	V. 29, p. 153-157	111-9-170	New	V. 30, p. 261
109-11-1a	New (T)	V. 30, p. 143	111-4-2924		111-9-171	New	V. 30, p. 1095	
109-11-1a	New	V. 30, p. 578	through		111-9-172	New	V. 30, p. 1095	
109-11-3	Amended	V. 29, p. 1284	111-4-2930	New	V. 29, p. 216-222	111-9-173	New	V. 30, p. 1153
109-11-3a	New (T)	V. 30, p. 144	111-4-2931		111-15-1	Amended	V. 30, p. 238	
109-11-3a	New	V. 30, p. 579	through		111-15-3	Amended	V. 30, p. 365	
109-11-4	Amended	V. 29, p. 1284	111-4-2938	New	V. 29, p. 467-473	111-16-1		
109-11-6	Amended	V. 29, p. 1285	111-4-2939		111-16-5	New	V. 30, p. 1378-1380	
109-11-6a	New (T)	V. 30, p. 144	through		111-17-1	New	V. 30, p. 1380	
109-11-6a	New	V. 30, p. 579	111-4-2948	New	V. 29, p. 569-575	111-201-1		
109-15-1	Amended	V. 30, p. 1155	111-4-2949		111-201-17	New	V. 29, p. 73-79	
109-15-2	Amended	V. 30, p. 1156	through		111-301-1			
AGENCY 110: DEPARTMENT OF COMMERCE								
Reg. No.	Action	Register						
110-4-1			111-4-2984	New	V. 29, p. 746-769	111-301-6	New	V. 29, p. 79, 80
through			111-4-2949		111-301-7	Amended	V. 30, p. 1243	
110-4-5	Amended	V. 30, p. 25-27	through		111-301-12			
110-21-1			111-4-2984	New	V. 29, p. 746-769	111-301-12	New	V. 30, p. 244-248
through			111-4-2985		111-301-11	Amended	V. 30, p. 1189	
110-21-5	New	V. 30, p. 411-413	through		111-301-13			
110-22-1			111-4-2988	New	V. 29, p. 1180-1183	111-301-20	New	V. 30, p. 366-368
through			111-4-2989	New	V. 29, p. 1216	111-301-21		
110-22-5	New (T)	V. 30, p. 984, 985	111-4-2990	New	V. 29, p. 1217	111-301-31	New	V. 30, p. 1288, 1289
110-22-1			111-4-2991	New	V. 29, p. 1218	111-302-1		
through			111-4-2992		111-302-6	New	V. 29, p. 82-86	
110-22-6	New	V. 30, p. 1416, 1417	through		111-302-4	Amended	V. 30, p. 249	
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	111-4-3022	New	V. 29, p. 1513-1522	111-303-1		
111-2-230	Amended	V. 30, p. 232	through		111-303-5	New	V. 29, p. 87-89	
111-2-231	Amended	V. 30, p. 233	111-4-3027	New	V. 30, p. 234-237	111-303-3	Amended	V. 30, p. 1244
111-2-232	Amended	V. 29, p. 215	111-4-3028		111-4-3031	New	V. 29, p. 1244	
111-2-233	Amended	V. 29, p. 215	through		111-4-3032	Amended	V. 30, p. 1244	
111-2-234	New	V. 29, p. 746	111-4-3031	New	V. 30, p. 241-243	111-303-5	Amended	V. 30, p. 1245
111-2-235			111-4-3032		111-4-3045	New	V. 30, p. 249-258	
through			through		111-4-3046			
111-2-240	New	V. 29, p. 1214, 1215	111-4-3054	New	V. 30, p. 358-364	111-304-1		
111-2-241	New	V. 29, p. 1247	111-4-3055		111-304-6	New	V. 29, p. 89-91	
111-2-242	New	V. 29, p. 1247	through		111-305-1			
111-2-243			111-4-3072	New	V. 30, p. 1086-1092	111-305-6	New	V. 29, p. 474, 475
111-2-248	New	V. 29, p. 1512, 1513	111-4-3073		111-305-2	Amended	V. 30, p. 1289	
111-2-247	Amended	V. 30, p. 233	111-4-3073		111-305-5	Amended	V. 30, p. 1290	
111-2-248	Amended	V. 30, p. 233	through		111-305-6	Amended	V. 30, p. 1290	
111-2-249			111-4-3081	New	V. 30, p. 1119-1126	111-306-1		
through			111-4-3082		111-306-6	New	V. 29, p. 1185-1187	
111-2-252	New	V. 30, p. 233, 234	through		111-306-4	Amended	V. 29, p. 1260	
111-2-249	Amended	V. 30, p. 357	111-4-3087	New	V. 30, p. 1147-1152	111-306-6	Amended	V. 29, p. 1219
111-2-253	New	V. 30, p. 241	111-4-3088		111-4-3096	New	V. 30, p. 1182-1187	
111-2-254	New	V. 30, p. 241	111-4-3097	New	V. 30, p. 1239	111-307-1		
111-2-255	Amended	V. 30, p. 358	111-4-3098	New	V. 30, p. 1240	through		
111-2-256	New	V. 30, p. 1119	111-4-3099	New	V. 30, p. 1241	111-307-7	New	V. 29, p. 1189-1191
111-2-257	New	V. 30, p. 1119	111-4-3100		111-4-3116	Amended	V. 30, p. 1246	
111-2-258	New	V. 30, p. 1182	through		111-4-3117	Amended	V. 30, p. 1246	
111-2-259	New	V. 30, p. 1182	111-4-3116	New	V. 30, p. 1272-1287	111-307-7	Amended	V. 30, p. 1247
111-2-260			111-4-3117		111-4-3130	111-308-1		
through			through		111-5-175	through		
111-2-263	New	V. 30, p. 1238, 1239	111-4-3130	New	V. 30, p. 1308-1319	111-308-7	New	V. 29, p. 1261-1263
111-2-264			111-5-175		111-5-179	111-309-1		
through			through		V. 29, p. 157-159	111-309-6	New	V. 29, p. 1528-1530
111-2-269	New	V. 30, p. 1271, 1272	111-5-180		111-5-194	111-310-1		
111-4-2899			through		111-5-181	through		
111-4-2907	New	V. 29, p. 9-14	111-5-194	New	V. 29, p. 222-228	111-310-6	New	V. 29, p. 1530-1532
111-4-2908			111-5-181	Amended	V. 29, p. 1522	111-311-1		
through			111-5-184	Amended	V. 29, p. 1523	through		
111-4-2911	New	V. 29, p. 149-152	111-5-186	Amended	V. 29, p. 1524	111-311-7	New	V. 29, p. 1532-1535
111-4-2911a	New	V. 29, p. 152	111-5-194	Amended	V. 29, p. 1525	111-312-1		
			111-5-195		111-5-199	through		
			through		V. 30, p. 1093, 1094	111-312-8	New	V. 30, p. 239, 240
			111-5-200		111-5-205	111-312-5	Amended	V. 30, p. 1248
			through		111-7-75	111-312-6	Amended	V. 30, p. 1248
			111-5-205	New	V. 30, p. 1127-1130	111-312-7	Amended	V. 30, p. 1096
			111-7-75	Amended	V. 30, p. 1287	111-312-8	Amended	V. 30, p. 1249
			111-7-243		111-7-248	111-501-1		
			through		New	through		
			111-7-248	New	V. 30, p. 259, 260	111-501-13	New	V. 30, p. 1380-1384
			111-9-162	New	V. 29, p. 229	AGENCY 112: RACING AND GAMING COMMISSION		
			111-9-163	New	V. 29, p. 229	Reg. No.	Action	Register
			111-9-164	New	V. 29, p. 230	112-101-6	Amended	V. 30, p. 290
			111-9-165	New	V. 29, p. 769	112-102-8	Amended	V. 30, p. 290
			111-9-166	New	V. 29, p. 1184	112-103-2	Amended	V. 30, p. 291
			111-9-167	New	V. 29, p. 1526			

