



Kansas Register

Chris Biggs, Secretary of State

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State of Kansas

Board of Emergency Medical Services**Notice of Meetings**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, June 4, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Meetings for the Planning and Operations Committee, the Education, Examination, Certification and Training Committee, the Executive Committee and the Investigations Committee will be held Thursday, June 3, starting at 9 a.m. at the same location.

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

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

Steven Sutton
Interim Executive Director

Doc. No. 038349

State of Kansas

Office of the Governor**Notice of Available Grant Funding**

The Kansas Criminal Justice Coordinating Council (KCJCC) establishes the guidelines for the Federal Edward Byrne Memorial Justice Assistance Grant (JAG). The JAG program is authorized by Federal Law 42 U.S.C. 3250. The KCJCC and the Federal JAG Program Guidelines establish eligibility criteria that must be met by all organizations that receive JAG funds. These grant funds are awarded to units of state and local government; Native American Tribes; and nonprofit, community and faith-based organizations.

The primary use of JAG is to support the following purpose areas: (1) law enforcement programs; (2) prosecution and court programs; (3) prevention and education programs; (4) corrections and community corrections programs; (5) drug treatment programs; (6) planning, evaluation and technology improvement programs; and (7) crime victim and witness programs.

Grant funds must be requested within one or more of the seven purpose areas. Since this grant is competitive, there is a yearly application process with no guarantee of continued funding. In distributing grant funds, priority will be given to applicants who are not eligible to apply directly to the Federal Bureau of Justice Assistance for JAG funding. The KCJCC will give priority to applicants that request to retain positions and address one-time equipment needs.

The JAG application is due by 11:59 p.m. June 18 on the grant portal. A copy of the application may be accessed at <http://governor.ks.gov/grants-program> (use JAG for the keyword search).

Kim Gerety, Specialist
Governor's Grants Program

Doc. No. 038351

State of Kansas

**Child Support Guidelines
Advisory Committee****Notice of Meeting**

The Kansas Supreme Court's Child Support Guidelines Advisory Committee will meet at 9:30 a.m. Friday, May 28, in Room 269 of the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka. The meeting is free and open to the public. For more information, contact Mark Gleeson, Director of Trial Court Programs, at (785) 296-5938 or by e-mail at gleesonm@kscourts.org.

Individuals in need of reasonable accommodation should contact Elizabeth Reimer, Office of Judicial Administration, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, 66612; by e-mail at reimere@kscourts.org; or via (785) 296-5309 (voice), (785) 296-1804 (fax), or (800) 766-3777 or 711 (TDD). Such requests should be made by May 21.

Mark Gleeson
Director of Trial Court Programs

Doc. No. 038331

State of Kansas

**Department of Administration
Division of Facilities Management****Notice of Commencement of Negotiations for
"On-Call" Architectural Services**

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for restricted (small) projects for Kansas State University. Contract will be for three years. In addition to traditional projects, laboratory projects including Bio Security Level 3 are included. Firms with experience/capability of performing laboratory projects are desired.

For more information concerning the scope of services, contact Abe Fattaey, (785) 532-1725. Firms interested in providing these services should be familiar with the requirements of Chapter 9 of the Building Design and Construction Manual at the Web site below.

To be considered, one (1) .pdf file and two (2) bound proposals of the following should be provided: State of Kansas Capital Improvement Project Qualifications forms (051-054 inclusive) and information regarding similar projects. State of Kansas Professional Qualifications form(s) (050) for each firm and consultant should be provided at the end. Proposals should be concise and follow the current State Building Advisory Commission guidelines. The guidelines and forms are available to firms at www.da.ks.gov/fp/ or by contacting Phyllis Fast, Division of Facilities Management, Suite 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796, Phyllis.Fast@da.ks.gov. Submittals should be received by Phyllis Fast before noon June 4.

Marilyn L. Jacobson, Director
Division of Facilities Management

Doc. No. 038341

State of Kansas

Kansas Insurance Department

Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that changes have occurred in the following pharmacy networks in the state of Kansas:

Aetna U.S. Healthcare Pharmacy Network has notified the Insurance Department of the following additions to its pharmacy network:

Name	City	Effective
Arbuthnot Drug Company	Belleville	2/3/2010
The Downtown Drugstore	Tonganoxie	2/3/2010
Rockers Pharmacy	Paola	2/23/2010
Cardinal Drugstore	Chanute	2/26/2010
Walgreens #12922	Bonner Springs	2/26/2010
Ball Brothers Health Mart	Atchison	3/13/2010
Don Dawson Pharmacy	Russell	3/16/2010
Angel's Touch Pharmacy	Kansas City	3/26/2010
Angel's Touch Pharmacy	Kansas City	3/27/2010
Golden Plains Pharmacy Services	Augusta	3/29/2010
Kex Rx Pharmacy & Home Care	Horton	3/25/2010

In addition, Aetna U.S. Healthcare Pharmacy Network has notified the department of the following terminations from its pharmacy network:

Name	City	Effective
Corner Drug and Gift	Downs	1/18/2010
Steves Corner Drug	Hiawatha	1/18/2010

Humana, Inc., Pharmacy Network has notified the department of the following additions to its pharmacy network:

Name	City	Effective
Wise Drug Inc	Hill City	1/12/2010
Uvanta Pharmacy - Kansas City	Overland Park	1/12/2010
Wolkar Drug Inc.	Baxter Springs	1/19/2010
B And K Prescription Shop	Salina	2/3/2010
Medicine Shoppe #1430	Emporia	3/3/2010
The Medicine Shoppe #1236	Emporia	3/3/2010
Medical Pharmacy PA	Holton	3/3/2010
Mahanna Pharmacy Inc.	Hoxie	3/3/2010
Heartland Homecare Services	Lawrence	3/3/2010
Qualicare Inc.	Lawrence	3/3/2010
Medicine Shoppe Pharmacy #1831	McPherson	3/3/2010
Pharmacy Express	Olathe	3/3/2010
Parsons Family Pharmacy	Parsons	3/3/2010
St. Marys Pharmacy	St. Marys	3/3/2010
Satanta Retail Pharmacy	Satanta	3/3/2010
Long Term Care Specialists	Scott City	3/3/2010
Jayhawk Pharmacy and Patient Supply	Topeka	3/3/2010
Wamego Drug Store	Wamego	3/3/2010
Heartland Homecare Services	Wichita	3/3/2010
Sunflower Pharmacy	Lawrence	3/9/2010
Georgetown Pharmacy	Merriam	3/9/2010
Rays Pharmacy	Quinter	3/9/2010
Silver Creek Pharmacy	La Cygne	3/16/2010

Any questions should be directed to the Insurance Department at (785) 296-3071.

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 038332

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 10-13 by adding the following projects:

**Kansas Department of Wildlife and Parks (KDWP)
Recreational Trails Funding Projects for FY-2010:**

- (1) Cunningham Lions Club, Kingman County — Walking Path and Restroom
- (2) El Dorado State Park, Butler County — Boulder Bluff Equestrian Campground Shower Building
- (3) Perry State Park, Jefferson County — Final Phase of Equestrian Campground
- (4) Kaw River State Park, Shawnee County — ADA Trail and Trail Head
- (5) City of Burden, Cowley County — Forest Park Trail
- (6) City of Overbrook, Osage County — Overbrook City Lake Trail, Phase II
- (7) City of Hutchinson, Reno County — Connect 30th Ave. with Lorraine and Old K-61 to Trail
- (8) City of Shawnee, Johnson County — Purchase Environmentally Friendly Electric Vehicle
- (9) El Dorado State Park, Butler County — ADA Upgrade to Walnut River Trail
- (10) City of Jetmore, Hodgeman County — Purchase Additional Land
- (11) Tuttle Creek State Park, Pottawatomie County — Double Vault Toilet, Parking Lot and Sidewalk at Spillway Area
- (12) Green Recreational Trail, Pratt County — Motorized Trail for 50cc Cycles and Below
- (13) Sand Hills State Park, Reno County - Phase 3: Showerhouse, Lagoon, etc. for Equestrian and Motorized Campground
- (14) KDWP — Develop, Print Trail Brochures and Signage as Needed Throughout the Year
- (15) Funds for Staff Travel and Training

The amendment of the STIP requires a public comment period of 30 days. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, (785) 296-3526, fax (785) 368-6664. Additional information about these projects and other pending STIP amendments may be viewed online at www.ksdot.org/publications.asp.

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

The comment period regarding the STIP amendment for these projects will conclude June 21.

Deb Miller
Secretary of Transportation

Doc. No. 038336

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms or teams, prequalified (or able to become prequalified) in category 331 Aerial Photogrammetry, for on-call services listed below. Eight signed copies of the response can be mailed to David Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Interest responses shall be limited to four pages and must be received by noon June 14 for the consulting engineering firm or team to be considered.

Please Note: Category 331 Aerial Photogrammetry no longer requires a licensed land surveyor registered in Kansas, but it does require a certified photogrammetrist. View categories at www.ksdot.org/divengdes/prequal.

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview. 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. Firms not selected to be short-listed will be notified.

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 the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified of the outcome.

**On-Call Aerial Photogrammetry
Statewide**

Photogrammetric services shall be conducted under the direct supervision of a certified photogrammetrist. The firm shall be equipped with an analytical/digital stereo plotter. All services shall be accomplished to meet the standards necessary for the specific project, with all services being accomplished to meet the National Mapping Accuracy Standards. This service includes imaging, which covers aerial photography, photogrammetry and remote sensing.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to proposed project.
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.

Deb Miller
Secretary of Transportation

Doc. No. 038342

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced May 6-11 by the 2010 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 www.kslegislature.org.

House Bills

HB 2751, An act concerning retirement and pensions; enacting the Kansas public employees retirement system defined contribution act; providing terms, conditions and requirements related thereto; relating to plan document, membership, benefits and contributions; death and disability benefits, by Committee on Appropriations.

House Resolutions

HR 6049, A resolution congratulating and commending the Kansas Arts Commission, the Kansas Arts Commissioners and the Kansas Arts Commission staff for creating an arts environment that benefits the State of Kansas and its people.

Senate Resolutions

SR 1878, A resolution congratulating and commending Mary Galligan.

SR 1879, A resolution congratulating and commending Theresia (Terri) M. Weber.

SR 1880, A resolution congratulating and commending Joyce Lundgren.

SR 1881, A resolution congratulating and commending Jerry Ann Donaldson.

SR 1882, A resolution congratulating and commending Ron Nitcher.

SR 1883, A resolution recognizing and supporting the freedom of Kansans to provide for their health care.

SR 1884, A resolution commending Barb Hinton for her outstanding work as Legislative Post Auditor for the State of Kansas and congratulating her on her future endeavors.

SR 1885, A resolution in support of religious freedom for Coptic Christians.

SR 1886, A resolution recognizing the former Sumner High School in Kansas City, Kansas and encouraging participation in "Sumner in the City," the fourth National Convention presented by the Sumner High School Alumni Association of Kansas City, Kansas, Inc., which takes place July 15-18, 2010.

SR 1887, A resolution congratulating and commending the Washburn University debate team for winning the national championship.

Senate Concurrent Resolutions

SCR 1632, A concurrent resolution relating to the adjournment of the Senate and House of Representatives for a period during the 2010 regular session of the legislature.

Doc. No. 038328

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms or teams, prequalified in category 211 Highway Design — Major Facility, for the project listed below. Eight signed copies of the response can be mailed to David Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, KDOT, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754. Interest responses shall be limited to four pages and must be received by noon June 14 for the consulting engineering firm or team to be considered.

The Consultant Shortlist Committee will select three to five of the most highly qualified firms expressing interest and schedule an individual interview. 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. Firms not selected to be short-listed will be notified. View categories at www.ksdot.org/divengdes/prequal.

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. After the selection, the firm(s) not selected will be notified of the outcome.

**83-41 KA-1008-02
Haskell County**

The scope of the services is to prepare a set of plans for the construction and improvement to US-83 from US-56 north to 1.0 mile south of US-160 (5.0 miles) in Haskell County according to the study and recommendations developed for this area.

A two-lane highway with passing lanes on four lanes of ROW, based on a future expressway template, with partial access control. Interchange configurations for the junction of US-83 and US-56 will have to be explored and examined for operational characteristics and economics. The current estimate for construction is \$8.5 million.

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

1. Size and professional qualifications.
2. Experience of staff.
3. Location of firm with respect to proposed project.
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.

Deb Miller
Secretary of Transportation

Doc. No. 038348

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of April 2010 for failure to timely file an annual report and pay the annual report fee as required by the Kansas general corporation code:

Domestic Corporations

A A Gill Ventures Inc., Wichita, KS.
Acme Radiator & Air Conditioning, Inc., Kansas City, KS.
Adam Ward, Inc., Paola, KS.
Alert Alarm Co., Inc., Ulysses, KS.
Ambition, Inc., Hutchinson, KS.
Amtran, Inc., Merriam, KS.
Beta Theta Pi Holding Company, Olathe, KS.
Bird Oil Company, Inc., Great Bend, KS.
Black & Sons, Inc., Wichita, KS.
C & H Trenching Service, Inc., Quenemo, KS.
Campa, Inc., Newton, KS.
Canmexus Corp., Overland Park, KS.
Carousel Skate Center, Inc., Wichita, KS.
Central States Analysis & Reviews, Inc., Kansas City, KS.
Central Welding & Machine Co., Inc., Hutchinson, KS.
Chuck Boyles, Inc., Kansas City, MO.
Clearview Home Inspections, Inc., Kansas City, KS.
Commercial Tire Centers, Inc., Salina, KS.
Concept Construction, Inc., Montrose, CO.
Covenant Resource Group, Inc., Kansas City, KS.
Dauner Pharmacies, Chartered, Mankato, KS.
David C. Parsons, D.D.S., P.A., Winfield, KS.
Disc Heat, LLC, Topeka, KS.
Diskotech, Inc., Leawood, KS.
Dynasty Investments Inc., Winfield, KS.
Eagle Packaging Co., Kansas City, MO.
Earcare Northwest Wichita Outreach Inc., Wichita, KS.
Earcare of Hutchinson Outreach Inc., Wichita, KS.
Earcare West Wichita, Outreach Inc., Wichita, KS.
Engineered Systems & Equipment, Inc., Caney, KS.
Favamerica, Inc., Sedona, AZ.
Foote Construction Company, Inc., Pleasanton, KS.
Four Corners Roofing, Inc., Wellsville, KS.
Frack & Smithhisler, LLC, Manhattan, KS.
Furniture Kingdom, Inc., Hays, KS.
Gerald Schneider Const., Inc., Hoisington, KS.
Golden Age Insurance, Inc., Olathe, KS.
H.Z. Smith Motors, Inc., Lawrence, KS.
Hart, Inc., Barnard, KS.
Hennessey Sheet Metal, Inc., Leawood, KS.
Hope's Dream Works, Inc., Lakin, KS.
House of Denmark, Inc., Overland Park, KS.
Insurance Consultants of Kansas, Inc., Rose Hill, KS.
Intec, Incorporated, Caney, KS.
J. Neal & Sons Const., Inc., Topeka, KS.
Jackson Memorial Church of God in Christ, Topeka, KS.
Jayhawk Transportation Corporation, Topeka, KS.

