



Kansas Register

Kris W. Kobach, Secretary of State

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State of Kansas
Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, February 6, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka.

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

Doc. No. 041259

State of Kansas
Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet at 8:30 a.m. Thursday, January 31, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. The agenda and meeting materials will be posted on the Kansas Water Office's website at www.kwo.org or copies may be requested by contacting the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, 785-296-3185 or 888-526-9283. Persons needing special accommodations are requested to notify the Kansas Water Office at least five working days prior to the meeting.

Gary Harshberger
 Chairman

Doc. No. 041234

State of Kansas
Kansas Guardianship Program

Notice of Meeting

The Kansas Guardianship Program will conduct its governing board meeting from 3:30 to 5 p.m. Thursday, January 31, in Room 159-S of the State Capitol, 300 S.W. 10th Ave., Topeka. For more information call 785-587-8555.

Jean Krahn
 Executive Director

Doc. No. 041260

State of Kansas
Department of Credit Unions

**Notice of Application for Change
 in Field of Membership**

The Kansas Department of Credit Unions has received an application for a change in field of membership from Central Star Credit Union, 9555 Corporate Hills Drive, Wichita, Kansas 67207, to alter its field of membership by the addition of "Sumner County, Kansas."

Questions concerning the application may be directed to the Kansas Department of Credit Unions, 109 S.W. 9th St., Suite 610, Topeka, 66612, 785-296-3021.

John P. Smith
 Administrator

Doc. No. 041273

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 Kris W. Kobach
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www.sos.ks.gov



Register Office:
 1st Floor, Memorial Hall
 785-296-3489
 Fax 785-296-8577
kansasregister@sos.ks.gov

State of Kansas

Kansas Water Office

Notice of Intent

Pursuant to Section (102)(2)(c) of the National Environmental Policy Act (NEPA) of 1969, as amended (NEPA) (42 U.S.C. § 4332 (1994)), the Kansas Water Office (KWO) announces its intent to prepare a programmatic environmental impact statement (EIS) to evaluate the potential environmental consequences of removing sediment from John Redmond Reservoir to restore water supply storage for the benefit of the regional water users and restore the lost aquatic habitat for the benefit of public recreation as well as lake ecosystem due to sedimentation. These activities include outdoor operations that require the use of dredge and sediment disposal sites.

A public scoping meeting will be held at 9:30 a.m. Tuesday, February 5, at the Coffey County Courthouse, 110 S. 6th St., Burlington, to receive oral and written comments on environmental concerns that should be addressed in the EIS. Anyone requiring special accommodations, such as a sign language interpreter, should contact the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, 785-296-3185, at least five working days prior to the meeting.

Supplementary Information

The action proponent, KWO, entered into a water supply agreement with the U.S. Army Corps of Engineers (USACE) at John Redmond Reservoir to provide water for the Cottonwood and Neosho River Basins Water Assurance District Number 3 (consisting of 19 members) and the Wolf Creek Generating Station. An estimated 34,900 acre-feet of storage remaining after 50 years of sedimentation forms the basis of the 1975 agreement. Sediment has been collecting mainly in the conservation pool, reducing the pool faster than designed, reducing storage capabilities.

The proposed action is to restore water supply storage for the benefit of the regional water users and restore the lost aquatic habitat for the benefit of public recreation as well as the lake ecosystem due to sedimentation. In addition to a no action alternative, reasonable alternatives to be considered could include varying combinations of the quantities, locations and phasing of sediment removal from the reservoir. Alternatives could also consider varying locations, design and methods of disposal for removed sediments, including potential beneficial use of dredged materials.

The KWO, acting as the lead agency, will use the EIS in its consideration of dredging John Redmond Reservoir. This EIS is intended to provide decision makers, responsible agencies and citizens with enough information on the potential range of environmental impacts to make decisions on the alternatives analyzed in the document.

Issues to be addressed in the EIS include but are not limited to: (1) geology and soils, including sediment composition; (2) hydrology and water resources to include both surface and groundwater; (3) air quality; (4) aesthetics; (5) biological resources to include wildlife, fisheries, vegetation, threatened and endangered species; (6) prime and unique farmlands; (7) socioeconomic issues to

include economic and population considerations, land use, recreation and transportation; (8) cultural resources; (9) issues related to potentially contaminated sediments and their disposal; (10) safety; (11) impacts to wetlands and permitting requirements under Section 404 of the Clean Water Act; and (11) cumulative impacts associated with past, current and reasonably foreseeable future actions at John Redmond Reservoir.

The KWO is initiating the scoping process to identify community concerns and local issues that should be addressed in the EIS. Federal, state and local agencies as well as interested persons are encouraged to provide oral and/or written comments to the KWO to identify specific issues or topics of environmental concern. The KWO will consider these comments in determining the scope of the EIS.

Written comments on the scope of the EIS must be post-marked by March 12 and should be mailed to the Kansas Water Office, c/o Bobbi Wendt, 901 S. Kansas Ave., Topeka, 66612. Comments also can be submitted by phone at 785-296-3185, by fax at 785-296-0878 or by email at bobbi.wendt@kwo.ks.gov.

Tracy Streeter
Director

Doc. No. 041253

State of Kansas

Department of Revenue
Division of VehiclesNotice of Intent to Establish a New Location for
an Existing New Motor Vehicle Dealer

Scholfield Bros. Inc. Buick GMC has filed an intent to change dealership location. Scholfield Bros. Inc. Buick GMC currently conducts business as Scholfield Bros. Inc. Buick GMC at 7633 E. Kellogg, Wichita, Kansas. Scholfield Bros. Inc. Buick GMC seeks to relocate its location and line-make vehicles to 1333 N. Greenwich, Wichita, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer with standing may protest the proposed relocation of the new-line make vehicles by Scholfield Bros. Inc. Buick GMC. K.S.A. 8-2430(c) provides standing to any existing new motor vehicle dealer who has a franchise agreement for the same line-make vehicles as that which are to be sold or offered for sale by Scholfield Bros. Inc. Buick GMC, at 1333 N. Greenwich, Wichita, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the Scholfield Bros. Inc. Buick GMC dealership will be relocated.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the director of vehicles within 30 days of this notice. Such petition or complaint must be directed to the director of vehicles, Kansas Department of Revenue, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612

Donna Shelite
Director of Vehicles

Doc. No. 041257

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced January 14-16 by the 2013 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, 785-296-4096. Full texts of bills, bill tracking and other information may be accessed at <http://www.kslegislature.org/li/>.

House Bills

HB 2001, AN ACT concerning the Kansas national guard educational assistance act; relating to eligibility; amending K.S.A. 2012 Supp. 74-32,146 and repealing the existing section, by Committee on Legislative Post Audit Committee.

HB 2002, AN ACT concerning the state lottery; relating to security audits; background investigation requirements; amending K.S.A. 74-8707 and repealing the existing section, by Committee on Legislative Post Audit Committee.

HB 2003, AN ACT concerning school districts; relating to school finance; amending K.S.A. 72-6444 and K.S.A. 2012 Supp. 72-978, 72-6409, 72-6410, 72-6415b, 72-6433, 72-6433d, 72-6434, 72-6435, 72-6441, 72-6449, 72-6451 and 72-6456 and repealing the existing sections; also repealing K.S.A. 2012 Supp. 72-978a, by Representative Huebert.

HB 2004, AN ACT concerning schools; relating to pupils and reading state assessments, by Representative Huebert.

HB 2005, AN ACT concerning school districts; relating to state aid for capital improvements and capital outlay; amending K.S.A. 2012 Supp. 72-8814 and 75-2319 and repealing the existing sections, by Representative Huebert.

HB 2006, AN ACT concerning the Kansas rules and regulations filing act; amending K.S.A. 2012 Supp. 77-415 and repealing the existing section, by Committee on Joint Committee on Administrative Rules and Regulations.

HB 2007, AN ACT concerning insurance holding companies; amending K.S.A. 40-3302, 40-3304, 40-3305, 40-3306, 40-3307, 40-3308, 40-3309, 40-3311 and 40-3311a and repealing the existing sections, by Committee on 2012 Special Committee on Financial Institutions and Insurance.

HB 2008, AN ACT concerning criminal procedure; relating to the statute of limitations for certain sexually violent crimes; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, by Representative Finney.

HB 2009, AN ACT concerning the uniform act regulating traffic; relating to failure to comply with traffic citation; restricted driving privileges; amending K.S.A. 2012 Supp. 8-2110 and repealing the existing section, by Representative Finney.

HB 2010, AN ACT concerning business entities; relating to use of names, by Representative Finney.

HB 2011, AN ACT concerning distinctive license plates; relating to motorcycles; amending K.S.A. 2012 Supp. 8-1,142 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

HB 2012, AN ACT concerning public records; relating to legislative review of exceptions to disclosure; amending K.S.A. 2012 Supp. 45-229 and repealing the existing section, by Committee on Judiciary.

HB 2013, AN ACT concerning crimes and punishment; relating to perjury; amending K.S.A. 2012 Supp. 21-5903 and repealing the existing section, by Committee on Judiciary.

HB 2014, AN ACT concerning inheritance rights; relating to revocation upon divorce, by Committee on Judiciary.

HB 2015, AN ACT concerning domestic relations; relating to marital property; amending K.S.A. 2012 Supp. 23-2601 and repealing the existing section, by Committee on Judiciary.

HB 2016, AN ACT concerning judges of the district court; relating to the reassignment of positions; amending K.S.A. 20-327, 20-333, 20-336, 20-348, 20-354 and 20-2908 and repealing the existing sections; also repealing K.S.A. 20-301b, 20-338 and 20-354a, by Committee on Judiciary.

HB 2017, AN ACT concerning crimes, criminal procedure and punishment; relating to appeals; trials; violations of the uniform act regulating traffic on highways; amending K.S.A. 12-4601 and K.S.A. 2012

Supp. 22-3424, 22-3436, 22-3609 and 74-7301 and repealing the existing sections, by Committee on Judiciary.

HB 2018, AN ACT concerning state agencies; relating to acceptable methods of payment for certain educational institutions; amending K.S.A. 2012 Supp. 75-30,100 and repealing the existing section, by Committee on Judiciary.

HB 2019, AN ACT concerning the court of appeals; relating to appointment of judges by the governor; amending K.S.A. 20-3006 and 20-3010 and K.S.A. 2012 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009, by Committee on Judiciary.

HB 2020, AN ACT concerning the court of appeals; relating to election of judges; campaign finance act coverage; amending K.S.A. 25-2505 and K.S.A. 2012 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3006, 20-3007, 20-3008, 20-3009 and 20-3010, by Committee on Judiciary.

HB 2021, AN ACT authorizing the conveyance of certain real property; authorizing the state board of regents to sell and convey, or exchange with the Emporia state university foundation, certain real estate and authorizing the acceptance and conveyance of certain real estate owned by the Emporia state university foundation to the state board of regents, by Legislative Educational Planning Committee.

House Current Resolutions

HCR 5001, by Representatives Merrick and Davis, A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

HCR 5002, by Committee on Judiciary, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

HCR 5003, by Committee on Judiciary, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

HCR 5004, by Committee on Judiciary, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

House Resolutions

HR 6001, by Representatives Merrick and Davis, A RESOLUTION relating to the organization of the House of Representatives.

HR 6002, by Representatives Merrick and Davis, A RESOLUTION relating to assignment of seats of the House of Representatives.

HR 6003, by Representatives Merrick and Davis, A RESOLUTION relating to the rules of the House of Representatives for the 2013-2014 biennium.

HR 6004, by Representatives Merrick and Davis, A RESOLUTION adopting permanent rules of the House of Representatives for the 2013-2014 biennium.

Senate Bills

SB 1, AN ACT concerning the legislative post audit act; relating to periodic audits of the state treasurer and the pooled money investment board; transition audits; amending K.S.A. 2012 Supp. 46-1106 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 2, AN ACT concerning the legislative post audit act; providing for information technology audits; amending K.S.A. 46-1128 and repealing the existing section, by Committee on Legislative Post Audit Committee.

SB 3, AN ACT concerning physician assistants; exempt license; amending K.S.A. 2012 Supp. 65-28a03 and repealing the existing section, by Senator Faust-Goudeau.

SB 4, AN ACT concerning criminal procedure; relating to the statute of limitations for certain sexually violent crimes; amending K.S.A. 2012 Supp. 21-5107 and repealing the existing section, by Senator Faust-Goudeau.

SB 5, AN ACT concerning business entities; relating to use of names, by Senator Faust-Goudeau.

SB 6, AN ACT concerning the uniform act regulating traffic; relating to failure to comply with traffic citation; restricted driving privileges; amending K.S.A. 2012 Supp. 8-2110 and repealing the existing section, by Senator Faust-Goudeau.

SB 7, AN ACT concerning alcoholic beverages; relating to preparation of samples for tasting; relating to penalties; amending K.S.A. 41-713 and K.S.A. 2012 Supp. 41-308d, 41-354 and 41-2655 and repealing the exist-

ing sections, by Committee on Joint Committee on Administrative Rules and Regulations.

SB 8, AN ACT concerning judicial appointments; creating the Kansas commission on judicial qualifications; relating to senate confirmation, by Senator King.

SB 9, AN ACT enacting the cannabis compassion and care act; providing for the legal use of cannabis for certain debilitating medical conditions; providing for the registration and functions of compassion centers; authorizing the issuance of identification cards; establishing the compassion board; providing for administration of the act by the department of health and environment; amending K.S.A. 79-5210 and repealing the existing section, by Senator Haley.

SB 10, AN ACT concerning openness in government; amending K.S.A. 2012 Supp. 45-219, 46-1207a and 75-4318 and repealing the existing sections, by Senator LaTurner.

SB 11, AN ACT concerning legislators; amending K.S.A. 46-232 and 46-246a and repealing the existing sections, by Senator LaTurner.

SB 12, AN ACT concerning state governmental ethics; relating to state officers and employees; relating to lobbyists; amending K.S.A. 46-232 and repealing the existing section, by Senators Hensley, Hawk, Holland, Kelly and Pettey.

SB 13, AN ACT concerning elections; relating to election commissioners; amending K.S.A. 19-3419 and repealing the existing section, by Senators Hensley, Faust-Goudeau, Francisco, Hawk, Holland, Kelly and Pettey.

SB 14, AN ACT concerning certain state officers and employees; restricting outside employment, by Senators Hensley, Hawk, Kelly and Pettey.

SB 15, AN ACT concerning taxation; relating to the local ad valorem tax reduction fund; distribution to political subdivisions; amending K.S.A. 79-2961 and K.S.A. 2012 Supp. 79-2959 and repealing the existing sections, by Senators Hensley, Faust-Goudeau, Hawk, Holland and Kelly.

SB 16, AN ACT concerning racketeering; enacting the Kansas racketeer influenced and corrupt organization act; relating to criminal street gangs; forfeiture; amending K.S.A. 2012 Supp. 21-5302, 21-6313 and 60-4104 and repealing the existing sections, by Committee on Judiciary.

SB 17, AN ACT concerning crimes and punishment; relating to unlawful sexual relations; amending K.S.A. 2012 Supp. 21-5512 and repealing the existing section, by Committee on Judiciary.

SB 18, AN ACT concerning civil procedure; relating to restraining orders; amending K.S.A. 60-903 and repealing the existing section, by Committee on Judiciary.

SB 19, AN ACT concerning crimes and punishments; relating to mistreatment of a dependent adult; amending K.S.A. 2012 Supp. 21-5417 and repealing the existing section, by Committee on Judiciary.

SB 20, AN ACT concerning civil procedure; relating to docket fees and costs; poverty affidavit; amending K.S.A. 2012 Supp. 60-2001 and repealing the existing section, by Committee on Judiciary.

SB 21, AN ACT concerning firearms; relating to definition of firearm; criminal possession of a firearm by a convicted felon; expungement; relating to the personal and family protection act; amending K.S.A. 2012 Supp. 12-16,124, 21-5111, 21-6304, 21-6614, 75-7c03, 75-7c04, 75-7c05, 75-7c07 and 75-7c25 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 22, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 23, AN ACT concerning the postsecondary technical education authority; amending K.S.A. 2012 Supp. 72-4484 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 24, AN ACT concerning insurance; relating to risk-based capital requirements for certain insurance companies; amending K.S.A. 2012 Supp. 40-2c01 and 40-2c05 and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SB 25, AN ACT concerning insurance; relating to risk-based capital requirements for health organizations; amending K.S.A. 40-2d05 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 26, AN ACT concerning insurance; relating to line of insurance and reporting requirements; amending K.S.A. 2012 Supp. 40-4903 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 27, AN ACT concerning the military service scholarship program act; relating to qualified students; amending K.S.A. 2012 Supp. 74-32,228 and repealing the existing section, by Committee on Legislative Educational Planning Committee.

SB 28, AN ACT authorizing the division of emergency management within the adjutant general's department to accept certain real property, by Committee on Federal and State Affairs.

SB 29, AN ACT concerning racial profiling; relating to data collection by law enforcement; amending K.S.A. 2012 Supp. 22-4606 and repealing the existing section, by Committee on Federal and State Affairs.

SB 30, AN ACT concerning the uniform consumer credit code; relating to payday loans; amending K.S.A. 16a-2-404 and repealing the existing section, by Committee on Federal and State Affairs.

SB 31, AN ACT concerning certain employee organizations; relating to political activities; amending K.S.A. 75-4333 and repealing the existing section, by Committee on Commerce.

SB 32, AN ACT making and concerning appropriations for the fiscal year ending June 30, 2014, for the department of health and environment; relating to the local environmental protection programs, by Committee on Legislative Budget Committee.

