



# Kansas Register

Chris Biggs, Secretary of State

Vol. 29, No. 36

September 9, 2010

Pages 1323-1356

In this issue . . .	Page
<b>Kansas Commission on Veterans' Affairs</b>	
Notice of meeting .....	1325
<b>Speech-Language Pathology/Audiology Advisory Board</b>	
Notice of meeting .....	1325
<b>Legislative interim committee schedule</b> .....	1325
<b>State Board of Technical Professions</b>	
Notice of meetings.....	1326
<b>Kansas Turnpike Authority</b>	
Request for proposals for Turnpike Revenue Bonds .....	1326
<b>Kansas Water Authority</b>	
Notice of hearing on proposed draft policy.....	1326
<b>Workforce Alliance of South Central Kansas</b>	
Request for proposals for the Workforce Center Web site .....	1326
<b>Kansas Department of Revenue</b>	
Notice of available publications.....	1326
<b>Office of the Governor</b>	
Executive Order 10-09, establishing the Governor's Excellence Awards .....	1327
Executive Order 10-10, directing all state agency heads to increase coordination and collaboration to provide Kansans with disabilities optimum opportunity to be competitively employed.....	1327
Executive Order 10-11, establishing the Kansas Food Security Task Force.....	1328
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	1328
<b>Department of Health and Environment</b>	
Notice concerning water pollution control permits/applications .....	1329
<b>Department of Administration—Division of Accounts and Reports</b>	
Public notice.....	1330
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases .....	1330
<b>City of Olathe</b>	
Notice to bidders.....	1331
<b>Kansas Board of Regents Universities</b>	
Notice to bidders.....	1331
<b>City of Caldwell</b>	
Revised notice of intent to seek private placement of general obligation bonds.....	1332
<b>Kansas Development Finance Authority</b>	
Notice of hearing on proposed revenue bonds .....	1332

(continued on next page)

**Kansas Department of Transportation**  
 Notices to consulting engineers ..... 1333, 1334

**City of Wichita**  
 Notice to bidders..... 1334

**Federal Emergency Management Agency**  
 Public notice..... 1335

**Permanent Administrative Regulations**  
 Animal Health Department..... 1336  
 Kansas Insurance Department..... 1337

**Temporary Administrative Regulations**  
 Department of Agriculture—Division of Water Resources ..... 1338  
 Board of Indigents’ Defense Services ..... 1338  
 State Employees Health Care Commission (by Kansas Health Policy Authority)..... 1340  
 Department of Health and Environment..... 1348

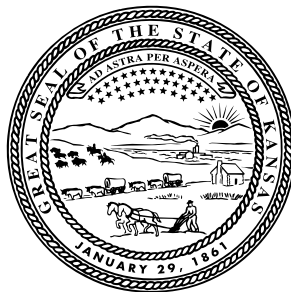
**Index to administrative regulations**..... 1348

The Kansas Register (USPS 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly and a cumulative index is published annually by the Kansas Secretary of State. One-year subscriptions are \$80 (Kansas residents must include applicable state and local sales tax). Single copies, if available, may be purchased for \$2. **Periodicals postage paid at Topeka, Kansas. POSTMASTER:** Send change of address form to Kansas Register, Secretary of State, 1st Floor, Memorial Hall, 120 S.W. 10th Ave., Topeka, KS 66612-1594.

© Kansas Secretary of State 2010. Reproduction of the publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

Hard copy subscription information and current and back issues of the Kansas Register (PDF format) can be found at the following link: [http://www.kssos.org/pubs/pubs\\_kansas\\_register.asp](http://www.kssos.org/pubs/pubs_kansas_register.asp)

**Published by**  
 Chris Biggs  
 Secretary of State  
 1st Floor, Memorial Hall  
 120 S.W. 10th Ave.  
 Topeka, KS 66612-1594  
 (785) 296-4564  
 www.kssos.org



**Register Office:**  
 1st Floor, Memorial Hall  
 (785) 296-3489  
 Fax (785) 368-8024  
 kansasregister@kssos.org

State of Kansas  
**Commission on Veterans' Affairs**  
**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Wednesday, September 22, at the Kansas Soldiers' Home, Eisenhower Building, Fort Dodge. The public is invited to attend. For more information, call (785) 296-3976.

Jack Fowler  
 Executive Director

Doc. No. 038695

State of Kansas  
**Speech-Language Pathology/  
 Audiology Advisory Board**  
**Notice of Meeting**

The Speech-Language Pathology/Audiology Advisory Board will meet at 10 a.m. Thursday, October 7, in Room F of the Kansas National Education Association (KNEA) Building, 715 S.W. 10th Ave., Topeka.

Roderick L. Bremby  
 Secretary of Health  
 and Environment

Doc. No. 038684

State of Kansas

**Legislature**

**Interim Committee Schedule**

The following committee meetings have been scheduled during the period of September 9-24. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. The 2010 interim committee memberships and committee agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/Committees.htm>.

Date	Room	Time	Committee	Agenda
Sept. 9	142-S	9:00 a.m.	Legislative Post Audit	Executive session meeting.
Sept. 9	152-S	<del>10:00 a.m.</del> 9:30 a.m. <b>Note: Time Change</b>	Joint Committee on Energy and Environmental Policy	Air quality issues: EPA Tailoring Rule, EA Transport Rule, and Kansas Smoke Management Plan.
Sept. 9	546-S	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	<b>9th:</b> Corrections presentations relating to JCCJJO statutory duties. <b>10th:</b> Corrections and Juvenile Justice Authority presentations relating to JCCJJO statutory duties.
Sept. 10	546-S	9:00 a.m.		
Sept. 13	548-S	10:00 a.m.	Special Committee on Judiciary	Criminal background checks for potential employees of adult care homes.
Sept. 14	159-S	10:00 a.m.	House Rules and Journal Committee	Briefing on other states' ethics codes.
Sept. 15	On Tour	TBA	Joint Committee on State Building Construction	Tour of Southwest Kansas.
Sept. 16	On Tour			
Sept. 16	548-S	10:00 a.m.	Special Committee on Assessment and Taxation	Final 2010 SGF receipts and FY 2011 receipts through August; overview of Kansas state and local tax structure; and public testimony.
Sept. 17	548-S	9:00 a.m.		
Sept. 20	152-S	TBA	Joint Committee on Administrative Rules and Regulations	Agenda not available.
Sept. 21	152-S			
Sept. 21	548-S	10:00 a.m.	Special Committee on Education	Update on various school finance issues; presentation of school finance proposals.
Sept. 23	546-S	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Sex offender restrictions; discussion of final report.
Sept. 24	152-S	10:00 a.m.	2010 Commission	Updates on Early Learning Coordinating Council and Kansas revenue estimates; summary of school district efficiency audits; and discussion of final report.

Jeffrey M. Russell  
 Director of Legislative  
 Administrative Services

Doc. No. 038703

## State of Kansas

## Board of Technical Professions

## Notice of Meetings

The Kansas State Board of Technical Professions will conduct its Complaint Committee meeting at 2 p.m. Thursday, September 23, and the full board will meet at 10 a.m. Friday, September 24, in Suite 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. All meetings are open to the public. For more information, call (785) 296-3053.

Jean Boline  
Executive Director

Doc. No. 038683

## State of Kansas

## Kansas Turnpike Authority

## Request for Proposals

The Kansas Turnpike Authority seeks requests for proposals from underwriters interested in participating in the sale of Turnpike Revenue Bonds, consisting of tax-exempt bonds to be issued in connection with the refunding of the Authority's Turnpike Revenue Bonds, Series 2002. To access the complete Request for Proposals, please send an e-mail to rkoch@columbiacapital.com or call Rachel Koch at (913) 312-8064. Responses are due not later than 5 p.m. Thursday, September 16.

Carl Compton  
Chief Financial Officer

Doc. No. 038699

## State of Kansas

## Kansas Water Authority

## Notice of Hearing

The Kansas Water Authority will conduct a public hearing at 6:30 p.m. Tuesday, September 28, at the Assaria City Community Center, 315 E. Main St., Assaria, on the draft policy Access to Water Releases from Kanopolis Reservoir. Those citizens who desire to appear at this public hearing should notify the Kansas Water Authority at least seven days prior to the date of the hearing. If time permits, those who have not indicated an appearance in advance will be heard. Comments also may be submitted until 4 p.m. October 8. Notice of appearance and comments should be submitted to the Kansas Water Office, Public Comment, Access to Water Releases from Kanopolis Reservoir Draft Policy, 901 S. Kansas Ave., Topeka, 66612; by e-mail to kwo-comment@kwo.ks.gov; or by fax to (785) 296-0878.

The draft policy is posted on the Kansas Water Office Web site, [www.kwo.org](http://www.kwo.org), under the Access to Water Releases from Kanopolis Reservoir navigation button on the right side of the KWO home page. A copy of the draft policy may be requested by calling (785) 296-3185 or toll free (888) 526-9283 (KAN-WATER). If special accommodations are needed at the hearing site, please contact the Kansas Water Office at least two days in advance of the meeting.

Steve Irsik  
Chairman

Doc. No. 038698

(Published in the Kansas Register September 9, 2010.)

## Workforce Alliance of South Central Kansas

## Request for Proposals

The Workforce Alliance of South Central Kansas is requesting proposals from private entities (bidders) to provide development, maintenance and hosting of its Workforce Center Web site. A copy of the RFP, including specifications, can be found at [www.workforce-ks.com](http://www.workforce-ks.com). For more information, contact Chad Pettera, Workforce Alliance of South Central Kansas, 150 N. Main, Suite 200, Wichita, 67202, (316) 771-6602, or e-mail [chad@workforce-ks.com](mailto:chad@workforce-ks.com). The deadline for submission of proposals is 4:30 p.m. September 27.

Chad Pettera  
Chief Fiscal Officer

Doc. No. 038708

## 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 August 2010. Copies can be obtained by accessing the Policy Information Library located on the Internet at [www.ksrevenue.org](http://www.ksrevenue.org) or by calling the Office of Policy and Research at (785) 296-3081.

## Private Letter Rulings

P-2010-005 Data conversion services.

## Opinion Letters

No new publications

## Final Written Determinations

No new publications

## Revenue Rulings

19-2010-03 Gallonage Tax Remittance not Required when Amount Owed is Less than \$5.

## Notices

10-07 Kansas Estate Tax Repealed for Estates of Decedents Dying on or after January 1, 2010.  
10-08 Sunset of the Kansas Estate Tax "Pick-Up" Tax and "Stand Alone" Estate Tax.

## Memorandums

No new publications

## Property Valuation Division Directives

No new publications

## Q&amp;A's

No new publications

## Information Guides

No new publications

Joan Wagnon  
Secretary of Revenue

Doc. No. 038700

State of Kansas

## Office of the Governor

## Executive Order 10-09

WHEREAS, the 2008 Census reports nearly 16% (15.7% or approximately 440,000) of Kansans report having a disability; and

WHEREAS, Census reports state that 30% of Kansans age 65 and older and 51% of Kansans over the age of 75 report having a disability; and

WHEREAS, approximately 66,000 children participate in special education services in their local schools; and

WHEREAS, the State of Kansas has a long and progressive history of making every effort to meet the needs of its citizens who have disabilities. Beginning in the 1970s, Kansas has been a model of consumer-focused, community-based alternatives for individuals with disabilities ensuring that each person has the opportunity to live in the setting of their choosing; and

WHEREAS, the efforts spearheaded by Kansas government and the Kansas legislature over a number of years have resulted in the development of a statewide network of thousands of provider organizations and individuals committed to the Kansas vision of community and home-based care and support of individuals with disabilities that empower those individuals to live active, independent and fully engaged lives.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Governor's Excellence Awards, to be awarded annually, related to these public health issues, in each of the following categories:

1. An individual direct service professional that currently supports person/s receiving disability services and has demonstrated extraordinary commitment to the provision of high-quality person-centered services.
2. An agency providing services including direct services or self-directed provider support, demonstrating a strong ability to assist individuals to remain in their homes and communities and to achieve self-sufficiency through individualized employment and independent living skills.
3. An individual who has demonstrated a substantial commitment to improving access to or quality of services for Kansans with disabilities, by helping shape public policy or champion system enhancements.

The Secretary of Social and Rehabilitation Services shall take nominations, organize such nominations and then submit them to the Governor of the State of Kansas who shall make the final decision in each category of the Governor's Excellence Awards.

This document shall be filed with the Secretary of State as Executive Order 10-09 and shall become effective immediately.

Dated August 26, 2010.

Mark Parkinson  
Governor  
Attest: Chris Biggs  
Secretary of State

Doc. No. 038686

State of Kansas

## Office of the Governor

## Executive Order 10-10

WHEREAS, individuals with physical, cognitive and mental disabilities are a significant percentage of the Kansas population. It is unacceptable for this group to experience disproportionate unemployment, and it is imperative that Kansas government demonstrate leadership in addressing this problem.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby direct all state agency heads to increase coordination and collaboration across state agencies to provide Kansans with disabilities optimum opportunity to be competitively employed in equal numbers to their peers without disabilities and to help Kansans with disabilities meet the human resource needs of Kansas businesses. State agencies are expected to:

1. Develop a shared vision and mission statement for Kansas that will result in Kansans with disabilities becoming competitively employed in equal numbers to their peers without disabilities and capable of meeting the needs of Kansas businesses.
2. Inventory state plans, strategic plans, and mission and vision statements, to ensure competitive, integrated employment of people with disabilities is encouraged and supported.
3. Identify policies and procedures within agencies that are a disincentive to competitive employment of people with disabilities, and revise these so that they support competitive employment.
4. Implement changes necessary to coordinate employment programs across agencies to maximize the employment of Kansans with disabilities, as well as tap into an under-utilized source of labor.
5. Explore the possibility of implementing new initiatives that will increase the number of Kansans with disabilities who are competitively employed.
6. Identify mechanisms for determining baseline data of how many people with disabilities are currently employed in Kansas, how many become employed, and the fiscal impact of their being employed.
7. Report annually to the Governor the number of employed Kansans with disabilities and the fiscal impact for the State of Kansas.