Jeweler Extraordinaire, Inc., Overland Park, KS.
 Kansas Chapter of Triangle, Tecumseh, KS.
 Kansas Gymnastics Booster Club, Inc., Olathe, KS.
 Kansas Logistics, Inc., Kansas City, KS.
 KE Enterprises of Manhattan, Inc., Manhattan, KS.
 Kier Enterprises, Inc., Washington, KS.
 Knight Trenching & Excavating, Inc., Lenexa, KS.
 Krey Fund, Oakley, KS.
 Longbranch Steakhouse, Inc., Lenexa, KS.
 Luckeroth Masonry, Inc., Seneca, KS.
 M S & F Corporation, El Dorado, KS.
 Malarz Enterprises, Inc., Olathe, KS.
 Marvin's Tow Service, Inc., Edgerton, KS.
 Mega Services, Inc., Overland Park, KS.
 Melchert Enterprises, Inc., Edmond, OK.
 Midway Implement Co., Inc., Kensington, KS.
 Monte Consulting Services, Inc., Sedona, AZ.
 Moonlight Security Inc., Garden City, KS.
 Moore Tours International, Inc., Hays, KS.
 MSJ, Inc., Emporia, KS.
 Murrell Optical, Inc., Olathe, KS.
 Overland Park Real Estate, Inc., Leawood, KS.
 Paxson Construction, Inc., Burlington, KS.
 Perry Petroleum, Inc., Lake Placid, FL.
 Petroglyph Operating Company, Inc., Boise, ID.
 Pinnacle Home Design Corporation, Lenexa, KS.
 Premier Sets & Services, Inc., Hays, KS.
 Quality Tech Computer, Inc., Pratt, KS.
 Ramsey Oil, Hutchinson, Inc., Nickerson, KS.
 Rejoicing Temple Church of God in Christ, Kansas City, KS.
 Restorative Education Center of Kansas, Inc., Topeka, KS.
 Richardson Construction, Inc., Gardner, KS.
 Robert C. Peterson Farms, Inc., Lindsborg, KS.
 Rolco Manufacturing, Inc., Tulsa, OK.
 Romar Estates, Inc., Topeka, KS.
 Ross Truck Line, Inc., of Salina, Kansas, Salina, KS.
 Rottinghaus Farms, Inc., Seneca, KS.
 RST Performance, Inc., Ottawa, KS.
 Sanman Services, Inc., St. George, KS.
 Schmidt Enterprises, Inc., Wichita, KS.
 Scottdale Development Co., Gladstone, MO.
 Scout Transportation, Inc., Kansas City, KS.
 SFCC Olathe, Inc., Olathe, KS.
 Sheepdog in Liquidation 5, Inc., McLean, VA.
 SLW, Inc., St. John, KS.
 Specialty Designs, Inc., Overland Park, KS.
 St. James Place Enterprises, Inc., Wichita, KS.
 Stems Floral, Inc., Overland Park, KS.
 The Broken J Ranch Inc., Kansas City, KS.
 The National Alliance of State Science and Mathematics
 Coalitions, Arlington, VA.
 The Schottler's Inc., Wichita, KS.
 Toma-Shaw Homes Association, Inc., Shawnee, KS.
 Total Marketing Co., Inc., Leawood, KS.
 Tractor 6659, Inc., Kansas City, KS.
 Turner Food Store, Inc., Kansas City, KS.
 Tys International, Inc., Overland Park, KS.
 Warehouse Bar and Grill, Inc., Ulysses, KS.
 Waymire & Son, Inc., Ottawa, KS.
 Webtoday, Inc., Shawnee, KS.
 Wichita Theatre Organ, Inc., Wichita, KS.
 Wilbeck Machine & Manufacturing, Inc.,
 South Hutchinson, KS.
 Wood Constructions Company, Inc., Chapel Hill, NC.
 Word of Encouragement Family Church, Holton, KS.
 Wordsmith, Inc., Overland Park, KS.
 Workingclassamerican, Inc., Roeland Park, KS.
 Yourtech, Inc., Gardner, KS.

Zenith Construction, Inc., Shawnee Mission, KS.

Foreign Corporations

Advanced Construction Solutions, LLC, Cheyenne, WY.
 Aerofreeze Inc., Redmond, WA.
 Allegiant Professional Business Services, Inc., Anaheim, CA.
 Alpha Omega Publications, Inc., Chandler, AZ.
 Appicare Service Company, Inc., Cupertino, CA.
 Argus Investment Group, Inc., Mission, KS.
 Armed Services Benefits, Las Vegas, NV.
 Associated/ACC International Ltd., Millburn, NJ.
 Avana, Inc., Seattle, WA.
 Bacar Constructors, Inc., Nashville, TN.
 Bamaco, Inc., Bunnell, FL.
 Benesto F. Tumanut, M.D., Incorporated, Gladstone, MO.
 Berry Plastics Corporation, Evansville, IN.
 Berry Plastics Opco, Inc., Evansville, IN.
 Bridges R Us Painting Co., Inc., Campbell, OH.
 Burk Steel, Inc., Harrisonville, MO.
 Callison, LLC, Seattle, WA.
 Commercial Cooling, Inc., Grandview, MO.
 Cryocath Technologies Inc., Kirkland, Quebec.
 Deltel, Inc., Lake Forest, CA.
 EDAW, Inc., San Francisco, CA.
 Ellerbe Becket Construction Services, Inc., Minneapolis, MN.
 First Command Financial Planning, Inc., Fort Worth, TX.
 First Command Financial Services, Inc., Fort Worth, TX.
 Grain States Soya of Kansas, Inc., West Point, NE.
 Greater Kansas City Painters, Inc., Merriam, KS.
 Harman and Son Construction, Inc., Fort Worth, TX.
 International Network Services Inc., South Irving, TX.
 Iowa Bridge & Culvert, LC, Washington, IA.
 Jenkins & Associates, Inc., Shawnee Mission, KS.
 Jimmie Crowder Excavating and Land Clearing, Inc.,
 Tallahassee, FL.
 Kenmark, Inc., Overland Park, KS.
 L.J. Stanley & Associates, Inc., Eugene, OR.
 Land Development, Inc., Quincy, IL.
 Landmark Choice, Inc., Kansas City, MO.
 LDC Telecommunications, Inc., Tampa, FL.
 Leggio Corporation, Kansas City, KS.
 Marion F. Talbert Farms, Inc., Sharon Springs, KS.
 Microcom Corporation, Lewis Center, OH.
 National Sign Plazas, Inc., Centennial, CO.
 Nationwide Construction, Inc., Omaha, NE.
 Nebcon, Inc., Fort Calhoun, NE.
 Office Source, Inc., Broomfield, CO.
 Perkins Fire Pro, Inc., Monroe, LA.
 Primexx Operating Corporation, Dallas, TX.
 Securities Trading Corporation, Orlando, FL.
 Sheepdog in Liquidation 2, LLC, McLean, VA.
 Sheepdog in Liquidation 3, Inc., McLean, VA.
 Softbrands Manufacturing, Inc., Minneapolis, MN.
 Special Systems, Inc., Monroe, LA.
 STS Acquisition Co., Vernon Hills, IL.
 Superior Fire Protection, Inc., Monroe, LA.
 Tawakoni Plant Farm, Ltd., Wills Point, TX.
 Te-Ray Resources, Inc., Oklahoma City, OK.
 Telamon Technologies Corp., Carmel, IN.
 Telco Billing Inc., Las Vegas, NV.
 Turin Networks, Inc., Petaluma, CA.
 Tyson Foods, Inc., Springdale, AR.
 U.S. Engineering Company, Kansas City, MO.
 Vectrix Corporation, Middletown, RI.

Chris Biggs
 Secretary of State

Doc. No. 038313

State of Kansas

Pooled Money Investment Board**Notice of Investment Rates**

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2009 Supp. 12-1675(b)(c)(d) and K.S.A. 2009 Supp. 12-1675a(g).

Effective 5-17-10 through 5-23-10

Term	Rate
1-89 days	0.20%
3 months	0.16%
6 months	0.22%
1 year	0.41%
18 months	0.60%
2 years	0.78%

Elizabeth B.A. Miller
Director of Investments

Doc. No. 038327

State of Kansas

Animal Health Department**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, July 27, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, 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 William Brown, DVM, Kansas Livestock Commissioner, 708 S.W. Jackson, Topeka, 66603, or by e-mail at dduncan@kahd.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit 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. 9-27-1. The proposed amendment to K.A.R. 9-27-1 adds trichomoniasis as a reportable disease, clarifies that hog cholera is the same as classical swine fever and clarifies that viscerotropic velogenic Newcastle disease is also known as exotic Newcastle disease.

K.A.R. 9-7-4. The proposed amendment to K.A.R. 9-7-4 clarifies current import requirements for cattle, eliminates some outdated language in the existing regulation and sets out new import requirements regarding trichomoniasis.

Economic Impact Statement: There is no direct or indirect costs anticipated.

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 Debra Duncan at (785) 296-2326 or fax (785) 296-1765. Reserved parking meters for handicapped parking will be available in front of the Jayhawk Tower at 7th and Jackson. Please contact the Kansas Animal Health Department at (785) 296-2326 at least 24 hours prior to the hearing so arrangements can be made. The west entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained by contacting the Kansas Animal Health Department or may be accessed on the department's Web site at www.kansas.gov/kahd.

William Brown, DVM
Kansas Livestock Commissioner

Doc. No. 038334

State of Kansas

**Department of Labor
Division of Employment****Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted by the Kansas Department of Labor at 9 a.m. Friday, July 23, at the Kansas Department of Labor, 401 S.W. Topeka Blvd., third floor, Conference Room A, Topeka, to consider the adoption of the Employer Unemployment Contributions Regulation. The regulation subject to this hearing notice is K.A.R. 50-2-21a.

This 60-day notice constitutes a public comment period for the purposes of receiving written public comments on the proposed regulation. Any comments on the proposed regulation and requests for copies of the proposed regulation and economic impact statement should be sent to Glenn Griffeth, Deputy Chief Counsel, Kansas Department of Labor, 401 S.W. Topeka Blvd., Topeka, 66603, by phone at (785) 291-3883, or by e-mail at Glenn.Griffeth@dol.ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Glenn Griffeth at the contact information above.

The proposed regulation, **K.A.R. 50-2-21a**, clarifies certain language relating to employer unemployment contribution rates as amended by House Bill 2676 for the years 2010 and 2011 for employers contributing to the State Unemployment Insurance Fund.

Economic Impact: The proposed regulation will have no appreciable economic impact on contributing employers covered by this regulation.

The department does not foresee an increase in its expenses to administer and enforce this regulation.

Jim Garner
Secretary of Labor

Doc. No. 038335

**State of Kansas
Wichita State University**

Notice to Bidders

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

Steve White
Director of Purchasing

Doc. No. 037745

**State of Kansas
Department of Revenue
Notice of Available Publications**

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for April 2010. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at (785) 296-3081.

Private Letter Rulings

P-2008-013 Decorating center's transfer and installation of Venetian blinds and other window treatments.

Opinion Letters

O-2010-002 Rental charges for temporary scaffolding at a refinery.

O-2010-003 Internet website operation.

Final Written Determinations

No new publications

Revenue Rulings

No new publications

Notices

10-01 Petroleum Products Inspection Fee change effective July 1, 2010.

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&A's

No new publications

Information Guides

No new publications

Joan Wagnon
Secretary of Revenue

Doc. No. 038337

**State of Kansas
University of Kansas**

Notice to Bidders

The University of Kansas encourages interested vendors to visit the University of Kansas Purchasing Services Web site at <http://www.purchasing.ku.edu/> for a complete listing of all transactions for which KU Purchasing Services, or one of the consortia commonly utilized by KU, is issuing requests for proposals, solicitations, bids or information. **This includes requests for proposals, solicitations and bids for University of Kansas construction projects, including requests relating to consulting and design services.** Paper postings of KU Purchasing Services bid transactions may be viewed at the Purchasing Services office located at 1246 W. Campus Road, Room 5, Lawrence, 66045, or persons may contact Purchasing Services at (785) 864-3790, by fax at (785) 864-3454, or by e-mail at purchasing@ku.edu to request a copy of a current bid.

Barry K. Swanson
Director of Purchasing and
Strategic Sourcing

Doc. No. 037757

**State of Kansas
Department of Administration
Division of Purchases**

Notice to Bidders

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

06/02/2010	13088	Professional Services
06/03/2010	13083	High Pressure Boiler Repair
06/03/2010	13084	Roadway Lighting Materials
06/03/2010	13085	Furnish and Install Energy Management System
06/09/2010	13081	Consultant Services for Retirement Plan
06/10/2010	13076	Janitorial Services

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

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

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

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

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

06/08/2010	A-011417	Dairy Barn Roof Replacement – Throckmorton Hall, Kansas State University, Manhattan
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Chris Howe
Director of Purchases

Doc. No. 038352

State of Kansas

Kansas State University

Notice to Bidders

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

Carla Bishop
Director of Purchasing

Doc. No. 037624

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-10-057/058

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Rex Stanley Feed Yard Ronnie Stanley 10763 106 Road Dodge City, KS 67801	E/2 of Section 12, T26S, R26W, Ford County	Upper Arkansas River Basin
Kansas Permit No. A-UAFO-C011 Federal Permit No. KS0118192		
This permit is being reissued with modifications consisting of raising the top of berm on an existing waste storage pond. No change in head count or animal unit capacity is being proposed and the facility will continue to be permitted for 13,500 head (13,500 animal units) of cattle weighing more than 700 pounds.		

Name and Address of Applicant	Legal Description	Receiving Water
Rockin A Ranch Darcy Alexander 416 Road DD Satanta, KS 67870	SW/4 of Section 35, T28S, R35W, Grant County	Cimarron River Basin
Kansas Permit No. A-CIGT-B003		
This permit is being reissued for 900 (900 animal units) of beef cattle weighing more than 700 pounds. This represents a decrease in the permitted animal units from the previous permit.		

Public Notice No. KS-Q-10-059/067

The requirements of the draft permits public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria:

Name and Address of Applicant	Receiving Stream	Type of Discharge
Baileyville Improvement District #1 P.O. Box 7 Baileyville, KS 66404	Black Vermillion River via No. Fork Black Vermillion River via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-BB26-OO02 Federal Permit No. KS0081442		
Legal Description: SW ¹ / ₄ , SE ¹ / ₄ , SW ¹ / ₄ , S27, T2S, R11E, Nemaha County		
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring of ammonia, total phosphorus, total recoverable copper and lead, and pH.		
Name and Address of Applicant	Receiving Stream	Type of Discharge
Belleville, City of P.O. Box 280 Belleville, KS 66935	Salt Creek via Unnamed Tributary	Treated Domestic Wastewater
Kansas Permit No. M-LR03-OO01 Federal Permit No. KS0027529		
Legal Description: NE ¹ / ₄ , SE ¹ / ₄ , NE ¹ / ₄ , S2, T3S, R3W, Republic County		
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, dissolved oxygen and pH, as well as monitoring of chlorides, total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow.		
Name and Address of Applicant	Receiving Stream	Type of Discharge
Clay Center, City of P.O. Box 117 Clay Center, KS 67432	Republican River	Treated Domestic Wastewater
Kansas Permit No. M-LR05-OO01 Federal Permit No. KS0048399		
Legal Description: SW ¹ / ₄ , SE ¹ / ₄ , NE ¹ / ₄ , S17, T8S, R3E, Clay County		
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli and pH, as well as monitoring of chlorides, sulfates, total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable lead and effluent flow.		
Name and Address of Applicant	Receiving Stream	Type of Discharge
Concordia, City of P.O. Box 603 Concordia, KS 66901	Republican River	Treated Domestic Wastewater
Kansas Permit No. M-LR08-OO01 Federal Permit No. KS0025577		
Legal Description: E ¹ / ₂ , NE ¹ / ₄ , NE ¹ / ₄ , S34, T5S, R3W, Cloud County		
Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The facility is a mechanical treatment plant consisting of a grit chamber		

and bar screen, activated sludge system, final clarification and UV disinfection of effluent. Sludge is digested in aerobic digesters. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, whole effluent toxicity and pH, as well as monitoring of total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, priority pollutants and effluent flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Horton, City of P.O. Box 30 Horton, KS 66439	Delaware River via Grasshopper Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS24-OO01 Federal Permit No. KS0047465
 Legal Description: E½, NW¼, NE¼, S5, T5S, R17E, Atchison County
 Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli and pH, as well as monitoring of total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, total recoverable copper and zinc and effluent flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Jack Bengge 1940 N.W. Wilcox Court Topeka, KS 66608	Soldier Creek via Indian Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. C-KS72-OO03 Federal Permit No. KS0118583
 Legal Description: SE¼, S30, T10S, R16E, Shawnee County
 Facility Name: Northview Mobile Home Park
 Facility Location: 5720 N. Topeka Blvd., Topeka, KS 66617

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Shawnee County Public Works Dept. 1515 N.W. Saline St. Suite 200 Topeka, KS 66618	Kansas River via Shunganunga Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS72-OO27 Federal Permit No. KS0117731
 Legal Description: E½, NE¼, SW¼, S17, T12S, R15E, Shawnee County
 Facility Name: Sherwood Regional Wastewater Treatment Facility
 Facility Location: 3540 S.W. Nottingham Road, Topeka, Kansas

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The facility consists of mechanical bar screening, vortex grit removal, a two-basin Aero-Mod activated sludge plant with two final clarifiers, UV disinfection, reaeration, aerated sludge storage tanks, two aerated sludge digestion tanks, a belt filter press and three vacuum-assisted sludge drying beds. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, whole effluent toxicity and pH, as well as monitoring of total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, dissolved oxygen, priority pollutants and effluent flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wabaunsee County RWD 2 c/o Nathan Anderson, Manager 38521 Antelope Creek Road Wamego, KS 66547-9708	Kansas River via Antelope Creek	Process Wastewater

Kansas Permit No. I-KS01-PO01 Federal Permit No. KS0095443
 Legal Description: SE¼, NW¼, S20, T10S, R10E, Wabaunsee County
 Facility Description: The proposed action consists of issuance of an existing Kansas/NPDES Water Pollution Control permit for the discharge of wastewater from an existing water treatment plant. The

concentrate from the rural water district's reverse osmosis units is discharged to the Kansas River via Antelope Creek at 0.173 MGD. Minor amounts of washdown water, test lab wastewater/chemicals and neutralized acidic backwash water will be discharged at random times to the same discharge point. The proposed permit contains limits for pH as well as monitoring of chlorides and nitrates.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Winfield, City of P.O. Box 646 Winfield, KS 67156	Walnut River	Treated Domestic Wastewater

Kansas Permit No. M-WA17-OO01 Federal Permit No. KS0051926
 Legal Description: SW¼, NE¼, NE¼, S33, T32S, R4E, Cowley County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The facility is a mechanical treatment plant consisting of a bar screen, vortex grit removal, anoxic and aerated-activated sludge basins, final clarification, UV disinfection of effluent, extraneous flow basin and irrigation of effluent to the golf course. Sludge is digested in aerobic digesters and dewatered on belt filter presses. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, whole effluent toxicity and pH, as well as monitoring of sulfates, total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen, priority pollutants and effluent flow.

