



Kansas Register

Kris W. Kobach, Secretary of State

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In this issue . . .	Page
Department of Administration—Office of Facilities and Procurement Management	
Notices of requested architectural services	490, 491
Notice of requested fire protection engineering services	491
Kansas State Fair Board	
Notice of meeting	491
State Board of Indigents' Defense Services	
Notice of hearing.....	491
Pooled Money Investment Board	
Notice of investment rates.....	492
Kansas Board of Regents Universities	
Notice to bidders.....	492
Department of Administration—Procurement and Contracts	
Notice to bidders for state purchases	492
City of Colby	
Notice of intent to seek private placement of general obligation bonds.....	493
Department of Revenue	
Notice of available publications.....	493
Kansas Department of Agriculture—Division of Weights and Measures	
Notice of hearing on proposed administrative regulations	493
Kansas Bureau of Investigation	
Notice of hearing on proposed administrative regulations	494
Federal Emergency Management Agency	
Public Notice FEMA-4112-DR-KS	494
Department of Health and Environment	
Request for bids for lead hazard reduction.....	496
Notice concerning water pollution control permits/applications	496
Permanent Administrative Regulations	
Department of Agriculture	499
Department of Agriculture—Division of Conservation	501
Kansas Dental Board.....	504
Index to administrative regulations.....	504

State of Kansas

**Department of Administration
Office of Facilities and
Procurement Management**

Notice of Requested Architectural Services

Notice is hereby given of the commencement of the selection process for architectural services for Fort Hays State University. The university will be selecting one firm to provide design services for the Wiest Hall Replacement Housing project. This 117,260-square-foot facility will provide 405 beds of housing and dining services. The facility will be located in the northwest quadrant of the campus, north of the Robbins Center and adjacent to U.S. Alternate 183 Highway. Project implementation remains subject to the approval of the Kansas Board of Regents. The estimated construction cost is \$21,275,000.

For more information contact Dana Cunningham at 785-628-4424. An architectural program is available at <http://www.da.ks.gov/fp/ArchEngPrograms.htm>.

To be considered, one (1) PDF file and one (1) bound proposal of the following should be provided: State of

Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation and an abbreviated project name in the title of the PDF document and if sent via email in the subject line of the email. Proposals should be less than 5MB and follow the current State Building Advisory Commission guidelines, which can be found in Part B — Chapter 2 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent to Barbara Schilling, Office of Facilities and Procurement Management, Suite 700, 800 S.W. Jackson, Topeka, 66612-1216. If you have questions call 785-291-3695 or email professional.qualifications@da.ks.gov. Both the PDF and bound proposal submittals shall be delivered to the attention of Barbara Schilling before noon May 31, 2013.

Mark J. McGivern, Director
Office of Facilities and
Procurement Management

Doc. No. 041569

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State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet at 10 a.m. Tuesday, May 21, in Manhattan. For more information contact Denny Stoecklein at 620-669-3600 or denny@kansasstatefair.com.

Ron Hinrichsen
President

Doc. No. 041557

State of Kansas

Board of Indigents' Defense Services

Notice of Hearing

The State Board of Indigents' Defense Services will receive comments through a public hearing to determine the impact that the continued proration of assigned counsel fees to \$62 per hour, from July 1, 2013 to June 30, 2014, would have on the quality of representation afforded to indigent defendants and the availability of sufficient numbers of attorneys on the judicial district assigned counsel panels. The hearing will be conducted at 11 a.m. Monday, June 3, in the second floor meeting room at 714 S.W. Jackson, Topeka. The building is accessible for mobility disabled persons. Persons requiring any accommodation for disability to participate in this hearing are asked to contact the board at bchild@sbids.org not later than May 20.

Patricia A. Scalia
Executive Director

Doc. No. 041561

State of Kansas

**Department of Administration
Office of Facilities and
Procurement Management**

**Notice of Requested "On-Call"
Architectural Services**

Notice is hereby given of the commencement of the selection process for "on-call" architectural services for small projects for Kansas State University. One firm will be selected. The contract will be for three years. The covers of the proposals should designate "Architectural Services," "Agency Name" and "Firm Name."

For more information contact Abe Fattaey at 785-532-1725. Firms interested in providing these services should be familiar with the requirements that can be found in Part B — Chapter 4 of the Building Design and Construction Manual at the website below.

To be considered, one (1) PDF file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation and an abbreviated project name in the title of the PDF document and if sent via email in the

subject line of the email. Proposals should be less than 5MB and follow the current State Building Advisory Commission guidelines, which can be found in Part B — Chapter 2 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent to Barbara Schilling, Office of Facilities and Procurement Management, Suite 700, 800 S.W. Jackson, Topeka, 66612-1216. If you have questions call 785-291-3695 or email professional.qualifications@da.ks.gov. Both the PDF and bound proposal submittals shall be delivered to the attention of Barbara Schilling before noon May 31, 2013.

Mark J. McGivern, Director
Office of Facilities and
Procurement Management

Doc. No. 041570

State of Kansas

**Department of Administration
Office of Facilities and
Procurement Management**

**Notice of Requested "On-Call"
Fire Protection Engineering Services**

Notice is hereby given of the commencement of the selection process for "on-call" fire protection engineering services for small projects for Kansas State University. One firm will be selected. The contract will be for three years. The covers of the proposals should designate "Fire Protection Engineering Services," "Agency Name" and "Firm Name."

For more information contact Abe Fattaey at 785-532-1725. Firms interested in providing these services should be familiar with the requirements that can be found in Part B — Chapter 4 of the Building Design and Construction Manual at the website below.

To be considered, one (1) PDF file and one (1) bound proposal of the following should be provided: State of Kansas Professional Qualifications DCC Forms 051-054, inclusive, and information regarding similar projects. State of Kansas Professional Qualifications DCC Form 050 for each firm and consultant should be provided at the end of each proposal. Please include your firm name, agency abbreviation and an abbreviated project name in the title of the PDF document and if sent via email in the subject line of the email. Proposals should be less than 5MB and follow the current State Building Advisory Commission guidelines, which can be found in Part B — Chapter 2 of the Building Design and Construction Manual at www.da.ks.gov/fp/manual.htm. Proposals should be sent to Barbara Schilling, Office of Facilities and Procurement Management, Suite 700, 800 S.W. Jackson, Topeka, 66612-1216. If you have questions call 785-291-3695 or email professional.qualifications@da.ks.gov. Both the PDF and bound proposal submittals shall be delivered to the attention of Barbara Schilling before noon May 31, 2013.

Mark J. McGivern, Director
Office of Facilities and
Procurement Management

Doc. No. 041571

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2012 Supp. 12-1675(b)(c)(d) and K.S.A. 2012 Supp. 12-1675a(g).

Effective 5-13-13 through 5-19-13

Term	Rate
1-89 days	0.12%
3 months	0.03%
6 months	0.08%
1 year	0.14%
18 months	0.19%
2 years	0.25%

Scott Miller
Director of Investments

Doc. No. 041556

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 con-

tact 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 785-296-2376:

05/28/2013	EVT0002351	Bus for Prisoner Transportation
05/28/2013	EVT0002355	Aggregate at Sandhills State Park
05/28/2013	EVT0002357	Pavement Crack Sealant — Hot Applied
05/30/2013	EVT0002345	HVAC Equipment Replacements — Oswego
06/03/2013	EVT0002340	Lawn Services — Kansas City and Olathe
06/04/2013	EVT0002353	Outdoor Emergency Sirens
06/12/2013	EVT0002335	East Mineral Reclamation Project

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

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

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

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

05/29/2013	A-012016	Roof Replacement — Health Center — Kansas State School for the Blind, Kansas City, Kansas
05/29/2013	A-012162	Corridor and Office Renovation — Chanute Service Center — Kansas Dept. for Children and Families, Topeka
05/30/2013	A-012249	Reseal Parking Lots — Larned Juvenile Correctional Facility, Larned

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

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 041573

(Published in the Kansas Register May 16, 2013.)

City of Colby, Kansas

**Notice of Intent to Seek Private Placement
General Obligation Bonds, Series 2013-1**

Notice is hereby given that the city of Colby, 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 \$90,000. 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 May 7, 2013.

