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

# State of Kansas

# 911 Coordinating Council

#### Notice of Meeting

The Kansas 911 Coordinating Council will meet at 1 p.m. Monday, October 15, in the Madison Room of the Ramada Inn, 420 S.E. 6th Ave., Topeka.

Melissa Wangemann Kansas Association of Counties Local Collection Point Administrator

Doc. No. 040944

State of Kansas

# Kansas Military Board

#### Notice of Meeting

The Kansas Military Board of the Adjutant General's Department will meet at 10 a.m. Thursday, October 11, at the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. Any individual with a disability may request accommodation in order to participate in the board meeting. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Roland Anderson at 785-274-1147.

Lee E. Tafanelli Major General, Kansas National Guard The Adjutant General

Doc. No. 040939

#### State of Kansas

# State of Kansas

# Commission on Veterans' Affairs

#### Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 10 a.m. Wednesday, October 17, in the Timmerman Administration Building at the Kansas Veterans' Home, 1220 WW II Memorial Drive, Winfield. The public is invited to attend. For more information call 785-296-3976.

> Gregg Burden Executive Director

Doc. No. 040954

State of Kansas

# Kansas Sentencing Commission

#### Notice of Committee Meeting

The Kansas Sentencing Commission's (KSC) 2003 SB 123 Committee will meet from 9 a.m. to noon Thursday, October 25, in the KSC conference room, Suite 501, Jayhawk Tower, 700 S.W. Jackson, Topeka. Any individual with a disability may request accommodation to attend a KSC meeting. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Brenda Harmon at 785-296-0923.

Scott M. Schultz Executive Director

Doc. No. 040936

# Legislature

#### Interim Committee Schedule

The Legislative Research Department gives notice that the following legislative committees plan to meet during the period of October 9-18, based on current information and subject to change. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at 785-296-2391 or TTY 711, or email LegServ@las.ks.gov.

Date	Room	Time	Committee	Agenda
Oct. 9	548-S	10:00 a.m.	Joint Committee on Legislative Budget	Problem Gambling and Addiction Fund review; review of Kansas Juvenile Correction Complex; overview of Local Environmental Protection Project (LEPP).
Oct. 10	548-S	9:00 a.m.	Joint Committee on Legislative Budget	Overview of state contracts including domestic violence and foster care; update on KDOT Railroad Program and other assets.
Oct. 11			Joint Committee on Legislative Budget	Cancelled.
Oct. 16	152-S	9:00 a.m.	Special Committee on Elections	Agenda not available.
Oct. 18	152-S	9:30 a.m.	Special Committee on Financial Institutions and Insurance	Agenda not available.
				Jeffrey M. Russell

Jeffrey M. Russell Director of Legislative Administrative Services

## State of Kansas

# **State Fair Board**

# Notice of Meeting

The Kansas State Fair Board will meet via conference call at 9 a.m. Thursday, October 11. For more information contact Denny Stoecklein at 620-669-3600 or denny@kansas statefair.com.

> Jeff Deeds President

Doc. No. 040940

# State of Kansas Public Employees Retirement System Request for Proposals

The Kansas Public Employees Retirement System is soliciting proposals for Domestic Real Estate Investment Trust (REIT) investment management services. A copy of the RFP may be downloaded from KPERS' website at www.kpers.org. All proposals must meet the minimum qualifications as set forth within the RFP. Respondents should deliver three written copies of their proposal to the KPERS offices by noon Friday, October 26. Questions about the RFP may be directed in writing to Don Lennard, Senior Investment Officer for Private Markets/KPERS, 611 S. Kansas Ave., Topeka, 66603, or via e-mail to rfp\_domesticreit@kpers.org. The deadline for submission of questions is October 12.

> Alan Conroy Executive Director

Doc. No. 040941

# State of Kansas Historic Sites Board of Review

#### Notice of Meeting

The Kansas Historic Sites Board of Review will meet at 9 a.m. Saturday, November 3, in the classrooms in the Kansas Museum of History, 6425 S.W. 6th Ave., Topeka. The board will consider the following items:

- Approval of minutes of August 11, 2012, meeting
- National Register of Historic Places Nominations:
  - St. Thomas Hospital 210 S. Range Ave., Colby, Thomas County
  - St. Margaret's Hospital —263 S. 8th St./759 Vermont Ave., Kansas City, Wyandotte County
  - Marysville High School & Stadium 1110-1111 Walnut St., Marysville, Marshall County (Nominated as part of the "Historic Public Schools of Kansas" MPDF)
    - (Nominated as part of the "New Deal-era Resources of Kansas" MPDF)
  - Beni Israel Cemetery 1301 E. 2100 Road, Eudora, Douglas County
  - Eureka ATSF Depot 416 E. 5th St., Eureka, Greenwood County

(Nominated as part of the "Historic Railroad Resources of Kansas" MPDF)

- William R. Gray Photography Studio & Residence — 116 N. Main St., St. John, Stafford County
- St. John the Divine Catholic Church 2511 Metropolitan Ave., Kansas City, Wyandotte County
- Eastep Site (14MY388) Address restricted, Independence, Montgomery County
- Finney County Point of Rocks Finney County (Nominated as part of the "Historic Resources of the Santa Fe Trail" MPDF (Amended))
- Indian Mound Lakin vicinity, Kearny County (093-13)
  - (Nominated as part of the "Historic Resources of the Santa Fe Trail" MPDF (Amended))
- Trail Park & Trail Park DAR Marker Baldwin City vicinity, Douglas County (Nominated as part of the "Historic Resources of the Santa Fe Trail" MPDF (Amended))
- <u>National Register of Historic Places Relocation</u> Request
  - Santa Fe Trail Rice County Segment 1 (Ralph's Ruts) — Rice County (Boundary Expansion) (Nominated as part of the "Historic Resources of the Santa Fe Trail" MPDF (Amended))
- Register of Historic Kansas Places Nominations

Welborn Community Congregational Church — 5217 Leavenworth Road, Kansas City, Wyandotte County

- <u>Requests for Removal from the National Register of</u> <u>Historic Places</u>
  - Brookville Hotel 204 N. Perry St., Brookville, McPherson County
  - Krueger Building (Opera House) 811 Fort St., Hays, Ellis County
- <u>Requests for Removal from the Register of Historic</u> <u>Kansas Places</u>

Sundstrom Building — 102-106 N. Main St., Lindsborg, McPherson County

- Dr. John S. Long Barn Highland vicinity, Doniphan County
- Other Business

Persons requiring special accommodations to attend the meeting should contact the Cultural Resources Division of the Kansas State Historical Society, 6425 S.W. 6th Ave., Topeka, 66615-1099, 785-272-8681, ext. 240, at least two weeks prior to the meeting to discuss how the board may ensure participation.

> Jennie Chinn Executive Director

## State of Kansas Department for Aging and Disability Services

#### **Public Notice**

The following ICFsMR cost center limits are being set forth for public comment. Comments should be sent to Pamela Keller, Program Administrator, KDADS/Community Services and Programs, 9th Floor East, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. The comment period will expire 30 days from the publication of this notice.

K.A.R. 30-10-214 provides for the annual review and adjustment of Class II ICFsMR cost center limits, approved by the secretary of KDADS or designee, based on current cost information supplied by the enrolled, licensed providers of ICF-MR services, and formula set forth in the Kansas State Medicaid Plan (Attachment 4.19-D, Part II, Subpart O, page 1). The formula is as follows: Total allowable costs, including an inflation factor, are compared to the amount to be reimbursed under the current limits. The formula threshold requires that 60 percent of all ICFsMR are reimbursed 90 percent of their allowable costs. If less than 60 percent of the facilities are reimbursed 90 percent of their allowable costs, then the cost center limits are adjusted until the threshold is met. The inflation factor is based on the Global Insight Health-Care Cost Review (formerly Data Resources, Inc. [DRI] -WEFA), National Skilled Nursing Facility Total Market Basket Index.

To determine where to make the adjustments, two major cost centers are analyzed according to the following prescription:

- Administrative costs are based on facility size.
- Habilitation costs are based on facility size and level of care (LOC).

The cost analysis for 2011 showed that 62 percent of the Class II ICFsMR were being reimbursed 90 percent or more of their allowable costs. Per the state plan, the analysis indicates that adjustments are not required.

#### Recommendations

Based on cost report analysis and available funding, cost center limits for Class II ICFsMR are as follows:

Facility Size	Level I	Level II	Level III	Level IV	Level V
A. +16 beds	\$162.86	\$154.71	\$146.98	\$139.64	\$ 132.65
B. 9-16 beds	\$204.61	\$194.40	\$184.68	\$175.46	\$166.67
C. 4-8 beds	\$239.39	\$227.42	\$216.04	\$205.24	\$ 194.98

Administrative per diem limits are based on the size of the facility, using the same classes as referred to above.

#### Administrative Per Diem Limits

- A. 12.92
- B. 30.68
- C. 36.18

#### **Fiscal Impact**

Due to re-basing costs per FYE 2011 cost reports and the inflation factor, the estimated annual cost increase is \$128,138.

Shawn Sullivan Secretary for Aging and Disability Services

Doc. No. 040959

#### State of Kansas

#### Secretary of State

#### Code Mortgage Rate for October

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of October 1, 2012 through October 31, 2012, is 12 percent.

