Kansas Register

Kris W. Kobach, Secretary of State

Vol. 30, No. 11 **March 17, 2011** **Pages 269-320**

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State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for detention dam Site 101 rehabilitation in Lyon County will be received by the Allen Creek Watershed District No. 89 at the office of R.H.K. Enterprises, Inc., 501 Main St., Admire, 66830, (620) 528-3710, until 10 a.m. March 30 and then opened. Bids may be delivered just prior to opening at the place of opening. A site showing will be held at 10 a.m. March 23; in case of inclement weather, an alternate showing will be held at 10 a.m. March 25.

A copy of the invitation for bids and the rehabilitation plans and specifications can be reviewed at the site showing or obtained from the office of R.H.K. Enterprises, Inc. The Notice to Proceed is expected to be issued upon signing of contracts.

Greg A. Foley
Executive Director

Doc. No. 039213

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 47,000 cubic yard detention dam, Site 255 in Morris County, will be received by the Rock Creek Watershed Joint District No. 84 at the office of Darrel Bryant, 223 Main St., Council Grove, 66846 (no telephone available). Bids will be received until 5 p.m. April 7 at King CO Services, 24400 M Road, Holton, 66436. Bid opening will be at 8 p.m. (sharp) at the office of Darrel Bryant, 223 Main St., Council Grove.

A copy of the invitation for bids and the plans and specifications can be reviewed at and obtained from the King CO Services, (785) 364-7480. A $50 nonrefundable deposit will be required for each set of plans requested (make checks payable to Rock Creek Watershed Joint District No. 84).

Greg A. Foley
Executive Director

Doc. No. 039219

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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. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

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

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

Kansas State University – Bid postings: www.k-state.edu/purchasing/rfq. Additional contact info: phone: 785-532-6214, fax: 785-532-5577, e-mail: 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. Additional contact info: phone: 620-235-4169, fax: 620-235-4166, e-mail: jensch@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

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

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

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

Barry Swanson
Chair of Regents Purchasing Group
Chief Procurement Officer
University of Kansas

Doc. No. 038494

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2010 Supp. 12-1675(b)(c)(d) and K.S.A. 2010 Supp. 12-1675a(g).

Effective 3-14-11 through 3-20-11

Term	Rate
1-89 days	0.14%
3 months	0.08%
6 months	0.13%
1 year	0.27%
18 months	0.43%
2 years	0.64%

Elizabeth B.A. Miller
Director of Investments

Doc. No. 039211

State of Kansas

Office of the Governor

Executive Order 11-04

WHEREAS, there is a need to establish and increase efficiency, uniformity, and fairness in employment policies, procedures, and practices within the Executive Branch of state government; and

WHEREAS, the Division of Personnel Services within the Department of Administration is best positioned to establish such policies, procedures, and practices; and

WHEREAS, non-Regents Executive Branch human resource directors and staff performing human resource functions are best positioned to implement and carry out such policies, procedures, and practices.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby direct and order that all non-Regents human resource directors and staff performing human resource functions of all state agencies, departments, or other entities under my jurisdiction shall report directly to the Director of the Division of Personnel Services.

Furthermore, the Division of Personnel Services is directed to establish uniform employment policies, procedures, and practices and to cause such policies, procedures, and practices to be implemented by the human resource directors and staff performing human resource functions for the various agencies, departments and other non-Regents entities of the Executive Branch of state government.

This document shall be filed with the Secretary of State as Executive Order No. 11-04 and shall become effective immediately.

IT IS SO ORDERED.

Dated March 3, 2011.

Sam Brownback
Governor

Doc. No. 039214

State of Kansas

Office of the Governor

Executive Order 11-05

WHEREAS, the safety and health of every Kansan is of paramount importance; and

WHEREAS, it is clear that Kansas must remain vigilant and focused in addressing the threat that terrorism poses to the safety and health of our citizens and visitors; and

WHEREAS, as the state's chief executive and commander-in-chief, it is the Governor's responsibility to protect the citizens of Kansas from threats and acts of terrorism and to promote initiatives to increase the homeland security of the State of Kansas; and

WHEREAS, it is necessary to take appropriate measures to detect, prevent, prepare for, protect against, and respond to acts of terrorism or threats of terrorism to the person or property of the citizens of the State of Kansas and to maintain peace, tranquility, and good order in the State; and

WHEREAS, it is critical that the Governor be continuously apprised of homeland security related issues, consult regularly in a coordinated fashion with public safety and health officials and other private entities, and be provided the most accurate and reliable information and advice available to ensure that all relevant factors are appropriately weighed in the development and implementation of effective and coordinated homeland security measures; and

WHEREAS, the State of Kansas should continue to coordinate and communicate with the United States Department of Homeland Security in the development, coordination, and implementation of comprehensive policies, programs, and initiatives designed to secure the United States and the State of Kansas from terrorist threats and attacks.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby appoint The Adjutant General of Kansas as the Homeland Security Advisor of the State of Kansas.

The Homeland Security Advisor will provide direct counsel and advice to the Governor on all matters related to homeland security and serve as the Governor's personal representative, agent, and liaison to the United States Department of Homeland Security and all other governmental and private entities in Kansas involved in homeland security issues. The Homeland Security Advisor is responsible for all homeland security matters within the State of Kansas and shall serve as Director of the Kansas Office of Homeland Security. The Kansas Office of Homeland Security, under the supervision of the Homeland Security Advisor, is hereby appointed the State Administrative Agency for the administration of homeland security grants and funds.

As Homeland Security Advisor and Director of the Kansas Office of Homeland Security, the Adjutant General is specifically charged with ensuring the most efficient and cost effective use of all public and private resources in the execution of these duties.

This document shall be filed with the Secretary of State as Executive Order No. 11-05 and shall become effective immediately.

IT IS SO ORDERED.

Dated March 3, 2011.

Sam Brownback
Governor

Doc. No. 039215

State of Kansas

Office of the Governor

Notice of Available Grant Funding

The President signed into law the Federal American Recovery and Reinvestment Act (the Recovery Act) of 2009 (Public Law 111-5). The Kansas Criminal Justice Coordinating Council (KCJCC) establishes the guidelines, in accordance with the federal requirements, for the Federal Recovery Act Edward Byrne Memorial Justice Assistance Grant (Recovery Act-JAG). The Recovery Act-JAG program is authorized by 42 U.S.C. 3750-3758. The Recovery Act-JAG Program Guidelines eligibility criteria must be met by all organizations that receive Recovery Act-JAG funds. These grant funds are awarded to units of state and local government; Native American Tribes; and nonprofit, community or faith-based organizations.

Funds from this grant program will be used to hire and retain criminal justice personnel, as well as to support other strategies that create and preserve jobs and promote economic growth by improving the effectiveness and efficiency of criminal justice systems, processes and procedures. To receive grant funds to retain positions, there must be written documentation that demonstrates the positions would otherwise be eliminated due to budget cuts.

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

All grant awards are subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law. Applicants should be aware that grant funds under the Recovery Act-JAG is a one-time grant award and should propose grant project activities that can be accomplished without additional funding. Approximately $1,000,000 is available for distribution during state fiscal year 2012.

Applications must be submitted via the Grant Portal by 11:59 p.m. May 2. A copy of the application may be attained at https://governor.ks.gov/serving-kansans/grant programs/grant_opportunities/edward-j-byrne-memorial -justice-assistance-grant or by contacting the Governor's Grants Program at (785) 291-3205.

Juliene Maska, Administrator
Governor's Grants Program

Doc. No. 039224

State of Kansas

Board of Emergency Medical Services

Notice of Meetings

The Board of Emergency Medical Services will meet at 9 a.m. Friday, April 1, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Meetings for the Planning and Operations Committee, the Education, Examination, Certification and Training Committee, the Executive Committee and the Investigations Committee will be held starting at 9 a.m. Thursday, March 31, at the same location. Items on the agenda for the board meeting can be found on the board's Web site at http://www.ksbems.org.

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

Steven Sutton
Executive Director

Doc. No. 039221

State of Kansas

Office of the Governor

Notice of Available Grant Funding

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

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

Grant funds must be requested within one or more of the seven purpose areas. Since this grant is competitive, there is a yearly application process with no guarantee of continued funding. In distributing grant funds, priority will be given to applicants who are not eligible to apply directly to the Federal Bureau of Justice Assistance for JAG funding.

The JAG application is due by 11:59 p.m. May 2 on the grant portal. A copy of the application may be obtained at https://governor.ks.gov/serving-kansans/grantprograms/grant_opportunities/edward-j-byrne-memorial-justice-assistance-grant or by contacting the Governor's Grants Program at (785) 291-3205.

Juliene Maska, Administrator
Governor's Grants Program

Doc. No. 039223

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:

03/25/2011	EVT0000489	Vending Services — Thomas & Gove Counties
03/29/2011	EVT0000482	Tractor Rental — Northeast Kansas
03/29/2011	EVT0000484	Earthmoving Services — Hillsdale State Park
03/30/2011	EVT0000491	Abandoned Well Plugging — Bause (Gardner) Lease — Miami County
03/30/2011	EVT0000492	Abandoned Well Plugging — Grimes-Baum Lease — Miami County
03/31/2011	EVT0000481	Vehicle Modification Service
03/31/2011	EVT0000488	Labor & Materials to Construct Boat Ramp — Walnut River
03/31/2011	EVT0000497	Labor & Materials for Noxious Weed and Misc. Spraying Treatment — DA — A3
03/31/2011	EVT0000499	Labor & Materials for Noxious Weed and Misc. Spraying Treatment — D4 — A2
04/04/2011	EVT0000465	Cable/Satellite Service
04/04/2011	EVT0000472	Operator Services
04/04/2011	EVT0000495	Materials for Radio Tower Lighting System
04/20/2011	EVT0000494	Autism Spectrum Level of Care Assessment

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 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/.

03/31/2011	A-011623	Third Floor VAV Replacement Phase 2 — Rarick Hall, Fort Hays State University, Hays
04/06/2011	A-011562	Reroof Third Floor — DSOB — Dept. of Admin. — Div. of Facilities Management, Topeka

Chris Howe
Director of Purchases

Doc. No. 039227

State of Kansas

Department of Commerce

Request for Comments

The Kansas Department of Commerce will post for public comment its state plan for Workforce Investment Act and Wagner-Peyser Act programs. The plan will be available for review and comments will be accepted through April 1. Visit KansasCommerce.com to review the plan and for instructions for submitting comments.

Pat George
Secretary of Commerce

Doc. No. 039228

State of Kansas

State Corporation Commission

Notice of Hearing on Proposed Administrative Regulations

The Kansas Corporation Commission will conduct a public hearing at 9 a.m. Thursday, May 26, in the first floor hearing room at the commission office, 1500 S.W. Arrowhead Road, Topeka, to consider proposed amendments to rules and regulations of the commission on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Andrew O. Schulte, Litigation Counsel, Kansas Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, 66604, or at a.schulte@kcc.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit the time of any oral presentation. More information and a copy of the proposed regulations are available on the commission's Web site, www.kcc.ks.gov.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Becky Reid at (785) 271-3231 or the Kansas Relay Center at (800) 776-3777. Accessible parking and entrance are available at the commission offices.

A summary of the proposed regulations and economic impact follows:

The proposed amendments to **K.A.R. 82-11-4** and **82-11-10** update the Kansas Corporation Commission's Natural Gas Pipeline Safety Regulations to stay consistent with updates to the federal law administered by the Pipeline and Hazardous Materials Safety Administration (PHMSA). K.A.R. 82-11-4 adopts 49 C.F.R. Part 192, as in effect October 1, 2010. K.A.R. 82-11-10 adopts 49 C.F.R. Part 199, as in effect October 1, 2010. The proposed amendments to K.A.R. 82-11-4 and K.A.R. 82-11-10 are updates to existing regulations. It is not anticipated that the proposed changes will create any economic impact, either for enforcement or pipeline compliance.

The proposed amendment to **K.A.R. 82-12-7** carries out the Kansas Corporation Commission's directive in its Order Granting in Part and Denying in Part Petition of Kansas Electric Cooperatives, Inc. for Reconsideration in Docket No. 09-GIMT-970-GIT (September 27, 2010) by rescinding K.A.R. 82-12-7(b). The Order stated that ''K.A.R. 82-12-7(b) requires the Commission to incur unnecessary labor and maintenance expenses to store the [annually-filed telecommunication supply line] maps.'' Thus, by eliminating K.A.R. 82-12-7(b), the commission will reduce its expenses. The telecommunications industry also will reduce expenses associated with filing maps and annual reports with the commission.

Susan K. Duffy
Executive Director

Doc. No. 039216

(Published in the Kansas Register March 17, 2011.)

City of Andale, Kansas

Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2011

Notice is hereby given that the city of Andale, 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 $255,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Dated February 28, 2011.

Virginia Edwards
City Clerk

Doc. No. 039218

(Published in the Kansas Register March 17, 2011.)

City of Douglass, Kansas

Notice of Intent to Seek Private Placement $50,000 General Obligation Bonds Series A, 2011

Notice is hereby given that the city of Douglass, 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 $50,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

KaLyn Nethercot
City Clerk

Doc. No. 039229

State of Kansas

Department on Aging

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, May 24, in the Kansas Department on Aging's Office, 503 S. Kansas Ave., Topeka, to consider the adoption of proposed rules and regulations of the Kansas Department on Aging (KDOA) on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Patsy Samson, Policy Analyst, Kansas Department on Aging, 500 S. Kansas Ave., Topeka, 66603, or by e-mail to Patsy.Samson@aging.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Patsy Samson at (785) 296-0378 or TTY (785) 291-3167. Handicapped parking is located on the east side of the New England Building's entrance on Kansas Avenue.

Copies of the proposed regulations and the economic impact statement for the proposed regulations can be viewed at the following Web site: http://www.agingkansas.org/index.htm. A list of the proposed regulations, a brief summary, and the economic impact follows:

K.A.R. 26-1-1. Definitions. The amendment to this regulation updates the definition of ''federal act'' to reflect the Older Americans Act (OAA), as amended; revises certain terminology and those individuals that may be served by OAA programs; adds ''qualified assessor'' and ''subcontractor'' as defined terms; and removes terminology that is duplicated or no longer applicable to department programs. No economic impact is anticipated.

K.A.R. 26-1-5. Area plan development. The amendment to this regulation reflects the Older Americans Act (''federal act'') currently in effect and a change in federal policy that revises minimum expenditure requirements for rural areas. No economic impact is anticipated.

K.A.R. 26-1-6. Operating policies and procedures of area agencies. The amendment to this regulation revises area agency requirements for submission of policies and procedures to the department. No economic impact is anticipated.

Revocation of K.A.R. 26-1-7 — Confidentiality; procedures to protect information, sanctions. All issues addressed in this regulation have been moved to K.A.R. 26-1-8.

K.A.R. 26-1-8. Confidentiality; policies and procedures to protect information; sanctions. This new regulation sets out rules governing confidentiality requirements for department-funded programs, replacing K.A.R. 26-1-7. No economic impact is anticipated.

K.A.R. 26-2-3. Reporting and unearned funds requirements. The amendment to this regulation revises the department's policy for receiving late reports and clarifies requirements for the return of unearned or disallowed department funds. No economic impact is anticipated.

Revocation of K.A.R. 26-2-9 — Audits. All issues addressed in this regulation have been moved to K.A.R. 26-2-10.

K.A.R. 26-2-10. Audits. This new regulation sets out rules governing audits for department-funded programs and adopts the 2003 and 2007 revisions to Office of Management and Budget (OMB) Circular A-133, ''Audits of states, local governments, and non-profit organizations.'' The economic impact of this regulation, in combination with the revocation of K.A.R. 26-2-9 which it replaces, may result in a reduction in costs to recipients of department funds that receive less than $500,000 during the entity's fiscal year. However, the economic impact cannot be measured at this time.

K.A.R. 26-3-1. Contracting and granting practices and requirements. The amendment to this regulation combines this regulation with certain regulatory requirements in K.A.R. 26-3-4, which is being revoked; adopts federal procurement requirements; defines ''conflict of interest''; and clarifies record retention requirements. No economic impact is anticipated.

Revocation of K.A.R. 26-3-4 — Responsibilities when subgranting or contracting services under an area plan. All issues addressed in this regulation have been moved to K.A.R. 26-3-1 or removed from regulatory requirements.

K.A.R. 26-4-1. Notice of actions; appeals by written requests; time to file written requests. The amendment to this regulation reflects the amendment to K.S.A. 75-37,121 transferring the appeal process for adjudicative proceedings to the Office of Administrative Hearings and clarifies the time frame to file a written request. No economic impact is anticipated.

Revocation of K.A.R. 26-4-6 — Pre-appeal administrative processes and prehearing review of action or offer of settlement. This regulation is no longer needed. No economic impact is anticipated.

Revocation of K.A.R. 26-4-7 through 26-4-15. Authority for the issues addressed in these regulations has been transferred to the Office of Administrative Hearings.

Revocation of K.A.R. 26-4a-1 — Medicaid services fair hearing program; application of department of social and rehabilitation services fair hearing regulations; requests for fair hearings. All issues addressed in this regulation have been moved to K.A.R. 26-4a-2.

K.A.R. 26-4a-2. Appeals and fair hearings. This new regulation sets out rules governing appeals for department-administered Medicaid programs and reflects the transfer of the appeal process for adjudicative proceedings to the Office of Administrative Hearings. No economic impact is anticipated.

Revocation of K.A.R. 26-5-2 through 26-5-10. The in-home nutrition program has been discontinued.

(continued)

K.A.R. 26-8-2. Eligibility criteria. The amendment to this regulation updates the eligibility criteria for Senior Care Act program recipients to reflect current practice. No economic impact is anticipated.

K.A.R. 26-8-5. Assessment. The amendment to this regulation updates the frequency of assessment requirements for Senior Care Act program customers to reflect current practice. No economic impact is anticipated.

K.A.R. 26-8-8. Termination. The amendment to this regulation updates the grounds for termination from the Senior Care Act program and reflects current practice. No economic impact is anticipated.

K.A.R. 26-9-1. Client assessment, referral, and evaluation (CARE) for nursing facilities. The amendment to this regulation reflects a change in federal policy exempting certain individuals from needing an assessment prior to entering a nursing facility; incorporates regulatory requirements from Kansas Health Policy Authority's K.A.R. 120-1-2 which is being revoked; and clarifies other current regulatory requirements. No economic impact is anticipated.

Revocation of K.A.R. 26-11-1 through 26-11-3. The Kansas Senior Pharmacy Assistance Program has been discontinued.

Revocation of K.A.R. 120-1-2 — Data collection form used by department on aging. The requirements in this regulation have been moved to K.A.R. 26-9-1. No economic impact is anticipated.

Shawn Sullivan
Secretary of Aging

Doc. No. 039220

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced March 3-9 by the 2011 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 58-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at www.kslegislature.org.

House Bills

HB 2367, AN ACT concerning schools; enacting the Kansas education liberty program act; providing for educational scholarships; authorizing a tax credit, by Committee on Taxation.

HB 2368, AN ACT concerning appropriations; relating to fee funds; abolishing certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing the existing sections; also repealing K.S.A. 75-3170, by Committee on Appropriations.

HB 2369, AN ACT concerning schools; relating to school buildings; amending K.S.A. 2010 Supp. 31-144 and repealing the existing section, by Committee on Appropriations.

HB 2370, AN ACT concerning the state fire marshal; abolishing the office thereof; transferring the duties and functions thereof to the division of facilities management of the department of administration, the Kansas bureau of investigation and the division of emergency management of the office of the adjutant general; amending K.S.A. 19-1579, 19-4625, 21-4318, 31-134a, 31-135, 31-136, 31-139, 31-141, 31-143, 31-146, 31-147, 31-148, 31-150a, 31-155, 31-156, 31-165, 31-402, 36-132, 36-133, 36-134, 39-928, 39-929, 40-2,110, 48-928, 50-644, 55-1803, 55-1807, 55-1809, 55-1810, 55-1811, 55-1813, 65-429, 65-34,105, 75-1515 and 80-114 and K.S.A. 2010 Supp. 21-4201, 21-4217, 31-133, 31-133a, 31-134, 31-137, 31-140, 31-142, 31-144, 31-150, 31-159,31-170, 31-501, 31-502, 31-503, 31-504, 31-505, 31-506, 31-602, 31-603, 31-604, 31-605, 31-606, 31-607, 31-608, 31-609, 31-611, 31-701, 31-702, 31-703, 31-705, 36-510, 39-925, 39-935, 39-938, 39-945, 40-252, 55-1812, 65-506, 65-508, 65-34,133, 65-34,136, 65-34,137, 65-5703, 74-4911f, 74-5602, 74-8841, 75-1508, 75-1514, 75-1517, 75-3170a, 75-36,102, 75-36,103, 76-327a, 76-7,105, 76-3319 and 77-618 and repealing the existing sections; also repealing K.S.A. 31-138, 31-157, 46-3201, 74-133, 75-1503, 75-1505, 75-1506, 75-1507, 75-1511, 75-1516, 75-3136 and 75-3137 and K.S.A. 2010 Supp. 74-4978l, 75-1510, 75-1513 and 76-327f, by Committee on Appropriations.

HB 2371, AN ACT concerning community corrections; relating to grant programs; amending K.S.A. 2010 Supp. 75-5291 and 75-52,112 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2372, AN ACT concerning immigration; amending K.S.A. 2010 Supp. 22-2802 and section 143 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2373, AN ACT concerning life insurance; providing for certain additional riders on life insurance policies; amending K.S.A. 2010 Supp. 40-401 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2374, AN ACT making and concerning appropriations for the fiscal years ending June 30, 2011, and June 30, 2012, for the department of education; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

HB 2375, AN ACT concerning school districts; relating to school accountability and parental choice; creating the Kansas school accountability act; creating the Kansas opportunity scholarship act; creating the Kansas tax credit scholarship act; authorizing the establishment of charter technical career centers; amending K.S.A. 72-1903 and repealing the existing section, by Committee on Appropriations.

HB 2376, AN ACT concerning the Kansas uniform securities act; relating to adoption of federal statutes and rules by reference; registration; fees; securities act fee fund and investor education fund; amending K.S.A. 17-12a103, 17-12a406, 17-12a410, 17-12a412 and 17-12a601 and repealing the existing sections, by Committee on Appropriations.

HB 2377, AN ACT concerning abortion; regarding restrictions on late term abortion; creating the no taxpayer funding for abortion act; amending K.S.A. 60-1901, 65-6701, 65-6703 and 65-6713 and K.S.A. 2010 Supp. 40-2,103, 40-19c09, 40-2246, 65-6709, 65-6710, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections, by Committee on Federal and State Affairs.

House Concurrent Resolutions

HCR 5023, By Committee on Energy and Utilities, A CONCURRENT RESOLUTION urging the United States Congress to preserve the primacy of the Kansas Corporation Commission to regulate hydraulic fracturing in compliance with state regulations and not to enact any future legislation that would remove this primacy.

HCR 5024, By Representatives O'Neal, Sloan, Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, S. Gatewood, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf,

K. Wolf, Wolfe Moore, and Worley, A RESOLUTION recognizing Lecompton as a Territorial Capital.

House Resolutions

HR 6013, By Representatives O'Neal, Billinger, Alford, Arpke, Aurand, Ballard, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, A RESOLUTION in memory of Dr. Jim Morrison.

HR 6014, By Representative Bethell, Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfreid, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, K. Wolf, B. Wolf, Wolfe Moore and Worley, A RESOLUTION in memory of Richard ''Dick'' Wellman.

HR 6015, By Committee on Federal and State Affairs, A RESOLUTION requesting that the Attorney General bring an action in quo warranto in a court of competent jurisdiction against the Kansas Racing and Gaming commission and its members, the Kansas Lottery Commission and its members and the Kansas Lottery Gaming Facility Review Board and its members and challenging the constitutionality of K.S.A. 74-8762(e) and such other claims as the Attorney General may deem warranted under the circumstances.

Senate Bills

SB 220, AN ACT concerning the state fire marshal; abolishing the office thereof; transferring the duties and functions thereof to the division of facilities management, the Kansas bureau of investigation and the adjutant general; amending K.S.A. 19-1579, 19-4625, 21-4318, 31-134a, 31-135, 31-136, 31-139, 31-141, 31-143, 31-146, 31-147, 31-148, 31-150a, 31-155, 31-156, 31-165, 31-402, 36-132, 36-133, 36-134, 39-928, 39-929, 40-2,110, 48-928, 50-644, 55-1803, 55-1807, 55-1809, 55-1810, 55-1811, 55-1813, 65-429, 65-34,105, 75-1515 and 80-114 and K.S.A. 2010 Supp. 21-4201, 21-4217, 31-133, 31-133a, 31-134, 31-137, 31-140, 31-142, 31-144, 31-150, 31-159, 31-170, 31-501, 31-502, 31-503, 31-504, 31-505, 31-506, 31-603, 31-604, 31-605, 31-606, 31-607, 31-608, 31-609, 31-611, 31-701, 31-702, 31-703, 31-705, 36-510, 39-925, 39-935, 39-938, 39-945, 40-252, 55-1812, 65-506, 65-508, 65-34,133, 65-34,136, 65-34,137, 65-5703, 74-4911f, 74-5602, 74-8841, 75-1508, 75-1514, 75-1517, 75-36,102, 75-36,103, 76-327a, 76-7,105, 76-3319 and 77-618 and repealing the existing sections; also repealing K.S.A. 31-138, 31-157, 46-3201, 74-133, 75-1503, 75-1505, 75-1506, 75-1507, 75-1511, 75-1516, 75-3136 and 75-3137 and K.S.A. 2010 Supp. 74-4978l, 75-1510, 75-1513 and 76-327f, by Committee on Ways and Means.

SB 221, AN ACT concerning corrections; amending K.S.A. 19-1930 and 75-52,103 and repealing the existing sections, by Committee on Ways and Means.

SB 222, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 and repealing the existing sections, by Committee on Ways and Means.

SB 223, AN ACT concerning accessibility standards for public facilities; amending K.S.A. 58-1301b and repealing the existing section, by Committee on Ways and Means.

SB 224, AN ACT concerning the gas safety and reliability surcharge; relating to a petition for rate schedule, extension of deadline for proceeding; amending K.S.A. 2010 Supp. 66-2203 and repealing the existing section, by Committee on Federal and State Affairs.

SB 225, AN ACT designating part of interstate highway 70 as the Eisenhower/Truman Presidential highway; amending K.S.A. 68-1009 and repealing the existing section, by Committee on Federal and State Affairs.

SB 226, AN ACT concerning insurance; providing for coverage of autism spectrum disorder; amending K.S.A. 2010 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Federal and State Affairs.

SB 227, AN ACT concerning anemometer towers; relating to required markings; penalties, by Committee on Ways and Means.

SB 228, AN ACT concerning school districts; relating to the statewide levy for public schools and the exemption therefrom; amending K.S.A. 2010 Supp. 72-6431 and 79-201x and repealing the existing sections, by Committee on Ways and Means.

SB 229, AN ACT concerning state finance; relating to certain credits to the state general fund; amending K.S.A. 1-204, 17-12a601, 17-2236, 17-5610, 17-5701, 20-1a02, 20-1a03, 49-420, 55-176, 55-609, 55-711, 55-901, 58-2011, 58-3074, 65-6b10, 65-1718, 65-1817a, 65-1951, 65-2011, 65-2855, 65-5413, 65-5513, 65-7210, 66-1,155, 66-1503, 74-715, 74-1108, 74-1405, 74-1503, 74-1609, 74-2704, 74-3903 and 74-7506 and K.S.A. 2010 Supp. 9-1703, 16a-2-302, 31-133a, 31-134, 36-512, 44-324, 44-926, 47-820, 55-155, 58-4107, 65-2911, 65-4024b, 65-6910, 65-7309, 74-50,188, 74-5805, 74-6708, 74-7009, 75-1119b, 75-1308, 75-1514, 75-3170a and 84-9-801 and repealing the existing sections; also repealing K.S.A. 75-3170, by Committee on Ways and Means.