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 June 19 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-057/058 KS-Q-10-059/067) and name of the applicant/permittee when preparing comments.

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

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

Roderick L. Bremby
 Secretary of Health
 and Environment

Doc. No. 038340

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 15,100 cubic yards (fill) detention dam, Site 29 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. June 9 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

Doc. No. 038338

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment and the U.S. Environmental Protection Agency Region 7 (EPA) has received a closure plan from the United States Army (Army) for closure of the Burn Pad 5 hazardous waste treatment unit at the Kansas Army Ammunition Plant (KAAP) located in Parsons. The current Resource Conservation and Recovery Act (RCRA) hazardous waste management permit issued in December 1989 to the Army and Day and Zimmermann, Inc. allowed continued operation of the hazardous waste treatment operations at Burn Pad 5 under interim status. Burn Pad 5 began burning hazardous waste in 1967.

A decision to include Burn Pad 5 in the December 1989 permit was delayed until hazardous waste regulations were promulgated for the management of explosive and reactive hazardous wastes in this type of treatment unit. Treatment operations at Burn Pad 5 consisted of open burning of explosive and reactive hazardous wastes on the ground until 1984 when metal burn pans were installed.

KAAP was originally permitted to store hazardous wastes in containers and to treat hazardous waste in an incinerator. The December 1989 permit was issued after the RCRA Hazardous and Solid Waste Amendments of 1984 (HWSA) were enacted and contained provisions for corrective action if there had been any releases of hazardous waste or hazardous constituents from solid waste management units (SWMU). EPA completed an RCRA Facility Assessment in March 1989 prior to the issuance of the permit that identified 25 SWMU groups including Burn Pad 5 at the KAAP facility, requiring further investigation. KAAP completed all Phase I and II RCRA Facility Investigations in May 1998.

With the promulgation of regulations contained in 40 CFR Part 264 Subpart X - Miscellaneous Units, the EPA and KDHE began review of the hazardous waste permit renewal application, which included Burn Pad 5 in 2001. Part of the permit renewal process required a risk assessment to be completed for this hazardous waste treatment operation. The risk assessment concluded the quantities of hazardous wastes being treated at Burn Pad 5 did not pose an unacceptable risk to human health and the environment.

Burn Pad 5 continued to operate under interim status and was inspected regularly by the EPA under the HSWA corrective action regulations as an SWMU while alternatives to the open burning of reactive and explosive hazardous wastes were sought. In 2007, KDHE prohibited the open burning of these wastes as other treatment alternatives became available. In 2008, KAAP ceased its operations as part the Base Realignment and Closure (BRAC) Committee recommendations. A large portion of the land determined by KDHE and the EPA not to be impacted by permitted hazardous waste management operations or SWMUs is to be transferred to the Great Plains Redevelopment Authority (GPRA) in Parsons. The remaining land where permitted hazardous waste operations occurred, interim status operations occurred and corrective actions for SWMUs are ongoing, will either be clean closed and transferred to GPRA or the existing hazardous waste management permit will be transferred to a new entity for these operations to continue under a new permit.

The U.S. Army Corps of Engineers submitted a closure plan for Burn Pad 5 in April 2009. A copy of the closure plan and supporting work plans are available for public review May 24-June 25, Monday through Friday during normal business hours, at the following locations:

Kansas Department of Health and Environment
Hazardous Waste Permits Section
1000 S.W. Jackson, Suite 320
Topeka, 66612
Contact: Mostafa Kamal
(785) 296-1609

Parsons Public Library
311 S. 17th St.
Parsons
During library hours

Anyone wishing to comment on the closure plan should submit written comments postmarked not later than June 25 to Mostafa Kamal. After consideration of all comments received, the Secretary of Health and Environment will make a final decision on the closure plan. Notice will be given to the applicant, to all persons who submitted written comments, and to those who requested notice of the final closure plan decision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 038339

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 construction permit. National Cooperative Refinery Association (NCRA), 1391 Iron Horse Road, McPherson, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to modify the heavy crude expansion project at its refinery located in McPherson.

The original permit was issued on August 15, 2008, in accordance with the provisions of K.A.R. 28-19-350, prevention of significant deterioration (PSD), which adopt the federal standards, procedures and requirements of 40 CFR 52.21 by reference. These air quality regulations apply to major stationary emission sources located in areas designated as "attainment" under the federal Clean Air Act (CAA). Attainment areas are areas where the air quality meets or is better than the national ambient air quality standards (NAAQS). Changes in the project design since permit issuance have resulted in the need to make revisions to the original permit issued on August 15, 2008.

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each pollutant for which the emission rate exceeds the PSD significant level. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each pollutant under review. Evaluation of the estimated emissions for the proposed heavy crude expansion project indicates that the emission rate of sulfur dioxide and particulate matter exceed the significance levels. NCRA conducted the required BACT analyses. The department has reviewed NCRA's BACT analyses and concurs with its findings that good combustion practices, use of low sulfur refinery fuel gas, and various good operating practices is the BACT for the heavy crude expansion project.

The PSD regulations also require an evaluation of the impacts, if any, that emissions from the proposed modifications may have on the ambient air quality, visibility, vegetation and soils. NCRA has conducted the required analyses in accordance with methods approved by the U.S. Environmental Protection Agency. The ambient impact results of the analyses conclude that there should be no significant impacts on the ambient air quality, visibility, local vegetation or soils.

A public comment period has been established until June 21 to allow citizens the opportunity to express any concerns they may have about this proposed permitting action. Written comments should be submitted to Sharon Burrell, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366.

Any member of the public may request a public hearing be conducted to receive comments on the proposed issuance of the draft revised air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Sharon Burrell at the address listed

above or by fax to (785) 291-3953 and must be received by noon June 21. If a request is received, a public hearing is tentatively scheduled at 7 p.m. June 28 at 122 W. Marlin, fifth floor conference room, McPherson.

If no requests to hold the public hearing are received by June 21, the public hearing will be cancelled. A notice of the cancellation will be posted by June 22 at the KDHE Web site at http://www.kdheks.gov/bar/public_notice.html.

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 for a period of 30 days from the date of publication 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 a copy of the proposed permit can be reviewed at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office; and to review the proposed permit only, contact the air quality district representative at (785) 827-9639 in the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 038333

(Published in the Kansas Register May 20, 2010.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, June 18, for the following project:

**(KDOT Project No.472-84815b/209471)
(OCA Code 707006)
Paving**

KLINK 1R Resurfacing (FY 2009-2010) US 54,
Kellogg from 111th to 119th Street West

Requests for the bid documents and plans should be directed to City Blue Print at (316) 265-6224 or Marty Strayer at (316) 268-4488. Other questions should be directed to the respective design engineer, (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud, and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Kim Pelton at (316) 268-4499 for extra sets of plans and specifications.

Marty Strayer
Administrative Aide
City of Wichita—Engineering

Doc. No. 038353

(Published in the Kansas Register May 20, 2010.)

**Summary Notice of Bond Sale
Unified School District No. 233
Johnson County, Kansas (Olathe)**

\$26,500,000*

**Taxable General Obligation School Bonds
(Build America Bonds – Direct Pay)**

or

**General Obligation School Bonds
Series 2010A**

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

Bids

Subject to the notice of bond sale dated May 6, 2010, written and electronic bids will be received on behalf of Unified School District No. 233, Johnson County, Kansas (the issuer), in the case of written bids, at the address set forth below, and in the case of electronic bids, through PARITY, until 11 a.m. Central Time June 3, 2010, for the purchase of the above-referenced bonds. No bid of less than 98.9 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

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

Separate bids will be received for the Series 2010A Bonds as all tax-exempt bonds (the tax-exempt bonds) or as all taxable, direct-pay Build America Bonds (the taxable bonds). (See the notice of bond sale for additional information.)

Bond Details

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

Maturity (September 1)	Amount*
2014	\$ 600,000
2015	700,000
2016	800,000
2017	1,410,000
2018	1,450,000
2019	1,490,000
2020	1,535,000
2021	1,580,000
2022	1,635,000
2023	1,685,000
2024	1,745,000
2025	1,805,000
2026	1,870,000
2027	1,935,000
2028	2,010,000
2029	2,085,000
2030	2,165,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2011.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

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

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about June 24, 2010, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2009 is \$2,011,328,053. The total general obligation indebtedness of the issuer as of the dated date, including the bonds being sold but excluding the bonds to be refunded concurrently with the issuance of the bonds, is \$370,150,000.

Approval of Bonds

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

Additional Information

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

District Address:

Gary Diener, Executive Director
Business & Financial Services
14160 Black Bob Road
Olathe, KS 66063
(913) 780-7000
Fax (913) 780-8011

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

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

Dated May 6, 2010.

Unified School District No. 233
Johnson County, Kansas (Olathe)

***Subject to change as provided in
the notice of bond sale.**

Doc. No. 038350

(Published in the Kansas Register May 20, 2010.)

Logan County, Kansas

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

Notice is hereby given that Logan County, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$1,550,000. 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 May 17, 2010.

Patricia Schippers
County Clerk

Doc. No. 038343

State of Kansas

Secretary of State

Certification of New State Laws

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

Chris Biggs
Secretary of State

(Published in the Kansas Register May 20, 2010.)

**HOUSE Substitute for Substitute for
SENATE BILL No. 214**

AN ACT concerning cities; relating to annexation of territory; amending K.S.A. 2009 Supp. 12-520 and repealing the existing section.

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

Section 1. K.S.A. 2009 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that 2/3 of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under

the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A. 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

(h) *No city may utilize any provision of this section to annex a narrow corridor of land to gain access to noncontiguous tracts of land. The corridor of land must have a tangible value and purpose other than for enhancing future annexations of land by the city.*

Sec. 2. K.S.A. 2009 Supp. 12-520 is hereby repealed.

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

State of Kansas

**Department of Labor
Division of Employment**

**Temporary Administrative
Regulations**

**Article 2.—UNEMPLOYMENT INSURANCE;
CONTRIBUTING, REIMBURSING AND RATED
GOVERNMENTAL EMPLOYMENT**

50-2-21a. Computation of employer contribution rates for calendar years 2010 and 2011. (a) For the purpose of computation of employer contribution rates for calendar years 2010 and 2011, the following definitions shall apply:

(1) The term "contribution rate," as used in K.A.R. 50-2-21, shall mean the specific tax rate assigned to a particular tax rate group. The contribution rate is the rate assessed on each of the 51 rate groups determined pursuant to K.S.A. 44-710a(a)(2)(D), and amendments thereto.

(continued)

(2) The term “the 2010 original tax rate computation table,” as used in K.S.A. 44-710 and amendments thereto and in this regulation, shall mean the rates calculated in the initial calculation for calendar year 2010 of active eligible employer accounts pursuant to K.A.R. 50-2-21(e) before any readjustments leading to the readjusted final effective contribution rates are calculated pursuant to K.A.R. 50-2-21.

(b) Despite the planned yield determined pursuant to schedule III and other provisions of K.S.A. 44-710a and amendments thereto, for calendar years 2010 and 2011, the tax rates for eligible employers with positive account balances shall be calculated pursuant to K.S.A. 44-710, and amendments thereto, and these regulations.

(c) Despite K.A.R. 50-2-21(e), for calendar years 2010 and 2011, the contribution rates assigned to groups 1 through 51 of eligible employers as determined pursuant to K.S.A. 44-710a(a)(2)(D), and amendments thereto, shall be the rates listed in the 2010 original tax rate computation table. For the purposes of K.S.A. 44-710a and amendments thereto, for calendar years 2010 and 2011, employers in groups 33 through 51 shall pay a contribution rate of 5.4 percent.

(d) For calendar year 2011, new experience ratings for employers shall be calculated by the secretary, and employers shall be assigned to tax rate groups based upon these experience ratings. However, the tax rates for rate groups 1 through 51 of eligible employers shall not be recalculated for 2011, and the rates for the individual rate groups shall be those set for calendar year 2010 as specified in subsection (c). (Authorized by K.S.A. 2009 Supp. 44-714; implementing K.S.A. 2009 Supp. 44-710, as amended by 2010 HB 2676, sec. 1; effective, T-50-5-12-10, May 12, 2010.)

Jim Garner
Secretary of Labor

Doc. No. 038344

State of Kansas

State Corporation Commission

Temporary Administrative Regulations

Article 4.—MOTOR CARRIER OF PERSONS AND PROPERTY

82-4-30a. Applications for interstate registration.

(a) (1) For the purposes of this regulation, “base state” shall have the meaning assigned to “base-state” in 49 U.S.C. 14504a(a)(2), as adopted in paragraph (a)(2) of this regulation.

(2) 49 U.S.C. 14504a(a)(2), as in effect on October 16, 2008, is hereby adopted by reference.

(3) Each interstate motor carrier designating Kansas as the carrier’s base state and operating in interstate commerce over the highways of this state under authority issued by the relevant federal agency shall file the uniform application for registration issued by the relevant federal agency. The carrier shall file this application for registration with the transportation division of the state corporation commission.

(b) Each interstate motor carrier designating Kansas as the carrier’s base state shall pay a fee to the state corporation commission. This fee shall be in accordance with the fee schedule in 49 C.F.R. 367.30, as in effect on April 27, 2010 and hereby adopted by reference.

(c) An interstate regulated motor carrier shall not operate in interstate commerce over the highways of this state unless the carrier is registered in the carrier’s base state pursuant to 49 U.S.C. 14504a(a)(2). (Authorized by K.S.A. 2009 Supp. 66-1,112; implementing K.S.A. 2009 Supp. 66-1,108b, 66-1,116 and 66-1,139; modified, L. 1981, ch. 424, May 1, 1981; amended Oct. 3, 1994; amended Jan. 4, 1999; amended July 14, 2000; amended Jan. 31, 2003; amended, T-82-10-8-07, Oct. 8, 2007; amended, T-82-12-10-07, Dec. 10, 2007; amended July 18, 2008; amended, T-82-5-12-10, May 12, 2010.)

Susan K. Duffy
Executive Director

Doc. No. 038346

State of Kansas

Kansas State Treasurer

Temporary Administrative Regulations

Article 3.—LINKED DEPOSIT LOAN PROGRAMS

3-3-2. Kansas housing loans. (a) The proceeds of all housing loans authorized by K.S.A. 75-4276 et seq., and amendments thereto, shall be used only for building houses that initially sell or are appraised for less than \$287,434. The value of the house shall include the value of the land upon which the house is located only if the cost of the land is included in the housing loan.

(b) The loans shall be awarded on a first-come, first-served basis. Through December 31, 2010, 50% of the funds available shall be reserved for houses located within one mile of the city limits of any of the following Kansas cities: Chanute, Coffeyville, Erie, Fredonia, Greensburg, Independence, Iola, Neodesha, or Osawatomie. A house shall be considered to be located within one mile of the city limits if the majority of the tract of real estate upon which the house is placed is within one mile of the city limits.

(c) Savings banks and savings and loan associations shall be considered to be eligible lending institutions without regard to the county in which the savings banks and savings and loan associations are located, despite K.S.A. 75-4201(l) and (m), and amendments thereto, respectively. (Authorized by K.S.A. 2009 Supp. 75-4278; implementing K.S.A. 2009 Supp. 75-4277(e), as amended by 2010 SB 382, sec. 1(e), and K.S.A. 2009 Supp. 75-4279(g), as amended by 2010 SB 382, sec. 2(g); effective, T-3-6-25-08, July 1, 2008; effective Oct. 24, 2008; amended, T-3-5-12-10, May 12, 2010.)

Dennis McKinney
Kansas State Treasurer

Doc. No. 038345

State of Kansas

Animal Health Department

Temporary Administrative
RegulationsArticle 7.—MOVEMENT OF LIVESTOCK INTO
OR THROUGH KANSAS**9-7-4. Cattle.** (a) Tuberculosis.

(1) Breeding cattle six months of age and over shall not be imported into Kansas unless accompanied by an official health certificate showing that they meet the following requirements:

(A) Originated in a herd accredited to be tuberculosis-free;

(B) originated in a tuberculosis-free state; or

(C) have been tested and were found negative for tuberculosis within 60 days before date of entry.

(2) Dairy cattle that are used for breeding and are six months of age or older shall originate from a herd accredited to be tuberculosis-free or shall be tested negative for tuberculosis within 60 days before entry.

(b) Brucellosis.

(1) Brucellosis tests, regardless of method, shall be confirmed at a state-federal cooperative laboratory.

(2) Breeding cattle six months of age or over imported into Kansas shall meet interstate requirements according to state certification, as outlined in the United States department of agriculture's uniform methods and rules, animal and plant health inspection service (APHIS) publication 91-45-013, effective October 1, 2003.

(c) Trichomoniasis.