Joni L. Ketchum
City Clerk

Doc. No. 041567

State of Kansas

Department of Revenue

Notice of Available Publications

Listed below are all the Private Letter Rulings, Opinion Letters, Final Written Determinations, Revenue Rulings, Memorandums, Property Valuation Division Directives, Q&A's, Information Guides and Notices published by the Department of Revenue for April 2013. Copies can be obtained by accessing the Policy Information Library located on the Internet at www.ksrevenue.org or by calling the Office of Policy and Research at 785-296-3081.

Private Letter Rulings

No new publications

Opinion Letters

O-2011-015 Tax treatment of Build America Bonds

Final Written Determinations

No new publications

Revenue Rulings

19-2013-01 Sales Tax Treatment of Home Service Contracts

Notices

No new publications

Memorandums

No new publications

Property Valuation Division Directives

No new publications

Q&A's

No new publications

Information Guides

No new publications

Nick Jordan
Secretary of Revenue

Doc. No. 041560

State of Kansas

**Department of Agriculture
Division of Weights and Measures**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, July 23, in the fourth floor training room of the Kansas Department of Agriculture, 109 S.W. 9th, Topeka, to consider the adoption of proposed regulations.

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

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

K.A.R. 99-25-1 adopts by reference the current edition of the National Institute of Standards and Technology Handbook 44, which is adopted by reference. It also requires approaches on vehicle scales to be constructed of concrete.

K.A.R. 99-25-9 adopts by reference the current edition of the National Institute of Standards and Technology Handbook 130, which is adopted by reference, with several exceptions.

K.A.R. 99-40-3 changes the requirements on invoices of fuel from wholesalers and distributors.

Economic Impact Statement: The changes will have no direct or indirect economic impact on the Kansas Department of Agriculture, other governmental agencies, private businesses and individuals.

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

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

Dale A. Rodman
Secretary of Agriculture

Doc. No. 041563

State of Kansas

Kansas Bureau of Investigation

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, July 16, in the auditorium at the Kansas Bureau of Investigation, 1620 S.W. Tyler, Topeka, to consider adoption of proposed rules and regulations of the Kansas Bureau of Investigation on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. Prior to the hearing, all interested parties may submit written comments to the Kansas Bureau of Investigation, 1620 S.W. Tyler, Topeka, 66612, or by email to linda.durand@kbi.state.ks.us. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Linda Durand at 785-296-8211 or the Kansas Relay Center at 800-766-3777. Handicapped parking is located at the south end of the KBI building, off of Tyler Street.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Kansas Bureau of Investigation, other state agencies, state employees or the general public has been identified.)

Copies of the proposed regulations and the economic impact statement for the proposed regulations can be obtained by email request to linda.durand@kbi.state.ks.us.

10-10-2. Obligation to report. This regulation currently requires criminal justice agencies to report criminal history record information (CHRI) within 60 days of the reportable event to which the information relates unless otherwise specified by law.

The proposed amendment will shorten the time period for reporting to 14 days. The shortened time period could potentially have an economic impact in terms of postage paid by law enforcement agencies. Agencies that send a large mailing every 60 days would be sending smaller, more frequent mailings. Whether or not this will cost more, less or the same is impossible to estimate. Beyond this, the amendment is not anticipated to have any economic impact.

10-10-5. Electronic reporting by district courts. This is a new regulation requiring district courts to electronically report all case filings and dispositions for all violations of K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, to the central repository. This regulation would imple-

ment K.S.A. 22-4704(f)(1) and (2), as amended by House Bill 2041, which require the KBI director to adopt rules and regulations requiring district courts to electronically report all filings and dispositions for violations of K.S.A. 8-1567 or K.S.A. 8-1025, and amendments thereto, to the central repository. The regulation requires that such filings and dispositions be electronically submitted by a method approved by the director. Although there is an economic impact on the KBI and district courts, such impact has been considered with the addition of K.S.A. 22-4704(f) in 2011. The regulation itself will have no economic impact because it does not impose any additional requirements that are not already set forth in the statute.

Kirk Thompson
Director

Doc. No. 041558

(Published in the Kansas Register May 16, 2013.)

Federal Emergency Management Agency

Public Notice
FEMA-4112-DR-KS

The Department of Homeland Security, Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse state and local governments and agencies, and eligible private nonprofit organizations, for eligible costs incurred to repair and/or replace facilities damaged by snowstorms occurring from February 20-23, 2013. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC §§ 5121-5206, as amended.

Under a major disaster declaration (FEMA-4112-DR-KS) signed by the president on April 26, 2013, the following counties in the state of Kansas have been designated adversely affected by the disaster and are eligible for PA only: Barber, Barton, Dickinson, Ellis, Franklin, Harper, Harvey, Hodgeman, Kingman, Marion, McPherson, Ness, Osage, Osborne, Pawnee, Phillips, Pratt, Rice, Rooks, Rush, Russell, Smith and Stafford, for emergency protective measures and buildings and equipment (Categories B and E) under the Public Assistance Program. All counties in the state of Kansas are eligible for HMGP. There are no counties declared for individual assistance.

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

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

1. Non-emergency debris removal and disposal;
2. Non-emergency protective measures;

3. Repair/replacement of roads, including streets, culverts and bridges;
4. Repair/replacement of public dams, reservoirs and channels;
5. Repair/replacement of public buildings and related equipment;
6. Repair/replacement of public water control facilities, pipes and distribution systems;
7. Repair/replacement of public utilities, including sewage treatment plants, sewers and electrical power distribution systems; and
8. Repair/replacement of eligible private, nonprofit facilities (hospitals, educational centers, emergency and custodial care services, etc.).

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

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

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

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

ilities in a floodplain will be announced in future public notices.

Due to the urgent need for and/or use of the certain facilities in a floodplain, actions to restore the facility may have started before the federal inspector visits the site. Some of these facilities may meet the criteria for a detailed review to determine if they should be relocated. Generally, facilities may be restored in their original location where at least one of the following conditions applies:

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

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

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

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

Information about assistance projects may be obtained by submitting a written request to the regional director, DHS-FEMA Region VII, 9221 Ward Parkway, Suite 300, Kansas City, MO 64114-3372. The information may also be obtained by calling 816-283-7060, between the hours

(continued)

of 8 a.m. and 4:30 p.m. Monday through Friday. Comments should be sent in writing to the regional director, at the above address, within 15 days of the date of publication of this notice.

Stephanie R. Witt
Regional Contracting Officer
DHS-FEMA Region VII

Doc. No. 041568

State of Kansas

Department of Health
and Environment

Request for Bids

Pursuant to the Kansas Childhood Lead Poisoning Prevention Program, sealed bids for lead hazard reduction at the following properties will be received by the Kansas Department of Health and Environment until 2 p.m. on the date indicated. For more information call 316-683-6629:

May 22, 2013
IFB 264-13-31

Project Safe at Home Wichita

- Property #1 2238 N. Estelle
Wichita, KS 67219
- Property #2 1711 N. Jackson
Wichita, KS 67203
- Property #3 1848 N. Jackson
Wichita, KS 67203
- Property #4 2501 N. Rosenthal
Wichita, KS 67204
- Property #5 1022 N. St. Paul
Wichita, KS 67203
- Property #6 1134 N. St. Paul
Wichita, KS 67203
- Property #7 3430 S. Washington
Wichita, KS 67216
- Property #8 1107 N. Jackson
Wichita, KS 67203
- Property #9 1115 N. Fairview
Wichita, KS 67203
- Property #10 1313 W. 32nd St. South
Wichita, KS 67212

Contractors will be required to attend a walk-through of each property in order to be eligible to respond to the Invitation for Bid. For times and actual locations call 316-683-6629 or go to the following website:

<http://www.kshealthyhomes.org>

The above-referenced bid documents can be downloaded at the website listed above.