SB 230, AN ACT concerning school districts; creating the relevant efficient academic learning education act; amending K.S.A. 72-8233 and repealing the existing sections; also repealing K.S.A. 72-6406, 72-6408, 72-6411, 72-6415, 72-6416, 72-6418, 72-6419, 72-6420, 72-6422, 72-6423, 72-6424, 72-6427, 72-6429, 72-6432, 72-6436, 72-6437, 72-6444, 72-6446, 72-6447, 72-7105a, 72-8237 and 72-8238 and K.S.A. 2010 Supp. 72-3715, 72-3716, 72-6405, 72-6407, 72-6409, 72-6410, 72-6412, 72-6413, 72-6414, 72-6414a, 72-6414b, 72-6415b, 72-6417, 72-6421, 72-6425, 72-6426, 72-6428, 72-6430, 72-6431, 72-6433, 72-6433d, 72-6434, 72-6434b, 72-6435, 72-6438, 72-6439, 72-6439a, 72-6441, 72-6442b, 72-6443, 72-6445a, 72-6448, 72-6449, 72-6450, 72-6451, 72-6452, 72-6453, 72-6454, 72-6455, 72-6456, 72-6457, 72-6458, 72-6459, 72-64b01, 72-64c03, 72-8248, 72-8249, 72-8250, 72-8254, 72-9509 and 72-9609, by Committee on Federal and State Affairs.

SB 231, AN ACT establishing the prisoner review board and transferring powers and duties from the Kansas parole board; relating to individuals in the custody of the secretary of corrections; amending K.S.A. 22-3706, 22-3708, 22-3709, 22-3711, 22-3713, 22-3718, 22-3719, 22-3720, 22-4701, 60-4305 and 75-5202 and K.S.A. 2010 Supp. 22-3717, 74-9101, 75-4318, 75-5210a, 75-5217, 75-5266 and 77-603 and repealing the existing sections; also repealing K.S.A. 21-4602, 21-4603b, 21-4614, 21-4703 and 46-3201 and K.S.A. 2010 Supp. 21-4608, 21-4619, 22-3707 and 22-3717c, by Committee on Federal and State Affairs.

SB 232, AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; sales and compensating use tax rates and distribution; amending K.S.A. 2010 Supp. 79-32,110, 79-3603, 79-3620, 79-3703 and 79-3710 and repealing the existing sections, by Committee on Ways and Means.

Senate Concurrent Resolutions

SCR 1606, By Special Committee on Natural Gas Storage Fields and Facilities, A CONCURRENT RESOLUTION urging the United States Department of Transportation to adopt regulations addressing the safety of vertical, down-hole operations in gas storage fields, thus creating an opportunity for the State Corporation Commission, operating as a designated agent of the Department, to regulate and ensure the safety of all natural gas storage fields in Kansas.

Senate Resolutions

SR 1818, By Senator McGinn, A RESOLUTION proclaiming March 3, *(continued)*

2011, as World Kidney Day and March as Kidney Awareness Month in Kansas.

SR 1819, By Committee on Federal and State Affairs, A RESOLUTION disapproving Executive Reorganization Order No. 39, abolishing the Kansas Arts Commission created by K.S.A. 74-5202 and the office of executive director of the commission under K.S.A. 74-5204 and transferring the powers, duties and functions to the state historical society.

SR 1820, By Senator Schodorf, A RESOLUTION establishing Anti-Bullying Awareness Week in Kansas.

SR 1821, By Senators Umbarger and King, A RESOLUTION congratulating and commending the Field Kindley Memorial High School Debate Team, Coffeyville, Kansas on winning the 2011 class 4A fours-speaker state debate tournament.

SR 1822, by Senators King and Umbarger, A RESOLUTION congratulating and commending the Independence High School Debate Team on winning the 2011 class 4A two-speaker state debate tournament.

SR 1823, By Senators King and Umbarger, A RESOLUTION congratulating and commending the Caney Valley High School debaters.

SR 1824, By Senator Vratil, A RESOLUTION congratulating and commending Dr. Tom Trigg.

Doc. No. 039212

State of Kansas
Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-11-044/046
Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Great Bend Feeding, Inc. Jon Nickless 355 NW 30 Ave. Great Bend, KS 66530	E/2 of Section 10 & All of Section 11, T19S, R14W, Barton County	Upper Arkansas River Basin

Kansas Permit No. A-UABT-C002 Federal Permit No. KS0040576

This permit is being reissued for a confined animal feeding operation with a maximum capacity of 35,000 head (35,000 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 modifications consisting of proposed improvements to the waste management system. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Tuls Dairy Farms, LLC Pete Tuls 8641 Road C Liberal, KS 67901	W/2 of Section 21, T33S, R34W, Seward County	Cimarron River Basin

Kansas Permit No. A-CISW-D001 Federal Permit No. KS0090620

This permit is being modified to change a portion of the facility description. Wastewater from the North Basin/Lagoon exits through a pipe, located approximately 2.5 feet from the top of berm in the southeast corner of the basin, into a channel. There are no other changes to the permit. Only the portions of the permit being modified are subject to comment.

Name and Address of Applicant	Legal Description	Receiving Water
David Schmitz 26028 P Road Holton, KS 66436	NW/4 of Section 21, T06S, R15E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-B006

This permit is being reissued for an existing facility with a maximum capacity of 40 head (40 animal units) of beef cattle more than 700 pounds and 40 head (20 animal units) of beef cattle 700 pounds or less, for a total of 80 head (60 animal units) of cattle. This represents a decrease in animal units from the previous permit. The facility no longer raises swine.

Public Notice No. KSQ11014/019

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
Adorers of the Blood of Christ 1165 S.W. Blvd. Wichita, KS 67213	Wichita Storm Drainage via Convent Lake	Non-Contact Cooling Water

Kansas Permit No. I-AR94-CO49 Federal Permit No. KS0100137

Legal Description: NW¼, S25, T27S, R1W, Sedgwick County

Facility Name: Wichita Center Convent & Newman University Science Building

Facility Description: The proposed action is to issue a new permit for the discharge of once pass-through cooling water from existing facilities. Well water from two chiller systems is seasonally directed into Convent Lake, a private pond that discharges into a drainage ditch within the Arkansas River Basin. The combined flow rate of the two chiller water discharges to Convent Lake is about 0.2 million gallons per day when operating.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Eudora, City of P.O. Box 650 Eudora, KS 66025	Wakarusa River	Treated Domestic Wastewater

Kansas Permit No. M-KS17-OO02 Federal Permit No. KS0094609

Legal Description: SW¼, S5, T13S, R21E, Douglas County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli and pH, as well as monitoring of total phosphorus, nitrate + nitrite, total Kjeldahl nitrogen, total nitrogen and effluent flow. Included in this permit is a schedule of compliance requiring the permittee to obtain the services of a KDHE-certified Class 3 wastewater treatment plant operator to achieve compliance with this permit.

Name and Address of Applicant	Receiving Stream	Type of Discharge

Lancaster, City of P.O. Box 146 Lancaster, KS 66041	Kansas River via North Fork of Stranger Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS29-OO01 Federal Permit No. KS0024864

Legal Description: W½, NW¼, SE¼, S32, T5S, R19E, Atchison County

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Powhattan, City of P.O. Box 52 Powhattan, KS 66527	Delaware River via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS60-OO01 Federal Permit No. KS0081540

Legal Description: NW¼, SW¼, SW¼, S28, T3S, R16E, Brown County

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Winchester, City of P.O. Box 123 Winchester, KS 66097	Crooked Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-KS84-OO01 Federal Permit No. KS0047511

Legal Description: NE¼, NE¼, SE¼, S27, T8S, R19E, Jefferson County

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

Public Notice No. KS-NQ-11-002

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

Name and Address of Applicant	Legal Location	Type of Discharge
Kansas Department of Wildlife & Parks c/o C. Depperschmidt, Project Manager 1020 S. Kansas Ave. Topeka, KS 66612	SW¼, SE¼, S24, T16S, R22E, Miami County	Nonoverflowing

Kansas Permit No. M-MC60-NO03 Federal Tracking No. KSJ000657

Facility Name: KDWP - Hillsdale State Park - Scott Creek Branch

Facility Address: 26001 W. 255th St., Paola, KS 66071

Facility Description: This action consists of issuance of a new Kansas Water Pollution Control Permit for a new wastewater treatment facility with an irrigation option. Discharge of wastewater from this treatment facility to surface waters of the state of Kansas is prohibited by this permit.

Public Notice No. KS-EG-11-003

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

Name and Address of Applicant

North American Salt Company
1662 Ave. N
Lyons, KS 67554-0498

Facility Location: Section 15, T20S, R8W, Rice County, Kansas, near Lyons

Well and Permit Number	Location
J-123 KS-03-159-256	Lat 38.313278 Long −98.1867101
J-124 KS-03-159-257	Lat 38.3141235 Long −98.1877964
J-125 KS-03-159-258	Lat 38.3150322 Long −98.1878047
J-126 KS-03-159-259	Lat 38.3159301 Long −98.1878061
J-127 KS-03-159-260	Lat 38.3168346 Long −98.187809
J-128 KS-03-159-261	Lat 38.3177433 Long −98.187809

Facility Description: This is a salt production plant. The proposed action is to issue six new Class III injection well permits. The injection fluids consist of saturated brine and some solids. Injection is to be made into Hutchinson Salt member of the Wellington formation. Mining shall not extend into the upper 50 feet of the salt member. The maximum operational injection pressure is not to exceed 250 pounds per square inch at the wellhead. All construction, monitoring and operation of these wells will meet the requirements that apply to Class III Injection wells under the Kansas Underground Injection Control Regulations, K.A.R. 28-43-1 through 28-43-11 and K.A.R. 28-46-1 through 28-46-44.

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

All comments regarding the draft documents or application notices received on or before April 16 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-11-044/046, KS-Q-11-014/019, KS-NQ-11-002, KS-EG-11-003) and name of the applicant/permittee when preparing comments.

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

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

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

Doc. No. 039225

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment has reviewed an application from Crawford County to allow Southeast Kansas Recycling, Inc. (SEKRI) to operate a limited municipal solid waste transfer station. The SEKRI facility is located at 503 S. Joplin in Pittsburg and includes buildings for recycling, household hazardous waste and electronic waste. The transfer station will consist of a solid waste container and/or a container and compactor that collect solid waste from SEKRI's daily operation and proposes to collect household trash only from SEKRI members. KDHE has reviewed the application and found it to be in conformance with state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue a permit to Crawford County for the proposed transfer station. A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until April 18 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
1000 S.W. Jackson, Suite 320
Topeka, 66612
Contact: Joe Cronin
(785) 296-1667

Pittsburg Public Library
308 N. Walnut
Pittsburg, 66762
Contact: Pat Clement, Director
(620) 231-8110

Anyone wishing to comment on the permit application or draft permit information should submit written statements postmarked not later than April 18 to Joe Cronin (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

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

Doc. No. 039226

State of Kansas

Secretary of State

Certification of New State Laws

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

Kris W. Kobach
Secretary of State

(Published in the Kansas Register March 17, 2011.)

HOUSE BILL No. 2033

AN ACT relating to motor vehicles; concerning the registration of fleet motor vehicles; amending K.S.A. 2010 Supp. 8-1,152 and repealing the existing section.

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

Section 1. K.S.A. 2010 Supp. 8-1,152 is hereby amended to read as follows: 8-1,152. (a) As used in this section, ''fleet motor vehicle'' means any motor vehicle of a commercial fleet of 250 or more motor vehicles which is registered for a gross weight of at least 12,000 pounds but not more than 26,000 pounds, except that if a vehicle is registered for a gross weight of more than 26,000 pounds and is part of a commercial fleet, and such vehicle is not driven out-of-state, such vehicle shall be deemed a fleet motor vehicle for purposes of this section.

(b) The division shall provide for the registration of and the issuance of license plates for fleet motor vehicles in accordance with the provisions of this section. *Fleet motor vehicles registered under the provisions of this section shall annually pay the applicable registration fees under K.S.A. 8143, and amendments thereto. Upon registration, the owner of the fleet motor vehicles who are not exempt from personal property taxes, shall provide evidence of the taxes assessed under K.S.A. 79-6a01 et seq., or 79-5101 et seq., and amendments thereto.* License plates issued under this section shall be permanent in nature and designed in such a manner as to remain with the fleet motor vehicle for the duration of the life span of the fleet motor vehicle or until the fleet motor vehicle is deleted from the owner's fleet. Such license plates shall be distinctive and there shall be no year date thereon. Fleet motor vehicles registered under the provisions of this section shall be issued a permanent registration cab card for the duration of the life span of the fleet motor vehicle or until the fleet motor vehicle is deleted from the owner's fleet. License plates issued under this section shall not be transferable to any other fleet motor vehicle, except that the unused registration fee may be transferred to another fleet motor vehicle which is registered at the same or greater weight. The data required for registration under this section shall be submitted electronically.

(c) The secretary of revenue may adopt rules and regulations in order to administer the provisions of this section.

Sec. 2. K.S.A. 2010 Supp. 8-1,152 is hereby repealed.

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

State of Kansas

Department of Revenue

Permanent Administrative Regulations

Article 19.—KANSAS RETAILERS' SALES TAX

92-19-3. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3602, 79-3607, 79-3609; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; amended June 26, 1998; revoked April 1, 2011.)

92-19-3a. Credit sales, conditional sales, and other sales and service transactions that allow deferred payment. (a) For purposes of this regulation, K.A.R. 92-19-3b, K.A.R. 92-19-3c, and K.A.R. 92-19-55b, the following definitions shall apply:

(1) ''Conditional sale'' means a sales transaction made pursuant to a written agreement that is treated as a sale of goods for federal income tax purposes in which the buyer gains immediate possession or control of the goods but the seller or a financial institution retains title to or a security interest in the goods to ensure its future receipt

of full payment before clear title is transferred to the buyer in possession or control of the goods. Conditional sale contracts include ''financing leases.''

(2) ''Credit charge'' means interest, finance, and carrying charges from credit extended on the sale of goods or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the buyer.

(3) ''Credit sale'' means a sale of goods or services under an agreement that provides for the deferred payment of the purchase price. Credit sales shall include sales made under the following:

(A) An installment contract that transfers title and possession of the goods to the buyer at the time of purchase, but allows payment to be made in periodic installments; and

(B) a revolving credit contract that extends a line of credit to a buyer that allows purchases to be charged against the account and provides for periodic billing that requires payment of part of, and allows for payment of all of, the credit balance owed by the buyer.

(4) ''Creditor'' means an entity or person to whom money is owed.

(5) ''Financial institution'' means a bank, savings and loan, credit union, or other finance company licensed under the provisions of the Kansas uniform consumer credit code as specified in K.S.A. 79-3602, and amendments thereto, for isolated or occasional sales.

(6) ''Financing lease'' means a conditional-sale contract that is denominated a lease, but that is intended to finance a lessee's purchase of goods or its continued possession of goods under a sale-leaseback agreement. A lessor shall be presumed to have entered into a financing lease if the lessor accounts for the lease transaction as a financing agreement for federal income tax purposes. The term ''capital lease'' shall be considered synonymous with ''financing lease.''

(7) ''Goods'' has the same meaning as ''tangible personal property,'' which is specified in K.S.A. 79-3602, and amendments thereto.

(8) ''Invoice'' means a paper or electronic bill of sale or similar dated document containing an itemized list of goods or services sold to the buyer that specifies the selling price of the goods or services and complies with the requirements of K.S.A. 79-3648 and amendments thereto, when an itemized charge is taxable.

(9) ''Layaway sale'' means a transaction in which property is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and, at the end of the payment period, receives the property. An order shall be deemed accepted for layaway by the seller when the seller removes the property from normal inventory or clearly identifies the property as sold to the purchaser.

(10) ''Operating lease'' has the meaning specified in K.A.R. 92-19-55b.

(11) ''Purchase price'' has the meaning of ''sales or selling price'' specified in K.S.A. 79-3602, and amendments thereto.

(12) ''Rain check'' means that the seller allows a customer to purchase an item at a certain price at a later time because the particular item was out of stock.

(13) ''Repossessed goods'' means goods sold on credit that a retailer or other creditor reclaims as allowed by law after a buyer or debtor defaults on installment payments.

(14) ''Returned goods'' means goods that a buyer returns to a retailer upon the parties' cancellation of the original sales contract when the retailer either credits or refunds the full selling price of the goods and associated sales tax to the buyer. Returned goods shall not include goods accepted in trade or barter, goods repossessed or recaptured by legal process, and goods secured pursuant to the consumer's abandonment of the sales contract or other voluntary surrender.

(15) ''Sales tax'' or ''tax'' means Kansas retailers' sales tax, Kansas retailers' compensating use tax, and any local retailers' sales or use tax that is levied in addition to the state tax.

(16) ''Services'' has the meaning specified in K.S.A. 79-3602, and amendments thereto.

(b) Nothing in this regulation, K.A.R. 92-19-3b, K.A.R. 92-19-3c, or K.A.R. 92-19-55b shall be construed as modifying any of the following:

(1) Any requirement of any Kansas certificate-of-title statute or supporting regulation;

(2) any provision of the retailers' sales tax act that allows a retailer to discount the selling price of goods or services based on a trade-in, coupon, or other price reduction that is allowed by a retailer and taken by a buyer on a sale; or

(3) any requirement imposed on creditors or consumers by the Kansas uniform consumer credit code, K.S.A. 16a-1-101 et seq., and amendments thereto.

(c)(1) When a retailer makes credit sales, the retailer may report and pay tax to the department on the total cash and other payments the retailer receives during each reporting period or, if the retailer's books and records are regularly kept on the accrual basis, on the total receipts accrued in its books and records during each reporting period. A retailer that has filed six or more sales tax returns using the same method of accounting that it uses for its federal income tax reporting shall be presumed to have knowingly elected to use that method of accounting for sales tax purposes and to have benefited from its election. Regardless of the reasons for electing to use one method of accounting, a retailer shall continue to use that method of accounting to report its credit and other retail sales unless the director of taxation authorizes the retailer in writing to change its method of accounting for all future sales tax returns or the internal revenue service directs or authorizes the retailer to change its method of accounting for federal income tax purposes.

(2) A retailer shall not be disqualified from reporting sales on a cash-receipts basis because it makes credit sales or has accounts receivable. However, when a retailer that reports credit sales on a cash-receipts basis sells, factors, assigns, or otherwise transfers an installment contract, account receivable, or similar instrument, sales tax shall become due on the total amount of the remaining payments and shall be reported on the return for the period in which the retailer is paid or credited for the contract or receivable.

(continued)

(3) For the purposes of administering and enforcing the requirements of the Kansas retailers' sales tax act for retailers that report tax based on the total receipts accrued during a reporting period, the date contained on the invoice given to the buyer shall be presumed to be the date the retailer recognizes the receipts in its books and records as earned.

(4) If a retailer finds that it is a hardship to report and remit sales tax in accordance with the requirements in this subsection, the retailer may apply in writing to the director of taxation for permission to start reporting its sales using a different accounting method. The retailer shall fully explain the reasons for the request, and the director may identify reasonable requirements that the retailer shall meet as a condition to allowing the retailer to change the method of accounting it uses to report sales tax.

(d)(1) Each retailer that accounts for its credit sales on the accrual basis shall bill the buyer the full amount of tax that is due on the purchase price of the goods or services sold on credit and shall source and report the sale as if it were a cash sale. The purchase price shall not be reduced by any expense that the retailer attributes to the sale or service and recovers from the buyer even when the retailer bills the expense as a separate line-item charge or on a separate invoice.

(2) When a credit sale is made, any credit charge that is paid by a buyer in addition to the purchase price of goods or services shall be deemed not to be part of the purchase price and shall not be subject to sales tax if both of the following conditions are met:

(A) The invoice, bill of sale, or similar document given to the buyer separately states the credit charge and the selling price of the goods or services that were sold on credit.

(B) The extension of credit was contracted for by the parties, provided for by standard industry custom or practice, or otherwise granted by the retailer, including by issuing an invoice that unilaterally informs the buyer that interest at a stated rate will be added each month to any outstanding credit balance.

(3) A retailer's charges for the extension of credit that meet the requirements of paragraph (d)(2) shall not be included in the retailer's report of gross receipts.

(4) A retailer that makes credit sales shall maintain records that separately show the selling price of the goods or services, the corresponding amount of sales tax charged, the customer's credit balance, and any interest, financing, or carrying charge that has been added to that balance.

(5) A retailer shall not collect sales tax on charges to customers for insufficient funds checks or closed-account checks. The receipts from these charges shall not be included in the retailers report of gross receipts.

(6) This subsection shall not apply to the types of charges related to credit-card use that are specified in subsection (e).

(e)(1) If a retailer increases the selling price of goods or services for a buyer who uses a credit card to compensate for interchange fees or other charges that the credit-card company will later deduct from the payment it forwards to the retailer's account, these increases shall be considered to be part of the selling price of the goods or services and shall be subject to tax.

(2) Interchange fees and other charges that a credit-card company deducts from a participating retailer's account shall be deemed charges for the financial services that the credit-card company has rendered for the retailer and shall not be deducted from the retailer's report of gross receipts or otherwise used to reduce the amount of sales tax being reported.

(f)(1) A progress payment shall mean a payment made to a contractor as work progresses on a construction project that may be conditioned on the percentage of work completed, the stage of work completed, the costs incurred by the contractor, a payment schedule, or some other basis. Each contractor who issues a bill or statement for a progress payment for a period in which the contractor performed taxable labor services shall report sales tax on the taxable services as part of its gross receipts.

(2) If a contractor reports sales tax on the cash basis, it shall report the taxable labor services it performed during the period covered by a progress payment on the return it files for the sales-tax reporting period in which it receives the progress payment. If a contractor reports sales tax on the accrual basis, it shall report the taxable services it performed during the period covered by a progress-billing statement on the return it files for the sales-tax reporting period in which it recognizes the charges on its progress-billing statement in its books and records as earned.

(g)(1) Unless otherwise provided by statute, each retailer that makes a layaway sale shall report sales tax on the total selling price of the goods sold on layaway when the final payment is made and the goods are delivered to the buyer. The tax rate that is applied to a layaway sale shall be the rate that is in effect at the time of delivery. An exemption may be claimed on a layaway sale only if the exemption is in effect at the time of delivery. If an unpaid balance remains when the goods are delivered, the transaction shall be reported as a credit sale that is consummated when the goods are delivered to the buyer.

(2) Sales tax shall be applied to a purchase made under a rain check in the same way that the tax is applied to a purchase made under a layaway sale.

(h)(1) Each retailer shall collect and remit tax in accordance with this subsection on any taxable sales of goods the retailer makes under a financing lease agreement or other conditional sale, unless the lease or sale satisfies one of the requirements listed in paragraphs (i)(2)(A) through (C).

(2) When an accrual-basis retailer sells goods at retail and the sale is financed under a financing lease, the retailer shall collect and remit sales tax at the time of sale on the full selling price of the goods. Sales tax shall be collected and remitted in this manner even if the retailer transfers title to the goods to a financial institution and possession of the goods to the third-party lessee or if the retailer retains title to the goods and transfers possession to the lessee. Lease payments that a third-party lessee makes to a financial institution or retailer to discharge its loan-repayment obligations under a financing lease or other conditional sale shall not be subject to tax.

(3) A financial institution shall not claim a resale exemption for the purchase of goods that the financial institution is financing under a financing lease agreement.

(4) The transfer of title to the lessee upon completion of the lease payments required under a financing lease agreement shall not be subject to tax.

(i)(1) A contract shall be treated as a financing lease regardless of whether the underlying transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq. and amendments thereto, or any other provision of federal, state, or local law, if the contract requires the lessee to possess or control the goods under a security agreement or deferred payment plan that requires the transfer of possession or control of the goods to the lessee under either of the following:

(A) A security agreement or deferred payment plan that requires the transfer of title to the lessee upon completion of the required payments; or

(B) an agreement that requires the transfer of title upon completion of the required installment payments plus the additional payment of an option price, and the option price does not exceed the greater of $100 or 1% of the total required payments.

(2) Unless paragraph (i)(1) requires a contract to be treated as a financing lease, a contract shall be treated as an operating lease and not as a financing lease if the contract meets one of the following requirements:

(A) Contains a provision that allows the lessor to claim federal income tax depreciation benefits for the leased goods;

(B) allows the lessee to terminate the agreement at any time by returning the goods and making all lease payments due to the date of return; or

(C) qualifies as a Kansas consumer lease-purchase agreement under K.S.A. 50-680 et seq., and amendments thereto.

(j)(1) A late payment charge or penalty billed to a customer shall be exempt under this regulation only if the late payment charge or penalty is imposed for nonpayment of a credit balance that is owed under the parties' agreement for the extension of credit, a financing lease, or other conditional sale agreement.

(2) A late payment charge or penalty that is billed to a customer by a regulated utility, cable provider, telecommunications company, or other entity that operates under the authority granted by law or contract by a municipal, county, state, or federal governmental unit is not a credit charge imposed for the extension of credit and shall be subject to sales tax.

(3) A late payment charge or penalty imposed under an operating lease or rental agreement shall be subject to tax in accordance with subsection (d) of K.A.R. 92-19-55b. (Authorized by K.S.A. 2010 Supp. 75-5155 and K.S.A. 2010 Supp. 79-3618; implementing K.S.A. 2010 Supp. 75-5155, K.S.A. 2010 Supp. 79-3602, K.S.A. 2010 Supp. 79-3603, K.S.A. 2010 Supp. 79-3609, and K.S.A. 2010 Supp. 79-3618; effective April 1, 2011.)

92-19-3b. Allowances for bad debts. (a) General.

(1) For purposes of this regulation, ''bad debt'' shall mean any debt owed to or account receivable held by a retailer that can be claimed as a ''wholly or partially worthless debt'' deduction under 26 U.S.C. Section 166 that arose from the sale of goods or services upon which the retailer reported retailers' sales or use tax in a prior reporting period; and

(2)(A) A retailer shall be eligible to claim a bad debt allowance if the retailer meets the following conditions:

(i) Was the original seller of the taxable goods or services;

(ii) charged and remitted the retailers' sales or use tax on a sale that can be claimed as a worthless debt deduction under 26 U.S.C. Section 166; and

(iii) has written off the bad debt as worthless or uncollectible in its books and records.

(B) A certified service provider shall be eligible to claim a bad debt allowance on behalf of a retailer that meets the conditions in paragraph (a)(2)(A) if the provider meets the requirements in subsection (g).

(3) A claim for a bad debt allowance shall be considered to be filed with the department according to one of the following:

(A) On the due date of the return for the reporting period in which the bad debt is written off as uncollectible in the retailer's books and records, when a deduction for the bad debt is taken on that return; or

(B) on the date that the retailer files a refund claim with the department, if part or all of a bad debt allowance is being claimed as a refund because the bad debt allowance was not taken as a deduction on the appropriate return or the deduction that was taken exceeded the amount of taxable gross receipts being reported on that return. The filing date for a refund claim provided by K.S.A. 79-3609, and amendments thereto, shall be the later of either the postmark date on the refund request or the postmark date on the required supporting documentation.

(4) Each claim by a retailer for a deduction, credit, or refund based on a bad debt allowance shall be made in accordance with this regulation. K.A.R. 92-19-3c shall control the treatment of goods that are repossessed by a retailer after the retailer has taken a bad debt allowance on the underlying credit sale of goods defaulted on by the retailers' customer.

(5) After a retailer sells, factors, assigns, or otherwise transfers an account receivable, installment contract, or other similar debt instrument for a discount of any kind that authorizes a third party to collect customer payments, the retailer shall not be eligible to claim a bad debt allowance, credit, or refund for bad debts that arise under an instrument that was sold or transferred at a discount. A third party that purchases or otherwise obtains a debt instrument from the retailer, and any person that subsequently purchases or otherwise obtains the debt instrument, shall not be eligible to claim a bad debt allowance, credit, or refund for an underlying credit sale of goods or services defaulted on by the retailer's customer.

(b) Determining the amount of a bad debt allowance.

(1) The bad debt allowance that may be claimed for sales tax purposes shall be the difference between the federal worthless debt deduction calculated for the sale or account pursuant to 26 U.S.C. Section 166(b) and the applicable adjustments and exclusions to the federal worth-

(continued)

less debt deduction specified in K.S.A. 79-3674 and amendments thereto.

(2) No anticipatory or statistical sampling method of estimating the amount of a sales-tax bad debt allowance shall be allowed except as specified in K.S.A. 79-3674(h) and amendments thereto.

(3) If a retailer maintains a reserve account for bad debts, only charges against the bad debt reserve that have been written off the retailer's books and records may be claimed as a bad debt allowance.