SB 33, AN ACT concerning elections; concerning citizenship requirements; amending K.S.A. 2012 Supp. 25-2309 and 65-2418 and repealing the existing sections, by Committee on Ethics, Elections and Local Government.

SB 34, AN ACT concerning the commission on emergency planning and response; membership; amending K.S.A. 2012 Supp. 65-5721 and repealing the existing section, by Committee on Federal and State Affairs.

SB 35, AN ACT concerning alcoholic beverages; relating to the employment of certain individuals by licensees under the club and drinking establishment act; amending K.S.A. 41-2610 and repealing the existing section, by Committee on Federal and State Affairs.

SB 36, AN ACT concerning alcoholic beverages; relating to clubs and drinking establishments; permitting tastings on the licensed premises; amending K.S.A. 2012 Supp. 41-2637, 41-2640, 41-2641 and 41-2642 and repealing the existing sections, by Committee on Federal and State Affairs.

Senate Concurrent Resolutions

SCR 1601, by Senator King, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the judiciary.

SCR 1602, by Senator LaTurner, A PROPOSITION to amend section 2 of article 2 of the constitution of the state of Kansas, relating to senators and representatives.

SCR 1603, by Senators Wagle, Bruce and Hensley, A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

SCR 1604, by Senators Wagle, Bruce and Hensley, A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2013-2014 biennium.

SCR 1605, by Committee on Judiciary, A PROPOSITION to amend the constitution of the state of Kansas by revising article 3 thereof, relating to the Judiciary.

Senate Resolutions

SR 1701, by Senators Wagle, Bruce and Hensley, A RESOLUTION relating to the organization of the Senate.

SR 1702, by Senators Wagle, Bruce and Hensley, A RESOLUTION relating to assignment of seats of the Senate.

SR 1703, by Senators Wagle, King, Bruce and Hensley, A RESOLUTION congratulating Senator and Mrs. Ostmeier on their 50th wedding anniversary.

SR 1704, by Senators Wagle, Bruce and Hensley, A RESOLUTION adopting rules for the Senate of the State of Kansas for the terms of the Senators commencing with the 2013 regular session of the Legislature.

Doc. No. 041261

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. Southern Star Central Gas Pipeline, Inc. has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. 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.

Southern Star Central Gas Pipeline, Inc., P.O. Box 20010, Owensboro, KY 42304, owns and operates the Atchison Compressor Station located at Section 12, T6S, R20E, Atchison County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Northeast District Office, 800 W. 24th St., Lawrence. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, 785-296-1693, at the KDHE central office, or Pat Simpson, 785-842-4600, at the KDHE Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received not later than noon February 25.

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 Rasha Allen, KDHE, Bureau of Air, not later than noon February 25 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 pe-

riod. Contact Ward Burns, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, 66219, 913-551-7960, 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. 041262

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. Conestoga Energy Partners, LLC, has applied for an initial Class I operating permit for Arkalon Ethanol, LLC, in accordance with the provisions of K.A.R. 28-19-510 et al. 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.

Conestoga Energy Partners, LLC, 300 N. Lincoln, Liberal, 67901, owns an existing fuel grade ethanol plant operated by Arkalon Ethanol, LLC, located at 8664 County Road P, Liberal, Seward County.

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 public review during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, and at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Lynelle Ladd, 785-296-1719, at the KDHE central office, or Ethel Evans, 620-356-1075, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Lynelle Ladd, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received not later than noon February 25.

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 Lynelle Ladd, KDHE, Bureau of Air, not later than noon February 25 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 Ward Burns, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, 66219, 913-551-7960, 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. 041263

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 17, 28-18a-1 through 33, 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-13-017/023

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
D. L. Wiebe 13936 N.W. Purity Springs Road Burns, KS 66840	NW/4 of Section 29, T23S, R05E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-B014

This is a permit modification and reissuance for an expanding facility with the proposed maximum capacity of 460 head (184 animal units) of swine weighing greater than 55 pounds and 800 head (800 animal units) of cattle weighing greater than 700 pounds. This represents an increase of 500 animal units of cattle from the previous permit.

The facility consists of an enclosed swine building with an underground concrete pit and approximately 5.0 acres of open lot pens. Proposed modifications include the construction of approximately 4.1 acres of open lot pens, three sediment basins, three vegetative treatment areas and two freshwater diversions. The existing pen area will be decommissioned and planted to grass.

Name and Address of Applicant	Legal Description	Receiving Water
Seaboard Foods — Tuttle Nursery #114 Stephen Summerlin 2801 Hurliman Road Guymon, OK 73942	NE/4 of Section 03, T31S, R38W, Stevens County	Cimarron River Basin
Kansas Permit No. A-CISV-H007	Federal Permit No. KS0097004	

This permit is being reissued for an existing swine facility for a maximum capacity of 10,800 head (1,080 animal units) of swine weighing 55 pounds or less. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Hornung Starter Yard Norbert Hornung 30023 O Road Offerle, KS 67563	NE/4 of Section 33, T25S, R20W, Edwards County	Upper Arkansas River Basin
Kansas Permit No. A-UAED-C003	Federal Permit No. KS0090158	

This permit is being reissued for an existing facility for 3,000 head (3,000 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. An approved Nutrient Management Plan for the facility is on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
3-B Cattle Company, Inc. 2878 U.S. 24 Highway Beloit, KS 67420	SE/4 of Section 31, T06S, R07W, Mitchell County	Solomon River Basin
Kansas Permit No. A-SOMC-C005	Federal Permit No. KS0098787	

This permit is being reissued for an existing facility with a maximum capacity of 2,500 head (1,250 animal units) of cattle 700 pounds or less and 1,000 head (1,000 animal units) of cattle more than 700 pounds, for a total of 3,500 head (2,250 animal units) of cattle. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Maurice Feldkamp 2460 F Road Baileyville, KS 66404	NW/4 of Section 01, T02S, R11E, Nemaha County	Missouri River Basin
Kansas Permit No. A-MONM-S035		

A permit is being reissued to an existing facility with a maximum capacity of 892 head (356.8 animal units) of swine weighing more than 55 pounds and 730 head (73 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
J-Six Farms Inc. (80) John A. Kramer P.O. Box 170 Seneca, KS 66538	SW/4 of Section 28, T04S, R13E, Nemaha County	Kansas River Basin
Kansas Permit No. A-KSNM-S015		

A permit is being reissued to an existing facility with a maximum capacity of 2,000 head (200 animal units) of swine weighing 55 pounds or less and 760 head (304 animal units) of swine weighing more than 55 pounds. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Circles, Inc. Troy Nelson 1566 210 Ave. Lewis, KS 67552	SW/4 of Section 21 & NW/4 of Section 28, T26S, R17W, Edwards County	Lower Arkansas River Basin
Kansas Permit No. A-ARED-C002	Federal Permit No. KS0088251	

(continued)

This permit is being reissued for an existing facility for 2,500 head (2,500 animal units) of beef cattle greater than 700 pounds. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Public Notice No. KS-Q-13-003/005

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-g), and Federal Surface Water Criteria:

Name and Address of Applicant	Receiving Stream	Type of Discharge
Kansas City Board of Public Utilities 540 Minnesota Ave. Kansas City, KS 66101	Missouri River	Process Wastewater & Cooling Water
Kansas Permit No. I-MO25-BO01 Legal Description: SW¼, S13, T10S, R24E, Wyandotte County, KS Facility Name: Nearman Creek Power Station Facility Location: 4240 N. 55th St., Kansas City, KS 66104	Federal Permit No. KS0119075	

The proposed action consists of reissuing an existing permit for discharge of process and cooling water. This facility generates electric power with high-pressure steam produced by fossil fuel. The facility has a rated electric generation capacity of 235 megawatts. The water cooling system can be operated in one of two modes: once-through cooling utilizing river water or an eight-cell cooling tower utilizing city water. During once-through cooling operation, the volume of cooling water discharge fluctuates with the season and is based upon electrical demand and other various operational parameters. In the summer, the maximum discharge is approximately 153 million gallons per day (mgd). In the winter, the maximum discharge is approximately 97 mgd. During cooling tower operation, the average daily discharge, excluding stormwater runoff, is about 0.80 mgd. Combustion Turbine #4 has been installed for supplemental electrical generation capacity. Combustion Turbine #4 utilizes evaporative air cooling, which can discharge approximately 0.072 mgd of non-contact wastewater. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, oil and grease, free available oxidant and pH, as well as monitoring for priority pollutants, effluent and river temperature and effluent flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
New NGC, Inc. 1218 S.W. Mill Road Medicine Lodge, KS 67104	Medicine Lodge River via Elk Creek or Bear Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-AR86-PO01
Legal Description: S½, S8, 9, 10; W½, S11; E½, S15, 17; S16; NE¼, S20, T31S, R15W, Barber County
Facility Name: Sun City Mine

The proposed action consists of reissuing an existing permit for discharge of wastewater. This facility mines and crushes 500,000 tons of gypsum rock a year in the southeast portion of the site. Quarrying operations are only performed on a couple of cells at a time. Once a cell is depleted, the cell is backfilled with overburden. Outfalls 001-024 consist of stormwater runoff. Outfalls 001 and 012 include flows from on-site springs. The underground mine is no longer operational and is not being dewatered. Two septic tank systems treat domestic wastes on-site from the offices and shop facilities. A 5.6-acre landfill is also on-site but is permitted by a separate permit issued by KDHE's Bureau of Waste Management. The proposed permit requires monitoring for sulfates and effluent flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wichita, City of Water Production & Pumping Div. 1815 W. Pine Wichita, KS 67203	Kisiwa Creek and Little Arkansas River	Process Wastewater

Kansas Permit No. I-LA02-PO02
Federal Permit No. KS0099392
Legal Description: S12, T23S, R3W, Harvey County, KS
Facility Name: Wichita ASR Phase I Treatment Plant
Facility Location: 17934 N.W. 12th St., Burrton, KS 67020

The proposed action is to re-public notice KDHE's intent to reissue an existing Kansas/NPDES Water Pollution Control permit for wastewater discharge from an existing water treatment plant. This is an Aquifer Storage and Recovery Project using a 7 mgd ballasted flocculation plant to treat water from the Little Arkansas River during high flow conditions. The treated water will be stored in the Equus Beds aquifer for later recovery. Off-specification treated water (with higher than desired turbidity) is pumped to a storage lagoon. Excess water in this lagoon is pumped over the dike to Kisiwa Creek. On-specification water is routed to high-rate recharge basins. About 0.5 mgd of sediment slurry and Actiflo reject water is returned to the Little Arkansas River. The proposed permit contains limits for whole effluent toxicity and pH, as well as monitoring the lagoon pump run time, total suspended solids and flow, and a requirement to sample the receiving stream (Little Arkansas River) for total suspended solids upstream of the plant intake line and downstream of the plant wastewater discharge line during plant operations.

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 February 23 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-13-017/023, KS-Q-13-003/005) 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. 041268

(Published in the Kansas Register January 24, 2013.)

**Unified School District No. 206
Butler County, Kansas (Remington)**

**Notice of Intent to Seek Private Placement
General Obligation Capital Outlay Bonds, Series 2013**

Notice is hereby given that Unified School District No. 206, Butler County, Kansas (Remington) (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$700,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated January 14, 2013.

Patrina Smith
Clerk

Doc. No. 041267

**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. 2012 Supp. 12-1675(b)(c)(d) and K.S.A. 2012 Supp. 12-1675a(g).

Effective 1-21-13 through 1-27-13

Term	Rate
1-89 days	0.14%
3 months	0.07%
6 months	0.11%
1 year	0.17%
18 months	0.22%
2 years	0.26%

Scott Miller
Director of Investments

Doc. No. 041252

**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:

02/05/2013	EVT0002000	Excavating Services — Clinton Wildlife Area
02/05/2013	EVT0002006	Boats with Trailer & Motor
02/07/2013	EVT0002012	Agricultural Lime — Fall River & Toronto Wildlife Areas
02/12/2013	EVT0001991	Voice Over Internet Protocol
02/13/2013	EVT0002010	Primus @ Certified Locksmith and Door Services

02/14/2013	EVT0001988	Consultation, Facilitation and Strategic Planning Services
02/18/2013	EVT0002005	Emergency Food Assistance Program Services (TEFAP)
02/19/2013	EVT0001990	Web-based and Hosting of LSI-R & LSI-R:SV
02/19/2013	EVT0002007	Court Reporting Services
02/21/2013	EVT0002013	Maintenance Services — Laboratory Equipment
02/22/2013	EVT0001995	Recalibration and Rebasng of the Kansas Medicaid DRG Reimbursement System and DSH System

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

<http://www.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>

02/12/2013	A-012136	Medium Voltage Improvements, North Loop — Phase 1 — Various Buildings — Fort Hays State University, Hays
02/20/2013	A-011776	Stadium Renovation — West Memorial Stadium — Kansas State University, Manhattan
02/21/2013	A-012008	Subarea Bay Addition — La Crosse — Dept. of Transportation, Topeka
02/28/2012	A-012079	Reroof Warehouse Building — Larned State Hospital, Larned

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

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 041272

**State of Kansas
Department of Agriculture
Division of Conservation**

Notice to Contractors

Sealed bids for the construction of a 16,750-cubic-yard (fill) detention dam, Site 28 located in Marshall County, will be received by the Horseshoe Creek Watershed Joint District No. 110 at the office of the county clerk, Marshall County Courthouse, 1201 Broadway, P.O. Box 391, Marysville, 66508, 785-562-5361, until 2 p.m. February 21 and then opened. Bids may be hand-delivered prior to bid opening. A copy of the invitation for bids and the plans and specifications can be reviewed at and obtained from the office of CES Group P.A., 1102 Broadway, Marysville, 66508, 785-562-5148. A \$25 nonrefundable deposit will be required for each set of plans requested. Plans can be sent electronically at no charge if requested at tduever@bluevalley.net.

Greg A. Foley
Executive Director
Division of Conservation

Doc. No. 041271

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation is seeking a qualified consulting firm, prequalified in Category 322 — Bridge Inspection, for the project as listed below. A PDF (0.5Mb maximum size) of the interest response must be emailed to David J. Nagy, P.E., assistant to the bureau chief of design/contracts engineer, at DavidN@ksdot.org. Interest and experience responses are limited to four pages, and the subject line of the reply email and the PDF file name must read "Project # - LOI - Firm Name." Letters of interest must be received by noon February 7 for the consulting firm to be considered. Categories may be viewed at www.ksdot.org/divengdes/prequal.

Project #106 C-0478-01
Pin and Hanger Ultra-Sonic Inspections
of Local Bridges Statewide

Consulting engineering services are sought for the ultra-sonic inspection of pin and hanger bridges on the local system statewide 2013-2015. The following hyperlink will yield a table and maps of where the bridges are located and when (calendar year) the bridges are to be inspected:

<https://www.google.com/fusiontables/DataSource?docid=1UUDI0DxEZBj823PuEjEi-aeMSvj6EIEjeuIcH4>

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview for the project. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project.

The Consultant Selection Committee, appointed by the secretary of transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select one firm to perform the professional services required for completing the advertised project.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to project(s).
4. Work load of firm.
5. Firm's performance record.

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

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

For more information contact David Nagy at DavidN@ksdot.org.

Mike King
 Secretary of Transportation

Doc. No. 041266

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/purchasing/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.

Jim Hughes
 Chair of Regents Purchasing Group
 Director of Purchasing
 Pittsburg State University

Doc. No. 040656

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the KDOT website at <http://www.ksdot.org/burconsmain/contracts/proposal.asp>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid not later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject a bid. The secretary of transportation reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2007 edition of the Kansas Department of Transportation Standard Specifications for State Road and Bridge Construction.

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, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603, until 1 p.m. February 20, and then publicly opened and read at 1:30 p.m.:

District One — Northeast

Jefferson—192-44 KA-0024-01 — K-192, Indian Creek bridge 2.5 miles west of the Jefferson/Leavenworth county line, bridge replacement. (Federal Funds)

Marshall—36-58 KA-0027-01 — U.S. 36, Snipe Creek bridge 3.36 miles east of K-99, bridge replacement. (Federal Funds)

Douglas—56-23 KA-0032-01 — U.S. 56, East Fork Tauy Creek bridge about 4 miles east of U.S. 59, bridge replacement. (Federal Funds)

Douglas—56-23 KA-0033-01 — U.S. 56, Middle Fork Tauy Creek drainage bridge about 2 miles east of U.S. 59 and Middle Fork Tauy Creek bridge about 2.7 miles east of U.S. 59, bridge replacements. (Federal Funds)

Osage—75-70 KA-2182-01 — U.S. 75 from the Osage/Coffey county line north to 1 mile north of U.S. 75/K-31 south junction, milling and overlay, 7.2 miles. (State Funds)

Douglas—56-23 KA-2294-01 — U.S. 56, from East 1600 Road to Bullpup Drive, grading and surfacing, 0.6 mile. (State Funds)

Lyon—56-56 KA-2791-01 — Bridge #148 on U.S. 56 in Lyon County 1.55 miles east of KTA (Elm Creek), bridge overlay. (State Funds)

Shawnee—4-89 KA-2889-01 — K-4, from K-4/RS-514 (Auburn Road) east to I-70/K-4, 1.5-inch overlay, 1.9 miles. (State Funds)

Douglas—40-23 KA-3075-01 — Bridges #081 and #082 on U.S. 40 in Douglas County 1.45 miles east of the south junction of U.S. 40/U.S. 59, bridge repairs. (State Funds)

Osage—75-70 KA-3113-01 — U.S. 75, various bridge locations from 0.6 mile north of the Osage/Coffey county line north for 6 miles, bridge repairs.