This document shall be filed with the Secretary of State as Executive Order 10-10, and shall become effective immediately.

Dated August 26, 2010.

Mark Parkinson  
Governor  
Attest: Chris Biggs  
Secretary of State

Doc. No. 038687

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 9-6-10 through 9-12-10

Table with 2 columns: Term, Rate. Rows include 1-89 days (0.19%), 3 months (0.14%), 6 months (0.19%), 1 year (0.30%), 18 months (0.40%), 2 years (0.51%).

Elizabeth B.A. Miller
Director of Investments

Doc. No. 038682

State of Kansas
Office of the Governor
Executive Order 10-11

WHEREAS, all Kansans deserve to live full and meaningful lives without the fear of not knowing where they will find their next meal and should never have to choose between shelter or health care and buying food; and

WHEREAS, food security is defined as access to sufficient amounts of nutritionally adequate and safe foods; and

WHEREAS, the consequences of food insecurity can be far reaching, causing adults who experience food insecurity to have poorer overall health and be more likely to suffer from anxiety and depression. Children who grow up in food insecure households are also more likely to struggle in school and more likely to have health concerns, such as iron deficiency and lowered immune status; and

WHEREAS, Kansans who are food insecure come from many different backgrounds, ethnic groups, and include both the unemployed and the working poor; and

WHEREAS, rates of household food insecurity have been consistently rising over the past decade and the gap between national and Kansas food insecurity rates has continually widened; and

WHEREAS, despite having a robust agricultural economy that provides food for people all over the world, Kansas has the eighth highest percentage of residents who are facing food insecurity and are either cutting back the quantity and quality of food or skipping meals all together; and

WHEREAS, Kansas must remain committed to fighting food insecurity.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Kansas Food Security Task Force ("Task Force") with the following purposes and charges:

- 1. The Task Force shall provide advice and counsel to the Governor on issues that concern food insecurity and hunger in Kansas.

- 2. The Task Force shall act in an advisory capacity and shall do the following:
a. Assess and monitor food insecurity and hunger in Kansas.
b. Review the status of services provided to Kansans who face food insecurity.
c. Advise the Governor on ways to improve the participation of food-insecure families in available nutrition assistance programs.
d. Encourage community-level action to reduce food insecurity and hunger.
e. Identify ways to eliminate the root causes of food insecurity and hunger in Kansas.
3. On an annual basis, the Task Force will submit to the Governor a report that reviews the prior year's accomplishments and Task Force activities, and outline recommendations and priorities for the upcoming year.
4. The Task Force shall be composed of the following:
a. A representative from each of the Kansas state agencies that administer federally sponsored nutrition programs, including the Kansas Department of Social and Rehabilitation Services, the Kansas Department of Health and Environment, the Kansas Department on Aging, and the Kansas State Department of Education.
b. A representative of the Kansas State Research and Extension Services.
c. A representative of a major food bank provider in the State of Kansas.
d. Three representatives of not-for-profit organizations with an expressed interest in reducing hunger.
e. Any other members as determined necessary by the Governor to achieve the purposes of the Task Force as set forth in this Order.
5. The Task Force shall be appointed by the Governor and shall serve at his/her pleasure.
6. The Governor shall designate a Chair to coordinate Task Force activities.
7. The Task Force will meet on the call of the Chair as necessary to carry out the objectives set forth in this Order.
8. Members shall serve without compensation with the exception that expenses incurred in the furtherance of the organizations' mission are allowed to be reimbursed with documentation and prior approval. Approved expenses include mileage reimbursement for travel to Task Force meetings.

This document shall be filed with the Secretary of State as Executive Order 10-11, and shall become effective immediately.

Dated September 1, 2010.

Mark Parkinson
Governor
Attest: Chris Biggs
Secretary of State

Doc. No. 038705

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-10-145/151  
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Ohlde's Dairy Steven Ohlde 1814 9th Road Linn, KS 66953	NW/4 of Section 24, T04S, R03E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-D002 Federal Permit No. KS0093947  
This is a permit modification and reissuance for the expansion of an existing dairy. The applicant is proposing to increase the capacity to 2,750 head of mature dairy cattle and 200 head of replacement dairy heifers weighing less than 700 pounds each, for a total of 3,950 animal units. The current permit is for a capacity of 950 head of mature dairy cattle (1,330 animal units). The expansion will add five freestall barns and an additional wastewater storage basin. The expansion is to be constructed in phases. The first phase will consist of the additional wastewater collection system and storage basin and one freestall barn. The facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Miller Feeders Inc. Ernest H. Miller 128 N. 4th St. Kiowa, KS 67070	SW/4 of Section 04, T35S, R11W, Barber County	Lower Arkansas River Basin

Kansas Permit No. A-ARBA-B001  
This permit is being reissued for an existing facility for 900 head (900 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. The permit contains a modification consisting of the addition of a 1-acre open pen. Runoff from the 1-acre open pen is contained in an existing earthen retention structure.

Name and Address of Applicant	Legal Description	Receiving Water
Becker Family Farms, Inc. Donald Becker 680 E. Road Centralia, KS 66415	N/2 of the NW/4 of Section 02, T05S, R11E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S016  
This permit is being reissued for an existing facility with a maximum capacity of 732 head (292.8 animal units) of swine more than 55

pounds and 960 head (96 animal units) of swine 55 pounds or less, for a total of 388.8 animal units. This represents a decrease in animal units from the previous permit due to a facility change in operations.

Name and Address of Applicant	Legal Description	Receiving Water
Romaine Swanson 4349 S. Kipp Road Gypsum, KS 67448	SW/4 of Section 09, T15S, R01W, Saline County	Smoky Hill River Basin

Kansas Permit No. A-SHSA-B002  
This permit is being reissued for an existing facility with a maximum capacity of 450 head (450 animal units) of beef cattle more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
S & W Swine LLC Dale Springer 5816 CR 3300 Independence, KS 67301	SE/4 of Section 16, T31S, R15E, Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S041  
This permit is being reissued for an existing facility for 1,760 head (704 animal units) of swine weighing more than 55 pounds and 2,050 head (205 animal units) of swine weighing 55 pounds or less, for a total permitted capacity of 3,810 head (909 animal units). There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Wells M-M Dairy Mark G. & Max E. Wells 7051 S. 375th W. Cheney, KS 67025	E/2 of Section 32, T28S, R04W, Sedgwick County	Lower Arkansas River Basin

Kansas Permit No. A-ARSG-M025  
This permit is being reissued for an existing facility for 175 head (245 animal units) of mature dairy cattle. This represents an increase in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
David Delong Feedlot 1285 Road 210 Emporia, KS 66801	NE/4 of Section 25, T18S, R11E, Lyon County	Neosho River Basin

Kansas Permit No. A-NELY-B002  
This permit is being reissued for an existing facility for 950 head (950 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit.

Public Notice No. KS-Q-10-111/112

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
Everest, City of P.O. Box 264 Everest, KS 66424	Grasshopper Creek via Mission Creek via Otter Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS18-OO01 Federal Permit No. KS0027171  
Legal Description: S½, NW¼, SW¼, S29, T4S, R18E, Brown County  
Facility Description: The proposed action consists of reissuance of an existing Kansas/NPDES Water Pollution Control permit for an existing facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and E. coli, as well as monitoring of ammonia, total recoverable copper and zinc, total phosphorus and pH.

(continued)

Name and Address of Applicant	Receiving Stream	Type of Discharge
Koch Agriculture Company 4111 E. 37th St. North Wichita, KS 67220	Smoky Hill River via Former River Channel via Storm Sewer	Process Wastewater

Kansas Permit No. I-SH33-PO12      Federal Permit No. KS0099996

Legal Description: SE¼, SW¼, NW¼, S12, T14S, R2W, Saline County

Facility Description: The proposed action consists of issuance of a new Kansas Water Pollution Control Permit/NPDES permit for a new facility. Groundwater contaminated with volatile organic compounds is pumped from three (3) extraction wells. Sequestrant is added prior to treatment with air strippers for VOC removal. Treated groundwater is discharged via covered manholes to the city of Salina stormwater sewer system. The treated groundwater from one extraction well will continuously discharge via air stripper 1 to Outfall 001A1 at an average rate of 100 gpm. The treated groundwater from the other two extraction wells will be discharged via air stripper 2 at an average rate of 300 gpm to injection wells, but will periodically discharge to Outfall 002A1 during system maintenance. The proposed permit contains limits for total suspended solids, 1,2 dichloroethane, carbon tetrachloride, chloroform and pH, as well as monitoring of color, chloride, nitrate + nitrite, total phosphorus, sulfate, pH and 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 October 9 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-10-145/151, KS-Q-10-111/112) 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. 038701

State of Kansas  
Department of Administration  
Division of Accounts and Reports

Public Notice

Under requirements of K.S.A. 2009 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$10,032,044.79 in the Underground Petroleum Storage Tank Release Trust Fund and \$4,961,128.30 in the Aboveground Petroleum Storage Tank Release Trust Fund at August 31, 2010.

Duane Goossen  
Secretary of Administration

Doc. No. 038704

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:

09/21/2010	0000099	Abandoned Well Plugging — Keith Schill — Stockton Lease, Montgomery County
09/21/2010	0000100	Abandoned Well Plugging — Whiteford Lease — Miami County
09/21/2010	0000101	Abandoned Well Plugging — Stufeican — Weston Lease — Woodson County
09/22/2010	0000102	Furnish/Install Boiler Tubes
09/24/2010	0000104	Furnish/Install Waterline — Perry State Park

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

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

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

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

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

09/22/2010	A-011364	Restoration — Laundry Building, Larned State Hospital, Larned
09/23/2010	A-011395	Reparations — KANG Field Maintenance Shop #7 — Kansas City, Adjutant General's Dept, Topeka
09/23/2010	A-011468	KANG State Defense Building, Joint Forces HQ Server Annex, Adjutant General's Dept, Topeka
09/23/2010	A-011475	Sustainment Improvements — KANG Building 302, Adjutant General's Dept., Topeka

Chris Howe  
Director of Purchases

Doc. No. 038707



(Published in the Kansas Register September 9, 2010.)

## City of Olathe, Kansas

### Notice to Bidders

Sealed bids will be received at the office of the city clerk, City Hall, 100 E. Santa Fe, Olathe, Kansas, until 10 a.m. local time September 23 for the construction of **Santa Fe Street Improvements, Hedge Lane to K-7 Highway, City Project No. 3-C-112-09**. (Note: The roadway construction portion of the project will not be considered until the spring of 2011.) At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

The work consists of the following:

Improvements include street overlay on Santa Fe from Hedge Lane to K-7 Highway. Street overlay includes 2" mill and overlay, replacement of curb and gutter, sidewalk, sidewalk ramps, and concrete drives. Other improvements include pavement marking and sign modifications, traffic signalization at the Santa Fe and Hedge Lane intersection, as well as interconnect work from Hedge Lane to Montclair Drive.

Contract documents including drawings and specifications are on file at the office of the Olathe city engineer and are open for public inspections. Plans and specifications can be seen or purchased online at [www.drexeltech.com](http://www.drexeltech.com) in their eDistribution plan room; additional assistance is available at [distribution@drexeltech.com](mailto:distribution@drexeltech.com). Information regarding this project can be found in the "Public Jobs" on the Web site. Contractors desiring the contract documents for use in preparing bids also may obtain a set of such documents from Drexel Technologies, 10840 W. 86th St., Lenexa, KS 66214, (913) 371-4430, upon payment of \$50 for a full-size or half-size set. A CD or download also is available for \$30, all of which amount is not refundable. Checks shall be made payable to Olsson Associates.

Questions regarding contract documents can be directed to Olsson Associates, (913) 381-1170, or to Therese Mersmann, Olathe Public Works, (913) 971-8752.

The entire name of the project must appear on the outside of the bid envelope submitted to the city clerk's office. A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds. The city of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the city of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

Effective April 24, 2000, all bidders shall submit in writing to the Director of Human Relations an affirmative action program. No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form

should be directed to the city of Olathe Equal Opportunity Office at (913) 971-6694.

City of Olathe, Kansas  
By Tracy Howell  
City Clerk

Doc. No. 038706

## State of Kansas

### Board of Regents Universities

#### Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' Purchasing Offices' Web sites for a listing of all transactions, including construction projects, for which the universities' Purchasing Offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids or proposals.

**Emporia State University** — Bid postings: [www.emporia.edu/busaff/purchasing/vendor-procedures.htm](http://www.emporia.edu/busaff/purchasing/vendor-procedures.htm). Additional contact info: Phone 620-341-5145, fax 620-341-5073, e-mail [thouse@emporia.edu](mailto:thouse@emporia.edu). Mailing address: Emporia State University, Controller's Office/Purchasing, Campus Box 4021, 1200 Commercial, Emporia, KS 66801.