(4) The amount of sales tax that is deducted, credited, or refunded under a bad debt allowance shall not exceed the difference between the tax that the retailer remitted to the department on a retail transaction and the tax that the retailer collected on the retail transaction.

(5) The amount of a bad debt allowance shall not include any finance charges, collection expenses, or repossession expenses that the retailer assigned to the consumer's account.

(6) Whenever the sales tax rate that was in effect at the time and place of the original sale is changed pursuant to a statutory rate change or the enactment or repeal of a local tax, the amount of the bad debt allowance shall be adjusted to account for the rate change before the bad debt allowance is claimed.

(7) In the absence of adequate records showing the contrary, it shall be presumed that the interest rate for financing charges that the retailer billed to a customer's delinquent account is the maximum rate of interest that the retailer charged on the same type of delinquent account during the same period that gave rise to the bad debt.

(8) No interest shall be paid by the department on any sales-tax bad debt deduction taken on a retailer's tax return. Interest on a refund claim filed to recover part or all of a bad debt allowance shall be computed as provided in subsection (e).

(c) How to claim a bad debt allowance.

(1)(A) A retailer that is required to file federal income tax returns shall claim a bad debt allowance as a deduction from the taxable gross receipts being reported on the return the retailer files for the reporting period in which the bad debt is charged off its books and records as uncollectible.

(B) A retailer that is not required to file federal income tax returns, including a church or other nonprofit entity, shall claim a bad debt allowance as a deduction from taxable gross receipts during the reporting period in which the bad debt is charged off its books and records, if the allowance would otherwise qualify for a worthless debt deduction under 26 U.S.C. Section 166 if the retailer were required to file federal income tax returns.

(2) If a retailer fails to timely claim a bad debt deduction on the return identified in paragraph (c)(1) or if a bad debt allowance exceeds the taxable gross receipts being reported on that return, the retailer shall file a refund request pursuant to K.S.A. 79-3609, and amendments thereto, to recover the bad debt allowance or the balance of the allowance. The retailer shall not claim a bad debt allowance as a deduction so that a negative balance is reported on a return, as a deduction on an amended return filed for an earlier reporting period, or as a deduction on a return filed for a later period.

(3) A refund request that is filed to recover a bad debt allowance shall not include any other type of refund claim. The supporting documentation shall clearly state that the refund request is based on a claim for a bad debt allowance and shall identify the sales tax reporting period in which the worthless debt deduction could have first been claimed for federal income tax purposes.

(4) A refund claim based on a bad debt allowance shall be denied if the due date of the return for the reporting period in which the retailer first became eligible to write off the worthless debt for federal income tax purposes is outside the limitation period specified in K.S.A. 79-3609, and amendments thereto, for filing refund claims.

(d) Substantiating documentation.

(1) The burden of establishing the right to and the validity of a sales-tax bad debt allowance shall be on the retailer. In order to verify each sales-tax bad debt allowance being claimed, the retailer shall retain records that show the following:

(A) The date when the retailer first became eligible to write off the worthless debt in the books and records that it maintains for federal income tax purposes;

(B) the amount of the worthless debt that was written off for federal income tax purposes and the amount of the worthless debt that is being claimed for Kansas sales tax purposes;

(C) any computations or adjustments made by the retailer to its federal worthless debt deduction to arrive at the bad debt allowance being claimed for Kansas sales tax purposes;

(D) any portion of the debt or worthless account that represents customer charges that were not taxed; and

(E) the amount of interest, finance charges, service charges, collection, and repossession costs that the retailer assigned to the debt or worthless account.

(2) The information specified in paragraphs (d)(1)(A) through (d)(1)(E) may be requested by the department at any time to substantiate a retailer's bad debt allowance claim.

(3) Any retailer that qualifies to claim a sales-tax bad debt allowance and whose volume and character of uncollectible or worthless accounts warrant an alternative method of substantiating the allowance may apply in writing to the director of taxation and ask to be allowed to maintain records other than those specified in this subsection. The retailer shall explain the reasons for the request, and the director may identify reasonable requirements that the retailer must meet as a condition to allowing the retailer to maintain records other than those specified in this subsection.

(e) A bad debt allowance submitted as a refund request. If a retailer claims a bad debt allowance by filing a refund request in accordance with paragraphs (c)(2) through (c)(4), the request shall be treated as the retailer's application for a refund. If a refund request based on a bad debt allowance is approved, either a credit memorandum or a refund payment may be issued by the department to the retailer for the approved amount. The amount credited or refunded shall not include interest, unless a credit memorandum or refund payment is not issued within the

time provided for refunds by K.S.A. 79-3609, and amendments thereto. If a credit memo or refund payment is issued after the time provided for refunds, interest shall be computed from the later of either the filing date of the refund request or the filing date of the supporting documentation required by K.S.A. 79-3693, and amendments thereto.

(f) Recovery of allowances previously taken. If a retailer collects payment for goods or services or repossesses goods that were the basis of a bad debt allowance, the retailer shall apply the payment first proportionally to the selling price of the goods or services and the corresponding sales tax that remains unpaid and then to any other charges that are owed on the customer's account, including interest, service charges, and collection costs billed to the customer. The retailer shall report the payment amount that is apportioned to the selling price of the taxable goods or services as part of its taxable gross receipts for the period in which the payment is received.

(g) Certified service providers.

(1) If a retailer's filing responsibilities have been assumed by a certified service provider, the certified service provider may claim, on the retailer's behalf, any bad debt allowance that the retailer could claim under this regulation. The certified service provider shall provide a credit or issue a refund to the retailer for the full amount of any bad debt allowance that the provider recovers. No person other than the retailer who reported the taxable transaction and reported tax to the department, or a retailer's certified service provider, shall be entitled to claim a bad debt allowance that is based on a worthless debt or uncollectible account.

(2) If the books and records of the retailer or certified service provider claiming a sales-tax bad debt allowance support an allocation of the sales-tax bad debts among the member states on a particular customer's uncollectible account, the allocation shall be allowed pursuant to K.S.A. 79-3674, and amendments thereto. (Authorized by K.S.A. 2010 Supp. 75-5155 and 79-3618; implementing K.S.A. 2010 Supp. 79-3609, 79-3674, and 79-3693; effective April 1, 2011.)

92-19-3c. Repossessed goods. (a) Each retailer that repossesses goods that were the basis of a bad debt allowance under K.A.R. 92-19-3b, and each financial institution that repossesses goods, shall account for the repossessed goods in accordance with this regulation.

(b) The recovery of goods being repossessed and the transfer of title to the goods from the debtor to the retailer or financial institution are not retail sales and shall not be taxed.

(c) When repossessed goods are resold by a retailer at retail, the receipts from the sale shall be reported as part of the retailer's gross receipts. When repossessed goods are resold by a retailer as a sale for resale, a retailer that previously claimed a bad debt allowance on the goods shall account for the receipts as an allowance recovery in accordance with K.A.R. 92-19-3b(f).

(d) When goods are repossessed by a financial institution, the resale of the goods by the financial institution and the transfer of title to the buyer shall be treated as nontaxable isolated or occasional sales.

(e) When a debtor satisfies the underlying debt after goods are repossessed, the return of goods and the transfer of title to the goods to the debtor are not retail sales and shall not be taxed. A retailer that previously claimed a bad debt allowance on the goods shall report the taxable gross receipts that are included in the payment from the debtor in accordance with K.A.R. 92-19-3b(f).

(f) When a retailer or financial institution uses repossessed goods other than for retention, demonstration, or display while holding the goods for resale in the regular course of business, the retailer or financial institution shall accrue sales tax on its use of the repossessed goods as the rental of the goods. (Authorized by K.S.A. 2009 Supp. 75-5155 and 79-3618; implementing K.S.A. 2009 Supp. 79-3602, K.S.A. 2009 Supp. 79-3603 as amended by L. 2010, Ch. 160, sec. 1, K.S.A. 2009 Supp. 79-3607 as amended by L. 2010, ch. 123, sec. 11, K.S.A. 2009 Supp. 79-3609 as amended by L. 2010, ch. 123, sec. 12, K.S.A. 2009 Supp. 79-3615, 79-3618 and 79-3674; effective April 1, 2011.)

92-19-10. (Authorized by K.S.A. 79-3618, implementing K.S.A. 1986 Supp. 79-3602, 79-3603 as amended by L. 1987, Ch. 182, Sec. 108, K.S.A. 1986 Supp. 79-3607; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; revoked April 1, 2011.)

92-19-16a. Gifts, premiums, prizes, coupons, and rebates. (a) Each sale of tangible personal property shall be taxable if made to a person who will use the property as a prize or premium or who will give the property away as a gift. Donors of articles of tangible personal property shall be regarded as the users or consumers of the property. If a retailer donates property that was originally acquired for resale, the retailer shall accrue tax on the cost it paid for the property when the retailer files its next sales tax return, unless the retailer donates the property to an entity that is exempt from taxation on its purchases under K.S.A. 79-3606, and amendments thereto, or has provided the retailer with a resale exemption certificate.

(b) If a retailer making a retail sale that is subject to tax gives a premium or prize along with the item being sold, the transaction shall be regarded as the sale of both items to the purchaser if delivery of the premium or prize does not depend on chance.

(c) If the award of a premium or prize by a retailer depends on chance, the retailer's acquisition of the premium or prize shall be subject to sales tax. The retailer shall pay the tax at the time of acquisition of the premium or prize or, if the item is removed from resale inventory, shall accrue tax on the item's cost on its sales tax return.

(d) If a retailer accepts a coupon for a taxable product and will later be reimbursed by a manufacturer or other party for the reduction in selling price, the total sales value, including the coupon amount, shall be subject to sales tax. If a retailer accepts a coupon and will not be reimbursed for the reduction in selling price, the reduction shall be considered a discount, and the taxable amount shall be the net amount paid by the customer after deducting the value of the coupon. If a retailer enhances the value of a manufacturer's coupon, the amount

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of the unreimbursed enhancement shall be treated as a discount that is not subject to sales tax.

(e) For purposes of this regulation, ''rebate'' shall mean a return of part of the amount paid for a product after the time of sale, which is commonly obtained by sending proof of purchase to the manufacturer. Like manufacturers' coupons, a manufacturer's rebate is a form of payment. Therefore, even if a manufacturer's rebate is assigned to a retailer at the time of sale, the rebate shall not reduce the amount that is subject to sales tax.

(f) Sales of gift certificates, meal cards, or other forms of credit that can be redeemed by the holder for the equivalent cash value shall not be subject to tax when sold. If the certificate or other form of credit is used as a cash equivalent to purchase taxable goods or services, the retailer who redeems the certificate or other form of credit shall charge sales tax on the selling price of the goods or services, which shall not be reduced by the amount of the certificate or other credit being redeemed.

(g) Sales of coupon books and similar materials that entitle the holder to a discount or other price advantage on the purchase of goods or services shall be presumed to have value in addition to the coupons or discounts contained in them and shall be taxable as sales of tangible personal property, except when the sale of this type of book is by a nonprofit organization that treats the receipts from the sales as a donation. If a coupon is redeemed from a coupon book or other material sold at retail, the retailer who redeems the coupon shall charge sales tax in accordance with the requirements for sales made with coupons that are specified in subsection (d).

(h) If a nonprofit organization treats receipts from the providing of coupon books and similar materials as donations, the nonprofit organization shall be liable for paying sales tax when it purchases the coupon books or other materials that are provided to a donor when a donation is made, unless the organization is otherwise exempted from paying tax on its purchases. If a coupon is redeemed, the retailer who redeems the coupon shall charge sales tax in accordance with the requirements for sales made with coupons that are specified in subsection (d). (Authorized by K.S.A. 2009 Supp. 75-5155 and 79-3618; implementing K.S.A. 2009 Supp. 79-3602 and K.S.A. 2009 Supp. 79-3603 as amended by L. 2010, ch. 160, sec. 1; effective July 27, 2001; amended April 23, 2007; amended April 1, 2011.)

92-19-16b. (Authorized by K.S.A. 2005 Supp. 75-5155 and K.S.A. 2005 Supp. 79-3618; implementing K.S.A. 2005 Supp. 79-3602, as amended by L. 2006, Ch. 202, Sec. 1, K.S.A. 2005 Supp. 79-3607, and K.S.A. 2005 Supp. 79-3609; effective April 13, 2007; revoked April 1, 2011.)

92-19-40. (Authorized by K.S.A. 79-3618, implementing K.S.A. 1986 Supp. 79-3606 as amended by L. 1987, Ch. 292, Sec. 32, as further amended by L. 1987, Ch. 64, Sec. 1; effective, E-80-26, Dec. 12, 1979; effective May 1, 1980; amended May 1, 1988; revoked April 1, 2011.)

92-19-42. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1980 Supp. 79-3602, 79-3603, 79-3606; effective May 1, 1981; revoked April 1, 2011.)

92-19-49b. Goods returned when a sale is rescinded. (a)(1) When a retailer and consumer rescind a taxable sale of goods that the retailer reported on an earlier return, the retailer shall be entitled to deduct the original selling price of the returned goods from its current report of gross receipts, except as provided in paragraph (a)(2). A retail sale of goods shall be considered to be rescinded once the retailer accepts possession of the returned goods and the consumer accepts the repayment of all or part of the selling price and sales tax that was originally paid to buy the goods. This repayment to the consumer may be made by credit or refund.

(2) If a retailer reduces the amount credited or refunded to the consumer for the returned goods as compensation for depreciation, consumer usage, or any other reduction in the value of the goods, the amount of the reduction shall be considered a charge by the retailer for the consumer's use of the goods and shall be subject to sales tax as if it were a rental charge being billed to the consumer. Both the deduction from gross receipts taken by the retailer on its current return and the selling price credited or refunded to the consumer shall be reduced by the amount taken as compensation for the reduced value of the goods. The amount of tax that is required to be credited or refunded to the consumer shall be reduced in a proportional amount.

(3) A retailer shall not be required to report its taxable receipts from a retail sale that is rescinded if the original sale, the acceptance of the returned goods by the retailer, and the full repayment to the consumer are all completed during one reporting period. If only partial repayment of the selling price and sales tax is made to the consumer, the retailer shall report the amount used as the reduced value of the goods as part of its gross receipts for that reporting period.

(4) If a retailer does not reduce the amount refunded to a consumer under paragraph (a)(2) or (a)(3) for a reduction in the value of the goods and charges a restocking or reshelving fee to the consumer after goods are returned, this fee shall not be taxable. A restocking or reshelving fee shall be defined as a fee charged by a retailer to cover the time and expense incurred returning goods to resale inventory if the consumer has not used the goods in a way that reduces their value.

(b) Each retailer shall maintain records that clearly establish and support its deduction claim when a sale is rescinded.

(c) Any retailer may take a deduction or credit for a refund claim on its sales tax return only if the deduction or credit has been authorized in writing by the department or is allowed under this regulation, K.A.R. 92-19-3b, K.A.R. 92-19-3c, or another department regulation. All other refund claims shall be made by submitting a written refund application to the department, in accordance with K.A.R. 92-19-49c.

(d) Repossessed goods shall be treated as specified in K.A.R. 92-19-3c.

(e) Despite any other provision of this regulation, any motor vehicle manufacturer, manufacturer's agent, or authorized dealer may apply to the department for a refund or take a deduction during the reporting period if a consumer returns a motor vehicle in accordance with K.S.A. 50-645, and amendments thereto, and is refunded the total amount that the consumer paid for the vehicle, in-

cluding sales tax, less a reasonable allowance for the consumer's use of the vehicle, which shall include the sales tax associated with that use. The manufacturer, agent, or dealer shall maintain records that clearly reflect the acceptance of the returned vehicle under K.S.A. 50-645 and amendments thereto, the amount of the refund, and the amount of taxes refunded. (Authorized by K.S.A. 2009 Supp. 75-5155 and K.S.A. 2009 Supp. 79-3618; implementing K.S.A. 2009 Supp. 79-3607 as amended by L. 2010, ch. 123, sec. 11, and K.S.A. 2009 Supp. 79-3609 as amended by L. 2010, ch. 123, sec. 12; effective May 27, 2005; amended April 1, 2011.)

92-19-55b. Operating leases. (a) Definitions.

(1) ''Financing lease'' shall have the meaning specified in K.A.R. 92-19-3a.

(2) ''Goods'' shall have the meaning as specified in K.A.R. 92-19-3a. For purposes of this regulation, ''equipment'' may be substituted for the word ''goods'' whenever equipment rentals or leases are being considered.

(3) ''Lease or rental'' shall have the meaning specified in K.S.A. 79-3602, and amendments thereto. When used in this regulation, these two terms and their derivatives are synonymous.

(4) ''Lessee'' shall mean a person who acquires the right to possess or control goods under a lease or rental agreement.

(5) ''Lessor'' shall mean a person who is engaged in the business of leasing or renting goods to others.

(6) ''Operating lease'' shall mean a lease agreement that gives the lessee possession or control of goods for a fixed or indeterminate period, while the lessor retains all or substantially all of the risk and rewards of ownership of the goods. This term shall be synonymous with ''true lease.''

(7) ''Primary property location'' shall have the meaning specified in K.S.A. 79-3670, and amendments thereto.

(8) ''Sales tax'' or ''tax'' shall have the meaning specified in K.A.R. 92-19-3a.

(9) ''Transportation equipment'' shall have the meaning specified in K.S.A. 79-3670, and amendments thereto. When the term ''motor vehicle'' or ''vehicle'' is used, the term shall mean any passenger vehicle, truck, trailer, semitrailer, or truck tractor, as defined in K.S.A. 8-126 and amendments thereto, that is not classified as ''transportation equipment'' under K.S.A. 79-3670, and amendments thereto.

(b) Operating leases and rentals.

(1) Each agreement that is structured as a lease shall be treated as an operating lease unless the agreement meets the definition of a ''financing lease'' in K.A.R. 92-19-3a. Any operating-lease agreement may contain a future option to purchase the goods that are being leased or to extend the agreement, or both. Each oral lease shall be treated as an operating lease.

(2) Each person who rents or leases goods at retail for use in Kansas under an operating lease shall be deemed a retailer doing business in this state and shall register with the department and report tax on its taxable receipts as provided in this regulation. If tax is not collected on a taxable charge for a rental or lease, the tax together with interest and penalty may be collected by the department from either the lessor or the lessee.

(3) Each lessor shall collect tax on every taxable rental or lease charge that it bills to its lessees. A lessor shall not forgo this collection duty and elect instead to pay sales tax when the lessor buys goods to rent or lease.

(4) Each recurring periodic payment made under a rental or lease agreement shall be treated as a payment for a separate sales transaction in time units defined by the agreement of the parties. Each recurring periodic payment period under an agreement shall be treated as a complete sale for purposes of determining the following:

(A) Whether tax is required to be collected or paid on a periodic payment because of the enactment of a new tax imposition or exemption;

(B) whether a change in the tax rate applies to a periodic payment;

(C) what the appropriate local tax jurisdiction is when the primary property location is changed from one local taxing jurisdiction in Kansas to another; and

(D) what the appropriate state tax jurisdiction is when the primary property location is changed to Kansas from another state or from Kansas to another state.

(5) If a lease or rental agreement does not require recurring periodic payments to be made, the lump-sum payment shall be treated as a complete sale for purposes of applying exemptions, tax rates, sourcing requirements, and other requirements of the sales tax act to the lease payment. No refund claim shall be allowed or assessment issued that is based on an enactment that takes effect after payment but during the term of this type of lease or rental, unless the enactment specifies otherwise.

(6) Each ''rent-to-own'' or ''rental-purchase'' agreement that is subject to the Kansas consumer lease-purchase agreement act, K.S.A. 50-680 et seq. and amendments thereto, shall be treated as an operating lease. A reinstatement fee charged under this type of an agreement shall be taxable.

(7) A rental or lease shall not qualify for exemption as an isolated or occasional sale of goods.

(c) Sourcing receipts from operating leases. Each receipt from the lease or rental of goods shall be sourced according to the following:

(1) Classification of the receipt as a down payment, recurring periodic payment, or a single payment for the entire lease or rental period; and

(2) the type of goods being leased or rented.

Each different type of receipt shall be sourced according to K.S.A. 79-3670 and amendments thereto.

(d) Computation of the tax.

(1) Sales tax shall be computed on the total amount of each lease charge billed to the lessee without any deduction for mandatory insurance, damage waiver fees, property taxes, maintenance, service, repair, pickup, delivery, and other handling charges, administrative charges, late payment charges or penalties, reinstatement fees, late return charges, fuel charges, surcharges, and other charges or expenses whether paid by the lessor or lessee. Each of these fees or expenses shall be considered to be part of a taxable lease charge, even when the fee or expense is separately stated on an invoice given to a lessee or when separate contracts are entered into for the rental or lease

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and for the payment of one or more of these fees or expenses.

(2) All payments of interest, financing, and carrying charges, and any other payment that a lessee makes to reimburse a lessor for the costs or expenses the lessee incurs under the lease, shall be subject to sales tax whether billed as a separate line-item charge or on a separate invoice.

(3) When a rental or lease agreement has been subject to sales tax, sales tax shall apply to any charge made for either of the following:

(A) The cancellation of the agreement; or

(B) the early return of the rented or leased goods.

(4) Each late return charge that is billed for a customer's failure to return goods to a rental company or other lessor within the agreed-upon rental or lease term shall be treated as a charge for the customer's continued possession or control of the goods. This charge shall be subject to sales tax regardless of whether the charge meets any of the following conditions:

(A) Is designated a late return charge, a penalty, or a credit charge;

(B) exceeds the standard rental charge; or

(C) is a flat charge that appears to be a fine.

(e) A lessor's purchase of goods to rent or lease.

(1) Any registered lessor that rents or leases goods may claim that the goods are purchased for resale when the lessor buys goods for the sole purpose of renting or leasing to others.

(2) A lessor that rents or leases equipment or other goods to others shall not claim the equipment or goods are purchased for resale when the lessor buys the equipment or goods if the lessor engages in a service business that does either of the following:

(A) Uses the equipment or other goods to perform services, in addition to renting or leasing the equipment or goods; or

(B) furnishes the equipment or goods to others with an operator.

(3) If a lessor paid tax when it purchased goods, the payment of tax shall not exempt any subsequent charges that the lessor bills for the rental or lease of the goods and shall not entitle the lessor to claim a credit for the taxes paid. Each lessor that is allowed to claim that goods are purchased for resale as provided in paragraph (e)(1) but paid tax on the purchase of the goods in error shall apply to the department for a refund of the tax.

(4) If a lessor that purchased goods solely for rental or lease later withdraws the goods from its rental or lease inventory for its own occasional use and then returns them to its inventory, the lessor shall accrue sales tax on the regular rental amount that the retailer would charge to a customer for use of the goods under a rental or lease agreement.

(f) Purchases of repair services and repair parts.

(1) A lessor's purchases of repair services and repair parts for incorporation into the goods or equipment that the lessor uses exclusively to rent or lease shall not be considered to be a retail sale. A lessor's purchases of oil, grease, filters, lubricants, and similar items that are purchased for use in equipment that the lessor uses exclusively to rent or lease shall not be considered to be a retail sale. Sales tax shall be collected on any charges for these items that are separately billed to a lessee.

(2) The sale of repair services, repair parts, oil, grease, filters, lubricants, and similar items to a rental or lease business for use in equipment in its rental or lease inventory shall be a retail sale if the business uses equipment from its inventory to perform services or if the business furnishes equipment from its inventory to others with an operator.

(g) Furnishing equipment with an operator.

(1) Each charge for furnishing equipment with an operator who will use the equipment to perform services shall be taxed as a service rather than a rental or lease and shall be subject to the impositions on services set forth in K.S.A. 79-3603, and amendments thereto.

(2) Each lessor shall charge and collect sales tax on each lease or rental charge that the lessor bills to a lessee who intends to use the equipment being rented or leased to perform services for others.

(3) When a lessee bills a customer for taxable services that it performed using leased equipment, the lessee shall not deduct or otherwise exclude the lease charges that it paid to the lessor when the lessee bills its customer for the taxable services.

(4) Equipment shall be considered to be leased or rented rather than provided with an operator if the only services the lessor provides are setup, inspection, or maintenance services that are performed on the leased equipment itself.

(h) Disposal of rental or lease inventory. When goods that were purchased for rental or lease are sold at retail, the lessor shall collect sales tax on the full selling price without regard to any tax that has been collected and remitted on receipts from the rental or lease of the goods. The sale of any goods that a retailer makes from its rental or lease inventory shall not qualify as an isolated or occasional sale.

(i) Real property considerations.

(1) If a contract for the rental or lease of real property requires goods, including furniture and restaurant equipment, to be provided to a tenant with real property, no sales tax shall be due on any amount that is separately charged to the tenant for the goods. When a business purchases or leases goods to use to furnish or equip an apartment, office, restaurant, or other real property that the business intends to lease or rent, the sale or lease of the goods to the business shall be considered a retail sale or lease, and the business shall pay sales tax on the purchase price or lease charges as the final user of the goods.

(2) Each rental or lease of goods, including computers, typewriters, and word processors, to a person who obtains the exclusive right to use the goods for a fixed term shall be subject to sales tax even though the goods are attached or affixed to real property, unless the goods are being furnished with the rental or lease of a real property as specified in paragraph (i)(1).

(3) For purposes of determining the taxability of a rental or lease transaction that involves tangible personal property attached to realty, taxability shall be presumed if the property being leased or rented is considered ''goods'' pursuant to K.S.A. 84-2-107(2), and amendments thereto, unless the goods are being furnished with the

rental or lease of real property as specified in paragraph (i)(1).

(j) Exemptions, discounts, and deductions. Any discount, deduction, or exemption may be claimed when a rental or lease of goods or services is entered into if the same discount, deduction, or exemption would be allowed when the same goods or services are sold at retail. When a lessee that makes recurring periodic payments claims entitlement to a new discount, deduction, or exemption that first takes effect during the term of a lease, any discount, deduction, or exemption may be applied to the periodic payments as provided in paragraph (b)(4).

(k) Conditional sales. Each financing lease and other financing transactions shall be taxed as provided in K.A.R. 92-19-3a. (Authorized by K.S.A. 2010 Supp. 75-5155 and 79-3618; implementing K.S.A. 2010 Supp. 79-3602, 79-3603, 79-3604, 79-3618, 79-3669, 79-3670, and 79-3702; effective April 1, 2011.)

92-19-59. Private letter rulings. (a) A ''private letter ruling'' shall mean a statement of the secretary of revenue or the secretary's authorized agent issued to an individual retailer and shall be of limited application. A private letter ruling interprets the statute or regulation to which the ruling relates. A private letter ruling is issued in response to a retailer's written request for clarification of the tax statute or regulation relating to a specified set of circumstances affecting the retailer's collections duties as they relate to a claim of exemption from sales tax.

(b) A retailer, consumer, or other person shall not rely upon a verbal opinion from the department of revenue. Only a written private letter ruling issued to a retailer that concerns the retailer's collection duties shall bind the department. Each retailer seeking a private letter ruling from the department shall submit a written request for the ruling to the department. The written request shall identify the retailer and state with specificity the facts and circumstances relating to the issue for which the ruling is sought. If insufficient facts are presented with a retailer's request for a ruling, a private letter ruling shall not be issued by the department. If material facts are misrepresented in a retailer's request for a ruling, a private letter ruling that is issued by the department shall be of no effect and shall not be binding on the department. Department correspondence that does not state that the correspondence is a ''private letter ruling'' shall not be considered or otherwise treated as a private letter ruling.

(c) Nothing contained in a private letter ruling shall be construed as altering any provision of the Kansas retailers' sales tax act or any department regulation or as otherwise meeting any of the following conditions:

(1) Having the force and effect of law;

(2) being a notice, revenue ruling, or other tax-policy statement that has been published by the department; or

(3) being a precedent that can be cited or relied upon by any person other than the retailer to whom the ruling is issued, except to identify a ruling that is being relied upon as support for a request for the reduction or waiver of penalty or interest.

(d) If a private letter ruling erroneously instructs an individual retailer that it is not required to collect sales tax under a specific set of facts and circumstances, that retailer shall be absolved of its statutory duty to collect sales tax under a comparable set of facts and circumstances, unless the ruling has been rescinded or was based on the retailer's misrepresentation of material facts. A consumer that did not pay the tax to the retailer shall continue to be liable for the uncollected tax. However, if the consumer belatedly pays or is later assessed the tax, penalty shall be waived, and any interest on the consumer's late payment may be waived or reduced, upon the consumer's request unless the consumer misrepresented material facts to either the retailer or the department.