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

Doc. No. 041572

State of Kansas

Department of Health
and Environment

Notice Concerning Kansas/Federal Water
Pollution Control Permits and Applications

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

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

Public Notice No. KS-AG-13-116/121

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Richard Roesch Roesch Ranch — North Facility 26468 Road 12 Colby, KS 67701	E/2 of Section 11 & W/2 of Section 12, T05S, R35W, Rawlins County	Upper Republican River Basin

Kansas Permit No. A-URRA-B007

This is a new permit for an existing operation with the maximum capacity of 750 head (375 animal units) of cattle weighing 700 pounds or less. The operation consists of three areas that total approximately 10.1 acres of open lot confinement pens, 4.8 acres of miscellaneous feedlot area and 1.2 acres of working pens. Proposed modifications include the construction of a diversion channel, a sediment basin and an earthen retention control structure. Approximately 3.3 acres of existing pen area will also be abandoned.

Name and Address of Applicant	Legal Description	Receiving Water
James Hartter 2492 V Road Sabetha, KS 66534	NW/4 of Section 03, T02S, R14E, Nemaha County	Kansas River Basin

Kansas Permit No. A-KSNM-S023

This permit is being reissued for an existing facility with a maximum capacity of 1,400 head (560 animal units) of swine more than 55 pounds and 20 head (10 animal units) of cattle 700 pounds or less, for a total of 570 animal units. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Steven Cox & Chris Cox Steven Cox Associates 504 W. 1500 Road Long Island, KS 67647	NW/4 of Section 32, T01S, R20W, Phillips County	Upper Republican River Basin

Kansas Permit No. A-URPL-H003 Federal Permit No. KS0115746

This permit is being reissued for an existing facility with a maximum capacity of 4,358 head (1,743.2 animal units) of swine more than 55 pounds and 3,880 head (388 animal units) of swine 55 pounds or

less, for a total of 2,131.2 animal units of swine. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Paul & Michael Setter Setter Farms 2391 Hawaii Road Humboldt, KS 66748	NW/4 of Section 03, T26S, R19E & SE/4 of Section 33, T25S, R19E, Allen County	Neosho River Basin

Kansas Permit No. A-NEAL-B001

This permit is being reissued for an existing facility for 100 head (100 animal units) of cattle weighing more than 700 pounds and 200 head (100 animal units) of cattle weighing less than 700 pounds, for a total capacity of 200 animal units. There is no change in the permitted animal units from the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Nelson Hog Farms, LLC — Site E P.O. Box 8 Long Island, KS 67622	SW/4 of Section 08, T01S, R21W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-H007 Federal Permit No. KS0094901

A permit is being reissued to an existing facility with a maximum capacity of 7,680 head (3,072 animal units) of swine weighing more than 55 pounds. The animal unit capacity has not changed since the previous permit.

Name and Address of Applicant	Legal Description	Receiving Water
Norman L. Nelson Nelson Land & Cattle Company 505 Sunset Drive Norton, KS 67654	N/2 of Section 16, T11S, R21W, Trego County	Saline River Basin

Kansas Permit No. A-SATR-C001 Federal Permit No. KS0094871

This permit is being reissued for a confined animal feeding operation for 4,000 head (4,000 animal units) of cattle. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Public Notice No. KS-Q-13-101

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
Mulberry Limestone Company 325 N. 260th St. Mulberry, KS 66756	Neosho River via Lightning Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE12-PO03 Federal Permit No. KS0093084

Legal Description: NW¼, S30, T30S, R24E, Crawford County, KS

The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This is a limestone quarrying and crushing operation with no washing. Outfall 001 consists of stormwater runoff and quarry pit water. The proposed permit contains generic water-quality language to protect waters of the state.

Public Notice No. KS-NQ-13-015/022

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):

Name and Address of Applicant	Legal Location	Type of Discharge
APAC — Kansas, Shears Division P.O. Box 1605 Hutchinson, KS 67504	NW¼, S5, T27S, R24W, Ford County, KS	Nonoverflowing

Kansas Permit No. I-UA11-NP06 Federal Tracking No. KSJ000120

Facility Name: Dodge City Asphalt Plant #923

This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing treatment facility. This facility is engaged in an asphalt production operation that uses two below-ground steel tanks to treat wastewater originating from the wet washer at the asphalt plant. Wastewater from these tanks is recycled as make-up water for the wet washer or sprayed on roads for dust control. City water is used as the water supply and a septic tank and lateral field is used to treat domestic wastes. The draft permit contains a schedule of compliance requiring the permittee to apply development and implement a Stormwater Pollution Prevention Plan.

Name and Address of Applicant	Legal Location	Type of Discharge
Long Island, City of P.O. Box 115 Long Island, KS 67647	N½, SW¼, SW¼, S24, T1S, R20W, Phillips County, KS	Nonoverflowing

Kansas Permit No. M-UR13-NO01 Federal Tracking No. KSJ000251

This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing lagoon treatment facility. Contained in the permit is a schedule of compliance requiring the permittee to submit an operations and lagoon evaluation and to make any necessary improvements to bring the facility in consistent compliance with the requirements of this permit.

Name and Address of Applicant	Legal Location	Type of Discharge
Mid America Pipeline P.O. Box 4324 Houston, TX 77210	SW¼, S17, T10S, R20E, Jefferson County, KS	Nonoverflowing

Kansas Permit No. I-KS42-NP01 Federal Tracking No. KSJ000672

This action consists of issuing a new Kansas Water Pollution Control Permit for an existing nonoverflowing treatment facility. This facility is a pipeline pumping facility. The stormwater collected from the concrete gas turbine pads gravitates to a sub-grade, polyethylene 1,500-gallon storage tank. Periodically, as necessary, the liquid contents of the tank are pumped from near the base of the tank through a series of filters to remove particulates. The filtered wastewater is irrigated to a vegetated area of the facility. Residual oil material remaining in the tank is removed and disposed off-site as necessary. The proposed permit requires annual testing for chemical oxygen demand, oil and grease, total petroleum hydrocarbons (diesel range) and pH, as well as testing once for PCBs.

Name and Address of Applicant	Legal Location	Type of Discharge
Brewster, City of P.O. Box 147 Brewster, KS 67732	SW¼, SW¼, SW¼, S17, T8S, R36W, Thomas County, KS	Nonoverflowing

Kansas Permit No. M-UR04-NO01 Federal Tracking No. KSJ000245

This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing lagoon treatment facility, with irrigation. The proposed permit contains goals for biochemical oxygen demand, total suspended solids and pH, and monitoring of water level in Cell 2.

Name and Address of Applicant	Legal Location	Type of Discharge
Neil Bhula 1913 W. Driftwood St. Wichita, KS 67204	SE¼, SW¼, SE¼, S29, T34S, R1E, Sumner County, KS	Nonoverflowing

Kansas Permit No. C-AR81-NO01 Federal Permit No. KSJ000129

Facility Name: Motel 6 Wastewater Treatment Facility

Facility Address: 880 E. 160th St. South, South Haven, KS 67140

This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing lagoon treatment facility. The proposed permit requires monitoring of the water level in each lagoon cell. Contained in the permit is a schedule of compliance requiring the permittee to upgrade facility, as required, if necessary to consistently maintain nondischarging status.

(continued)

Name and Address of Applicant	Legal Location	Type of Discharge
Plains, City of P.O. Box 366 Plains, KS 67869	W½, NE¼, S21, T32S, R30W, Meade County, KS	Nonoverflowing

Kansas Permit No. M-CH16-NO01 Federal Tracking No. KSJ000414
 This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing lagoon treatment facility, with irrigation. The proposed permit requires monitoring for biochemical oxygen demand, total suspended solids, ammonia, pH and flow during irrigation, and twice monthly monitoring of the water level in the final cell.

Name and Address of Applicant	Legal Location	Type of Discharge
Reno County Commission 600 Scott Blvd. South Hutchinson, KS 67505	SW¼, NE¼, SE¼, S2, T22S, R6W, Reno County, KS	Nonoverflowing

Kansas Permit No. M-AR49-NO05 Federal Tracking No. KSJ000454
 Facility Name: Reno County Sewer District No. 8

This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing lagoon treatment facility, with irrigation. The entire wastewater discharge from this facility is directed via a pipeline to the Highlands Golf Course holding pond. Each fall, the golf course pumps down the holding pond (via irrigation of the golf course) sufficiently to retain all the wastewater from the treatment plant during the nonirrigation winter season. The golf course also has five water wells to provide additional water to the golf course holding pond. The golf course holding pond is alongside but is not generally considered part of the field of play. The proposed permit contains limits for residual chlorine and E. coli, as well as monitoring for biochemical oxygen demand, total suspended solids, ammonia, pH and flow.