Statewide—116-106 KA-2890-01 — K-116, from the K-116/K-16 junction east to the Jackson/Atchison county line; K-116, from the Jackson/Atchison county line east to county milepost 7.0, recycle and overlay, 13.0 miles. (State Funds)

Statewide—24-106 KA-2898-01 — U.S. 24, from the Pottawatomie/Riley county line east 3.9 miles (PCCP); U.S. 24, from 3.9 miles east of the Pottawatomie/Riley county line (PCCP) east to the 4-lane divided section; U.S. 24, from the east junction of U.S. 24/U.S. 77 southeast to U.S. 24/K-13, 1.5-inch overlay, 22.3 miles. (State Funds)

District Two — North Central

Dickinson—43-21 KA-0039-01 — K-43, Smoky Hill River drainage bridge 1.5 miles south of I-70/K-43, bridge replacement. (Federal Funds)

Dickinson—70-21 KA-0732-01 — I-70, 0.4 mile west of K-15 east to 2.3 miles east of the K-43 east junction, milling and overlay, 8.5 miles. (Federal Funds)

Geary—77-31 KA-2402-01 — Signal and turn lanes at U.S. 77 and K-57 in Geary County, intersection improvement, 0.3 mile. (Federal Funds)

District Three — Northwest

Rawlins—36-77 KA-3132-01 — U.S. 36, from the Cheyenne/Rawlins county line east, sealing, 10.0 miles. (State Funds)

Cheyenne—27-12 KA-3133-01 — K-27, from the west U.S. 36/K-27 junction north to the Kansas/Nebraska state line, sealing, 21.1 miles. (State Funds)

District Four — Southeast

Neosho—39-67 KA-0034-01 — K-39, Pecan Creek bridge about 1 mile west of the west junction of U.S. 59 and K-39, bridge replacement. (Federal Funds)

Greenwood—58-37 KA-0035-01 — K-58, Halderman Creek drainage bridge about 4 miles east of Madison, bridge replacement. (Federal Funds)

Bourbon—69-6 KA-2772-01 — U.S. 69, bridge #070, 6.57 miles north of the Crawford County line, and bridge #071, 6.58 miles north of the Crawford County line, bridge repairs. (State Funds)

Lyon—35-56 KA-3096-01 — I-35 in Lyon County from the I-35/U.S. 50 junction east to the Lyon/Coffey county line, 2-inch overlay, 10.3 miles. (State Funds)

Franklin—35-30 KA-3121-01 — Cantilever sign structure just west of the south junction of I-35/U.S. 59 in Franklin County (near Exit #183), signing. (State Funds)

District Five — South Central

Pratt—54-76 K-8243-04 — U.S. 54, from RS 501 junction east to 1 mile east of Cairo intersection, grading, bridge and surfacing, 5.0 miles. (Federal Funds)

Sedgwick—135-87 KA-2827-01 — High mast weathering poles at the I-135/I-235 junction, lighting, 1.2 miles. (Federal Funds)

Sedgwick—235-87 KA-2845-01 — Bridge #098 on I-235, located at the junction of 25th Street over I-235, bridge repair. (State Funds)

Butler—8 U-0039-01 — Andover: Andover and 13th Street, traffic signals. (Federal Funds)

Sumner—96 U-2161-02 — Wellington: pedestrian and bicycle paths. (Federal Funds)

(continued)

Each bidder shall certify 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 certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when signing the proposal will make the bid nonresponsive and not eligible for award consideration.

Mike King
Secretary of Transportation

Doc. No. 041258

(Published in the Kansas Register January 24, 2013.)

Summary Notice of Sale

Unified Government of
Wyandotte County/Kansas City, Kansas

\$15,270,000*

General Obligation Improvement Bonds
Series 2013-A

\$5,305,000*

Taxable General Obligation Improvement Bonds
Series 2013-B

(General obligations payable from
unlimited ad valorem taxes)

Bids

Subject to additional terms and conditions contained in the Notice of Sale dated December 20, 2012, written and electronic bids for the purchase of the above-referenced bonds of the Unified Government of Wyandotte County/Kansas City, Kansas (the issuer) will be received on behalf of the issuer by the issuer's financial adviser, in the case of written bids, at the address hereinafter set forth, and in the case of electronic bids, via PARITY, until 10:30 a.m. Central Time February 7, 2012 (the sale date).

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Series 2013-A Bonds and Series 2013-B Bonds will be dated as of the issue date (currently expected to be February 27, 2013) and will become due on August 1 in the years as follows:

Series 2013-A Bonds

Maturity	Principal Amount*
2013	\$ 565,000
2014	800,000
2015	1,095,000
2016	840,000
2017	570,000
2018	585,000
2019	595,000
2020	610,000
2021	620,000
2022	635,000
2023	655,000
2024	675,000

2025	695,000
2026	715,000
2027	735,000
2028	755,000
2029	780,000
2030	800,000
2031	825,000
2032	850,000
2033	870,000

Series 2013-B Bonds

Maturity	Principal Amount*
2014	\$285,000
2015	330,000
2016	330,000
2017	350,000
2018	350,000
2019	355,000
2020	360,000
2021	365,000
2022	370,000
2023	385,000
2024	335,000
2025	340,000
2026	355,000
2027	360,000
2028	100,000
2029	110,000
2030	110,000
2031	115,000

The Series 2013-A Bonds and Series 2013-B Bonds will bear interest from the date thereof at rates to be determined when such bonds are sold, which interest will be payable semiannually on February 1 and August 1 in each year, beginning August 1, 2013, for the Series 2013-A Bonds and February 1, 2014, for the Series 2013-B Bonds.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Book-Entry-Only System

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

Good Faith Deposit

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

Pre-Bid Revisions

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

Adjustment of Issue Size

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

Delivery and Payment

The issuer will pay for preparing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s), on or about February 27, 2013 (the issue date), to DTC for the account(s) of the successful bidder(s).

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the issuer for the year 2012 is \$1,206,951,278. The total general obligation bonded indebtedness of the issuer as of the date of the bonds, including the bonds being issued and the temporary notes being issued contemporaneously with the bonds, but excluding the temporary notes to be retired with the proceeds of the bonds, the notes and other funds of the issuer, is \$358,760,000, of which \$358,235,000 is indebtedness of the issuer payable only from taxes on taxable tangible property in the city of Kansas City Kansas, and \$525,000 is indebtedness of the issuer payable from taxes on taxable tangible property within Wyandotte County, Kansas.

Approval of the Bonds

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

Additional Information

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

Financial Adviser – Written and Facsimile Bid and**Good Faith Deposit Delivery Address:**

Springsted Incorporated
380 Jackson St., Suite 300
St. Paul, MN 55101
Attn: Bond Services
651-223-3000
Fax: 651-223-3046
Email: bond_services@springsted.com

Dated December 20, 2012.

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

*Preliminary; subject to change.

Doc. No. 041270

State of Kansas**Department of Agriculture****Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10:30 a.m. Thursday, March 28, in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the secretary of agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by e-mail at leslie.garner@kda.ks.gov. Comments also may be made through the department's website, <http://www.ksda.gov>, under the proposed regulation. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-28-2 adopts federal regulations by reference.

K.A.R. 4-28-8 adopts the Kansas food code and publish date.

K.A.R. 4-28-9 through K.A.R. 4-28-16 are being revoked because they are no longer applicable.

Economic Impact Statement:

There will be minimal costs associated with reprinting Kansas food code books for inspectors and other staff. Time will be spent updating inspection software. All costs involved should be less than \$5,000.

There will be no costs to other governmental agencies. The only impact on private businesses will be if they print out the revised regulations for their records or daily use.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at 785-296-4623 or fax 785-368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the contact information above or by accessing the department's website at <http://www.ksda.gov>.

Dale A. Rodman
Secretary of Agriculture

Doc. No. 041255

State of Kansas

Department of Agriculture

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Thursday, March 28, in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed regulations.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the secretary of agriculture, 109 S.W. 9th, 4th Floor, Topeka, 66612, or by email at leslie.garner@kda.ks.gov. Comments also may be made through the department's website, <http://www.ksda.gov>, under the proposed regulation. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows:

K.A.R. 4-16-1a clarifies or adds definitions. K.A.R. 4-17-1a is being revoked and those definitions have been incorporated into this regulation.

K.A.R. 4-16-1c adopts the 2012 version of the federal meat and poultry regulations. Food Safety and Inspection Service (FSIS) requires the Kansas Department of Agriculture to have a current version of the federal regulations adopted. Previously, the federal poultry regulations were adopted under Article 17. K.A.R. 4-17-1c is being revoked and those requirements have been incorporated into this regulation.

K.A.R. 4-16-7a modifies the fees for work outside a plant's regularly scheduled work hours, and fees for voluntary inspection have been added. This regulation also includes the procedure for assessing fees for overtime work associated with 4-H slaughter. The hourly fee inspection was increased from \$25 to \$28, and a daily flat fee of \$40 per processing inspection is now used instead of the hourly fee.

K.A.R. 4-16-306 is a new regulation clarifying the retail exemption and inspection responsibilities between the Meat and Poultry Inspection Program and the Food Safety and Lodging Program.

K.A.R. 4-17-1a, K.A.R. 4-17-1c, K.A.R. 4-17-300, and K.A.R. 4-17-302 through 4-17-305 were previously designated poultry regulations. These regulations are being revoked to avoid redundancy and consolidate program regulations.

Economic Impact Statement:

There will be no costs to governmental agencies. The financial impact, associated with the proposed changes to K.A.R. 4-16-7a, to private businesses will be minimal. During the last legislative session changes were made to the Meat and Poultry Inspection Act so that fees were

directly related to costs incurred by the program. Originally, registration fees ranged from free to \$250 per year. The registration fee was changed to \$25 regardless of the type of registration. When inspection services are requested outside a plant's regularly scheduled operating hours, or for exotic species, those costs must be paid for with 100 percent state funds and not charged to the program's federal grant. To ensure that the program can cover those costs, the hourly fee is increasing from \$25 to \$28 for slaughter inspections, and a flat fee of \$40 is applicable for processing inspections. There is currently a two-hour minimum charge for overtime fees, therefore the cost to provide additional inspection for processing will actually decrease from \$50 to \$40. This cost savings, in addition to the reduction in registration fees, should offset any extra costs associated with the increased hourly fee.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at 785-296-4623 or fax 785-368-6668. Handicapped parking is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting Leslie Garner at the contact information above or by accessing the department's website at <http://www.ksda.gov>.

Dale A. Rodman
Secretary of Agriculture

Doc. No. 041254

State of Kansas

Department of Labor
Division of Workers CompensationPermanent Administrative
Regulations

Article 9.—MEDICAL AND HOSPITAL

51-9-17. Release 3 standards for trading partner profiles; submission of data; first reports of injury. (a) Each insurer, group-funded workers compensation pool, and self-insured employer shall participate in the electronic data interchange (EDI) program and shall submit to the director a completed EDI trading partner profile at least 30 days before submitting claim information pursuant to the international association of industrial accident boards and commissions' release 3 standards, as provided in K.S.A. 44-557a and amendments thereto. The EDI trading partner profile shall be completed according to the "Kansas EDI release 3 guide for reporting first (FROI) and subsequent (SROI) reports of injury" as revised on October 16, 2012 by the Kansas department of labor and hereby adopted by reference. This document shall be referred to as the "Kansas EDI release 3 guide" in this regulation.

(b) Each insurer, group-funded workers compensation pool, and self-insured employer shall report to the director within five days any changes to information submitted in the EDI trading partner profile.

(c) All claim information submitted pursuant to K.S.A. 44-557a, and amendments thereto, by electronic data interchange shall be submitted according to the Kansas EDI release 3 guide.

(d) All claim information submitted pursuant to K.S.A. 44-557a, and amendments thereto, and the Kansas EDI release 3 guide's first report of injury, commonly called "FROI 00," shall be considered the filing of an accident report pursuant to K.S.A. 44-557, and amendments thereto. This information shall not be open to public inspection, except as provided in K.S.A. 44-550b and amendments thereto.

(e) All claim information submitted pursuant to K.S.A. 44-557a, and amendments thereto, and the Kansas EDI release 3 guide shall be considered a medical record to the extent that the information refers to an individual worker's identity. No references in the claim information to an individual worker's identity shall be open to public inspection, except as provided in K.S.A. 44-550b and amendments thereto. For purposes of this regulation, the claim number used by an insurance carrier, self-insured employer, or group-funded workers compensation pool to identify an individual worker's claim shall be considered a reference to the individual worker's identity.

(f) On or before the compliance dates specified in paragraphs (g)(1)-(3), each insurer shall file claim information for all "lost time/indemnity" and "denied" cases through EDI rather than by submitting paper forms. The insurer shall file the electronic form in accordance with the Kansas EDI release 3 guide.

(g) Each insurer shall comply with the implementation schedule for reporting electronic FROI or SROI specified in this subsection. The insurer's implementation schedule shall be one of three "test-to-production" periods as specified in paragraphs (g)(1)-(3). Each insurer shall be assigned to the first, second, or third test-to-production period by the director. Each claim administrator voluntarily submitting claims as EDI filings in production status using the international association of industrial accident boards and commissions' (IAIABC's) release 1 national standard shall convert to release 3 and shall be in production status by the same date as that required for the first group of insurers specified in paragraph (g)(1). Each test-to-production period shall consist of three calendar months.

(1) The compliance date for the first test-to-production period shall be April 1, 2013. The compliance date for that insurer's implementation schedule shall be June 30, 2013.

(2) The compliance date for the second test-to-production period shall be July 1, 2013. The compliance date for that insurer's implementation schedule shall be September 30, 2013.

(3) The compliance date for the third test-to-production period shall be October 1, 2013. The compliance date for that insurer's implementation schedule shall be December 31, 2013. (Authorized by K.S.A. 44-573 and K.S.A. 74-717; implementing K.S.A. 2011 Supp. 44-550b, K.S.A.

44-557, K.S.A. 2011 Supp. 44-557a, and K.S.A. 74-716; effective Jan. 1, 2004; amended June 17, 2005; amended Feb. 8, 2013.)

Larry G. Karns, Director
Division of Workers Compensation

Doc. No. 041265

State of Kansas

Real Estate Appraisal Board

Permanent Administrative Regulations

Article 20.—APPRAISAL MANAGEMENT COMPANY REGISTRATION

117-20-3. Registration renewal. To renew an AMC's registration, the controlling person of the AMC with a current, valid registration shall submit an application for renewal on forms provided by the board and pay the fees specified in K.A.R. 117-20-4. (Authorized by L. 2012, ch. 93, sec. 25; implementing L. 2012, ch. 93, secs. 6, 9, and 10; effective, T-117-7-3-12, July 3, 2012; effective Feb. 8, 2013.)

117-20-7. Certification of annual review. The controlling person of each AMC applying for an initial registration or registration renewal shall certify that the AMC performed an appraisal review on at least five percent of all appraisal reports submitted by appraisers performing real estate appraisal services for the AMC within Kansas on an annual basis. (Authorized by L. 2012, ch. 93, sec. 25; implementing L. 2012, ch. 93, sec. 12; effective, T-117-7-3-12, July 3, 2012; effective Feb. 8, 2013.)

Sally Pritchett
Executive Director

Doc. No. 041264

State of Kansas

Department of Wildlife, Parks and Tourism

Permanent Administrative Regulations

Article 9.—LICENSES, PERMITS, STAMPS, AND OTHER DEPARTMENT ISSUES

115-9-8. Migratory bird harvest information program; requirements, exemptions. (a) As used in this regulation, "migratory game bird" shall mean any wild duck, goose, merganser, crane, dove, rail, snipe, woodcock, or other migratory bird for which a hunting season is established in the state of Kansas.

(b) Each person hunting migratory game birds in the state of Kansas shall be required to complete a Kansas migratory bird harvest information survey, as provided by the secretary.

(c) Upon completion of a Kansas migratory bird harvest information survey, a harvest information program permit shall be issued by the secretary or the secretary's designee to the person completing the survey.

(continued)

(1) Each person required to comply with subsection (b) shall be in possession of a valid harvest information program permit issued to that person while hunting any migratory game bird within the state of Kansas.

(2) Each harvest information program permit shall be validated by the signature of the permit holder written in the signature block of the permit.

(3) Each harvest information program permit shall be valid from the date of issuance through June 30 following the date of issuance.

(4) A harvest information program permit shall not be transferable.

(d) The provisions of subsection (b) shall not apply to the hunting of any migratory game bird by either of the following:

(1) Tribal members on federal Indian reservations or tribal members hunting on ceded lands; or

(2) a resident of this state not required by K.S.A. 32-919, and amendments thereto, to hold a hunting license.

(e) This regulation shall be effective on and after April 1, 2013. (Authorized by and implementing K.S.A. 32-807, as amended by L. 2012, ch. 47, sec. 25; effective July 1, 1998; amended April 1, 2013.)

Article 14.—FALCONRY

115-14-14. Falconry; taking, banding, transporting, and possessing raptors. (a) Each person taking a raptor from the wild for falconry purposes shall possess a current, valid hunting license pursuant to K.S.A. 32-919, and amendments thereto, and meet the requirements for hunter education certification pursuant to K.S.A. 32-920, and amendments thereto.

(b) Each falconer shall apply for and receive a permit from the department before attempting to take a raptor from the wild in Kansas.