(e) Each private letter ruling shall cease to be valid and shall be deemed to have been rescinded when any one of the following occurs:

(1) A statute or regulation that the department relied upon as a basis for the ruling is changed in any substantive part by the Kansas legislature or department of revenue.

(2) A substantive change in the interpretation of a statute or regulation that the department relied upon as a basis for the ruling is made by a court decision.

(3) An interpretation that the department relied upon as a basis for the ruling is changed in any substantive part by a more recent department notice, guideline, revenue ruling, or other published policy directive that rescinds all prior published policy statements about issues that are discussed in the policy directive. Any policy statement that has been rescinded by the department may be cited as support for a taxpayer's request for the reduction or waiver of penalty or interest. (Authorized by K.S.A. 2009 Supp. 75-5155 and 79-3618; implementing K.S.A. 2009 Supp. 79-3604 and K.S.A. 79-3646; effective May 1, 1988; amended April 1, 2011.)

92-19-73. Membership fees and dues. (a) Each public or private club, organization, or business charging dues to members for the use of the facilities for recreation or entertainment shall collect sales tax on the gross receipts received from the dues, except for the following:

(1) Clubs and organizations that are exempt from property tax pursuant to the ''eighth'' paragraph of K.S.A. 79-201 and amendments thereto, including the American legion, the veterans of foreign wars, and certain other military veterans' organizations;

(2) clubs and organizations that are exempt from property tax pursuant to the ''ninth'' paragraph of K.S.A. 79-201 and amendments thereto, including the Y.M.C.A., Y.W.C.A., Boy Scouts, Girl Scouts, and certain other humanitarian community service organizations; and

(3) nonprofit organizations that support nonprofit zoos, if the organization is exempt pursuant to section 501(c)(3) of the federal internal revenue code of 1986 and the dues are used to support the operation of the zoo.

(b)(1) ''Dues'' means any charge that is a debt owed to the club, organization, or business by an existing member or prospective member in order for the member or prospective member to enjoy the use of the facilities of the club, organization, or business for recreation or entertainment, and, except as provided in paragraph (b)(2), shall include periodic or one-time special assessments, initia-

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tion fees, and entry fees charged to members by a nonprofit club or organization if a member's continued nonpayment of the assessment or fee will result in the loss of membership or membership rights.

(2) Dues shall not include the redeemable amount of a contribution required for membership in an equity country club or other equity entity organized for recreation or entertainment in which none of the net earnings inure to the benefit of any shareholder or other person, including organizations described by I.R.C. 501(c)(7), if the club or organization is obligated to repay the redeemable amount of the contribution, and the redeemable amount either is reflected as a liability owed to the member on the club's or organization's books and records or is required to be repaid to the member under a written contract. The repayment obligation may be conditioned upon the club's or organization's receipt of a membership contribution from a new member. The redeemable amount of a contribution required for membership shall include payments made by a member or prospective member for membership stock, certificates of membership, refundable deposits, refundable capital improvement surcharges, refundable special or one-time assessments, or similar membership payments in an amount equal to the amount that the club or organization is obligated to repay to the member. These payments to a club shall not be considered redeemable contributions if the club's repayment obligation is contingent solely on a club ceasing its operations as a nonprofit social organization sometime in the future.

(3) If all or part of a redeemable contribution paid to acquire or retain membership ceases to be carried as a liability on the books and records of a club that continues operation, or its successor, and the contribution has not been redeemed by a former member or former member's estate, the amount of the contribution that is no longer carried as a liability and can no longer be redeemed shall be subject to sales tax.

(c) ''Recreation or entertainment'' means any activity that provides a diversion, amusement, sport, or refreshment to the member. This term shall include the health, physical fitness, exercise, and athletic activities identified in K.A.R. 92-19-22b.

(d) An exemption for gas, fuel, or electricity shall not be allowed for a public or private club, organization, or other business that charges dues to members if the gas, fuel, or electricity is utilized for heating, cooling, or lighting a building, facility, or other area that is used for recreation or entertainment. An exemption shall not be allowed for water, cleaning supplies, toilet supplies, sanitary supplies, and other consumables and supplies that are used by a public or private club, organization, or other business that enable dues-paying members or others to use the building or facility for recreation or entertainment. These exemptions shall not be allowed regardless of whether the business charges dues-paying members or others for admission or for participation in sports, games, or recreation. (Authorized by K.S.A. 2009 Supp. 75-5155 and K.S.A. 2009 Supp. 79-3618; implementing K.S.A. 2009 Supp. 75-5155, K.S.A. 2009 Supp. 79-3603 as amended by L. 2010, ch. 160, sec. 1 and K.S.A. 2009 Supp. 79-3618; effective May 1, 1988; amended July 27, 2001; amended April 1, 2011.)

Nick Jordan
Secretary of Revenue

Doc. No. 039217

State of Kansas

Racing and Gaming Commission

Permanent Administrative Regulations

Article 101.—FACILITY MANAGER CERTIFICATION

112-101-6. Disqualification criteria. (a) A facility manager's certificate shall be denied or revoked by the commission if the applicant or certificate holder itself has been convicted of any felony, crime involving gambling, or crime of moral turpitude.

(b) A certificate may be denied, suspended, or revoked by the commission, and a certificate holder may be otherwise sanctioned by the commission as specified in K.A.R. 112-113-1 if the certificate holder or its officers, directors, key gaming employees, or any person directly or indirectly owning an interest of at least 0.5% in the applicant meets any of the following conditions:

(1) Has any employees who have knowingly or negligently provided false or misleading material information to the commission or its staff;

(2) fails to notify the commission staff about a material change in the applicant's or certificate holder's application within seven days;

(3) is delinquent in paying for the cost of regulation, oversight, or background investigations required under the act or any regulations adopted under the act;

(4) has violated any provision of the act or any regulation adopted under the act;

(5) has failed to meet any monetary or tax obligation to the federal government or to any state or local government;

(6) is financially delinquent to any third party;

(7) has failed to provide information or documentation requested in writing by the commission in a timely manner;

(8) does not consent to or cooperate with investigations, inspections, searches, or having photographs and fingerprints taken for investigative purposes;

(9) has failed to meet the requirements of K.A.R. 112-101-4;

(10) has officers, directors, key gaming employees, or persons directly or indirectly owning an interest of at least 0.5% that have any present or prior activities, criminal records, reputation, habits, or associations meeting either of the following criteria:

(A) Pose a threat to the public interest or to the effective regulation of gaming; or

(B) create or enhance the dangers of unfair or illegal practices in the conduct of gaming; or

(11) has violated any contract provision with the Kansas lottery. (Authorized by and implementing K.S.A. 2009 Supp. 74-8751 and 74-8772; effective April 17, 2009; amended April 1, 2011.)

Article 102.—GAMING SUPPLIER AND NON-GAMING SUPPLIER CERTIFICATION

112-102-8. Disqualification criteria. (a) A certificate shall be denied or revoked by the commission if the

applicant or certificate holder has been convicted of any felony, crime involving gambling, or crime of moral turpitude.

(b) A certificate may be denied, suspended, or revoked by the commission, and a certificate holder may be sanctioned by the commission under K.A.R. 112-113-1 if the certificate holder or its officers, directors, key gaming employees, or any person known to directly or indirectly own an interest of at least 0.5% in the applicant meets any of the following conditions:

(1) Has knowingly provided false or misleading material information through its employees to the commission or commission staff;

(2) fails to notify the commission staff about a material change in the application within seven days;

(3) has violated any provision of the act or any regulation adopted under the act;

(4) has failed to meet any monetary or tax obligation to the federal government or to any state or local government;

(5) is financially delinquent to any third party;

(6) has failed to provide information or documentation requested in writing by the commission in a timely manner;

(7) does not consent to or cooperate with investigations, interviews, inspections, searches, or having photographs and fingerprints taken for investigative purposes;

(8) has failed to meet the requirements of K.A.R. 112-102-6;

(9) has any officers, directors, key gaming employees, or any person known to directly or indirectly own an interest of at least 0.5% in the applicant that has any present or prior activities, criminal records, reputation, habits, or associations meeting either of the following criteria:

(A) Pose a threat to the public interest or to the effective regulation of gaming; or

(B) create or enhance the dangers of unfair or illegal practices in the conduct of gaming; or

(10) has violated any contract with the Kansas lottery. (Authorized by and implementing K.S.A. 2009 Supp. 74-8751 and 74-8772; effective Aug. 14, 2009; amended April 1, 2011.)

Article 103.—EMPLOYEE LICENSING

112-103-2. License levels. (a) Each of the following persons who will be employed by or working for a facility manager in a position that includes the responsibility or authority specified in this subsection, regardless of job title, shall be considered key employees and shall be required to hold a current and valid temporary work permit or level I occupation license issued in accordance with the act and these regulations:

(1) Any person who has authority to perform any of the following:

(A) Hire or fire employees of a facility manager;

(B) establish working policies for a facility manager;

(C) act as the chief financial officer or have financial management responsibility for a facility manager;

(D) manage all or part of a gaming facility; or

(E) direct, control, manage, or engage in discretionary decision making over a facility manager;

(2) any person who has the authority to develop or administer policy or long-term plans or to make discretionary decisions about the management of a gaming facility or ancillary lottery gaming facility, including any of the following persons:

(A) General manager or chief executive officer;

(B) electronic gaming machine director;

(C) director of surveillance;

(D) director of security;

(E) controller;

(F) director of internal audit;

(G) manager of the management information systems section or of any information system of a similar nature;

(H) marketing department manager;

(I) administrative operations manager;

(J) hotel general manager; or

(K) restaurant or bar general manager; or

(3) any other person designated as a key employee by the executive director.

(b) Each person whose responsibilities predominantly involve the maintenance of gaming equipment or assets associated with gaming activities or whose responsibilities predominantly involve conducting gaming activities shall obtain a temporary work permit or a level II occupation license. Each person who will be employed by or working for a facility manager in a position that includes any of the following responsibilities shall obtain a temporary work permit or a level II occupation license:

(1) Supervising the pit area;

(2) functioning as a dealer or croupier;

(3) conducting or supervising any table game;

(4) repairing and maintaining gaming equipment, including slot machines and bill validators;

(5) functioning as a gaming cashier or change person;

(6) assisting in the operation of electronic gaming machines and bill validators, including any person who participates in the payment of jackpots and in the process of filling hoppers, or supervising those persons;

(7) identifying patrons for the purpose of offering them complimentaries, authorizing the complimentaries, or determining the amount of complimentaries;

(8) analyzing facility manager operations data and making recommendations to key personnel of the facility manager relating to facility manager marketing, complimentaries, gaming, special events and player ratings, and other similar items;

(9) entering data into the gaming-related computer systems or developing, maintaining, installing, or operating gaming-related computer software systems;

(10) collecting and recording patron checks and personal checks that are dishonored and returned by a bank;

(11) developing marketing programs to promote gaming in the gaming facility;

(12) processing coins, currency, chips, or cash equivalents of the facility manager;

(13) controlling or maintaining the electronic gaming machine inventory, including replacement parts, equipment, and tools used to maintain electronic gaming machines;

(14) having responsibilities associated with the installation, maintenance, or operation of computer hardware for the facility manager computer system;

(continued)

(15) providing surveillance in a gaming facility;
(16) providing security in a gaming facility;
(17) supervising areas, tasks, or staff within a gaming facility or ancillary lottery gaming facility operations; or
(18) any other person designated by the executive director.
(c) Each person who will be employed by or working for a facility manager or with an ancillary lottery gaming facility operator and who is not required under the act or these regulations to obtain a level I or level II occupation license shall obtain a temporary work permit or a level III occupation license. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective April 17, 2009; amended April 1, 2011.)

112-103-4. Application for a license. Each applicant for a level I, level II, or level III occupation license shall submit a completed application on a commission-approved form to the human resources department of the facility manager with which the applicant seeks employment. The human resources staff shall ensure the form's completeness and shall submit the form to the commission's licensing staff. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective April 17, 2009; amended April 1, 2011.)

112-103-5. Applicant identification. (a) Each applicant shall have the responsibility to provide identification when submitting an application by presenting one of the following:
(1) A current and valid state-issued driver's license that has a photograph of the applicant on the license;
(2) documentation for American citizens or persons born in the United States that includes one or more of the following:
(A) A certified United States birth certificate;
(B) a certified birth certificate from a United States territory;
(C) a current and valid United States passport or passport card;
(D) a current and valid United States military card;
(E) a certified order of adoption that is an original United States document;
(F) a certificate of naturalization with intact photo or a certificate of United States citizenship;
(G) a United States military common access card with photo, date of birth, and name and branch of service; or
(H) a United States government-issued consular report of birth abroad;
(3) documentation for persons not born in the United States or persons who are not American citizens that includes one or more of the following:
(A) A valid foreign passport with a form I-94 or valid ''processed for I-551'' stamp with a mandated departure date more than 60 days in the future. This shall exclude border-crossing cards;
(B) a form I-94 with refugee status;
(C) a valid form I-551 green card or alien registration; or
(D) a valid photo employment authorization issued by the United States department of justice; or
(4) documentation for proof of name change that includes one or more of the following:
(A) A certified United States marriage certificate indicating the city, county, and state where issued;
(B) a certified United States divorce decree containing an official signature;
(C) a certified United States court order of name change;
(D) a certified court order of adoption; or
(E) a marriage certificate from a foreign country. If the marriage certificate from a foreign county is not in English, the certificate shall be translated into English.
(b) The facility manager shall review the identification documents, ensure to the best of that person's ability the authenticity of the documents, and ensure that the applicant is legally in the United States.
(c) Each applicant shall have the responsibility to identify that person to the commission enforcement agents by submitting the applicable documents listed in this regulation, upon request. (Authorized by and implementing K.S.A. 2010 Supp. 74-8772; effective April 17, 2009; amended April 1, 2011.)

112-103-8. Disqualification criteria for a level I, level II, or level III license. (a) A level I license shall be denied or revoked by the commission if the applicant or licensee is or has been convicted of any felony, crime involving gambling, or crime of moral turpitude.
(b) Any license may be denied, suspended, or revoked by the commission, and any licensee may be sanctioned by the commission if the applicant or licensee meets any of the following conditions:
(1) Has knowingly provided false or misleading material information to the commission or its staff;
(2) fails to notify the commission staff about a material change in the applicant's or licensee's application within seven days;
(3) has violated any provision of the act or any regulation adopted under the act;
(4) is unqualified to perform the duties required;
(5) has failed to meet any monetary or tax obligation to the federal government or to any state or local government;
(6) is financially delinquent to any third party;
(7) has failed to provide information or documentation requested in writing by the commission in a timely manner;
(8) does not consent to or cooperate with investigations, interviews, inspections, searches, or having photographs and fingerprints taken for investigative purposes;
(9) has failed to meet the requirements of K.A.R. 112-103-6; or
(10) has any present or prior activities, criminal records, reputation, habits, or associations that meet either of the following criteria:
(A) Pose a threat to the public interest or to the effective regulation of gaming; or
(B) create or enhance the dangers of unfair or illegal practices in the conduct of gaming. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective April 17, 2009; amended April 1, 2011.)

112-103-15. License mobility; limitations. (a) Any licensee may work in any other position at or below that license level. If a licensee changes positions for more than

one shift in a seven-day period, the facility manager shall request approval from the commission's licensing staff about the change.

(b) If the commission's licensing staff determines that the person's license no longer reflects that person's actual position, the person shall be required to reapply for the appropriate occupation license.

(c) Each licensee who wants to work for a different lottery gaming facility shall request approval from the commission's licensing staff before commencing employment at the other lottery gaming facility. That employee shall submit an updated license application and a personal disclosure form. (Authorized by and implementing K.S.A. 2010 Supp. 74-8772; effective April 17, 2009; amended April 1, 2011.)

Article 104.—MINIMUM INTERNAL CONTROL SYSTEM

112-104-1. Definitions; internal control system. (a) The following words and terms, when used in this article, shall have the following meanings unless the context indicates otherwise:

(1) ''Accounting department'' means a facility manager's internal department that is responsible for the management of the financial and accounting activities relating to electronic gaming machines being utilized on an approved gaming floor.

(2) ''Asset number'' means a unique number assigned to an electronic gaming machine by a facility manager for the purpose of tracking the electronic gaming machine.

(3) ''Bill validator'' means an electronic device designed to interface with an electronic gaming machine for the purpose of accepting and validating any combination of United States currency, gaming tickets, coupons, or other instruments authorized by the commission for incrementing credits on an electronic gaming machine.

(4) ''Bill validator canister'' means a mechanical or electronic device designed to interface with an electronic gaming machine for the purpose of storing any combination of United States currency, gaming tickets, coupons, or other instruments authorized by the commission for recording credits on an electronic gaming machine.

(5) ''Blind count'' means the counting of currency or gaming chips by a person who does not know the inventory balance.

(6) ''Cash equivalents'' means instruments with a value equal to United States currency or coin, including certified checks, cashier's checks, traveler's checks, money orders, gaming tickets, and coupons.

(7) ''Cashier's booth'' means an area from which a cashier conducts transactions associated with gaming cashiers or window cashiers.

(8) ''Change person'' means a person who exchanges coins, currency, and coupons with patrons.

(9) ''Complimentary'' means any lodging, service, or item that is provided directly or indirectly to an individual at no cost or at a reduced cost and that is not generally available to the public. This term shall include lodging provided to a person at a reduced price due to the anticipated or actual gaming activities of that person. Group rates, including convention and government rates, shall be deemed generally available to the public.

(10) ''Count room'' means a room secured by keys controlled by two separate facility manager departments with limited access, where the contents, including currency, gaming tickets, and coupons, of bill validator canisters are counted by the count team.

(11) ''Currency counters'' means a device that counts currency and tickets.

(12) ''Critical program storage media'' and ''CPSM'' mean any media storage device that contains data, files, or programs and is determined by the commission to be capable of affecting the integrity of gaming.

(13) ''Drop'' means the total amount of money, tickets, and coupons removed from any lottery facility game or kiosk.

(14) ''Drop team'' means the group of employees of a facility manager who participate in the transportation of the drop.

(15) ''EGM'' means electronic gaming machine.

(16) ''Gaming day'' means a period not to exceed 24 hours corresponding to the beginning and ending times of gaming activities for the purpose of accounting reports and determination by the central computer system of net lottery facility game income.

(17) ''Generally accepted accounting principles'' and ''GAAP'' have the meaning specified in K.A.R. 74-5-2.

(18) ''Imprest'' means the basis on which the operating funds of general cashiers and gaming cashiers are maintained. The opening and closing values shall be equal, and any difference shall result in a variance. The funds may be replenished as needed in exactly the value of the net of expenditures made from the funds for value received.

(19) ''Incompatible functions'' means functions or duties that place any person or department in a position to perpetuate and conceal errors, fraudulent or otherwise.

(20) ''LFG'' means lottery facility game.

(21) ''Main bank'' means the central location in the gaming facility where acts that include the following are performed:

(A) Transactions for recording currency, coin, tokens, cash equivalents, and negotiable instruments;

(B) preparation of bank deposits;

(C) acceptance of currency from the count room; and

(D) reconciliation of all cage transactions.

(22) ''Trolley'' means a wheeled apparatus used for the secured transport of electronic gaming cash storage boxes and drop boxes.

(23) ''Unclaimed winnings'' means gaming winnings that are held by the facility manager as a liability to a patron until that patron is paid.

(24) ''Unredeemed ticket'' means a ticket issued from an LFG containing value in U.S. dollars that has not been presented for payment or accepted by a bill acceptor at a gaming machine and has not been marked as paid in the ticket file.

(25) ''Weigh scale'' means a scale that is used to weigh coins and tokens and that converts the weight to dollar values in the count process.

(b) Each applicant for a facility manager certificate shall submit to the commission and the Kansas lottery a written plan of the applicant's initial system of administrative

(continued)

and accounting procedures, including its internal controls and audit protocols, at least 180 days before opening a gaming facility, unless the executive director finds good cause for a shorter deadline. This plan shall be called the internal control system and shall include the following:

(1) Organization charts depicting segregation of functions and responsibilities;

(2) a description of the duties and responsibilities of each licensed or permitted position shown on the organization charts and the lines of authority;

(3) a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of this article;

(4) a record retention policy in accordance with K.A.R. 112-104-8;

(5) procedures to ensure that assets are safeguarded and counted in conformance with effective count procedures;

(6) the following controls and procedures:

(A) Administrative controls that include the procedures and records that relate to the decision making processes leading to management's authorization of transactions;

(B) accounting controls that have as their primary objectives the safeguarding of assets and revenues and the reliability of financial records. The accounting controls shall be designed to provide reasonable assurance that all of the following conditions are met:

(i) The transactions or financial events that occur in the operation of an LFG are executed in accordance with management's general and specific authorization;

(ii) the transactions or financial events that occur in the operation of an LFG are recorded as necessary to permit preparation of financial statements in conformity with generally accepted accounting principles, the act, and this article;

(iii) the transactions or financial events that occur in the operation of an LFG are recorded in a manner that provides reliable records, accounts and reports, including the recording of cash and evidence of indebtedness, for use in the preparation of reports to the commission related to LFGs;

(iv) the transactions or financial events that occur in the operation of an LFG are recorded to permit proper and timely reporting and calculation of net LFG income and fees to maintain accountability for assets;

(v) access to assets is permitted only in accordance with management's general and specific authorization; and

(vi) the recorded accountability for assets is compared with existing physical assets at reasonable intervals, and appropriate action is taken with respect to any discrepancies;

(C) procedures and controls for ensuring that all functions, duties, and responsibilities are segregated and performed in accordance with legitimate financial practices by trained personnel;

(D) procedures and controls for ensuring all applicable technical standards as adopted by the commission under article 110 are followed;

(7) a completed internal control checklist; and

(8) any other items that the commission may require to be included in the internal controls.

(c) The internal control system shall be accompanied by the following:

(1) An attestation by the chief executive officer or other competent person with a direct reporting relationship to the chief executive officer attesting that the officer believes in good faith that the submitted internal controls conform to the requirements of the act and this article; and

(2) an attestation by the chief financial officer or other competent person with a direct reporting relationship to the chief financial officer attesting that the officer believes in good faith that the submitted internal controls are designed to provide reasonable assurance that the financial reporting conforms to generally accepted accounting principles and complies with all applicable laws and regulations, including the act and this article.

(d) Each internal control system shall be reviewed by the commission in consultation with the Kansas lottery to determine whether the system conforms to the requirements of the act and this article and provides adequate and effective controls to ensure the integrity of the operation of LFGs at a gaming facility. If the commission determines that the system is deficient, a written notice of the deficiency shall be provided by the executive director to the applicant or facility manager. The applicant or facility manager shall be allowed to submit a revision to its submission. Each facility manager shall be prohibited from commencing gaming operations until its internal control system is approved by the commission.

(e) If a facility manager intends to update, change, or amend its internal control system, the facility manager shall submit to the commission for approval and to the Kansas lottery a written description of the change or amendment and the two original, signed certifications described in subsection (c).

(f) A current version of the internal control system of a facility manager shall be maintained in or made available in electronic form through secure computer access to the accounting and surveillance departments of the facility manager and the commission's on-site facilities. The facility manager shall also maintain a copy, in either paper or electronic form, of any superseded internal control procedures, along with the two certifications required to be submitted with these procedures, for at least seven years. Each page of the internal control system shall indicate the date on which the page was approved by the commission. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-104-8. Retention, storage, and destruction of books, records, and documents. (a) Each facility manager's internal control system shall include internal controls for retention, storage, and destruction of books, records, and documents.

(b) For the purposes of this regulation, ''books, records, and documents'' shall mean any book, record, or document pertaining to, prepared in, or generated by the operation of the gaming facility, including all forms, reports, accounting records, ledgers, subsidiary records, computer-generated data, internal audit records, correspondence, and personnel records required by this article to

be generated and maintained by this article. This definition shall apply without regard to the medium through which the record is generated or maintained, including, paper, magnetic media, and encoded disk.

(c) The facility manager shall ensure that all original books, records, and documents pertaining to the operation of a gaming facility meet the following requirements:

(1) Are prepared and maintained in a complete, accurate, and legible form. Electronic data shall be stored in a format that ensures readability, regardless of whether the technology or software that created or maintained the data has become obsolete;

(2) are retained at the site of the gaming facility or at another secure location approved under subsection (e);

(3) are kept available for inspection by agents of the commission and the Kansas lottery during all hours of operation;

(4) are organized and indexed in a manner to provide accessibility upon request to agents of the commission and the Kansas lottery; and

(5) are destroyed only after expiration of the minimum retention period specified in subsection (d). However, upon the written request of a facility manager and for good cause shown, the destruction at an earlier date may be permitted by the executive director.

(d) Each facility manager shall retain the original books, records, and documents for at least seven years, with the following exceptions:

(1) Gaming tickets reported to the commission as possibly counterfeit, altered, or tampered with shall be retained for at least two years.

(2) Coupons entitling patrons to cash or LFG credits, whether unused, voided, or redeemed, shall be retained for at least six months.

(3) Voided gaming tickets and gaming tickets redeemed at a location other than an LFG or a kiosk shall be retained for at least six months.

(4) Gaming tickets redeemed at an LFG or a kiosk shall be retained for at least 30 days.

(e) Any facility manager may request, in writing, that the executive director approve a location outside the gaming facility to store original books, records, and documents. The request shall include the following:

(1) A detailed description of the proposed off-site facility, including security and fire safety systems; and

(2) the procedures under which the commission and the Kansas lottery will be able to gain access to the original books, records, and documents retained at the off-site facility.

(f) Any facility manager may request in writing that the executive director approve an unalterable media system for the copying and storage of original books, records, and documents. The request shall include a description of the following:

(1) The processing, preservation, and maintenance methods that will be employed to ensure that the books, records, and documents are available in a format that makes them readily available for review and copying;

(2) the inspection and quality control methods that will be employed to ensure that the media, when displayed on a viewing machine or reproduced on paper, exhibit a high degree of legibility and readability;

(3) the accessibility by the commission and the Kansas lottery at the gaming facility or other location approved by the executive director and the readiness with which the books, records, or documents being stored on media can be located, read, and reproduced; and

(4) the availability of a detailed index of all stored data maintained and arranged in a manner to permit the location of any particular book, record, or document, upon request.

(g) Nothing in this regulation shall be construed as relieving a facility manager from meeting any obligation to prepare or maintain any book, record, or document required by any other federal, state, or local governmental body, authority, or agency. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-104-13. Patron deposits. (a) Each facility manager's internal control system shall include internal controls for the receipt and withdrawal of patron deposits. The internal controls shall be submitted to and approved by the commission according to K.A.R. 112-104-1.

(b) At the request of a patron, a facility manager may hold cash, funds accepted by means of wire transfer in accordance with K.A.R. 112-104-11, or cash equivalents accepted in accordance with K.A.R. 112-104-12 for a patron's subsequent use for gaming purposes. For the purposes of this regulation, non-cash items shall be considered converted to cash and deposited as cash for credit to the patron in a patron deposit account maintained in the cage.