(1) Bulls shall not be imported into Kansas from another state unless they go directly to a licensed slaughter plant or are accompanied by a completed certificate of veterinary inspection signed by an accredited veterinarian. The certificate of veterinary inspection shall meet the following requirements:

(A) Have been issued within the past 30 days;

(B) individually list each animal entering Kansas, using an "official identification device or method" as specified in the definition of that term in 9 C.F.R. 71.1. The following definitions in 9 C.F.R. 71.1, dated January 1, 2009, are hereby adopted by reference and modified as specified in paragraph (c)(1)(B)(iii):

(i) "Administrator";

(ii) "official brand inspection agency"; and

(iii) "official identification device or method." At the end of this definition, the phrase "a recognized brand inspection authority" shall be deleted and replaced by "an official brand inspection agency as defined in 9 C.F.R. 71.1, dated January 1, 2009"; and

(C) state whether, to the veterinarian's knowledge, trichomoniasis has occurred in the herd of origin within the past two years.

(2) Virgin bulls 20 months of age or younger shall be accompanied by a statement attached to the certificate of veterinary inspection. The statement shall be signed by the owner or owner's representative and shall indicate that the bulls have not been sexually exposed to breeding-aged females.

(3)(A) Non-virgin bulls, bulls 21 months of age or older, and bulls of unknown status shall be certified negative for *Trichostrongylus axei*. A copy of the test results shall be attached to the certificate of veterinary inspection.

(B) "Certified negative" shall mean that the samples have been submitted for testing to a laboratory accredited by the American association of veterinary laboratory diagnosticians (AAVLD). The samples shall be collected into and transported to the lab using the "InPouch TF" test kit system. The samples shall meet either of the following requirements:

(i) Be found negative on three successive test samples collected at least one week apart if only the "InPouch TF" microscopic examination testing is conducted; or

(ii) be found negative on two successive "InPouch TF" microscopic examinations on test samples collected at least one week apart if the polymerase chain reaction (PCR) testing is also conducted.

(4) Each bull going to a sanctioned rodeo event or to a livestock show where the bull will be shown and then returned to the state of origin without being sexually exposed to any breeding-aged females shall be exempt from the requirements of this subsection. (Authorized by K.S.A. 47-607d, 47-610, 47-657; implementing K.S.A. 47-607, 47-610, and 47-657; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1982; amended, T-9-5-12-10, May 12, 2010.)

William Brown, DVM
Kansas Livestock Commissioner

Doc. No. 038347

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 4.—ACCIDENT AND HEALTH INSURANCE

40-4-43. Hospital, medical, and surgical expense insurance policies and certificates; prohibiting certain types of discrimination. (a) A hospital, medical, or surgical expense policy or certificate issued by an insurance company, nonprofit health service corporation, nonprofit medical and hospital service corporation, or health maintenance organization shall not be delivered or issued for delivery in this state on an individual, group, blanket, franchise, or association basis if the amount of benefits payable or a term, condition, or type of coverage is or could be restricted, modified, excluded, or reduced on the basis of whether both of the following conditions are met:

(1) The insured or prospective insured has been diagnosed with cancer and accepted into a phase I, phase II, phase III, or phase IV clinical trial for cancer.

(2) The treating physician who is providing covered health care services to the insured recommends participation in the clinical trial after determining that participation in the clinical trial has a meaningful potential to benefit the insured.

(continued)

(b) Each policy or certificate covered by this regulation shall provide coverage for all routine patient care costs associated with the provision of health care services, including drugs, items, devices, treatments, diagnostics, and services that would otherwise be covered under the insurance policy or certificate if those drugs, items, devices, treatments, diagnostics, and services were not provided in connection with an approved clinical trial program, including health care services typically provided to patients not participating in a clinical trial.

(c) For purposes of this regulation, "routine patient care costs" shall not include the costs associated with the provision of any of the following:

(1) Drugs or devices that have not been approved by the federal food and drug administration and that are associated with the clinical trial;

(2) services other than health care services, including travel, housing, companion expenses, and other nonclinical expenses, that an insured could require as a result of the treatment being provided for purposes of the clinical trial;

(3) any item or service that is provided solely to satisfy data collection and analysis needs and that is not used in the clinical management of the patient;

(4) health care services that, except for the fact that they are being provided in a clinical trial, are otherwise specifically excluded from coverage under the insured's hospital, medical, or surgical expense policy or certificate; or

(5) health care services customarily provided by the research sponsors of a trial free of charge for any insured in the trial.

(d) This regulation shall not apply if the amount of benefits, the terms, the conditions, or the type of coverage varies as a result of the application of permissible rate differentials or as a result of negotiations between the insurer and insured. (Authorized by K.S.A. 40-103 and K.S.A. 40-2404a; implementing K.S.A. 2009 Supp. 40-2404(7); effective June 4, 2010.)

Sandy Praeger
Kansas Insurance Commissioner

Doc. No. 038329

State of Kansas

Board of Healing Arts

Permanent Administrative Regulations

Article 55.—RESPIRATORY THERAPY

100-55-1. Application. (a) Each applicant for licensure as a respiratory therapist shall submit a completed application on a form provided by the board. The application shall contain the following information in legible writing:

(1) The applicant's full name;

(2) the applicant's mailing address. If the applicant's mailing address is different from the applicant's residential address, the applicant shall also provide the residential address;

(3) the applicant's social security number, driver's license number, nondriver identification number, or indi-

vidual tax identification number if the applicant is advised that providing a social security number is voluntary pursuant to K.S.A. 74-139 and 74-148, and amendments thereto, and that if the social security number is provided, the agency may provide this number to the Kansas department of social and rehabilitation services for child support enforcement purposes and to the Kansas department of revenue's director of taxation;

(4) information on any licenses, registrations, or certifications issued to the applicant to practice any health care profession;

(5) information on any prior acts constituting unprofessional conduct, as defined in K.A.R. 100-55-5, that could constitute grounds for denial of the application;

(6) the applicant's daytime telephone number;

(7) the applicant's date and place of birth;

(8) the name of each educational program recognized under K.A.R. 100-55-2 that the applicant attended, including the program from which the applicant graduated, the degree awarded to the applicant, and the date of graduation;

(9) the number of times the applicant has taken the examination required by the board for licensure and the date that the applicant passed the examination; and

(10) a notarized release authorizing the board to receive any relevant information, files, or records requested by the board in connection with the application.

(b) Each applicant shall submit the following with the application:

(1) The fee required by K.A.R. 100-55-4;

(2) an official transcript that specifies the degree awarded from an educational program recognized by the board under K.A.R. 100-55-2;

(3) a verification on a form provided by the board of each license, registration, or certification issued to the applicant by any state or the District of Columbia relating to any health care profession;

(4) a current photograph, two by three inches in size, of the applicant's head and shoulders taken within 90 days before the date the application is received by the board; and

(5) evidence provided directly to the board from the testing entity recognized and approved under K.A.R. 100-55-3 that the applicant has passed the examination.

(c) The applicant shall sign the application under oath and have the application notarized. (Authorized by K.S.A. 65-5505; implementing K.S.A. 65-5506; effective, T-88-17, July 1, 1987; effective May 1, 1988; amended Jan. 3, 1997; amended June 30, 2000; amended June 4, 2010.)

Article 69.—ATHLETIC TRAINING

100-69-12. Application. (a) Each applicant for licensure as an athletic trainer shall submit a completed application on a form provided by the board. The application shall include the following information in legible writing:

(1) The applicant's full name;

(2) the applicant's mailing address. If the applicant's mailing address is different from the applicant's residential address, the applicant shall also provide the residential address;

(3) the applicant's social security number, driver's license number, nondriver identification number, or individual tax identification number if the applicant is advised that providing a social security number is voluntary pursuant to K.S.A. 74-139 and 74-148, and amendments thereto, and that if the social security number is provided, the agency may provide this number to the Kansas department of social and rehabilitation services for child support enforcement purposes and to the Kansas department of revenue's director of taxation;

(4) information on any licenses, registrations, or certifications issued to the applicant to practice any health care profession;

(5) information on any prior acts constituting unprofessional conduct, as defined in K.A.R. 100-69-7, that could constitute grounds for denial of the application;

(6) the applicant's daytime telephone number;

(7) the applicant's date and place of birth;

(8) the name of each educational program recognized under K.A.R. 100-69-1 that the applicant attended, including the program from which the applicant graduated, the degree awarded to the applicant, and the date of graduation;

(9) the number of times the applicant has taken the examination required by the board for licensure and the date that the applicant passed the examination; and

(10) a notarized release authorizing the board to receive any relevant information, files, or records requested by the board in connection with the application.

(b) Each applicant shall submit the following with the application:

(1) The fee required by K.A.R. 100-69-5;

(2) an official transcript that specifies the degree awarded from an educational program recognized by the board under K.A.R. 100-69-1;

(3) a verification on a form provided by the board of each license, registration, or certification issued to the applicant by any state or the District of Columbia relating to any health care profession;

(4) a current photograph, two by three inches in size, of the applicant's head and shoulders taken within 90 days before the date the application is received by the board; and

(5) evidence provided directly to the board from the testing entity recognized and approved under K.A.R. 100-69-3 that the applicant has passed the examination.

(c) The applicant shall sign the application under oath and have the application notarized. (Authorized by K.S.A. 2008 Supp. 65-6905; implementing K.S.A. 2008 Supp. 65-6906; effective June 4, 2010.)

Article 72.—NATUROPATHY

100-72-2. Application. (a) Each individual who desires to register as a naturopathic doctor shall submit an application on a form provided by the board. The form shall contain the following information:

(1) The applicant's full name;

(2) the applicant's social security number, individual tax identification number, driver's license number, or nondriver identification number, if the applicant is advised that providing a social security number is voluntary

pursuant to K.S.A. 74-139 and 74-148, and amendments thereto, and that if the social security number is provided, the agency may provide this number to the Kansas department of social and rehabilitation services for child support enforcement purposes and to the Kansas department of revenue's director of taxation;

(3) the applicant's mailing address. If the applicant's mailing address is different from the applicant's residential address, the applicant shall also provide the residential address;

(4) the applicant's date and place of birth;

(5) the applicant's daytime phone number;

(6) the names of all educational programs recognized under K.A.R. 100-72-4 that the applicant attended, including the program from which the applicant graduated, the degree awarded to the applicant, and the date of graduation;

(7) notarized certification that the applicant has completed a program in naturopathy from a postsecondary school recognized under K.A.R. 100-72-4;

(8) the issue date; state, territory, the District of Columbia, or other country of issuance; and the identifying number on any license, registration, or certification issued to the applicant to practice any health care profession;

(9) documentation of any prior acts constituting unprofessional conduct as defined in K.S.A. 65-7208, and amendments thereto, and K.A.R. 100-72-3;

(10) the number of times the applicant has taken the examination required by the board for licensure and the date the applicant passed the examination; and

(11) a notarized release authorizing the board to receive any relevant information, files, or records requested by the board in connection with the application.

(b) Each applicant shall submit the following with the application:

(1) The fee required by K.A.R. 100-72-1;

(2) an official transcript for the applicant from an educational program approved by the board, as provided in K.A.R. 100-72-4, that specifies the degree awarded to the applicant;

(3) a verification from each state, country, territory, or the District of Columbia where the applicant has been issued any license, registration, or certification to practice any health care profession;

(4) a photograph of the applicant measuring two inches by three inches and showing the head and shoulder areas only. The photograph shall be taken within 90 days before the date of application; and

(5) evidence provided directly to the board from the testing entity recognized and approved under K.A.R. 100-72-5 that the applicant has passed the examination.

(c) The applicant shall sign the application under oath and shall have the application notarized. (Authorized by K.S.A. 65-7203; implementing K.S.A. 65-7203, 65-7204, and K.S.A. 2008 Supp. 65-7208; effective, T-100-1-2-03, Jan. 2, 2003; effective May 23, 2003; amended June 4, 2010.)

Kathleen Selzler Lippert
Acting Executive Director

Doc. No. 038330

State of Kansas

Department of Agriculture

Permanent Administrative
Regulations

Article 27.—LODGING ESTABLISHMENTS

4-27-1. Lodging establishment application fees.

The application fee for each lodging establishment doing business in Kansas shall be based on the number of rooms as follows:

(a) 1 room through 9 rooms: \$30;

(b) 10 rooms through 29 rooms: \$50; and

(c) 30 rooms or more: \$100. (Authorized by K.S.A. 2008 Supp. 36-506; implementing K.S.A. 2008 Supp. 36-502; effective June 4, 2010.)

4-27-2. Definitions.

Each of the following terms as used in K.A.R. 4-27-2 through K.A.R. 4-27-21 shall have the meaning assigned in this regulation. (a) "Bathhouse" means 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" means 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) "Boarding house" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(d) "Egress" means an exit or route leading out of a lodging establishment.

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

(f) "Hotel" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(g) "Hot tub" means 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.

(h) "KDA" means Kansas department of agriculture.

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

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

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

(l) "Lodge" means 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

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

(m) "Lodging establishment" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(n) "Major renovation" means 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.

(o) "Municipality" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(p) "Person" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(q) "Person in charge" means 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.

(r) "Recreational water facility" and "RWF" 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.

(s) "Regulatory authority" means the secretary of the department of agriculture or the secretary's designee.

(t) "Rooming house" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(u) "Sanitize" means 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.

(v) "Secretary" has the meaning specified in K.S.A. 36-501, and amendments thereto.

(w) "Single-service articles" means items that are designed, constructed, and intended for one-time use and for one person's use, after which the item is 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.

(x) "Spa" means 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. 2008 Supp. 36-506; implementing K.S.A. 2008 Supp. 36-501 and 36-506; effective June 4, 2010.)

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, RWF, 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 regulatory authority to modify or waive one or more requirements of a regulation if the regulatory authority 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 regulatory authority;

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

(C) maintain and provide to the regulatory authority, upon request, records that demonstrate that the variance is being followed. (Authorized by K.S.A. 2008 Supp. 36-506; implementing K.S.A. 2008 Supp. 36-502; effective June 4, 2010.)

4-27-4. Food service and food safety. Each licensee that serves food shall comply with one of the following provisions: (a) Each licensee, if serving food to the general public, shall be required to obtain a food service license in accordance with K.S.A. 36-501 et seq., and amendments thereto, and comply with all applicable standards adopted in K.A.R. 4-28-8 through K.A.R. 4-28-16.

(b) A licensee that provides only complimentary food service to only that establishment's overnight guests shall

not be required to purchase a separate food service license. This food service shall meet all applicable standards adopted in K.A.R. 4-28-8 through K.A.R. 4-28-16.

(c) Any licensee of a boarding house who does not have a food service license as specified in K.S.A. 36-501 et seq., and amendments thereto, may serve food only to the overnight guests. The licensee of each boarding house shall comply with all applicable standards adopted in K.A.R. 4-28-8 through K.A.R. 4-28-16. (Authorized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

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.

"Imminent health hazard" shall include 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 and safety of guests, employees, and the general public.

(b) Each licensee shall notify the regulatory authority within 12 hours of the discovery of an imminent health hazard. (Authorized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-6. General requirements. (a) Each licensee shall meet all of the following requirements:

(1) Post the license in a location in the lodging establishment that is conspicuous to guests;

(2) comply with the provisions of these regulations, including the conditions of any granted variance;

(3) ensure that no room or any portion of the lodging establishment is rented unless the room or portion of the lodging establishment is safe and sanitary; and

(4) replace any existing items, including equipment, furnishings, fixtures, or items of décor, with items that meet the requirements of these regulations, under any of the following conditions:

(A) The items constitute a public health hazard;

(B) the items affect guest safety; or

(C) the items do not meet the requirements of these regulations.

(b) Each licensee shall ensure that the hot water capacity is sufficient to meet the hot water demands of the lodging establishment.

(c) Each licensee shall ensure that all handwashing sinks meet all of the following requirements:

(1) Hot and cold potable water shall be supplied under pressure to each sink in enough capacity to meet handwashing needs.

(2) A mixing valve or combination faucet shall be used, unless the lodging establishment is listed on the state historical register or a variance that alters this requirement has been granted.

(3) The temperature of the hot water shall be at least 100 degrees Fahrenheit. If a mixing valve or combination faucet is not used, the temperature of the hot water shall not exceed 130 degrees Fahrenheit.

(4) A supply of hand soap and either paper towels or an electric drying device shall be available at all times at the handwashing sink.

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(d) In public areas, cloth towels may be provided for one-time use by an individual. A receptacle for the soiled cloth towels shall be provided.

(e) The use of a common cloth towel shall be prohibited, except in guest rooms.

(f) A handwashing reminder sign shall be posted in each handwashing area, except in guest rooms.

(g)(1) A toilet room that is accessible at all times to employees shall be provided. A public toilet room may be used by employees in lieu of a separate employee toilet room.

(2) A public toilet room or rooms shall be provided and accessible to the public if the lodging establishment provides space for guest or public gatherings or functions, including conferences, meetings, seminars, receptions, teas, dances, recitals, weddings, parties, wakes, and other events.

(3) There shall be at least one handwashing sink in or immediately adjacent to each toilet room. Each sink shall meet the requirements specified in subsection (c).