**Fort Hays State University** — Bid postings: [www.fhsu.edu/purchasing/bids](http://www.fhsu.edu/purchasing/bids). Additional contact info: Phone 785-628-4251, fax 785-628-4046, e-mail [purchasing@fhsu.edu](mailto:purchasing@fhsu.edu). Mailing address: Fort Hays State Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

**Kansas State University** — Bid postings: [www.k-state.edu/purchasing/rfq](http://www.k-state.edu/purchasing/rfq). Additional contact info: Phone 785-532-6214, fax 785-532-5577, e-mail [kspurch@k-state.edu](mailto:kspurch@k-state.edu). Mailing address: Controller's Office/Purchasing, 21 Anderson Hall, Kansas State University, Manhattan, KS 66506.

**Pittsburg State University** — Bid postings: [www.pittstate.edu/office/purchasing](http://www.pittstate.edu/office/purchasing). Additional contact info: Phone 620-235-4169, fax 620-235-4166, e-mail [jensch@pittstate.edu](mailto:jensch@pittstate.edu). Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

**University of Kansas** — Electronic bid postings: <http://www.purchasing.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 7, Lawrence, KS 66045. Additional contact info: Phone 785-864-5971, fax 785-864-3454, e-mail [purchasing@ku.edu](mailto:purchasing@ku.edu).

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

**Wichita State University** — Bid Postings: [www.wichita.edu/purchasing](http://www.wichita.edu/purchasing). Additional contact info: Phone 316-978-3030, fax 316-978-3528. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 12, Wichita, KS 67260-0012.

Barry Swanson  
Chair of Regents Purchasing Group  
Director of Purchasing  
and Strategic Sourcing  
University of Kansas

Doc. No. 038494

(Published in the Kansas Register September 9, 2010.)

## City of Caldwell, Kansas

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

Notice is hereby given that the city of Caldwell, 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 \$222,109. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated August 31, 2010.

Casie S. Risley  
City Clerk

Doc. No. 038697

## State of Kansas

### Kansas Development Finance Authority

#### Notice of Hearing

A public hearing will be conducted by the Kansas Development Finance Authority at 9 a.m. Thursday, September 23, in the conference room in the offices of the KDFA, 555 S. Kansas Ave., Suite 202, Topeka, regarding the issuance of its Revenue Bonds (Lifespace Communities, Inc.), Series 2010, consisting of one or more series, which may be tax-exempt or taxable, in an aggregate principal amount not to exceed \$32,700,000. The proceeds of the bonds will be loaned to Lifespace Communities, Inc., an Iowa nonprofit corporation (the corporation), to be used (a) to pay or reimburse the corporation for the costs of acquiring, constructing, improving, renovating and equipping the life care retirement community facilities listed below (the projects); (b) to refund and refinance certain indebtedness incurred to acquire, construct, improve, renovate and equip the Florida facility listed below; (c) to fund a debt service reserve for the bonds; and (d) to pay certain expenses incurred in connection with the issuance of the bonds.

The owner and/or operator, general functional description and the location of each retirement facility being financed or refinanced with the proceeds of the bonds and the estimated maximum aggregate principal amount of bonds to be issued with respect to each facility are listed below.

#### I. Kansas Facility

Facility known as Claridge Court owned by the city of Prairie Village, Kansas, and leased to and operated by the corporation, located at 8101 Mission Road, Prairie Village, Kansas, and including 135 independent living apartments and a 35-bed health center. The Claridge Court Project is expected to include a health center addition for 10 private rooms and remodeling of the wellness center and the dining venue — \$6,500,000.

#### II. Florida Facility

Facility known as Village on the Green owned and operated by the corporation, located at 500 Village Place, Longwood, Florida, and including 244 independent living apartments and villas and 60 skilled nursing beds. The Village on the Green Project is expected to include remodeling of the health center — \$11,900,000.

#### III. Minnesota Facility

Facility known as Friendship Village of Bloomington owned and operated by the corporation, located at 8100 Highwood Drive, Bloomington, Minnesota, and including 295 independent living apartments, 12 town homes, 66 skilled nursing beds and a 53-bed boarding care center. The Friendship Village of Bloomington Project is expected to include remodeling of the wellness center and construction of a new parking ramp — \$8,300,000.

#### IV. Pennsylvania Facility

Facility known as Friendship Village of South Hills owned and operated by the corporation, located at 1290 Boyce Road, Upper St. Clair, Pennsylvania, and including 282 independent living apartments, 20 Carriage Homes and 89 skilled nursing beds. The Friendship Village of South Hills Project is expected to include remodeling of the health center — \$6,000,000.

The bonds shall not be deemed to constitute a debt or liability of the state of Kansas or of any political subdivision thereof other than the KDFA or a pledge of the full faith and credit of the state of Kansas or of any such political subdivision other than the KDFA, and neither the state of Kansas, nor any political subdivision thereof, will be liable on the bonds nor will the bonds be payable out of any funds other than those pledged and assigned under a loan agreement between the KDFA and the corporation. The issuance of the bonds shall not, directly, indirectly or contingently, obligate the state or any political subdivision thereof to levy any form of taxation therefor or to make any appropriation for the payment thereof.

This public hearing does not impose any liability on the KDFA or the state of Kansas but is an accommodation by the KDFA to satisfy the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposed financing of the projects described above, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the projects described above may be obtained by contacting the KDFA.

Steven R. Weatherford  
President

Doc. No. 038709

**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 221 and 222—Non-Standard Span Bridge Design and Standard Span Bridge Design, for 45 bridge projects listed below. A pdf of the response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses shall be limited to four pages, the subject line of the e-mail must read "FY14-FY15 Bridge Projects Letter of Interest," and must be received by noon September 30 for the consulting engineering firm or team to be considered.

The Consultant Shortlist Committee will select several of the most highly qualified firms expressing interest and

schedule an individual interview. The consulting firms can more thoroughly discuss their experience related to their qualifications, experience and preference of project(s) at the interview, and will be expected to discuss their approach to general project(s) design work, available schedule and the personnel to be assigned to the project(s). Firms not selected to be short-listed will be notified. Categories may be viewed at [www.ksdot.org/divengdes/prequal](http://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 several firm(s) based on qualifications to perform the professional services required for completing the advertised projects. After the selection, the firm(s) not selected will be notified of the outcome.

Project #	Route	CO	Location	Feature Intersected	FY
KA-2100-01	I 435	46	1.75 MI W OF STATE LINE	I435 HWY	2015
KA-2089-01	K 4	89	8.90 MI NE WABAUNSEE COLN	BLACKSMITH CREEK	2014
KA-2107-01	I 70	89	0.13 MI E US40	DEER CREEK	2015
KA-2064-01	U 24	44	3.71 MI EAST OF US-59 JCT	KANSAS RIVER DRAINAGE	2014
KA-2076-01	K 170	70	3.52 MI E LYON COLN	CHERRY CREEK	2014
KA-2077-01	K 268	70	4.77 MI E US75	ABANDONED MOPAC RR	2014
KA-2092-01	U 73	105	1.77 MILES N US-24	PIPER CREEK	2014
KA-2093-01	I 635	105	1.43 MILES N I-35	I-635 HIGHWAY	2014
KA-2054-01	K 20	7	3.95 MI NE EJCT US73	SOUTH FORK WOLF RIVER	2014
KA-2103-01	K 87	58	0.17 MI N K9	BLACK VERMILLION DRG	2015
KA-2103-01	K 87	58	0.57 MI N K9	BLACK VERMILLION DRG	2015
KA-2070-01	K 99	58	2.30 MI NE US36	WOLF CREEK	2014
KA-2080-01	U 24	75	1.05 M E BROADWAY(BELVUE)	DEEP CREEK DRAINAGE	2014
KA-2081-01	U 24	75	0.54 MI E K63	COLLEGE CREEK	2014
KA-2102-01	U 77	58	0.97 MI N RILEY COLN	SWEDE CREEK	2015
KA-1772-01	U 59	1	2.65 MI. N. K-39 E. JCT.	CANVILLE CREEK	2014
KA-2052-01	K 31	6	2.96 MI E EJCT K7	CLEVER CREEK	2014
KA-2053-01	K 39	6	0.47 MI E EJCT K3	PAINT CREEK	2014
KA-2053-01	K 39	6	1.18 MI E NEOSHO COLN	FLAT ROCK CREEK	2014
KA-2056-01	K 58	16	0.45 MI E GREENWOOD CL	DINNER CREEK	2014
KA-2114-01	K 3	6	3.29 MI N WJCT K39	HINTON CREEK	2015
KA-2075-01	K 39	67	0.44 MI E SJCT US169	NEOSHO RIVER DRAINAGE	2014
KA-2096-01	K 126	19	1.16 MI W K7	LIMESTONE CREEK	2015
KA-2096-01	K 126	19	6.00 MI W K7	LIGHTNING CREEK	2015
KA-2068-01	K 7	54	5.93 MI N NJCT K52	BIG SUGAR CREEK DRG	2014
KA-2094-01	U 59	2	3.17 MI N NJCT K31	POTTAWATOMIE CREEK	2015
KA-2058-01	U 77	21	0.33 MI N US56-US56BS	MOPAC RAILROAD	2014
KA-2071-01	K 260	59	1.53 MI W SJCT I135	BLACK KETTLE CREEK	2014
KA-2072-01	K 181	62	0.90 MI NW LINCOLN COLN	BACON CREEK	2014
KA-2079-01	K 106	72	5.23 MI N K18	SALT CREEK DRAINAGE	2014
KA-2084-01	U 36	79	0.78 MI E K199	BEAVER CREEK	2014
KA-2060-01	K 99	25	2.10 MI N CHAUTAQUA COLN	S FK WILDCAT CREEK	2014
KA-2057-01	K 15	18	1.75 MI N US166	CRABB CREEK	2014
KA-2057-01	K 15	18	0.55 MI N US166	LITTLE CRABB CREEK	2014
KA-2063-01	K 2	39	6.24 MI E BARBER COLN	CAMP CREEK	2014
KA-2095-01	U 77	18	0.74 MI N US160	TIMBER CREEK	2015
KA-2051-01	U 56	5	5.79 MI E K156	ARKANSAS RIVER DRG	2014
KA-2061-01	K 94	29	2.11 MI S US54	W F RATTLESNAKE CR	2014
KA-2062-01	U 50	38	4.42 MI E COLO. STATE LN	WEST BRIDGE CREEK	2014
KA-2083-01	K 61	78	2.29 MI N OF E JCT OF 50	COW CREEK DRAINAGE	2014
KA-2091-01	K 27	100	0.87MI N GREELEY CO LINE	S FORK LADDER CREEK	2014
KA-2108-01	U 83	97	6.61MI N JT I70	S FORK SOLOMON RIVER	2015
KA-2109-01	U 83	97	1.05 MI N LOGAN COLNNE	S FORK SALINE RIVER	2015
KA-2110-01	U 83	97	3.56MI N LOGAN CO LINE	N FORK SALINE RIVER	2015
KA-2082-01	K 42	76	3.91 MI E OF US-281	SAND CREEK	2014

(continued)

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(s).
4. Work load of firm.
5. Firm's performance record.

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

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

For more information, contact David Nagy.

Deb Miller  
Secretary of Transportation

Doc. No. 038693

(Published in the Kansas Register September 9, 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, October 8, for the following project:

**(KDOT Project No. 87N-0354-01/472-84577/207435)  
(OCA Code 706969/636819)**

#### Paving

Harry & Rock Intersection (KDOT)

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. 038694

## State of Kansas

### Department of Transportation

#### Notice to Consulting Engineers

The Kansas Department of Transportation is seeking a qualified consulting engineering firm, which must be pre-qualified in all of the following categories—321, 322 and 325, for the project listed below. A pdf of the response must be e-mailed to David J. Nagy, P.E., Assistant to the Bureau Chief of Design/Contracts Engineer, at DavidN@ksdot.org. Interest responses shall be limited to four pages, the subject line of the e-mail must read "BLP Bridge Inspection Engineering Management Services Letter of Interest," and must be received by noon September 23 for the consulting engineering firm or team to be considered.

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

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

#### 106 C-4505-02 Statewide

The selected firm will assist the Bureau of Local Projects bridge engineer in managing the six teams currently under contract with KDOT to complete inspections of fracture critical bridges and scour assessments for bridges owned by local public authorities statewide. Each of the six teams is assigned to one of the KDOT districts. Under Phase 1, the teams collected data to identify all fracture critical bridges, the equipment and the resources required to inspect the bridges. Also, as part of the study, all bridges crossing water features were evaluated for scour potential and recommendations on scour assessments, and plans of action were made. Phase 2 will begin the implementation of the recommendations from Phase 1. The selected firm will organize the data collected in Phase 1 and present it in a GIS format. The selected firm will work with the six teams to coordinate Phase 2 to assure that the tasks are performed using consistent and approved methods statewide. They will work with the BLP bridge engineer and the project managers of the six teams to prioritize the work to be performed.

This project is a four-year effort to update all "Special Inspections" and the scour assessments on all 20,000 LPA bridges in Kansas. In years 3 and 4, load rating may be added to the scope of work for the six teams. The selected firm may assist in setting priorities and evaluating methods used to perform the load ratings.

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; and
5. firm's performance record.

In addition to the above criteria, familiarity with the current project also will be considered.

Deb Miller  
Secretary of Transportation

Doc. No. 038702

(Published in the Kansas Register September 9, 2010.)

## Federal Emergency Management Agency

### Public Notice FEMA-1932-DR-KS

The Department of Homeland Security, Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse state and local governments and agencies, and eligible private nonprofit organizations, for eligible costs incurred to repair and/or replace facilities damaged by severe storms, flooding and tornadoes occurring from June 7 to July 21, 2010. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC §§ 5121-5206, as amended.