(c) The internal controls developed and implemented by the facility manager under subsection (a) shall include the following:

(1) A requirement that patron deposits be accepted at the cage according to the following requirements:

(A) A file for each patron shall be prepared manually or by computer before the acceptance of a cash deposit from a patron by a gaming cashier, and the file shall include the following:

(i) The name of the patron;

(ii) a unique identifying number obtained from a United States government-issued photo identification card or a government-issued passport;

(iii) the date and amount of each cash deposit initially accepted from the patron;

(iv) the date and amount of each request accepted from the patron, as a draw against a cash deposit; and

(v) the date and amount of each cash deposit redemption;

(B) the gaming cashier accepting a deposit shall prepare a patron deposit form and other necessary documentation evidencing the receipt;

(C) patron deposit forms shall be serially prenumbered, each series of patron deposit forms shall be used in sequential order, and the series number of all patron deposit forms shall be accounted for by employees with no incompatible function. All original and duplicate void patron deposit forms shall be marked void and shall require the signature of the preparer;

(D) for establishments in which patron deposit forms are manually prepared, a prenumbered two-part form shall be used;

(continued)

(E) for establishments in which patron deposit forms are computer-prepared, each series of patron deposit forms shall be a two-part form and shall be inserted in a printer that will simultaneously print an original and duplicate and store, in machine-readable form, all information printed on the original and duplicate. The stored data shall not be susceptible to change or removal by any personnel after preparation of a patron deposit form;

(F) on the original and duplicate of the patron deposit form, or in stored data, the gaming cashier shall record the following information:

(i) The name of the patron making the deposit;

(ii) a unique identifying number obtained from a United States government-issued photo identification card or a government-issued passport;

(iii) the total amount being deposited;

(iv) the date of deposit;

(v) the signature of the gaming cashier or, if computer-prepared, the identification code of the gaming cashier; and

(vi) nature of the amount received, including cash, cash equivalents, wire transfer, or electronic fund transfer; and

(G) after preparation of the patron deposit form, the gaming cashier shall obtain the patron's signature on the duplicate copy and shall distribute the copies in the following manner:

(i) If an original, give a copy to the patron as evidence of the amount placed on deposit with the facility manager; and

(ii) if a duplicate copy, forward the copy along with any other necessary documentation to the main bank cashier, who shall maintain the documents;

(2) a requirement that patron deposits be withdrawn by the patron at the cage or upon receipt by the facility manager of a written request for withdrawal whose validity has been established:

(A) A patron shall be allowed to use the deposit by supplying information as required by K.A.R. 112-104-10 to verify the patron's identification:

(i) The gaming cashier shall ascertain, from the cage, the amount of the patron deposit available and request the amount the patron wishes to use against this balance. The gaming cashier shall prepare a patron deposit withdrawal form, which shall include the signature of the patron; and

(ii) the gaming cashier shall verify the signature on the patron deposit withdrawal form with the signature on the patron deposit form and sign the patron deposit withdrawal form to indicate verification;

(B) the patron's deposit balance shall be reduced by an amount equal to that on the patron deposit withdrawal form issued at the cage;

(C) a patron may obtain a refund of any unused portion of the patron's funds on deposit by performing either of the following:

(i) Sending the facility manager a signed, written request for a refund together with a signed, original patron deposit form; or

(ii) appearing personally at the cage, requesting the refund, and returning an the original patron deposit form;

(D) once the original patron deposit form is presented at a cage, a gaming cashier shall perform the following:

(i) Verify the unused balance with the main bank gaming cashier;

(ii) require the patron to sign the original of the patron deposit form;

(iii) prepare necessary documentation evidencing the refund, including a patron deposit withdrawal form or any other similar document that evidences the date and shift of preparation, the amount refunded, the nature of the refund made, the patron's name, and the signature of the gaming cashier preparing the documentation; and

(iv) verify the patron's identity with a United States government-issued photo identification card or a government-issued passport;

(E) the gaming cashier shall forward each original patron deposit form tendered by the patron pursuant to paragraph (c)(2)(D), along with any other necessary documentation, to the main bank gaming cashier, who shall compare the patron's signature on the original patron deposit form and any attached written, signed request required by paragraph (c)(2)(A)(i) to the patron's signature on the duplicate patron deposit form and on the original patron deposit withdrawal form. The main bank gaming cashier shall sign the original patron deposit form if the signatures are in agreement, notify the gaming cashier of the results of the comparison, and maintain the original patron deposit form and the documentation supporting the signature verification; and

(F) if the patron has requested the return of the patron's original deposit, the main bank gaming cashier shall return the patron's original patron deposit form to the gaming cashier. After the main bank gaming cashier has notified the gaming cashier that the signatures contained in paragraph (c)(2)(E) are a match, the gaming cashier shall then refund the unused balance of the deposit to the patron and, if applicable, return the original patron deposit form to the patron. The gaming cashier shall maintain any necessary documentation to support the signature verification and to evidence the refund;

(3) a requirement that the patron receive a receipt for any patron deposit accepted reflecting the total amount deposited, the date of the deposit, and the signature of the cage employee accepting the patron deposit; and

(4) procedures for verifying the identity of the patron at the time of withdrawal. Signature verification shall be accomplished in accordance with the signature verification procedures under K.A.R. 112-104-10. The facility manager shall maintain adequate documentation evidencing the patron identification process and the procedure for signature verification:

(A) A log of all patron deposits received and returned shall be prepared manually or by a computer on a daily basis by main bank gaming cashiers. The log shall include the following:

(i) The balance of the patron deposits on hand in the cage at the beginning of each shift;

(ii) for patron deposits received and refunded, the date of the patron deposit or refund, the patron deposit number, the name of the patron, and the amount of the patron deposit or refund; and

(iii) the balance of the patron deposits on hand in the cage at the end of each shift; and

(B) the balance of the patron deposits on hand in the cage at the end of each shift shall be recorded as an outstanding liability and accounted for by the main bank gaming cashier. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-104-14. Cage and main bank. (a) Each facility manager's internal control system shall include internal controls for the cage and the main bank. The internal controls shall be submitted to and approved by the commission according to K.A.R. 112-104-1. Each gaming facility shall have, adjacent to the gaming floor, a physical structure known as a cage. The cage shall house the cashiers and serve as the central location in the gaming facility for functions normally associated with the cage and the main bank, including the following:

(1) The custody of the cage inventory comprised of cash, cash equivalents, gaming chips, and the forms, documents, and records normally associated with the functions of a cage;

(2) the issuance, receipt, and reconciliation of imprest funds used by gaming cashiers, parimutuel tellers, and change persons in the acceptance of currency and coupons from patrons in exchange for currency;

(3) the exchange of currency, coin, gaming chips, and coupons for supporting documentation;

(4) the responsibility for the overall reconciliation of all documentation generated by gaming cashiers, parimutuel tellers, and change persons; and

(5) the receipt of currency, coupons, and tickets from the count room.

(b) The cage and the main bank shall provide maximum security for the materials housed, the employees located, and the activities performed in the cage and the main bank. The cage and the main bank shall meet all of the following requirements, at a minimum:

(1) The cage and the main bank shall be fully enclosed except for openings through which materials, including cash, records, and documents, can be passed to patrons, gaming cashiers, parimutuel tellers, and change persons.

(2) The cage and the main bank shall have manually triggered silent alarm systems located at the cashiers' window, vault, and in adjacent office space. The systems shall be connected directly to the monitoring room of the surveillance department and to the security department.

(3) The cage shall have a double-door entry and exit system that does not permit a person to pass through the second door until the first door is securely locked. In addition, all of the following requirements shall apply:

(A) The first door leading from the gaming floor of the double-door entry and exit system shall be controlled by the surveillance department through a commission-approved electronic access system designed and administered to provide a record of each entry authorization, including the authorizing employee's name and license number and the date and time of the authorization.

(B) The second door of the double-door entry and exit system shall be controlled by the cage through a commission-approved electronic access system designed and administered to provide a record of each entry authorization, including the authorizing employee's name and license number and the date and time of authorization.

(C) The double-door entry and exit system shall have surveillance coverage, which shall be monitored by the surveillance department.

(D) An entrance to the cage that is not a double-door entry and exit system shall be an alarmed emergency exit door only.

(4) Each door of the double-door entry and exit system shall have two separate commission-approved locking mechanisms.

(c) Any gaming facility may have one or more satellite cages separate and apart from the cage, established to maximize security, efficient operations, or patron convenience. The employees in a satellite cage may perform all of the functions of the employees in the cage. Each satellite cage shall be equipped with an alarm system in compliance with paragraph (b)(2). The functions that are conducted in a satellite cage shall be subject to the accounting controls applicable to a cage specified in K.A.R. 112-104-16.

(d) Each facility manager shall maintain and make available to the commission, upon request, a detailed and current list of the name of each employee meeting either of the following conditions:

(1) Possessing the combination to the locks securing the double-door entry and exit system restricting access to the cage and the main bank, any satellite cage, and the vault; or

(2) possessing the ability to activate or deactivate alarm systems for the cage, the main bank, any satellite cage, and the vault. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-104-15. Count room and main bank requirements. (a) Each facility manager shall have a count room and a main bank. The count room and the main bank shall be adjacent to the cage.

(b) Each count room and main bank shall meet both of the following requirements:

(1) Both rooms shall have a metal door for each entrance and exit. Each of these doors shall be equipped with an alarm device that audibly signals the surveillance department monitoring room and the security department whenever the door is opened at times other than those times for which the facility manager has provided prior notice according to K.A.R. 112-104-20.

(2) Each entrance and exit door shall be equipped with two separate commission-approved locking mechanisms. The combinations shall be maintained and controlled as follows:

(A) One of the commission-approved locking mechanisms shall be controlled by the surveillance department.

(B) Each entry shall be maintained in a log indicating the name and license number of each employee who entered the count room or the main bank and the date and time of the entry.

(c) The following shall be located within the count room:

(1) A table constructed of clear glass or similar material for the emptying, counting, and recording of the contents of bill validator canisters; and

(continued)

(2) surveillance cameras capable of video monitoring the following:

(A) The entire count process; and

(B) the interior of the count room, including any storage cabinets or trolleys used to store bill validator canisters, and any commission-approved trolley storage area located adjacent to the count room.

(d) The following shall be located within the main bank:

(1) A vault or locking cabinets, or both, for the storage of currency and gaming chips; and

(2) surveillance cameras capable of video monitoring the following:

(A) Interior of the vault room, including unobstructed views of counting surfaces;

(B) the exchange of currency, gaming chips, and documentation through any openings; and

(3) a secure opening through which only currency, gaming chips, and documentation can be passed to gaming cashiers, parimutuel tellers, and change persons. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-104-16. Accounting controls for the cage and main bank. (a) Each facility manager's internal control system shall include internal controls for cage and main bank accounting. The internal controls shall be submitted to and approved by the commission according to K.A.R. 112-104-1. If the facility manager elects to use a satellite cage, the same requirements shall apply.

(b) The facility manager shall provide the commission with the start and end times of each cage and main bank shift.

(c) The assets for which gaming cashiers are responsible shall be maintained on an imprest basis and protected from unauthorized access. Gaming cashiers shall lock and secure any assets that are outside of their direct physical control.

(1) Before redeemed tickets are transferred from a cage window to the main bank, the gaming cashier shall prepare an automated system report of the total number and value of the tickets redeemed at that window and compare that report to physical tickets being transferred to ensure that they match. Before reimbursing the cashier, the main bank cashier shall total the tickets received to verify that the dollar amount matches the amount on the gaming cashier's report or shall compare the tickets to the report to ensure that all tickets are present.

(2) Only tickets redeemed in the system shall be forwarded to accounting. If the online validation system ceases to function through the end of the gaming day and the cage is unable to redeem in the system any tickets received in the cage that day, these unredeemed tickets shall have the bar code manually canceled by completely filling in one space of the bar code with a black permanent marker before being forwarded to accounting to prevent subsequent automated redemption.

(3) At the end of each shift, the outgoing gaming cashier shall count all assigned assets and prepare and sign a bank count sheet listing the inventory. A reconciliation of the opening imprest amount to the closing inventory total shall be performed. Any variance shall be documented on the count sheet.

(4) The incoming gaming cashier shall verify by blind count the closing inventory and sign the count sheet in the presence of the outgoing gaming cashier, attesting to accuracy of the information recorded on the sheet. If there is no incoming gaming cashier, a gaming cashier supervisor or the most senior supervisor in the department shall verify by blind count the closing inventory and sign the count sheet in the presence of the outgoing gaming cashier, attesting to accuracy of the information recorded on the sheet. At the completion of each shift, the cashier count sheets shall be forwarded to the main bank cashier.

(d) If an imprest bank has not been opened for use, a main bank cashier or supervisor shall count and verify the imprest bank and complete a count sheet at least once every seven days.

(e) At the opening of every shift, in addition to the imprest funds normally maintained by gaming cashiers, each facility manager shall have in the cage a reserve cash bankroll sufficient to pay winning patrons.

(f) The cage, any satellite cage, and the main bank shall be physically segregated by personnel and function as follows:

(1) Gaming cashiers shall operate with individual imprest inventories of cash, and their functions shall include the following:

(A) The receipt of cash and cash equivalents from patrons in exchange for cash according to K.A.R. 112-104-12;

(B) the receipt of personal checks for gaming and non-gaming purposes from patrons in exchange for cash, subject to any limitations on amount required by the commission according to K.A.R. 112-104-10;

(C) the receipt of cash, cash equivalents, checks issued by the facility manager, annuity jackpot checks, wire transfers, and cashless fund transfers from patrons to establish a patron deposit according to K.A.R. 112-104-13;

(D) the receipt of patron deposit forms from patrons in exchange for cash according to K.A.R. 112-104-13;

(E) the preparation of jackpot payout slips in accordance with this regulation and K.A.R. 112-104-21;

(F) the receipt of gaming tickets from patrons or from authorized employees who received gaming tickets as gratuities, in exchange for cash; and

(G) the issuance of cash to automated bill breaker, gaming ticket, coupon redemption, and jackpot payout machines in exchange for proper documentation.

(2) The main bank cashier functions shall include the following:

(A) The receipt of cash, cash equivalents, gaming tickets, jackpot payout slips, and personal checks received for gaming and non-gaming purposes from gaming cashiers in exchange for cash;

(B) the receipt of cash from the count rooms;

(C) the receipt of personal checks accepted for gaming and non-gaming purposes from gaming cashiers for deposit;

(D) the preparation of the overall cage reconciliation and accounting records. All transactions that are processed through the main bank shall be summarized on a vault accountability form and be supported by documentation according to the following:

(i) At the end of each shift, the outgoing main bank cashier shall count the inventory and record the inventory detail and the total inventory on a vault accountability form. The main bank cashier shall also record the amount of each type of accountability transaction, the opening balance, the closing balance, and any variance between the counted inventory and the closing balance. If there is more than one main bank cashier working during a shift, each cashier shall participate in the incoming count and the outgoing count for that shift; and

(ii) a blind count of the inventory shall be performed by the incoming main bank cashier. The incoming main bank cashier shall sign the completed vault accountability form attesting to the accuracy of the information in the presence of the outgoing main bank cashier. If there is no incoming main bank cashier, a cage supervisor shall conduct the blind count and verification and sign the completed vault accountability form in the presence of the outgoing main bank cashier;

(E) the preparation of the daily bank deposit for cash, cash equivalents, and personal checks;

(F) the issuance, receipt, and reconciliation of imprest funds used by gaming cashiers, parimutuel tellers, and change persons;

(G) the collection of documentation that is required by these regulations to establish the segregation of functions in the cage;

(H) the responsibility for the reserve cash bankroll;

(I) the receipt of unsecured currency and unsecured gaming tickets and preparation of related reports; and

(J) the issuance, receipt, and reconciliation of imprest funds used by any redemption kiosk, which shall be done according to the following requirements:

(i) Redemption kiosks shall be maintained on an imprest basis on the main bank accountability form and shall be counted down and reconciled within 24 hours of adding funds to or removing funds from the redemption kiosk. In order to reconcile the redemption kiosk, all currency, tickets, and coupons remaining in the redemption kiosk shall be removed, counted, and compared to the redemption kiosk report that lists the amount of each item that should have been in the redemption kiosk. Each redemption kiosk shall be reconciled at least once every three days regardless of activity at that kiosk. If redemption kiosks are used for any other type of transaction, including providing automated teller machine functions, corresponding reports shall be printed and reconciled during the kiosk reconciliation. The internal controls shall include a record of the name of each person who performs the count and reconciliation. All kiosk counts shall be performed under dedicated surveillance coverage in the count room or main bank and shall be documented. The reconciliation of the redemption kiosk shall be documented and signed by the employee performing the reconciliation;

(ii) the main bank shall have a designated area for the preparation of currency cassettes and a designated storage area for cassettes that contain cash. Both locations shall be described in the internal controls. The designated preparation area shall have overhead, dedicated surveillance coverage. The storage area of the cassettes shall have dedicated surveillance coverage to record the storage and retrieval of currency cassettes. The storage area shall be locked when cassettes are not being removed or added to the area. Empty currency cassettes shall not be stored with the currency cassettes containing cash;

(iii) all currency cassettes used in kiosks shall be filled with currency by a main bank cashier. The amount of currency to be placed in the cassettes shall be counted by the main bank cashier and placed in the cassette. A prenumbered tamper-resistant seal that secures the cash in each cassette shall be immediately placed on the cassette. The type of seal shall be submitted to the commission director of security for prior approval. All cassettes that contain currency and are not immediately placed in a kiosk shall be stored in the designated storage area;

(iv) a currency cassette log shall be maintained and updated each time currency cassettes are sealed. The log shall contain the following information: date, time, seal number, cassette number, amount of currency in the cassette, denomination of currency in the cassette, and signature of the main bank cashier who prepared the cassette;

(v) each cassette shall be labeled with the required dollar denomination for that cassette and a unique cassette number. The label shall be clearly visible to surveillance during the fill process;

(vi) each individual transporting currency cassettes outside of the cage shall be escorted by security;

(vii) only cassettes properly prepared and sealed in the main bank shall be used to place currency in the redemption kiosk. A seal may be broken before the count and reconciliation only if there is a machine malfunction. If a seal must be broken before the redemption kiosk is reconciled due to a malfunction, the cassette shall be brought to the main bank with security escort before the seal is broken. The seal shall be broken under surveillance coverage. Once the cassette is repaired, the funds shall be recounted and resealed by the main bank cashier;

(viii) the individual who removed the seal on the cassette in order to perform the count of the cassettes shall record the seal number of all cassettes used in the kiosk since the last reconciliation on the count and reconciliation documentation;

(ix) the individual who reconciles the redemption kiosk shall not be one of the individuals who initially prepared the currency in any of the cassettes used in the kiosk since the last reconciliation; and

(x) if cassettes need to be replaced during the gaming day before the redemption kiosk is dropped and reconciled, the individual cassettes that are replaced and that still contain currency shall be locked in a storage area designated in the internal controls. This storage area shall be separate from the storage area of filled cassettes.

(g)(1) Whenever a gaming cashier, parimutuel teller, or change person exchanges funds with the main bank cashier, the cashier shall prepare a two-part even exchange form. The form shall include the following, at a minimum:

(A) The date of preparation;

(B) the window location;

(C) a designation of which items are being sent to or received from the main bank;

(continued)

(D) the type of items exchanged;

(E) the total of the items being exchanged;

(F) the signature of the cashier preparing the form requesting the exchange; and

(G) the signature of the cashier completing the exchange.

(2) If the exchange is not physically between a gaming cashier, parimutuel teller, or change person and the main bank, the exchange shall be transported by a representative of the security department, who shall sign the form upon receipt of the items to be transported.

(h) Overages and shortages per employee shall be documented on a cage or bank variance slip, which shall be signed by the responsible cashier and that person's supervisor. Each variance in excess of $50 shall be investigated and the result of the investigation shall be documented. If there is a variance of $500 or more, the commission agent on duty shall be informed within 24 hours. Repeated shortages by an employee totaling $500 or more over any seven-day period shall be reported to the commission agent on duty within 24 hours.

(i) All cashier's paperwork shall include the date, shift of preparation, and location for which the paperwork was prepared.

(j) At the end of each gaming day, the cashiers' original bank count sheet, vault accountability form, and related documentation shall be forwarded to the accounting department for verification of agreement of the opening and closing inventories, agreement of amounts on the sheets with other forms, records, and documents required by this article, and recording transactions.

(k) Each facility manager shall establish a training program for gaming cashiers and main bank cashiers, which shall include written standard operating procedures. No cashier shall be allowed to individually perform gaming cashier duties until the cashier has completed at least 40 hours of training. No cashier shall be allowed to individually perform main bank cashier duties until the cashier has completed at least 80 hours of training.

(l) Each gaming facility employee shall clear that individual's hands in view of all persons in the immediate area and surveillance immediately after the handling of any currency or gaming chips within the cage, main bank, or count room.

(m) No employee shall be permitted to carry a pocketbook or other personal container into any cashiering area unless the container is transparent. All trash shall be placed in a transparent container or bag and inspected by security when removed from the cashiering area. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-104-32. Unclaimed winnings. (a) Each facility manager's internal control system shall include internal controls for unclaimed winnings. The internal controls shall be submitted to and approved by the commission according to K.A.R. 112-104-1.

(b) All winnings, whether property or cash, that are due and payable to a known patron and remain unclaimed shall be held in safekeeping for the benefit of the known patron.

(c)(1) If winnings have not been provided to a known patron, the facility manager shall prepare a winner receipt form. The form shall be a two-part, serially prenumbered form and shall contain the following:

(A) The name and address of the patron;

(B) a unique identifying number obtained from a United States government-issued photo identification card or a government-issued passport;

(C) the date and time the winning occurred; and

(D) the LFG upon which the win occurred, including the following:

(i) The LFG asset number;

(ii) the location; and

(iii) the winning combination.

(2) The two-part receipt form shall be distributed as follows:

(A) The preparer of the original shall send the original to the gaming cashier responsible for maintaining safekeeping balances.

(B) The duplicate shall be presented to the winning patron, who shall be required to present the duplicate receipt before being paid the winning amount due.

(d) Each facility manager shall be required to use its best efforts to deliver the winnings to the patron. The facility manager shall maintain documentation of all efforts to provide the patron with the unclaimed winnings. Documentation shall consist of letters of correspondence or notation of telephone calls or other means of communication used in the attempt to provide the winnings to the patron.

(e) Each winning patron shall collect that patron's winnings by presenting to a gaming cashier the duplicate copy of the winner receipt form signed in the presence of the gaming cashier. The gaming cashier shall obtain the original winner receipt form from safekeeping and compare the signature on the original to the signature on the duplicate receipt form. The gaming cashier shall sign the original winner receipt form, attesting that the signatures on the original and duplicate receipt forms agree, and then distribute the winnings to the patron.

(f) The gaming cashier shall retain the original receipt form as evidence of the disbursement from the gaming cashier's funds. The duplicate receipt form shall be placed in a box for distribution to accounting by security or someone who did not participate in the transaction.

(g) Undistributed winnings of any known patron held in safekeeping for 12 months or longer shall revert to the Kansas state treasurer's office in accordance with unclaimed property laws after reasonable efforts to distribute the winnings to the known patron, as determined from review of the documentation maintained.

(h)(1) If the identity of any patron who wins more than $1,200 is not known, the facility manager shall be required to make a good faith effort to learn the identity of the patron. If the identity of the patron is determined, the facility manager shall comply with subsections (b) through (g).

(2) If a patron's identity cannot be determined after 180 days from the time the patron's winnings were payable, the winnings shall be distributed according to the formula contained in the gaming facility's management contract. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

Article 105.—SECURITY

112-105-1. Security department. (a) Each facility manager shall have a security department that is responsible for the security of the gaming facility. The facility manager, through its security department, shall do the following:

(1) Protect the people in the gaming facility;

(2) safeguard the assets within the gaming facility;

(3) protect the patrons, employees, and property from illegal activity;

(4) assist with the enforcement of all applicable laws and regulations;

(5) prevent persons who are under 21 years old from gambling or entering gaming areas;

(6) detain any individual if a commission enforcement agent so requests or if there is reason to believe that the individual is in violation of the law or gaming regulations;

(7) record any unusual occurrences, including suspected illegal activity;

(8) identify and remove any person who is required to be excluded pursuant to article 111 or 112;

(9) report security violations or suspected illegal activity to the commission security staff within 24 hours;

(10) report to the commission's security staff, within 24 hours, any facts that the facility manager has reasonable grounds to believe indicate a violation of law, violation of the facility manager's minimum internal control standards, or violation of regulations committed by any facility manager, including the performance of activities different from those permitted under that person's license or certificate;

(11) notify commission security staff, within 24 hours, of all inquiries made by law enforcement officials and any inquiries made concerning the conduct of a person with a license or certificate; and

(12) establish and maintain procedures for handling the following:

(A) Identification badges;

(B) incident reports;

(C) asset protection and movement on the property;

(D) power or camera failure;

(E) enforcement of the minimum gambling age;

(F) firearms prohibition;

(G) alcoholic beverage control;

(H) disorderly or disruptive patrons;

(I) trespassing;

(J) eviction;

(K) detention; and

(L) lost or found property.

(b) No firearms shall be permitted within a gaming facility except for the following:

(1) Kansas racing and gaming commission enforcement agents;

(2) law enforcement officers who are on duty and within their jurisdiction; or

(3) trained and certified guards employed by an armored car service while on duty and working for a licensed non-gaming supplier company. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-105-2. Security plan. (a) Each applicant for a facility manager certification shall submit a security plan to the commission at least 120 days before the proposed opening of a racetrack gaming facility or lottery gaming facility. The plan shall be consistent with the applicant's contractual obligations with the Kansas lottery.

(b) A facility manager shall not commence gaming operations until its security plan has been approved by the commission.

(c) To be approved, the security plan shall include the following:

(1) An organizational chart showing all positions in the security department;

(2) a description of the duties and responsibilities of each position shown on the organizational chart;

(3) the administrative and operational policies and procedures used in the security department;

(4) a description of the training required for security personnel;

(5) a description of the location of each permanent security station;

(6) the location of each security detention area;

(7) provisions for security staffing; and

(8) the emergency operations plan required by K.A.R. 112-105-3.

(d) All amendments to the security plan shall be submitted to the commission for approval at least 30 days before the date of desired implementation. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-105-3. Emergency operations plan. (a) The director of security in the security department shall maintain an emergency operations plan, including evacuation procedures, to deal with the following:

(1) The discovery or threat of an explosive device on the property;

(2) a fire or fire alarm;

(3) a terrorist threat directed at the property;

(4) severe storms;

(5) the threat or use of an unauthorized firearm or any other weapon, as described in K.S.A. 21-4201 and amendments thereto; and

(6) any other event for which the applicant determines that prior planning is reasonable.

(b) When the applicant establishes the emergency operations plan, the safety of patrons and personnel shall be the first priority.

(c) The director of security shall ensure that the commission's security staff at the facility are notified of any emergency situation at that time.

(d) All amendments to the emergency operations plan shall be submitted to the commission for approval at least 30 days before the desired date of implementation. (Authorized by and implementing K.S.A. 2010 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

Article 106.—SURVEILLANCE

112-106-1. Surveillance system. (a) A facility manager or applicant for a facility manager certification shall have a surveillance system before beginning gaming op-

(continued)

erations. The surveillance system shall include a digital video system capable of the following:

(1) Instant replay;

(2) recording by any camera in the system; and

(3) allowing simultaneous and uninterrupted recording and playback.

(b) The surveillance system shall include a communication system capable of monitoring the gaming facility, including the security department.

(c) The surveillance system shall be connected to all facility alarm systems.

(d) The surveillance system shall be capable of monitoring the entire property, except private offices and restrooms.

(e) The surveillance system shall include the following features:

(1) Redundant system drives;

(2) a backup power supply capable of operating all surveillance equipment during a power outage. The backup power supply shall be tested on a monthly basis;

(3) backup storage components that will automatically continue or resume recording in the event of failure of any single component of the system, so that the failure of any single component will not result in the loss of any data from the system; and

(4) automatic restart if a power failure occurs.

(f) The digital video system shall meet the following requirements:

(1) Function as a closed network;

(2) have its access limited to the personnel identified in the surveillance system plan;

(3) be equipped to ensure that any transmissions are encrypted, have a firewall at both ends, and are password-protected;

(4) be equipped with a failure notification system that provides an audible and visual notification of any failure in the surveillance system or the digital video recording storage system;

(5) record all images and audit records on a hard drive;

(6) be locked by the manufacturer to do the following:

(A) Disable the erase and reformat functions; and

(B) prevent access to the system data files; and

(7) be equipped with data encryption or watermarking so that surveillance personnel will be capable of demonstrating in a court of law that the video was not altered or manipulated in any way.

(g) The surveillance system shall include cameras dedicated to monitoring the following with sufficient clarity to identify any person:

(1) The entrances to and exits from the gaming facility;

(2) the count rooms;

(3) the vaults;

(4) the surveillance room;

(5) the security rooms;

(6) all cage areas; and

(7) all exterior entrances to and exits from the property.

(h) The surveillance system required by this regulation shall be equipped with light-sensitive cameras with lenses of sufficient magnification to allow the operator to read information on an electronic gaming machine reel strip and credit meter and be capable of clandestine monitoring in detail and from various vantage points, including the following:

(1) The conduct and operation of electronic gaming machines, lottery facility games, and parimutuel wagering;

(2) the conduct and operation of the cashier's cage, satellite cashier's cages, mutuel lines, count rooms, and vault;

(3) the collection and count of the electronic gaming bill validator canisters; and

(4) the movement of cash and any other gaming facility assets.