(4) Each toilet and urinal shall be sanitary, maintained in good repair, and operational at all times.

(5) Each toilet and urinal shall be cleaned and sanitized daily or more often if visibly soiled.

(6) The floor in each toilet room shall be constructed of smooth, nonabsorbent, easily cleanable materials and maintained in good repair. Carpeting shall be prohibited as a floor covering in toilet rooms.

(7) Except as specified in this paragraph, the storage of items in any toilet room shall be prohibited. A small amount of commonly used toilet room supplies may be stored, including toilet paper, hand soap, and paper towels. (Authorized by K.S.A. 2008 Supp. 36-506; implementing K.S.A. 2008 Supp. 36-502 and 36-506; effective June 4, 2010.)

4-27-7. Personnel; health, cleanliness, and clothing. Each licensee shall ensure that all of the following requirements are met: (a) Health of employees. Each employee with any of the following health problems shall be excluded from a lodging establishment:

(1) The employee is infected with a communicable disease, and the disease can be transmitted to other employees or guests in the normal course of employment.

(2) The employee is a carrier of organisms that cause a communicable disease.

(3) The employee has a boil, an infected wound, or an acute respiratory infection.

(b) Cleanliness of employees.

(1) Each employee shall wash that employee's hands in accordance with paragraph (b)(2) before handling clean utensils or dishware, ice, beverages, food, or clean laundry.

(2) Each employee shall wash that employee's hands and any exposed portions of that employee's arms with soap and water in a designated sink by vigorously rubbing together the surfaces of the lathered hands and arms for 15 seconds to 20 seconds and thoroughly rinsing with clean water.

(c) Clothing. Each employee providing services directly to guests or performing housekeeping functions shall wear clean outer clothing that is in good repair. (Author-

ized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-8. Guest and public safety. (a) If the regulatory authority has reason to believe that defects could be present with regard to the integrity of the structure or electrical system of the lodging establishment, that authority may require the licensee 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 regulatory authority 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 regulatory authority 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 regulatory authority.

(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 regulatory authority. 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 regulatory authority 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 regulatory authority. A 12-month history of test results shall be maintained at the lodging establishment and made available to the regulatory authority 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 regulatory authority. A 12-month history of test results shall be maintained at the lodging establishment and made available to the regulatory authority upon request.

(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 regulatory authority 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. 2008 Supp. 36-506; effective June 4, 2010.)

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:

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(1) If the lodging establishment is listed on the state historical register and documentation is provided to the regulatory authority, 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 regulatory authority.

(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) The requirements of one of the following paragraphs shall be met:

(1) No coffeemaker or coffeepot shall be located within a toilet room. Each coffeepot shall be rinsed before each new guest.

(2) Each coffeepot located within a toilet room 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 under-

writers' 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. Microwaves 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 regulatory authority 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 (PCO).

(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:

(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. 2008 Supp. 36-506; effective June 4, 2010.)

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

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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 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 regulatory authority 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. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority.

(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 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. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority 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. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-13. Public indoor areas. Each licensee shall ensure that all of the following requirements are met: (a) All indoor public areas shall be kept clean and free of debris.

(continued)

(b)(1) All equipment, appliances, and fixtures shall be maintained in good repair. All equipment, appliances, and fixtures that require repair or maintenance either shall be removed for repair or maintenance or shall be designated as damaged or under repair by using signs, placards, cones, hazard tape, or other visual means to alert guests of any possible hazard.

(2) All unused or damaged equipment, appliances, and fixtures shall be removed.

(c)(1) All floors and floor coverings in public areas, service areas, hallways, walkways, and stairs shall be kept clean by effective means suitable to the finish.

(2) All floor coverings shall be maintained in good repair. All floor maintenance, repair, and replacement shall be done in a manner that prevents slipping or tripping hazards to guests.

(d) All furniture and items of décor shall be in good repair and kept clean by effective means suitable to the material and finish.

(e) All stairs, landings, hallways, and other walkways shall be kept free of debris and in good repair and shall meet the following requirements:

(1) The storage of items shall be prohibited.

(2) A minimum illumination of 10 foot-candles shall be required.

(f) Each fitness room, bathhouse, and spa shall meet the following requirements:

(1) Each area shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.

(2) All floors shall be maintained in good repair and have a slip-resistant finish or covering that prevents slipping when wet.

(3) All equipment and fixtures that come into contact with guests, including benches, tables, stools, chairs, tanning beds, and fitness equipment, shall be constructed with a covering of a nonabsorbent material suitable for the use of the equipment or fixture. The following requirements shall be met:

(A) All surfaces that come into contact with guests shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.

(B) Cleaning or sanitizing solutions shall be made available for guest use and shall be kept in clearly labeled bottles.

(C) All showers shall be cleaned and sanitized daily or more frequently, if necessary to maintain cleanliness.

(4)(A) Towels, including bath towels, hand towels, and paper towels, shall be provided in the area and made available upon guest request.

(B) Each cloth towel shall be laundered before being provided to a guest.

(C) A receptacle for wet or soiled towels shall be provided for guest use in the area. The receptacle shall be emptied at least once daily.

(5) All equipment, fixtures, and recreational items provided for guest use shall be maintained in good repair.

(6) Protective eye equipment shall be provided if tanning equipment is provided for guest use. (Authorized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-14. Ice and ice dispensing. Each licensee shall ensure that all of the following requirements are met:

(a)(1) If ice is provided in a public area to guests or the general public, the ice shall be provided only through automatic, self-service dispensing machines that are constructed to prevent the direct access to bulk ice storage compartments by guests or the general public.

(2) Ice machines other than the type specified in paragraph (a)(1), including bin-type ice machines that allow direct access to the bulk ice storage compartments, shall not be accessible to guests or the general public. Any lodging employee may provide containers of ice to guests or the general public from this type of ice machine, from an icemaker, or from prepackaged ice.

(b)(1) Only ice that has been made from potable water and handled in a sanitary manner shall be provided by a lodging establishment. All ice shall be free of visible contaminants.

(2) All ice that is not made on the premises of the lodging establishment shall be obtained from a commercial source and shall be protected from contamination during transportation and storage.

(c) Each ice machine shall meet the following requirements:

(1) Be constructed of sanitary, durable, corrosion-resistant material and be easily cleanable;

(2) be constructed, located, installed, and operated to prevent contamination of the ice;

(3) be kept clean, free of any mold, rust, debris, or other contaminants, and maintained in good repair; and

(4) be drained through an air gap.

(d)(1) Each ice container or ice bucket shall meet the following requirements:

(A) Be made of smooth, nonabsorbent, impervious, food-grade materials and be easily cleaned;

(B) be kept clean and stored in a sanitary manner;

(C) be cleaned and sanitized before each new guest; and

(D) be provided with a sanitary, single-service use, food-grade liner that is changed daily.

(2) All canvas or wax-coated buckets or containers shall be prohibited.

(3) No ice container or ice bucket shall be located within the room housing the toilet.

(e) Each icemaker located in a guest room shall be kept clean and sanitary.

(1) No individual ice cube trays shall be used.

(2) All ice shall be removed from the icemaker's storage bin before each new guest. (Authorized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority.

(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 regulatory authority.

(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 vermin-proof 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 (PCO).

(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. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-16. Swimming pools, RWFs, and hot tubs. (a) General requirements. Each licensee shall ensure that all swimming pools, RWFs, 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 regulatory authority, 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 regulatory authority 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 regulatory authority.

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

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(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.

(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 regulatory authority. 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:

Cryptosporidium 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 regulatory authority, 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.

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(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. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority 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 regulatory authority upon request.

(d) During any period when a boil-water order is in effect, including a precautionary boil-water notice or advisory issued by the regulatory authority 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 regulatory authority. (Authorized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority 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. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-19. Electrical systems. (a) Each licensee shall ensure that the electrical wiring is installed and maintained in accordance with all applicable local electrical codes. In the absence of local electrical codes, the electrical wiring shall be installed and maintained by a licensed electrician. Each licensee shall ensure that all of the following requirements are met:

(1)(A) Each newly constructed lodging establishment shall have a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.

(B) Each existing lodging establishment in which major renovation or rewiring has occurred shall be required to have a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.

(C) Each licensee shall ensure that the lodging establishment has a ground-fault circuit interrupter in each electrical outlet located within five feet of any water source, including a swimming pool and hot tub.

(2) Each electrical switch and each outlet shall be covered by a faceplate. Each junction box shall have a junction box cover.

(3) All circuit breaker boxes, fuse boxes, and electrical panels shall be protected from physical damage and kept in good condition. All fuses and circuits shall be labeled to identify the circuit location.

The storage of any item that obstructs access to any circuit box shall be prohibited.

(4) All wire splices shall be located in covered junction boxes.

(5) Bare or frayed wiring shall be prohibited.

(6) All three-prong outlets shall be grounded. Each appliance shall be grounded in accordance with the manufacturer's specifications.

(b) All emergency lighting shall be kept in working condition.

(c) The permanent use of extension cords in guest rooms shall be prohibited.

Individual branch circuits, including multiple-plug outlet strips that contain fuse breakers and multiple-plug outlet adapters that do not exceed the amperage for which the outlets are rated, shall be permitted.

(d) The temporary use of extension cords shall be allowed for housekeeping and maintenance purposes if the extension cords are rated for industrial use.

(e) The wattage of light bulbs shall not exceed the wattage rating of the corresponding light fixtures.

Empty light sockets shall be prohibited. (Authorized by and implementing K.S.A. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority 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 regulatory authority 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. 2008 Supp. 36-506; effective June 4, 2010.)

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 regulatory authority. 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.

(continued)

(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. 2008 Supp. 36-506; effective June 4, 2010.)

4-27-22. Lodging establishment inspections by qualified individuals, private entities, or public entities. (a) "Supplemental inspection" shall mean an inspection of a lodging establishment conducted by a qualified person employed by a lodging business, lodging trade organization, or local governmental entity and not employed by the Kansas department of agriculture.

(b) Each person who wishes to conduct a supplemental inspection of a lodging establishment shall complete the following requirements:

(1) Submit to the secretary, or the secretary's designee, a written letter of application and statement describing the applicant's knowledge of lodging standards established pursuant to K.S.A. 36-506, and amendments thereto, acquired by education, training, and experience; and

(2) answer at least 80% of the questions correctly to pass a written examination administered by the secretary, or secretary's designee. The written examination shall test the applicant's knowledge of lodging standards established pursuant to K.S.A. 36-506, and amendments thereto.

(c) A supplemental inspection report on a lodging establishment shall be accepted by the secretary if all of the following conditions are met:

(1) The person conducting the supplemental inspection meets the requirements in subsection (b).

(2) The supplemental inspection is conducted to determine if the lodging establishment meets lodging standards established pursuant to K.S.A. 36-506, and amendments thereto.

(3) The supplemental inspection report is submitted to the secretary no later than 10 calendar days from the date the inspection occurred. If an "imminent health hazard," as defined in K.A.R. 4-27-5, is discovered during the inspection, the person shall notify the secretary, or the secretary's designee, within 12 hours of the discovery, as required in K.A.R. 4-27-5.

(4) The supplemental inspection report thoroughly describes conditions in the lodging establishment at the time of the inspection. Each violation of a lodging establishment standard shall be described in detail and photographed. The supplemental inspection report shall describe any actions taken by the licensee to correct each violation.

(d) An inspection of the lodging establishment may be conducted by department lodging inspectors to determine the accuracy of a supplemental report. The inspection shall be conducted within five days after receipt of a supplemental inspection report.

(e) The secretary's acceptance of a supplemental inspection report shall not preclude the department from conducting an inspection to assess the lodging establishment's compliance with lodging establishment standards or determine the accuracy of the supplemental inspection

report. The supplemental inspection report, if accepted, may be considered by the secretary when determining the inspection frequency of a lodging establishment. (Authorized by K.S.A. 2009 Supp. 36-506; implementing K.S.A. 2009 Supp. 36-519; effective June 4, 2010.)

Article 28.—FOOD SAFETY

4-28-1. Definitions. (a) "Bakery product" shall mean bread, rolls, cake, pies, cookies, and all similar goods used or intended to be used for human consumption.

(b) "Food" shall have either of the following meanings:

(1) The meaning specified in K.S.A. 36-501, and amendments thereto, when relating to the licensing, inspection, and regulation of the following:

(A) Mobile retail ice cream vendors;

(B) food service establishments located in retail food stores; and

(C) food vending machines, food vending machine companies, and food vending machine dealers; or

(2) the meaning specified in K.S.A. 65-688, and amendments thereto, when relating to the licensing, inspection, and regulation of retail food stores and food processing plants.

(c) "Food processing plant" shall have the meaning specified in K.S.A. 65-688, and amendments thereto.

(d) "Food service establishment located in a retail food store" shall mean a "food service establishment," as defined in K.S.A. 36-501 and amendments thereto, that is located in a "retail food store," as defined in subsection (j).

(e) "Food vending machine" shall have the meaning specified in K.S.A. 36-501, and amendments thereto.

(f) "Food vending machine company" shall have the meaning specified in K.S.A. 36-501, and amendments thereto.

(g) "Food vending machine dealer" shall have the meaning specified in K.S.A. 36-501, and amendments thereto.

(h) "Frozen food locker plant" shall mean any plant that provides lockers, cabinets, boxes, baskets, or other receptacles kept constantly at the temperatures specified in K.A.R. 4-28-25 for the storage of food products.

(i) "Mobile retail ice cream vendor" shall mean a vehicle-mounted prepackaged frozen dessert facility designed to be readily movable.

(j) "Retail food store" shall have the meaning specified in K.S.A. 65-688, and amendments thereto.

(k) "Secretary" shall mean the secretary of agriculture or the secretary's authorized representative. (Authorized by K.S.A. 2008 Supp. 65-673; implementing K.S.A. 2008 Supp. 65-673 and 74-581; effective, T-4-11-5-04, Nov. 5, 2004; effective Feb. 18, 2005; amended June 4, 2010.)

4-28-2. Adoption by reference. The provisions of 21 C.F.R. Parts 100 through 169, excluding 21 C.F.R. 100.1 and 100.2, as in effect on April 1, 2008, are hereby adopted by reference and shall apply to food processing plants. (Authorized by K.S.A. 2008 Supp. 65-673; implementing K.S.A. 2008 Supp. 65-673 and 74-581; effective, T-4-11-5-04, Nov. 5, 2004; effective Feb. 18, 2005; amended June 4, 2010.)

4-28-8. Definitions. Chapter one of the 2005 “food code,” published by the U.S. department of health and human services, is adopted by reference, subject to the following additions, deletions, and substitutions: (a)(1) Wherever the word “PERMIT” appears in this chapter, the word shall be deleted and shall be replaced by “LICENSE,” and wherever the phrase “PERMIT HOLDER” appears in this chapter, the phrase shall be deleted and shall be replaced by the word “LICENSEE.”

(2) Wherever the parenthetical phrase “(Time/Temperature Control for Safety Food)” appears in this chapter, the phrase shall be deleted.

(3) In subpart 1-201.10(B) under “additive,” the definition of “food additive” shall be deleted and shall be replaced by the definition in K.S.A. 65-656, and amendments thereto.

(4) In subpart 1-201.10(B) under “additive,” the definition of “color additive” shall be deleted and shall be replaced by the definition in K.S.A. 65-656, and amendments thereto.

(5) In subpart 1-201.10(B), the definition of “adulterated” shall be deleted and shall be replaced by the definition of “food deemed adulterated” in K.S.A. 65-664, and amendments thereto.

(6) In the definition of “ a_w ,” the symbol “ A_w ” at the end of the definition shall be changed to read “ a_w .”

(7) The following definition of “commissary” shall be added after the definition of “comminuted”:

“Commissary” means a catering establishment, restaurant, or similar place that is necessary for the safe operation of a MOBILE FOOD ESTABLISHMENT or PUSH-CART in which food, containers, or supplies are kept, handled, prepared, packaged, or stored.

(8) In subpart 1-201.10(B) in the definition of “disclosure,” the words “for consumers” shall be added after the word “identifies.”

(9) In subpart 1-201.10(B), the following changes shall be made:

(A) Under “food establishment” in paragraph (2)(a), the word “and” shall be deleted.

(B) Under “food establishment” in paragraph (2)(b), the period after “FOOD” shall be deleted and shall be replaced by a semicolon.

(C) Under “food establishment” in paragraph (2), the following paragraphs shall be added after paragraph (b):

“(c) A ‘food service establishment’ as defined in K.S.A. 36-501, and amendments thereto;

“(d) A ‘food vending machine’ as defined in K.S.A. 36-501, and amendments thereto; and

“(e) A ‘retail food store’ as defined in K.S.A. 65-688, and amendments thereto.”

(D) Under “food establishment” in paragraph (3), subparagraph (a) shall be deleted.

(E) Under “food establishment” in paragraph (3), subparagraph (b) shall be redesignated as (a).

(F) Under “food establishment” in paragraph (3), subparagraph (c) shall be redesignated as (b).

(G) Under “food establishment” in paragraph (3), subparagraph (d) shall be redesignated as (c).