(c) Each capture device used to capture raptors shall have a tag attached showing the permittee's name, address, and current falconry permit number.

(d) The permittee shall acquire permission from the landowner or the person controlling any private land before taking or attempting to take any wild raptor for falconry purposes.

(e) Wild raptors may be taken for falconry purposes if the species is approved by the department to be taken by the permittee and is allowed under the level of falconry permit possessed by the permittee in accordance with K.A.R. 115-14-12.

(1) A permittee shall not intentionally take a raptor species that the permittee is prohibited from possessing by the permittee's classification level.

(2) If a permittee captures a prohibited bird, the permittee shall immediately release it.

(f) A permittee shall take no more than two raptors from the wild each year to use in falconry in accordance with the permit level limitations specified in K.A.R. 115-14-12. The take shall be further restricted by the following provisions:

(1) Passage and haggard raptors may be taken by apprentice falconers, general falconers, and master falconers year-round.

(2) Raptors less than one year of age may be taken only by a general falconer or master falconer and may be taken year-round.

(3) No more than two eyases may be taken by a general falconer or a master falconer per calendar year. At least one eyas shall be left in the nest when an eyas is taken.

An apprentice falconer shall not take an eyas raptor from the wild.

(4) The following raptors may be taken from the wild, but only during the specified stages of development:

(A) Red-tailed hawk (*Buteo jamaicensis*) in the eyas and passage stages;

(B) American kestrel (*Falco sparverius*) in all stages; and

(C) great horned owl (*Bubo virginianus*) in all stages.

(5) Any other species of raptor in the eyas or passage stage of development may be taken by general falconers and master falconers.

(6) The recapture of a falconry bird that has been lost by a falconry permittee shall not be considered to be the capture of a wild raptor to be counted against the annual limit.

(g) Except as provided by this subsection, no species designated by the United States or in K.A.R. 115-15-1 as endangered or threatened shall be taken from the wild.

(1) A general falconer or master falconer may obtain a permit to take one wild raptor listed by federal law as threatened for falconry purposes.

(2) (A) The permittee shall submit an application and receive a federal endangered species permit before taking the bird.

(B) The permittee shall submit an application and receive approval and a permit from the department before taking the bird.

(h) Each raptor taken from the wild shall always be considered a wild bird.

(i) Each raptor taken from the wild in a calendar year by a permittee and then transferred to a second permittee shall count as one of the raptors allowed to be taken by the first permittee who took the raptor from the wild. The raptor transferred to the receiving permittee shall not count against the limit of wild raptors that may be taken in the calendar year by the receiving permittee.

(j) Each raptor taken from the wild shall be reported as follows:

(1) The permittee who is present and takes possession of a wild raptor at the capture site shall file the required report information within 10 calendar days of the capture by submitting the information to the electronic database of the United States fish and wildlife service.

(2) Any permittee may enlist the assistance of another person to take a wild raptor if the permittee is at the exact location of the capture and takes immediate possession of the bird.

(3) Any permittee who does not take immediate possession of a wild raptor at the exact location of the capture may acquire a wild raptor from a general falconer or master falconer, as defined in K.A.R. 115-14-12, in accordance with the following reporting requirements:

(A) The general falconer or master falconer who takes the raptor from the wild shall report the capture in accordance with paragraph (j)(1).

(B) The permittee receiving the wild raptor from the general falconer or master falconer shall report the transfer of the bird within 10 calendar days of the transfer by submitting the information to the electronic database of the United States fish and wildlife service.

(4) Any permittee who has a long-term or permanent physical impairment that prevents the individual from being present at the exact location of the capture and taking immediate possession of a wild raptor that may be used by the permittee for falconry purposes may acquire a bird by the following means:

(A) Any general falconer or master falconer, as defined by K.A.R. 115-14-12, may capture the wild raptor.

This capture shall not count against the general falconer's or master falconer's calendar-year limit for the take of wild raptors. However, this capture shall count against the calendar-year limit for wild raptors of the permittee with the long-term or permanent physical impairment.

(B) The permittee with the long-term or permanent physical impairment shall file the capture report in accordance with paragraph (j)(1).

(C) The permittee with the long-term or permanent physical impairment shall confirm the presence of the impairment and the need to report in accordance with this subsection at the time of application for the capture permit.

(k) A master falconer may be authorized by permit to possess not more than three eagles, including golden eagles, white-tailed eagles, or Steller's sea eagles, for falconry in accordance with the following provisions:

(1) Each eagle possessed shall count against the possession limit for the permittee.

(2) A golden eagle may be taken in a location declared by the wildlife services of the United States department of agriculture or in an area within a state that has been established as a livestock depredation area in accordance with the following provisions:

(A) An immature or a subadult golden eagle may be taken in a livestock depredation area while the depredation area is in effect.

(B) A nesting adult golden eagle, or an eyas from its nest, may be taken in a livestock depredation area if a biologist that represents the agency responsible for establishing the depredation area has determined that the adult eagle is preying on livestock.

(C) The permittee shall notify the regional law enforcement office of the United States fish and wildlife service of the capture plan before any trapping activity begins. Notification shall be submitted in person, in writing, or by facsimile or electronic mail at least three business days before the start of trapping.

(l) Any raptor wearing falconry equipment or any captive-bred raptor may be recaptured at any time by any permittee in accordance with the following provisions:

(1) The permittee may recapture the raptor whether or not the permittee is allowed to possess that species.

(2) The recaptured bird shall not count against the permittee's possession limit. This take from the wild shall not count against the capture limit for the calendar year.

(3) The permittee shall report the recapture to the department within five working days of the recapture.

(4) The disposition of any recaptured bird shall be as follows:

(A) The bird shall be returned to the person who lost it, if that person may legally possess the bird and chooses to do so. If the person who lost the bird either is prohibited from taking or chooses not to take the bird, the permittee who captured the bird may take possession of the bird if the permittee holds the necessary qualifications for the species and does not exceed the permittee's possession limit.

(B) The disposition of a recaptured bird whose legal ownership cannot be ascertained shall be determined by the department.

(m) Each goshawk, Harris's hawk (*Parabuteo unicinctus*), peregrine falcon (*Falco peregrinus*), or gyrfalcon (*Falco rusticolus*) taken from the wild or acquired from a rehabilitator by a falconry permittee shall be identified by one or more of the following means:

(1) The bird shall be banded with a black nylon, permanent, nonreusable, numbered falconry registration leg band from the United States fish and wildlife service. The bands shall be made available through the department. Any permittee may request an appropriate band before any effort to capture a raptor.

(2) In addition to the band specified in paragraph (m)(1), the permittee may purchase and have implanted in the bird a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization. All costs associated with the implantation of a microchip shall be the responsibility of the permittee.

(3) The permittee shall report the take of any bird within 10 days of the take by submitting the required information, including the band number or the microchip information, or both, to the electronic database of the United States fish and wildlife service.

(4) The permittee shall report to the department the loss or removal of any black nylon, nonreusable leg band within five days of the removal or notice of loss.

(A)(i) When submitting the report, the permittee shall submit a request for a black, nylon, nonreusable leg band to the United States fish and wildlife service.

(ii) The permittee may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the black, nylon, nonreusable leg band for rebanding.

(B) The permittee shall immediately submit the required information relating to the re-banding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(n) Each raptor bred in captivity shall be banded with a seamless metal falconry registration band provided by the United States fish and wildlife service. In addition, any such raptor may have implanted a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization.

The permittee shall report to the department the loss or removal of any seamless band within 10 days of the removal or notice of loss.

(continued)

(1)(A) When submitting the report, the permittee shall submit a request for a yellow, nylon, nonreusable leg band to the United States fish and wildlife service.

(B) The permittee may purchase and implant a 134.2 kHz microchip that is compliant with the requirements of an international organization for standardization, in addition to using the seamless leg band for rebanding.

(2) The permittee shall immediately submit the required information relating to the re-banding or the implanting of a microchip by submitting the information to the electronic database of the United States fish and wildlife service.

(o) A falconry registration band shall not be altered, defaced, or counterfeited. However, the rear tab on a falconry registration band used to identify a raptor taken from the wild may be removed and any imperfect surface may be smoothed if the integrity of the band and the numbering on the band are not affected.

(p) The falconry registration band requirement may be waived by the secretary and the removal of a registration band may be allowed in order to address a documented health or injury problem caused to a raptor by the registration band in accordance with the following provisions:

(1) The permittee shall be required to carry a copy of the exemption paperwork at all times while transporting or flying the raptor.

(2) A microchip compliant with the requirements of an international organization for standardization and provided by the United States fish and wildlife service shall be used to replace the registration band causing the health or injury problem on a wild-caught goshawk, Harris's hawk, peregrine falcon, or gyrfalcon.

(q) A wild-caught falcon shall not be banded with a seamless numbered band.

(r) Any permittee, with prior authorization, may take a wild raptor, including a wild raptor that has been banded with an aluminum band from the federal bird-banding laboratory of the United States fish and wildlife service, during the legal season using legal methods and equipment, in accordance with the following provisions:

(1) Each captured raptor that has any band, research marker, or transmitter attached to it shall be immediately reported to the federal bird-banding laboratory of the United States fish and wildlife service. The reported information shall include any identifying numbers, the date and location of capture, and any other relevant information.

(2) A peregrine falcon that is banded with a research band or has a research marking attached to the bird shall not be taken from the wild and shall be immediately released.

(3) A captured peregrine falcon that has a research transmitter attached to the bird may be kept by the permittee not more than 30 days if the federal bird-banding laboratory of the United States fish and wildlife service is immediately contacted after the capture. The disposition of the captured peregrine falcon shall be in accordance with the directions provided by the federal bird-banding laboratory or its designee.

(4) Any raptor, other than a peregrine falcon, that has a transmitter attached to it may be possessed by the per-

mittee who captured the bird for not more than 30 days in order to contact the researcher, or the researcher's designee, to determine if the transmitter should be replaced.

(A) The temporary, 30-day possession of the bird shall not count against the permittee's possession limit for falconry raptors.

(B) If the permittee who captured the raptor wishes to possess the bird for falconry purposes, the disposition of the bird shall be at the discretion of the researcher and the secretary if the species of the bird is allowable under the classification level of the permittee and the permittee's possession of the captured bird does not exceed the established possession limit.

(s) Each raptor, including a peregrine falcon, that is captured and found with a seamless metal band, a transmitter, or any other item identifying it as a falconry bird attached to it shall be reported to the department within five days of capture.

(1) Each such falconry raptor shall be returned to the person who lost the raptor.

(2) If the person who lost the bird is prohibited from possessing the bird or does not wish to possess the bird, the permittee who captured the bird may keep the bird if the permittee holds the necessary qualifications for the species and does not exceed the permittee's possession limit.

(3) If the permittee who captured the bird is prohibited from possessing the bird, the disposition of the bird shall be at the discretion of the secretary.

(4) The recaptured falconry bird shall not count against the possession limit or the calendar-year limit of wild birds that may be taken by the permittee during the time the recaptured bird is being held pending final disposition.

(t) Each raptor that is injured during trapping activities shall be handled in accordance with the provisions of this subsection. It shall be the permittee's responsibility to address any injury occurring to a raptor during trapping activities in one of the following ways:

(1) The permittee may take the raptor into possession and apply it to the permittee's possession limit if the raptor is of a species allowed to be possessed and the permittee's possession limit is not exceeded.

(A) The take shall be reported in accordance with subsection (j).

(B) The raptor shall be treated by a veterinarian or a permitted wildlife rehabilitator. The cost for the care and treatment of the raptor shall be the responsibility of the permittee.

(2) The raptor may be turned over directly to a veterinarian, a permitted wildlife rehabilitator, or a department employee, and the raptor shall not be counted against the permittee's allowable take or possession limit. The permittee shall be responsible for the costs relating to the care and rehabilitation of the bird.

(u)(1) The permittee shall report each raptor that dies or is acquired, transferred, rebanded, implanted with a microchip, lost to the wild and not recovered within 30 calendar days, or stolen by submitting the information to the electronic database of the United States fish and wildlife service.

(2) In addition to submitting the report required in paragraph (u)(1), the permittee shall file a report of the theft of a raptor with the department and the appropriate regional law enforcement office of the United States fish and wildlife service within 10 calendar days of the theft.

(3) The permittee shall keep copies of all electronic database submissions documenting the take, transfer, loss, theft, rebanding, or implanting of microchips of each falconry raptor for at least five years after the bird has been transferred, released to the wild, or lost, or has died.

(v) The intentional release to the wild of any falconry raptor shall be in accordance with the following requirements:

(1) A species of raptor that is not native to Kansas shall not be released to the wild. Any such bird may be transferred to another falconry permittee if the permittee receiving the bird is authorized to possess the age and species of raptor and the transfer does not exceed the possession limit of the permittee receiving the bird.

(2) Any species of raptor that is native to Kansas and is captive-bred may be released to the wild according to the following requirements:

(A) The permittee shall obtain the department's permission to release the bird to the wild before the actual release. The time of year and the location where the release shall take place shall be specified by the department.

(i) The release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The permittee shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The permittee shall remove any tag, transmitter, or nonreusable falconry band, if present, before release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The permittee shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(3) Any species of raptor that is native to Kansas and was taken from the wild may be released to the wild according to the following requirements:

(A) The permittee may release the bird to the wild year-round.

(i) Each release of a raptor on department lands or waters shall meet the requirements of K.A.R. 115-8-12.

(ii) The permittee shall acquire verbal permission from the landowner or person in control of the private land before the release of the raptor.

(B) The permittee shall remove any tag, transmitter, or nonreusable falconry band, if present, before the release. All falconry identification bands, tags, or markers shall then be surrendered to the department within 10 calendar days of the release.

(C) The permittee shall report the release of the bird within 10 calendar days of the release by submitting the required information to the electronic database of the United States fish and wildlife service.

(4) No hybrid raptor, as defined in K.A.R. 115-14-11, shall be intentionally released to the wild permanently.

(5) Hacking, which means temporarily releasing a falconry raptor to the wild for conditioning, shall be permissible. (Authorized by and implementing K.S.A. 32-807, as amended by L. 2012, ch. 47, sec. 25; effective Dec. 31, 2012; amended Feb. 8, 2013.)

Robin Jennison
Secretary of Wildlife,
Parks and Tourism

Doc. No. 041256

State of Kansas

Department of Agriculture

Permanent Administrative Regulations

Article 27.—LODGING ESTABLISHMENTS

4-27-2. Definitions. (a) "Bathhouse" shall mean a room provided to guests, including a locker room, shower room, or other similar room, where guests can shower, store personal items, or change into appropriate clothing for use in the spa.

(b) "Bed and breakfast home" shall mean a boarding house that is a private residence where the owner or manager resides and provides lodging and meals for guests. Any licensee operating a bed and breakfast home may serve food only to the licensee's overnight guests, unless the licensee obtains a food service license.

(c) "Egress" shall mean an exit or route leading out of a lodging establishment.

(d) "Extended-stay establishment" shall mean a lodging establishment in which a room is rented or leased to transient guests. Housekeeping functions are not provided on a daily basis.

(e) "Hot tub" shall mean a pool or container of water designated for recreational use in which one or more people can soak. A hot tub can use hydrojet circulation or an air induction system, or a combination of these, to provide water circulation. A hot tub can use various water temperatures and additives, including minerals and oils, to provide therapy or relaxation.

(f) "Imminent health hazard" shall mean fire, flood, sewage backup, rodent infestation, bed bug or other insect infestation, misuse of poisonous or toxic materials, gross unsanitary occurrence or condition, or any other condition that could endanger the health or safety of guests, employees, or the general public.

(g) "Kitchenette" shall mean a compact kitchen with cooking utensils, tableware, refrigerator, microwave, stove, or sink or any combination of these.

(h) "Licensee" shall mean a person who is responsible for the operation of the lodging establishment and possesses a valid license to operate a lodging establishment.

(i) "Linens" shall mean the cloth items used in the lodging establishment, including sheets, bedspreads, blankets, pillowcases, mattress pads, towels, and washcloths.

(j) "Lodge" shall mean a boarding house or a rooming house that provides seasonal lodging for recreational purposes. If meals are provided for overnight guests, the lodge is operating as a boarding house. If meals are not

(continued)

provided for overnight guests, the lodge is operating as a rooming house.

(k) "Major renovation" shall mean a physical change to a lodging establishment or portion of a lodging establishment, including the following:

(1) Replacing or upgrading any of the following types of major systems:

- (A) Electrical;
- (B) plumbing;
- (C) heating, ventilation, and air-conditioning;

(2) demolition of the interior or exterior of a building or portion of the building; and

(3) replacement, demolition, or installation of interior walls and partitions, whether fixed or moveable.

Major renovation shall not include replacement of broken, dated, or worn equipment and other items, including individual air-conditioning units, bathroom tiles, shower stalls, and any other items that do not require additional or new plumbing or electrical repairs.

(l) "Person in charge" shall mean the individual or employee who is present in the lodging establishment at the time of the inspection and who is responsible for the operation. If no designated individual or employee is the person in charge, then any employee present is the person in charge.

(m) "Recreational water facility" and "RWF" shall mean a water environment with design and operational features that provides guests with recreational activity and that involves immersion of the body partially or totally in the water. This term shall include water slides, watercourse rides, water activity pools, jetted pools, and wave pools. This term shall not include swimming pools and hot tubs.

(n) "Sanitize" shall mean to apply cumulative heat or chemicals on any clean surface so that, when evaluated for efficacy, the surface yields a reduction of 99.999% of disease-causing microorganisms.