Name and Address of Applicant	Legal Location	Type of Discharge
Sumner County Commission 110 E. 10th St. Wellington, KS 67152	SW¼, NW¼, S4, T30S, R4W, Sumner County, KS	Nonoverflowing

Kansas Permit No. M-AR25-NO02 Federal Tracking No. KSJ000146
 Facility Name: Suppesville Wastewater Treatment Plant

Facility Address: Stanley Supps Subdivision, 1689 W. Ashleigh Lane, Milton, KS 67106

This action consists of reissuing an existing Kansas Water Pollution Control Permit for an existing nonoverflowing wastewater treatment facility, with irrigation. The existing activated sludge treatment plant does not presently operate due to low waste loading. The detention pond is operated as a nondischarging lagoon, and the design flow for the detention pond only operation is limited to 7,200 gallons per day (20 homes + clubhouse). The water contained in the detention pond cannot be utilized for irrigation of the golf course until the activated sludge treatment facility is placed in operation, the effluent meets the specified effluent limits and KDHE approval has been obtained for initiation of irrigation. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, E. coli and pH.

Well & Permit Number	Location
I-116/KS-03-159-249	SW¼, NW¼, SE¼, S15, T20S, R8W, Rice County, KS
I-117/KS-03-159-250	SW¼, NW¼, SE¼, S15, T20S, R8W, Rice County, KS
I-118 /KS-03-159-251	SE¼, NW¼, SE¼, S15, T20S, R8W, Rice County, KS
I-119/KS-03-159-252	SE¼, NW¼, SE¼, S15, T20S, R8W, Rice County, KS
I-120/KS-03-159-253	SW¼, NE¼, SE¼, S15, T20S, R8W, Rice County, KS
I-121/KS-03-159-254	SW¼, NE¼, SE¼, S15, T20S, R8W, Rice County, KS
I-122/KS-03-159-255	SW¼, NE¼, SE¼, S15, T20S, R8W, Rice County, KS

Facility Description: The proposed action is to reissue seven existing Salt Mining/Class III Injection Well Permits. Fluids to be injected consist of saturated brine and some solids. Injection is into the Hutchinson Salt member of the Wellington formation. Cavity development shall not extend into the upper 40 feet of the salt member. The maximum operational injection pressure is not to exceed 250 pounds per square inch at the wellhead. All construction, monitoring and operation of these wells will meet the requirements that apply to Class III injection wells under K.A.R. 28-43-1 through 28-43-11 and the Kansas UIC regulations, K.A.R. 28-46-1 through 28-46-44, and other requirements of KDHE.

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

All comments regarding the draft documents or application notices received on or before June 15 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-13-116/121, KS-Q-13-101, KS-NQ-13-015/022, KS-EG-13-003) and name of the applicant/permittee when preparing comments.

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

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

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

Public Notice No. KS-EG-13-003

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

Name and Address of Applicant
 North American Salt Company
 1662 Ave. N
 Lyons, KS 67554

Facility Location: Lyons, Kansas

Doc. No. 041566

State of Kansas

Department of Agriculture

Permanent Administrative
Regulations

Article 28.—FOOD SAFETY

4-28-6. Fees; risk levels; food establishment. (a)

Each food establishment required to be licensed shall be assessed by the secretary for classification by risk level according to this regulation. The following classifications shall be used to determine licensing fees and inspection frequency at food establishments:

(1) A "category I facility" shall mean a food establishment that presents a high relative risk of causing food-borne illness based upon the usage of food-handling processes associated with food-borne illness outbreaks. Factors considered in classifying a food establishment as a category I facility shall include whether the food establishment meets any of the following conditions:

(A) Cooks, cools, or reheats food that requires time and temperature control for safety;

(B) uses freezing as a means to achieve parasite destruction;

(C) handles raw, in-shell molluscan shellfish ingredients;

(D) uses specialized processing;

(E) has a required hazard analysis critical control point plan; or

(F) offers for consumption without further preparation any food containing raw or undercooked eggs, meat, poultry, fish, or shellfish.

(2) A "category II facility" shall mean a food establishment that presents a moderate relative risk of causing food-borne illness based upon the usage of a limited number of food-handling processes associated with food-borne illness outbreaks. Factors considered in classifying a food establishment as a category II facility shall include whether the food establishment meets any of the following conditions:

(A) Prepares baked products;

(B) repackages foods from a licensed food processor in smaller quantities for distribution;

(C) heats only foods from a licensed food processor; or

(D) handles, cuts, grinds, or slices only raw animal foods or ready-to-eat meats and cheeses.

(3) A "category III facility" shall mean a food establishment that presents a low relative risk of causing food-borne illness based upon the usage of few or no food-handling processes associated with food-borne illness outbreaks. Factors considered in classifying a food establishment as a category III facility shall include whether the food establishment meets any of the following conditions:

(A) Offers self-service beverages;

(B) offers prepackaged food and beverages, including those prepackaged foods and beverages that are required to be held at a temperature of 41°F or below for food safety; or

(C) offers unpackaged food that does not require time and temperature control for safety, including mixed drinks.

(b) Each food establishment with operations in multiple categories shall be placed in the highest risk-level category. A history of a food establishment's noncompliance with applicable statutes and regulations may be considered and may warrant placement of the food establishment in a higher risk-level category. The risk level assigned to a food establishment may be changed if the secretary determines that the change is warranted based upon the degree of risk of a health hazard and protection of the public health and safety.

(c) Each person operating or intending to operate a food establishment shall submit an application on a form prescribed by the secretary with the following fees, as applicable:

(1) Category I facilities.

(A) Application fee. Each person shall submit a onetime application fee based on the size of the food establishment as follows:

(i) Less than 5,000 square feet: \$225;

(ii) 5,000 through 10,000 square feet: \$300;

(iii) 10,001 through 50,000 square feet: \$325; and

(iv) more than 50,000 square feet: \$350.

(B) License fee. Each person shall submit a license fee based on the size of the food establishment as follows:

(i) Less than 5,000 square feet: \$225;

(ii) 5,000 through 10,000 square feet: \$295;

(iii) 10,001 through 50,000 square feet: \$450; and

(iv) more than 50,000 square feet: \$625.

(2) Category II facilities.

(A) Application fee. Each person shall submit a onetime application fee of \$200.

(B) License fee. Each person shall submit a license fee of \$160.

(3) Category III facilities.

(A) Application fee. Each person shall submit a onetime application fee of \$175.

(B) License fee. Each person shall submit a license fee of \$110.

(d)(1) Each category I facility shall be inspected at least once every 12 months.

(2) Each category II facility shall be inspected at least once every 15 months.

(3) Each category III facility shall be inspected at least once every 18 months.

(e) Each license shall expire on the first March 31 following the date of issuance.

(f) Each license shall require annual renewal by the licensee's submission of an application for renewal, on a form prescribed by the secretary, and payment of the applicable license fee specified in subsection (c). (Authorized by and implementing K.S.A. 2012 Supp. 65-688; effective Feb. 18, 2005; amended, T-4-6-28-12, July 1, 2012; amended Oct. 26, 2012; amended May 31, 2013.)

4-28-33. Sanitation and hygiene requirements for exempt food establishments. Each food establishment exempted from licensure in K.S.A. 65-689, and amendments thereto, shall meet the following requirements: (a) Food preparation areas shall be protected from environmental contamination, including rain, dust, and pests.