(H) Under “food establishment” in paragraph (3), subparagraph (e) shall be redesignated as (d).

(I) Under “food establishment” in paragraph (3), subparagraph (f) shall be redesignated as (e). Insert the word “only” after the words “offers FOOD,” replace the number “6” with “4,” and delete the words “the number of guests served does not exceed 18.”

(J) Under “food establishment” paragraph (3), subparagraph (g) shall be redesignated as (f).

(10) In subpart 1-201.10(B), the definition of “food processing plant” shall be deleted and shall be replaced by the definition of “food processing plant” in K.S.A. 65-688, and amendments thereto.

(11) The following definition of “mobile food establishment” shall be added after the definition of “mg/L”:

“Mobile food establishment” means a self-contained FOOD ESTABLISHMENT that is mounted on axles and wheels, is designed to be readily moveable, and remains at one physical address for not more than 17 consecutive days.

(12) In subpart 1-201.10(B), the definition of “person” shall be deleted and shall be replaced by the definition of “person” in K.S.A. 36-501(j), and amendments thereto.

(13) The following definition of “pushcart” shall be added after the definition of “public water supply system”:

“Pushcart” means a manually propelled vehicle limited to serving non-potentially hazardous foods or POTENTIALLY HAZARDOUS FOODS that require only limited preparation or prepackaged food maintained at proper temperatures.

(14) In subpart 1-201.10(B), the definition of “person in charge” shall be deleted and shall be replaced by the following: “‘Person in charge’ means at the time of inspection, any individual or employee present in a FOOD ESTABLISHMENT 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.”

(15) In subpart 1-201.10(B), in the definition of “potentially hazardous food,” the following changes shall be made:

(A) In paragraph (1), the parenthetical abbreviation “(TCS)” shall be deleted.

(B) In paragraph (2), the designation of paragraph (a) shall be deleted, and this paragraph shall become part of paragraph (2). The words “raw cut tomatoes” shall be added after the words “cut melons.”

(C) Paragraph (b) shall be deleted, including tables A and B.

(D) The text in paragraph (3)(c) shall be deleted and replaced with the following:

“A FOOD with an a_w value of 0.85 or less;”

(E) The text in paragraph (d) and all of paragraphs (d) (i), (ii), and (iii) shall be deleted and replaced with the following: “A FOOD with a pH level of 4.6 or below when measured at 24°C (75°F).”

(16) In subpart 1-201.10(B), the definition of “public water system” shall be deleted and shall be replaced by the definition of “public water supply system” in K.S.A. 65-162a, and amendments thereto.

(17) In subpart 1-201.10(B) under “ready-to-eat food” in paragraph (2) (b), the words “that are washed as specified under § 3-302.15” shall be deleted.

(continued)

(18) In subpart 1-201.10(B), the definition of "refuse" shall be deleted and shall be replaced by the definition of "solid waste" in K.S.A. 65-3402, and amendments thereto.

(19) In subpart 1-201.10(B) in the definition of "regulatory authority," the word "local" and the words "or federal" shall be deleted.

(20) In subpart 1-201.10(B), the definition of "sewage" shall be deleted and shall be replaced by the definition of "sewage" in K.S.A. 65-164, and amendments thereto.

(21) In subpart 1-201.10(B), the definition of "vending machine" shall be deleted and shall be replaced by the definition of "food vending machine" in K.S.A. 36-501, and amendments thereto.

(22) In subpart 1-201.10 in the definition of "vending machine location," the word "Food" shall be inserted before the word "Vending."

(b) As used in this article, the superscript "*" that follows the title of a section shall designate the requirements in that section as being of critical importance, unless otherwise specified within that section as follows:

(1) The superscript "N" shall designate a requirement as being of noncritical importance.

(2) The superscript "S" may designate a requirement as being of noncritical importance. The term "swing" is used to describe this type of requirement. (Authorized by and implementing K.S.A. 2008 Supp. 36-507, K.S.A. 65-626, and K.S.A. 2008 Supp. 74-581; effective Feb. 29, 2008; amended June 4, 2010.)

4-28-11. Equipment, utensils, and linens. Chapter four of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PERMIT HOLDER" appears in this chapter, the phrase shall be deleted and replaced by the word "LICENSEE."

(b) Wherever the parenthetical phrase "(TIME/TEMPERATURE CONTROL FOR SAFETY FOOD)" appears in this chapter, the phrase shall be deleted.

(c)(1) In subpart 4-204.14, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.14, the word "FOOD" shall be inserted before the word "VENDING."

(d) In subpart 4-204.16, the words "for human consumption" shall be added to the end of the sentence.

(e)(1) In subpart 4-204.19, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.19, the word "FOOD" shall be inserted before the word "VENDING."

(f) In subpart 4-204.110(B)(1), the phrase "as specified under § 8-103.11" shall be deleted and shall be replaced by "by the regulatory authority."

(g)(1) In subpart 4-204.111, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.111(B)(1) and (2), the word "FOOD" shall be inserted before the word "VENDING."

(h)(1) In subpart 4-204.121, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.121(A) and (B), the word "FOOD" shall be inserted before the word "VENDING."

(i)(1) In subpart 4-204.123, the word "Food" shall be inserted before the word "Vending" in the title.

(2) In subpart 4-204.123(A) and (B), the word "FOOD" shall be inserted before the word "VENDING."

(j) In subpart 4-301.11, the symbol "*" shall be added after the word "Capacities." in the title, and an "s" shall be added after the phrase "Chapter 3."

(k)(1) In subpart 4-301.12, the title "Manual Warewashing, Sink Compartment Requirements." shall be deleted and replaced with "Warewashing Equipment Requirements.*"

(2) In subpart 4-301.12(A), the phrase "and ¶ (F)" shall be added before the words "of this section."

(3) In subpart 4-301.12(D), the words "by the regulatory authority" shall be added after the word "APPROVED."

(4) In subpart 4-301.12, the following paragraph shall be added after paragraph (E):

"(F) Manual warewashing sinks are not required if a mechanical warewashing machine is properly used, operated, and maintained and the machine is large enough for washing, rinsing and SANITIZING the largest EQUIPMENT and UTENSILS."

(l)(1) In subpart 4-501.14, the word "raw" shall be deleted before the word "FOODS."

(2) In subpart 4-501.14, the words "and SANITIZED" shall be added after the word "cleaned."

(m) In subpart 4-603.16(A)(1), the word "or" shall be added at the end of the paragraph. (Authorized by and implementing K.S.A. 2008 Supp. 36-507, K.S.A. 65-626, and K.S.A. 2008 Supp. 74-581; effective Feb. 29, 2008; amended June 4, 2010.)

4-28-12. Water, plumbing, and waste. Chapter five of the 2005 "food code," published by the U.S. department of health and human services, is adopted by reference, with the following additions, deletions, and substitutions: (a) Wherever the phrase "PUBLIC WATER SYSTEM" appears in this chapter, the word "SUPPLY" shall be inserted before the word "SYSTEM."

(b) In subpart 5-103.12, the symbol "*" shall be added after the title "Pressure."

(c) In subpart 5-202.12(C), the phrase "15 seconds" shall be deleted and shall be replaced by the phrase "20 seconds."

(d)(1) In subpart 5-203.11(A), the phrase "¶¶ (B) and (C)" shall be deleted and replaced by "¶ (B)."

(2) Subpart 5-203.11(C) shall be deleted.

(e) In subpart 5-203.12, the following changes shall be made:

(1) The words "and Urinals" in the title shall be deleted.

(2) "(A)" shall be inserted before the first sentence, and the second sentence shall be deleted.

(3) The following sentence shall be inserted after the first sentence: "(B) EMPLOYEES and CONSUMERS may use the same toilet facilities provided that CONSUMERS have access to them without entering the FOOD preparation, FOOD storage, or WAREWASHING or UTENSIL storage areas of the FOOD ESTABLISHMENT."

(f) In subpart 5-401.11(A), the words "with a minimum capacity of a 20-gallon tank" shall be added after the word "tank."

(g)(1) In subpart 5-402.11(A), the phrase "¶¶ (B), (C), and (D)" shall be deleted and replaced by "¶ (B)."

(2) In subpart 5-402.11(A), the words “, portable EQUIPMENT, or UTENSILS are” shall be deleted and replaced by “is.”

(3) Subparts 5-402.11(C) and (D) shall be deleted.

(h)(1) In subpart 5-501.14, the word “Food” shall be inserted before the phrase “Vending Machines” in the title.

(2) In subpart 5-501.14, “FOOD” shall be inserted before the word “VENDING.” (Authorized by and implementing K.S.A. 2008 Supp. 36-507, K.S.A. 65-626, and K.S.A. 2008 Supp. 74-581; effective Feb. 29, 2008; amended June 4, 2010.)

4-28-18. Guaranty; definition. (a) A guaranty of undertaking referred to in K.S.A. 65-659(b), and amendments thereto, may be either of the following:

(1) Limited to a specific shipment or other delivery of an article, in which case the guaranty of undertaking may be a part of or attached to the invoice or bill of sale covering the shipment or delivery; or

(2) general and continuing, in which case the guaranty of undertaking shall apply to any shipment or other delivery of an article. The guaranty of undertaking shall be deemed to be effective from the date the article was shipped or delivered by the person giving the guaranty of undertaking.

(b) Each limited guaranty of undertaking shall contain the following information:

(1) The name of the person giving the guaranty of undertaking, followed by “hereby guarantees that no article listed herein is adulterated or misbranded within the meaning of the Kansas food, drug and cosmetic act, K.S.A. 65-619 et seq., and amendments thereto”;

(2) the name of the article or articles for which the guaranty of undertaking is issued;

(3) the signature of the person giving the guaranty of undertaking;

(4) the date the guaranty of undertaking was signed; and

(5) the street address of the person giving the guaranty of undertaking.

(c) Each general and continuing form of guaranty of undertaking shall contain the following information:

(1) The name and street address of the person giving the guaranty of undertaking;

(2) the name and street address of the person to whom the guaranty of undertaking is given;

(3) the date the guaranty of undertaking is issued;

(4) the name of the article or articles for which the guaranty of undertaking is issued;

(5) a statement that the article comprising each shipment or other delivery made by the person giving the guaranty of undertaking is guaranteed, on the date of the shipment or delivery, not to be adulterated or misbranded within the meaning of the Kansas food, drug and cosmetic act, K.S.A. 65-619 et seq. and amendments thereto; and

(6) the signature of the person giving the guaranty of undertaking.

(d) The application of a guaranty of undertaking referred to in K.S.A. 65-659 (b), and amendments thereto, to any shipment or other delivery of an article shall expire

if the article, after shipment or delivery by the person who gave the guaranty of undertaking, becomes adulterated or misbranded within the meaning of the Kansas food, drug and cosmetic act, K.S.A. 65-619 et seq. and amendments thereto.

(e) Each guaranty of undertaking signed by two or more persons shall state that the persons severally guarantee the article to which the guaranty of undertaking applies.

(f) No representation or suggestion that an article is guaranteed under the Kansas food, drug and cosmetic act, K.S.A. 65-619 et seq. and amendments thereto, shall be made in that article’s labeling. (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.)

4-28-19. Definitions and standards of identity for miscellaneous beef products. (a) “Cheek meat” shall mean the trimmed cheeks of the carcass of cattle.

(b)(1) “Chopped beef” and “ground beef” shall mean chopped or ground, fresh or frozen skeletal muscle of cattle without the addition of fat and with or without seasoning.

(2) Chopped beef and ground beef shall not contain added beef fat, water, binders, extenders, hearts, tongues, or muscle of the esophagus.

(3) Chopped beef and ground beef shall not contain more than 30% fat by laboratory analysis.

(4) If cheek meat is used in the preparation of chopped beef or ground beef, the amount of cheek meat shall be limited to 25%. If the amount of cheek meat exceeds the natural proportion of cheek meat present on the whole carcass, its presence shall be declared on the label in the ingredient statement required by K.S.A. 65-665 (i), and amendments thereto, if any, and otherwise contiguous to the name of the product.

(c)(1) “Hamburger” shall mean chopped or ground, fresh or frozen skeletal muscle of cattle, with or without the addition of beef fat or seasoning.

(2) Hamburger shall not contain added beef fat, water, binders, extenders, hearts, tongues, or muscle of the esophagus.

(3) Hamburger shall not contain more than 30% fat by laboratory analysis.

(4) If cheek meat is used in the preparation of hamburger, the amount of cheek meat shall be limited to 25%. If the amount of cheek meat exceeds the natural proportion of cheek meat present on the whole carcass, its presence shall be declared on the label in the ingredient statement required by K.S.A. 65-665 (i), and amendments thereto, if any, and otherwise contiguous to the name of the product.

(d) “Beef pattie” shall meet the requirements of K.A.R. 4-16-1c. A beef pattie may be breaded in accordance with K.A.R. 4-28-22, in which case the product shall be labeled “breaded beef pattie,” “breaded chopped beef pattie,” “breaded ground beef pattie,” or “breaded hamburger pattie” and the breading ingredients shall be shown on the label.

(e) “Steak” shall mean a single slice of fresh or frozen, lean skeletal muscle of cattle with naturally accompany-

(continued)

ing fat and, in certain cuts, including T-bone, round, club, and rib, the naturally accompanying bone. The term "steak" shall not be used in describing any meat product or meat food product that is a beef pattie in composition or appearance.

(f)(1) "Fabricated steak" shall meet the requirements of K.A.R. 4-16-1c.

(2) If cheek meat is used in the preparation of fabricated steak, the amount of cheek meat shall be limited to 25%. If the amount of cheek meat exceeds the natural proportion of cheek meat present on the whole carcass, its presence shall be declared on the label in the ingredient statement required by K.S.A. 65-665 (i), and amendments thereto, if any, and otherwise contiguous to the name of the product.

(3) This product may be breaded in accordance with K.A.R. 4-28-22, in which case the word "breaded" shall immediately precede the name of the product in type of uniform size and prominence and the breading ingredients shall be shown on the label.

(g) "Partially defatted beef fatty tissue" shall mean a beef by-product derived from the low-temperature rendering, not exceeding 120°F, of fresh beef fatty tissue. This product shall have a pinkish color and a fresh odor and appearance. (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.)

4-28-20. Definitions and standards of identity for miscellaneous meat food products. (a)(1) Meat food patties with additives. "Meat food patties with additives" shall contain specific meats, including beef, veal, lamb, pork, poultry, or various combinations of these meats, in their formulation. Meat food patties with additives shall not contain more than 30% fat by laboratory analysis.

(2) If water is added to facilitate chopping and mixing the ingredients, the amount of water shall be limited to 10% of the formulation ingredients specified in this subsection.

(3)(A) If one or more of the following binders or extenders are used, the total amount of binders or extenders shall be limited to 3½% of the total ingredients in the pattie: dried milk, nonfat dry milk, calcium reduced dried skim milk, cereal, vegetable starch, starchy vegetable flour, soy flour, and soy protein concentrate.

(B) If isolated soy protein is used as a binder or extender, the total amount shall be limited to 2% of the total ingredients in the pattie.

(4) Meat food patties with additives may contain seasoning, partially defatted beef fatty tissues, or partially defatted pork fatty tissues.

(5) The product's finished characteristics shall be essentially those of a meat pattie. All ingredients shall be listed on required labeling contiguous to the product name.

(b) Nonspecific meat food patties. Each pattie prepared with binders or extenders not specified in subsection (a), or containing binders or extenders in excess of 3½%, shall contain at least 70% meat in its formulation and no more than 30% fat by laboratory analysis. All ingredients shall be listed on required labeling contiguous to the product name.

(c) Cooked patties. If patties are cooked or partially cooked, the composition of the raw mix from which the

patties were prepared shall be used in determining whether the patties meet the requirements of this regulation. (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.)

4-28-21. Definitions and standards of identity for miscellaneous pork products. (a) "Partially defatted pork fatty tissue" shall mean a pork by-product derived from the low-temperature rendering, not exceeding 120°F, of fresh pork fatty tissue. This product shall have a pinkish color and a fresh odor and appearance.

(b)(1) "Pork tenderloin tender" shall be prepared from fresh psoas muscle found on each side of the vertebral column of hogs. This product may be labeled "pork tenderloin" or "pork tender."

(2) This product may be breaded in accordance with K.A.R. 4-28-22, in which case the product shall be labeled "breaded pork tenderloin" or "breaded pork tender" and the breading ingredients shall be shown on the label. If the product is breaded, the product shall be treated for control of trichinae.

(c) "Pork pattie" shall consist of chopped or ground skeletal muscle of hogs, either fresh or frozen, and shall not contain added water, binders, extenders, or more than 40% actual fat. The product shall be labeled "pork pattie" and may be breaded in accordance with K.A.R. 4-28-22, in which case the product shall be labeled "breaded pork pattie" and the breading ingredients shall be shown on the label. If the product is breaded, the product shall be treated for control of trichinae.

(d) "Pork steak" shall mean a single slice of fresh or frozen, lean skeletal muscle of hogs with the naturally accompanying fat and, in certain cuts, the naturally accompanying bone. The term "steak" shall not be used in describing any meat product or meat food product that is essentially a pork pattie in composition or appearance.