(o) "Single-service articles" shall mean items that are designed, constructed, and intended for one-time use and for one person's use, after which the items are discarded. This term shall include plastic, paper, or foam tableware and utensils, lightweight metal foil, stirrers, straws, toothpicks, and other items including single-use gloves, bags, liners, containers, placemats, and wrappers.

(p) "Spa" shall mean any area of a lodging establishment where a hot tub, swimming pool, fitness equipment, tanning bed, or similar guest amenities are located. (Authorized by K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; implementing K.S.A. 2011 Supp. 36-501, as amended by L. 2012, ch. 145, sec. 3, and K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-3. Licensure; plans and specifications; variances. (a) Each person applying for a license to operate a lodging establishment shall submit the following to the secretary:

(1) A completed application and the required application and license fees; and

(2) if required by subsection (b), the plans and specifications of the lodging establishment.

(b) The plans and specifications shall be submitted before any of the following:

(1) The construction of a lodging establishment;

(2) the conversion of an existing structure for use as a lodging establishment;

(3) the major renovation of a lodging establishment;

(4) the addition or major renovation of a swimming pool, hot tub, recreational water facility, or spa; or

(5) the addition or change of a food service operation within a lodging establishment.

(c) Each plan and specification for a lodging establishment shall demonstrate conformance with the applicable requirements of these regulations and shall include the following:

(1) The proposed layout, mechanical schematics, construction materials, and completion schedules;

(2) the equipment layout, construction materials, and completion schedules for any food preparation and service area; and

(3) the equipment layout and completion schedules for each swimming pool, hot tub, RWF, and spa.

(d) A variance may be granted by the secretary to modify or waive one or more requirements of a regulation if the secretary determines that a health hazard, safety hazard, or nuisance will not result from the variance.

(1) Each person requesting a variance shall submit the following to the department:

(A) A written statement of the proposed variance of the regulatory requirement;

(B) documentation of how the proposed variance addresses public health hazards and guest safety at the same level of protection as that of the original requirement; and

(C) any other relevant information if required by the secretary.

(2) For each variance granted, the licensee shall meet the following requirements:

(A) Follow the plans and procedures approved by the secretary;

(B) maintain a permanent record of the variance at the lodging establishment; and

(C) maintain and provide to the secretary, upon request, records that demonstrate that the variance is being followed. (Authorized by K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; implementing K.S.A. 2011 Supp. 36-502, as amended by L. 2012, ch. 145, sec. 4; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-4. Food service and food safety. Each person operating a guest house that serves food to the general public, in addition to overnight guests, shall obtain a food establishment license in accordance with K.S.A. 65-688 et seq., and amendments thereto. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-5. Imminent health hazard. (a) Each licensee shall discontinue operations of the affected portions of the lodging establishment on discovery that an imminent health hazard exists.

(b) Each licensee shall notify the secretary within 12 hours of the discovery of an imminent health hazard. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-8. Guest and public safety. (a) If the secretary has reason to believe that defects could be present with regard to the integrity of the structure or electrical system of the lodging establishment, the licensee may be required by the secretary to retain the services of a professional engineer or local building code officer to certify the lodging establishment for building safety. Disasters after which the structural integrity may need to be evaluated shall include a heavy snow or ice storm, flood, tornado, straight-line winds, fire, hurricane, and earthquake.

(b) Each licensee shall ensure that all repairs, construction, renovations, and maintenance are conducted in a manner that provides safe conditions for the guests and the public.

(c) The licensee of each lodging establishment using fuel-fired equipment or appliances that pose a potential carbon monoxide risk, including lodging establishments with attached parking garages or wood-burning fireplaces, shall install one or more carbon monoxide detectors according to the manufacturer's specifications.

(1) A carbon monoxide detector shall be required in each non-guest room adjoining or sharing a common ventilation system with an attached parking garage.

(2) Each carbon monoxide detector shall be in working condition.

(A) Each carbon monoxide detector shall be tested at least every six months to ensure that the detector is operating properly. The batteries shall be changed, as needed.

(B) A 12-month history of all test results shall be logged and maintained at the lodging establishment and made available to the secretary upon request.

(C) If a battery-operated detector is not operational for two consecutive tests, the licensee shall install a detector that is hardwired with a battery backup.

(3) A carbon monoxide detector shall not be required to be installed in an attached parking garage area.

(d) The operation and maintenance requirements for each lodging establishment shall include all of the following:

(1) Each lodging establishment shall meet the requirements of all applicable building codes, fire codes, and ordinances.

(2) No freshly cut Christmas trees or boughs shall be used unless the freshly cut trees or boughs are treated with a flame-resistant material. The documentation of the treatment shall be kept on file at the lodging establishment for at least one year.

(3) Textile materials having a napped, tufted, looped, woven, nonwoven, or similar surface shall not be applied to walls or ceilings, unless the textile materials are treated with a flame-resistant material. The documentation of the treatment shall be kept on file at the lodging establishment for as long as the materials are used on the walls or ceilings. This documentation shall be made available to the secretary upon request. Carpeting used as coving that covers the junction between the floor and walls shall be exempt from this requirement.

(4) Foam or plastic materials or other highly flammable or toxic material shall not be used as an interior wall, ceiling, or floor finish unless approved by the secretary.

(5) The doors in any public areas that lead outside the lodging establishment shall not be locked or blocked, preventing egress when the building is occupied. No exit doors shall be concealed or obscured by hangings, draperies, or any other objects.

(6)(A) Portable fire extinguishers shall be required and located in the hallways, mechanical rooms, laundry areas, and all other hazardous areas and within 75 feet of each guest room door. All portable fire extinguishers shall be easily accessible to the guests and employees.

(B) Each fire extinguisher shall meet the following requirements:

(i) Be maintained in a fully charged and operable condition;

(ii) be rated at least 2A-10BC;

(iii) contain at least five pounds of fire suppressant; and

(iv) be inspected annually by a fire extinguisher company, a fire department representative, or another entity approved by the secretary. The licensee shall retain a record of these inspections at the lodging establishment for at least one year.

(7) Emergency lighting shall be provided where guest room doors open to an interior corridor and where guest room doors open to the outside but not directly at ground level.

(8) A smoke detector shall be installed in each guest sleeping room, cooking area and kitchen, interior stairwell, hallway, laundry area, mechanical room, and any other fire hazard area. Any heat-sensing device designed to detect fire may be installed in a cooking area in lieu of a smoke detector.

(A) All smoke detectors and heat-sensing devices shall be maintained in operating condition.

(B) Each smoke detector and each heat-sensing device shall be tested at least every six months to ensure that the detector or device is operating properly. The batteries shall be replaced as needed.

(C) A 12-month history of test results shall be logged and maintained at the lodging establishment and made available to the secretary upon request.

(D) If a battery-operated detector is not operational for two consecutive tests, the licensee shall install a detector that is hardwired with a battery backup.

(E) Smoke detectors for hearing-impaired individuals shall be available as specified in K.S.A. 36-517, and amendments thereto.

(9) If hardwired, interconnected smoke detectors are used, these detectors shall be tested and approved annually by a fire sprinkler company, fire alarm company, fire department representative, or any other entity approved by the secretary. A 12-month history of test results shall be maintained at the lodging establishment and made available to the secretary upon request.

(10) If fire alarm systems and fire sprinkler systems are used, the systems shall be tested and approved annually by a fire alarm company, fire sprinkler company, fire department representative, or any other entity approved by the secretary. A 12-month history of test results shall be maintained at the lodging establishment and made available to the secretary upon request.

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(11)(A) All exit signs shall be clean and legible. At least one exit sign shall be visible from each of the following locations:

(i) The doorway of each guest room that opens to an interior corridor; and

(ii) the doorway of each guest room that opens to the outdoors but not directly at ground level.

(B) Each newly constructed lodging establishment shall have supplemental directional signs indicating the direction and path of egress.

(C) Boarding houses and rooming houses shall not be required to have exit signs if the requirements in paragraphs (d)(5) and (12) are met.

(12) An evacuation route diagram shall be posted in a conspicuous location in each guest room. The diagram shall include the location of the guest room, the layout of the floor, and the location of the nearest available exits. If the door of a guest room opens directly to the outdoors at ground level, the diagram shall not be required to be posted.

(13) A copy of an emergency management plan and employee instructions shall be kept on file in the lodging establishment, made accessible to all employees, and made available to the secretary upon request. A record that each employee has received training on the emergency management plan shall be maintained at the lodging establishment in each employee's file. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-9. Guest rooms. Each licensee shall ensure that each guest room is kept clean, is in good repair, and is maintained with regard to the health and safety of each guest, in accordance with all of the following requirements: (a) The walls, floors, ceilings, doors, and windows shall be constructed of materials intended for that purpose, maintained in good repair, and cleaned, painted, or replaced as necessary.

(1) All junctures between floors and walls shall be constructed, covered, or finished with a baseboard and readily cleanable.

(2) All floors and floor coverings shall be cleaned as needed. The methods for cleaning shall be suitable to the finish and material.

(3) All floor maintenance, repair, or replacement shall be done in a manner that prevents slipping or tripping hazards to any guest.

(4) A guest room that has visible mold on the floors, walls, ceiling, or windows shall not be rented until mold cleanup is completed.

(b) All furnishings, including draperies, beds, appliances, furniture, lamps, and decorative items, shall be kept clean and in good repair. The methods for cleaning shall be suitable to the material and finish.

(c) Each guest room shall have a connecting toilet room and bathing facilities, including a bathtub or shower, except for the following:

(1) If the lodging establishment is listed on the state historical register and documentation is provided to the secretary, at least one toilet room with bathing facilities located on the same floor shall be provided for every two guest rooms, unless otherwise specified by the secretary.

(2) If the lodging establishment is a boarding house, including a bed and breakfast home, or a rooming house, at least one toilet room with bathing facilities located on the same floor shall be provided for every two guest rooms.

(3) If the lodging establishment is a lodge with dormitory sleeping areas, at least one toilet and at least one bathtub or one shower shall be provided for every six guests and shall be located within the same building as the dormitory sleeping area or adjacent to the dormitory sleeping area.

(d) Each handwashing sink shall meet the requirements specified in K.A.R. 4-27-6.

(e) Each rented guest room shall be serviced daily in the following manner except as otherwise specified in this subsection:

(1) Clean bathroom linens, including towels and washcloths, shall be provided. If bathmats are provided, the bathmats shall be clean.

(2) Clean bed linens shall be provided, and the bed shall be made.

(3) All floors shall be swept or vacuumed, if visibly soiled. All hard-surface floors shall be wet-cleaned if visibly soiled.

(4) Each toilet, sink, bathtub, and shower area shall be cleaned if visibly soiled.

(5) Each trash container shall be emptied and shall be cleaned if visibly soiled. A trash container liner may be reused during the same guest's stay if the liner is not visibly soiled.

(6) All soap and prepackaged guest toiletry items shall be replenished, as necessary.

(7) All toilet paper shall be replenished, as necessary.

(8) Clean ice bucket liners shall be provided and replaced, as necessary and upon request of the guest.

(9) All glassware and cups, if provided, shall be replaced with clean and sanitized dishware. Single-service cups, if provided, shall be replenished.

(10) If a coffeemaker is present in the guest room, the coffeepot shall be rinsed. If the coffeepot is visibly soiled or contaminated, it shall be washed, rinsed, and sanitized. A fresh supply of coffee, condiments, and any single-service articles shall be replenished, if provided.

(f) Each guest room shall be serviced daily during the guest's stay if the stay is less than five days, unless the guest requests that all or part of the room not be serviced.

(g) If the same guest continuously occupies the same room for five or more days, the room shall be serviced and cleaned at least every five days. For each extended-stay establishment, the guest room shall be serviced and cleaned at least every five days.

(h) Each guest room that is available for rent shall be serviced and cleaned before each new guest. In addition to the required service activities in subsection (e), each guest room cleaning shall include the following:

(1) All floors shall be swept or vacuumed, and all hard-surface floors shall be wet-cleaned.

(2) All furniture, fixtures, and any items of decoration shall be cleaned in a manner that is appropriate to the finish.

(3) The interior of all drawers shall be cleaned.

(4) All toilets, sinks, bathtubs, and shower areas shall be cleaned and sanitized in a manner that is appropriate to the finish.

(5) All sinks, bathtubs, and shower areas shall be kept free of hair, mold, and mildew.

(6) Bed linens and bath linens shall not be used for cleaning or dusting.

(7) All trash containers shall be emptied and cleaned, and new liners shall be provided.

(8) All ice bucket liners shall be replaced with new liners.

(9) All used guest toiletries and soap shall be replenished.

(10) The guest room shall be visually inspected for any evidence of insects, rodents, and other pests.

(i)(1) All bedspreads, top-covering linens, blankets, mattress pads, mattresses, and box springs shall be cleaned and maintained in good repair according to all of the following requirements:

(A) All linens with tears or holes shall be repaired or replaced, and all soiled and stained linen shall be cleaned.

(B) All bedspreads and top-covering linens shall be cleaned at least monthly.

(C) All blankets and mattress pads shall be cleaned at least monthly. All blankets and mattress pads that are visibly soiled or stained shall be removed and replaced with clean linen.

(D) All mattresses and box springs shall be kept clean. Each damaged or soiled mattress and box spring shall be repaired or cleaned.

(E) Each mattress that is not kept in sanitary condition shall be replaced.

(2) The interior and surface of each enclosed mattress platform shall be cleaned if visibly soiled and either maintained in good repair or replaced.

(j) If a coffeepot is not located within a toilet room, the coffeepot shall be rinsed before each new guest. If a coffeepot is located within a toilet room, the coffeepot shall be washed, rinsed, and sanitized before each new guest as specified in K.A.R. 4-27-10.

(k) All single-service drinking glasses and utensils shall be prepackaged.

(l) All food and condiments provided in each guest room shall be individually prepackaged.

(m) If a refrigerator unit is provided in a guest room, the unit shall be cleaned before each new guest.

(n) Each appliance provided for guest use, including microwaves, stoves, dishwashing machines, coffeemakers, hair dryers, clothing irons, radios, televisions, remote controls, and video equipment, shall be operational and in good repair. All cooking appliances, including microwaves and stoves, shall be cleaned before each new guest. All appliances shall be listed with or certified by underwriters' laboratories (UL) and shall bear the UL designation.

(o) Except as specified in this subsection, the use of portable electrical or open-flame cooking devices shall be prohibited in a guest room. These devices shall include hot plates, electric skillets and grills, propane and charcoal grills, camping stoves, and any similar cooking devices. These devices shall not include slow cookers. Mi-

crowaves and toasters that are provided in a guest room by the licensee shall be permitted.

(p) Each guest room shall be free of any evidence of insects, rodents, and other pests.

(1) If a guest room has been vacant for at least 30 days, the licensee shall visually inspect that room for any evidence of insects, rodents, and other pests within 24 hours of occupancy by the next guest.

(2) No guest room that is infested by insects, rodents, or other pests shall be rented until the infestation is eliminated.

(3) The presence of bed bugs, which is indicated by observation of a living or dead bed bug, bed bug carapace, eggs or egg casings, or the typical brownish or blood spotting on linens, mattresses, or furniture, shall be considered an infestation.

(4) The presence of bed bugs shall be reported to the secretary within one business day upon discovery or upon receipt of a guest complaint.

(5) All infestations shall be treated by a licensed pest control operator.

(6) All pest control measures, both mechanical and chemical, shall be used in accordance with the manufacturer's recommendations.

(7) No rodenticides, pesticides, or insecticides shall be stored in a guest room or in any area that could contaminate guest supplies, food, condiments, dishware, or utensils.

(q)(1) The licensee of each lodging establishment that allows pets into any guest room shall advise consumers that the establishment is "pet-friendly" by posting a sign in a conspicuous place at the front desk to alert guests that pets are allowed.

(2) The licensee of each lodging establishment where pets or service animals have been in a guest room shall meet one of the following requirements:

(A) The guest room shall be deep cleaned before the next guest. Deep cleaning shall include servicing and cleaning the guest room as specified in subsections (e) and (h), as well as vacuuming and shampooing the carpet and upholstered furnishings and vacuuming the mattress. All bed linens, including sheets, mattress pads, blankets, bedspreads or top coverings, and pillows, shall be replaced with clean bed linens.

(B) If the room is not deep cleaned, the licensee shall not offer that room to any guest without giving notification to that guest that a pet or service animal was in the room previous to the new guest.

(3) If the previous guest has smoked in a room, the licensee of any lodging establishment shall not offer that room as a non-smoking room until one of the following requirements is met:

(A) The guest room is deep cleaned as specified in paragraph (q)(2)(A).

(B) If the room is not deep cleaned, the licensee shall give notification to the new guest that the previous guest smoked in the room.

(r) Each guest room shall be provided with a means for locking each entrance both from the inside and from the outside, according to all of the following requirements:

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(1) The key furnished to each guest shall not unlock the door to any other guest room.

(2) At least one secondary lock, including a dead bolt lock, thumb bolt, chain lock, or a similar device, shall be provided in addition to the primary key lock and shall be installed in accordance with the manufacturer's specifications.

(3) All locks shall be in good repair and fully operational.

(s) Each pair of connecting guest rooms shall have two doors in the connecting doorway. Each connecting door shall be equipped with a lock on only the guest room side of that door.

(t) If cribs are provided upon request, the cribs shall be easily cleanable, safe, and in good repair. Each crib rail, pad, and mattress shall be cleaned and sanitized after each guest. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-10. Dishware and utensils. Each licensee shall ensure that all of the following requirements are met: (a) General.