(b) Food contact surfaces, including cutting boards, utensils, and dishes, shall be cleaned, rinsed, and sani-

(continued)

tized before food-handling activities begin and also as necessary. Hot, potable water and a dishwashing detergent shall be used for cleaning operations. Clean, hot, potable water shall be used for rinsing. Sanitizing shall be accomplished by immersing each item in a chlorine bleach solution of 50 to 100 parts per million for 10 seconds and allowing the item to air-dry. A sanitizer labeled for use on food contact surfaces may be used instead of chlorine bleach. Warewashing activities shall be conducted in easily cleanable sinks or food-grade tubs large enough to accommodate immersion of the largest items.

(c) Animals shall not be permitted in food preparation areas.

(d) Food and utensils shall be protected from contamination.

(e) A potable water supply shall be provided. Commercially bottled water or water from a private system may be used.

(1) If water is supplied from a private system, including a well or spring, the private system shall meet the local water system test requirements. If local requirements do not exist, the water shall meet the following standards, with testing obtained by the operator of the food establishment at least annually:

(A) Nitrates shall be less than 20 milligrams per kilogram.

(B) Total coliforms shall be zero colony-forming units.

(C) Fecal coliforms shall be zero colony-forming units.

The current copy of the testing shall be made available upon request.

(2) Each mobile or portable establishment shall ensure that the water is maintained in a potable state by use of appropriate containers, hoses, or other water-handling systems.

(f) Adequate sewage disposal shall be provided. Each septic system shall be approved by the Kansas department of health and environment or the county sanitarian. The current copy of the approval shall be made available upon request. Each mobile or portable establishment shall have adequate on-site sewage storage and shall dispose of sewage in a sanitary sewer or septic system.

(g) Bare-hand contact shall not be permitted with ready-to-eat foods.

(h) Each person working with food shall wash that person's hands before working with food or food contact surfaces and after the hands are contaminated, or could have become contaminated, including after handling raw eggs, raw meat, or raw poultry or after touching the face or hair. The following procedure shall be used:

(1) Wet hands using warm, running potable water;

(2) apply soap and rub hands together vigorously for at least 10 seconds;

(3) rinse hands; and

(4) dry hands with a clean paper towel.

(i) No person with any of the following symptoms or conditions shall work with food:

(1) Vomiting;

(2) diarrhea;

(3) jaundice;

(4) sore throat with fever;

(5) any lesion, boil, or infected wound that contains pus, is open or draining, and is located on any of the following:

(A) The hands or wrists, unless an impermeable cover that may include a finger cot or stall protects the affected site and a single-use glove is worn over the impermeable cover;

(B) exposed portions of the arms, unless the affected site is protected by an impermeable cover; or

(C) other parts of the body, unless the affected site is covered by a dry, durable, tight-fitting bandage; or

(6) an illness due to any of the following:

(A) Norovirus;

(B) hepatitis A virus;

(C) shigella;

(D) enterohemorrhagic or shiga toxin-producing *Escherichia coli*; or

(E) salmonella typhi. (Authorized by K.S.A. 2012 Supp. 65-688; implementing K.S.A. 2012 Supp. 65-688 and 65-689; effective May 31, 2013.)

4-28-34. Exemption from licensure; definitions. (a)

Each person who is exempt under K.S.A. 65-689(d)(7), and amendments thereto, from licensure for operating a food establishment shall post at the point of sale a placard or sign that states, in letters at least one-quarter inch high and in contrasting color to the background, that the food establishment is not subject to routine inspection by the Kansas department of agriculture.

(b) As used in K.S.A. 65-689(d)(7) and amendments thereto, each of the following terms shall have the meaning specified in this subsection:

(1) "Community or humanitarian purposes" shall mean purposes for the common good, including building or refurbishing playgrounds or parks, preserving historic public buildings, religious organization fundraising, promoting human welfare including disaster relief, providing food to the food-insecure, providing shelter for humans, and similar activities.

(2) "Educational or youth activities" shall mean activities associated with an early childhood, elementary, secondary, or postsecondary school or activities for persons less than 21 years of age that engage these persons in recreational, educational, or social activities, including sports teams, summer camps, music programs, arts programs, and similar activities.

(c) Funds raised in food establishments exempt from licensure under K.S.A. 65-689(d)(7), and amendments thereto, shall not be used for wages or other compensation of volunteers or employees, except for providing complimentary food to volunteer staff.

(d) Nothing in this regulation shall prohibit a person who is exempt from licensure for operating a food establishment from applying for a food establishment license from the secretary. Upon the secretary's review of the application, a license may be issued by the secretary pursuant to K.S.A. 65-689(b), and amendments thereto. (Authorized by K.S.A. 2012 Supp. 65-688; implementing K.S.A. 2012 Supp. 65-688 and 65-689; effective May 31, 2013.)

Dale A. Rodman
Secretary of Agriculture

Doc. No. 041565

State of Kansas

Department of Agriculture
Division of ConservationPermanent Administrative
RegulationsArticle 12.—WATER RIGHT TRANSITION
ASSISTANCE PILOT PROJECT PROGRAM

11-12-1. Definitions. (a) "Active vested or certified water right" means a vested water right or currently certified appropriation water right that was put to lawful beneficial use in at least six out of the last 10 calendar years of actual irrigation, including any water use that occurred before certification.

(b) "Chief engineer" means chief engineer of the division of water resources, Kansas department of agriculture.

(c) "Closed to new appropriations" and "closed to further appropriations" mean that the chief engineer has issued a formal findings and order or has adopted a regulation and that either the formal findings and order or the regulation prevents the approval of new applications to appropriate water except for domestic use, temporary permits, term permits for five or fewer years, and small use exemptions for 15 acre-feet or less, if the use, permit, or exemption does not conflict with this program.

(d) "Commission" means state conservation commission, which serves as the division's conservation program policy board created by K.S.A. 2-1904, and amendments thereto, within the department of agriculture.

(e) "Consumptive use" means the gross diversions minus the following:

- (1) The waste of water, as defined in K.A.R. 5-1-1; and
- (2) the return flows to the source of water supply in the following ways:

- (A) Through surface water runoff that is not waste; and
- (B) by deep percolation.

(f) "Division" means division of conservation, Kansas department of agriculture.

(g) "Dry land transition plan" means a plan submitted by an applicant describing how the use of dry land crops or permanent vegetation, including warm season grasses and cool season grasses, or both uses, will be established on land that was previously irrigated. If permanent vegetation will be established on land that was previously irrigated, the plan shall meet the following requirements:

(1) Specifically describe the amount and timing of any irrigation that will be necessary to establish this cover; and

- (2) not exceed three calendar years.

(h) "Eligible water right" means a water right that meets all of the following criteria:

(1) The water right is an active vested or certified water right that has not been abandoned and is privately owned.

(2) The water right has been verified by the chief engineer as being in a target area that is in need of aquifer restoration or stream recovery and is closed to new appropriations of water by the chief engineer, except those for domestic use, temporary permits, term permits for

five or fewer years, and small use exemptions for 15 acre-feet or less, if the use, permit, or exemption does not conflict with this program.

(3) The state's dismissal of the water right would have a net reduction in consumptive water use of the aquifer or stream designated for restoration or recovery by the chief engineer.

(4) The point of diversion is located within a target area.

(i) "Groundwater management district" and "GMD" mean any district created by K.S.A. 82a-1020 et seq., and amendments thereto.

(j) "High-priority area" means a geographic area that meets the following conditions:

(1) Is designated by one of the following:

(A) A groundwater management district and the chief engineer, if the area is within the boundaries of a groundwater management district; or

(B) the chief engineer, if the area is outside the boundaries of a groundwater management district; and

(2) is located within a target area that has been delineated for the purpose of ranking any applications being received for grant funding approval in the water right transition assistance program.

(k) "Historic consumptive water use retirement goal" means the total quantity of historic consumptive water use necessary to be retired to meet the goal of the water right transition assistance program in each target area. The identification of a historic consumptive water use retirement goal in each target area provides a reference point for evaluating the program objectives of the water right transition assistance program. The attainment of a historic consumptive water use retirement goal in a particular target area indicates that no more water right transition assistance program funds should be expended in that target area without a requantification of the historic consumptive water use retirement goal.

(l) "Local entity" means any political subdivision chartered to address water conservation.