(i) All cameras shall be equipped with lenses of sufficient magnification capabilities to allow the operator to clearly distinguish the value of the following:

(1) Chips;

(2) dice;

(3) tokens;

(4) playing cards;

(5) positions on the roulette wheel; and

(6) cash and cash equivalents.

(j) The surveillance system shall provide a view of the pit areas and gaming tables capable of clearly identifying the following:

(1) The dealers;

(2) the patrons;

(3) the hands of all participants in a game;

(4) facial views of all participants in a game;

(5) all pit personnel;

(6) the activities of all pit personnel;

(7) the chip trays;

(8) the token holders;

(9) the cash receptacles;

(10) the tip boxes;

(11) the dice;

(12) the shuffle machines;

(13) the card shoes, which are also called dealing boxes;

(14) the playing surface of all gaming tables with sufficient clarity to determine the following:

(A) All wagers;

(B) card values; and

(C) game results; and

(15) roulette tables, which shall be viewed by the surveillance system with color cameras.

(k) The surveillance of the electronic gaming devices shall be capable of providing the following:

(1) A view of all patrons;

(2) a facial view of all patrons with sufficient clarity to allow identification of each patron;

(3) a view of the electronic gaming device with sufficient clarity to observe the result of the game;

(4) an overall view of the areas around the electronic gaming device;

(5) a view of each bill validator with sufficient clarity to determine bill value and the amount of credit obtained; and

(6) a view of the progressive games, including the incrementation of the progressive jackpot.

(l) All surveillance system display screens shall meet all of the following requirements:

(1) Be equipped with a date and time generator synchronized to a central clock that meets the following requirements:

(A) Is displayed on any of the surveillance system display screens; and

(B) is recorded on all video pictures or digital images;

(2) be capable of recording what is viewed by any camera in the system; and

(3) be of a sufficient number to allow the following:

(A) Simultaneous recording and coverage as required by this article;

(B) off-line playback;

(C) duplication capabilities;

(D) single-channel monitors in the following areas:

(i) Each entry and each exit;

(ii) the main bank and cages;

(iii) table games; and

(iv) count rooms; and

(E) no more than four channels per monitor in all other areas where surveillance is required.

(m) The surveillance system shall be connected to at least one video printer. Each video printer shall be capable of generating clear color copies of the images depicted on the surveillance system display screen or video recording.

(n) The surveillance system shall allow audio recording in any room where the contents of bill validator canisters are counted.

(o) All wiring within the surveillance system shall be tamper-resistant.

(p) The surveillance system shall be linked to the commission's security office with equipment capable of monitoring or directing the view of any system camera.

(q) The commission's director of security shall be notified at least 48 hours in advance of the relocation of any camera on the surveillance system's floor plan. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-106-2. Surveillance system plan. (a) Each applicant for a facility manager certification shall submit a surveillance system plan to the commission at least 120 days before the proposed opening of a racetrack gaming facility or lottery gaming facility.

(b) A facility manager shall not commence gaming activities until its surveillance system plan is approved by the commission.

(c) To be approved, the surveillance system plan shall include the following:

(1) A schematic showing the placement of all surveillance equipment;

(2) a detailed description of the surveillance system and its equipment;

(3) the policies and procedures for the surveillance department;

(4) the plans for staffing as required in K.A.R. 112-106-4;

(5) the monitoring activities for both the gaming area and adjacent areas;

(6) the monitoring activities for a detention room; and

(7) a list of the facility manager's personnel that may have access to the surveillance system.

(d) All proposed changes to the surveillance system plan shall be submitted by the director of surveillance to the commission for approval at least 30 days before the director of surveillance desires to implement the changes. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-106-5. Surveillance room. (a) Each facility manager shall have a secure surveillance room with reasonable space, as determined by the executive director, to accommodate the required equipment and operator stations.

(b) Each surveillance room shall be located out of the view of the gaming area. The entrances to the surveillance room shall be locked at all times and shall not be accessible to members of the public or non-surveillance employees of the gaming facility.

(c) Commission agents shall have unrestricted access to the surveillance room and all information received or stored by the surveillance system.

(d) Access to the surveillance room shall be limited to surveillance employees of the gaming facility and commission security employees, except that persons with a legitimate need to enter the surveillance room may do so upon receiving approval from a commission enforcement agent.

(1) Each person, other than surveillance personnel and commission enforcement agents, entering the surveillance room shall sign a surveillance room entry log.

(2) The surveillance room entry log shall meet the following requirements:

(A) Be maintained in the surveillance room by surveillance room personnel;

(B) be maintained in a book with bound numbered pages that cannot readily be removed;

(C) be signed by each person entering the surveillance room, with each entry containing the following:

(i) The date and time of entering the surveillance room;

(ii) the entering person's name and that person's affiliation or department within the gaming facility;

(iii) the reason for entering the surveillance room; and

(iv) the date and time of exiting the surveillance room; and

(D) be retained for at least one year after the date of the last entry. The destruction of the surveillance room entry log shall be approved by the commission's director of security.

(3) The surveillance room entry log shall be made available for inspection by the commission security employees upon demand.

(e) The surveillance room shall be subject to periodic inspection by commission employees to ensure that all of the following conditions are met:

(1) All equipment is working properly.

(2) No camera views are blocked or distorted by improper lighting or obstructions.

(3) All required surveillance capabilities are in place.

(4) All required logs are current and accurate.

(5) There is sufficient staff to protect the integrity of gaming at the facility.

(6) The surveillance room employees are not performing tasks beyond the surveillance operation. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

(continued)

112-106-6. Monitoring. (a) The surveillance department employees shall continuously record the transmissions from the cameras used to observe the following locations, persons, activities, and transactions:

(1) The entrances to and exits from the following:

(A) The gaming facility;

(B) the count rooms;

(C) the vaults;

(D) the surveillance room;

(E) the security rooms;

(F) the cage areas; and

(G) the site of all ancillary operations;

(2) each transaction conducted at a cashiering location, whether or not that cashiering location services patrons;

(3) the main bank, vault, and satellite cages;

(4) the collection of cash storage boxes from electronic gaming machines;

(5) the count procedures conducted in the count room;

(6) any armored car collection or delivery;

(7) automated bill breaker, gaming voucher redemption, coupon redemption, and jackpot payout machines whenever the machines are opened for replenishment or other servicing; and

(8) any other areas specified in writing by the commission.

(b) The surveillance department employees shall maintain a surveillance log of all surveillance activities in the surveillance room. The log shall be maintained in a book with bound, numbered pages that cannot be readily removed or in an electronic format with an audit function that prevents modification of information after the information has been entered into the system. The log shall contain the following, at a minimum:

(1) The date and time of each entry;

(2) the identity of the employee making the entry;

(3) a summary of the activity recorded;

(4) the location of the activity;

(5) the location of the recorded information; and

(6) the surveillance department's disposition of the activity.

(c) The surveillance department employees shall record by camera and log the following events when they are known to occur on the property:

(1) Any activity by players and employees, alone or in concert, that could constitute cheating or stealing;

(2) any activity that could otherwise be criminal;

(3) any procedural violation by an employee;

(4) the detention of persons;

(5) the treatment of disorderly individuals;

(6) emergency activities capable of being observed by the surveillance system;

(7) the presence of persons on the involuntary exclusion list;

(8) the presence of persons on the self-exclusion list;

(9) arrests and evictions;

(10) the treatment of ill or injured patrons;

(11) the on-site maintenance and repair of any gaming or money handling equipment; and

(12) any jackpot winning of $1,200 or more.

(d) Surveillance department employees shall record by camera the movement of the following on the gaming facility floor:

(1) Cash;

(2) cash equivalents;

(3) tokens;

(4) cards;

(5) chips; or

(6) dice.

(e) The surveillance department employees shall continuously monitor and record by camera the following:

(1) Soft count procedures;

(2) hard count procedures;

(3) currency collection;

(4) drop bucket collection; and

(5) the removal of the daily bank deposit from the gaming facility by armored car officers. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

Article 107.—ELECTRONIC GAMING MACHINES

112-107-3. Submission for testing and approval. (a) Each LFG prototype and the associated equipment subject to testing and approval under this regulation shall be evaluated by the commission for the following:

(1) Overall operational integrity and compliance with the act, this article, and the technical standards adopted by the commission under article 110;

(2) compatibility and compliance with the central computer system; and

(3) compatibility with any protocol specifications approved by the Kansas lottery, including the ability to communicate with the central computer system for the purpose of transmitting auditing program information, real-time information retrieval, and activation and disabling of LFGs.

(b) LFGs and associated equipment that shall be submitted for testing and commission approval include the following:

(1) Bill validators and printers;

(2) electronic gaming monitoring systems, to the extent that the systems interface with LFGs and related systems;

(3) LFG management systems that interface with LFGs and related systems;

(4) player tracking systems that interface with LFGs and related systems;

(5) progressive systems, including wide-area progressive systems;

(6) gaming ticket systems;

(7) external bonusing systems;

(8) cashless funds transfer systems;

(9) machines performing gaming ticket, coupon, or jackpot payout transactions;

(10) coupon systems, to the extent the systems interface with LFGs and related systems; and

(11) other LFG-related systems as determined by the executive director.

(c) A product submission checklist to be completed by an applicant for or holder of a gaming supplier certificate may be prescribed by the executive director.

(d) The chief engineer of the applicant for or holder of a gaming supplier certificate or the engineer in charge of the division of the gaming supplier responsible for producing the product submitted may be required by the

executive director to attest that the LFGs and associated equipment were properly and completely tested by the gaming supplier before submission to the commission.

(e) An abbreviated testing and approval process may be utilized by the commission in accordance with the act.

(f) If a facility manager develops software or a system that is functionally equivalent to any of the electronic gaming systems specified in subsection (b), that software or system shall be subject to the testing and approval process of this article to the same extent as if the software or system were developed by a gaming supplier certificate holder. Each reference in this article to the responsibilities of a gaming supplier certificate holder shall apply to a facility manager developing software or systems subject to testing and approval under this article.

(g) When an applicant or gaming supplier certificate holder seeks to utilize the abbreviated testing and approval process for an LFG prototype, associated device or software, or any modification to an LFG prototype, associated device or software, the applicant or supplier shall submit the following to the independent testing laboratory:

(1) A prototype of the equipment, device, or software accompanied by a written request for abbreviated testing and approval that identifies the jurisdiction within the United States upon which the applicant or supplier proposes that the commission rely. The applicant or supplier shall transport the equipment, device, or software at its own expense and deliver it to the offices of the independent testing laboratory;

(2) a certification executed by the chief engineer or engineer in charge of the applicant or supplier verifying that all of the following conditions are met:

(A) The prototype or modification is identical in all mechanical, electrical, and other respects to one that has been tested and approved by the testing facility operated by the jurisdiction or private testing facility on behalf of the jurisdiction;

(B) the applicant or supplier is currently certified and in good standing in the named jurisdiction, and the prototype has obtained all regulatory approvals necessary to sale or distribution in the named jurisdiction;

(C) in the engineer's opinion, the testing standards of the named jurisdiction are comprehensive and thorough and provide adequate safeguards that are similar to those required by this article; and

(D) in the engineer's opinion, the equipment, device, or software meets the requirements of the act, this article, and the technical standards adopted by the commission under article 110, including requirements related to the central computer system;

(3) an executed copy of a product submission applicable to the submitted equipment, device, or software unless a substantially similar checklist was filed with the named jurisdiction and is included in the submission package required by paragraph (g)(4);

(4) copies of the submission package and any amendments filed with the named jurisdiction, copies of any correspondence, review letters, or approvals issued by the testing facility operated by the named jurisdiction or a private testing facility on behalf of the named jurisdiction and, if applicable, a copy of the final regulatory approval issued by the named jurisdiction;

(5) a disclosure that details any conditions or limitations placed by the named jurisdiction on the operation or placement of the equipment, device, or software at the time of approval or following approval;

(6) a complete and accurate description of the manner in which the equipment, device, or software was tested for compatibility and compliance with the central computer system and protocol specifications approved by the Kansas lottery, including the ability to communicate with the central computer system for the purpose of transmitting auditing program information, real-time information retrieval, and activation and disabling of LFGs;

(7) any hardware, software, and other equipment, including applicable technical support and maintenance, required by the independent testing laboratory to conduct the abbreviated testing and approval process required by the act, this article, and the technical standards adopted by the commission under article 110. The testing equipment and services required by this subsection shall be provided at no cost to the commission; and

(8) any additional documentation requested by the commission that is necessary to evaluate the LFG, associated equipment, or any modification.

(h) When an applicant or a gaming supplier seeks commission approval of an LFG, equipment, device, or software, or any modification to which the abbreviated testing process in subsection (f) is not applicable, the applicant or supplier shall submit the following to the independent testing laboratory:

(1) A prototype of the equipment, device, or software accompanied by a written request for testing and approval. The gaming supplier shall transport the equipment, device, or software at its own expense and deliver the equipment, device, or software to the offices of the commission's independent testing laboratory in accordance with instructions provided;

(2) any certifications required under this regulation;

(3) an executed copy of a current product submission checklist;

(4) a complete and accurate description of the equipment, device, or software, accompanied by related diagrams, schematics, and specifications, together with documentation with regard to the manner in which the product was tested before its submission to the commission;

(5) any hardware, software, and other equipment, including applicable technical support and maintenance, required by the independent testing laboratory to conduct the testing and approval process required by the act, this article, and the technical standards adopted by the commission under article 110. All testing equipment and services required by this subsection shall be provided at no cost to the commission;

(6) for an LFG prototype, the following additional information, which shall be provided to the commission:

(A) A copy of all operating software needed to run the LFG, including data and graphics information, on electronically readable and unalterable media;

(continued)

(B) a copy of all source code for programs that cannot be reasonably demonstrated to have any use other than in an LFG, on electronically readable and unalterable media;

(C) a copy of all graphical images displayed on the LFG, including reel strips, rules, instructions, and pay tables;

(D) an explanation of the theoretical return to the player, listing all mathematical assumptions, all steps in the formula from the first principles through the final results of all calculations including bonus payouts, and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy;

(E) hardware block diagrams of the major subsystems;

(F) a complete set of schematics for all subsystems;

(G) a diagram of the wiring harness connection;

(H) a technical or operator manual;

(I) a description of the security methodologies incorporated into the design of the LFG including, when applicable, encryption methodology for all alterable media, auto-authentication of software, and recovery capability of the LFG for power interruption;

(J) a cross reference of product meters to the required meters specified in article 110;

(K) a description of tower light functions indicating the corresponding condition;

(L) a description of each error condition and the corresponding action required to resolve the error;

(M) a description of the use and function of available electronic switch settings or configurable options;

(N) a description of the pseudo random number generator or generators used to determine the results of a wager, including a detailed explanation of operational methodology, and a description of the manner by which the pseudo random number generator and random number selection processes are impervious to outside influences, interference from electromagnetic, electrostatic, and radio frequencies, and influence from ancillary equipment by means of data communications. Test results in support of representations shall be submitted;

(O) specialized hardware, software, or testing equipment, including technical support and maintenance, needed to complete the evaluation, which may include an emulator for a specified microprocessor, personal computers, extender cables for the central processing unit, target reel strips, and door defeats. The testing equipment and services required by this subsection shall be provided at no cost to the commission;

(P) a compiler, or reasonable access to a compiler, for the purpose of building applicable code modules;

(Q) program storage media including erasable programmable read-only memory (EPROM), electronically erasable programmable read-only memory (EEPROM), and any type of alterable media for LFG software;

(R) technical specifications for any microprocessor or microcontroller;

(S) a complete and accurate description of the manner in which the LFG was tested for compatibility and compliance with the central computer system and protocol specifications approved by the Kansas lottery, including the ability to communicate with the central computer system for the purpose of transmitting auditing program information, real-time information retrieval, and activation and disabling of LFGs; and

(T) any additional documentation requested by the commission relating to the LFG;

(7) if an LFG prototype is modified, including a change in theme, the following additional information, which shall be provided to the commission:

(A) A complete and accurate description of the proposed modification to the LFG prototype, accompanied by applicable diagrams, schematics, and specifications;

(B) when a change in theme is involved, a copy of the graphical images displayed on the LFG, including reel strips, rules, instructions, and pay tables;

(C) when a change in the computation of the theoretical payout percentage is involved, a mathematical explanation of the theoretical return to the player, listing all assumptions, all steps in the formula from the first principles through the final results of all calculations including bonus payouts, and, when a game requires or permits player skill in the theoretical derivations of the payout return, the source of strategy;

(D) a complete and accurate description of the manner in which the LFG was tested for compatibility and compliance with the central computer system and protocol specifications approved by the Kansas lottery, including the ability to communicate with the central computer system for the purpose of transmitting auditing program information, real-time information retrieval and activation, and the disabling of LFGs; and

(E) any additional documentation requested by the commission relating to the modification of the LFG;

(8) for an electronic gaming monitoring system, casino management system, player tracking system, wide-area progressive system, gaming ticket system, external bonusing system, cashless funds transfer system, automated gaming ticket, coupon redemption or jackpot payout machine, coupon system, or any other equipment or system required to be tested and approved under subsection (b), the following:

(A) A technical manual;

(B) a description of security methodologies incorporated into the design of the system, which shall include the following, when applicable:

(i) Password protection;

(ii) encryption methodology and its application;

(iii) automatic authentication; and

(iv) network redundancy, backup, and recovery procedures;

(C) a complete schematic or network diagram of the system's major components accompanied by a description of each component's functionality and a software object report;

(D) a description of the data flow, in narrative and in schematic form, including specifics with regard to data cabling and, when appropriate, communications methodology for multisite applications;

(E) a list of computer operating systems and third-party software incorporated into the system, together with a description of their interoperability;

(F) system software and hardware installation procedures;

(G) a list of available system reports;

(H) when applicable, features for each system, which may include patron and employee card functions, promotions, reconciliation procedures, and patron services;

(I) a description of the interoperability testing, including test results for each submitted system's connection to LFGs, to ticket, coupon redemption, and jackpot payout machines, and to computerized systems for counting money, tickets, and coupons. This list shall identify the tested products by gaming supplier, model, and software identification and version number;

(J) a narrative describing the method used to authenticate software;

(K) all source codes;

(L) a complete and accurate description, accompanied by applicable diagrams, schematics, and specifications, of the creation of a ticket and the redemption options available;

(M) a complete and technically accurate description, accompanied by applicable diagrams, schematics, and specifications, of the creation of a coupon and the redemption options available;

(N) any specialized hardware, software, or other equipment, including applicable technical support and maintenance required by the independent testing laboratory to conduct the testing and approval process required by the act, this article, and the technical standards adopted by the commission under article 110. The testing equipment and services required by this subsection shall be provided at no cost to the commission; and

(O) any additional documentation requested by the executive director related to the equipment or system being tested; and

(9) for a modification to any of the systems identified in paragraph (h)(8), the following additional information:

(A) A complete and accurate description of the proposed modification to the system, accompanied by applicable diagrams, schematics, and specifications;

(B) a narrative disclosing the purpose for the modification; and

(C) any additional documentation requested by the executive director relating to the modification.

(i) A trial period may be required by the commission to assess the functionality of the prototype or modification in a live gaming environment. The conduct of the trial period shall be subject to compliance by the gaming supplier and the facility manager with any conditions that may be required by the commission. These conditions may include development and implementation of product-specific accounting and internal controls, periodic data reporting to the commission, and compliance with the technical standards adopted under article 110 on trial periods or the prototype or modification adopted by the commission. Termination of the trial period may be ordered by the executive director if the executive director determines that the gaming supplier or the facility manager conducting the trial period has not complied with the conditions required by the commission or that the product is not performing as expected.

(j) At the conclusion of the testing of a prototype or modification, the independent testing laboratory shall report the results of its testing to the commission. Upon receipt of the independent testing laboratory's report, any one of the following shall be done by the commission:

(1) Approve;

(2) approve with conditions;

(3) reject the submitted prototype or modification; or

(4) require additional testing or a trial period under subsection (i).

(k) A facility manager shall not install an LFG or associated equipment, or any modification, required to be tested and approved under subsection (b) unless the equipment, device, or software has been approved by the commission and issued a certificate authorizing its use at the gaming facility. The certificate shall be prominently displayed on the approved device. A facility manager shall not modify, alter, or tamper with an approved LFG, the associated equipment, or a commission-issued certificate. Before the removal of the LFG or associated equipment from the gaming facility, the certificate shall be removed by a commission agent. An LFG or the associated equipment installed in a gaming facility in contravention of this requirement shall be subject to seizure by any Kansas law enforcement officer.

(l) The installation of a modification to an LFG prototype or the associated equipment prototype may be authorized by the executive director on an emergency basis to prevent cheating or malfunction, upon the written request of a gaming supplier. The request shall specify the name and employer of any persons to be involved in the installation of the modification and the manner in which the installation is to be effected. Within 15 days of receipt of any authorization to install an emergency modification, the gaming supplier shall submit the modification for full testing and approval in accordance with this article.

(m) Each facility manager shall, no later than four hours after detection, notify the commission's security staff of any known or suspected defect or malfunction in any LFG or associated equipment installed in the gaming facility. The facility manager shall comply with any instructions from the commission staff for use of the LFG or associated equipment.

(n) Each facility manager shall file a master list of approved gaming machines as required by K.A.R. 112-107-10.

(o) Each gaming supplier shall, no later than 48 hours after detection, notify the commission of any known or suspected defect or malfunction in any LFG or associated equipment approved for use in a lottery gaming facility. (Authorized by K.S.A. 2009 Supp. 74-8772; implementing K.S.A. 2009 Supp. 74-8749, 74-8750, and 74-8772; effective April 24, 2009; amended April 1, 2011.)

112-107-5. Transportation of LFGs. (a) The transportation of any LFG into or out of this state shall be approved in advance by the executive director. The person causing the LFG to be transported or moved shall notify the executive director of the proposed importation or exportation at least 15 days before the LFG is moved, unless otherwise approved by the executive director. The notice shall include the following information:

(1) The name and address of the person shipping or moving the LFG;

(continued)

(2) the name and address of the person who manufactured, assembled, distributed, or resold the LFG, if different from the person shipping or moving the game;

(3) the name and address of a new owner if ownership is being changed in conjunction with the shipment or movement;

(4) the method of shipment or movement and the name and address of the common carrier or carriers, if applicable;

(5) the name and address of the person to whom the LFG is being sent and the destination of the LFG, if different from that address;

(6) the quantity of LFG being shipped or moved and the manufacturer's make, model, and serial number of each game;

(7) the expected date and time of delivery to, or removal from, any authorized location within this state;

(8) the port of entry or exit, if any, of the LFG if the origin or destination of the LFG is outside the continental United States; and

(9) the reason for transporting or moving the LFG.

(b) Each shipment of LFGs shall be sealed before being transported. On arrival at the gaming facility, the shipment shall not be opened or inventoried until the seal is witnessed and broken by an agent of the commission. An agent of the commission shall verify that the LFGs are unloaded, inventoried, and compared to the notice required in subsection (a). (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective April 24, 2009; amended April 1, 2011.)

112-107-10. Master list of approved gaming machines. (a) At least 20 days before commencing gaming, each facility manager shall file with the commission, in writing, a complete list of the LFGs and gaming equipment possessed by the facility manager on its gaming floor, in restricted areas off the gaming floor but within the gaming facility as approved by the commission under K.A.R. 112-104-26, and in storage locations in this state off the premises of the gaming facility as approved by the commission under K.A.R. 112-107-6. The list shall be titled as a master list of approved gaming machines.

(b) The master list of approved LFGs and gaming equipment shall contain the following information that, for those LFGs and the gaming equipment located on the gaming floor, shall be presented for each LFG and gaming equipment in consecutive order by the LFG or gaming equipment location number:

(1) The date the list was prepared;

(2) a description of each LFG and all gaming equipment, using the following:

(A) Asset number and model and manufacturer's serial number;

(B) computer program number and version;

(C) denomination, if configured for multiple denominations, and a list of the denominations;

(D) manufacturer and machine type, noting cabinet type;

(E) if an LFG, specification of whether the LFG is a progressive or a wide-area progressive LFG;

(F) an indication as to whether the LFG or gaming equipment is configured to communicate with a cashless funds transfer system;

(G) an indication as to whether the LFG or gaming equipment is configured to communicate with a gaming ticket system;

(H) designation of which specific surveillance video system cameras will be able to view that LFG or gaming equipment; and

(I) commission certificate number;

(3) for those LFGs or gaming equipment located off the gaming floor, an indication as to whether the LFG or gaming equipment is in a restricted area off the gaming floor but within the gaming facility under K.A.R. 112-104-26 or is in a commission-approved storage location in this state off the premises of the gaming facility under K.A.R. 112-107-6; and

(4) any additional relevant information requested by the commission.

(c) If an LFG or gaming equipment has been placed in an authorized location on the gaming floor or is stored in a restricted area off the gaming floor but within the gaming facility as approved by the commission under K.A.R. 112-104-26, then all subsequent movements of that LFG or gaming equipment within the gaming facility shall be recorded by an LFG department member in a gaming equipment movement log, which shall include the following:

(1) The asset number and model and the manufacturer's serial number of the moved LFG or gaming equipment;

(2) the date and time of movement;

(3) the location from which the LFG or gaming equipment was moved;

(4) the location to which the LFG or gaming equipment was moved;

(5) the date and time of any required notice to the Kansas lottery in connection with the activation or disabling of the LFG in the central computer system;

(6) the signature of the LFG shift manager and the commission's electronic gaming inspector verifying the movement of the LFG or gaming equipment in compliance with this regulation; and

(7) any other relevant information the commission may require.

(d) Before moving an LFG or any gaming equipment that has been placed in an authorized location on the gaming floor, the facility manager shall remove the bill validator canister drop box and transport the drop box to the count room in accordance with the procedures in K.A.R. 112-104-18.

(e) The facility manager shall daily submit documentation summarizing the movement of LFGs and gaming equipment within a gaming facility to the commission, in writing or in an electronic format approved by the commission.

(f) On the first Tuesday of each month following the initial filing of a master list of approved LFGs or gaming equipment, a facility manager shall file with the commission, in writing or in an electronic format approved by the commission, an updated master list of approved LFGs or gaming equipment containing the information required in subsection (b).

(g) Each gaming supplier and each regulatory or law enforcement agency that possesses LFGs shall file with

the commission, in writing or in an electronic format approved by the commission, a complete list of the LFGs possessed by the entity. The list shall be titled as a master list of approved gaming machines and shall be filed within three business days of the initial receipt of the LFGs. Each list shall contain the following information:

(1) The date on which the list was prepared; and

(2) a description of each LFG by the following:

(A) Model and manufacturer's serial number;

(B) manufacturer and machine type, noting cabinet type; and

(C) specification of whether the LFG is a progressive or a wide-area progressive LFG.

(h) On the first Tuesday of each month following the initial filing of a master list of approved LFGs or gaming equipment, those persons specified in subsection (f) shall file with the commission, in writing or in an electronic format approved by the commission, an updated master list of approved LFGs or gaming equipment containing the information required in subsection (g).

(i) A computer system designed to meet the requirements of this regulation may be approved by the executive director. (Authorized by K.S.A. 2010 Supp. 74-8772; implementing K.S.A. 2010 Supp. 74-8750 and 74-8772; effective April 24, 2009; amended April 1, 2011.)

112-107-21. Progressive LFGs. (a) Each progressive LFG shall meet the requirements of article 110.

(b) Each facility manager seeking to utilize a linked LFG shall submit the location and manner of installing any progressive meter display mechanism to the executive director for approval.

(c) An LFG that offers a progressive jackpot shall not be placed on the gaming floor until the executive director has approved the following:

(1) The initial and reset amounts at which the progressive meter or meters will be set;

(2) the proposed system for controlling the keys and applicable logical access controls to the LFGs;

(3) the proposed rate of progression for each progressive jackpot;

(4) the proposed limit for the progressive jackpot, if any; and

(5) the calculated probability of winning each progressive jackpot. The probability shall not exceed 50 million to one.

(d) Progressive meters shall not be turned back to a lesser amount unless one of the following occurs:

(1) The amount indicated has been actually paid to a winning patron.

(2) The progressive jackpot amount won by the patron has been recorded in accordance with a system of internal controls approved under K.A.R. 112-104-1.

(3) The progressive jackpot has, upon executive director approval, been transferred to another progressive LFG or wide-area progressive system in accordance with this article.