(e) "Pork cutlet" shall consist of thin slices of pork meat flattened and knitted together in cutlet-size products by means of cubing, frenching machines, or hand pounding with cubing hammers. The product shall be labeled with the word "cutlet" in type of uniform size and prominence. A pork cutlet may be identified as sliced pork meat if the product name on the label clearly states the specific part of the carcass from which the meat in the product is derived, which may include "pork loin cutlets." (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.)

4-28-22. Breaded products. (a) Unless otherwise specified in this article, the amount of batter and breading used as a coating for any breaded product shall not exceed 30% of the weight of the finished breaded product. The word "breaded" shall be included in the product name.

(b) Each "fritter" shall contain at least 35% raw meat or poultry in the total formulation. Any fritter may contain not more than 65% batter and breading. The word "fritter" shall be included in the product name. If the word "breaded" is included in the product name, the batter and breading shall be limited to 30%. (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.)

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 fish, and fresh poultry shall be prohibited. Frozen meat and meat products, seafood and fish, and poultry shall be maintained frozen and meet the requirements of K.A.R. 4-28-8 through 4-28-16.

(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 in glass cases or otherwise enclosed to protect the products from flies, dust, and other contamination. (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.)

4-28-24. Rooms where food is handled. (a) No room where food is handled shall be used for any purposes other than those directly connected with the preparing, baking, storage, and handling of food. No room where food is handled shall be used as a washing, sleeping, or living room. Each room where food is handled shall, at all times, be separated and closed from the washing, living, and sleeping rooms.

(b) One or more rooms separate from the room where food is handled shall be provided for the changing and hanging of wearing apparel. Each room used for the changing and hanging of wearing apparel shall be kept clean at all times. (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.)

4-28-25. Temperature requirements. (a) The refrigeration system for each frozen food locker plant shall be equipped to maintain uniform temperatures. This subsection shall not apply to locker plants having constant temperature supervision. Temperatures shall be maintained in the respective rooms as follows:

(1) In each chill or aging room, temperatures of 37°F or lower with a tolerance of 10° for a reasonable time after fresh food is placed in the chill room;

(2) in each sharp-freeze room and sharp-freeze compartments, temperatures of -10°F or lower in rooms where still-air cooling is employed and temperatures of 0° or lower in rooms where forced air circulation is employed, with a tolerance of 10° for either type of installation for a reasonable time after putting fresh food into the freezer; and

(3) in each locker room, temperatures of 0°F or lower.

(b) Each chill room, sharp-freeze room, and locker room shall be equipped with an accurate temperature-reading device. (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.)

4-28-26. Means for cleansing and sterilizing tools and equipment. Each frozen food locker plant shall be

provided with adequate means for washing and sterilizing tools and other equipment. An adequate supply of potable water shall be provided. If hot running water is not available, a means of heating water shall be provided. (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.)

4-28-27. Toilet and handwashing facilities. (a) The owner or operator of each frozen food locker plant shall provide the following at the plant:

(1) At least one working toilet;

(2) handwashing sinks located for convenient use by employees in food handling and warewashing areas and in or immediately adjacent to the toilet rooms; and

(3) clean, individual, disposable towels at each handwashing sink.

(b) Each person handling food products in the frozen food locker plant shall be required to wash that person's hands after using the toilet. (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.)

4-28-28. Inspection by plant operator. All food products shall be subject to the inspection of the operator of the frozen food locker plant. All meat products showing any sign of disease or decomposition shall be rejected for storage. All vegetable or fruit products showing any sign of decomposition or infestation of insects, rodents, and other pests shall be rejected for storage. (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.)

4-28-29. Products to be frozen before storage. All food products shall be completely frozen before being stored in lockers. (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.)

4-28-30. Place for processing. If the owner or operator of a frozen food locker plant processes food at the plant, all processing shall be done in an enclosed or semi-enclosed place that is used only for processing foods and is not accessible to persons who are not engaged in the processing of foods for storage at the frozen food locker plant. (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.)

Article 21.—FOOD, DRUGS AND COSMETICS

28-21-1. (Authorized by K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked June 4, 2010.)

28-21-6. (Authorized by K.S.A. 65-665 (e), K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked June 4, 2010.)

28-21-7. (Authorized by K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked June 4, 2010.)

28-21-8. (Authorized by K.S.A. 65-663, K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked June 4, 2010.)

28-21-9. (Authorized by K.S.A. 65-665 (i) (2), K.S.A. 1965 Supp. 65-673; effective Jan. 1, 1966; revoked June 4, 2010.)

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28-23-34 through 28-23-36. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked June 4, 2010.)

28-23-41. (Authorized by K.S.A. 65-663, K.S.A. 1968 Supp. 65-673; effective Jan. 1, 1969; revoked June 4, 2010.)

28-23-42 through 28-23-55. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked June 4, 2010.)

28-23-70 and 28-23-71. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked June 4, 2010.)

28-23-73. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked June 4, 2010.)

28-23-75. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked June 4, 2010.)

28-23-78 through 28-23-80. (Authorized by K.S.A. 1965 Supp. 65-626; effective Jan. 1, 1966; revoked June 4, 2010.)

**Article 36.—FOOD SERVICE ESTABLISHMENTS,
FOOD VENDING MACHINE COMPANIES
AND LODGING ESTABLISHMENTS**

28-36-30. (Authorized by and implementing K.S.A. 2002 Supp. 36-503; effective, E-79-16, July 1, 1978; effective May 1, 1979; amended, E-82-21, Nov. 16, 1981; amended May 1, 1982; amended Dec. 30, 1991; amended Sept. 27, 1993; amended Nov. 20, 1998; amended, T-28-7-

2-01, July 2, 2001; amended Nov. 9, 2001; amended Oct. 24, 2003; revoked June 4, 2010.)

28-36-31. (Authorized by K.S.A. 1978 Supp. 36-502; effective, E-79-16, July 1, 1978; effective May 1, 1979; revoked June 4, 2010.)

28-36-70. (Authorized by K.S.A. 36-506; implementing K.S.A. 36-501 and 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008; revoked June 4, 2010.)

28-36-71. (Authorized by and implementing K.S.A. 36-502 and 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008; revoked June 4, 2010.)

28-36-72 through 28-36-89. (Authorized by and implementing K.S.A. 36-506; effective, T-28-10-8-07, Oct. 8, 2007; effective Feb. 5, 2008; revoked June 4, 2010.)

28-36-101 through 28-36-107. (Authorized by and implementing K.S.A. 36-507; effective Aug. 13, 1999; amended Nov. 30, 2007; revoked June 4, 2010.)

28-36-108. (Authorized by K.S.A. 36-507; implementing K.S.A. 2006 Supp. 36-503 and K.S.A. 36-507; effective Aug. 13, 1999; amended Nov. 30, 2007; revoked June 4, 2010.)

28-36-109. (Authorized by and implementing K.S.A. 36-507; effective Nov. 30, 2007; revoked June 4, 2010.)

Joshua Svaty
Secretary of Agriculture

Doc. No. 038319

**INDEX TO ADMINISTRATIVE
REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2006 Volumes and the 2008 Supplement of the *Kansas Administrative Regulations*.

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36-42-1		
through		
36-42-9	New	V. 29, p. 502-504

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 28, p. 966
40-1-38	Amended	V. 28, p. 1593
40-1-48	Amended	V. 27, p. 1709
40-2-28	New	V. 28, p. 273
40-3-30	Amended	V. 28, p. 112
40-3-52	New	V. 27, p. 133
40-3-56	New	V. 28, p. 1518
40-3-57	New	V. 28, p. 1518
40-3-58	New	V. 28, p. 1518
40-4-35	Amended	V. 28, p. 915
40-4-36	Amended	V. 28, p. 1252
40-4-37v	New	V. 28, p. 643
40-4-41	Amended	V. 27, p. 434
40-4-41a		
through		
40-4-41j	Revoked	V. 27, p. 434, 435
40-7-20a	Amended	V. 28, p. 604

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-101	Amended	V. 27, p. 1126
44-6-114e	Amended	V. 27, p. 1128
44-6-115a	Amended	V. 27, p. 1134
44-6-125	Amended	V. 27, p. 1135
44-6-127		
through		
44-6-132	New	V. 27, p. 1135-1138

AGENCY 48: DEPARTMENT OF LABOR—EMPLOYMENT SECURITY BOARD OF REVIEW

Reg. No.	Action	Register
48-1-1		
through		
48-1-6	Amended	V. 29, p. 15-17
48-2-1		
through		
48-2-5	Amended	V. 29, p. 17
48-3-1	Amended	V. 29, p. 18
48-3-2	Amended	V. 29, p. 18
48-3-4	Amended	V. 29, p. 18
48-3-5	Amended	V. 29, p. 18
48-4-1	Amended	V. 29, p. 18
48-4-2	Amended	V. 29, p. 18

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-45-1	Amended	V. 27, p. 1466
49-45-2	Amended	V. 27, p. 1466
49-45-3	Amended	V. 27, p. 1466
49-45-4	Amended	V. 27, p. 1466
49-45-4a	Amended	V. 27, p. 1466
49-45-5	Amended	V. 27, p. 1466
49-45-6	Amended	V. 27, p. 1466
49-45-7	Amended	V. 27, p. 1467
49-45-8	Amended	V. 27, p. 1467
49-45-9	Amended	V. 27, p. 1467
49-45-20	Amended	V. 27, p. 1467
49-45-28	Amended	V. 27, p. 1467
49-45-29	Amended	V. 27, p. 1467
49-45-29b	New	V. 27, p. 1467
49-45-31	Amended	V. 27, p. 1467
49-45-34	Amended	V. 27, p. 1467
49-45-35	Amended	V. 27, p. 1467
49-45-37	Amended	V. 27, p. 1467
49-55-1		
through		
49-55-12	New	V. 29, p. 675, 676

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 28, p. 1536

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-103	Amended	V. 27, p. 1603
60-1-104	Amended	V. 27, p. 1603
60-2-101	Amended	V. 27, p. 1604
60-2-102	Amended	V. 27, p. 1605, 1670
60-2-104	Amended	V. 27, p. 1606
60-2-105	Amended	V. 28, p. 197
60-2-106	Amended	V. 28, p. 197
60-2-107	Amended	V. 27, p. 1606
60-2-108	Amended	V. 27, p. 1607
60-3-106	Amended	V. 27, p. 1607
60-3-106a	Amended	V. 27, p. 1608
60-3-113	New	V. 27, p. 1608
60-3-114	New	V. 27, p. 1608
60-7-111	New	V. 27, p. 1609
60-9-105	Amended	V. 28, p. 197
60-9-107	Amended	V. 28, p. 198
60-11-101		
through		
60-11-105	Amended	V. 28, p. 1252-1254
60-11-107	Amended	V. 28, p. 1254
60-13-103	Amended	V. 28, p. 200
60-13-104	Amended	V. 28, p. 200
60-15-101	Amended	V. 28, p. 200
60-15-102	Amended	V. 28, p. 201
60-15-104	Amended	V. 28, p. 202

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-2-26	New	V. 27, p. 108
63-4-1	Amended	V. 27, p. 108

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 27, p. 315
66-6-4	Amended	V. 27, p. 316
66-6-6	Amended	V. 28, p. 1536
66-6-8	Revoked	V. 28, p. 1537
66-6-9	Revoked	V. 28, p. 1537
66-7-2	Amended	V. 28, p. 1537
66-8-1	Revoked	V. 28, p. 1537
66-8-3	Amended	V. 28, p. 1537
66-8-4	Amended	V. 28, p. 1537
66-8-7	Amended	V. 28, p. 1537
66-9-4	Amended	V. 28, p. 1538
66-10-1	Amended	V. 28, p. 1538
66-10-9	Amended	V. 28, p. 1538
66-10-14	Amended	V. 28, p. 1538
66-11-1	Amended	V. 28, p. 1539
66-11-1a	Amended	V. 28, p. 1539
66-11-1b	Amended	V. 28, p. 1539
66-11-4	Amended	V. 28, p. 1539
66-11-5	Amended	V. 28, p. 44
66-12-1	Amended	V. 28, p. 44
66-14-1	Amended	V. 28, p. 44
66-14-2	Amended	V. 28, p. 45
66-14-3	Amended	V. 28, p. 45
66-14-4	Revoked	V. 28, p. 45
66-14-5	Amended	V. 28, p. 45
66-14-7	Amended	V. 28, p. 45

AGENCY 67: BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING INSTRUMENTS

Reg. No.	Action	Register
67-3-5	New	V. 28, p. 1187

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-1-1h	New	V. 28, p. 1491
68-1-3a	Amended	V. 28, p. 1491
68-2-20	Amended	V. 28, p. 1765
68-2-22	Amended	V. 28, p. 1491
68-7-12b	Amended	V. 27, p. 1518
68-7-14	Amended	V. 28, p. 1492
68-7-20	Amended	V. 27, p. 435
68-7-21	New	V. 29, p. 465
68-11-2	Amended	V. 27, p. 1518
68-16-3	Amended	V. 28, p. 342

(continued)

68-18-1	New	V. 27, p. 1857
68-18-2	New	V. 27, p. 1857
68-18-3	New	V. 27, p. 1858
68-19-1	New	V. 28, p. 342
68-20-10a	Amended	V. 29, p. 466
68-20-16	Amended	V. 28, p. 1561
68-20-23	New (T)	V. 27, p. 1709
68-20-23	New	V. 28, p. 192

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-8	Amended (T)	V. 28, p. 923
69-11-1	Amended	V. 28, p. 298

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-9-1		
through		
71-9-4	New	V. 27, p. 1878
71-10-1		
through		
71-10-4	New	V. 27, p. 1879
71-11-1	New	V. 28, p. 1187

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 28, p. 643
74-4-8	Amended	V. 28, p. 644
74-4-9	Amended	V. 27, p. 627
74-4-10	Amended	V. 27, p. 627
74-5-2	Amended	V. 28, p. 645
74-5-2a	New	V. 28, p. 646
74-5-101	Amended	V. 28, p. 646
74-5-102	Amended	V. 28, p. 646
74-5-103	Amended	V. 28, p. 646
74-5-201	Amended	V. 28, p. 646
74-5-202	Amended	V. 28, p. 646
74-5-301	Amended	V. 28, p. 647
74-5-302	Amended	V. 28, p. 647
74-5-401	Amended	V. 28, p. 647
74-5-403	Amended	V. 28, p. 647
74-5-405a	Amended	V. 28, p. 647
74-5-406	Amended	V. 28, p. 647
74-7-4	Amended	V. 28, p. 648
74-11-6	Amended	V. 28, p. 648

AGENCY 75: OFFICE OF THE STATE BANK COMMISSIONER—CONSUMER AND MORTGAGE LENDING DIVISION

Reg. No.	Action	Register
75-6-1	Amended	V. 28, p. 1367
75-6-9	Amended	V. 28, p. 1367
75-6-31	Amended	V. 28, p. 1367
75-6-33	Revoked	V. 28, p. 1368
75-6-34	Revoked	V. 28, p. 1368
75-6-36	New	V. 28, p. 1368
75-6-37	New	V. 28, p. 1368
75-6-38	New	V. 28, p. 1368

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 27, p. 1801
81-3-6	Amended	V. 28, p. 606
81-5-7	Amended	V. 27, p. 1156
81-5-14	Amended	V. 28, p. 571
81-7-2	Amended	V. 27, p. 1156
81-14-1	Amended	V. 27, p. 1157
81-14-2	Amended	V. 27, p. 1801
81-14-5	Amended	V. 28, p. 610
81-14-9	Amended	V. 27, p. 1163

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-107	Amended	V. 27, p. 1518
82-3-108	Amended	V. 27, p. 1519
82-3-111	Amended	V. 27, p. 1520
82-3-311a	New	V. 29, p. 181
82-3-135a	Amended	V. 27, p. 1521
82-3-135b	Amended	V. 27, p. 1521
82-3-138	Amended	V. 27, p. 1521
82-3-402	Amended	V. 27, p. 1521

82-3-1100		
through		
82-3-1120	New	V. 29, p. 182-190
82-4-3a		
through		
82-4-3d	Amended	V. 28, p. 1373-1385
82-4-3e	Revoked	V. 28, p. 1386
82-4-3f		
through		
82-4-3m	Amended	V. 28, p. 1386-1397
82-4-20	Amended	V. 28, p. 1397
82-4-30a	Amended	V. 27, p. 1020
82-11-4	Amended	V. 28, p. 917
82-11-10	Amended	V. 28, p. 922
82-14-1		
through		
82-14-5	Amended	V. 28, p. 967-971
82-14-6	New	V. 28, p. 972

AGENCY 84: PUBLIC EMPLOYEE RELATIONS BOARD

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

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-3-19	Amended (T)	V. 27, p. 1090
86-3-19	Amended	V. 27, p. 1517
86-3-30	New (T)	V. 27, p. 1091
86-3-30	New	V. 27, p. 1517