(m) "Partial water right" means a portion of a water right that will be formally and permanently reduced from a water right by the chief engineer upon approval of an application for enrollment based on the agreement of all of the owners of the water right. Before enrollment of the partial water right, the chief engineer shall determine the net historic consumptive water use that was associated with each portion of the beneficial use of the water right being considered. At the time of enrollment of the partial water right, the owner shall reduce the quantity remaining under the portion of the water right not being enrolled in the water right transition assistance program and any overlapping water rights to the net consumptive use requirement associated with the remainder of the operation.

(n) "Secretary" means secretary of agriculture or designee of the secretary.

(o) "Water right" means any vested right or appropriation right under which a person may lawfully divert and use water. A water right is a real property right appurtenant to and severable from the land on or in connection with which the water is used. The water right passes as an appurtenance with a conveyance of the land by deed,

(continued)

lease, mortgage, will, or other voluntary disposal, or by inheritance.

(p) "WTAP" and "program" mean water right transition assistance program. (Authorized by and implementing K.S.A. 2012 Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended Sept. 26, 2008; amended May 31, 2013.)

11-12-2. Eligible areas. (a) Each eligible area shall meet one of the following criteria:

(1) The board of the GMD has designated the area as a target area, and this designation has been approved by the chief engineer. Each eligible area within a GMD shall require a formal action by the board of a GMD requesting the chief engineer to approve the designation of a target area. The request shall include documentation on the criteria used by the GMD to identify the area that is in need of aquifer restoration or streamflow recovery, which shall include the historic consumptive water use retirement goal for each proposed target area and the designation of any high-priority areas within the target area.

(2) Outside a GMD, the chief engineer has designated the area as a target area. Each eligible area outside a GMD shall require documentation of the criteria used by the chief engineer to identify the area that is in need of aquifer restoration or streamflow recovery, which shall include the historic consumptive water use retirement goal for each proposed target area and the designation of any high-priority areas within the target area.

(b) The chief engineer shall notify the division of all approved target areas and high-priority areas before January 1 of each grant funding cycle and shall provide technical data that will assist the division in considering the ranking of the areas relative to any previously designated target areas or high-priority areas.

(c) The ranking of target areas and high-priority areas relative to any previously designated target areas and high-priority areas shall be determined by the secretary, after review of the input from the division. (Authorized by and implementing K.S.A. 2012 Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended Sept. 26, 2008; amended May 31, 2013.)

11-12-3. Application and review. (a) The application periods for the program shall be October 1 through November 15 and February 15 through March 31.

(b) Notification of the program shall be published in the Kansas register before each application period.

(c) The program procedures and application forms shall be available at the division office and at conservation district offices.

(d) Each application shall be submitted on a form supplied by the division. The application shall include all of the following:

- (1) The name, address, telephone number, and tax identification number of the owner of the water right;
- (2) the water right file number and the priority date of the water right;
- (3) the location of the point of diversion;
- (4) documentation of the annual water usage, in acre-feet, for the previous 10 years of actual irrigation;
- (5) the authorized annual quantity of water associated with the water right;

(6) the bid price expressed on a "per acre-foot of historic consumptive water use" basis;

(7) if the land is going to be planted to permanent cover, a dry land transition plan;

(8) documentation that verifies historical crop information for the previous 10 years of actual irrigation;

(9) documentation of the normal rate of diversion during the normal irrigation season. If the documentation is not based on data from an accurate water flowmeter, the results of a certified well flow rate test conducted no more than six months before the application date by a person or entity approved by the chief engineer and in a manner prescribed by the chief engineer shall be used for this documentation;

(10) the total amount of historic consumptive water use available for permanent retirement or permanent reduction under the water right as determined from the calculation method specified in K.S.A. 2-1930, and amendments thereto; and

(11) the total amount of historic consumptive water use being proposed for permanent retirement of a water right or permanent reduction of a water right and specification of whether only a partial water right is being submitted for permanent retirement in the application.

(e)(1) Upon the division's receipt of each application, it shall be reviewed for completeness by the division. If the application is not complete, the missing information shall be provided by the applicant to the division within 30 calendar days of the division's written request.

(2) After the application is determined to be complete, the application shall be provided by the division to the chief engineer to determine the eligibility of the water right.

(f) Upon completion of the review by the chief engineer, the following certifications shall be requested by the division from the chief engineer:

- (1) A statement indicating whether the water right is an eligible water right;
- (2) the historic consumptive water use associated with each water right or portion of a water right;
- (3) the potential impact of dismissing or permanently reducing the water right on aquifer restoration or stream recovery; and
- (4) any other additional documentation necessary to quantify or qualify the water use reports.

(g) Comments and recommendations from the appropriate GMD shall be requested by the division regarding WTAP applications in any target area within that GMD. The chief engineer and the appropriate GMD shall be notified by the division regarding approval or disapproval of any WTAP applications in any target area within that GMD.

(h) Each applicant shall be notified by the division of the approval or the disapproval of the program application no later than 60 calendar days after the close of the application period in which the application is filed. If an application is not approved, the application, water right dismissal form, and all other related documents shall be considered void and shall be returned to the applicant.

(i) Any application meeting the requirements of this article may be approved contingent upon funding and the receipt of official documentation by the division that the

water right has been dismissed by the chief engineer and its priority has been forfeited.

(j) The negotiations between owners and lessees regarding program participation shall not involve the commission or the division.

(k) No more than 10 percent of a county's irrigated acres shall be eligible for the duration of this program.

(l) Each program application that does not meet the requirements of these regulations shall be rejected by the division. (Authorized by and implementing K.S.A. 2012 Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended Sept. 26, 2008; amended May 31, 2013.)

11-12-4. Payment. (a) Each water right owner shall sign a water right transition assistance grant agreement before payment is made by the division. Each grant agreement shall include the following provisions:

(1) The price to be paid by the division to the water right owner for the dismissal or permanent reduction of the subject water right and the terms of payment;

(2) the date on which the agreement will become effective;

(3) the file number of the water right to be retired or permanently reduced;

(4) one of the following statements:

(A) The approval is conditional on documentation being provided to the division indicating that the chief engineer has dismissed or permanently reduced the water right and ordered its priority to be forfeited; or

(B) the approval is conditional on documentation being provided to the division indicating any terms of the chief engineer to continue irrigation on a limited basis, not to exceed three years, for the purpose of establishing permanent vegetation. The documentation shall include the date on which the water right dismissal will become effective and its priority will be forfeited; and

(5) if the point of diversion is located within a GMD, a provision that any remaining water user charges assessed by the district before the water right is dismissed will remain the sole responsibility of the owner of the water right.

(b) Payment shall be made in equal annual installments, not to exceed 10, or, if approved by the division, in one lump sum payment. If annual payments are elected, the first payment shall be made within 60 calendar days after execution of the water right transition assistance grant. The subsequent payments shall be made within 60 calendar days after the beginning of each new state fiscal year. The following factors shall be considered by the division when determining which payment schedule to use:

(1) The number of eligible applicants; and

(2) the amount of program funds for that year.

(c) If there is a standing crop at the time of application approval, payment shall not be made until after irrigation from the subject water right has permanently ceased. (Authorized by and implementing K.S.A. 2012 Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended Sept. 26, 2008; amended May 31, 2013.)

11-12-5. Transition to dry land. (a) If land that will no longer be irrigated is to be planted, under this pro-

gram, to permanent vegetation including warm or cool season grasses, the chief engineer may be requested by the division to condition the dismissal of the associated water right to allow limited irrigation of the land for up to three years to establish this cover.

(b) The applicant shall submit a dry land transition plan to the division if land is to be planted to warm or cool season grasses or other permanent vegetation. A dry land transition plan may be disapproved by the executive director of the division and modifications to any dry land transition plan may be required by the executive director of the division if the plan does not meet the requirements for soil erosion prevention practices in section IV of the "Kansas field office technical guide" as adopted by reference in K.A.R. 11-7-14. (Authorized by and implementing K.S.A. 2012 Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended May 31, 2013.)

11-12-6. Dismissal or permanent reduction of water right. (a) Each water right or partial water right for which payment is received from the program shall be dismissed or permanently reduced by the chief engineer, and the priority of the water right or that portion of the water right shall have been forfeited.