(4) The change is necessitated by an LFG or meter malfunction. For progressive jackpots governed by subsection (a), an explanation for the malfunction shall be entered on the progressive electronic gaming summary required by this article, and the commission shall be notified of the resetting in writing.

(e) Once an amount appears on a progressive meter, the probability of hitting the combination that will award the progressive jackpot shall not be decreased unless the progressive jackpot has been won by a patron or the progressive jackpot has been transferred to another progressive LFG or wide-area progressive system or removed in accordance with subsection (g).

(f) If an LFG has a progressive meter with digital limitations on the meter, the facility manager shall set a limit on the progressive jackpot, which shall not exceed the display capability of the progressive meter.

(g) Any facility manager may limit, transfer, or terminate a progressive jackpot offered on a gaming floor only under any of the following:

(1) A facility manager may establish a payout limit for a progressive jackpot if the payout limit is greater than the payout amount that is displayed to the patron on the progressive jackpot meter. The facility manager shall provide notice to the commission of the imposition or modification of a payout limit on a progressive meter concurrent with the setting of the payout limit.

(2) A facility manager may terminate a progressive jackpot concurrent with the winning of the progressive jackpot if its LFG program or progressive controller was configured before the winning of the progressive jackpot to establish a fixed reset amount with no progressive increment.

(3) A facility manager may permanently remove one or more linked LFGs from a gaming floor if both of the following conditions are met:

(A) If the LFG is part of a wide-area progressive system offered at multiple facilities, the facility manager retains at least one linked LFG offering the same progressive jackpot on its gaming floor.

(B) If the progressive jackpot is only offered in a single gaming facility, at least two linked LFGs offering the same progressive jackpot remain on the gaming floor.

(4) Any facility manager may transfer a progressive jackpot amount on a stand-alone LFG or the common progressive jackpot on an entire link of LFGs with a common progressive meter, including a wide-area progressive system, from a gaming floor. The facility manager shall give notice of its intent to transfer the progressive jackpot to the commission at least 30 days before the anticipated transfer and shall conspicuously display the facility manager's intent to transfer the progressive jackpot on the front of each LFG for at least 30 days. To be eligible for transfer, the progressive jackpot shall meet the following conditions:

(A) Be transferred in its entirety; and

(B) be transferred to one of the following:

(i) The progressive meter for an LFG or wide-area progressive system with the same or greater probability of winning the progressive jackpot, the same or lower wager requirement to be eligible to win the progressive jackpot, and the same type of progressive jackpot. However, if no other LFG or wide-area progressive system meets all of these qualifications, a transfer of the jackpot to the progressive meter of the most similar LFG or wide-area progressive system available may be authorized by the executive director; or

(continued)

(ii) the progressive meters of two separate LFGs or wide-area progressive systems if each LFG or wide-area progressive system to which the jackpot is transferred individually satisfies the requirements of paragraph (g)(4)(B)(i).

(5) Any facility manager may immediately and permanently remove a progressive jackpot on a stand-alone progressive LFG, the common progressive jackpot on an entire link of LFGs with a common progressive meter, or an entire wide-area progressive system from a gaming floor if notice of intent to remove the progressive jackpot meets the following requirements:

(A) Is conspicuously displayed on the front of each LFG for at least 30 days; and

(B) is provided in writing to the commission at least 30 days before the removal of the progressive jackpot.

(h) The amount indicated on the progressive meter or meters and coin-in meter on each LFG governed by subsection (a) shall be recorded by the facility manager's accounting department or LFG department on a progressive electronic gaming summary report at least once every seven calendar days. Each report shall be signed by the preparer. If not prepared by the accounting department, the progressive electronic gaming summary report shall be forwarded to the accounting department by the end of the gaming day on which it is prepared. An employee of the accounting department shall be responsible for calculating the correct amount that should appear on a progressive meter. If an adjustment to the progressive meters is necessary, the adjustment shall be made by a member of the LFG department authorized by the progressive gaming supplier to make progressive meter adjustments as follows:

(1) Supporting documentation shall be maintained to explain any addition or reduction in the registered amount on the progressive meter. The documentation shall include the date, the asset number of the LFG, the amount of the adjustment, and the signatures of the accounting department member requesting the adjustment and the LFG department member making the adjustment; and

(2) the adjustment shall be effectuated within 48 hours of the meter reading.

(i) Except as otherwise authorized by this regulation, each LFG offering a progressive jackpot that is removed from the gaming floor shall be returned to or replaced on the gaming floor within five gaming days. The amount on the progressive meter or meters on the returned or replacement LFG shall not be less than the amount on the progressive meter or meters at the time of removal. If an LFG offering a progressive jackpot is not returned or replaced, any progressive meter amount at the time of removal shall, within five days of the LFG's removal, be added to an LFG offering a progressive jackpot approved by the executive director. The LFG shall offer the same or greater probability of winning the progressive jackpot and shall require the same or lower denomination of currency to play that was in use on the LFG that was removed. This subsection shall not apply to the temporary removal by a facility manager, for a period not to exceed 30 days, of all linked LFGs that are part of a particular wide-area progressive system if the progressive jackpot offered by the temporarily removed LFGs remains available on LFGs that are part of the same wide-area progressive system in another gaming facility.

(j) If an LFG is located adjacent to an LFG offering a progressive jackpot, the facility manager shall conspicuously display on the LFG a notice advising patrons that the LFG is not participating in the progressive jackpot of the adjacent LFG. (Authorized by K.S.A. 2009 Supp. 74-8772; implementing K.S.A. 2009 Supp. 74-8750 and 74-8772; effective April 24, 2009; amended April 1, 2011.)

112-107-22. Wide-area progressive systems. (a) Two or more facility managers may operate linked progressive LFGs that are interconnected between two or more participating gaming facilities, with the prior written approval of the commission and the Kansas lottery as required under subsection (c). The LFGs participating in the link shall be collectively referred to as a wide-area progressive system.

(b) Each wide-area progressive system shall at all times be installed and operated in accordance with relevant requirements of the act, this article, and article 110.

(c) Each wide-area progressive system shall be operated and administered by participating facility managers in accordance with the terms and conditions of a written agreement executed by the participating facility managers. The agreement shall be referred to as an electronic gaming system agreement. Each electronic gaming system agreement shall be submitted in writing and approved by the commission and the Kansas lottery before implementation and shall meet the requirements of the act, this article, and article 110.

(d) Any facility manager participating in an electronic gaming system agreement may delegate, in whole or in part, the management and administration of a wide-area progressive system to a gaming supplier if the electronic gaming system agreement is executed by the gaming supplier and the terms of the agreement are approved by the commission and the Kansas lottery. The persons designated in an electronic gaming system agreement as being responsible for the management and administration of a wide-area progressive system shall be referred to as the wide-area progressive system operator.

(e) An agreement between a gaming supplier and a facility manager under which a gaming supplier sells, leases, or services a wide-area progressive system shall not constitute an electronic gaming service agreement, unless the agreement also covers the management and administration of the wide-area progressive system.

(f) Each electronic gaming system agreement providing for the management and administration of a wide-area progressive system shall identify and describe with specificity the duties, responsibilities, and authority of each participating facility manager and each electronic gaming system operator, including the following:

(1) Details with regard to the terms of compensation for the electronic gaming system operator. The agreement shall address to what extent, if any, the electronic gaming system operator is receiving compensation based, directly or indirectly, on an interest, percentage, or share of a facility manager's revenue, profits, or earnings from the management of the wide-area progressive system;

(2) responsibility for the funding and payment of all jackpots and fees associated with the management of the wide-area progressive system;

(3) control and operation of the computer monitoring room required under subsection (l);

(4) a description of the process by which significant decisions with regard to the management of the wide-area progressive system are approved and implemented by the participating facility managers and electronic gaming system operator;

(5) when applicable, terms satisfactory to the commission with regard to apportionment of responsibility for establishing and servicing any trust agreement associated with any annuity jackpot offered by the wide-area progressive system;

(6) responsibility for generating, filing, and maintaining the records and reports required under the act, this part, and article 110; and

(7) any other relevant requirements of the commission, including those required to comply with the technical standards on wide-area progressive systems adopted by the commission under article 110.

(g) An electronic gaming system agreement submitted to the commission for approval shall be accompanied by a proposed system of internal controls addressing the following:

(1) Transactions directly or indirectly relating to the payment of progressive jackpots, including the establishment, adjustment, transfer, or removal of a progressive jackpot amount and the payment of any associated fees; and

(2) the name, employer, position, and gaming license status of any person involved in the operation and control of the wide-area progressive system.

(h) The information identified in paragraph (g)(2) shall be reviewed by the executive director to determine, based on an analysis of specific duties and responsibilities, which persons shall be licensed. The electronic gaming system manager shall be advised of the executive director's findings. Each participating facility manager and any participating gaming supplier shall comply with the commission's licensing instructions.

(i) An electronic gaming system manager shall not commence operation and administration of a wide-area progressive system pursuant to the terms of an electronic gaming system agreement until the agreement and the internal controls required under subsection (g) have been approved in writing by the commission and any licensing requirements under subsection (h) have been met.

(j) If an electronic gaming system agreement involves payment to a gaming supplier functioning as an electronic gaming system operator, of an interest, percentage, or share of a facility manager's revenue, profits, or earnings from the operation of a wide-area progressive system, the electronic gaming system agreement may be approved by the commission only if it determines that the total amounts paid to the gaming supplier under the terms of the agreement are commercially reasonable for the managerial and administrative services provided. Nothing in this regulation shall limit the commission's consideration of the electronic gaming system agreement to its revenue-sharing provisions.

(k) Each wide-area progressive system shall be controlled from a computer monitoring room. The computer monitoring room shall meet the following requirements:

(1) Be under the sole possession and control of employees of the wide-area progressive system manager designated in the electronic gaming system agreement for that system. The employees of the wide-area progressive system manager may be required to obtain a license or permit if the executive director determines, after a review of the work being performed, that the employees require a license or permit for the protection of the integrity of gaming;

(2) have its monitoring equipment subjected to surveillance coverage either by the surveillance system of a facility manager participating in the electronic gaming system agreement or by a dedicated surveillance system maintained by the wide-area progressive system manager. The surveillance plan shall be approved by the executive director;

(3) be accessible only through a locked door. The door shall be alarmed in a manner that audibly signals the surveillance monitoring room for the surveillance system elected under paragraph (l)(2); and

(4) have a computer monitoring room entry log. The log shall meet the following requirements:

(A) Be kept in the computer monitoring room;

(B) be maintained in a book with bound, numbered pages that cannot be readily removed or an electronic log approved by the executive director; and

(C) be signed by each person entering the computer monitoring room who is not an employee of the wide-area progressive system manager employed in the computer monitoring room on that person's assigned shift. Each entry shall contain the following information:

(i) The date and time of entering and exiting the room;

(ii) the name, department, or license number of the person entering and exiting the room and of the person authorizing the entry; and

(iii) the reason for entering the computer monitoring room.

(l) In evaluating a proposed location for a computer monitoring room, the following factors may be considered by the executive director:

(1) The level of physical and system security offered by the proposed location; and

(2) the accessibility of the location to the commission's audit, law enforcement, and technical staff. (Authorized by K.S.A. 2009 Supp. 74-8772; implementing K.S.A. 2009 Supp. 74-8750 and 74-8772; effective April 24, 2009; amended April 1, 2011.)

Article 108.—TABLE GAMES

112-108-18. Tournament chips and tournaments. (a) ''Tournament chip'' shall mean a chip or chiplike object issued by a facility manager for use in tournaments at the facility manager's gaming facility.

(b) Tournament chips shall be designed, manufactured, approved, and used in accordance with the provisions of this article applicable to chips, except as follows:

(1) Tournament chips shall be of a shape and size and have any other specifications necessary to make the chips

(continued)

distinguishable from other chips used at the gaming facility.

(2) Each side of each tournament chip shall conspicuously bear the inscription ''No Cash Value.''

(3) Tournament chips shall not be used, and facility managers shall not permit their use, in transactions other than the tournaments for which the chips are issued.

(c) As used in this regulation, entry fees shall be defined as the total amount paid by a person or on a person's behalf for participation in a tournament. A tournament shall mean a contest offered and sponsored by a facility manager in which patrons may be assessed an entry fee or be required to meet some other criteria to compete against one another in a gambling game or series of gambling games in which winning patrons receive a portion or all of the entry fees, if any. These entry fees may be increased with cash or noncash prizes from the facility manager. Facility managers may conduct tournaments if all of the following requirements are met:

(1) The facility manager shall notify the executive director of the planned tournament at least 30 calendar days before the first day of the event.

(2) The facility manager shall not conduct the tournament unless approved by the executive director.

(3) The facility manager shall conduct the tournament in compliance with all applicable rules, regulations, and laws.

(4) The facility manager shall maintain written, dated rules governing the event and the rules shall be immediately available to the public and the commission upon request. Tournament rules shall, at a minimum, include the following:

(A) The date, time, and type of tournament to be held;

(B) the amount of the entry fee, if any;

(C) the minimum and maximum number of participants;

(D) a description of the tournament structure, including number of rounds, time period, players per table, and criteria for determining winners;

(E) the prize structure, including amounts or percentages, or both, for prize levels; and

(F) procedures for the timely notification of entrants and the commission and the refunding of entry fees in the event of cancellation.

(5) No false or misleading statements, written or oral, shall be made by a facility manager or its employees or agents regarding any aspect of the tournament, and all prizes offered in the tournament shall be awarded according to the facility manager's rules governing the event.

(6) The facility manager's accounting department shall keep a complete record of the rules of the event and all amendments to the rules, including criteria for entry and winning, names of all entrants, all prizes awarded, and prize winners, for at least two years from the last date of the tournament. This record shall be made readily available to the commission upon request.

(7) Entry fees shall accumulate to adjusted gross gaming receipts.

(8) Cash and noncash winnings paid in a tournament shall be deductible from adjusted gross gaming revenue, but any such deduction shall not exceed the total entry fees received for the tournament and noncash winnings shall be deductible only to the dollar value of the amount actually invoiced to and paid by the facility manager.

(9) Upon the completion of the tournament, documentation of entrants' names, names of prize winners and amounts won, and tax-reporting information shall be submitted to the commission.

(10) The facility manager shall designate in its internal control system an employee position acceptable to the commission that shall be responsible for ensuring adherence to the requirements in this regulation. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Jan. 8, 2010; amended April 1, 2011.)

112-108-36. Required personnel for specific table games. (a) Pit areas may be on multiple levels or locations within a gaming facility. Pit areas shall be described by facility managers in their internal controls at a minimum by their locations, configurations, and restrictions on access. Each full-size baccarat table shall be in a separate room or clearly segregated area of the floor that functions as a separate area from the other table games and is surrounded by baccarat tables. For the purposes of access to a pit, card and dice control, and other table games activities, a ''pit'' shall be more narrowly defined as a single, separate area that is completely enclosed or encircled by gaming tables.

(b) The number of required table games supervisors shall be determined as follows:

(1) One table games supervisor shall not oversee more than six open table games if no craps table is open.

(2) One table games supervisor shall not oversee more than four open table games if one of the open table games is a craps table.

(3) One table games supervisor shall not oversee more than two open table games if both table games are craps tables.

(c) The table games supervisors and the oversight of their assigned table games and pit operations shall be directly supervised in the following configuration by either a table games manager or casino shift manager:

(1) In either of the following instances, a table games manager shall not be required to be on duty, but at least one casino shift manager shall provide direct supervision by acting as a table games manager:

(A) When one craps table is open; or

(B) when up to six tables are open.

(2) In either of the following instances, a table games manager shall provide direct supervision and a casino shift manager shall not act as a table games manager:

(A) When two or more craps or baccarat tables are open; or

(B) when seven to 36 table games are open.

(3) If more than 36 tables are open, one additional table games manager shall provide direct supervision for each additional set of one to 36 tables open. A casino shift manager shall not act as a table games manager.

(d) Other than a casino shift manager acting as a table games manager, table games managers shall be physically present in the pit for at least 90 percent of their shift and be solely dedicated to supervising activities at open table games and activities within the pits. Each absence

of a longer duration shall require a replacement table games manager to be on duty in the pit. If a facility manager uses job titles other than ''table games supervisor'' or ''table games manager,'' then the internal controls shall specify which job titles used by the facility manager correspond to these positions and ensure that the job descriptions of those positions properly delineate the duties. Table games managers supervising pit areas separated by sight or sound shall have a communications device enabling them to be immediately notified of any incident requiring their attention and shall promptly respond. The gaming facility shift manager shall assign table games managers specific responsibilities regarding activities associated with specific tables.

(e) Each full-size baccarat table shall be directly supervised by at least one table games supervisor. (Authorized by K.S.A. 2010 Supp. 74-8772; implementing K.S.A. 2010 Supp. 74-8752 and 74-8772; effective Jan. 8, 2010; amended April 1, 2011.)

112-108-55. Shipment of table games and table game mechanisms. (a) Each facility manager shall ensure that the shipment of any table game or table game mechanism for use in a gaming facility shall be approved in advance by the executive director. The person causing the shipment shall notify the executive director of the proposed shipment at least 15 days before the shipment, unless otherwise approved by the executive director. The notice shall include the following information:

(1) The name and address of the person shipping the table game or table game mechanism;

(2) the name and address of the person who manufactured, assembled, distributed, or resold the table game or table game mechanism, if different from the person shipping the item;

(3) the name and address of a new owner if ownership is being changed in conjunction with the shipment;

(4) the method of shipment and the name and address of the third-party carrier, if applicable;

(5) the name and address of the person to whom the table game or table game mechanism is being sent and the destination of the item, if different from that address;

(6) the quantity of table games or table game mechanisms being shipped and the manufacturer's make, model, and serial number of each item;

(7) the expected date and time of delivery to, or removal from, any authorized location within this state;

(8) the port of entry or exit, if any, of the table game or table game mechanism if the origin or destination of the table game or table game mechanism is outside the continental United States; and

(9) the reason for shipping the table game or table game mechanism.

(b) Each shipment of table games or table game mechanisms shall be sealed before being transported. On arrival at the gaming facility, the shipment shall not be opened or inventoried until the seal is witnessed and broken by an agent of the commission. An agent of the commission shall verify that each table game and table game mechanism is unloaded, inventoried, and compared to the notice required in subsection (a). (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Jan. 8, 2010; amended April 1, 2011.)

Article 110.—TECHNICAL STANDARDS

112-110-3. Central computer system security. (a) Each CCS's database shall contain LFG data for at least the prior 24 months. Older data shall also be available from archives for at least seven years. The CCS's vendor shall provide archived data within 24 hours of a request for the data from the Kansas lottery or the commission.

(b) Each CCS shall be capable of the following:

(1) Receiving and retaining a record of events that affect security, including all door openings, stacker access, and signature failure;

(2) receiving and retaining a record of events that affect the LFG state, including power on, power off, and various faults and hardware failures;

(3) receiving and retaining a record of events that affect LFG integrity, including random access memory (RAM) corruption and RAM clear;

(4) receiving and retaining a record of events that affect the status of communication between all components including the LFG, including loss of communication;

(5) reporting of all events specified in this article;

(6) receiving and retaining a record of any other events as specified in writing by the Kansas lottery or the commission; and

(7) automatic reporting of faults that require a manual reactivation of the LFG. These faults shall include the following:

(A) Logic area cabinet access;

(B) LFG RAM reset;

(C) catastrophic software corruption;

(D) unrecoverable hardware faults; and

(E) a failed signature check.

(c)(1) A record of each of the events specified in subsection (b) shall be stored at the central point of the CCS on a hard drive in one or more files of an approved structure.

(2) The record of each stored event shall be marked by a date and time stamp.

(3) Each event shall be detected and recorded to the database and posted to a line printer or terminal monitor within 10 seconds of the occurrence.

(d) Each CCS shall meet the following security requirements:

(1) The ability to deny access to specific databases upon an access attempt, by employing passwords and other system security features. Levels of security and password assignment for all users shall be solely the function of the Kansas lottery;

(2) the ability to allow multiple security-access levels to control and restrict different classes of access to the system;

(3) password sign-on with two level codes comprising the personal identification code and a special password;

(4) system access accounts that are unique to the authorized personnel;

(5) the storage of passwords in an encrypted, nonreversible form;

(6) the requirement that each password be at least 10 characters in length and include at least one nonalphabetic character;

(continued)

(7) password changes every 30 days;

(8) prevention of a password from being used if the password has been used as any of the previous 10 passwords;

(9) the requirement that the CCS lock a user's access upon three failed attempted log-ins and send a security alert to a line printer or terminal monitor;

(10) the requirement that connectivity to any gaming system from a remote, non-gaming terminal be approved by the executive director and reported to the Kansas lottery, in accordance with K.A.R. 112-107-31. Remote connections shall employ security mechanisms including modems with dial-back, modems with on-off keylocks, message encryption, logging of sessions, and firewall protection;

(11) the ability to provide a list of all registered users on the CCS, including each user's privilege level;

(12) the requirement that approved software and procedures for virus protection and detection, if appropriate, be used;

(13) the requirement that only programs, data files, and operating system files approved by the Kansas lottery and the commission reside on hard drive or in the memory of the CCS computers;

(14) the requirement that nonroutine access alerts and alarm events be logged and archived for future retrieval;

(15) the requirement that software signatures be calculated on all devices at all facilities and the signatures be validated by devices on the CCS network. These devices shall include gaming equipment, location controllers, and cashier stations. These devices shall exclude non-gaming devices, including dumb terminals;

(16) audit trail functions that are designed to track system changes;

(17) time and date stamping of audit trail entries;

(18) capability of controlling data corruption that can be created by multiple log-ons;

(19) the requirement that the gaming software be maintained under an approved software change control system;

(20) the ability to send an alert to any terminal monitor and line printer for any security event that is generated at an LFG or in the system. The system shall allow the system administrator to determine which events should be posted. The events shall be filtered by location;

(21) equipment with a continuous power supply;

(22) the capability of on-line data redundancy if a hard disk peripheral fails during operation; and

(23) provision of a secure way through a graphic user interface for an auditor to make adjustments to the system. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective May 1, 2009; amended April 1, 2011.)

Article 112.—RESPONSIBLE GAMING

112-112-1. Office of responsible gambling. A staff person shall be appointed by the executive director to direct the office of responsible gambling. This staff person shall administer all of the commission's programs to assist individuals with issues related to gambling and to help prevent problem gambling in Kansas. The office of responsible gambling shall coordinate resources to maximize the efficiency and effectiveness of the programs of other state agencies and private organizations that allocate resources to assisting individuals with issues related to gambling and preventing problem gambling. (Authorized by K.S.A. 2009 Supp. 74-8772 and 74-8804; implementing K.S.A. 2009 Supp. 74-8772 and 74-8773; effective Sept. 26, 2008; amended April 1, 2011.)

112-112-3. Responsible gambling plan. (a) Each applicant for a facility manager certificate shall submit a responsible gambling plan to the commission with its initial application or at least 90 days before opening a racetrack gaming facility. The responsible gambling plan shall not be inconsistent with any facility manager's contractual obligation with the Kansas lottery. A responsible gambling plan shall be approved by the commission before the commission issues or renews a certificate. Each plan shall include the following:

(1) The goals of the plan and the procedures and deadlines for implementation of the plan;

(2) the identification of the individual at each applicant or facility manager location who will be responsible for the implementation and maintenance of the plan;

(3) procedures for maintaining the confidentiality of the information regarding the persons on the self-exclusion list, as specified in K.A.R. 112-112-7;

(4) procedures for informing patrons about self-transaction exclusion programs;

(5) procedures for compliance with the commission's self-exclusion program;

(6) procedures for creating and disseminating promotional material to educate patrons about problem gambling and to inform patrons about treatment services available. The applicant or facility manager shall provide examples of the material to be used as part of its promotional materials, including signs, brochures, and other media, and a description of how the material will be disseminated;

(7) details of the training about responsible gambling for the applicant's or facility manager's employees;

(8) the duties and responsibilities of the employees designated to implement or participate in the plan;

(9) procedures to prevent underage gambling;

(10) procedures to prevent patrons impaired by drugs or alcohol, or both, from gambling;

(11) an estimation of the cost of development, implementation, and administration of the plan; and

(12) any other policies and procedures to prevent problem gambling and encourage responsible gambling.

(b) Each applicant or facility manager shall submit any amendments to the responsible gambling plan to the commission for review and approval before implementing the amendments. Each facility manager shall report to the commission semiannually on the status and success of the responsible gambling plan. (Authorized by K.S.A. 2009 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-112-4. Self-exclusion list. (a) A ''self-exclusion list'' shall consist of the names of those persons who have complied with the requirements of this article and have been placed on the list by the executive director. The self-

exclusion list shall provide the means for each individual with issues related to gambling to formally notify the commission that the individual has a gambling problem and that the individual will refrain from visiting gaming facilities, parimutuel licensee locations, and fair association race meets in Kansas.

(b) Each facility manager shall be notified by the executive director of the placement of any person on the self-exclusion list. Any or all information contained on the person's application may be disclosed to each facility manager and the facility manager's agents or employees by the executive director. (Authorized by K.S.A. 2009 Supp. 74-8772 and 74-8804; implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-112-7. Confidentiality of the self-exclusion list. (a)(1) As part of the responsible gambling plan required by K.A.R. 112-112-3(a), each facility manager or applicant for a facility manager certificate shall submit to the commission a plan for maintaining the confidentiality of the information regarding the persons on the self-exclusion list. The plan shall reasonably safeguard the confidentiality of the information but shall include dissemination of the information to at least the general manager, facility management, and all security and surveillance personnel. Each plan shall be submitted to the commission for approval.

(2) All information disclosed to any facility manager regarding anyone placed on the self-exclusion list shall be deemed a closed record pursuant to K.S.A. 45-221(a)(30) and amendments thereto. However, the information may be disclosed as authorized by the individual seeking placement on the list, by law, and through the provisions in this article.

(b) Any facility manager may disclose the information contained in the application to the facility manager's affiliates, employees, or agents to the extent necessary under this article.

(c) All information associated with the self-exclusion list, including the identities of individuals who have placed themselves on the list and any personal information about those individuals, shall be considered a closed record under the Kansas open records act pursuant to K.S.A. 45-221(a)(30) and amendments thereto.

(d) For administrative, disciplinary, or penalty proceedings regarding any alleged infraction by an individual on the self-exclusion list, the individual who is on the self-exclusion list shall not be named. An alternate means of identification shall be used to keep that individual's identity confidential. (Authorized by K.S.A. 2007 Supp. 74-8772 and K.S.A. 74-8804; implementing K.S.A. 2007 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-112-9. Procedure for removal from the self-exclusion list. (a) At any time after two years from the original date of application for placement on the self-exclusion list, any person on the self-exclusion list may petition the executive director for removal from the self-exclusion list. The authority to approve or deny each petition shall rest with the executive director. To be eligible for removal from the self-exclusion list, each person shall provide documentation acceptable to the commission that the applicant has met all of the following conditions:

(1) The person has undergone a problem gambling assessment with a gambling counselor certified by the Kansas department of social and rehabilitation services or through any other method approved by the commission.

(2) The person has completed a commission-approved education program on healthy lifestyle choices and problem gambling awareness.

(3) The person has met any other requirements deemed necessary by the commission.

(4) The person has executed an authorization and release to be removed from the self-exclusion list on a form provided by the commission.

(b) Each facility manager shall retain the ability to deny gambling privileges at a gaming facility, parimutuel licensee location, or fair association race meet to the persons who have been removed from the self-exclusion list for any other reason ordinarily available to the facility manager.

(c) Any person who has been removed from the self-exclusion list may reapply for placement on the list at any time as provided in this article.

(d) Upon approval of a petition for removal from the self-exclusion list, a notice of removal from the self-exclusion list shall be drafted by the executive director. Each notice shall be a closed record pursuant to the Kansas open records act, including K.S.A. 45-221(a)(30) and amendments thereto, except that the notice shall be disclosed to all facility managers and their agents and employees.

(e) A copy of the notice of removal from the self-exclusion list shall be delivered by the executive director to the petitioner by regular U.S. mail to the home address specified on the petition. The petitioner shall be deemed to be removed from the self-exclusion list when the executive director mails the approved notice to the petitioner.