Under a major disaster declaration (FEMA-1932-DR-KS) signed by the President on August 10, 2010, the following counties in the state of Kansas have been designated adversely affected by the disaster and are eligible for PA only: Atchison, Brown, Butler, Chase, Clay, Cloud, Comanche, Doniphan, Ellis, Franklin, Greenwood, Harvey, Jewell, Kiowa, Lyon, Marion, Marshall, Miami, Mitchell, Morris, Norton, Osage, Osborne, Pawnee, Phillips, Pottawatomie, Republic, Riley, Rooks, Rush, Smith, Wabaunsee, Washington and Woodson. Additional counties may be designated at a later date. All counties in the state of Kansas are eligible for HMGP.

This public notice concerns public assistance activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain (areas determined to have a 1 percent probability of flooding in any given year), and critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Such activities may include restoring facilities located in a floodplain with eligible damage to pre-disaster condition. Examples of such activities include, but are not limited to, the following:

1. Non-emergency debris removal and disposal;
2. Non-emergency protective measures;
3. Repair/replacement of roads, including streets, culverts, and bridges;
4. Repair/replacement of public dams, reservoirs and channels;
5. Repair/replacement of public buildings and related equipment;

6. Repair/replacement of public water control facilities, pipes and distribution systems;
7. Repair/replacement of public utilities, including sewage treatment plants, sewers and electrical power distribution systems; and
8. Repair/replacement of eligible private, nonprofit facilities (hospitals, educational centers, emergency and custodial care services, etc.).

The President's Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands, requires that all federal actions in or affecting the 100-year floodplain or wetland areas be reviewed for opportunities to move the facility out of the floodplain or wetland and to reduce the risk of future damage or loss from flooding and minimize harms to wetlands. However, FEMA has determined that, in certain situations, there are no alternatives to restoring an eligible facility located in the floodplain to its pre-disaster condition. These situations meet all of the following criteria:

1. The FEMA estimated cost of repairs is less than 50 percent of the estimated cost to replace the facility and the replacement cost of the facility is less than \$100,000.
2. The facility is not located in a floodway or coastal high hazard area.
3. The facility has not sustained structural damage in a previous presidentially declared flood disaster or emergency.
4. The facility is not defined as critical (e.g., hospital, generating plant, contains dangerous materials, emergency operation center, etc.).

FEMA will provide assistance to restore the facilities described above to their predisaster condition except when measures to mitigate the effects of future flooding may be incorporated into the restoration work. For example, insufficient waterway openings under culverts and bridges may cause water backup to wash out the structures. The water backup could wash out the facility and could damage other facilities in the area. Increasing the size of the waterway opening would mitigate, or lessen, the potential for this damage. Additional examples of mitigation measures include providing erosion protection at bridge abutments or levees, and extending entrance tubes on sewage lift stations.

Disaster assistance projects to restore facilities, which do not meet the criteria listed above, must undergo a detailed review. The review will include a study to determine if the facility can be moved out of the floodplain. The public is invited to participate in the review. The public may identify alternatives for restoring the facility and may participate in analyzing the impact of the alternatives on the facility and the floodplain. An address and phone number for obtaining information about specific assistance projects is provided at the end of this notice. The final determination regarding the restoration of these facilities in a floodplain will be announced in future public notices.

Due to the urgent need for and/or use of the certain facilities in a floodplain, actions to restore the facility may have started before the federal inspector visits the site.

*(continued)*

Some of these facilities may meet the criteria for a detailed review to determine if they should be relocated. Generally, facilities may be restored in their original location where at least one of the following conditions applies:

1. The facility, such as a flood control device or bridge, is functionally dependent on its floodplain location.
2. The facilities, such as a park or other open-use space, already represent sound floodplain management and, therefore, there is no need to change it.
3. The facility, such as a road or a utility, is an integral part of a larger network that could not be relocated economically.
4. Emergency action is needed to address a threat to public health and safety.

The effects of not relocating the facilities will be examined. In each case, the examination must show an overriding public need for the facility at its original location that clearly outweighed the requirements in the Executive Order to relocate the facility out of the floodplain. FEMA will also consult state and local officials to make certain that no actions taken will violate either state or local floodplain protection standards. The restoration of these facilities may also incorporate certain measures designed to mitigate the effects of future flooding. This will be the only notice to the public concerning these facilities.

FEMA also intends to provide Hazard Mitigation Grant Program (HMGP) funding under Section 404 of the Stafford Act to the state of Kansas for the purposes of mitigating future disaster damages. Hazard mitigation projects may involve the construction of a new facility (e.g., retention pond or debris dam), modification of an existing undamaged facility (e.g., improving waterway openings of bridges or culverts), and the relocation of facilities out of the floodplain. Subsequent notices will provide more specific information as project proposals are developed.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts or objects 50 years or older or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

Information about assistance projects may be obtained by submitting a written request to the Regional Administrator, DHS-FEMA Region VII, 9221 Ward Parkway, Suite 300, Kansas City, MO 64114-3372. The information may also be obtained by calling (816) 283-7060 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Comments should be sent in writing to the Regional Administrator, at the above address, within 15 days of the date of publication of this notice.

Amanda Bicknell  
FEMA External Affairs

Doc. No. 038692

## State of Kansas

### Animal Health Department

#### Permanent Administrative Regulations

#### Article 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 18 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 19 months of age or older, and bulls of unknown status shall be certified negative for *Tritrichomonas foetus*. 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 the "InPouch TF" microscopic examination testing is conducted; or

(ii) be found negative on one real-time polymerase chain reaction (PCR) test. The owner shall certify that the bull has had at least two weeks of sexual rest before the time the sample is collected. This statement shall be recorded on or attached to the certificate of veterinary inspection.

The tests specified in paragraphs (c)(3)(B)(i) and (ii) shall be conducted within 30 days before the tested animal's entry into Kansas, and the producer shall ensure that no female contact occurs following the first qualifying test.

(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; amended Sept. 24, 2010.)

#### Article 27.—REPORTABLE DISEASES

**9-27-1. Designation of infectious or contagious diseases.** The following diseases shall be designated as reportable infectious or contagious animal diseases and shall be reported in accordance with K.S.A. 47-622, and amendments thereto:

- (a) Anthrax;
- (b) all species of brucellosis;
- (c) equine infectious anemia;
- (d) classical swine fever, which is also known as hog cholera;
- (e) pseudorabies;
- (f) psoroptic mange;
- (g) rabies;
- (h) tuberculosis;
- (i) vesicular stomatitis;
- (j) avian influenza;
- (k) pullorum;
- (l) fowl typhoid;
- (m) psittacosis;
- (n) viscerotropic velogenic Newcastle disease, which is also known as exotic Newcastle disease;
- (o) foot and mouth disease;
- (p) rinderpest;

- (q) African swine fever;
- (r) piroplasmiasis;
- (s) vesicular exanthema;
- (t) Johne's disease;
- (u) scabies;
- (v) scrapie;
- (w) bovine leukosis;
- (x) other diseases that the livestock commissioner determines to be immediately reportable due to an animal health emergency situation; and
- (y) trichomoniasis. (Authorized by K.S.A. 47-610 and 47-1832; implementing K.S.A. 47-610 and 47-622; effective Jan. 23, 1998; amended Sept. 24, 2010.)

William Brown, DVM  
Kansas Livestock Commissioner

Doc. No. 038696

#### State of Kansas

### Kansas Insurance Department

#### Permanent Administrative Regulations

#### Article 3.—FIRE AND CASUALTY INSURANCE

**40-3-43. Title insurance; controlled business; definitions; requirements.** (a) For purposes of K.S.A. 40-2404(14)(f) through (i) and amendments thereto, the following terms shall have the meanings specified in this subsection:

(1) "Closed title order" shall mean an order for which a policy or policies of title insurance have actually been issued.

(2) "Controlled business" shall mean any portion of a title insurer's or title agent's business in this state that was referred by any producer of title business if the producer of title business with a financial interest in the title insurer or title agent to which the business is referred initiates the referral.

(3) "Title insurance order" shall mean an order for an owner's title insurance policy or an order for a loan policy of title insurance, or both. Each pair of orders for an owner's title insurance policy and a loan policy of title insurance to be issued simultaneously for the same real estate transaction shall constitute one order. The policies of title insurance issued under this transaction shall constitute one closed title order only if both policies are issued by the same title insurer or title agency.

(b) Each title agent shall keep all records of escrow operations and escrow trust accounts for at least three years. (Authorized by K.S.A. 40-103, K.S.A. 40-1140, and K.S.A. 2009 Supp. 40-2404; implementing K.S.A. 40-1138 and K.S.A. 2009 Supp. 40-2404; effective, T-40-7-27-89, July 27, 1989; effective Sept. 11, 1989; amended March 10, 2006; amended Sept. 24, 2010.)

Sandy Praeger  
Kansas Insurance Commissioner

Doc. No. 038685

## State of Kansas

**Department of Agriculture  
Division of Water Resources**

**Temporary Administrative  
Regulations**

**Article 3.—APPROPRIATION RIGHTS**

**5-3-23. Maximum reasonable annual quantity approvable for irrigation use for an application for change in place of use and a request to reduce a water right; exceptions.** (a) Except as provided in subsections (c), (d), and (e), for water rights with a priority date before September 22, 2000, the maximum reasonable annual quantity of water that may be approved for either of the following shall be that quantity of water reasonably necessary to irrigate crops in the region of the state where the proposed place of use is located as specified in K.A.R. 5-3-19(a):

(1) An application for change in place of use for irrigation filed pursuant to K.S.A. 82a-708b and amendments thereto; or

(2) a request to reduce the authorized place of use for irrigation for a water right filed pursuant to K.A.R. 5-7-5.

(b) Except as provided in subsections (c), (d), and (e), for water rights with a priority date on or after September 22, 2000, the maximum reasonable annual quantity of water that may be approved for either of the following shall be that quantity of water reasonably necessary to irrigate crops in the region of the state where the proposed place of use is located as specified in K.A.R. 5-3-19(b):

(1) An application for change in place of use for irrigation filed pursuant to K.S.A. 82a-708b and amendments thereto; or

(2) a request to reduce the authorized place of use for a water right filed pursuant to K.A.R. 5-7-5.

(c) The maximum reasonable quantities approvable in subsections (a) and (b) shall not exceed either of the following:

(1) The applicable quantity specified in either subsection (a) or (b); or

(2) the maximum quantity of acre-feet per acre authorized by the vested water right or certificate of appropriation, whichever is greater. The maximum authorized quantity of acre-feet per acre shall be calculated by dividing the maximum annual quantity of water authorized when the application for change or request to reduce is filed by the number of acres authorized when the application for change is filed.

(d) The quantities specified in subsections (a), (b), and (c) may be exceeded only if the applicant demonstrates to the chief engineer that the requested quantity is reasonable for the intended irrigation use, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest and if either of the following conditions is met:

(1) Because of specialty crops or other unusual conditions, the quantity specified in K.A.R. 5-3-19(a) is insufficient.

(2) A request for reduction of the authorized place of use is made for a water right located in both the Rattle-

snake Creek Subbasin and the Big Bend Groundwater Management District Number Five to comply with the agriculture water enhancement program and both of the following conditions are met:

(A) The reduction of the authorized place of use will lead to an overall reduction in water use.

(B) The reduction of the authorized place of use pursuant to paragraph (d)(2) requires the approval of any future reduction or change to a water right so reduced to meet the requirements in subsections (a), (b), (c), and (e) of this regulation and in K.A.R. 5-5-11.

(e) The maximum annual quantity of water approved pursuant to this regulation shall not exceed the maximum annual quantity of water authorized by the water right when the change application is approved. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 2009 Supp. 82a-707(e) and K.S.A. 2009 Supp. 82a-708b; effective Sept. 22, 2000; amended, T-5-8-16-10, Aug. 16, 2010.)

David W. Barfield, P.E.  
Chief Engineer  
Division of Water Resources

Doc. No. 038689

## State of Kansas

**Board of Indigents' Defense Services**

**Temporary Administrative  
Regulations**

**Article 4.—ENTITLEMENT TO LEGAL  
REPRESENTATION**

**105-4-1. Determination of eligibility.** (a) At the commencement of proceedings against any defendant, the defendant may apply for legal representation at state expense by submitting, to the court, an affidavit of indigency on a form provided by the board. The court shall determine if the defendant is indigent, based upon consideration of the following factors, as defined in K.A.R. 105-4-2:

- (1) The defendant's liquid assets;
- (2) the defendant's household income;
- (3) either the defendant's actual, reasonable, and necessary expenses incurred to support the defendant's household or the most current federal poverty guidelines, as published by the U.S. department of health and human services, for the defendant's family unit;
- (4) the anticipated cost of private legal representation; and
- (5) any transfer of property by the defendant without adequate monetary consideration after the date of the alleged commission of the offense.

(b) An eligible indigent defendant shall mean a person whose combined household income and liquid assets equal less than the most current federal poverty guidelines, as published by the U.S. department of health and human services, for the defendant's family unit.

(c) The court may also consider any special circumstances affecting the defendant's eligibility for legal representation at state expense.

(d) If the court determines that the defendant is financially able to employ counsel after counsel has been ap-



pointed, the court shall require the defendant to reimburse the board in accordance with the provisions of K.S.A. 22-4510, and amendments thereto, for all or part of the expenditures made on the defendant's behalf. (Authorized by K.S.A. 22-4504 and K.S.A. 22-4522; implementing K.S.A. 22-4504 and K.S.A. 22-4510; effective May 1, 1984; amended, T-105-10-3-05, Oct. 3, 2005; amended Feb. 17, 2006; amended, T-105-8-16-10, Aug. 16, 2010.)