(b) A copy of the WWC-5 form that has been filed with the Kansas department of health and environment as a result of the well plugging or well capping, the written verification of a domestic well retrofitting, or the written authorization for a well to be placed on inactive status shall be provided to the division before the grantee receives the first payment. The requirements specified in this subsection shall be temporarily waived if a conditional water right is approved by the chief engineer under a dry land transition plan.

(c) For wells approved to continue operating under a dry land transition plan, a copy of the WWC-5 form that has been filed with the Kansas department of health and environment as a result of the well plugging or well capping, the written verification of a domestic well retrofitting, or the written authorization for a well to be placed on inactive status shall be provided to the division within 60 calendar days of the last time that the permanent vegetation is irrigated. (Authorized by and implementing K.S.A. 2012 Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended Sept. 26, 2008; amended May 31, 2013.)

11-12-7. Petition for reconsideration. (a) Any water right owner may request reconsideration of any decision of the division by filing a petition for reconsideration.

(b) Each petition for reconsideration shall be submitted in writing to the division within 30 calendar days of the division's decision and shall state why the decision should be reviewed by the secretary and why the decision should be affirmed, modified, or reversed.

(c) The secretary's final decision shall state each reason for this determination.

(d) The decision of the division shall be considered the final agency action if no petition for reconsideration of that decision has been received by the division after 30 calendar days from the date on which the decision was made. (Authorized by and implementing K.S.A. 2012

(continued)

Supp. 2-1930 and 2-1930a; effective Aug. 3, 2007; amended May 31, 2013.)

Dale A. Rodman
Secretary of Agriculture

Doc. No. 041562

State of Kansas

Kansas Dental Board

Permanent Administrative
Regulations

Article 3.—DENTAL HYGIENISTS

71-3-9. Extended care permits. (a) Definitions.

(1) "Extended care permit I" shall mean a permit issued pursuant to K.S.A. 65-1456, and amendments thereto.

(2) "Extended care permit II" shall mean a permit issued pursuant to K.S.A. 65-1456, and amendments thereto.

(3) "Extended care permit III" shall mean a permit issued pursuant to K.S.A. 65-1456, and amendments thereto.

(4) "Extended care permit treatment" shall mean the treatment that a hygienist may provide if the hygienist has a valid extended care permit I, extended care permit II, or extended care permit III.

(5) "Patient assessment report" shall mean the report of findings and treatment required by K.S.A. 65-1456, and amendments thereto.

(6) "Sponsoring dentist" shall mean a dentist who fulfills the requirements of K.S.A. 65-1456, and amendments thereto.

(b) Application for permit. Each applicant for an extended care permit I, extended care permit II, or extended care permit III shall file with the board a completed application on a form provided by the board.

(c) Notice of practice location to sponsoring dentist. Before providing extended care permit treatment at a new location, each hygienist shall inform the sponsoring dentist, orally or in writing, of the new address and the type of procedures to be performed there.

(d) Patient assessment reports.

(1) Each patient assessment report shall include a description of the extended care permit treatment, the date or dates of treatment, and the hygienist's assessment of the patient's apparent need for further evaluation by a dentist.

(2) No later than 30 days from the date on which extended care permit treatment is completed, the hygienist providing the treatment shall cause the patient assessment report to be delivered to the sponsoring dentist.

(3) When providing extended care permit treatment at a location operated by an organization with a dental or medical supervisor, the dental hygienist providing the extended care permit treatment shall also cause the patient assessment report to be delivered to the dental or medical supervisor within 30 days from the date on which the extended care permit treatment is completed.

(e) Suspension of extended care permit treatment. If a hygienist's sponsoring dentist cannot or will not continue to function as a sponsoring dentist, the hygienist shall cease providing extended care permit treatment until the hygienist obtains a written agreement with a replacement sponsoring dentist.

(f) Review of patient assessment reports. A sponsoring dentist shall review each patient assessment report within 30 days of receiving the report. (Authorized by K.S.A. 74-1406; implementing K.S.A. 2012 Supp. 65-1456; effective Sept. 17, 2004; amended May 31, 2013.)

B. Lane Hemsley
Executive Director

Doc. No. 041564

INDEX TO ADMINISTRATIVE
REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2012 Supplement of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF
ADMINISTRATION

Reg. No.	Action	Register
1-64-1	Revoked	V. 31, p. 171

AGENCY 4: DEPARTMENT OF
AGRICULTURE

Reg. No.	Action	Register
4-15-4	Amended	V. 31, p. 570
4-15-5	Amended	V. 31, p. 301
4-15-6	Amended	V. 31, p. 301
4-15-7	Amended	V. 31, p. 570
4-15-8	Amended	V. 31, p. 570
4-15-9	Amended	V. 31, p. 571
4-15-9a	New	V. 31, p. 571

4-15-10	Amended	V. 31, p. 571
4-15-13	Amended	V. 31, p. 572
4-16-1a	Amended	V. 32, p. 408
4-16-1c	Amended	V. 32, p. 409
4-16-7a	Amended	V. 32, p. 410
4-16-306	New	V. 32, p. 410
4-17-1a	Revoked	V. 32, p. 411
4-17-1c	Revoked	V. 32, p. 411
4-17-300	Revoked	V. 32, p. 411
4-17-302 through 4-17-305	Revoked	V. 32, p. 411
4-27-2 through 4-27-5	Amended	V. 32, p. 93, 94
4-27-8 through 4-27-12	Amended	V. 32, p. 95-100
4-27-15 through 4-27-18	Amended	V. 32, p. 100-104
4-27-20	Amended	V. 32, p. 104
4-27-21	Amended	V. 32, p. 104
4-28-1	Amended	V. 32, p. 105
4-28-2	Amended	V. 32, p. 349
4-28-3	Revoked	V. 31, p. 1276
4-28-4	Revoked	V. 31, p. 1276
4-28-5	Amended	V. 32, p. 105
4-28-6	Amended (T)	V. 31, p. 998
4-28-6	Amended	V. 31, p. 1276
4-28-7	Revoked	V. 31, p. 1277
4-28-8	Amended	V. 32, p. 349
4-28-9 through 4-28-16	Revoked	V. 32, p. 349

4-28-18 through 4-28-22	Revoked	V. 32, p. 105
4-28-23	Amended	V. 32, p. 105
4-28-24 through 4-28-30	Revoked	V. 32, p. 106
4-28-31	New (T)	V. 31, p. 998
4-28-31	New	V. 31, p. 1277
4-28-32	New	V. 32, p. 106

AGENCY 5: DEPARTMENT OF
AGRICULTURE—DIVISION OF
WATER RESOURCES

Reg. No.	Action	Register
5-9-3	Amended	V. 31, p. 773

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-4	Amended	V. 31, p. 197
7-23-14	New	V. 31, p. 197
7-36-7	New	V. 31, p. 198
7-36-8	New	V. 31, p. 199
7-46-1	New	V. 31, p. 199
7-46-2	New	V. 31, p. 199
7-46-3	New	V. 31, p. 200

AGENCY 14: DEPARTMENT OF REVENUE—
DIVISION OF ALCOHOLIC
BEVERAGE CONTROL

Reg. No.	Action	Register
14-13-1	Amended (T)	V. 31, p. 1356
14-13-1	Amended	V. 32, p. 148

102-6-10	Revoked	V. 31, p. 114
102-6-11	Revoked	V. 31, p. 114
102-6-12	Revoked	V. 31, p. 114

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-3-2	Amended (T)	V. 31, p. 1002
105-3-2	Amended	V. 31, p. 1313
105-7-1 through 105-7-4	Amended	V. 31, p. 1427, 1428
105-7-6	Amended	V. 31, p. 1428
105-7-8	Revoked	V. 31, p. 1428
105-11-1	Amended	V. 31, p. 1428

AGENCY 106: COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING (FORMERLY LAW ENFORCEMENT TRAINING COMMISSION)