(f) If the executive director finds that a petitioner does not qualify for removal from the self-exclusion list, the petitioner shall be notified by the executive director by regular U.S. mail, using the home address specified on the petition. The petitioner shall remain on the self-exclusion list pursuant to this article. (Authorized by K.S.A. 2009 Supp. 74-8772 and 74-8804; implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

Neysa Thomas
Acting Executive Director

Doc. No. 039194

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2010 Supplement of the *Kansas Administrative Regulations.*

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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
4-13-62	Amended	V. 29, p. 73
4-27-1 through 4-27-22	New	V. 29, p. 706-720
4-28-1	Amended	V. 29, p. 720
4-28-2	Amended	V. 29, p. 720
4-28-8	Amended	V. 29, p. 721
4-28-11	Amended	V. 29, p. 722
4-28-12	Amended	V. 29, p. 722
4-28-18 through 4-28-30	New	V. 29, p. 723-725

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-4	Amended	V. 29, p. 652
5-1-9	Amended	V. 29, p. 653
5-3-23	Amended (T)	V. 29, p. 1338
5-3-23	Amended	V. 29, p. 1598
5-4-1	Amended	V. 29, p. 1476
5-4-1a	New	V. 29, p. 1477
5-7-1	Amended	V. 29, p. 653
5-17-2	Amended	V. 29, p. 654
5-22-7	Amended	V. 29, p. 596
5-25-5	Amended	V. 29, p. 1598
5-25-15	Amended	V. 29, p. 654

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	Amended (T)	V. 29, p. 1115
7-16-1	Amended	V. 29, p. 1281

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-7-4	Amended (T)	V. 29, p. 703
9-7-4	Amended	V. 29, p. 1336
9-27-1	Amended	V. 29, p. 1337

AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL

14-6-2a	Revoked	V. 29, p. 1306
14-6-3	Revoked	V. 29, p. 1306
14-6-4	Amended	V. 29, p. 1306
14-11-1	New	V. 29, p. 1307
14-11-4	New	V. 29, p. 1307
14-11-5	Amended	V. 29, p. 1307
14-11-6	Amended	V. 29, p. 1307
14-11-7	Amended	V. 29, p. 1307
14-11-9	Amended	V. 29, p. 1307
14-11-10a	Revoked	V. 29, p. 1307
14-11-10b	Revoked	V. 29, p. 1308
14-11-10d	Revoked	V. 29, p. 1308
14-11-11	Revoked	V. 29, p. 1633
14-11-14	Revoked	V. 29, p. 1308
14-11-15	Amended	V. 29, p. 1308
14-11-16	Amended	V. 29, p. 1308
14-11-22	New	V. 29, p. 1633
14-11-23 through 14-11-29	New	V. 29, P. 1308-1310
14-11-27	Revoked	V. 29, p. 1730
14-16-25	New	V. 29, p. 1310
14-19-27	Amended	V. 29, p. 1310
14-19-38	New	V. 29, p. 1311
14-19-39	New	V. 29, p. 1311
14-20-29	Amended	V. 29, p. 1311
14-20-40	New	V. 29, p. 1312
14-20-41	New	V. 29, p. 1312
14-21-12	Amended	V. 29, p. 1313
14-21-21	New	V. 29, p. 1313
14-21-22	New	V. 29, p. 1313
14-23-2	Amended	V. 29, p. 1314
14-23-5	Amended	V. 29, p. 1314
14-23-8	Amended	V. 29, p. 1314
14-23-10	Amended	V. 29, p. 1315
14-24-1 through 14-24-6	Revoked	V. 29, p. 1315

AGENCY 16: KANSAS ATTORNEY GENERAL

Reg. No.	Action	Register
16-11-1 through 16-11-5	Amended	V. 29, p. 1813-1815
16-11-6	Revoked	V. 29, p. 1816
16-11-7	Amended	V. 29, p. 1816
16-11-8	Amended	V. 29, p. 1816

AGENCY 19: GOVERNMENTAL ETHICS COMMISSION

Reg. No.	Action	Register
19-6-1	Amended	V. 29, p. 112
19-22-1	Amended	V. 30, p. 92
19-23-1	Amended	V. 30, p. 92
19-30-4	Revoked	V. 30, p. 92

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-1-1	Amended	V. 30, p. 46
22-1-2	Amended	V. 30, p. 46
22-1-3	Amended	V. 30, p. 46
22-8-13	Amended	V. 30, p. 47
22-10-3	Amended	V. 30, p. 47
22-11-6	Revoked	V. 30, p. 48
22-11-8	Amended	V. 30, p. 48
22-15-7	Revoked	V. 30, p. 49
22-18-3	Amended	V. 30, p. 49

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-39-100	Amended	V. 29, p. 1772
26-39-101	Amended	V. 29, p. 1775
26-39-105	Amended	V. 29, p. 1777
26-40-301 through 26-40-305	New	V. 29, p. 1777-1793

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-27	New	V. 30, p. 111
28-4-92	Amended (T)	V. 29, p. 1348
28-4-92	Amended	V. 29, p. 1705
28-4-370 through 28-4-379	Revoked	V. 29, p. 1024
28-4-503	Amended	V. 29, p. 1662
28-4-505	Amended	V. 29, p. 1662
28-4-514	Amended	V. 29, p. 1663
28-4-520	New	V. 29, p. 1663
28-4-521	New	V. 29, p. 1663
28-4-1300 through 28-4-1318	New	V. 29, p. 1024-1032
28-16-28g	Amended	V. 29, p. 181
28-19-200a	New	V. 29, p. 1634
28-19-202	Amended	V. 29, p. 1509
28-19-325	New	V. 29, p. 1634
28-19-350	Amended	V. 29, p. 1635
28-19-517	Amended	V. 29, p. 1510
28-19-645a	New (T)	V. 30, p. 232
28-19-712	New	V. 29, p. 866
28-19-712a through 28-19-712d	New	V. 29, p. 867
28-19-713	New	V. 29, p. 867
28-19-713a through 28-19-713d	New	V. 29, p. 867, 868
28-19-720	Amended	V. 29, p. 1510
28-19-728	Revoked	V. 29, p. 1511
28-19-728a through 28-19-728f	Revoked	V. 29, p. 1511
28-19-735	Amended	V. 29, p. 1511
28-19-750	Amended	V. 29, p. 1511

28-19-750a	Amended	V. 29, p. 1511
28-21-1	Revoked	V. 29, p. 725
28-21-6	Revoked	V. 29, p. 725
28-21-7	Revoked	V. 29, p. 725
28-21-8	Revoked	V. 29, p. 725
28-21-9	Revoked	V. 29, p. 725
28-21-10	Revoked	V. 29, p. 726
28-21-11	Revoked	V. 29, p. 726
28-21-20a	Revoked	V. 29, p. 726
28-21-21a	Revoked	V. 29, p. 726
28-21-22a	Revoked	V. 29, p. 726
28-21-23a	Revoked	V. 29, p. 726
28-21-24a	Revoked	V. 29, p. 726
28-21-25a	Revoked	V. 29, p. 726
28-21-26a	Revoked	V. 29, p. 726
28-21-27a	Revoked	V. 29, p. 726
28-21-28a	Revoked	V. 29, p. 726
28-21-29a	Revoked	V. 29, p. 726
28-21-30a	Revoked	V. 29, p. 726
28-21-31a	Revoked	V. 29, p. 726
28-21-32a	Revoked	V. 29, p. 726
28-21-33a	Revoked	V. 29, p. 726
28-21-34a	Revoked	V. 29, p. 726
28-21-35a	Revoked	V. 29, p. 726
28-21-40a	Revoked	V. 29, p. 726
28-21-41a	Revoked	V. 29, p. 726
28-21-42a	Revoked	V. 29, p. 726
28-21-43a	Revoked	V. 29, p. 726
28-21-44a	Revoked	V. 29, p. 726
28-21-50a	Revoked	V. 29, p. 726
28-21-51a	Revoked	V. 29, p. 726
28-21-52a	Revoked	V. 29, p. 726
28-21-53a	Revoked	V. 29, p. 726
28-21-54a	Revoked	V. 29, p. 726
28-21-55a	Revoked	V. 29, p. 726
28-21-56a	Revoked	V. 29, p. 726
28-21-57a	Revoked	V. 29, p. 726
28-21-58a	Revoked	V. 29, p. 726
28-21-59a	Revoked	V. 29, p. 726
28-21-60a	Revoked	V. 29, p. 726
28-21-61a	Revoked	V. 29, p. 726
28-21-62a	Revoked	V. 29, p. 726
28-21-63	Revoked	V. 29, p. 726
28-21-64	Revoked	V. 29, p. 726
28-21-70a	Revoked	V. 29, p. 726
28-21-71a	Revoked	V. 29, p. 726
28-21-72a	Revoked	V. 29, p. 726
28-21-82 through 28-21-85	Revoked	V. 29, p. 726
28-23-4	Revoked	V. 29, p. 726
28-23-9	Revoked	V. 29, p. 726
28-23-10	Revoked	V. 29, p. 726
28-23-20 through 28-23-24	Revoked	V. 29, p. 726
28-23-26 through 28-23-32	Revoked	V. 29, p. 726
28-23-34 through 28-23-36	Revoked	V. 29, p. 727
28-23-41 through 28-23-55	Revoked	V. 29, p. 727
28-23-70	Revoked	V. 29, p. 727
28-23-71	Revoked	V. 29, p. 727
28-23-73	Revoked	V. 29, p. 727
28-23-75	Revoked	V. 29, p. 727
28-23-78 through 28-23-80	Revoked	V. 29, p. 727
28-35-135l	Amended	V. 30, p. 195
28-35-135t	Amended	V. 30, p. 196
28-35-135w	Amended	V. 30, p. 197
28-35-175a	Amended	V. 30, p. 198
28-35-178b	Amended	V. 30, p. 198
28-35-178e	Amended	V. 30, p. 200
28-35-178j	Amended	V. 30, p. 201
28-35-180b	Amended	V. 30, p. 201
28-35-181a	Amended	V. 30, p. 203
28-35-181e	Revoked	V. 30, p. 203
28-35-181j	Amended	V. 30, p. 203
28-35-181m	Amended	V. 30, p. 204
28-35-181o	Amended	V. 30, p. 205
28-35-192b	Amended	V. 30, p. 206
28-35-192c	Amended	V. 30, p. 206
28-35-192d	Revoked	V. 30, p. 207
28-35-192e	Amended	V. 30, p. 207
28-35-192g	Amended	V. 30, p. 207
28-35-194a	Amended	V. 30, p. 207
28-35-212a	Amended	V. 30, p. 208
28-35-216a	Amended	V. 30, p. 209
28-35-225b	New	V. 30, p. 210
28-35-231c	Amended	V. 30, p. 210
28-35-242	Amended	V. 30, p. 210
28-35-264	Amended	V. 30, P. 210
28-35-334	Amended	V. 30, p. 211
28-35-346	Amended	V. 30, p. 212
28-35-411	Amended	V. 30, p. 212
28-36-30	Revoked	V. 29, p. 727
28-36-31	Revoked	V. 29, p. 727
28-36-70 through 28-36-89	Revoked	V. 29, p. 727
28-36-101 through 28-36-109	Revoked	V. 29, p. 727
28-39-162	Revoked	V. 29, p. 1777
28-39-162a	Revoked	V. 29, p. 1777
28-39-162b	Revoked	V. 29, p. 1777
28-39-162c	Revoked	V. 29, p. 1777
28-43-1 through 28-43-11	Revoked	V. 29, p. 1137
28-46-1	Amended	V. 29, p. 1138
28-46-2a	Amended	V. 29, p. 1138
28-46-3 through 28-46-22	Amended	V. 29, p. 1139-1141
28-46-27	Amended	V. 29, p. 1141
28-46-28	Amended	V. 29, p. 1141
28-46-29	Amended	V. 29, p. 1141
28-46-29a	New	V. 29, p. 1142
28-46-30	Amended	V. 29, p. 1142
28-46-30a	New	V. 29, p. 1142
28-46-30b	New	V. 29, p. 1144
28-46-31	Amended	V. 29, p. 1144
28-46-33	Amended	V. 29, p. 1144
28-46-34	Amended	V. 29, p. 1145
28-46-35	Amended	V. 29, p. 1145
28-46-40	Amended	V. 29, p. 1145
28-46-41	Amended	V. 29, p. 1145
28-46-44	Amended	V. 29, p. 1145
28-46-45	New	V. 29, p. 1145
28-61-1	Amended	V. 29, p. 419
28-61-2	Amended	V. 29, p. 419
28-61-5	Amended	V. 29, p. 420
28-61-8	Amended	V. 29, p. 422
28-72-1	Revoked	V. 29, p. 357
28-72-1a	New	V. 29, p. 357
28-72-1c	New	V. 29, p. 357
28-72-1d	New	V. 29, p. 358
28-72-1e	New	V. 29, p. 358
28-72-1g	New	V. 29, p. 358
28-72-1h	New	V. 29, p. 358
28-72-1i	New	V. 29, p. 359
28-72-1k	New	V. 29, p. 359
28-72-1l	New	V. 29, p. 359
28-72-1m	New	V. 29, p. 360
28-72-1n	New	V. 29, p. 360
28-72-1o	New	V. 29, p. 360
28-72-1p	New	V. 29, p. 360
28-72-1r	New	V. 29, p. 361
28-72-1s	New	V. 29, p. 361
28-72-1t	New	V. 29, p. 361
28-72-1v	New	V. 29, p. 361
28-72-1x	New	V. 29, p. 361
28-72-2	Amended	V. 29, p. 361
28-72-3	Amended	V. 29, p. 362
28-72-4	Amended	V. 29, p. 362
28-72-4a	Amended	V. 29, p. 366
28-72-4b	Revoked	V. 29, p. 368
28-72-4c	Amended	V. 29, p. 368
28-72-5	Amended	V. 29, p. 369
28-72-6	Amended	V. 29, p. 370
28-72-6a	New	V. 29, p. 371
28-72-7	Amended	V. 29, p. 373
28-72-7a	New	V. 29, p. 373
28-72-8	Amended	V. 29, p. 374
28-72-9	Amended	V. 29, p. 375
28-72-10	Amended	V. 29, p. 376
28-72-10a	New	V. 29, p. 377
28-72-11	Amended	V. 29, p. 378
28-72-12	Amended	V. 29, p. 378
28-72-13	Amended	V. 29, p. 379
28-72-14	Amended	V. 29, p. 379
28-72-15	Amended	V. 29, p. 380
28-72-16	Amended	V. 29, p. 380
28-72-17	Amended	V. 29, p. 381
28-72-18	Amended	V. 29, p. 382
28-72-18a	Amended	V. 29, p. 383
28-72-18b	Amended	V. 29, p. 384
28-72-18c	Amended	V. 29, p. 384
28-72-18d	Amended	V. 29, p. 385
28-72-18e	Amended	V. 29, p. 386
28-72-19	Amended	V. 29, p. 387
28-72-20	Amended	V. 29, p. 387
28-72-21	Amended	V. 29, p. 387
28-72-22	Amended	V. 29, p. 388
28-72-51	Amended	V. 29, p. 388
28-72-52	Amended	V. 29, p. 389
28-72-53	Amended	V. 29, p. 389

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-5-118a	Revoked	V. 29, p. 293

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-39-2	Amended (T)	V. 29, p. 1090
36-39-2	Amended	V. 29, p. 1416
36-39-4	Amended (T)	V. 29, p. 1091
36-39-4	Amended	V. 29, p. 1416
36-39-6	Amended (T)	V. 29, p. 1091
36-39-6	Amended	V. 29, p. 1416
36-42-1 through 36-42-9	New	V. 29, p. 502-504

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 30, p. 193
40-1-48	Amended	V. 29, p. 1752
40-3-33	Revoked	V. 30, p. 232
40-3-43	Amended	V. 29, p. 1337
40-4-43	New	V. 29, p. 703
40-7-26	New	V. 29, p. 1752
40-7-27	New	V. 29, p. 1753
40-9-23	New	V. 29, p. 1813

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

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

AGENCY 49: DEPARTMENT OF LABOR

Reg. No.	Action	Register
49-55-1 through 49-55-12	New	V. 29, p. 675, 676

AGENCY 50: DEPARTMENT OF LABOR—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-2-21a	New (T)	V. 29, p. 701
50-2-21a	New	V. 29, p. 1214

(continued)

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 29, p. 1508

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-16-105	Revoked	V. 29, p. 1115

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 29, p. 990

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-6	Amended	V. 29, p. 794
66-10-1	Amended	V. 29, p. 794
66-12-1	Amended	V. 29, p. 794
66-14-10	Amended	V. 29, p. 794

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1b	Amended	V. 29, p. 465
68-7-11	Amended	V. 29, p. 1053
68-7-21	New	V. 29, p. 465
68-20-10a	Amended	V. 29, p. 466
68-21-1 through 68-21-7	New	V. 29, p. 1417-1420

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-5-1 through 71-5-6	Revoked	V. 29, p. 1593
71-5-7 through 71-5-13	New	V. 29, p. 1593-1597

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-8	Amended	V. 29, p. 1636
74-4-9	Amended	V. 29, p. 1638
74-5-2	Amended	V. 29, p. 1638
74-5-101	Amended	V. 29, p. 1639
74-5-202	Amended	V. 29, p. 1639
74-5-203	Amended	V. 29, p. 1639
74-6-2	Amended	V. 29, p. 1640
74-11-6	Amended	V. 29, p. 1640
74-11-7	Amended	V. 29, p. 1640
74-12-1	Amended	V. 29, p. 1641
74-15-2	Revoked	V. 29, p. 1641

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-219	Amended	V. 29, p. 1099
82-3-101a	New	V. 29, p. 1508
82-3-311a	New	V. 29, p. 181
82-3-1100 through 82-3-1120	New	V. 29, p. 182-190
82-4-2	Amended	V. 29, p. 1443
82-4-3a	Amended	V. 29, p. 1443
82-4-3d	Amended	V. 29, p. 1444
82-4-3f	Amended	V. 29, p. 1390
82-4-3n	New	V. 29, p. 1444
82-4-3o	New	V. 29, p. 1445
82-4-6a	Amended	V. 29, p. 1446
82-4-8h	Amended	V. 29, p. 1446
82-4-21	Amended	V. 29, p. 1446
82-4-22	Amended	V. 29, p. 1446
82-4-23	Amended	V. 29, p. 1447
82-4-24a	Amended	V. 29, p. 1447
82-4-26	Amended	V. 29, p. 1447
82-4-26a	Amended	V. 29, p. 1447
82-4-27	Amended	V. 29, p. 1447
82-4-27a	Amended	V. 29, p. 1448
82-4-27c	Amended	V. 29, p. 1448
82-4-27e	Amended	V. 29, p. 1449
82-4-28	Revoked	V. 29, p. 1449
82-4-28a	Revoked	V. 29, p. 1449
82-4-28b	Revoked	V. 29, p. 1449
82-4-30a	Amended (T)	V. 29, p. 702
82-4-30a	Amended	V. 29, p. 1392
82-4-31	Revoked	V. 29, p. 1450
82-4-32	Amended	V. 29, p. 1450
82-4-33	Amended	V. 29, p. 1450
82-4-35	Amended	V. 29, p. 1450
82-4-35a	Amended	V. 29, p. 1450
82-4-37	Revoked	V. 29, p. 1450
82-4-40	Amended	V. 29, p. 1450
82-4-42	Amended	V. 29, p. 1450
82-4-48	Amended	V. 29, p. 1451
82-4-48a	Amended	V. 29, p. 1451
82-4-53	Amended	V. 29, p. 1451
82-4-54	Amended	V. 29, p. 1452
82-4-55	Amended	V. 29, p. 1452
82-4-56a	Amended	V. 29, p. 1452
82-4-57	Amended	V. 29, p. 1453
82-4-58	Amended	V. 29, p. 1453
82-4-62	Revoked	V. 29, p. 1453
82-4-63	Amended	V. 29, p. 1453
82-4-65	Amended	V. 29, p. 1453
82-4-77	Amended	V. 29, p. 1454
82-16-1 through 82-16-6	New	V. 29, p. 1598-1601
82-17-1 through 82-17-5	New	V. 29, p. 1136, 1137

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-24-1	Amended	V. 29, p. 1415
88-28-1	Amended	V. 30, p. 193
88-28-6	Amended	V. 29, p. 408
88-30-1	Amended	V. 30, p. 194

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-40-1	Amended	V. 29, p. 1093
91-40-27	Amended	V. 29, p. 1098

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-24-23	Amended	V. 29, p. 1633
92-51-25a	New	V. 29, p. 1281

AGENCY 94: COURT OF TAX APPEALS

Reg. No.	Action	Register
94-2-1 through 94-2-21	Revoked	V. 29, p. 1478, 1479
94-5-1 through 94-5-25	New	V. 29, p. 1479-1485

Agency 97: COMMISSION ON VETERANS' AFFAIRS

Reg. No.	Action	Register
97-7-1 through 97-7-6	New	V. 29, p. 252-254

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

Reg. No.	Action	Register
99-25-1	Amended	V. 29, p. 1242
99-25-5	Amended	V. 29, p. 1242
99-25-12	New	V. 29, p. 1242

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 29, p. 650
100-29-1	Amended	V. 29, p. 598
100-49-4	Amended	V. 29, p. 651
100-55-1	Amended	V. 29, p. 704
100-55-7	Amended	V. 29, p. 651
100-69-12	New	V. 29, p. 704
100-72-2	Amended	V. 29, p. 705
100-73-2	Amended	V. 29, p. 598

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-3	Amended	V. 29, p. 340

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-4-1	Amended (T)	V. 29, p. 1338
105-4-1	Amended	V. 29, p. 1506
105-5-2	Amended (T)	V. 29, p. 1339
105-5-2	Amended	V. 29, p. 1506
105-5-3	Amended (T)	V. 29, p. 1339
105-5-3	Amended	V. 29, p. 1506
105-5-6	Amended (T)	V. 29, p. 1339
105-5-6	Amended	V. 29, p. 1506
105-5-7	Amended (T)	V. 29, p. 1339
105-5-7	Amended	V. 29, p. 1507
105-5-8	Amended (T)	V. 29, p. 1340
105-5-8	Amended	V. 29, p. 1507
105-11-1	Amended (T)	V. 29, p. 1340
105-11-1	Amended	V. 29, p. 1507

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended (T)	V. 29, p. 1340
108-1-1	Amended	V. 30, p. 166
108-1-3	Amended (T)	V. 29, p. 1342
108-1-3	Amended	V. 30, p. 168
108-1-4	Amended (T)	V. 29, p. 1344
108-1-4	Amended	V. 30, p. 170

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1a	New (T)	V. 30, p. 138
109-5-1	Amended (T)	V. 30, p. 138
109-5-1a	New (T)	V. 30, p. 139
109-5-1b	New (T)	V. 30, p. 139
109-5-1d	New (T)	V. 30, p. 139
109-5-1e	New (T)	V. 30, p. 139
109-5-1f	New (T)	V. 30, p. 139
109-5-3	Amended	V. 29, p. 1282
109-5-4	Revoked	V. 29, p. 113
109-5-7a	New (T)	V. 30, p. 139
109-5-7b	New (T)	V. 30, p. 140
109-5-7d	New (T)	V. 30, p. 141
109-6-1	Amended	V. 29, p. 113
109-6-2	Amended	V. 29, p. 113
109-8-1	Amended (T)	V. 30, p. 141
109-10-1a	New (T)	V. 30, p. 141
109-10-1b	New (T)	V. 30, p. 142
109-10-1d	New (T)	V. 30, p. 142
109-10-1e	New (T)	V. 30, p. 142
109-10-1f	New (T)	V. 30, p. 142
109-10-1g	New (T)	V. 30, p. 142
109-10-6	Amended (T)	V. 30, p. 143
109-10-7	New	V. 29, p. 113
109-11-1	Amended	V. 29, p. 1283
109-11-1a	New (T)	V. 30, p. 143
109-11-3	Amended	V. 29, p. 1284
109-11-3a	New (T)	V. 30, p. 144
109-11-4	Amended	V. 29, p. 1284
109-11-6	Amended	V. 29, p. 1285
109-11-6a	New (T)	V. 30, p. 144
109-15-2	Amended	V. 29, p. 1285

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-4-1 through 110-4-5	Amended	V. 30, p. 25-27

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
111-2-230	Amended	V. 30, p. 232
111-2-231	Amended	V. 30, p. 233
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
111-2-243 through 111-2-248	New	V. 29, p. 1512, 1513
111-2-247	Amended	V. 30, p. 233
111-2-248	Amended	V. 30, p. 233
111-2-249 through 111-2-252	New	V. 30, p. 233, 234
111-2-253	New	V. 30, p. 241
111-2-254	New	V. 30, p. 241
111-2-255	New	V. 30, p. 249
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
111-4-3012 through 111-4-3022	New	V. 29, p. 1513-1522
111-4-3023 through 111-4-3027	New	V. 30, p. 234-237
111-4-3028 through 111-4-3031	New	V. 30, p. 241-243
111-4-3032 through 111-4-3045	New	V. 30, p. 249-258
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
111-5-181	Amended	V. 29, p. 1522
111-5-184	Amended	V. 29, p. 1523
111-5-186	Amended	V. 29, p. 1524
111-5-194	Amended	V. 29, p. 1525
111-7-243 through 111-7-248	New	V. 30, p. 259, 260
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
111-9-167	New	V. 29, p. 1526
111-9-168	New	V. 29, p. 1526
111-9-169	New	V. 29, p. 1527
111-9-170	New	V. 30, p. 261
111-15-1	Amended	V. 30, p. 238
111-15-3	Amended	V. 30, p. 238
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
111-301-7 through 111-301-12	New	V. 30, p. 244-248
111-302-1 through 111-302-6	New	V. 29, p. 82-86
111-302-4	Amended	V. 30, p. 249
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
111-309-1 through 111-309-6	New	V. 29, p. 1528-1530
111-310-1 through 111-310-6	New	V. 29, p. 1530-1532
111-311-1 through 111-311-7	New	V. 29, p. 1532-1535
111-312-1 through 111-312-8	New	V. 30, p. 239, 240

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 29, p. 1602
115-2-3	Amended	V. 29, p. 1603
115-2-3a	Amended	V. 29, p. 1603
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
115-4-11	Amended	V. 29, p. 67
115-7-1	Amended	V. 29, p. 1606
115-7-8	Revoked	V. 29, p. 1607
115-7-9	Amended	V. 29, p. 1607
115-8-1	Amended	V. 29, p. 1092
115-18-7	Amended	V. 29, p. 659
115-18-20	Amended	V. 29, p. 1608
115-20-7	New	V. 29, p. 659

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-1	Amended	V. 29, p. 412
117-2-2	Amended	V. 29, p. 413
117-3-1	Amended	V. 29, p. 414
117-3-2	Amended	V. 29, p. 415
117-4-1	Amended	V. 29, p. 416
117-4-2	Amended	V. 29, p. 417
117-6-1	Amended	V. 29, p. 656
117-6-3	Amended	V. 29, p. 656
117-7-1	Amended	V. 30, p. 92
117-8-1	Amended	V. 29, p. 418

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

Reg. No.	Action	Register
121-10-1	Amended	V. 29, p. 675

AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
123-2-111	New (T)	V. 29, p. 1115
123-2-111	New	V. 29, p. 1415

AGENCY 129: KANSAS HEALTH POLICY AUTHORITY

Reg. No.	Action	Register
129-5-118	Amended	V. 29, p. 293
129-5-118a	New	V. 29, p. 294
129-5-118b	Amended	V. 29, p. 296
129-10-31	New	V. 30, p. 92

AGENCY 130: HOME INSPECTORS REGISTRATION BOARD

Reg. No.	Action	Register
130-1-2	New (T)	V. 29, p. 38
130-1-2	New	V. 29, p. 567
130-1-3	New (T)	V. 29, p. 38
130-1-3	New	V. 29, p. 567
130-1-4	Amended	V. 29, p. 567
130-3-1	New (T)	V. 29, p. 38
130-3-1	New	V. 29, p. 568
130-4-1	New (T)	V. 29, p. 39
130-4-1	New	V. 29, p. 794
130-4-2	New (T)	V. 29, p. 39
130-4-2	New	V. 29, p. 794
130-5-2	New	V. 29, p. 569

AGENCY 131: COMMITTEE ON SURETY BONDS AND INSURANCE

Reg. No.	Action	Register
131-1-1	New	V. 30, p. 195

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