(1) All dishware and utensils that are designed for repeat use shall be made of safe, durable, and nonabsorbent material and shall be kept in good repair. No cracked or chipped dishware or utensils shall be provided for use by guests or employees.

(2) All single-service articles shall be constructed of safe, durable, and nonabsorbent materials.

(3) All single-service drinking glasses and utensils shall be prepackaged or protected in a dispenser.

(4) No single-service articles may be reused.

(b) Storage.

(1) All clean dishware and utensils and all single-service articles shall be protected from dirt, dust, liquids, insects, vermin, and any other sources of contamination at all times.

(2) Each licensee shall provide storage facilities for dishware and utensils in a clean, dry location at least six inches above the floor.

(3) No dishware and utensils shall be stored under an exposed sewer line or a dripping water line.

(4) No dishware, utensils, single-service articles, ice buckets, and food containers shall be stored within a toilet room.

(c) Cleaning and sanitization. Each licensee shall use either manual cleaning and sanitizing equipment or mechanical cleaning and sanitizing equipment.

(1) All dirty or used glasses, dishware, and utensils that are in areas other than a guest room kitchenette shall be removed from each guest room during the servicing or cleaning of the room and upon vacancy of that room. All items shall be washed, rinsed, and sanitized using one of the approved methods in this regulation.

(2) If the licensee provides repeat service dishware or utensils to the lodging establishment's guests or to the public, the licensee shall install in the lodging establishment, or in a food service area operated in conjunction with the lodging establishment, manual or mechanical cleaning equipment for dishware and utensils that meets the requirement of this regulation.

(3) The manual cleaning and sanitizing of dishware, utensils, and food equipment shall meet all of the following requirements:

(A)(i) A sink with at least three compartments or three adjacent sinks shall be used and shall be large enough to permit the immersion of the largest item of dishware, utensil, or food equipment articles to be cleaned.

(ii) All sinks and dishware drying surfaces shall be cleaned before use.

(B) Each compartment of the sink shall be supplied with hot and cold potable running water.

(C) The wash, rinse, and sanitizing water shall be kept clean.

(D) The steps for manual cleaning and sanitizing shall consist of all of the following:

(i) All dishware, utensils, and food equipment shall be thoroughly washed in the first compartment with a hot detergent solution.

(ii) All dishware, utensils, and food equipment shall be rinsed free of detergent and abrasives with clean hot water in the second compartment.

(iii) All dishware, utensils, and food equipment shall be sanitized in the third compartment according to one of the methods in paragraph (c)(3)(E).

(E) The food contact surfaces of all dishware, utensils, and food equipment shall be sanitized during manual ware washing by one of the following methods:

(i) Immersion for at least 10 seconds in a clean solution containing 50 to 200 parts per million of available chlorine, with a water temperature of at least 75 degrees Fahrenheit;

(ii) immersion for at least 30 seconds in clean hot water with a temperature of at least 171 degrees Fahrenheit;

(iii) immersion in a clean solution containing a quaternary ammonium compound with a minimum water temperature of 75 degrees Fahrenheit and with the concentration indicated by the manufacturer's directions on the label; or

(iv) immersion in a clean solution containing a sanitization chemical other than those specified in this subsection that meets the applicable requirements specified in K.A.R. 4-28-11.

(F) A chemical test kit, thermometer, or other device that accurately measures the concentration of sanitizing chemicals, in parts per million, and the temperature of the water shall be available and used daily.

(4) The mechanical cleaning and sanitizing of dishware, utensils, and food equipment may be done by spray-type or immersion commercial dishwashing machines. Another type of dishwashing machine or device may be used if the machine or device meets the requirements of this regulation.

(A) Each dishwashing machine and device shall be properly installed and maintained in good repair and shall be operated in accordance with the manufacturer's instructions.

(B) If an automatic detergent dispenser, rinsing agents dispenser, or liquid sanitizer dispenser is used, the dispenser shall be properly installed and maintained.

(C) Each dishwashing machine using hot water to sanitize shall be installed and operated according to the manufacturer's specifications and shall achieve a minimum

dishware and utensil surface temperature of 160 degrees Fahrenheit as measured by a dishwasher-safe thermometer. For each dishwashing machine using hot water to sanitize that does not cause the surface temperature of the dishware and utensils to reach a temperature of 160 degrees Fahrenheit, one of the following requirements shall be met:

(i) The licensee shall install a heat booster.

(ii) The licensee shall provide the secretary with documentation of a time and temperature relationship that results in the sanitization of the dishware and utensils.

(D) The final rinse temperature of each dishwashing machine using hot water to sanitize shall be monitored by a dishwasher-safe thermometer.

(E) All dishware, utensils, and food equipment shall be exposed to all dishwashing and drying cycles.

(F) Each dishwashing machine using chemicals for sanitization shall be used as follows:

(i) The temperature of the wash water shall be at least 120 degrees Fahrenheit, and the chemical sanitizing rinse water shall be at least 75 degrees Fahrenheit unless specified differently by the machine's manufacturer.

(ii) The wash water shall be kept clean.

(iii) The chemicals added for sanitization purposes shall be automatically dispensed.

(iv) All dishware, utensils, and food equipment shall be exposed to the final chemical sanitizing rinse in accordance with the manufacturer's specifications for time and concentration.

(v) All chemical sanitizers shall meet the applicable requirements of K.A.R. 4-28-11.

(G) A chemical test kit, thermometer, or other device that accurately measures the concentration of sanitizing chemicals, in parts per million, and the temperature of the water shall be available and used daily.

(H) Each dishwashing machine or device shall be cleaned as often as necessary to be maintained in operating condition according to the manufacturer's specifications.

(d) All dishware, utensils, and food equipment shall be air-dried.

(e) Each licensee that provides dishware, utensils, and food equipment in the guest room shall clean and sanitize the dishware, utensils, and food equipment provided by one of the following methods:

(1) Provide manual dishwashing and sanitizing as specified in paragraph (c)(3);

(2) provide a mechanical dishwashing machine as specified in paragraph (c)(4); or

(3) provide a complete set of clean and sanitized dishware, utensils, and food equipment before each new guest arrives. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-11. Housekeeping and laundry facilities; maintenance supplies and equipment. Each licensee shall ensure that all housekeeping and laundry facilities and equipment are clean and maintained in good repair. Each licensee shall ensure that all of the following requirements are met: (a)(1) Each housekeeping cart shall be maintained and operated to prevent the contamination of clean linens by dirty linens.

(2) Each housekeeping cart shall be designed, maintained, and operated to protect clean glasses, utensils, dishware, single-service articles, food, coffee, and condiments from dirty linens and other sources of contamination, including dirty glasses and dishware, cleaning and sanitizing agents, and poisonous or toxic materials.

(3) Each service or utility cart shall be maintained and operated to prevent the contamination of clean linens by dirty linens or other sources of contamination, according to one of the following methods:

(A) Cleaning and sanitizing the service cart before transporting clean linens;

(B) lining the service cart with a clean liner before transporting clean linens;

(C) placing the clean linens in a clean container before transporting the linens in the service cart; or

(D) using another method as approved by the secretary.

(4) All laundry bags used for dirty linen shall be laundered before being used for clean linen.

(5) Each housekeeping cart and each service cart shall be kept clean and in good repair.

(b)(1) Each licensee shall provide laundry facilities, unless a commercial laundry service is used.

(2) All clean laundry shall be handled in a manner that prevents contact with dirty linen.

(3) Each laundry area shall be designed and arranged in a manner that provides for the functional separation of clean and dirty laundry. A space large enough for sorting and storing soiled linens and for sorting and storing clean linens shall be provided.

(4) The laundry facilities shall be located in areas that are not used by guests or the public and are not used as corridors or passageways.

(5) The laundry area shall be kept clean and free from accumulated lint and dust.

(6) The laundry facilities and areas shall be used for their intended purpose and shall not be used for storage of equipment or supplies not related to the laundering process.

(7) All laundry equipment shall be functional and in good repair. Any laundry equipment that is no longer in use shall be removed from the laundry area.

(8) Each lodging establishment that is newly constructed, undergoes a major renovation, or is licensed under a new ownership shall be required to have a hand sink in the laundry area. Each hand sink shall meet the requirements specified in K.A.R. 4-27-6.

(9) All housekeeping and cleaning supplies and equipment shall be stored in a designated area. The storage area may be in the laundry area if the supplies and equipment are physically separated from the laundry, laundry equipment, and laundry supplies.

(c) All laundry that is cleaned commercially off the premises shall have a segregated storage space for clean and dirty laundry and shall be located and equipped for convenient pick-up and delivery.

(d) Separate laundry facilities may be provided for use by guests if these facilities are located in a room or area of the lodging establishment designated only for guest

(continued)

laundry. The area and equipment shall be kept clean and in good repair.

(e) Single-use gloves shall be available for housekeeping and laundry staff and made available in the laundry and housekeeping areas.

(f) A specific location or area shall be provided for the storage of maintenance supplies and equipment. No other items shall be stored in this location or area. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-12. Poisonous or toxic materials. Each licensee shall ensure that all of the following requirements are met: (a) Only those poisonous or toxic materials that are required for the operation and maintenance of the lodging establishment shall be allowed on the premises, including the following:

(1) Detergents, sanitizers, cleaning or drying agents, caustics, acids, polishes, and similar chemicals;

(2) insecticides and rodenticides;

(3) building maintenance materials, including paint, varnish, stain, glue, and caulking; and

(4) landscaping materials, including herbicides, lubricants, and fuel for equipment.

(b) The storage of poisonous or toxic materials shall meet all of the following requirements:

(1) The substances listed in each of the four categories specified in subsection (a) shall be stored on separate shelves or in separate cabinets. These shelves and cabinets shall be used for no other purpose.

(2) To prevent the possibility of contamination, poisonous or toxic materials shall not be stored above food, ice or ice-making equipment, linens, towels, utensils, single-service articles, or guest toiletry items. This requirement shall not prohibit the availability of cleaning or sanitizing agents in dishwashing or laundry work areas.

(c) Each bulk or original container of a poisonous or toxic material shall bear a legible manufacturer's label. All poisonous or toxic materials taken from a bulk container or an original container and put into another container shall be clearly identified with the common name of the material.

(d) Each poisonous or toxic material shall be used according to the manufacturer's directions. Additional safety requirements regarding the safe use of poisonous or toxic materials may be established by the secretary upon discovery of the unsafe use of these materials.

(e) Each restricted-use pesticide shall be applied only by a certified applicator or a person under the direct supervision of a certified applicator and in accordance with all applicable statutes and regulations. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-15. Exterior premises. Each licensee shall ensure that all of the following requirements are met: (a) Exterior areas and surfaces.

(1) All exterior areas and surfaces, including alleys and driveways, shall be kept clean, free of debris, and in good repair.

(2) Each walking, driving, and parking surface shall be graded or maintained to prevent the pooling of water.

(3) All lawns and landscaping shall be mowed or pruned as needed to promote guest safety.

(4) All parking areas and walkways shall be illuminated for guest safety and shall be kept free of debris.

(5) All unused or discarded equipment and materials shall be removed from the premises, except when placed in a designated storage area.

(6)(A) All exterior balconies, landings, porches, decks, stairways, and ramps shall be kept in good repair and free of debris and shall be illuminated for guest safety.

(B) Storage on stairs, landings, and ramps shall be prohibited.

(C) All guards and railings shall be attached securely and shall be kept in good repair.

(D) All ramps shall have a slip-resistant surface.

(E) All exterior stairways, ramps, landings, and walkways shall be kept free of ice and snow.

(b) Outside playgrounds and recreational areas.

(1) All equipment shall be kept clean and in good repair at all times. All protruding bolts, screws, and nails and all sharp edges shall be removed or covered.

(2) The ground cover under children's play equipment shall be a soft surface, including turf, rubber chips, bark mulch, clean sand, or any other surface approved by the secretary.

(3) Unused equipment shall be stored in a designated area.

(4) If the area is open for nighttime use, lighting shall be provided for guest safety.

(5) The area shall be kept clean and free of debris.

(6) If fencing is provided, the fencing shall be kept in good repair.

(c) Refuse containers.

(1) The area where refuse containers are located shall be kept free of debris and cleaned as necessary to prevent the attraction and harborage of insects, rodents, and other pests and to minimize odors.

(2) Containers of adequate capacity or number shall be available to store all refuse that accumulates between refuse pickups. All refuse containers shall be emptied at least once each week or more frequently, if necessary to meet the requirements of these regulations. All rotten waste shall be removed daily.

(3) All refuse container lids shall be closed. All refuse containers shall be kept on a solid surface. Solid surfaces shall include concrete, asphalt, and any other hard surface approved by the secretary.

(d) Outdoor vector control.

(1) The premises shall be free of any harborage conditions that can lead to or encourage infestations of rodents, insects, and any other pests.

(2) Control measures shall be taken to protect against the entrance of rodents, insects, and any other pests into the lodging establishment. All buildings shall be vermin-proofed and kept in a verminproof condition.

All doors leading outside shall be tightfitting to eliminate entrance points for rodents, insects, and any other pests. All windows and doors that can be opened for ventilation shall have screening material that is at least 16

mesh to the inch and shall be tightfitting and kept in good repair.

(3) Identified infestation problems shall be treated by a licensed pest control operator.

(4) All control measures, both mechanical and chemical, shall be used in accordance with each manufacturer's recommendations.

(e) Exterior storage.

(1) A storage area shall be provided for maintenance and recreational equipment, machinery, and any other maintenance items.

(2) Only those items necessary for the operation and maintenance of the lodging establishment shall be kept in a storage area.

(3) All poisonous and toxic materials shall be stored as specified in K.A.R. 4-27-12.

(4) Each storage area shall be kept free of debris, filth, and any harborage conditions.

(5) All articles in need of repair may be stored on a short-term basis, which shall not exceed six months. All articles that are not repaired within six months shall be discarded or moved to an off-site storage facility.

(f) Outdoor space for pets. All pets shall be kept on a leash or controlled in a manner that prevents the pets from running freely about the premises. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-16. Swimming pools, recreational water facilities, and hot tubs. (a) General requirements. Each licensee shall ensure that all swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.

(1) Each swimming pool, RWF, and hot tub shall meet the requirements in these regulations, unless local ordinances pertaining to planning and design, lifesaving and safety equipment, water quality, and sanitation exist and these ordinances are as restrictive or more restrictive than these regulations.

(2) Each licensee shall maintain records of each inspection conducted by a local regulatory agency for at least one year. The inspection records shall be made available for review by the secretary, upon request.

(b) Design and safeguards.

(1) Each plan for a new swimming pool or RWF and for a swimming pool or RWF undergoing major renovation, including installation of a diving board, slide, or other similar recreational devices, shall be designed by a licensed engineer, architect, or other qualified professional and shall be submitted to the secretary before the start of construction. Submission of documentation of plan approval by the local regulatory agency shall meet the requirements of this paragraph.

(2) Each grate over a main drain in each swimming pool or RWF shall be intact, firmly affixed at all times, and designed to prevent swimmer entanglement, entrapment, or injury. Other methods to prevent swimmer entanglement, entrapment, or injury may include multiple main drains, antivortex drain covers, or any similar device approved by the secretary.

(3) The depth of water in each swimming pool or RWF shall be plainly marked with at least four-inch high num-

bers of a color that contrasts with the color of the pool decking or vertical pool wall.

(A) Water depth markings for an inground swimming pool shall be clearly marked on the edge of the deck and visible at all times. In addition, water depth markings may be placed above the water surface on the vertical pool walls and shall be visible at all times.

(B) Water depth markings for each aboveground swimming pool or RWF shall be on the edge of the deck and shall be visible to persons entering the swimming pool. If water depth markings cannot be placed on the edge of the deck, another means shall be used so that the water depth is visible to persons entering the swimming pool.

(C) The water depth markings in each swimming pool or RWF shall be located in the following areas:

(i) At the maximum and minimum depths. Intermediate increments of depth may be used in addition to the required maximum and minimum depths; and

(ii) the transition point between the shallow end, which shall be five feet or less, and the deep end, which shall be more than five feet. This transition point shall be marked by a line on the floor and the walls of the swimming pool or RWF or by a safety rope equipped with buoys.

(4) Each lighting and electrical system for a swimming pool, RWF, or hot tub shall be kept in good repair at all times. The following requirements shall be met:

(A) Artificial lighting shall be provided at each swimming pool, RWF, or hot tub if used at night and for each indoor swimming pool, RWF, or hot tub. The lighting shall illuminate all portions of each swimming pool, RWF, or hot tub.

(B) All artificial lighting located in the water shall be designed and maintained to prevent electrical shock hazards to guests.

(5) Each outdoor swimming pool and RWF shall be protected by a fence, wall, building, or other enclosure that is at least four feet in height.

(A) Each enclosure shall be made of durable material and kept in good repair.

(B) Each gate shall have self-closing and self-latching mechanisms. The self-latching mechanism shall be installed at least four feet from the bottom of the gate.

(C) A hedge shall not be an acceptable protective enclosure.

(6) Each door leading into an indoor or enclosed swimming pool or RWF area shall have self-closing and self-latching mechanisms. The self-closing mechanism shall be at least four feet from the bottom of the door.

(c) Lifesaving and safety equipment.

(1) Each swimming pool or RWF shall have lifesaving equipment, consisting of at least one U.S. coast guard-approved flotation device that can be thrown into the water and at least one reaching device.

(A) The flotation device shall be attached to a rope that is at least as long as one and one-half times the maximum width of the swimming pool or RWF. If a lifeguard is on duty, life-saving rescue equipment, including rescue tubes, may also be used.