#### Article 5.—ATTORNEY COMPENSATION

**105-5-2. Rates of compensation.** (a) Each assigned counsel shall be compensated at the rate of \$62 per hour.

(b) Contract counsel shall be compensated at the rate or rates specified in the contract between the board and the assigned counsel. (Authorized by and implementing K.S.A. 22-4507 and 22-4522; effective May 1, 1984; amended May 1, 1988; amended, T-105-6-13-88, July 1, 1988; amended Oct. 31, 1988; amended July 1, 1993; amended, T-105-6-15-93, July 1, 1993; amended Aug. 16, 1993; amended March 28, 1994; amended Aug. 20, 1999; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-8-16-10, Aug. 16, 2010.)

**105-5-3. Appellate courts; compensation.** (a) For services performed in appealing a case to the court of appeals or the Kansas supreme court, compensation shall be at the rate prescribed in K.A.R. 105-5-2.

(b) Compensation for attorneys' services in cases appealed to the Kansas supreme court or the court of appeals shall not exceed \$1,240. However, additional compensation may be approved by the board. (Authorized by and implementing K.S.A. 22-4507 and 22-4522; effective May 1, 1984; amended May 1, 1985; amended Aug. 20, 1999; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-8-16-10, Aug. 16, 2010.)

**105-5-6. Reasonable compensation; non-tried cases.** (a) Each appointed and assigned attorney shall be compensated for time expended in representing indigent defendants and other indigent persons at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, reasonable compensation shall not exceed \$1,240 in the following cases:

(1) Those felony cases in the trial court that are classified as non-drug offenses of severity levels 1 through 5 that are not submitted to a judge or jury, including services at a preliminary hearing and sentencing, if applicable; and

(2) those felony cases in the trial court that are classified as drug offenses, that have not been submitted to a judge or jury, and in which there have been six hours or more spent in court in defense of the indigent defendant, including services at a preliminary hearing and sentencing, if applicable.

(b) Except as provided in K.A.R. 105-5-8 and K.A.R. 105-5-6(a), reasonable compensation shall not exceed \$930 in the following cases:

(1) Those felony cases in the trial court that are not submitted to a judge or jury, including services at a preliminary hearing and sentencing, if applicable, and are classified as severity levels 6 through 10 non-drug offenses; and

(2) those felony cases in the trial court that are not submitted to a judge or jury, that are classified as drug offenses, and in which there have been fewer than six hours spent in court in defense of the indigent defendant, including services at a preliminary hearing and sentencing, if applicable.

(c) Except as provided in K.A.R. 105-5-8, K.A.R. 105-5-6(a), and K.A.R. 105-5-6(b), reasonable compensation shall not exceed \$620 in the following types of cases:

(1) Habeas corpus cases as authorized by K.S.A. 22-4503 and K.S.A. 22-4506 and amendments thereto;

(2) cases filed pursuant to K.S.A. 60-1507 and K.S.A. 22-4506 and amendments thereto;

(3) habeas corpus cases as authorized by K.S.A. 22-2710 and amendments thereto;

(4) habeas corpus cases as authorized by K.S.A. 22-3428 and K.S.A. 22-3428a and amendments thereto; and

(5) habeas corpus cases as authorized by K.S.A. 59-2965 and amendments thereto.

(d) Except as provided in K.A.R. 105-5-8, reasonable compensation shall not exceed \$320 \$248 in the following types of cases:

(1) Representation of grand jury witnesses determined to be indigent and called to testify pursuant to K.S.A. 22-3009 and amendments thereto;

(2) representation of indigent persons committed to custody as material witnesses pursuant to K.S.A. 22-2805 and amendments thereto;

(3) probation revocation hearings; and

(4) motions to modify sentence pursuant to K.S.A. 21-4603 and amendments thereto. (Authorized by and implementing K.S.A. 22-4507 and 22-4522; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989; amended July 1, 1993; amended, T-105-6-15-93, July 1, 1993; amended Aug. 16, 1993; amended Aug. 20, 1999; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-8-16-10, Aug. 16, 2010.)

#### **105-5-7. Reasonable compensation; tried cases.**

Each appointed and assigned attorney shall be compensated for time expended in representing indigent defendants at the hourly rate prescribed in K.A.R. 105-5-2. Except as provided in K.A.R. 105-5-8, reasonable compensation for felony cases tried on pleas of not guilty and submitted to a judge or jury for adjudication, including compensation for services at the preliminary hearing, sentencing, and motions to modify the sentence, shall not exceed the following:

(a) \$1,860 for felonies classified as non-drug offenses of severity levels 5 through 10;

(b) \$2,480 for felonies classified as non-drug offenses of severity level 4 and felonies classified as drug offenses of severity levels 2 through 4; and

(c) \$6,200 for felonies classified as non-drug offenses of severity levels 1 through 3, off-grid felonies, and felonies classified as drug offenses of severity level 1. (Authorized by and implementing K.S.A. 22-4507 and 22-4522; effective May 1, 1984; amended, T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989; amended

*(continued)*

July 1, 1993; amended, T-105-6-15-93, July 1, 1993; amended Aug. 16, 1993; amended Aug. 20, 1999; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-8-16-10, Aug. 16, 2010.)

**105-5-8. Compensation; exceptional cases.** (a) Any compensation for attorneys' services in excess of the amounts set out in K.A.R. 105-5-6 and K.A.R. 105-5-7 may be approved only in exceptional cases. A finding by the court that a case is exceptional shall be subject to final approval by the board. An exceptional case shall mean any of the following:

(1) Any case involving a felony charge in the trial court that does not appear on the sentencing range grid;

(2) any felony case tried on a not guilty plea in which there have been 25 or more hours spent in court in defense of the indigent defendant;

(3) any felony case not submitted to a judge or jury in which there have been 10 hours or more of in-court time spent in defense of the indigent defendant; or

(4) any case that has been declared an exceptional case by the court due to its complexity or other significant characteristics.

(b) Each claim for compensation in an exceptional case shall be accompanied by a specific finding in a court order setting forth the basis for the declaration that the case is exceptional.

(c) Reasonable compensation for attorneys' services in exceptional cases shall not exceed \$6,200 per case. However, additional compensation may be approved by the board if warranted by the extreme complexity of the case. (Authorized by and implementing K.S.A. 22-4507 and 22-4522; effective May 1, 1984; amended, T-105-6-13-88, July 1, 1988; amended Nov. 1, 1988; amended Oct. 30, 1989; amended July 1, 1993; amended, T-105-6-15-93, July 1, 1993; amended Aug. 16, 1993; amended Aug. 20, 1999; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-8-16-10, Aug. 16, 2010.)

#### Article 11.—REIMBURSEMENT FROM DEFENDANT

**105-11-1. Defendant reimbursement of attorney fees.** The document titled "attorney cost reimbursement tables: assigned counsel and public defender," as revised by the state board of indigents' defense services on June 11, 2010, is hereby adopted by reference. (Authorized by K.S.A. 22-4504; implementing K.S.A. 22-4522 (e); effective, T-105-10-3-05, Oct. 3, 2005; effective Feb. 17, 2006; amended, T-105-7-5-06, July 5, 2006; amended Nov. 13, 2006; amended, T-105-7-26-07, July 26, 2007; amended Nov. 26, 2007; amended, T-105-8-12-08, Aug. 12, 2008; amended Dec. 20, 2008; amended, T-105-6-26-09, June 26, 2009; amended Oct. 16, 2009; amended, T-105-8-16-10, Aug. 16, 2010.)

Patricia A. Scalia  
Executive Director

Doc. No. 038691

#### State of Kansas

### State Employees Health Care Commission Kansas Health Policy Authority

#### Temporary Administrative Regulations

#### Article 1.—ELEGIBILITY REQUIREMENTS

##### 108-1-1. Eligibility. (a) General definitions.

(1) "Commission" means the Kansas state employees health care commission.

(2) "Health care benefits program" means the state of Kansas health care benefits program established by the commission.

(3) "Permanent and total disability" means that an individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of at least 12 months. An individual shall not be considered to have a permanent and total disability unless that person furnishes proof of the permanent and total disability in the form and manner, and at the times, that the health care benefits program may require.

(b) Active participants. Subject to the provisions of subsection (c), the classes of persons eligible to participate as active participants in the health care benefits program shall be the following classes of persons:

(1) Any elected official of the state;

(2) any other officer or employee of a state agency who meets both of the following conditions:

(A) Is working in one or more positions that together require at least 1,000 hours of work per year; and

(B) is in a position that is not temporary. An employee who works under employment customs at any regents institution requiring less than a full calendar year of service shall not be considered temporary;

(3) any person engaged in a postgraduate residency training program in medicine at the university of Kansas medical center or in a postgraduate residency or internship training program in veterinary medicine at Kansas state university, but not including student employees of a state institution of higher learning;

(4) any person elected to a board position that requires less than 1,000 hours of work per year;

(5) any person serving with the foster grandparent program;

(6) any person participating under a phased retirement agreement outlined in K.S.A. 76-746, and amendments thereto; and

(7) any other class of individuals approved by the Kansas state employees health care commission, within the limitations set out in K.S.A. 75-6501 et seq., and amendments thereto.

(c) Waiting period.

(1) Each person who is within a class listed in paragraph (b)(1), (b)(2), (b)(3), (b)(4), or (b)(5) shall become eligible for enrollment in the health care benefits program following completion of a 30-day waiting period beginning with the first day of work for the state of Kansas. Each person shall have 31 days after becoming eligible to elect coverage.

(2) The waiting period established in paragraph (c)(1) shall not apply if all of the following conditions are met:

(A) The person is returning to work for the state of Kansas or is transferring from a position that was eligible for coverage under K.A.R. 108-1-3 or K.A.R. 108-1-4.

(B) Immediately before leaving the prior position, the person was enrolled in the health care benefits program.

(C) The break in service between the prior position and the new position does not exceed the following time periods:

(i) 30 or fewer calendar days; or

(ii) 365 or fewer calendar days, if the person was laid off, as defined in K.S.A. 75-2948 and amendments thereto.

(3) The waiting period established in paragraph (c)(1) shall not apply to any person who, on that person's first day of work for the state, is enrolled in the health care benefits program on any of the following bases:

(A) As a direct bill participant;

(B) under the continuation of benefits coverage provided under public law 99-272, as amended; or

(C) as a dependent of a participant in the health care benefits program.

(4) The waiting period established in paragraph (c)(1) may be waived if, within 30 days of the date of hire, the agency head or designee certifies in writing to the commission, or its designee, that the waiver is being sought for either of the following reasons:

(A) The potential new employee is not entitled to continuation of health benefits under either public law 99-272, the consolidated omnibus budget reconciliation act (COBRA), as amended, or state continuation of coverage laws, K.S.A. 40-2209 and K.S.A. 40-3209 and amendments thereto, and is not covered by or eligible to be covered by another health insurance plan.

(B) The potential new employee is required to have health insurance as a condition of obtaining a work visa for employment in the United States.

(d) Classes of direct bill participants. Subject to the provisions of subsection (e), the classes of persons eligible to participate as members of the health care benefits program on a direct bill basis shall be the following:

(1) Any former elected state official;

(2) any retired state officer or employee who is eligible to receive retirement benefits under K.S.A. 74-4925, and amendments thereto, or retirement benefits administered by the Kansas public employees retirement system;

(3) any totally disabled former state officer or employee who is receiving disability benefits administered by the Kansas public employees retirement system;

(4) any surviving spouse or dependent of a qualifying participant in the health care benefits program;

(5) any person who is in a class listed in paragraph (b)(1), (b)(2), (b)(3), (b)(4), or (b)(5) and who is lawfully on leave without pay;

(6) any blind person licensed to operate a vending facility as defined in K.S.A. 75-3338, and amendments thereto;

(7) any former "state officer," as that term is defined in K.S.A. 74-4911f and amendments thereto, who elected not to be a member of the Kansas public employees retirement system as provided in K.S.A. 74-4911f, and amendments thereto; and

(8) any former state officer or employee who separated from state service when eligible to receive a retirement benefit but, in lieu of that, withdrew that individual's employee contributions from the retirement system.

(e) Conditions for direct bill participation. Each person who is within a class listed in paragraph (d)(1), (d)(2), (d)(3), (d)(4), (d)(5), (d)(7), or (d)(8) shall be eligible to participate on a direct bill basis only if the conditions of both paragraphs (e)(1) and (e)(2) are met:

(1) The person was covered by the health care benefits program on one of the following bases:

(A) The person was covered as an active participant under subsection (b), as a COBRA participant under subsection (f), or as a spouse under paragraph (g)(1) immediately before the date that person ceased to be eligible for that type of coverage or the date the individual became newly eligible for a class listed in subsection (d).

(B) The person is the surviving spouse or eligible dependent child of a person who was enrolled as a plan participant under subsection (b) or (d) when the plan participant died, and the surviving spouse or eligible dependent child was enrolled in the health care benefits program pursuant to subsection (g) when the plan participant died.

(2) The person completes an enrollment form requesting transfer to the direct bill program and submits the form to the health care benefits program. The form shall be submitted no more than 30 days after the person ceased to be eligible for coverage.

(f) Consolidated omnibus budget reconciliation act (COBRA) participants. Any individual with rights to extend coverage under provisions of public law 99-272, as amended, may continue to participate in the health care benefits program, subject to the provisions of that federal law.