Kris W. Kobach Secretary of State

Doc. No. 040934

#### State of Kansas

#### Secretary of State

#### Usury Rate for October

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate (except where the note or contract for deed permits adjustment of the interest rate, the term of the loan or the amortization schedule) executed during the period of October 1, 2012 through October 31, 2012, is 4.10 percent.

> Kris W. Kobach Secretary of State

Doc. No. 040933

#### State of Kansas

# Department of Revenue Division of Vehicles

#### Notice of Intent to Establish a New Location for an Existing New Motor Vehicle Dealer

Credit King Auto Sales, Inc. has filed intent to change dealership location. Credit King Auto Sales, Inc. currently conducts business as Credit King Auto Sales, Inc. at 4435 S. Broadway, Wichita, Kansas. Credit King Auto Sales, Inc. seeks to relocate its location and line-make vehicles to 3205 S. Broadway, Wichita, Kansas.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer with standing may protest the proposed relocation of the new-line make vehicles by Credit King Auto Sales, Inc. K.S.A. 8-2430 (c) provides standing to any existing new motor vehicle dealer who has a franchise agreement for the same line-make vehicles as that which are to be sold or offered for sale by Credit King Auto Sales, Inc., at 3205 S. Broadway, Wichita, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the Credit King Auto Sales, Inc. dealership will be relocated.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the director of vehicles within 30 days of this notice. Such petition or complaint must be directed to the Kansas Department of Revenue, Director of Vehicles, 11th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

> Donna Shelite Director of Vehicles

# 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. 2011 Supp. 12-1675(b)(c)(d) and K.S.A. 2011 Supp. 12-1675a(g).

#### Effective 10-1-12 through 10-7-12

Term	Rate
1-89 days	0.12%
3 months	0.09%
6 months	0.15%
1 year	0.19%
18 months	0.22%
2 years	0.24%

Scott Miller Director of Investments

Doc. No. 040932

#### State of Kansas

# **Board of Regents Universities**

#### Notice to Bidders

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

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

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

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

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

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

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

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

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

Doc. No. 040656

# State of Kansas Department of Administration Procurement and Contracts

#### Notice to Bidders

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2 p.m. on the date indicated. For more information, call 785-296-2373:

10/16/2012	EVT0001738	Aluminum Sheeting for License
		Plates
10/16/2012	EVT0001750	Agricultural Services — Grand
		Osage Wildlife Area
10/17/2012	EVT0001719	Regional Mitigation Planner
		Services
10/17/2012	EVT0001744	Vehicle Exhaust System
10/18/2012	EVT0001647	Sand Hills Campground Phase II
		Improvements
10/26/2012	EVT0001723	Application Development
		Services
10/26/2012	EVT0001754	Motor Vehicle Titles
10/29/2012	EVT0001656	Hospital Preparedness Program
10/30/2012	EVT0001755	Cigarette Tax Stamps
11/01/2012	EVT0001742	Family Network Services
11/02/2012	EVT0001753	Janitorial Services — Parsons
11/02/2012	EVT0001746	GED Database and Credentialing
		Management Solution

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

http://www.da.ks.gov/purch/contracts/bids.aspx

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

http	p://da.ks.gov/p	ourch/adds/default.htm
10/18/2012	A-011854(A)	Parking Lot, Center for
		Networked Learning —
		Fort Hays State University, Hays

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

Chris Howe, Director Procurement and Contracts

(Published in the Kansas Register October 4, 2012.)

# City of Overland Park, Kansas

#### Notice to Bidders

Sealed bids for Martway Street — Broadmoor to Woodson (ST-1513), KDOT Project No. 46 N-0563-01, will be received by the city of Overland Park, Kansas, at the office of the city clerk, City Hall, 8500 Santa Fe Drive, Overland Park, 66212, until 2 p.m. local time November 6, 2012. At that time all sealed bids will be transferred to the City Council Chamber, City Hall, where they will be publicly opened and read aloud. Any bid received after the designated closing time will be returned unopened.

All bids shall be submitted in sealed envelopes addressed to the city clerk of Overland Park, Kansas, and marked "Bid For: Martway Street - Broadmoor to Woodson (ST-1513)." Copies of plans, specifications, bid documents and other contract documents are on file at the office of Olsson Associates, 7301 W. 133rd St., Suite 200, Overland Park, 66213. Contractors desiring the contract documents for use in preparing bids may view or obtain a set of such documents from KC Blueprint & Plan Room at 2106 Swift, North Kansas City, MO 64117, or via its website at www.kcblueprint.com. Hard copy sets of full-size plans and specifications or digital downloads will be available for a nonrefundable cost of \$110, with a check made payable to Olsson Associates. Questions regarding these documents may be addressed to Paul Moore, Olsson Associates, at 913-381-1170.

Neither the city nor the consultant shall be responsible for the accuracy, completeness or sufficiency of any bid documents obtained from any source other than the source indicated above. Obtaining copies of plans, specifications, bid documents and other contract documents from any other source may result in obtaining incomplete and inaccurate information. Obtaining these documents from any source other than directly from the source listed herein also may result in failure to receive any addenda, corrections or other revisions to these documents that may be issued.

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

Should a bidder find "defects" as defined in paragraph GC-3 of the General Conditions, it shall follow the procedures outlined in paragraph GC-3 to bring same to the attention of the city. Changes necessitated thereby shall be in the form of addenda issued by the consultant.

All bidders shall verify that they have considered all written addenda. Neither the city nor the consultant shall be responsible for oral instructions.

Any written addenda issued during the time of bidding shall be covered and included in the bid. There will be no clarifications or exceptions allowed on the bid. Bids are for a total bid package, total contract price.

Bids shall be made upon the form provided, in ink or typewritten. Numbers shall be stated both in writing and

in figures, the signature shall be longhand and the complete form shall be without alteration or erasure. On alternate items for which a bid is not submitted, a written indication of "no bid" on the bid form is required.

No oral, telegraphic, facsimile or telephonic bids or alterations will be considered.

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

- b. 5% Bid Security bid bond, cashier's check or certified check (see below)
- c. Signed Documents (KDOT Certifications)
  - DBE Contract Goal
  - Certification Noncollusion & History of Debarment
  - Declaration Limitations on Use of Federal Funds for Lobbying
  - Tax Clearance Certificate

Each bidder shall file with its bid a bid bond, a cashier's check or a certified check drawn on any acceptable bank, made payable to the city of Overland Park, Kansas, in an amount of not less than 5 percent of the total bid, which shall be retained by the city of Overland Park until a contract for the project has been executed. Bid bonds will be returned to the unsuccessful bidders, with the exception of the second qualifying bidder, at such time as their bids are rejected. The bid deposit of the successful bidder and the second qualifying bidder will be returned when satisfactory bonds in an amount equal to 100 percent of the contract amount, required insurance certificates and other required documents shall have been furnished and the contract documents have been executed.

In the event the successful bidder is unable to execute the contract, for whatever reason, the city may exercise its legal prerogatives, including, but not limited to, enforcement of its rights as to the bid security.

The city reserves the right to accept or reject any and all bids and to waive any technicalities or irregularities therein. Bids may be modified or withdrawn by written request of the bidder received in the office of the city clerk prior to the time and date for bid opening; provided, however, that no bidder may withdraw its bid for a period of 30 days from the date set for the opening thereof. All bidders agree that rejection shall create no liability on the part of the city because of such rejection. It is understood by all bidders that an unsuccessful bidder has no cause of action against the city for bid preparation costs. The filing of any bid in response to this invitation shall constitute an agreement of the bidder to these conditions.

A pre-bid conference will be held at 1:30 p.m. October 22 in Conference Room 1, Overland Park City Hall.

Sally Wachtel, Contract Specialist Public Works Department City of Overland Park, Kansas

a. Bid

#### State of Kansas Kansas Judici

# Kansas Judicial Council

# Notice of Meetings

The Kansas Judicial Council, its Advisory Committees and the Commission on Judicial Performance will meet according to the following schedule at the Kansas Judicial Center, 301 S.W. 10th Ave., Topeka, unless otherwise designated:

Date	Committee	Time	Location
Oct. 19	Pattern Instruction for	9:30 a.m.	Room 269
	Kansas — Criminal		
Oct. 19	Probate Law	9:30 a.m.	Suite 140
Oct. 25	Antitrust	9:00 a.m.	Room 269
Oct. 26	Family Law	9:30 a.m.	Suite 140
Oct. 26	Juvenile Offender/	9:30 a.m.	Room 269
	Child in Need of Care		
Nov. 8	Lien Law	9:30 a.m.	Room 269
Nov. 9	Commission on	9:30 a.m.	Suite 140
	Judicial Performance		
Nov. 16	Pattern Instruction for	9:30 a.m.	Room 269
	Kansas — Criminal		
Nov. 16	Probate Law	9:30 a.m.	Suite 140
Nov. 30	Juvenile Offender/	9:30 a.m.	Room 269
	Child in Need of Care		

Hon. Lawton R. Nuss Chairman

Doc. No. 040942

# State of Kansas

# Department of Health and Environment

# Notice of Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m. Wednesday, December 12, in the Tallgrass Conference Room, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of new regulation K.A.R. 28-75-100 regarding protected health care information. A summary of the proposed regulation and the estimated economic impact follows:

# Summary of Regulation:

**28-75-100.** Adopts by reference the agency's HIPPA disclosure of protected health information authorization form.

# **Economic Impact:**

Cost to individuals: No significant costs to potential users of the form is anticipated. The use of the form is not mandatory. Health care providers wishing to use the form may access it from the KDHE Web page. Copies of the form also will be available by telephone or fax request.