(B) The reaching device shall be a life pole or a shepherd's crook-type of pole, with a minimum length of 12 feet.

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(C) Each lifesaving device shall be located in a conspicuous place and shall be accessible. The lifeguard personnel shall keep their rescue equipment close for immediate use.

(D) Each lifesaving device shall be kept in good repair.

(2) A first-aid kit shall be accessible to the lodging employees.

(3) No glass containers shall be permitted in the swimming pool, RWF, or hot tub area.

(4) Each swimming pool, RWF, and hot tub and each deck shall be kept clean of sediment, floating debris, visible dirt, mold and algae and shall be maintained free of cracks, peeling paint, and tripping hazards.

(5) Each swimming pool, RWF, and hot tub shall be refinished or relined if the bottom or wall surfaces cannot be maintained in a safe and sanitary condition.

(6) If handrails are not present, all steps leading into the swimming pool or RWF shall be marked in a color contrasting with the color of the interior of the swimming pool and RWF so that the steps are visible from the swimming pool or RWF deck.

(7) All steps, ladders, and stairs shall be easily cleanable, in good repair, and equipped with nonslip treads. Handrails and ladders, if present, shall be provided with a handhold and securely attached.

(8) The rules of operation and safety signs for each swimming pool, RWF, and hot tub shall be posted in a conspicuous place at the swimming pool, RWF, or hot tub. Each swimming pool and RWF without a lifeguard shall have posted the following sign: "Warning — No Lifeguard On Duty." The sign shall be legible, with letters at least four inches in height.

(9) If chlorinating equipment is located indoors, the chlorinating equipment shall be housed in a separate room, which shall be vented to the outside or to another room that is vented to the outside. If chlorinating equipment is located outdoors and within an enclosed structure, the structure shall be vented to the outside.

(d) Water quality and sanitation. Each licensee shall ensure that all of the following requirements are met:

(1) Each swimming pool, RWF, and hot tub shall be maintained to provide for continuous disinfection of the water with a chemical process. This process shall use a disinfectant that leaves a measurable residual in the water.

(A) If chlorine or bromine is used to disinfect the water of any swimming pool or RWF, the water shall have a disinfectant residual level of at least 1.0 part per million (ppm) and not more than 5.0 ppm.

(B) If chlorine or bromine is used to disinfect the water of any hot tub, the water shall have a disinfectant residual level of at least 2.0 ppm and not more than 5.0 ppm.

(C) Each means of disinfection other than those specified in paragraphs (d)(1)(A) and (B) shall be used only if the licensee has demonstrated that the alternate means provides a level of disinfection equivalent to that resulting from the residual level specified in paragraph (d)(1)(A) or (B).

(2) The pH of the water in each swimming pool, RWF, and hot tub shall be maintained at not less than 7.0 and not more than 8.0.

(3) Each licensee shall use a chemical test kit or a testing device approved by the secretary. Each testing kit or device shall be appropriate for the disinfecting chemical used and capable of accurately measuring disinfectant residual levels of 0.5 ppm to 20.0 ppm. In addition, a chemical test kit or testing device for measuring the pH of the water shall be used and capable of accurately measuring the pH of water in 0.2 increments.

(4) The water in each swimming pool, RWF, and hot tub shall have sufficient clarity at all times so that one of the following conditions is met:

(A) A black disc with a diameter of six inches is clearly visible in the deepest portion of the swimming pool or RWF.

(B) The bottom drain at the deepest point of the swimming pool or RWF is clearly visible, and the bottom of the hot tub is clearly visible.

(5) The water in each swimming pool, RWF, and hot tub shall be free of scum and floating debris. The bottom and walls shall be free of dirt, algae, and any other foreign material.

(6) No chemical shall be added manually and directly to the water of any swimming pool, RWF, or hot tub while any individual is present in the water.

(7) The temperature of the water in each hot tub shall not exceed 104 degrees Fahrenheit.

(A) Each hot tub shall be operated in accordance with the manufacturer's specifications.

(B) Each hot tub shall have a thermometer or other device to accurately record the water temperature within plus or minus two degrees.

(e) Fecal accident in a swimming pool and RWF. If a fecal accident occurs in a swimming pool or RWF, the following requirements shall be met:

(1) In response to any accident involving formed feces, the following requirements shall be met:

(A) Direct the guests to leave the swimming pool or the RWF, and do not allow any individuals to reenter until the decontamination process has been completed. The closure times can vary since the decontamination process takes from 30 to 60 minutes;

(B) remove as much fecal material as possible using a net or scoop, and dispose of the material in a sanitary manner. Sanitize the net or scoop;

(C) raise the disinfectant level to 2.0 ppm and ensure that the water pH is between 7.2 and 7.8; and

(D) return the disinfectant level to the operating range specified in paragraph (d)(1)(A) before the swimming pool or RWF is reopened to guests.

(2) In response to any accident involving diarrhea, the following requirements shall be met:

(A) Direct guests to leave the swimming pool or the RWF, and do not allow any individuals to reenter until the decontamination process has been completed;

(B) remove as much fecal material as possible using a scoop, and dispose of the material in a sanitary manner. Sanitize the scoop. Vacuuming the fecal material shall be prohibited;

(C) raise the disinfectant level to 20.0 ppm and maintain a water pH of at least 7.2 but not more than 7.8. This level of concentration shall be maintained at least eight hours to ensure inactivation of *Cryptosporidium*. A lower

disinfectant level and a longer inactivation time may be used according to the following table:

<i>Cryptosporidium</i> inactivation for diarrheal accident	
Disinfectant levels (ppm)	Disinfection time
1.0	6.5 days
10.0	16 hours
20.0	8 hours

(D) ensure that the filtration system is operating and maintaining the required disinfectant levels during the disinfection process. Backwash the filter. Do not return the backwashed water through the filter. Replace the filter medium, if necessary; and

(E) return the disinfectant level to the operating range specified in paragraph (d)(1)(A) before the swimming pool or RWF is reopened to guests.

(f) Vomiting accident in a swimming pool or RWF. If a vomiting accident occurs in a swimming pool or RWF, the procedures in paragraph (e)(1) shall be followed.

(g) Body fluid spills at a swimming pool or RWF. All body fluid spills that occur on swimming pool or RWF equipment or hard surfaces, including decking, shall be cleaned and chemically sanitized. Disposable gloves shall be available for employees' use during cleanup. The following cleanup method shall be used:

(1) Wipe up the spill using absorbent, disposable material. Paper towels may be used;

(2) use a bleach solution by combining one part bleach and 10 parts water. Pour the bleach solution onto the contaminated surface, leave the solution on the surface for at least 10 minutes, and rinse the surface with clean water;

(3) disinfect all nondisposable cleaning materials, including mops and scrub brushes, and allow to air-dry; and

(4) require each employee assisting with the cleanup to wash that employee's hands with warm water and soap after the cleanup is completed.

(h) Fecal or vomiting accident in a hot tub. If a fecal accident or vomiting occurs in a hot tub, all of the following requirements shall be met:

(1) All guests shall be required to leave the hot tub, and the water shall be completely drained.

(2) The hot tub shall be disinfected according to the manufacturer's specifications.

(3) The filtering system shall be disinfected or the filter medium shall be replaced with a clean filter medium before refilling the hot tub with clean water.

(i) Operation and maintenance of a swimming pool, RWF, or hot tub. Each licensee shall ensure that all of the following requirements for each swimming pool, RWF, and hot tub are met:

(1) Daily operational logs shall be maintained for at least one year at the lodging establishment and made available to the secretary, upon request. These logs shall include the date and time the information was collected and the name or initials of the person who collected the information. These logs shall also record the following information:

(A) The disinfectant residuals shall be recorded at least once daily when the swimming pool, RWF, or hot tub is available for guest use or more often, if necessary to maintain the water quality as specified in subsection (d).

(B) The pH test shall be recorded at least once daily when the swimming pool, RWF, or hot tub is available for guest use or more often, if necessary to maintain the water quality as specified in subsection (d).

(C) The temperature reading of each hot tub shall be recorded at least once daily when the hot tub is available for guest use.

(2) Each fecal and vomiting accident log shall include the time and date of the accident and the disinfection measures taken.

(3) Each indoor swimming pool area and chemical storage room shall be either vented directly to the exterior or vented to a room that is vented directly to the exterior.

(4) All chemicals applied to a swimming pool, RWF, or hot tub shall be used, handled, stored, and labeled in accordance with the manufacturer's specifications.

(5) All recreational equipment shall be kept sanitary. Recreational equipment shall include slides, diving boards, play equipment, water sports equipment, and accessory items available to guests, including floats, tubes, air mattresses, and pads for water slides.

(6) A cleaning system shall be used to remove dirt, algae, and any other foreign material from the bottom of the swimming pool or RWF.

(7) All surface skimmers, strainer baskets, and perimeter overflow systems shall be kept clean and in good repair.

(8) The water in each swimming pool and each RWF shall be maintained at the manufacturer's recommended level so that the water will flow into each skimmer and strainer.

(9) The recirculation system serving each swimming pool, RWF, and hot tub shall operate continuously or in accordance with the manufacturer's specifications. The filtration and recirculation systems shall be maintained in accordance with the manufacturer's specifications. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-17. Water supply systems. Each licensee shall ensure that all of the following requirements are met: (a) Sufficient potable water to meet the needs of the lodging establishment shall be provided from a source constructed and operated pursuant to K.S.A. 65-161 et seq., and amendments thereto.

(b) No water supply system deemed unsafe by the secretary shall be used as a potable water supply.

(c)(1) Each nonpublic water supply system shall be constructed, maintained, and operated as specified in K.S.A. 65-161 et seq., and amendments thereto.

(2) All water from a nonpublic water supply system shall meet the state drinking water quality standards specified in K.S.A. 65-161 et seq., and amendments thereto. The most recent sample report for the nonpublic water supply system used by the lodging establishment shall be retained for at least 12 months at the lodging establishment and shall be made available to the secretary upon request.

(d) During any period when a boil-water order is in effect, including a precautionary boil-water notice or ad-

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visory issued by the secretary of the Kansas department of health and environment on a public or nonpublic water supply, the licensee shall meet the following requirements until the problem has been corrected:

(1) Notify each guest, verbally upon check-in and by written notice placed in each rented guest room, that the plumbed water is not potable and only potable water should be used for drinking and for brushing teeth;

(2) discard any ice that could have been made from or exposed to contaminated water; and

(3) obtain a temporary, alternate supply of potable water by using one of the following:

(A) A supply of commercially bottled drinking water;

(B) one or more closed, portable, bulk water containers;

(C) an enclosed vehicular water tank;

(D) an on-premises water storage tank; or

(E) any other alternative water source if approved by the secretary. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-18. Sewage systems. Each licensee shall ensure that all of the following requirements are met: (a) All sewage shall be disposed of through an approved facility, including one of the following:

(1) A public sewage treatment plant; or

(2) an individual sewage disposal system that is constructed, maintained, and operated according to K.S.A. 65-161 et seq., and amendments thereto, and meets all applicable sanitation requirements.

(b) A temporary sewage disposal facility shall be allowed only as approved by the secretary in response to a disaster.

(c) All condensate drainage, rainwater, and other non-sewage liquids shall be drained from the point of discharge to disposal pursuant to K.S.A. 65-161 et seq., and amendments thereto. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-20. Plumbing systems. (a) Each licensee shall ensure that all plumbing is installed and maintained in accordance with all applicable local plumbing codes. In the absence of local plumbing codes, all plumbing shall be installed and maintained by a licensed plumber.

(b) Each licensee shall ensure that all of the following requirements are met:

(1) Potable water under pressure shall be available at all times at each fixture designed to provide water. Hot water shall be provided to each fixture designed to use hot water.

(2) Each toilet room, bathing facility, and laundry area shall be provided with ventilation to minimize condensation and to prevent mold, algae, and odors.

Each newly constructed lodging establishment and each lodging establishment undergoing major renovation shall be required to have mechanical ventilation in each toilet room, bathing facility, and laundry area.

(3) Each fixture drain shall be plumbed with a P-trap.

(4) All openings for the passage of plumbing shall be verminproof.

(5) No fitting, connection, device, or method of installation of plumbing shall obstruct or retard the flow of

water, wastes, sewage, or air in the drainage or venting system.

(c) All backflow devices shall meet the design specifications for their intended use. All potable water supplies shall be protected from sources of potential contamination. Each licensee shall ensure that all of the following requirements are met:

(1) If provided, each boiler unit, fire sprinkler system with chemical additives, lawn sprinkler with a means for injection of pesticides, herbicides, or other chemicals, and pumped or repressurized cooling or heating system shall be protected by a reduced-pressure-principle backflow prevention assembly.

(A) The backflow prevention assembly shall be tested at least annually.

(B) Documentation of each test shall be maintained at the lodging establishment for at least one year and shall be made available to the secretary upon request.

(2) If provided, each fire sprinkler system not using chemical additives and lawn sprinkler system without a means for injection of pesticides, herbicides, or other chemicals shall be protected by a double-check valve assembly.

(A) The double-check valve assembly shall be tested at least annually.

(B) Documentation of each test shall be maintained at the lodging establishment for at least one year and shall be made available to the secretary upon request.

(3) If provided, each threaded faucet to which a hose is connected, flush valve, and any similar device shall be protected by a vacuum breaker. Each commercial dishwasher and each commercial laundry machine shall be protected by either a vacuum breaker or an air gap.

(4) If provided, each relief valve discharge line from a water heater, water-holding tank, cooling tower, or water softener, each discharge line from a commercial laundry machine, and each condensation line shall be protected by an air gap.

(5) Each swimming pool water supply line shall be protected by either an air gap or a double-check valve assembly.

(6) Fire sprinklers plumbed into a waterline over gas water heaters or furnaces, or both, shall not be required to have a backflow device unless required by local ordinance. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

4-27-21. Heating, ventilation, and air-conditioning (HVAC) systems. (a) Each licensee shall ensure that each guest room has heating, ventilation, and related heating and ventilation equipment.

(1) All equipment shall be installed according to the manufacturer's directions and shall be kept in operating condition.

(2) A means to control the temperature in the guest room shall be provided in each guest room that is furnished with a separate heating or air-conditioning unit.

(3) If the guest room has air-conditioning, the air-conditioning system shall meet the requirements specified in paragraphs (a)(1) and (2).

(b) Unvented fuel-fired heaters, unvented fireplaces, and similar devices and portable electrical space heaters

shall be prohibited from use in all areas of the lodging establishment, unless designed by the manufacturer for commercial use and approved by the secretary. The following conditions shall be met:

(1) The unvented fuel-fired heater, unvented fireplace, or similar device or the portable electrical space heater is not the primary source of heat.

(2) The unvented fuel-fired heater, unvented fireplace, or similar device or the portable electric space heater is not used in a guest room.

(c) All gas and electric heating equipment shall be equipped with thermostatic controls.

(d) All gas water heaters, gas furnaces, and other gas heating appliances shall be vented to the outside.

(e) A gas shutoff valve shall be located next to each gas appliance, gas furnace, and gas water heater.

(f) Each furnace and each air-conditioning unit shall be equipped with an electrical fuse breaker to protect the unit from electrical overload.

(g) Each furnace room or room containing a gas water heater or any other fuel-fired appliance shall be provided with adequate air for circulation.

(h) Each filter shall be changed according to the manufacturer's specifications. (Authorized by and implementing K.S.A. 2011 Supp. 36-506, as amended by L. 2012, ch. 145, sec. 6; effective June 4, 2010; amended Feb. 8, 2013.)

Article 28.—FOOD SAFETY

4-28-1. Definition; specialized processing. "Specialized processing" shall mean any food preparation method having an increased risk of foodborne illness associated with improper implementation, including the following:

(a) Smoking food as a method of food preservation rather than as a method of flavor enhancement;

(b) curing food;

(c) canning food, except for fruit jams, jellies, and preserves;

(d) using food additives or adding components, which may include vinegar, for either of the following:

(1) A method of food preservation rather than flavor enhancement; or

(2) a method to render a food so that the food does not require time and temperature control for food safety;

(e) packaging food using a reduced-oxygen packaging method;

(f) sprouting seeds or beans;

(g) drying food, other than herbs, whole fruits, or whole vegetables;

(h) keeping molluscan shellfish in a life-support tank;

(i) custom-processing animals in a facility for personal use;

(j) processing and packaging juice;

(k) fermenting foods;

(l) producing cultured dairy products, including cheese, yogurt, and buttermilk; and

(m) using a noncontinuous cooking process. (Authorized by K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23; implementing K.S.A. 2011 Supp. 65-689, as amended by L. 2012, ch. 145, sec. 24; effective, T-4-11-

5-04, Nov. 5, 2004; effective Feb. 18, 2005; amended June 4, 2010; amended Feb. 8, 2013.)

4-28-5. Fees; food processing plant. Each food processing plant shall be licensed by the secretary. (a) Each person operating or intending to operate a food processing plant shall submit an application on a form supplied by the department with the following fees:

(1) An application fee of \$100; and

(2) one of the following license fees based on the size and type of the plant, as applicable:

(A) For each food processing plant that only stores food, one of the following fees:

(i) Less than 1,000 square feet: \$50;

(ii) 1,000 square feet through 5,000 square feet: \$75;

(iii) 5,001 square feet through 10,000 square feet: \$105;

(iv) 10,001 square feet through 50,000 square feet: \$140;

or

(v) more than 50,000 square feet: \$180; and

(B) for each food processing plant not specified in paragraph (a)(2)(A), one of the following fees:

(i) Less than 1,000 square feet: \$80;

(ii) 1,000 square feet through 5,000 square feet: \$135;

(iii) 5,001 square feet through 10,000 square feet: \$190;

(iv) 10,001 square feet through 50,000 square feet: \$245;

or

(v) more than 50,000 square feet: \$300.