(g) Eligible dependent participants.

(1) Any person enrolled in the health care benefits program as a primary participant may enroll the following dependents, subject to the same conditions and limitations that apply to the primary participant:

(A) The primary participant's lawful wife or husband; and

(B) any of the primary participant's eligible dependent children.

(2) An eligible dependent child who is enrolled by one primary participant shall not be eligible to be enrolled by another primary participant.

(3) An individual who is eligible to enroll as a primary participant in the health care benefits program shall not be eligible to be enrolled under this subsection as a dependent in the health care benefits program.

(4) The term "dependent" shall exclude any individual who is not a citizen or national of the United States, unless the individual is a resident of the United States or a country contiguous to the United States, is a member of a primary participant's household, and resides with the primary participant for more than six months of the calendar year. The dependent shall be considered to reside with the primary participant even when the dependent is temporarily absent due to special circumstances, including

(continued)

illness, education, business, vacation, and military service.

(h) Eligible dependent participants; definitions. For purposes of subsection (g), the following terms shall be defined as follows:

(1) "Primary participant" means any person enrolled in the health care benefits program under subsection (b), (d), or (f).

(2) "Child" means any of the following:

(A) A natural son or daughter of a primary participant;

(B) a lawfully adopted son or daughter of a primary participant. The term "lawfully adopted" shall include those instances in which a primary participant has filed the petition for adoption with the court, has a placement agreement for adoption, or has been granted legal custody;

(C) a stepchild of a primary participant. However, if the natural or adoptive parent of the stepchild is divorced from the primary participant, the stepchild shall no longer qualify;

(D) a child of whom the primary participant has legal custody; or

(E) a grandchild, if at least one of the following conditions is met:

(i) The primary participant has legal custody of the grandchild or has lawfully adopted the grandchild;

(ii) the grandchild lives in the home of the primary participant and is the child of a covered eligible dependent child, and the primary participant provides more than 50% of the support for the grandchild; or

(iii) the grandchild is the child of a covered eligible dependent child and is considered to reside with the primary participant even when the grandchild or eligible dependent child is temporarily absent due to special circumstances including education of the covered eligible dependent child, and the primary participant provides more than 50% of the support for the grandchild.

(3) "Eligible dependent child" means any dependent child who meets the criteria in either paragraph (h)(3)(A) or paragraph (h)(3)(B):

(A) The child meets all of the following criteria:

(i) Either the child is under 23 years of age, or for a child covered by the health care benefits program on July 1, 2010, the child is under 26 years of age.

(ii) The child is unmarried.

(iii) The child does not file a joint tax return with another taxpayer.

(iv) The child receives more than 50% of the child's support from the primary participant, except that this criteria shall not apply with respect to any child who meets the conditions established under the special rule for divorced parents in 26 USC § 152 (e), as in effect on October 7, 2008 and hereby adopted by reference.

(B) The child does not meet the age criteria in paragraph (h)(3)(A)(i), has a permanent and total disability, and has continuously maintained group coverage as an eligible dependent child of the primary participant before reaching the age limit specified in paragraph (h)(3)(A)(i). The child shall be chiefly dependent on the primary participant for support.

(i) Direct bill participants; continuous coverage provisions.

(1) Except as otherwise provided in this subsection, each direct bill participant enrolled in the state health care benefits program on or after January 21, 2001, shall maintain continuous coverage in the program or shall lose eligibility to be in the state health care benefits program as a direct bill participant under subsection (d).

(2) Any person who discontinued direct bill coverage in the state health care benefits program before January 21, 2001, and who is not participating on a direct bill basis on that date may return one time to the state health care benefits program if the person meets the criteria specified in subsections (d) and (e) and if that person has not previously discontinued and returned to direct bill coverage before January 21, 2001. (Authorized by K.S.A. 2009 Supp. 75-6501, as amended by L. 2010, ch. 120, sec. 2, and K.S.A. 75-6510; implementing K.S.A. 2009 Supp. 75-6501, as amended by L. 2010, ch. 120, sec. 2; effective, T-85-22, July 16, 1984; effective May 1, 1985; amended, T-88-64, Dec. 30, 1987; amended, T-89-12, May 1, 1988; amended, T-108-9-12-88, Sept. 12, 1988; amended Oct. 31, 1988; amended May 9, 1997; amended Jan. 21, 2001; amended Aug. 27, 2004; amended June 17, 2005; amended Jan. 6, 2006; amended July 16, 2010; amended, T-108-8-16-10, Aug. 16, 2010.)

### **108-1-3. School district employee health care benefits plan.** (a) Definitions.

(1) "Commission" means the Kansas state employees health care commission.

(2) "Health care benefits program" means the state of Kansas health care benefits program established by the commission.

(3) "Permanent and total disability" means that an individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of at least 12 months. An individual shall not be considered to have a permanent and total disability unless that person furnishes proof of the permanent and total disability in the form and manner, and at the times, that the health care benefits program may require.

(4) "Qualified school district" means a public school district, community college, area vocational technical school, or technical college that meets the terms, conditions, limitations, exclusions, and other provisions established by the commission for participation in the school district employee health care benefits component of the health care benefits program and has entered into a written agreement with the commission to participate in the program.

(5) "School district employee" means any individual who is employed by a qualified school district and who meets the definition of employee under K.S.A. 74-4932(4), and amendments thereto, except that the following employees shall be employed in a position that requires at least 1,000 hours of work per year:

(A) Employees of community colleges; and

(B) employees of area vocational technical schools and technical colleges that are not governed by a unified school district.

For purposes of this definition, a technical college shall be a participating employer under K.S.A. 74-4931, and

amendments thereto, in accordance with K.S.A. 72-4471, and amendments thereto.

(6) "School district plan" means the school district employee health care benefits component of the health care benefits program.

(b) Active participants. Subject to the provisions of subsection (c), each school district employee shall be eligible to participate as an active participant in the school district plan. Eligibility and participation shall be subject to terms, conditions, limitations, exclusions, and other provisions established by the commission, including the amount and method of payment for employee and employer contributions.

(c) Waiting periods.

(1) Each school district employee whose first day of work for a qualified school district is on or after the first day on which the employee's qualified school district participates in the school district plan shall become eligible for coverage following completion of a 30-day waiting period beginning with the first day of work for the qualified school district. Each school district employee shall have 31 days after becoming eligible to elect coverage.

(2) The waiting period established in paragraph (c)(1) shall not apply if all of the following conditions are met:

(A) The person is returning to work for the qualified school district, transferring from another qualified school district, or transferring from a position that is eligible for coverage under K.A.R. 108-1-1 or K.A.R. 108-1-4.

(B) Immediately before leaving the prior position, the person was enrolled in the health care benefits program.

(C) The break in service between the prior position and the new position does not exceed the following time periods:

(i) 30 or fewer calendar days; or

(ii) 365 or fewer calendar days, if the person was laid off in accordance with the practices of the qualified school district.

(3) The waiting period established in paragraph (c)(1) shall not apply to any person who, on that person's first day of work for the qualified school district, is enrolled in the health care benefits program on any of the following bases:

(A) As a direct bill participant;

(B) under the continuation of benefits coverage provided under public law 99-272, as amended; or

(C) as a dependent of a participant in the health care benefits program.

(4) The waiting period established in paragraph (c)(1) may be waived if, within 30 days of the date of hire, the chief administrative officer of the qualified school district, or the chief administrative officer's designee, certifies in writing to the commission, or its designee, that the waiver is being sought for either of the following reasons:

(A) The new school district employee is not entitled to continuation of health benefits under public law 99-272, the consolidated omnibus budget reconciliation act (COBRA) as amended, or state continuation of coverage laws, K.S.A. 40-2209 and K.S.A. 40-3209 and amendments thereto, and is not covered by or eligible to be covered by another health insurance plan.

(B) The new employee is required to have health insurance as a condition of obtaining a work visa for employment in the United States.

(5) Each school district employee who is employed by the qualified school district immediately before the first day on which the employee's qualified school district participates in the school district plan shall be subject to transitional provisions established by the commission regarding waiting periods and the effective date on which the employee becomes eligible to participate in the school district plan.

(d) Classes of direct bill participants. Subject to the provisions of subsection (e), the classes of persons eligible to participate as members of the school district plan on a direct bill basis shall be the following:

(1) Any retired school district employee who is eligible to receive retirement benefits;

(2) any totally disabled former school district employee who is receiving benefits under K.S.A. 74-4927, and amendments thereto;

(3) any surviving spouse or dependent of a qualifying participant in the school district plan;

(4) any person who is a school district employee and who is on approved leave without pay in accordance with the practices of the qualified school district; and

(5) any individual who was covered by the health care plan offered by the qualified school district on the day immediately before the first day on which the qualified school district participates in the school district plan, except that no individual who is an employee of the qualified school district and who does not meet the definition of school district employee in subsection (a) shall be qualified as a direct bill participant under this paragraph.

(e) Conditions for direct bill participants. Each person who is within a class listed in subsection (d) shall be eligible to participate on a direct bill basis only if the person meets both of the following conditions:

(1) The person was covered by the school district plan or the health care insurance plan offered by the qualified school district on one of the following bases:

(A) Immediately before the date the person ceased to be eligible for coverage, or for any person identified in paragraph (d)(5), immediately before the first day on which the qualified school district participates in the school district plan, the person either was covered as an active participant under subsection (b) or was covered by the health care insurance plan offered by the employee's qualified school district.

(B) The person is a surviving spouse or dependent of a plan participant who was enrolled under subsection (b) or (d) when the plan participant died, and the person was enrolled in the health care benefits program under subsection (g) when the plan participant died.

(C) The person is a surviving spouse or dependent of a plan participant who was enrolled under the health care insurance plan offered by the participant's qualified school district when the participant died, and the person has maintained continuous coverage under the qualified school district's health care insurance plan before joining the health care benefits program.

(2) The person completes an enrollment form requesting transfer to the direct bill program and submits the form to the health care benefits program. The form shall be submitted no more than 30 days after the person

*(continued)*

ceased to be eligible for coverage, or in the case of any individual identified in paragraph (d)(5), no more than 30 days after the first day on which the qualified school district participates in the school district plan.

(f) Continuation of benefits (COBRA) coverage. Any individual with rights to extend coverage under provisions of public law 99-272, as amended, may participate in the school district plan, subject to the provisions of that federal law.

(g) Eligible dependent participants.

(1) Any person enrolled in the health care benefits program as a primary participant may enroll the following dependents, subject to the same conditions and limitations that apply to the primary participant:

(A) The primary participant's lawful wife or husband; and

(B) any of the primary participant's eligible dependent children.

(2) An eligible dependent child who is enrolled by one primary participant shall not be eligible to be enrolled by another primary participant.

(3) An individual who is eligible to enroll as a primary participant in the health care benefits program shall not be eligible to be enrolled under this subsection as a dependent in the health care benefits program.

(4) The term "dependent" shall exclude any individual who is not a citizen or national of the United States, unless the individual is a resident of the United States or a country contiguous to the United States, is a member of a primary participant's household, and resides with the primary participant for more than six months of the calendar year. The dependent shall be considered to reside with the primary participant even when the dependent is temporarily absent due to special circumstances, including illness, education, business, vacation, and military service.

(h) Eligible dependent participants; definitions. For purposes of subsection (g), the following terms shall be defined as follows:

(1) "Primary participant" means any person enrolled in the health care benefits program under subsection (b), (d), or (f).

(2) "Child" means any of the following:

(A) A natural son or daughter of a primary participant;

(B) a lawfully adopted son or daughter of a primary participant. The term "lawfully adopted" shall include those instances in which a primary participant has filed the petition for adoption with the court, has a placement agreement for adoption, or has been granted legal custody;

(C) a stepchild of a primary participant. However, if the natural or adoptive parent of the stepchild is divorced from the primary participant, the stepchild shall no longer qualify;

(D) a child of whom the primary participant has legal custody; or

(E) a grandchild, if at least one of the following conditions is met:

(i) The primary participant has legal custody of the grandchild or has lawfully adopted the grandchild;

(ii) the grandchild lives in the home of the primary participant and is the child of a covered eligible dependent

child, and the primary participant provides more than 50% of the support for the grandchild; or

(iii) the grandchild is the child of a covered eligible dependent child and is considered to reside with the primary participant even when the grandchild or eligible dependent child is temporarily absent due to special circumstances including education of the covered eligible dependent child, and the primary participant provides more than 50% of the support for the grandchild.

(3) "Eligible dependent child" means any dependent child who meets the criteria in either paragraph (h)(3)(A) or paragraph (h)(3)(B):

(A) The child meets all of the following criteria:

(i) Either the child is under 23 years of age, or for a child covered by the health care benefits program on July 1, 2010, the child is under 26 years of age.

(ii) The child is unmarried.

(iii) The child does not file a joint tax return with another taxpayer.

(iv) The child receives more than 50% of the child's support from the primary participant, except that this criteria shall not apply with respect to any child who meets the conditions established under the special rule for divorced parents in 26 USC § 152(e), as adopted by reference in K.A.R. 108-1-1.

(B) The child does not meet the age criteria in paragraph (h)(3)(A)(i), has a permanent and total disability, and has continuously maintained group coverage as an eligible dependent child of the primary participant before reaching the age limit specified in paragraph (h)(3)(A)(i). The child shall be chiefly dependent on the primary participant for support.

(i) Direct bill participants; continuous coverage provisions.