Cost to the agency: It is anticipated that costs incurred by KDHE to implement this regulation will be minimal. The form has been prepared by KDHE staff and can be easily accessed and downloaded from the KDHE Web page. Inquires about the form can be addressed by email or telephone responses. Costs to other governmental agencies or units: There are no known costs to other agencies.

The time period between publication of this notice and the scheduled hearing serves as the required public comment period of at least 60 days for the purpose of receiving written public comments on the proposed regulation. At any time during the public comment period interested parties may submit written comments to Paul Marx, Associate Chief Counsel, Health Legal Group, Office of Legal Services, KDHE, 1000 S.W. Jackson, Suite 560, Topeka, 66612, by email to pmarx@kdheks.gov or by fax to 785-296-7119. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulation as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit any oral presentation to an appropriate time frame.

Complete copies of the proposed regulation and the corresponding economic impact statement may be obtained on KDHE's website at http://www.kdheks.gov/ administration/index.html or by contacting Paul Marx at the address above, 785-296-1330 or fax 785-296-7119. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Paul Marx.

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

Doc. No. 040946

# State of Kansas

# Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Natural Gas Pipeline Company of America, LLC has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Natural Gas Pipeline Company of America, LLC, 500 Dallas St., Suite 1000, Houston, TX 77002, owns and operates natural gas compressor station #193, located at Section 27, Township 24 South, Range 20 West, Edwards County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka. Also, a copy of the proposed permit can be reviewed at the KDHE Southwest District Office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact James Stewart, 785-296-1556, at the KDHE central office, and to review the proposed permit only, contact Ethel Evans, 620-356-1075, at the KDHE Southwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to James Stewart, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business November 5.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Sharon Burrell, KDHE, Bureau of Air, not later than the close of business November 5 in order for the secretary of health and environment to consider the request.

The U.S. Environmental Protection Agency has a 45day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, 913-551-7312, to determine when the 45day EPA review period ends and the 60-day petition period commences.

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

Doc. No. 040943

State of Kansas

# Department of Health and Environment

#### **Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Next Generation Processing, LLC (NGP), located at 15914 Stenbury Court, Cypress, TX 77429, has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to construct the Haven Gas Plant, a 1.40-billion standard cubic feet per day cryogenic natural gas processing facility, to be located in Section 6, Township 25 South, Range 4 West near Haven, Reno County, Kansas. The facility will consist of two natural gas-fired combined cycle turbines, each rated at 29,299 HP, with one compressor each, for natural gas compression and plant recompression; one natural gas-fired turbine generator set, rated at 40.27 MMBtu/hr; two natural gas-fired reciprocating engine generator sets, each rated at 1,980 HP; one amine unit, with a design capacity of 650 gallons per minute; one mol sieve dehydrator with a capacity of 1.40 billion standard cubic feet per day; one demethanizer unit in the cryogenic expander; and four electric compressors for plant compression and recompression of natural gas.

Emissions of particulate matter (PM), PM equal to or less than 10 microns in diameter ( $PM_{10}$ ), PM equal to or less than 2.5 microns in diameter (PM<sub>2.5</sub>), volatile organic compounds (VOCs), oxides of nitrogen (NO<sub>x</sub>), sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), hazardous air pollutants (HAPs) and greenhouse gases (GHGs) were evaluated during the permit review process. The proposed permit is to be issued in accordance with the provisions of K.A.R. 28-19-350, prevention of significant deterioration (PSD), which adopt the federal standards, procedures and requirements of 40 CFR 52.21 by reference. These air quality regulations apply to major stationary emission sources located in areas designated as "attainment" or "unclassifiable" under the federal Clean Air Act (CAA). Attainment areas are areas where the air quality meets or is better than the national ambient air quality standards (NAAQS). Unclassifiable areas are areas where the air quality cannot be classified on the basis of available information as meeting or not meeting the NAAQS.

The PSD regulations require evaluation of emission reduction techniques to identify the best available control technology (BACT) for each regulated pollutant, including greenhouse gases (GHGs), for which the emission rate exceeds the PSD significant level. The purpose of BACT is to affect the maximum degree of reduction achievable, taking into account energy, environmental and economic impacts for each regulated pollutant under review. Evaluation of the estimated emissions for the proposed NGP project indicates that the emission rate of NO<sub>x</sub>, O<sub>3</sub>, CO, PM<sub>2.5</sub> and GHGs all exceed the significance levels. NGP conducted the required BACT analyses. The department has reviewed NGP's BACT analyses and concurs with its findings.

- BACT for the two 29,299 HP combine cycle turbines is as follows: dry low NO<sub>x</sub> technology, good combustion practices, energy efficient design, waste heat recovery and firing pipeline natural gas is BACT for NO<sub>x</sub>; good combustion practices, energy efficient design, waste heat recovery and firing pipeline natural gas is BACT for CO, PM<sub>25</sub> and GHG emissions.
- BACT for the one 40.27 MMbtu/hr turbine generator set is as follows: dry low NO<sub>x</sub> technology, good combustion practices, energy efficient design and firing pipeline natural gas is BACT for NO<sub>x</sub>; good combustion practices, energy efficient design and firing pipeline natural gas is BACT for CO, PM<sub>2.5</sub> and GHG emissions.

(continued)

- BACT for the two 1,980 HP reciprocating engine generator sets is as follows: dual nonselective catalytic reduction (NSCR) three-way catalytic converters, good combustion practices and firing pipeline natural gas is BACT for NOx; dual nonselective catalytic reduction (NSCR) three-way catalytic converters, good combustion practices and firing pipeline natural gas is BACT for CO; good combustion practices, energy efficient design and firing pipeline natural gas is BACT for PM<sub>2.5</sub> and GHG emissions.
- BACT for the one amine unit still vent is as follows: waste heat recovery from the turbines for amine regeneration is BACT for GHG emissions.
- BACT for plant fugitives and equipment leaks is as follows: an effective leak detection and repair (LDAR) program is BACT for GHG emissions.

An ambient impact analysis was performed on the potential air emissions of  $NO_2$ ,  $PM_{2.5}$  and CO from this project.

- A preliminary modeling analysis conducted for the annual NO<sub>2</sub> averaging period demonstrated no significant impact to the annual NO<sub>2</sub> ambient air quality standard and demonstrated that 1.3 percent of the annual Class II maximum allowable increment for NO<sub>2</sub> is expected to be consumed. A preliminary modeling analysis for the one-hour NO<sub>2</sub> ambient air quality standard demonstrated no significant impact to the one-hour NO<sub>2</sub> ambient air quality standard. The EPA has not established a one-hour Class II maximum allowable increment for NO<sub>2</sub>. Accordingly, no calculation of the potential consumption of such increment is possible.
- A preliminary modeling analysis conducted for the annual  $PM_{2.5}$  averaging period demonstrated no significant impact to the annual  $PM_{2.5}$  ambient air quality standard and that 2.0 percent of the annual Class II maximum allowable increment for  $PM_{2.5}$  is expected to be consumed. A preliminary modeling analysis conducted for the 24-hour  $PM_{2.5}$  ambient air quality standard demonstrated no significant impact to the 24-hour  $PM_{2.5}$  ambient air duality standard demonstrated no significant impact to the 24-hour  $PM_{2.5}$  ambient air quality standard and that 6.4 percent of the 24-hour Class II maximum allowable increment for  $PM_{2.5}$  is expected to be consumed.
- A preliminary modeling analysis conducted for the eight-hour CO averaging period demonstrated no significant impact to the eight-hour CO ambient air quality standard. A preliminary modeling analysis conducted for the one-hour CO averaging period demonstrated no significant impact to the one-hour CO ambient air quality standard. The EPA has not established any Class II maximum allowable increments for CO. Accordingly, no calculation of the potential consumption of such increment is possible.

An analysis of visibility was conducted for Hercules Glades Wilderness Area in southwestern Missouri and Haven High School. The VISCREEN model results indicate no exceedances of the screening criteria. No adverse impacts on soils and vegetation in the area are expected. Any federal land manager who has reason to believe they may have a federal Class I area adversely impacted by the emissions from the proposed project has the opportunity to present KDHE with a demonstration of the adverse impact on the air quality-related values of the federal Class I area during the comment period.

A public comment period has been established until 5 p.m. November 5 to allow citizens the opportunity to express any concerns they may have regarding this proposed permitting action. All comments should be submitted in writing to Sharon Burrell, KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366.

Any member of the public may request the department hold a public hearing to receive comments on the proposed issuance of the draft air quality construction permit. Written requests to hold a public hearing should be sent to the attention of Sharon Burrell at the address listed above or by fax to 785-291-3953 and must be received by 5 p.m. November 5. A public hearing is tentatively scheduled by KDHE at 5 p.m. November 8 at the Haven Community Building, 215 S.W. Reno, Haven, and will continue until all verbal and/or written comments have been submitted by participants. If no pertinent requests to hold the public hearing are received by 5 p.m. November 5, the public hearing will be cancelled. A notice of the cancellation will be posted at the KDHE website at http:// www.kdheks.gov/bar/publicnotice.html.