(b) For the purpose of this regulation, a facility that only stores food shall include any premises, establishment, building, room, area, facility, or place where food is stored, kept, or held for distribution, whether or not the food is temperature-controlled.

(c) For the purpose of this regulation, "food processing plant" shall not include either of the following:

(1) A facility in which fresh fruits and vegetables are harvested and washed, if the fruits and vegetables are not otherwise processed at the facility; or

(2) a storage facility used solely for the storage of grain or other raw agricultural commodities.

(d) Each license issued shall expire on March 31 each year.

(e) Each license shall require annual renewal by the licensee's submission of an application for renewal, on a form supplied by the department, and the payment of the applicable license fee specified in subsection (a). (Authorized by K.S.A. 2011 Supp. 74-581 and K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23; implementing K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23; effective Feb. 18, 2005; amended Dec. 5, 2008; amended Feb. 8, 2013.)

4-28-18. (Authorized by K.S.A. 65-673 and K.S.A. 2008 Supp. 74-581; implementing K.S.A. 65-659; effective June 4, 2010; revoked Feb. 8, 2013.)

4-28-19 through 4-28-22. (Authorized by K.S.A. 65-663, K.S.A. 2008 Supp. 65-673, and K.S.A. 2008 Supp. 74-581; implementing K.S.A. 65-663; effective June 4, 2010; revoked Feb. 8, 2013.)

4-28-23. Sidewalk or street display of food products; prohibitions. (a) The sidewalk or street display or sale of fresh meat and meat products, fresh seafood and

(continued)

fish, fresh poultry, and any other foods that require time and temperature control for safety shall be prohibited.

(b) Any food product, other than those products listed in subsection (a), that ordinarily is washed, peeled, pared, or cooked in the course of preparation for consumption may be displayed in street and sidewalk displays if the product is in containers that are at least six inches above the surface of the sidewalk or street.

(c) The street or sidewalk display of all food products not specified in this regulation shall be prohibited unless the products are enclosed to protect the products from flying insects, dust, and other contamination. (Authorized by K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23, and K.S.A. 2011 Supp. 74-581; implementing K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23; effective June 4, 2010; amended Feb. 8, 2013.)

4-28-24 through 4-28-30. (Authorized by K.S.A. 65-626, K.S.A. 2008 Supp. 74-581; implementing K.S.A. 65-625 and 65-626; effective June 4, 2010; revoked Feb. 8, 2013.)

4-28-32. Vehicles used in transportation. Each vehicle used in the transportation of food shall be kept in a condition by which food cannot become adulterated. During transport, the food shall be protected from physical, chemical, and microbial contamination and degradation by the use of the following:

(a) Clean and sanitary transportation vehicles and containers; and

(b) temperature-control measures meeting the department's requirements. (Authorized by K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23; implementing K.S.A. 2011 Supp. 65-688, as amended by L. 2012, ch. 145, sec. 23, and K.S.A. 2011 Supp. 74-581; effective Feb. 8, 2013.)

Article 21.—FOOD, DRUGS AND COSMETICS

28-21-2. (Authorized by K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked Feb. 8, 2013.)

28-21-4 and 28-21-5. (Authorized by K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked Feb. 8, 2013.)

Article 23.—SANITATION; FOOD AND DRUG ESTABLISHMENTS

28-23-1 through 28-23-3. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked Feb. 8, 2013.)

28-23-6. (Authorized by K.S.A. 65-625, K.S.A. 1979 Supp. 65-626; effective Jan. 1, 1966; amended May 1, 1980; revoked Feb. 8, 2013.)

28-23-7. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked Feb. 8, 2013.)

28-23-11 through 28-23-13. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked Feb. 8, 2013.)

Dale A. Rodman
Secretary of Agriculture

Doc. No. 041235

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2012 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-64-1	Revoked	V. 31, p. 171

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-15-4	Amended	V. 31, p. 570
4-15-5	Amended	V. 31, p. 301
4-15-6	Amended	V. 31, p. 301
4-15-7	Amended	V. 31, p. 570
4-15-8	Amended	V. 31, p. 570
4-15-9	Amended	V. 31, p. 571
4-15-9a	New	V. 31, p. 571
4-15-10	Amended	V. 31, p. 571
4-15-13	Amended	V. 31, p. 572
4-28-3	Revoked	V. 31, p. 1276
4-28-4	Revoked	V. 31, p. 1276
4-28-6	Amended (T)	V. 31, p. 998
4-28-6	Amended	V. 31, p. 1276
4-28-7	Revoked	V. 31, p. 1277
4-28-31	New (T)	V. 31, p. 998
4-28-31	New	V. 31, p. 1277

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-9-3	Amended	V. 31, p. 773

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-4	Amended	V. 31, p. 197
7-23-14	New	V. 31, p. 197
7-36-7	New	V. 31, p. 198
7-36-8	New	V. 31, p. 199
7-46-1	New	V. 31, p. 199
7-46-2	New	V. 31, p. 199
7-46-3	New	V. 31, p. 200

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Reg. No.	Action	Register
14-13-1	Amended (T)	V. 31, p. 1356
14-13-13	Amended (T)	V. 31, p. 1357
14-13-16	New (T)	V. 31, p. 1358
14-13-17	New (T)	V. 31, p. 1359
14-16-25	Amended	V. 31, p. 1427

AGENCY 16: ATTORNEY GENERAL

Reg. No.	Action	Register
16-12-1 through 16-12-10	New (T)	V. 31, p. 1359-1365
16-12-1 through 16-12-10	New	V. 32, p. 23-29

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

Reg. No.	Action	Register
20-2-5	Revoked	V. 31, p. 1031
20-3-1	Revoked	V. 31, p. 1031
20-3-2	Revoked	V. 31, p. 1031

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-25-1	New	V. 31, p. 973
22-25-2	New	V. 31, p. 974

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-19-350	Amended	V. 31, p. 1507
28-19-735	Amended	V. 31, p. 1508
28-19-750	Amended	V. 31, p. 1509
28-19-750a	Amended	V. 31, p. 1509
28-29-300	Amended	V. 31, p. 1509
28-29-330 through 28-29-333	New	V. 31, p. 1510
28-31-10	Amended	V. 31, p. 196
28-35-600 through 28-35-608	New	V. 31, p. 90-93
28-54-1 through 28-54-5	Amended	V. 31, p. 280-282
28-56-1 through 28-56-10	New	V. 31, p. 708-711
28-56-2	Amended	V. 31, p. 1528
28-75-100	New	V. 32, p. 23

AGENCY 30: DEPARTMENT FOR CHILDREN AND FAMILIES (FORMERLY DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES)

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30-46-10	Amended	V. 31, p. 1126

AGENCY 40: KANSAS INSURANCE DEPARTMENT

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40-1-37	Amended	V. 31, p. 887
40-1-48	Amended	V. 31, p. 887

40-4-42c	Amended	V. 31, p. 170
40-5-7	Revoked	V. 31, p. 114

AGENCY 44: DEPARTMENT OF CORRECTIONS

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44-5-115	Amended	V. 32, p. 58
44-6-101	Amended	V. 32, p. 58
44-6-114e	Amended	V. 32, p. 60
44-6-115a	Amended	V. 32, p. 64
44-6-115b	Amended	V. 32, p. 65
44-6-115c	Amended	V. 32, p. 66
44-6-125	Amended	V. 32, p. 67
44-6-127	Amended	V. 32, p. 68
44-6-134	Amended	V. 32, p. 69
44-6-135	Amended	V. 32, p. 69
44-6-135a	Amended	V. 32, p. 70
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44-9-101	Amended	V. 31, p. 302
44-9-105	Amended	V. 31, p. 303
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44-9-504	New	V. 31, p. 304, 305
44-11-111	Amended	V. 31, p. 193
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44-11-132	Amended	V. 31, p. 196

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45-500-1		
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45-500-4	Revoked	V. 31, p. 306

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60-11-102	Amended	V. 31, p. 573
60-11-103	Amended	V. 31, p. 573
60-11-104	Amended	V. 31, p. 574
60-11-104a	Amended	V. 31, p. 574
60-11-105	Amended	V. 31, p. 574
60-11-106	Amended	V. 31, p. 575
60-11-107	Amended	V. 31, p. 575
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60-11-116	Amended	V. 31, p. 575
60-11-118	Amended	V. 31, p. 576
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60-16-102	Amended	V. 31, p. 577
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60-17-111	Amended	V. 31, p. 581

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68-20-30	New (T)	V. 31, p. 1049

AGENCY 69: BOARD OF COSMETOLOGY

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69-13-4	New	V. 31, p. 1314

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74-2-7	Amended	V. 31, p. 607
74-4-3a	Amended	V. 31, p. 608
74-4-7	Amended	V. 31, p. 608
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74-5-202	Amended	V. 31, p. 612
74-5-302	Revoked	V. 31, p. 612
74-11-6	Amended	V. 31, p. 612

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82-3-1223	New	V. 31, p. 1472-1490

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88-29-10	Amended	V. 31, p. 382
88-29-11	Amended	V. 31, p. 1426
88-29a-1	New	V. 32, p. 46
88-29a-2	New	V. 32, p. 47
88-29a-5	Amended	V. 31, p. 383
88-29a-6	Amended	V. 31, p. 384
88-29a-7	Amended	V. 32, p. 47
88-29a-7a	Amended	V. 31, p. 385
88-29a-8	Amended	V. 32, p. 48
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88-29a-18	Amended	V. 31, p. 388
88-29a-19	Amended	V. 31, p. 389
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88-29b-7	New	V. 32, p. 49-53
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88-29b-8a	New	V. 32, p. 54
88-29b-8b	New	V. 32, p. 54
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88-29b-9	New	V. 32, p. 55
88-29b-10	New	V. 32, p. 56

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100-28a-10	Amended	V. 31, p. 324

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102-6-2	Revoked	V. 31, p. 114
102-6-4	Revoked	V. 31, p. 114
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102-6-9	Revoked	V. 31, p. 114
102-6-9a	Revoked	V. 31, p. 114
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105-3-2	Amended	V. 31, p. 1313
105-7-1		
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105-7-4	Amended	V. 31, p. 1427, 1428
105-7-6	Amended	V. 31, p. 1428
105-7-8	Revoked	V. 31, p. 1428
105-11-1	Amended	V. 31, p. 1428

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106-1-8	Revoked (T)	V. 31, p. 1002
106-1-1		
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106-1-8	Revoked	V. 31, p. 1221

106-2-1	New (T)	V. 31, p. 1002
106-2-1	New	V. 31, p. 1221
106-2-2	New (T)	V. 31, p. 1003
106-2-2	New	V. 31, p. 1221
106-2-2a	New (T)	V. 31, p. 1003
106-2-2a	New	V. 31, p. 1221
106-2-3	New (T)	V. 31, p. 1004
106-2-3	New	V. 31, p. 1223
106-2-4	New (T)	V. 31, p. 1005
106-2-4	New	V. 31, p. 1223

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through		
106-3-6	New (T)	V. 31, p. 1005, 1006
106-3-1		
through		
106-3-6	New	V. 31, p. 1223, 1224
106-4-1	New (T)	V. 31, p. 1006
106-4-1	New	V. 31, p. 1224

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107-1-5	Revoked (T)	V. 31, p. 1007
107-1-1		
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107-1-5	Revoked	V. 31, p. 1225
107-2-1	Revoked (T)	V. 31, p. 1007
107-2-1	Revoked	V. 31, p. 1225
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109-3-4	New	V. 31, p. 247
109-3-5	Amended	V. 31, p. 1295
109-5-1c	New	V. 31, p. 247
109-5-7c	New (T)	V. 31, p. 245
109-5-7c	New	V. 31, p. 497
109-7-1	Amended	V. 31, p. 248
109-8-2	New	V. 31, p. 225
109-10-1c	New	V. 31, p. 225
109-11-4a	New	V. 31, p. 225
109-13-1	Amended	V. 31, p. 248

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. A list of regulations filed from December 1, 2009 through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. The following regulations were filed after December 22, 2011:

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111-2-270		
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111-2-276	New	V. 31, p. 114-116
111-2-277		
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111-2-282	New	V. 31, p. 582, 583
111-2-283		
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111-2-286	New	V. 31, p. 648
111-2-287	New	V. 31, p. 1428
111-2-288	New	V. 31, p. 1428
111-4-3135	New	V. 31, p. 116
111-4-3136	New	V. 31, p. 121
111-4-3137		
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111-4-3142	New	V. 31, p. 274-278
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111-4-3158	New	V. 31, p. 345-354

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111-4-3162	New	V. 31, p. 583-587
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111-4-3171	New	V. 31, p. 613-617
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111-4-3181	New	V. 31, p. 649-656
111-4-3182		
through		
111-4-3196	New	V. 31, p. 1429-1441
111-4-3197		
through		
111-4-3203	New	V. 31, p. 1468-1470
111-4-3204		
through		
111-4-3211	New	V. 31, p. 1541-1547
111-5-23		
through		
111-5-28	Amended	V. 31, p. 355-358
111-5-31	Amended	V. 31, p. 359
111-5-33	Amended	V. 31, p. 279
111-5-82	Amended	V. 31, p. 657
111-5-83	Amended	V. 31, p. 657
111-5-194	Amended	V. 31, p. 359
111-5-200	New	V. 31, p. 360
111-5-201		
through		
111-5-206	New	V. 31, p. 618, 619
111-9-174	New	V. 31, p. 122
111-9-175	New	V. 31, p. 123
111-9-176	New	V. 31, p. 124
111-9-177	New	V. 31, p. 360
111-9-178	New	V. 31, p. 1442
111-9-179	New	V. 31, p. 1442
111-9-180	New	V. 31, p. 1470
111-9-181	New	V. 31, p. 1471
111-17-3	New	V. 31, p. 279
111-17-4	New	V. 31, p. 619
111-201-14	Amended	V. 31, p. 361
111-301-6	Amended	V. 31, p. 658
111-301-32		
through		
111-301-44	New	V. 31, p. 1443-1446
111-401-1		
through		
111-401-50	New	V. 31, p. 389-407

111-401-30	Amended	V. 31, p. 1548
111-401-51		
through		
111-401-118	New	V. 31, p. 427-449
111-401-119		
through		
111-401-166	New	V. 31, p. 528-552
111-501-9	Amended	V. 31, p. 124
111-501-12	Amended	V. 31, p. 659
111-501-14		
through		
111-501-26	New	V. 31, p. 124-129
111-501-35		
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111-501-81	New	V. 31, p. 129-146
111-501-61	Amended	V. 31, p. 1549
111-501-82		
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111-501-102	New	V. 31, p. 620-628

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS, AND TOURISM

Reg. No.	Action	Register
115-1-1	Amended	V. 31, p. 1365
115-2-1	Amended	V. 31, p. 1367
115-2-2	Amended	V. 31, p. 1368
115-4-2	Amended	V. 31, p. 425
115-4-4	Amended	V. 31, p. 426
115-4-4a	Amended	V. 31, p. 427
115-4-15	New	V. 31, p. 1368
115-7-3	Amended	V. 31, p. 1370
115-8-1	Amended	V. 31, p. 1370
115-8-2	Amended	V. 31, p. 953
115-8-19	Amended	V. 31, p. 1371
115-8-23	New	V. 31, p. 953
115-8-24	New	V. 31, p. 954
115-14-1		
through		
115-14-6	Revoked	V. 31, p. 1142
115-14-8	Revoked	V. 31, p. 1142
115-14-9	Revoked	V. 31, p. 1142
115-14-10	Revoked	V. 31, p. 1142
115-14-11		
through		
115-14-15	New	V. 31, p. 1142-1151

115-17-6		
through		
115-17-9	Amended	V. 31, p. 954, 955
115-18-1	Amended	V. 31, p. 1152
115-18-18	Amended	V. 31, p. 1371
115-18-22	New	V. 31, p. 1371
115-20-7	Amended	V. 31, p. 956

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 31, p. 1066
117-2-2a	Amended	V. 31, p. 1067
117-3-2	Amended	V. 31, p. 1067
117-3-2a	Amended	V. 31, p. 1068
117-4-2	Amended	V. 31, p. 1069
117-4-2a	Amended	V. 31, p. 1070
117-5-2	Amended	V. 31, p. 1070
117-5-2a	Amended	V. 31, p. 1071
117-7-1	Amended	V. 31, p. 683
117-8-1	Revoked	V. 31, p. 1071
117-20-1		
through		
117-20-7	New (T)	V. 31, p. 997
117-20-1	New	V. 31, p. 1248
117-20-2	New	V. 31, p. 1248
117-20-4	New	V. 31, p. 1248
117-20-5	New	V. 31, p. 1248
117-20-6	New	V. 31, p. 1248

AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE

Reg. No.	Action	Register
129-5-1	Amended	V. 31, p. 1248

AGENCY 130: HOME INSPECTORS REGISTRATION BOARD

Reg. No.	Action	Register
130-2-1	Amended	V. 31, p. 224

AGENCY 132: KANSAS 911 COORDINATING COUNCIL

Reg. No.	Action	Register
132-2-1	New	V. 31, p. 223
132-3-1	New	V. 31, p. 1540
132-4-1	New	V. 31, p. 224

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