(1) Except as otherwise provided in this subsection, each direct bill participant enrolled in the health care benefits program on or after January 21, 2001 shall maintain continuous coverage in the program or shall lose eligibility to be in the health care benefits program as a direct bill participant under subsection (d).

(2) Any person who discontinued direct bill coverage in the health care benefits program before January 21, 2001 and who was not participating on a direct bill basis on that date may return one time to the health care benefits program if the person meets the criteria specified in subsections (d) and (e) and if that person has not previously discontinued and returned to direct bill coverage before January 21, 2001. (Authorized by K.S.A. 2009 Supp. 75-6501, as amended by L. 2010, ch. 120, sec. 2, and K.S.A. 75-6510; implementing K.S.A. 2009 Supp. 75-6501, as amended by L. 2010, ch. 120, sec. 2, and K.S.A. 75-6508; effective, T-108-9-13-99, Sept. 13, 1999; effective Feb. 4, 2000; amended July 16, 2010; amended, T-108-8-16-10, Aug. 16, 2010.)

**108-1-4. Local unit of government employee health care benefits plan.** (a) Definitions.

(1) "Commission" means the Kansas state employees health care commission.

(2) "Health care benefits program" means the state of Kansas health care benefits program established by the commission.

- (3) "Local unit" means any of the following:
- (A) Any county, township, or city;
  - (B) any community mental health center;
  - (C) any groundwater management district, rural water-supply district, or public wholesale water-supply district;
  - (D) any county extension council or extension district;
  - (E) any hospital established, maintained, and operated by a city of the first or second class, a county, or a hospital district in accordance with applicable law;
  - (F)(i) Any city, county, or township public library created under the authority of K.S.A. 12-1215 et seq., and amendments thereto;
  - (ii) any regional library created under the authority of K.S.A. 12-1231, and amendments thereto;
  - (iii) any library district created under the authority of K.S.A. 12-1236, and amendments thereto;
  - (iv) the Topeka and Shawnee county library district established under the authority of K.S.A. 12-1260 et seq., and amendments thereto;
  - (v) the Leavenworth and Leavenworth county library district established under the authority of K.S.A. 12-1270, and amendments thereto;
  - (vi) any public library established by a unified school district under the authority of K.S.A. 72-1623, and amendments thereto; or
  - (vii) any regional system of cooperating libraries established under the authority of K.S.A. 75-2547 et seq., and amendments thereto;
  - (G) any housing authority created pursuant to K.S.A. 17-2337 et seq., and amendments thereto;
  - (H) any local environmental protection program obtaining funds from the state water fund in accordance with K.S.A. 75-5657, and amendments thereto;
  - (I) any city-county, county, or multicounty health board or department established pursuant to K.S.A. 65-204 and 65-205, and amendments thereto;
  - (J) any nonprofit independent living agency, as defined in K.S.A. 65-5101 and amendments thereto;
  - (K) the Kansas guardianship program established pursuant to K.S.A. 74-9601 et seq., and amendments thereto; or
  - (L) any group of persons on the payroll of a county, township, city, special district or other local governmental entity, public school district, licensed child care facility operated by a not-for-profit corporation providing residential group foster care for children and receiving reimbursement for all or part of this care from the department of social and rehabilitation services, nonprofit community mental health center pursuant to K.S.A. 19-4001 et seq. and amendments thereto, nonprofit community facility for the mentally retarded pursuant to K.S.A. 19-4001 et seq. and amendments thereto, or nonprofit independent living agency as defined in K.S.A. 65-5101 and amendments thereto.
- (4) "Local unit employee" means any individual who meets one or more of the following criteria:
- (A) The individual is an appointed or elective officer or employee of a qualified local unit whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year.
  - (B) The individual is an appointed or elective officer or employee who is employed concurrently by two or more

qualified local units in positions that involve similar or related tasks and whose combined employment by the qualified local units is not seasonal or temporary and requires at least 1,000 hours of work per year.

(C) The individual is a member of a board of county commissioners of a county that is a qualified local unit, and the compensation paid for service on the board equals or exceeds \$5,000 per year.

(D) The individual is a council member or commissioner of a city that is a qualified local unit, and the compensation paid for service as a council member or commissioner equals or exceeds \$5,000 per year.

(5) "Local unit plan" means the local unit employee health care benefits component of the health care benefits program.

(6) "Permanent and total disability" means that an individual is unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or has lasted or can be expected to last for a continuous period of at least 12 months. An individual shall not be considered to have a permanent and total disability unless that person furnishes proof of the permanent and total disability in the form and manner, and at the times, that the health care benefits program may require.

(7) "Qualified local unit" means a local unit that meets the terms, conditions, limitations, exclusions, and other provisions established by the commission for participation in the local unit employee health care benefits component of the health care benefits program and that has entered into a written agreement with the commission to participate in the program.

(b) Active participants. Subject to the provisions of subsection (c), each local unit employee shall be eligible to participate as an active participant in the local unit plan. Eligibility and participation shall be subject to terms, conditions, limitations, exclusions, and other provisions established by the commission, including the amount and method of payment for employee and employer contributions.

(c) Waiting periods.

(1) Each local unit employee whose first day of work for a qualified local unit is on or after the first day on which the employee's qualified local unit participates in the local unit plan shall become eligible for coverage following completion of a 30-day waiting period beginning with the first day of work for the qualified local unit. Each local unit employee shall have 31 days after becoming eligible to elect coverage.

(2) The waiting period established in paragraph (c)(1) shall not apply if all of the following conditions are met:

(A) The person is returning to work for the qualified local unit, is transferring from another qualified local unit under this regulation, or is transferring from a position that is eligible for coverage under K.A.R. 108-1-1 or K.A.R. 108-1-3.

(B) Immediately before leaving the prior position, the person was enrolled in the health care benefits program provided by the state of Kansas under K.A.R. 108-1-1, the school district plan under K.A.R. 108-1-3, or the qualified local unit plan under K.A.R. 108-1-4.

(continued)

(C) The break in service between the prior position and the new position does not exceed the following time periods:

- (i) 30 or fewer calendar days; or
- (ii) 365 or fewer calendar days, if the person was laid off in accordance with the practices of the prior qualified local unit.

(3) The waiting period established in paragraph (c)(1) shall not apply to any person who, on that person's first day of work for the qualified local unit, is enrolled in the local unit plan, the school district plan under K.A.R. 108-1-3, or the health care benefits plan under K.A.R. 108-1-1 on any of the following bases:

- (A) As a direct bill participant;
- (B) under the continuation of benefits coverage provided under public law 99-272, as amended; or
- (C) as a dependent of a participant in the health care benefits program.

(4) The waiting period established in paragraph (c)(1) may be waived if, within 30 days of the date of hire, the chief administrative officer of the qualified local unit, or the chief administrative officer's designee, certifies in writing to the commission, or its designee, that the waiver is being sought for either of the following reasons:

(A) The new local unit employee is not entitled to continuation of health benefits under either public law 99-272, the consolidated omnibus budget reconciliation act (COBRA) as amended, or state continuation of coverage laws, K.S.A. 40-2209 and K.S.A. 40-3209 and amendments thereto, and is not covered by or eligible to be covered by another health insurance plan.

(B) The new employee is required to have health insurance as a condition of obtaining a work visa for employment in the United States.

(5) Each local unit employee who is employed by the qualified local unit immediately before the first day on which the qualified local unit participates in the local unit plan shall be subject to transitional provisions established by the commission regarding waiting periods and the effective date on which the employee becomes eligible to participate in the local unit plan.

(d) Classes of direct bill participants. Subject to the provisions of subsection (e), the classes of persons eligible to participate as members of the local unit plan on a direct bill basis shall be the following:

(1) Any retired local unit employee who meets one of the following conditions:

(A) The employee is eligible to receive retirement benefits under the Kansas public employees retirement system or the Kansas police and firemen's retirement system; or

(B) if the qualified local unit is not a participating employer under either the Kansas public employees retirement system or the Kansas police and firemen's retirement system, the employee is eligible to receive retirement benefits under the retirement plan provided by the qualified local unit;

(2) any totally disabled former local unit employee who meets one of the following conditions:

(A) The employee is receiving benefits under the Kansas public employees retirement system or the Kansas police and firemen's retirement system; or

(B) if the qualified local unit is not a participating employer under either the Kansas public employees retirement system or the Kansas police and firemen's retirement system, the employee is receiving disability benefits under the retirement or disability plan provided by the qualified local unit;

(3) any surviving spouse or dependent of a qualifying participant in the local unit plan;

(4) any person who is a local unit employee and who is on approved leave without pay in accordance with the practices of the qualified local unit; and

(5) any individual who was covered by the health care plan offered by the qualified local unit on the day immediately before the first day on which the qualified local unit participates in the local unit plan, except that no individual who is an employee of the qualified local unit and who does not meet the definition of local unit employee in subsection (a) shall be qualified as a direct bill participant under this paragraph.

(e) Conditions for direct bill participants. Each person who is within a class listed in subsection (d) shall be eligible to participate on a direct bill basis only if the person meets both of the following conditions:

(1) The person was covered by the local unit plan or the health care insurance plan offered by the qualified local unit on one of the following bases:

(A) Immediately before the date the person ceased to be eligible for coverage or, for any person identified in paragraph (d)(5), immediately before the first day on which the qualified local unit participates in the local unit plan, the person either was covered as an active participant under subsection (b) or was covered by the health care insurance plan offered by the employee's qualified local unit.

(B) The person is a surviving spouse or dependent of a plan participant who was enrolled under subsection (b) or (d) when the plan participant died, and the person was enrolled in the health care benefits program under subsection (g) when the plan participant died.

(C) The person is a surviving spouse or dependent of a plan participant who was enrolled in the health care insurance plan offered by the participant's qualified local unit when the participant died, and the person has maintained continuous coverage under the local unit's health care insurance plan before joining the health care benefits program.

(2) The person completes an enrollment form requesting transfer to the direct bill program and submits the form to the health care benefits program. The form shall be submitted no more than 30 days after the person ceased to be eligible for coverage or, in the case of any individual identified in paragraph (d)(5), no more than 30 days after the first day on which the qualified local unit participates in the local unit plan.

(f) Consolidated omnibus budget reconciliation act (COBRA) participants. Any individual with rights to extend coverage under provisions of public law 99-272, as amended, may participate in the local unit plan, subject to the provisions of that federal law.

(g) Eligible dependent participants.

(1) Any person who is enrolled in the local unit plan under subsection (b), (d), or (f) as a primary participant



may enroll the following dependents, subject to the same conditions and limitations that apply to the primary participant:

(A) The primary participant's lawful wife or husband; and

(B) any of the primary participant's eligible dependent children.

(2) An eligible dependent child who is enrolled by one primary participant shall not be eligible to be enrolled by another primary participant in the health care benefits program.

(3) An individual who is eligible to enroll as a primary participant in the health care benefits program shall not be eligible to be enrolled under this subsection as a dependent in the health care benefits program.

(4) The term "dependent" shall exclude any individual who is not a citizen or national of the United States, unless the individual is a resident of the United States or a country contiguous to the United States, is a member of a primary participant's household, and resides with the primary participant for more than six months of the calendar year. The dependent shall be considered to reside with the primary participant even when the dependent is temporarily absent due to special circumstances, including illness, education, business, vacation, and military service.

(h) Eligible dependent participants; definitions. For purposes of subsection (g), the following terms shall be defined as follows:

(1) "Primary participant" means any person enrolled in the health care benefits program under subsection (b), (d), or (f).

(2) "Child" means any of the following:

(A) A natural son or daughter of a primary participant;

(B) a lawfully adopted son or daughter of a primary participant. The term "lawfully adopted" shall include those instances in which a primary participant has filed the petition for adoption with the court, has a placement agreement for adoption, or has been granted legal custody;

(C) a stepchild of a primary participant. However, if the natural or adoptive parent of the stepchild is divorced from the primary participant, the stepchild shall no longer qualify;

(D) a child of whom the primary participant has legal custody; or

(E) a grandchild, if at least one of the following conditions is met:

(i) The primary participant has legal custody of the grandchild or has lawfully adopted the grandchild;

(ii) the grandchild lives in the home of the primary participant and is the child of a covered eligible dependent child, and the primary participant provides more than 50% of the support for the grandchild; or

(iii) the grandchild is the child of a covered eligible dependent child and is considered to reside with the primary participant even when the grandchild or eligible dependent child is temporarily absent due to special circumstances including education of the covered eligible dependent child, and the primary participant provides more than 50% of the support for the grandchild.

(3) "Eligible dependent child" means any dependent child who meets the criteria in either paragraph (h)(3)(A) or paragraph (h)(3)(B):

(A) The child meets all of the following criteria:

(i) Either the child is under 23 years of age, or for a child covered by the health care benefits program on July 1, 2010, the child is under 26 years of age.

(ii) The child is unmarried.

(iii) The child does not file a joint tax return with another taxpayer.

(iv) The child receives more than 50% of the child's support from the primary participant, except that this criteria shall not apply with respect to any child who meets the conditions established under the special rule for divorced parents in 26 USC § 152(e), as adopted by reference in K.A.R. 108-1-1.

(B) The child does not meet the age criteria in paragraph (h)(3)(A)(i), has a permanent and total disability, and has continuously maintained group coverage as an eligible dependent child of the primary participant before reaching the age limit specified in paragraph (h)(3)(A)(i). The child shall be chiefly dependent on the primary participant for support.

(i) Direct bill participants; continuous coverage provisions.

(1) Except as otherwise provided in this subsection, each direct bill participant enrolled in the health care benefits program shall maintain continuous coverage in the program or shall lose eligibility to be in the health care benefits program as a direct bill participant under subsection (d).