If a hearing is conducted, all interested parties will be given a reasonable opportunity to present their views orally or by submission of written materials 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 oral presentations to a specific time limit. Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed materials in an accessible format. Requests for accommodation must be made not later than October 25 by contacting Sharon Burrell at 785-296-0297.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process for the PSD is available for public review for a period of 30 days from the date of publication during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka. A copy of the proposed permit and all supporting documentation also can be reviewed at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Lynelle Ladd, 785-296-1719, at the KDHE central office, or David Butler, 316-337-6042, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

These same materials are available, free of charge, at the KDHE Bureau of Air Public Notice website, http:// www.kdheks.gov/bar/publicnotice.html.

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

# Notice Concerning Kansas/Federal Water **Pollution Control Permits and Applications**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

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

#### Public Notice No. KS-AG-12-291 Application(s) for New or Expansion of **Existing Swine Facilities**

0	
Name and Address of Applicant	Owner of Property Where Facility Will Be Located
John A. Kramer P.O. Box 170 Seneca, KS 66538	John A. Kramer P.O. Box 170 Seneca, KS 66538
Legal Description	Receiving Water
SE/4 of Section 03, T03S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S048

This is an application for a permit for construction at an existing swine facility with the proposed maximum capacity of 1,839 head (735.6 animal units) of swine weighing greater than 55 pounds and 2,360 head (236 animal units) of swine weighing 55 pounds or less, for a total of 971.6 animal units of swine. A new or modified permit will not be issued without additional public notice.

# Public Notice No. KS-AG-12-292/300 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
J-Six Farms Inc. (North Farm)	SE/4 of Section 03, T03S, R13E,	Missouri River Basin
John A. Kramer	Nemaha County	
P.O. Box 170		
Seneca, KS 66538		

Kansas Permit No. A-MONM-S048

This is a permit modification and reissuance for an existing swine facility with the proposed maximum capacity of 1,839 head (735.6 animal units) of swine weighing greater than 55 pounds and 2,360 head (236 animal units) of swine weighing 55 pounds or less, for a total of 971.6 animal units of swine. The facility consists of six enclosed swine buildings. Manure and wastewater are collected in concrete pits under the buildings and then conveyed to an earthen retention structure. Modifications to the facility include removing a farrowing building and constructing a gestation building.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Dirks Cattle Company Phil Dirks 18005 County Road 3 Ingalls, KS 67853	SE/4 of Section 03, T29S, R31W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C013

Federal Permit No. KS0097268

This is a permit modification and reissuance for an existing livestock facility with the maximum capacity for 2,000 head (2,000 animal units) of cattle weighing greater than 700 pounds and 4,000 head (2,000 animal units) of cattle weighing 700 pounds or less, for a total of 4,000 animal units of cattle. The facility consists of approximately 19 acres of open lot pens and associated feedlot areas. Surface runoff and process water is collected by three earthen retention control structures. Proposed modifications to the facility include the construction of two diversion berms and approximately 4.5 acres of feed and manure storage area. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
5 N Feeders, Inc.	E/2 of Section 01,	Cimarron River
Prime Feeders, LLC	T28S, R41W & W/2	Basin
William L. Nicholas	of Section 06, T28S,	
4652 N. Road L	R40W, Stanton	
Johnson City, KS 67855	County	
Kansas Permit No. A-CIST-C	008 Federal Pe	ermit No. KS0097390

Kansas Permit No. A-CIST-C008

This is a permit modification and reissuance for an existing livestock facility with the maximum capacity of 6,000 head (6,000 animal units) of cattle weighing greater than 700 pounds and 5 head (10 animal units) of horses. The facility consists of approximately 52.5 acres of open lot pens, commodity area and associated feedlot areas. Surface runoff and process water are collected by four sediment channels, a sediment basin and two earthen retention control structures. The permit is being modified to include the south commodity area. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Four N, Inc.	NE/4 of Section 25,	Walnut River
Sid Nattier	T24S, R01E, Harvey	Basin
8831 S. Woodlawn Road	County	
Newton, KS 67114	5	

Kansas Permit No. A-WAHV-B001

This is a permit modification and reissuance for an existing facility for 700 head (700 animal units) of beef cattle weighing greater than 700 pounds and 299 head (149.5 animal units) of beef cattle weighing 700 or less, for a total of 999 head (849.5 animal units) of cattle. The facility consists of approximately 13.4 acres of open lot pens. Surface runoff is collected and stored in four earthen retention control structures. Modifications to the permit consist of the addition of an earthen retention control structure.

Name and Address of Applicant	Legal Description	Receiving Water
Theron Culwell	NW/4 of Section 31,	
1790 Road B	T05S, R39W,	River Basin
St. Francis, KS 67756	Cheyenne County	
	DOOF	

Kansas Permit No. A-URCN-B005

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

Name and Address of Applicant	Legal Description	Receiving Water
Ebel Farms, Inc.	NW/4 & SW/4 of	Missouri River
Brad Ebel	Section 02, T01S,	Basin
3308 Horned Owl Road	R16E, Brown	
Hiawatha, KS 66434	County	
Kansas Permit No. A-MOBR	R-S004	

(continued)

This permit is being reissued for an existing facility with a maximum capacity of 425 head (170 animal units) of swine more than 55 pounds, 300 head (30 animal units) of swine 55 pounds or less, 60 head (60 animal units) of cattle more than 700 pounds and 60 head (30 animal units) of cattle 700 pounds or less, for a total of 290 animal units. This represents an increase in animal units from the previous permit cycle.

Name and Address of Applicant	Legal Description	Receiving Water
Hug's Dairy	NE/4 of Section 08,	Kansas River
Darrell L. Hug	T08S, R16E, Jackson	Basin
17927 V Road	County	
Mayetta, KS 66509	-	

Kansas Permit No. A-KSJA-M009

This permit is being reissued for an existing facility with a maximum capacity of 50 head (70 animal units) of mature dairy cattle and 16 head (8 animal units) of cattle 700 pounds or less, for a total of 78 animal units. There is no change in the permitted animal units.

Name and Address	Legal	Receiving
of Applicant	Description	Water
Linn Willow Creek Dairy LLC Lee Holtmeier 1510 10th Road Linn, KS 66953	NW/4 of Section 16, T04S, R03E, Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-D001 Federal Permit No. KS0094595

This permit is being reissued for a confined animal feeding operation for 1,900 head (2,660 animal units) of mature dairy cattle. This represents an increase in the permitted animal units from the previous permit.

Name and Address	Legal	Receiving
of Applicant	Description	Water
County Line Feeders Terry Holterman 29757 Road F Almena, KS 67622	W/2 of SE/4 of Section 25, T01S, R21W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-C002 Federal Permit No. KS0091014

This is a renewal permit for an existing facility for 5,000 head (5,000 animal units) of cattle weighing more than 700 pounds. There is no change in the permitted animal units from the previous permit. No modifications are proposed at this time. This facility has an approved Nutrient Management Plan on file with KDHE.

#### Public Notice No. KS-Q-12-141/142

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

Name and Address of Applicant	Receiving Stream	Type of Discharge
Cargill, Inc.	Arkansas River via	Process
P.O. Box 1403	Cow Creek	Wastewater
Hutchinson, KS 67504		

Federal Permit No. KS0119733 Kansas Permit No. I-AR49-PO08 Legal Description: NW1/4, S19, T23S, R5W, Reno County, KS

Facility Name: Cargill Salt Company

Facility Description: This action consists of reissuance of an existing permit for existing discharges of wastewater. This facility produces salt products using the solution brine mining and vacuum evaporation process. Condenser cooling water, condensate from evaporator heat exchangers, and stormwater runoff are currently discharged through Outfall 001 to Cow Creek. Under a schedule of compliance to reduce chloride discharges into Cow Creek, the facility has chosen to construct a line (Outfall 006) for discharging cooling water and condensates directly to the Arkansas River. Stormwater runoff from the facility site will continue to flow into Cow Creek via storm drains. Sanitary waste and boiler blowdown are directed to the city sanitary sewer system. Other wastewaters are injected back into the brine field. The proposed permit contains limits for chlorides, total suspended solids, whole effluent toxicity and pH, as well as monitoring for temperature, total phosphorus and effluent flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
National Cold Storage, Inc.	Kansas River via	Noncontact
P.O. Box 357	Drainage Ditch	Cooling Water
Bonner Springs, KS 66012	0	U

Kansas Permit No. I-KS06-PO02

Federal Permit No. KS0003085 Legal Description: S13, T12S, R22E, Leavenworth County, KS

Facility Description: This action consists of reissuance of an existing permit for operation of an existing wastewater treatment facility and discharge of noncontact cooling water. This is an underground storage facility located in an old quarry providing refrigerated storage for food products. About five gallons per minute of well water is used for evaporative condenser cooling and is discharged as noncontact cooling water to the Kansas River without any treatment (Outfall 001). Approximately two gallons per minute of domestic wastes are treated in a two-stage aeration sewage treatment plant (Outfall 002). This domestic waste is chlorinated and dechlorinated prior to discharging to the Kansas River. The proposed permit contains limits for biochemical oxygen demand, total suspended solids and pH, as well as monitoring of E. coli and effluent flow. Contained in the permit is a schedule of compliance requiring the permittee to develop and submit and acceptable stormwater pollution prevention plan.