112-103-4	Amended	V. 30, p. 292
112-103-5	Amended	V. 30, p. 292
112-103-8	Amended	V. 30, p. 292
112-103-15	Amended	V. 30, p. 292
112-104-1	Amended	V. 30, p. 293
112-104-8	Amended	V. 30, p. 294
112-104-13	Amended	V. 30, p. 295
112-104-14	Amended	V. 30, p. 297
112-104-15	Amended	V. 30, p. 297
112-104-16	Amended	V. 30, p. 298
112-104-32	Amended	V. 30, p. 300
112-105-1	Amended	V. 30, p. 301
112-105-2	Amended	V. 30, p. 301
112-105-3	Amended	V. 30, p. 301
112-106-1	Amended	V. 30, p. 301
112-106-2	Amended	V. 30, p. 303
112-106-5	Amended	V. 30, p. 303
112-106-6	Amended	V. 30, p. 304
112-107-3	Amended	V. 30, p. 304
112-107-5	Amended	V. 30, p. 307
112-107-10	Amended	V. 30, p. 308
112-107-21	Amended	V. 30, p. 309
112-107-22	Amended	V. 30, p. 310
112-108-18	Amended	V. 30, p. 311
112-108-36	Amended	V. 30, p. 312
112-108-55	Amended	V. 30, p. 313
112-110-3	Amended	V. 30, p. 313
112-112-1	Amended	V. 30, p. 314
112-112-3	Amended	V. 30, p. 314
112-112-4	Amended	V. 30, p. 314
112-112-7	Amended	V. 30, p. 315
112-112-9	Amended	V. 30, p. 315

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 30, p. 943
115-2-1	Amended	V. 29, p. 1602
115-2-2	Amended	V. 30, p. 331
115-2-3	Amended	V. 30, p. 331

115-2-3a	Revoked	V. 30, p. 1180
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-6b	New	V. 30, p. 332
115-4-11	Amended	V. 30, p. 332
115-5-1	Amended	V. 30, p. 944
115-5-2	Amended	V. 30, p. 945
115-7-1	Amended	V. 29, p. 1606
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 30, p. 536
115-8-1	Amended	V. 29, p. 1092
115-8-13	Amended	V. 30, p. 1180
115-16-3	Amended	V. 30, p. 1180
115-16-5	Amended	V. 30, p. 334
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 29, p. 412
117-2-2	Amended	V. 29, p. 413
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 30, p. 92
117-8-1	Amended	V. 29, p. 418

AGENCY 120: KANSAS HEALTH POLICY AUTHORITY (FORMERLY HEALTH CARE DATA GOVERNING BOARD)

Reg. No.	Action	Register
120-1-2	Revoked	V. 30, p. 1024

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-10-1	Amended	V. 29, p. 675

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115
123-2-111	New	V. 29, p. 1415

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
129-10-31	New	V. 30, p. 92

AGENCY 130: HOME INSPECTORS REGISTRATION BOARD

Reg. No.	Action	Register
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

AGENCY 131: COMMITTEE ON SURETY BONDS AND INSURANCE

Reg. No.	Action	Register
131-1-1	New	V. 30, p. 195

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