(2) Any person who discontinued direct bill coverage in the health care benefits program before January 21, 2001 and was not participating on a direct bill basis on that date may return one time to the health care benefits program if the person meets the criteria specified in subsections (d) and (e) and if that person has not previously discontinued and returned to direct bill coverage before January 21, 2001. (Authorized by K.S.A. 2009 Supp. 75-6501, as amended by L. 2010, ch. 120, sec. 2, and K.S.A. 75-6510; implementing K.S.A. 2009 Supp. 75-6501, as amended by L. 2010, ch. 120, sec. 2, and K.S.A. 75-6508; effective August 30, 2002; amended March 28, 2003; amended Jan. 9, 2004; amended June 18, 2004; amended March 10, 2006; amended July 17, 2009; amended July 16, 2010; amended, T-108-8-16-10, Aug. 16, 2010.)

Duane Goossen  
HCC Chair  
Andrew Allison  
KHPA Director

Doc. No. 038690

State of Kansas

Department of Health and Environment

Temporary Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH

**28-4-92. License fees.** When an applicant or licensee submits an application for a license or for the renewal of a license, the applicant or licensee shall submit to the secretary the appropriate nonrefundable license fee specified in this regulation:

- (a) For each maternity center as defined in K.S.A. 65-502 and amendments thereto, \$75;
- (b) for each child placement agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (c) for each child care resource and referral agency as defined in K.S.A. 65-503 and amendments thereto, \$75;
- (d) for each of the following child care facilities, \$75 plus \$1 times the maximum number of children to be authorized under the license:
  - (1) Day care home or group day care home, as defined in K.A.R. 28-4-113; and
  - (2) child care center, as defined in K.A.R. 28-4-420; and

(e) for each of the following child care facilities with a license capacity of 13 or more children, \$35 plus \$1 for each child included in the license capacity, with the total not to exceed \$75, and for each of the following child care facilities with a license capacity of 12 or fewer children, \$15:

- (1) Attendant care facility, as defined in K.A.R. 28-4-285;
- (2) detention center or secure care center, as defined in K.A.R. 28-4-350;
- (3) preschool, as defined in K.A.R. 28-4-420;
- (4) psychiatric residential treatment facility, as defined in K.A.R. 28-4-1200;
- (5) residential center or group boarding home, as defined in K.A.R. 28-4-268; and
- (6) secure residential treatment facility, as defined in K.A.R. 28-4-330. (Authorized by and implementing K.S.A. 65-505, as amended by L. 2010, ch. 161, sec. 6; effective, T-83-24, Aug. 25, 1982; effective May 1, 1983; amended, T-86-46, Dec. 18, 1985; amended May 1, 1986; amended, T-87-22, Aug. 21, 1986; amended May 1, 1987; amended, T-28-8-16-10, Aug. 16, 2010.)

Roderick L. Bremby  
Secretary of Health and Environment

Doc. No. 038688

INDEX TO ADMINISTRATIVE REGULATIONS

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

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-64	New	V. 28, p. 1338
1-2-65	New	V. 28, p. 1338
1-7-3	Amended	V. 28, p. 1338
1-7-4	Amended	V. 28, p. 1338
1-7-6	Amended	V. 28, p. 1339
1-7-7	Amended	V. 28, p. 1339
1-7-10	Amended	V. 28, p. 1339
1-7-11	Amended	V. 28, p. 1340
1-7-12	Amended	V. 28, p. 1340
1-14-8	Amended	V. 28, p. 1341
1-16-8	Amended	V. 29, p. 676
1-16-15	Amended	V. 29, p. 677
1-16-18	Amended	V. 29, p. 677
1-16-18a	Amended	V. 29, p. 678
1-16-20	Amended	V. 29, p. 680

AGENCY 3: KANSAS STATE TREASURER

Reg. No.	Action	Register
3-3-1	Amended (T)	V. 27, p. 1091
3-3-1	Amended	V. 27, p. 1517
3-3-2	New	V. 27, p. 1517
3-3-2	Amended (T)	V. 29, p. 702
3-4-1	Amended	V. 28, p. 1716
3-4-2	Amended	V. 28, p. 1716
3-4-4	Amended	V. 28, p. 1716
3-4-5	Amended	V. 28, p. 1717
3-4-6	Revoked	V. 28, p. 1717

Reg. No.	Action	Register
3-4-7	Amended	V. 28, p. 1717
AGENCY 4: DEPARTMENT OF AGRICULTURE		
4-6-1	Amended	V. 28, p. 1594
4-6-2	Amended	V. 28, p. 1594
4-6-3	New	V. 27, p. 1741
4-7-213	Amended	V. 29, p. 1023
4-7-716	Amended	V. 29, p. 1023
4-7-900	Amended	V. 27, p. 1022
4-7-901	Revoked	V. 27, p. 1022
4-7-902	Amended	V. 27, p. 1022
4-7-903	Amended	V. 27, p. 1023
4-7-904	Amended	V. 27, p. 1023
4-10-1	Amended	V. 29, p. 254
4-10-1a	New	V. 29, p. 255
4-10-1b	New	V. 29, p. 255
4-10-2a	through	
4-10-2d	Revoked	V. 29, p. 255
4-10-2e	Amended	V. 29, p. 255
4-10-2f	through	
4-10-2k	Revoked	V. 29, p. 256
4-10-4	Revoked	V. 29, p. 256
4-10-4a	through	
4-10-4f	New	V. 29, p. 256-258
4-10-5a	Amended	V. 29, p. 258
4-10-6	Revoked	V. 29, p. 259
4-10-6a	New	V. 29, p. 259
4-10-6b	New	V. 29, p. 259
4-10-7	Amended	V. 29, p. 259
4-10-10	New	V. 29, p. 260
4-10-15	Revoked	V. 29, p. 260
4-10-16	Amended	V. 29, p. 260
4-10-17	Revoked	V. 29, p. 261
4-13-1	Amended	V. 27, p. 186
4-13-2	Amended	V. 29, p. 69
4-13-3	Amended	V. 29, p. 69
4-13-9	Amended	V. 29, p. 71
4-13-11	Revoked	V. 27, p. 188
4-13-13	Amended	V. 27, p. 188
4-13-14	Amended	V. 29, p. 71
4-13-16	Amended	V. 29, p. 71

4-13-17	Amended	V. 29, p. 72
4-13-18	Amended	V. 29, p. 72
4-13-20	Amended	V. 29, p. 72
4-13-21	Amended	V. 29, p. 72
4-13-22	Revoked	V. 29, p. 72
4-13-23	Amended	V. 29, p. 72
4-13-24	Amended	V. 29, p. 72
4-13-25	Amended	V. 29, p. 1242
4-13-25b	through	
4-13-25h	Amended	V. 29, p. 1243-1245
4-13-25i	Revoked	V. 29, p. 1246
4-13-25j	Amended	V. 29, p. 1246
4-13-25k	Amended	V. 29, p. 1246
4-13-25l	Amended	V. 29, p. 1247
4-13-25m	New	V. 29, p. 1247
4-13-30	Amended	V. 29, p. 72
4-13-33	Amended	V. 29, p. 73
4-13-40	Amended	V. 27, p. 1023
4-13-41	Revoked	V. 27, p. 1023
4-13-42	Revoked	V. 27, p. 1023
4-13-60	Amended	V. 27, p. 1023
4-13-61	Revoked	V. 27, p. 1023
4-13-62	Amended	V. 29, p. 73
4-13-64	Amended	V. 27, p. 1023
4-13-65	Amended	V. 27, p. 1024
4-15-5	Amended	V. 28, p. 690
4-15-11	Amended	V. 27, p. 1024
4-15-12	Revoked	V. 27, p. 1024
4-15-13	Amended	V. 27, p. 1024
4-15-14	Amended	V. 27, p. 1024
4-16-1a	Amended	V. 27, p. 1741
4-16-1c	Amended	V. 27, p. 1742
4-16-7a	Amended	V. 27, p. 1024
4-16-300	Amended	V. 27, p. 1025
4-16-301	Revoked	V. 27, p. 1025
4-16-302	Amended	V. 27, p. 1025
4-16-303	Amended	V. 27, p. 1025
4-16-304	Amended	V. 27, p. 1025
4-16-305	Amended	V. 27, p. 1025
4-17-300	Amended	V. 27, p. 1026
4-17-301	Revoked	V. 27, p. 1026
4-17-302	Amended	V. 27, p. 1026
4-17-303	Amended	V. 27, p. 1026
4-17-304	Amended	V. 27, p. 1026
4-17-305	Amended	V. 27, p. 1027







Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 82-3-108 through 82-17-5.

AGENCY 84: PUBLIC EMPLOYEE RELATIONS BOARD

Table with columns for Regulation Number, Action, and Register. Contains entry for regulation 84-2-1.

AGENCY 86: REAL ESTATE COMMISSION

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 86-3-19 through 86-3-30.

AGENCY 88: BOARD OF REGENTS

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 88-28-6 through 88-29-19.

AGENCY 91: DEPARTMENT OF EDUCATION

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 91-1-200 through 91-1-220.

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 91-1-221 through 91-40-51.

AGENCY 92: DEPARTMENT OF REVENUE

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 92-12-114 through 92-52-16.

AGENCY 94: COURT OF TAX APPEALS

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 94-2-1 through 94-4-2.

Table with columns for Regulation Number, Action, and Register. Contains entries for Agency 97: COMMISSION ON VETERANS' AFFAIRS regulations 97-1-1 through 97-7-6.

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

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 99-25-1 through 99-27-5.

AGENCY 100: BOARD OF HEALING ARTS

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 100-11-1 through 100-73-9.

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with columns for Regulation Number, Action, and Register. Contains entries for regulations 102-1-8a and 102-1-12.

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
108-1-1	Amended	V. 29, p. 1055
108-1-3	Amended	V. 29, p. 1057
108-1-4	Amended	V. 29, p. 1059

**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
109-5-1	Amended	V. 29, p. 1281
109-5-2	Amended	V. 28, p. 574
109-5-3	Amended	V. 29, p. 1282
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
109-11-1	Amended	V. 29, p. 1283
109-11-3	Amended	V. 29, p. 1284
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-15-1	New	V. 28, p. 575
109-15-2	Amended	V. 29, p. 1285

**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
111-2-234	New	V. 29, p. 746
111-2-235 through 111-2-240	New	V. 29, p. 1214, 1215
111-2-241	New	V. 29, p. 1247
111-2-242	New	V. 29, p. 1247
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
111-4-2949 through 111-4-2984	New	V. 29, p. 746-769
111-4-2949 through 111-4-2984	New	V. 29, p. 746-769
111-4-2985 through 111-4-2988	New	V. 29, p. 1180-1183
111-4-2989	New	V. 29, p. 1216
111-4-2990	New	V. 29, p. 1217
111-4-2991	New	V. 29, p. 1218
111-4-2992 through 111-4-3011	New	V. 29, p. 1248-1259
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
111-9-165	New	V. 29, p. 769
111-9-166	New	V. 29, p. 1184
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
111-306-1 through 111-306-6	New	V. 29, p. 1185-1187
111-306-4	Amended	V. 29, p. 1260
111-306-6	Amended	V. 29, p. 1219
111-307-1 through 111-307-7	New	V. 29, p. 1189-1191
111-308-1 through 111-308-7	New	V. 29, p. 1261-1263

**AGENCY 112: RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-12-15	New	V. 28, p. 797
112-13-6	New	V. 28, p. 376

112-100-1 through 112-100-7	New	V. 27, p. 1378
112-101-1 through 112-101-16	New	V. 28, p. 376-379
112-102-1 through 112-102-13	New	V. 28, p. 1161-1163
112-103-1 through 112-103-12	New	V. 28, p. 376-382
112-103-15	New	V. 28, p. 382
112-103-16	New	V. 28, p. 382
112-104-1 through 112-104-33	New	V. 27, p. 1378-1406
112-104-34 through 112-104-41	New	V. 28, p. 1457-1459
112-105-1 through 112-105-7	New	V. 27, p. 1406-1408
112-106-1 through 112-106-7	New	V. 27, p. 1408-1411
112-107-1	New	V. 28, p. 424
112-107-2	New	V. 28, p. 424
112-107-3	New	V. 28, p. 424
112-107-5	New	V. 28, p. 428
112-107-6	New	V. 28, p. 428
112-107-7	New	V. 28, p. 428
112-107-9	New	V. 28, p. 429
112-107-10	New	V. 28, p. 429
112-107-11	New	V. 28, p. 430
112-107-13 through 112-107-32	New	V. 28, p. 430-440
112-107-34	New	V. 28, p. 441
112-108-1 through 112-108-57	New	V. 28, p. 1766-1788
112-110-1 through 112-110-13	New	V. 28, p. 464-470
112-111-1 through 112-111-5	New	V. 28, 470-472
112-112-1 through 112-112-9	New	V. 27, p. 1411-1413
112-113-1	New	V. 28, p. 382
112-114-1 through 112-114-6	New	V. 28, p. 472
112-114-8 through 112-114-12	New	V. 28, p. 472, 473
112-114-14	New	V. 28, p. 473

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

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1091
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

(continued)

115-7-10	New	V. 28, p. 1600
115-8-1	Amended	V. 29, p. 1092
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 123: JUVENILE JUSTICE  
AUTHORITY**

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115

**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
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569



**Kansas Register**  
**Secretary of State**  
**1st Floor, Memorial Hall**  
**120 S.W. 10th Ave.**  
**Topeka, KS 66612-1594**

---