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

All comments regarding the draft documents or application notices received on or before November 3 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-12-291/300, KS-Q-12-141/142) 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

# State of Kansas Governmental Ethics Commission

# **Opinion No. 2012-05**

### Written August 29, 2012, to Patricia Long, Topeka.

**Synopsis:** A state employee may not be substantially involved in the preparation of or participate in the making of a contract with any business in which the employee's sister and the sister's husband collectively have a substantial interest. Thus, a state employee is precluded from participating in the review of proposals, the selection of bids and/or the negotiation process for the contracts resulting from a request for proposals (RFP) for child welfare programs delivered by licensed child placing agencies if the company that employs the sister's husband submits a bid.

#### Cited herein: K.S.A. 46-229; K.S.A. 2011 Supp. 46-233.

# Dear Ms. Long:

This opinion is in response to your letter dated July 30, 2012, wherein you request an opinion from the Kansas Governmental Ethics Commission, concerning application of the state conflict of interest laws, K.S.A. 46-215 *et seq.* We note at the outset that the Commission's jurisdiction is limited to the applicability of K.S.A. 46-215 *et seq.*, and the Commission's opinion does not address whether some other statutory system, common law theory, or agency rule or regulation applies to your inquiry.

# **Factual Statement**

You request this opinion in your capacity as a program administrator for the Division of Prevention and Protection Services of the Department for Children and Family Services (DCF). You explain that your responsibilities include administration and oversight of the foster care and adoption programs. Services under these child welfare programs are delivered by licensed child placing agencies under contract with DCF. The contracts are the result of negotiated, competitive bids submitted in response to a request for proposals (RFP). The next RFP is being developed and you are participating in the RFP development process.

You indicate that your brother-in-law is employed by TFI Family Services Inc. (TFI). TFI was one of the successful bidders during the last procurement process. You state that whether TFI submits a proposal or not, you would like to participate in the review of proposals, the selection of bids and/or the negotiation process for the new contracts resulting from the RFP.

#### Question

Do the conflict of interest laws prohibit or limit your participation in the review of proposals, the selection of bids and/or the negotiation process for the new contracts resulting from the RFP?

#### Analysis and Opinion

K.S.A. 2011 Supp. 46-233(a) places restrictions on a state employee's participation in state contracts. That statute states in pertinent part as follows:

(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest....

"Substantially involved in the preparation or participate in the making of a contract" means "having approved or disapproved a contract or having provided significant factual or specific information or advice or recommendations in relation to the negotiated terms of the contract." Based on your assertion that you would participate in the review of proposals, the selection of bids and/ or the negotiation process for the new contracts resulting from the RFP, you would be substantially involved in the preparation or participation in the making of a contract that resulted from the RFP.

The next issue to consider is whether your brother-inlaw is a member of your "immediate family," which is not defined in K.S.A. 2011 Supp. 46-233 or anywhere in the state level conflict of interest laws. "Family member" is defined in a regulation concerning nepotism under the state level conflict of interest laws, K.A.R. 19-40-4(b)(1). That definition includes "parent, child, or sibling related by marriage as denoted by the suffix of 'in-law'." It is significant that the nepotism law uses the more general term, "family member," while K.S.A. 2011 Supp. 46-233 uses the qualifier "immediate" before "family." We believe that "immediate family" is more limited than "family member." Black's Law Dictionary defines "immediate family" as a "[t]erm generally referring to one's parents, wife or husband, children, and brothers and sisters."<sup>2</sup> It is our opinion that the term "immediate family" as used in K.S.A. 2011 Supp. 46-233 includes parents, children, brothers and sisters, and a spouse, but does not include persons related by marriage as denoted by the suffix of "in-law."

While your brother-in-law is thus not a member of your "immediate family," your sister, who is his wife, is a member of your immediate family.

A final issue to determine is whether a member of your immediate family has a "substantial interest" in TFI, Inc. The answer is found in K.S.A. 46-229(b):

If any individual or an individual's spouse, *either individually or collectively*, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.<sup>3</sup>

Individually, your brother-in-law (not a member of your immediate family) would have a substantial interest in TFI from the time his taxable income from TFI equals or exceeds \$2,000.

However, his wife, i.e,. your sister (who is a member of your immediate family), and her husband, i.e., your brother-in-law, **collectively** would have a substantial interest in TFI from the time his taxable income from TFI equals or exceeds \$2,000.

Therefore, as a state employee, you may not be substantially involved in the preparation of or participate in the making of a contract with any business in which your (continued)

**GEC Opinion/Notices** 

sister and her husband collectively have a substantial interest. This precludes you from participating in the review of proposals, the selection of bids and/or the negotiation process for the new contracts resulting from the RFP for child welfare programs delivered by licensed child placing agencies if TFI, Inc. submits a bid.

Governmental Ethics Opinion No. 2008-05 is withdrawn to the extent it conflicts with this opinion.

1 K.S.A. 2011 Supp. 46-233(e)(2).

<sup>2</sup> Black's Law Dictionary 750 (6th ed. 1990).

<sup>3</sup> K.S.A. 46-229(b) (emphasis added).

G. Daniel Harden, Chairman By Direction of the Commission

Doc. No. 040938

#### State of Kansas

# Office of the Governor

#### Notice of Available Grant Funding

Grant funds are available from the Federal Sexual Assault Services Grant Program (SASP) for calendar year 2013. The overall purpose of SASP is to provide intervention, advocacy, accompaniment (e.g., accompanying victims to court, medical facilities, police departments, etc.), support services and related assistance for adult, youth and child victims of sexual assault; family and household members of victims; and those collaterally affected by sexual assault.

This grant program recognizes the need to increase focus on sexual assault to help address the lack of available direct intervention and related assistance services and the unique aspects of sexual assault trauma. Women and men of all ages, as well as children, can be victims of sexual assault.

There is approximately \$243,500 available for grant awards. Priority will be given to applicants who are rape/ sexual assault crisis centers providing direct intervention and related assistance to victims/survivors, and to dual programs that provide sexual assault and domestic violence services to enhance the provision of sexual assaultrelated direct intervention and related assistance services.

The application is available on the Governor's Grant Portal at https://www.kansas.gov/grants/index.do, or a copy of the application may be downloaded at https:// governor.ks.gov/serving-kansans/grants-program/grant\_ opportunities/federal-sexual-assault-services-grant-program. All grant applications must be submitted via the Governor's Grant Portal by 11:59 p.m. October 31. To quickly locate the grant in the grant portal, use SASP for the keywords in your search.

> Jennifer Cook, Administrator Governor's Grants Program

Doc. No. 040961

(Published in the Kansas Register October 4, 2012.)

# City of Milan, Kansas

#### Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2012

Notice is hereby given that the city of Milan, 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 \$18,000. 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 September 20, 2012.

Teresa Yale City Clerk

Doc. No. 040950

(Published in the Kansas Register October 4, 2012.)

# City of Baxter Springs, Kansas

#### Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2012

Notice is hereby given that the city of Baxter Springs, Kansas (the issuer), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$1,820,000. 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 September 25, 2012.

Donna Wixon City Clerk

Doc. No. 040953

(Published in the Kansas Register October 4, 2012.)

Summary Notice of Bond Sale City of Wichita, Kansas \$18,540,000\* General Obligation Sales Tax Bonds, Series 2012D (General obligation bonds payable from

unlimited ad valorem taxes)

#### Bids

Subject to the Official Notice of Sale dated September 25, 2012, bids will be received by the director of finance on behalf of the city of Wichita, Kansas, at the office of the Department of Finance, 12th Floor, City Hall, 455 N. Main, Wichita, KS 67202-1697, by electronic bids via PAR-ITY electronic bid submission system, until 10 a.m. Tues-day, October 16, 2012, for the purchase of the city's

\$18,540,000\* principal amount of General Obligation Sales Tax Bonds, Series 2012D. All bids shall be publicly read and tabulated on said date and at said time and place. The bids will be considered and the bonds will be awarded by the City Council in the Council Chamber at City Hall at its earliest convenience following the bid opening.

No oral or auction bid for the bonds shall be considered, and no bid of less than the entire principal amount of the bonds, plus accrued interest to the date of delivery, will be considered.

Bids must be submitted electronically through PAR-ITY. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of submitting its electronic bid in a timely manner and in compliance with the Notice of Sale. To the extent any instructions or directions set forth in PARITY conflict with the Notice of Sale, the terms of the Notice of Sale shall control. The city shall not be responsible for any failure, misdirection or error in the transmission of a bid through PARITY. For further information about the electronic bidding services of PARITY, potential bidders may contact Ipreo, 1359 Broadway, 2nd Floor, New York, NY 10018, 212-849-5021. Bidders may be required to be qualified in a manner established by the city before submitting a bid.