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-28-6	Amended	V. 29, p. 408
88-29-1	Amended (T)	V. 28, p. 1101
88-29-1	Amended	V. 28, p. 1561
88-29-4	Amended (T)	V. 28, p. 1102
88-29-4	Amended	V. 28, p. 1562
88-29-5	Amended (T)	V. 28, p. 1103
88-29-5	Amended	V. 28, p. 1563
88-29-7	Amended (T)	V. 28, p. 1103
88-29-7	Amended	V. 28, p. 1563
88-29-8	Amended (T)	V. 28, p. 1103
88-29-8	Amended	V. 28, p. 1563
88-29-8a	New (T)	V. 28, p. 1103
88-29-8a	New	V. 28, p. 1563
88-29-8b	New (T)	V. 28, p. 1104
88-29-8b	New	V. 28, p. 1564
88-29-9	Amended (T)	V. 28, p. 1104
88-29-9	Amended	V. 28, p. 1564
88-29-11	Amended (T)	V. 28, p. 1105
88-29-11	Amended	V. 28, p. 1565
88-29-12	Amended (T)	V. 28, p. 1106
88-29-12	Amended	V. 28, p. 1566
88-29-18	Amended (T)	V. 28, p. 1107
88-29-18	Amended	V. 28, p. 1567
88-29-19	Amended (T)	V. 28, p. 1108
88-29-19	Amended	V. 28, p. 1568

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-200	Amended	V. 28, p. 1222
91-1-201	Amended	V. 27, p. 1028
91-1-202	Amended	V. 28, p. 1223
91-1-203	Amended	V. 28, p. 1225
91-1-204	Amended	V. 28, p. 1229
91-1-205	Amended	V. 28, p. 1232
91-1-207	Amended	V. 27, p. 1037
91-1-209	Amended	V. 27, p. 1037
91-1-210	Amended	V. 27, p. 1038
91-1-216	Amended	V. 28, p. 1233
91-1-220	Amended	V. 27, p. 1038
91-1-221	Amended	V. 27, p. 1040
91-19-1	Amended	V. 27, p. 1041
91-19-6	Amended	V. 27, p. 1041
91-40-1	Amended	V. 27, p. 274
91-40-2	Amended	V. 27, p. 279
91-40-3	Amended	V. 27, p. 279
91-40-5	Amended	V. 27, p. 280
91-40-7		
through		
91-40-12	Amended	V. 27, p. 281-284
91-40-16	Amended	V. 27, p. 285

91-40-17	Amended	V. 27, p. 285
91-40-21	Amended	V. 27, p. 286
91-40-22	Amended	V. 27, p. 287
91-40-26		
through		
91-40-31	Amended	V. 27, p. 287-289
91-40-33	Amended	V. 27, p. 290
91-40-34	Amended	V. 27, p. 290
91-40-35	Amended	V. 27, p. 290
91-40-37	Revoked	V. 27, p. 291
91-40-38	Amended	V. 27, p. 291
91-40-39	Revoked	V. 27, p. 291
91-40-41	Amended	V. 27, p. 291
91-40-42	Amended	V. 27, p. 291
91-40-42a	New	V. 27, p. 292
91-40-43	Amended	V. 27, p. 293
91-40-44	Amended	V. 27, p. 293
91-40-45	Amended	V. 27, p. 293
91-40-46	Amended	V. 27, p. 294
91-40-48	Amended	V. 27, p. 294
91-40-50	Amended	V. 27, p. 294
91-40-51	Amended	V. 27, p. 295

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-114	New	V. 27, p. 865
92-12-140		
through		
92-12-145	New	V. 27, p. 866, 867
92-12-145	Amended	V. 28, p. 604
92-19-70	Revoked	V. 27, p. 868
92-26-1	Amended	V. 28, p. 170
92-26-4	Amended	V. 28, p. 170
92-28-1		
through		
92-28-4	New	V. 28, p. 113
92-52-14	New	V. 27, p. 1214
92-52-15	New	V. 27, p. 1214
92-52-16	New	V. 27, p. 1215

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1		
through		
94-2-5	Amended (T)	V. 27, p.1091-1093
94-2-1		
through		
94-2-5	Amended	V. 27, p.1522-1524
94-2-8		
through		
94-2-16	Amended (T)	V. 27, p. 1093-1095
94-2-8		
through		
94-2-16	Amended	V. 27, p. 1524-1526
94-2-19	Amended (T)	V. 27, p. 1095
94-2-19	Amended	V. 27, p. 1527
94-2-20	Amended (T)	V. 27, p. 1096
94-2-20	Amended	V. 27, p. 1527
94-2-21	Amended (T)	V. 27, p. 1096
94-2-21	Amended	V. 27, p. 1528
94-3-1	Amended (T)	V. 27, p. 1097
94-3-1	Amended	V. 27, p. 1529
94-3-2	Amended (T)	V. 27, p. 1098
94-3-2	Amended	V. 27, p. 1529
94-4-1	Amended (T)	V. 27, p. 1098
94-4-1	Amended	V. 27, p. 1530
94-4-2	Amended (T)	V. 27, p. 1098
94-4-2	Amended	V. 27, p. 1530

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-1-1	Revoked	V. 28, p. 459
97-1-1a	New	V. 28, p. 459
97-1-2	Revoked	V. 28, p. 460
97-1-2a	New	V. 28, p. 460
97-1-3	Revoked	V. 28, p. 460
97-1-3a	New	V. 28, p. 460
97-1-4	Revoked	V. 28, p. 460
97-1-4a	New	V. 28, p. 460
97-1-5	Revoked	V. 28, p. 461
97-1-5a	New	V. 28, p. 461
97-1-6a	New	V. 28, p. 461
97-2-1	Revoked	V. 28, p. 462

97-2-1a	New	V. 28, p. 462
97-2-2	Revoked	V. 28, p. 462
97-2-2a	New	V. 28, p. 462
97-2-3		
through		
97-2-8	Revoked	V. 28, p. 462
97-3-1	Revoked	V. 28, p. 462
97-3-1a	New	V. 28, p. 462
97-3-2	Revoked	V. 28, p. 462
97-3-2a	New	V. 28, p. 462
97-3-3	Revoked	V. 28, p. 463
97-3-3a	New	V. 28, p. 463
97-3-4		
through		
97-3-9	Revoked	V. 28, p. 463
97-4-1a	New	V. 28, p. 463
97-7-1		
through		
97-7-6	New	V. 29, p. 252-254

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Reg. No.	Action	Register
99-25-1	Amended	V. 27, p. 108
99-25-5	Amended	V. 28, p. 522
99-25-9	Amended	V. 27, p. 108
99-25-11	New	V. 27, p. 109
99-26-1	Amended	V. 28, p. 522
99-27-2	Amended	V. 27, p. 1019
99-27-3	Revoked	V. 27, p. 1019
99-27-4	Amended	V. 27, p. 1019
99-27-5	Amended	V. 27, p. 1019

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-22-8	Revoked	V. 27, p. 357
100-22-8a	New	V. 27, p. 357
100-28a-1	Amended	V. 28, p. 112
100-28a-2	Amended	V. 28, p. 1736
100-28a-10	Amended	V. 28, p. 572
100-29-1	Amended	V. 29, p. 598
100-29-3a	Amended	V. 28, p. 1737
100-29-16	Amended	V. 28, p. 1060
100-49-4	Amended	V. 29, p. 651
100-54-1	Amended	V. 28, p. 1594
100-54-4	Amended	V. 27, p. 209
100-54-8	Amended	V. 28, p. 1595
100-55-4	Amended	V. 27, p. 209
100-55-7	Amended	V. 29, p. 651
100-55-9	Amended	V. 28, p. 572
100-69-1	Amended	V. 27, p. 1672
100-69-2	Revoked	V. 27, p. 1672
100-69-10	Amended	V. 28, p. 572
100-72-1	Amended	V. 28, p. 112
100-72-7	Amended	V. 28, p. 273
100-73-1	Amended (T)	V. 28, p. 923
100-73-1	Amended	V. 28, p. 1282
100-73-2	Amended	V. 29, p. 598
100-73-9	Amended	V. 27, p. 315

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-8a	New	V. 28, p. 114
102-1-12	Amended	V. 27, p. 407
102-1-13	Amended (T)	V. 28, p. 1101
102-1-13	Amended	V. 28, p. 1426
102-2-3	Amended	V. 29, p. 340
102-2-7	Amended	V. 27, p. 1801
102-2-8	Amended	V. 28, p. 114
102-2-11a	New	V. 28, p. 116
102-2-12	Amended	V. 28, p. 116
102-3-9b	New	V. 28, p. 117
102-3-12a	Amended	V. 27, p. 1117
102-4-1a	Amended	V. 27, p. 1803
102-4-6a	Amended	V. 27, p. 1805
102-4-6b	New	V. 27, p. 1806
102-4-9b	New	V. 28, p. 117
102-4-10a	Amended	V. 27, p. 1806
102-4-12	Amended	V. 27, p. 1120
102-5-9a	New	V. 28, p. 118
102-5-12	Amended	V. 27, p. 1122

102-6-9a	New	V. 28, p. 118
102-6-12	Amended	V. 27, p. 1124

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-11-1	Amended (T)	V. 28, p. 1079
105-11-1	Amended	V. 28, p. 1457

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-4	Amended	V. 28, p. 1062

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-9	Amended	V. 28, p. 1030
109-3-1	Amended	V. 28, p. 1030
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 28, p. 574
109-5-4	Revoked	V. 29, p. 113
109-5-5	New	V. 27, p. 1548
109-5-6	New	V. 28, p. 575
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-6-3	Revoked	V. 28, p. 575
109-10-7	New	V. 29, p. 113
109-15-1	New	V. 28, p. 575
109-15-2	New	V. 28, p. 576

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-13a-1	New	V. 27, p. 1063
110-13a-2	New	V. 27, p. 1063
110-13a-3	New	V. 27, p. 1064
110-19-1		
through		
110-19-4	New	V. 27, p. 1064, 1065
110-20-1		
through		
110-20-4	New	V. 27, p. 1065, 1066

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. The following regulations were filed after December 1, 2009:

Reg. No.	Action	Register
111-2-30	Amended	V. 29, p. 215
111-2-232	Amended	V. 29, p. 215
111-2-233	Amended	V. 29, p. 215
111-4-2899		
through		
111-4-2907	New	V. 29, p. 9-14
111-4-2908		
through		
111-4-2911	New	V. 29, p. 149-152
111-4-2911a	New	V. 29, p. 152
111-4-2912		
through		
111-4-2923	New	V. 29, p. 153-157
111-4-2924		
through		
111-4-2930	New	V. 29, p. 216-222
111-4-2931		
through		
111-4-2938	New	V. 29, p. 467-473
111-4-2939		
through		
111-4-2948	New	V. 29, p. 569-575

111-5-175		
through		
111-5-179	New	V. 29, p. 157-159
111-5-180		
through		
111-5-194	New	V. 29, p. 222-228
111-9-162	New	V. 29, p. 229
111-9-163	New	V. 29, p. 229
111-9-164	New	V. 29, p. 230
111-201-1		
through		
111-201-17	New	V. 29, p. 73-79
111-301-1		
through		
111-301-6	New	V. 29, p. 79, 80
111-302-1		
through		
111-302-6	New	V. 29, p. 82-86
111-303-1		
through		
111-303-5	New	V. 29, p. 87-89
111-304-1		
through		
111-304-6	New	V. 29, p. 89-91
111-305-1		
through		
111-305-6	New	V. 29, p. 474, 475

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-12-15	New	V. 28, p. 797
112-13-6	New	V. 28, p. 376
112-100-1		
through		
112-100-7	New	V. 27, p. 1378
112-101-1		
through		
112-101-16	New	V. 28, p. 376-379
112-102-1		
through		
112-102-13	New	V. 28, p. 1161-1163
112-103-1		
through		
112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1		
through		
112-104-33	New	V. 27, p. 1378-1406
112-104-34		
through		
112-104-41	New	V. 28, p. 1457-1459
112-105-1		
through		
112-105-7	New	V. 27, p. 1406-1408
112-106-1		
through		
112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13		
through		
112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-108-1		
through		
112-108-57	New	V. 28, p. 1766-1788
112-110-1		
through		
112-110-13	New	V. 28, p. 464-470
112-111-1		
through		
112-111-5	New	V. 28, 470-472
112-112-1		
through		
112-112-9	New	V. 27, p. 1411-1413

(continued)

112-113-1	New	V. 28, p. 382
112-114-1		
through		
112-114-6	New	V. 28, p. 472
112-114-8		
through		
112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

**AGENCY 115: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-1	Amended	V. 28, p. 1595
115-2-3	Amended	V. 27, p. 1264
115-2-3a	Amended	V. 28, p. 1596
115-2-5	Amended	V. 27, p. 1265
115-4-2	Amended	V. 29, p. 408
115-4-4	Amended	V. 29, p. 658
115-4-4a	Amended	V. 29, p. 659
115-4-6	Amended	V. 29, p. 409
115-4-6a	Revoked	V. 27, p. 112
115-4-11	Amended	V. 29, p. 67
115-4-13	Amended	V. 27, p. 404
115-4-14	Revoked	V. 27, p. 112
115-5-1	Amended	V. 28, p. 1250
115-5-2	Amended	V. 28, p. 1251
115-6-1	Amended	V. 28, p. 1251
115-7-1	Amended	V. 29, p. 411
115-7-2	Amended	V. 27, p. 1708
115-7-3	Amended	V. 28, p. 1599
115-7-8	Amended	V. 27, p. 405
115-7-9	Amended	V. 27, p. 406
115-7-10	New	V. 28, p. 1600
115-8-1	Amended	V. 28, p. 571
115-8-6	Amended	V. 28, p. 1600
115-8-9	Amended	V. 27, p. 1265
115-8-10	Amended	V. 27, p. 1265
115-8-13	Amended	V. 27, p. 112
115-15-1	Amended	V. 28, p. 1079
115-15-2	Amended	V. 28, p. 1080
115-18-7	Amended	V. 29, p. 659
115-18-21	New	V. 27, p. 1708
115-20-7	New	V. 29, p. 659

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 28, p. 373
117-2-1	Amended	V. 29, p. 412

117-2-2	Amended	V. 29, p. 413
117-2-2a	Amended	V. 28, p. 373
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-3-2a	Amended	V. 28, p. 373
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
117-4-2a	Amended	V. 28, p. 374
117-5-2	Amended	V. 28, p. 374
117-5-2a	Amended	V. 28, p. 375
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 28, p. 375
117-8-1	Amended	V. 29, p. 418
117-10-1	New	V. 28, p. 375

**AGENCY 121: DEPARTMENT OF
CREDIT UNIONS**

Reg. No.	Action	Register
121-9-1	Amended	V. 28, p. 457
121-10-1	Amended	V. 29, p. 675
121-10-2	New	V. 27, p. 1099
121-11-1	New	V. 28, p. 457
121-11-2	New	V. 28, p. 457
121-12-1	New	V. 28, p. 459

**AGENCY 127: KANSAS HOUSING
RESOURCES CORPORATION**

Reg. No.	Action	Register
127-2-1	New	V. 28, p. 192
127-2-2	New	V. 28, p. 192
127-2-3	New	V. 28, p. 193

**AGENCY 128: DEPARTMENT OF COMMERCE—
KANSAS ATHLETIC COMMISSION**

Reg. No.	Action	Register
128-1-1	New (T)	V. 27, p. 106
128-1-1	New	V. 27, p. 358
128-2-1	New	V. 27, p. 360
128-2-3		
through		
128-2-13	New	V. 27, p. 360-362
128-2-12	New (T)	V. 27, p. 107
128-3-1	New	V. 27, p. 362
128-4-1		
through		
128-4-9	New	V. 27, p. 363-367

128-4a-1	New	V. 27, p. 367
128-5-1	New	V. 27, p. 367
128-5-2	New	V. 27, p. 368
128-6-1	New	V. 27, p. 368
128-6-2	New	V. 27, p. 371
128-6-4	New	V. 27, p. 374

**AGENCY 129: KANSAS HEALTH
POLICY AUTHORITY**

Reg. No.	Action	Register
129-5-1	Amended	V. 27, p. 628
129-5-78	Amended	V. 28, p. 1464
129-5-108	Amended	V. 27, p. 1346
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
129-10-15a	New	V. 27, p. 1346
129-10-15b	New	V. 27, p. 1348
129-10-17	New	V. 27, p. 1348
129-10-18	New	V. 27, p. 1350
129-10-23a	New	V. 27, p. 1353
129-10-23b	New	V. 27, p. 1353
129-10-25	New	V. 27, p. 1354
129-10-26	New	V. 27, p. 1355
129-10-27	New	V. 27, p. 1356
129-10-200	New	V. 27, p. 1356
129-10-210	New	V. 27, p. 1358

**AGENCY 130: HOME INSPECTORS
REGISTRATION BOARD**

Reg. No.	Action	Register
130-1-1	New	V. 28, p. 1737
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-1-5	New	V. 28, p. 1738
130-2-1	New	V. 28, p. 1738
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-2	New (T)	V. 29, p. 39
130-5-2	New	V. 29, p. 569

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