# **Bond Details**

The bonds will be in book-entry-only form. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof, will be dated November 1, 2012 (the dated date), will become due in the years as follows:

Maturing October 1	Principal Amount*
2013	\$ 995,000
2014	1,025,000
2015	1,060,000
2016	1,090,000
2017	1,120,000
2018	1,155,000
2019	1,190,000
2020	1,225,000
2021	1,265,000
2022	1,300,000
2023	1,340,000
2024	1,380,000
2025	1,420,000
2026	1,465,000
2027	1,510,000

The bonds will bear interest from the dated date at rates to be determined when the bonds are sold as provided in the Notice of Sale. Interest on the bonds will be payable semiannually on April 1 and October 1 of each year, commencing April 1, 2013.

#### Principal Amounts Subject to Change

The city reserves the right to decrease the total principal amount of the bonds and the principal amount of any maturity in order to properly size the bond issue, including adjustments based on net bond proceeds received by the city as a result of any premium bid. Adjustments, if required, will be made proportionately to each maturity as permitted by the authorized denominations of the bonds. The successful bidder may not withdraw its bid or change the interest rates bid as a result of any changes made to the principal amount of the bonds as described. If there is an adjustment in the final aggregate principal amount of the bonds or the schedule of principal payments as described above, any premium bid on the bonds will be proportionately adjusted. At the request of the city, the successful bidder agrees to resize the bond issue, adjust the premium and provide a revised maturity schedule to the city promptly after receipt of notification of such a request by the city.

# Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

#### Good Faith Deposit

The bidder for the bonds shall provide the city with a cashier's or certified check drawn on a bank located in the United States, a financial surety bond in a form that complies with the requirements set forth in the Notice of Sale or the wire transfer of same-day funds in accordance with the requirements set forth in the Notice of Sale in an amount equal to 2 percent of the principal amount of the bonds for which the bid is submitted.

#### Delivery

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder(s) on or about November 15, 2012, at the offices of the Depository Trust Company, New York, New York.

#### Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations is \$3,533,597,333. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds and certain general obligation refunding bonds being sold simultaneously with the bonds, is \$794,861,695.

#### **Approval of Bonds**

The bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder(s) when the bonds are delivered.

#### Additional Information

Additional information regarding the bonds may be obtained from the city's Department of Finance, City Hall, 12th Floor, 455 N. Main, Wichita, KS 67202-1679 (Catherine Gilley, Debt Coordinator), 316-268-4143; or from bond counsel, Kutak Rock LLP, 1010 Grand Blvd., Suite 500, Kansas City, MO 64106-2220, 816-960-0090, Attention: Dorothea Riley.

Dated September 25, 2012.

City of Wichita, Kansas Karen Sublett, City Clerk City Hall, 13th Floor 455 N. Main Wichita, KS 67202-1679 316-268-4529

\*Subject to change. Doc. No. 040957 1246

(Published in the Kansas Register October 4, 2012.)

Summary Notice of Bond Sale City of Rolla, Kansas \$555,000 General Obligation Bonds Series 2012

#### Details of the Sale

Subject to the terms and requirements of the Official Notice of Bond Sale dated September 17, 2012, of the city of Rolla, Kansas, bids to purchase the city's General Obligation Bonds, Series 2012, will be received at the City Hall, 304 Washington, Rolla, KS 67954, or by telefacsimile at 620-593-4777, until 2 p.m. Monday, October 15, 2012. Bids received will be considered by the governing body at its meeting at 7 p.m. on the sale date.

No oral or auction bids for the bonds will be considered, and no bid for less than 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery will be considered.

#### **Good Faith Deposit**

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond (as described in the Official Notice of Bond Sale), in an amount equal to 2 percent of the principal amount of the bonds.

#### Details of the Bonds

The bonds are dated October 30, 2012, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof. Interest on the bonds is payable semiannually on April 1 and October 1 of each year, beginning April 1, 2013. Principal of the bonds becomes due on October 1 in the years and amounts shown below:

#### Maturity Schedule

2	
Principal Amount	Maturity Date
\$50,000	2013
50,000	2014
50,000	2015
55,000	2016
55,000	2017
55,000	2018
55,000	2019
60,000	2020
60,000	2021
65,000	2022

#### **Payment of Principal and Interest**

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

#### **Book-Entry Bonds**

The successful bidder may elect that the bonds be issued and registered under a book-entry-only system administered by the Depository Trust Company, New York, New York (DTC).

#### **Delivery of the Bonds**

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about October 30, 2012, through the facilities of DTC

or otherwise as specified by the successful bidder, subject to the Official Notice of Bond Sale.

## Legal Opinion

The bonds will be sold subject to the legal opinion of Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

# **Financial Matters**

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$1,891,353. As of October 30, 2012, the city's total outstanding general obligation debt (including the bonds and excluding temporary notes to be redeemed with proceeds of the bonds) is \$574,000.

#### **Additional Information**

For additional information contact the city clerk at the address and telephone number shown below or the city's bond counsel, Triplett Woolf & Garretson, LLC, Attn: Mary Carson, 2959 N. Rock Road, Suite 300, Wichita, KS 67226, 316-630-8100.

City of Rolla, Kansas By Jean A. Hull, City Clerk City Hall, 304 Washington Rolla, KS 67954 620-593-4777 Fax: 620-593-4124 rollacty@pld.com

Doc. No. 040956

State of Kansas

# Board of Regents

Permanent Administrative Regulations

#### Article 29.—QUALIFIED ADMISSION

**88-29-11.** Requirements for the qualified admission precollege curriculum. This regulation shall be applicable to each applicant graduating from high school in academic year 2013-2014 or earlier. In order to admit any applicant under the qualified admission precollege curriculum criteria, each state educational institution shall require the applicant to provide an official high school transcript documenting completion of the approved qualified admission precollege curriculum that meets the following requirements:

(a) For each student graduating from high school before 2010, the transcript shall indicate the following distribution of courses:

(1) Four units of approved qualified admission English courses, with the content described in K.A.R. 88-29-14;

(2) three units of approved qualified admission mathematics courses that have the content described in K.A.R. 88-29-15 and that meet the following requirements:

(A) Are at or above the level of qualified admission algebra I; and

(B) were taken during ninth through twelfth grades;

(3) three units of approved qualified admission natural science courses that have the content described in K.A.R. 88-29-16 and that meet the following requirements:

(A) The three units shall be selected from any of the following courses, with at least one unit in each selected course:

(i) Qualified admission biology;

(ii) qualified admission advanced biology;

(iii) qualified admission chemistry;

(iv) qualified admission physics;

(v) qualified admission earth-space science; or

(vi) qualified admission principles of technology; and (B) at least one unit shall be selected from a qualified admission chemistry course or a qualified admission physics course; and

(4) three units of approved qualified admission social science courses that have the content described in K.A.R. 88-29-17 and that are distributed according to the following requirements:

(A) A minimum of ½ unit shall be a qualified admission United States government course;

(B) a minimum of  $\frac{1}{2}$  unit shall be selected from any of the following courses:

(i) Qualified admission world history;

(ii) qualified admission world geography; or

(iii) qualified admission international relations;

(C) a minimum of one unit shall be a qualified admission United States history course;

(D) up to one unit shall be selected from any of the following courses:

(i) A qualified admission anthropology course;

(ii) a qualified admission current social issues course;

(iii) a qualified admission economics course;

(iv) a qualified admission race and ethnic group relations course;

(v) a qualified admission sociology course;

(vi) a qualified admission psychology course;

(vii) a qualified admission United States history course; or

(viii) a qualified admission United States government course;

(E) a  $^{1}\!\!/_{2}\mbox{-unit}$  course shall not be used to fulfill more than one requirement of this regulation for more than one discipline in the qualified admissions precollege curriculum; and

(F) a one-unit course may be used to fulfill two ½-unit requirements of this regulation.

(b) For each student graduating from high school in 2010 and thereafter but before academic year 2014-2015, the qualified admission precollege curriculum shall consist of courses that are among those listed in the document titled "Kansas board of regents precollege curriculum courses approved for university admissions," revised May 23, 2012, which is hereby adopted by reference. The qualified admission precollege curriculum shall consist of the following distribution of courses:

(1) Four units of approved qualified admission English courses that include reading, writing, and literature;

(2) three units of approved qualified admission mathematics courses that meet the following requirements:

(A) Each course shall be completed in the ninth through twelfth grades; and

(B) each course shall be selected from any of the following courses:

(i) Qualified admission algebra I;

(ii) qualified admission geometry;

(iii) qualified admission algebra II;

(iv) any mathematics course that has qualified admission algebra II as a prerequisite; or

(v) any other course approved by the chief executive officer of the board of regents or the chief executive officer's designee;

(3) three units of approved qualified admission natural science courses that meet the following requirements:

(A) The three units shall be selected from any of the following courses:

(i) Qualified admission biology;

(ii) qualified admission advanced biology;

(iii) qualified admission chemistry;

(iv) qualified admission physics;

(v) qualified admission earth-space science;

(vi) qualified admission principles of technology; or

(vii) any other courses approved by the chief executive officer of the board of regents or the chief executive officer's designee; and

(B) at least one unit shall be selected from a qualified admission chemistry course or a qualified admission physics course; and

(4) three units of approved qualified admission social science courses that are distributed according to the following requirements:

(A) A minimum of <sup>1</sup>/<sub>2</sub> unit shall be a qualified admission United States government course;

(B) a minimum of  $\frac{1}{2}$  unit shall be selected from any of the following courses:

(i) Qualified admission world history;

(ii) qualified admission world geography; or

(iii) qualified admission international relations;

(C) a minimum of one unit shall be a qualified admission United States history course;

(D) not more than one unit shall be selected from any of the following courses:

(i) Qualified admission anthropology;

(ii) qualified admission current social issues;

(iii) qualified admission economics;

(iv) qualified admission psychology;

(v) qualified admission race and ethnic group relations;

(vi) qualified admission sociology;

(vii) qualified admission United States history;

(viii) qualified admission United States government; or

(ix) any other courses approved by the chief executive officer of the board of regents or the chief executive officer's designee;

(E) a <sup>1</sup>/<sub>2</sub>-unit course shall not be used to fulfill more than one requirement of this regulation for more than one discipline in the qualified admissions precollege curriculum; and

(F) a one-unit course may be used to fulfill two <sup>1</sup>/<sub>2</sub>-unit requirements of this regulation. (Authorized by and implementing K.S.A. 2011 Supp. 76-717, as amended by L. 2012, ch. 168, sec. 11; effective Aug. 1, 2007; amended, T-88-6-26-09, July 1, 2009; amended Nov. 13, 2009; amended July 22, 2011; amended Oct. 19, 2012.)

Andy Tompkins President and CEO

State of Kansas

# **Real Estate Appraisal Board**

#### Permanent Administrative Regulations

#### Article 20.—APPRAISAL MANAGEMENT COMPANY REGISTRATION

**117-20-1. Definitions.** Each of the following terms used in this article shall have the meaning specified in this regulation, in addition to the terms defined in L. 2012, ch. 93, sec. 3 and amendments thereto:

(a) "Applicant" means an appraisal management company seeking registration.

(b) "Good moral character" shall include the qualities of good judgment, honesty, fairness, responsibility, credibility, reliability, self-discipline, self-evaluation, initiative, trustworthiness, integrity, respect for and obedience to the laws of the state and nation, and respect for the rights of others and for the judicial process.

(c) "Good standing" has the meaning specified in K.A.R. 117-1-1.

(d) "Oversee an appraiser panel" means to supervise or manage an appraiser panel. (Authorized by L. 2012, ch. 93, sec. 25; implementing L. 2012, ch. 93, secs. 4, 5, 9, 10, 11, 16, and 22; effective, T-117-7-3-12, July 3, 2012; effective Oct. 19, 2012.)

**117-20-2. Registration.** (a) Each controlling person shall submit the application forms prescribed by the board with the fees specified in K.A.R. 117-20-4.

(b) Each application shall be supported by a separate form for the controlling person and for each owner of more than 10 percent of the applicant.

(1) Each owner of more than 10 percent of the applicant shall submit that individual's fingerprints and the fee specified in K.A.R. 117-20-4 in the manner prescribed by the board for a state and national criminal history record check. The individual shall not be fingerprinted more than 120 days before submitting the application for initial registration.

(2) The controlling person of the applicant shall submit that individual's fingerprints and the fee specified in K.A.R. 117-20-4 in the manner prescribed by the board for a state and national criminal history record check. The individual shall not be fingerprinted more than 120 days before submitting the application for initial registration. (Authorized by L. 2012, ch. 93, sec. 25; implementing L. 2012, ch. 93, secs. 9 and 10; effective, T-117-7-3-12, July 3, 2012; effective Oct. 19, 2012.)

**117-20-4.** Fees. The following fees shall be collected by the board: (a) For initial registration, \$1,500;

(b) for registration renewal, \$1,500;

(c) for late registration renewal, the amount specified in subsection (b) and an additional \$100;

(d) for processing fingerprints and a criminal history record check, \$50; and

(e) for initial registration and for registration renewal, the AMC federal registry fee in any amount assessed by the appraisal subcommittee of the federal financial institutions examination council for all AMCs holding a registration. (Authorized by and implementing L. 2012, ch. 93, secs. 8, 9, 10, and 25; effective, T-117-7-3-12, July 3, 2012; effective Oct. 19, 2012.)

**117-20-5.** Certificate of registration. Each certificate of registration shall show on its face in clear and concise language the following information:

- (a) The legal name of the AMC;
- (b) the certificate of registration number;
- (c) the date of issuance;
- (d) the date of expiration; and

(e) the signature or facsimile signature of the chairperson of the board. (Authorized by and implementing L. 2012, ch. 93, sec. 25; effective, T-117-7-3-12, July 3, 2012; effective Oct. 19, 2012.)

**117-20-6.** Change of information. (a) Each holder of a registration, controlling person, and owner of more than 10 percent of an AMC shall submit written notice to the board of each change to any of the information required by L. 2012, ch. 93, sec. 4, and amendments thereto, within 10 days of the change.

(b) Each holder of a registration shall report each change of the controlling person or an owner of more than 10 percent of an AMC within 10 days of the change. (Authorized by and implementing L. 2012, ch. 93, sec. 25; effective, T-117-7-3-12, July 3, 2012; effective Oct. 19, 2012.)

Sally Pritchett Executive Director

Doc. No. 040947

State of Kansas

# Department of Health and Environment Division of Health Care Finance

Permanent Administrative Regulations

#### Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

**129-5-1.** Prior authorization. (a) Any medical service may be placed by the Kansas department of health and environment, division of health care finance on the published list of services requiring prior authorization or precertification for any of the following reasons:

(1) To ensure that provision of the service is medically necessary;

(2) to ensure that services that could be subject to overuse are monitored for appropriateness in each case; and

(3) to ensure that services are delivered in a cost-effective manner.

(b) Administration of covered pharmaceuticals in the following classes shall require prior authorization. A cross-reference of generic and brand names shall be made available upon request:

(1) Ace inhibitors:

- (A) Quinapril;
- (B) moexipril;
- (C) perindopril;

- (D) ramipril; and
- (E) trandolopril;
- (2) retinoids:
- (A) Tretinoin;
- (B) alitretinoin; and
- (C) bexarotene;
- (3) adjunct antiepileptic drugs:
- (A) Gabitril;
- (B) zonegran;
- (C) clobazam;
- (D) lacosamide; and
- (E) rufinamide;
- (4) angiotensin II receptor antagonists:
- (A) Candesartan:
- (B) candesartan-HCTZ;
- (C) eprosartan;
- (D) eprosartan-HCTZ;
- (E) olmesartan;
- (F) olmesartan-HCTZ; and
- (G) azilsartan;
- (5) antibiotics: telithromycin;
- (6) anticholinergic urinary incontinence drugs:
- (A) Flavoxate;
- (B) oxybutynin XL;
- (C) oxybutynin patches;
- (D) trospium chloride;
- (E) darifenacin; and
- (F) oxybutynin, topical;
- (7) antiemetics: nabilone;
- (8) antipsoriatics:
- (A) Alefacept; and
- (B) ustekinumab;
- (9) antiretroviral drugs:
- (A) Enfuvirtide; and
- (B) maraviroc;
- (10) antirheumatics:
- (A) Leflunomide;
- (B) infliximab;
- (C) anakinra;
- (D) adalimumab;
- (E) etonercept;
- (F) abatacept;
- (G) rituximab;
- (H) golimumab;
- (I) certolizumab; and
- (J) tocilizumab;
- (11) cervical dystonias:
- (A) Onabotulinum toxin A;
- (B) abobotulinum toxin A; and
- (C) rimabotulinum toxin B;
- (12) drugs for the treatment of osteoporosis: teripar-
- atide;
  - (13) antituberculosis products:
  - (A) Aminosalicylate sodium;
  - (B) capreomycin;
  - (C) ethambutol;
  - (D) ethionamide;
  - (E) isoniazid;
  - (F) pyrazinamide; and
  - (G) rifampin and rifampin-isoniazid combinations;
  - (14) all decubitus and wound care products;

(15) all intravenous and oral dietary and nutritional products, including the following:

- (A) Amino acids, injectable;
  - (B) 1-cysteine;
  - (C) lipids, injectable; and
  - (D) sodium phenylbutyrate;
  - (16) beta-blockers:
  - (A) Betaxolol;
  - (B) bisoprolol;
  - (C) carteolol;
  - (D) penbutolol;
  - (E) propranolol XL; and
  - (F) nebivolol;
  - (17) short-acting, inhaled beta 2 agonists:
  - (A) Metaproterenol inhaler;
  - (B) levalbuterol solution;
  - (C) albuterol solutions: 0.021% and 0.042%;
  - (D) levalbuterol inhaler; and
  - (E) pirbuterol inhaler;
  - (18) calcium channel blockers:
- (A) Diltiazem extended release, with the following brand names:
  - (i) Cardizen SR<sup>®</sup>;
  - (ii) Cardizem CD<sup>®</sup>;
  - (iii) Cartia XT<sup>®</sup>;
  - (iv) Dilacor XR<sup>®</sup>;
  - (v) Taztia XT<sup>®</sup>; and
  - (vi) Cardizem LA<sup>®</sup>;
- (B) verapamil sustained release, with the following brand names:
  - (i) Covera HS<sup>®</sup>; and
  - (ii) Verelan PM<sup>®</sup>;
- (C) nifedipine sustained release, with the following

(H) nifedipine immediate release, with the following

(20) all growth hormones and growth hormone stim-

(continued)

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- brand names:
  - (i) Nifedical XL<sup>®</sup>; and

(19) fibric acid derivatives:

sermorelin: and

(B) beclomethasone; and

(A) Flunisolide-menthol;

flunisolide; and

(22) inhaled corticosteroids:

(C) budesonide inhaled suspension;

ciclesonide;

ulating factor, including the following:

mecasermin rinfabate;

(21) intranasal corticosteroids:

(ii) Procardia XL<sup>®</sup> and all generic equivalents;

(i) Adalat<sup>®</sup> and all generic equivalents; and

(ii) Procardia<sup>®</sup> and all generic equivalents;

(D) nisoldipine;

(A) Antara<sup>®</sup>; and

(B) Lofibra<sup>®</sup>;

(A) Somatrem;

(B) somatropin;

(A) Flunisolide;

(C)

(D)

(C)

(B)

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- (E) felodipine;
- (F) isradipine;(G) nicardipine SR; and

brand names:

- (23) proton pump inhibitors:
- (A) Esomeprazole;
- (B) omeprazole;

1250

- (C) omeprazole OTC;
- (D) lansoprazole;
- (E) pantoprazole;
- (F) rabeprazole;
- (G) omeprazole NaHCO<sub>3</sub>; and
- (H) dexlansoprazole;
- (24) monoclonal antibody for respiratory syncitial virus (RSV), including palivizumab;
  - (25) muscle relaxants:
  - (A) Tizanidine;
  - (B) orphenadrine;
  - (C) carisoprodol;
  - (D) carisoprodol-aspirin;
  - (E) carisoprodol-aspirin-caffeine;
  - cyclobenzaprine; (F)
  - (G) metaxolone;
  - (H) dantrolene; and
  - (I) orphenadrine-aspirin-caffeine;
  - (26) narcotics:
  - (A) Buprenorphine-naloxone; and
  - (B) buprenorphine;
  - (27) nonsteroidal, anti-inflammatory drugs:
  - (A) nabumetone;
  - (B) diclofenac patches;
  - (C) diclofenac, topical; and
  - (D) ketorolac, intranasal;
  - (28) drugs for the treatment of obesity:
  - (A) Orlistat; and
  - (B) phentermine;
  - (29) oxazolidinones, including linezolid;
  - (30) HMG-CoA reductase inhibitors:
  - (A) Pravastatin;
  - (B) fluvastatin;
  - (C) lovastatin; and
  - (D) pitavastatin;
  - (31) nonsedating antihistamines:
  - (A) Desloratidine;
  - (B) fexofenadine; and
  - (C) levocetirizine;
  - (32) H<sub>2</sub> antagonists: nizatidine;
  - (33) triptans:
  - (A) Zolmitriptan;
  - (B) frovatriptan;
  - (C) almotriptan;
  - (D) Alsuma<sup>®</sup>; and
  - (E) Sumavel<sup>®</sup>;
  - (34) antidiabetic drugs:
  - (A) Glipizide XL;
  - (B) glipizide-metformin;
  - (C) repaglinide;
  - (D) acarbose;
  - Glucophage XR<sup>®</sup>; (E)
  - (F) Fortamet<sup>®</sup>;
  - (G) Glumetza<sup>®</sup>;
  - (H) exenatide;
  - (I) pramlintide acetate; and(J) liraglutide;

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(35) the following types of syringes, penfills, and cartridges of insulin:

- (A) Humalog<sup>®</sup>; (B) Humalog Mix<sup>®</sup>;
- (C) Humulin R<sup>®</sup>;
- (D) Humulin N<sup>®</sup>;
- (E) Humulin 70/30<sup>®</sup>;
- (F) Novolog<sup>®</sup>;
- (G) Novolog Mix<sup>®</sup>;
- (H) Novolin  $\mathbb{R}^{\mathbb{R}}$ ;
- (I) Novolin N<sup>®</sup>;
- (J) Novolin 70/30<sup>®</sup>;
- (K) Velosulin BR<sup>®</sup>; and
- (L) insulin determir;
- (36) hypnotics:
- (A) Zaleplon;
- (B) zolpidem;
- (C) zolpidem CR; and
- (D) eszopiclone;
- (37) serotonin 5-HT<sub>3</sub> receptor antagonist antiemetics:
- (A) Granisetron;
- (B) dolasetron; and
- (C) ondansetron film;
- (38) influenza vaccines: Flumist<sup>®</sup>;
- (39) monoclonal antibody for asthma: omalizumab;
- (40) bisphosphonates:
- (A) Risedronate; and
- (B) risedronate-calcium;
- (41) combination products for hypertension:
- (A) Enalapriol maleate-felodipine;
- (B) trandolapril-verapamil; and
- (C) telmisartan-amlodipine;

(47) aromatase inhibitors:

arformoterol; and

denosumab; and

C1 esterase inhibitor;

ecallantide; and

(C) icatibant;

(49) miscellaneous biologic agents;

- (42) ophthalmic prostaglandin analogues:
- (A) Bimatoprost; and
- (B) unoprostone;
- (43)topical immunomodulators:
- (A) Protpic<sup>®</sup> (topical formulation); and
- (B) Elidel<sup>®</sup>;

(A) Letrozole;

(C) exemestane;

(A) Salmeterol;

(B) formoterol;

(D) indacaterol;

(A) Canakinumab;

rilonacept;

(B) natalizumab;

(C)

(C)

(D)

(50)

(51)

(52)

(A)

(B)

Vol. 31, No. 40, October 4, 2012

(B) anastrozole; and

- (44) narcotic analgesics: any transmucosal form of fentanyl;
- (45) tramadol and all opioids, opioid combinations, and skeletal muscle relaxants, at any dose greater than the maximum recommended dose in a 31-day period;
  - (46) progestin for preterm labor: Makena<sup>®</sup>;

(48) long-acting, inhaled beta 2 agonists:

stem cell mobilizers: plerixafor;

hereditary angioedema agents:

antidotes: methylnaltrexone;

- (53) anti-hepatitis C virus agents:
- (A) Boceprevir; and
- (B) telaprevir;
- (54)cystic fibrosis agents: ivacaftor;
- (55)agents for gout:
- Febuxostat; and (A)
- (B) pegloticase;
- (56)phenylketonurics: sapropterin;
- (57)topical anesthetics: lidocaine;
- (58)antithrombin agents: eltrombopag;
- (59)anti-malarials: quinine;

(60)hormone analog for precocious puberty: histrelin acetate;

(61) agents for chorea associated with Huntington's disease: tetrabenazine;

(62) enzyme preparations: collegenase clostridium histolyticum; and

(63) agents for cataplexy: sodium oxybate.

(c) Failure to obtain prior authorization, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified treatment. The prior authorization shall affect reimbursement to all providers associated with the service.

(d) The only exceptions to prior authorization shall be the following:

(1) Emergencies. If certain surgeries and procedures that require prior authorization are performed in an emergency situation, the request for authorization shall be made within two working days after the service is provided.

(2) Situations in which services requiring prior authorization are provided and retroactive eligibility is later established. When an emergency occurs or when retroactive eligibility is established, prior authorization for that service shall be waived, and if medical necessity is documented, payment shall be made.

(e) Services requiring prior authorization shall be considered covered services within the scope of the program, unless the request for prior authorization is denied. (Authorized by K.S.A. 2011 Supp. 39-7,120, as amended by L. 2012, ch. 102, sec. 9, K.S.A. 2011 Supp. 65-1,254, K.S.A. 2011 Supp. 75-7412, as amended by L. 2012, ch. 102, sec. 43; implementing K.S.A. 2011 Supp. 39-7,120, as amended by L. 2012, ch. 102, sec. 9, and K.S.A. 2011 Supp. 39-7,121a, as amended by L. 2012, ch. 102, sec. 11; effective Oct. 28, 2005; amended June 2, 2006; amended Aug. 11, 2006; amended Nov. 17, 2006; amended March 16, 2007; amended Oct. 19, 2007; amended May 23, 2008; amended Feb. 17, 2012; amended Oct. 19, 2012.)

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

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28-31-100s       New       V. 30, p. 421         28-31-124a       New       V. 30, p. 422         28-31-124a       New       V. 30, p. 423         28-31-124b       New       V. 30, p. 423         28-31-124c       New       V. 30, p. 423         28-31-124c       New       V. 30, p. 423         28-31-124c       New       V. 30, p. 424         28-31-124c       New       V. 30, p. 424         28-31-124e       New       V. 30, p. 424         28-31-124e       New       V. 30, p. 425         28-31-1260       New       V. 30, p. 426         28-31-261       New       V. 30, p. 427         28-31-261       New       V. 30, p. 427         28-31-262       New       V. 30, p. 427         28-31-263       New       V. 30, p. 428         28-31-264       New       V. 30, p. 433         28-31-265       New       V. 30, p. 433         28-31-265       New       V. 30, p. 433         28-31-265       New       V. 30, p. 434	28-31-100q 28-31-100r		V. 30, p. 420 V. 30, p. 420
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28-31-279a         New         V. 30, p. 437           28-34-126         New (T)         V. 30, p. 1000           28-34-126         New         V. 30, p. 1471           28-34-127         New (T)         V. 30, p. 1000           28-34-127         New (T)         V. 30, p. 1000           28-34-127         New         V. 30, p. 1472           28-34-129         through         V. 30, p. 1472	28-31-273	New	V. 30, p. 436
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