Reg. No.	Action	Register
106-1-1 through 106-1-8	Revoked (T)	V. 31, p. 1002
106-1-1 through 106-1-8	Revoked	V. 31, p. 1221
106-2-1	New (T)	V. 31, p. 1002
106-2-1	New	V. 31, p. 1221
106-2-2	New (T)	V. 31, p. 1003
106-2-2	New	V. 31, p. 1221
106-2-2a	New (T)	V. 31, p. 1003
106-2-2a	New	V. 31, p. 1221
106-2-3	New (T)	V. 31, p. 1004
106-2-3	New	V. 31, p. 1223
106-2-4	New (T)	V. 31, p. 1005
106-2-4	New	V. 31, p. 1223
106-3-1 through 106-3-6	New (T)	V. 31, p. 1005, 1006
106-3-1 through 106-3-6	New	V. 31, p. 1223, 1224
106-4-1	New (T)	V. 31, p. 1006
106-4-1	New	V. 31, p. 1224

AGENCY 107: LAW ENFORCEMENT TRAINING CENTER

Reg. No.	Action	Register
107-1-1 through 107-1-5	Revoked (T)	V. 31, p. 1007
107-1-1 through 107-1-5	Revoked	V. 31, p. 1225
107-2-1	Revoked (T)	V. 31, p. 1007
107-2-1	Revoked	V. 31, p. 1225
107-3-1	Revoked (T)	V. 31, p. 1007
107-3-1	Revoked	V. 31, p. 1226

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 32, p. 226
109-1-1a	Revoked	V. 32, p. 229
109-3-3	New	V. 31, p. 246
109-3-4	New	V. 31, p. 247
109-3-5	Amended	V. 31, p. 1295
109-5-1c	New	V. 31, p. 247
109-5-3	Amended	V. 32, p. 230
109-5-5	Amended	V. 32, p. 231
109-5-7c	New (T)	V. 31, p. 245
109-5-7c	New	V. 31, p. 497
109-7-1	Amended	V. 31, p. 248
109-8-2	New	V. 31, p. 225
109-10-1c	New	V. 31, p. 225
109-11-1	Revoked	V. 32, p. 231
109-11-3	Revoked	V. 32, p. 231
109-11-4	Revoked	V. 32, p. 231
109-11-4a	New	V. 31, p. 225
109-11-5	Revoked	V. 32, p. 231
109-11-6	Revoked	V. 32, p. 231
109-13-1	Amended	V. 31, p. 248
109-15-1	Amended	V. 32, p. 231

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be

found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009 through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. The following regulations were filed after December 22, 2011:

Reg. No.	Action	Register
111-2-270 through 111-2-276	New	V. 31, p. 114-116
111-2-277 through 111-2-282	New	V. 31, p. 582, 583
111-2-283 through 111-2-286	New	V. 31, p. 648
111-2-287	New	V. 31, p. 1428
111-2-288	New	V. 31, p. 1428
111-2-289 through 111-2-293	New	V. 32, p. 126-128
111-2-294	New	V. 32, p. 278
111-2-295	New	V. 32, p. 278
111-2-296	New	V. 32, p. 297
111-2-297	New	V. 32, p. 297
111-2-298 through 111-2-305	New	V. 32, p. 321-324
111-4-3135	New	V. 31, p. 116
111-4-3136	New	V. 31, p. 121
111-4-3137 through 111-4-3142	New	V. 31, p. 274-278
111-4-3144 through 111-4-3158	New	V. 31, p. 345-354
111-4-3159 through 111-4-3162	New	V. 31, p. 583-587
111-4-3163 through 111-4-3171	New	V. 31, p. 613-617
111-4-3172 through 111-4-3181	New	V. 31, p. 649-656
111-4-3182 through 111-4-3196	New	V. 31, p. 1429-1441
111-4-3197 through 111-4-3203	New	V. 31, p. 1468-1470
111-4-3204 through 111-4-3211	New	V. 31, p. 1541-1547
111-4-3212 through 111-4-3216	New	V. 32, p. 128-131
111-4-3217 through 111-4-3223	New	V. 32, p. 153-159
111-4-3224	New	V. 32, p. 278
111-4-3225	New	V. 32, p. 298
111-4-3226	New	V. 32, p. 299
111-4-3227 through 111-4-3232	New	V. 32, p. 324-327
111-4-3233 through 111-4-3236	New	V. 32, p. 350
111-5-23 through 111-5-28	Amended	V. 31, p. 355-358
111-5-31	Amended	V. 31, p. 359
111-5-33	Amended	V. 31, p. 279
111-5-82	Amended	V. 31, p. 657
111-5-83	Amended	V. 31, p. 657
111-5-194	Amended	V. 31, p. 359
111-5-200	New	V. 31, p. 360

111-5-201 through 111-5-206	New	V. 31, p. 618, 619
111-7-249 through 111-7-254	New	V. 32, p. 300-302
111-7-255 through 111-7-260	New	V. 32, p. 353, 354
111-9-174	New	V. 31, p. 122
111-9-175	New	V. 31, p. 123
111-9-176	New	V. 31, p. 124
111-9-177	New	V. 31, p. 360
111-9-178	New	V. 31, p. 1442
111-9-179	New	V. 31, p. 1442
111-9-180	New	V. 31, p. 1470
111-9-181	New	V. 31, p. 1471
111-9-182	New	V. 32, p. 132
111-9-183	New	V. 32, p. 133
111-9-184	New	V. 32, p. 354
111-9-185	New	V. 32, p. 355
111-15-1	Amended	V. 32, p. 280
111-15-2	Amended	V. 32, p. 280
111-15-3	Amended	V. 32, p. 280
111-15-5	Amended	V. 32, p. 281
111-15-6	Amended	V. 32, p. 281
111-17-3	New	V. 31, p. 279
111-17-4	New	V. 31, p. 619
111-17-5	New	V. 32, p. 159
111-17-6	New	V. 32, p. 282
111-17-6a	New	V. 32, p. 328
111-201-14	Amended	V. 31, p. 361
111-301-6	Amended	V. 31, p. 658
111-301-32 through 111-301-44	New	V. 31, p. 1443-1446
111-401-1 through 111-401-50	New	V. 31, p. 389-407
111-401-30	Amended	V. 31, p. 1548
111-401-51 through 111-401-118	New	V. 31, p. 427-449
111-401-119 through 111-401-166	New	V. 31, p. 528-552
111-401-167 through 111-401-171	New	V. 32, p. 160-162
111-401-172 through 111-401-177	New	V. 32, p. 302-305
111-401-178 through 111-401-194	New	V. 32, p. 329-334
111-501-9	Amended	V. 31, p. 124
111-501-12	Amended	V. 31, p. 659
111-501-14 through 111-501-26	New	V. 31, p. 124-129
111-501-35 through 111-501-81	New	V. 31, p. 129-146
111-501-61	Amended	V. 31, p. 1549
111-501-82 through 111-501-102	New	V. 31, p. 620-628
111-501-103 through 111-501-117	New	V. 32, p. 162-167
111-501-118	New	V. 32, p. 306
111-501-119	New	V. 32, p. 167
111-501-120	New	V. 32, p. 167
111-501-121	New	V. 32, p. 167

AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS, AND TOURISM

Reg. No.	Action	Register
115-1-1	Amended	V. 31, p. 1365
115-2-1	Amended	V. 32, p. 318
115-2-2	Amended	V. 31, p. 1368
115-2-3	Amended	V. 32, p. 482
115-4-2	Amended	V. 31, p. 425
115-4-4	Amended	V. 32, p. 319
115-4-4a	Amended	V. 32, p. 320
115-4-11	Amended	V. 32, p. 483
115-4-15	New	V. 31, p. 1368
115-7-3	Amended	V. 31, p. 1370
115-7-10	Amended	V. 31, p. 1370

115-8-1	Amended	V. 31, p. 1370
115-8-2	Amended	V. 31, p. 953
115-8-19	Amended	V. 31, p. 1371
115-8-23	New	V. 31, p. 953
115-8-24	New	V. 31, p. 954
115-9-8	Amended	V. 32, p. 89
115-14-1		
through		
115-14-6	Revoked	V. 31, p. 1142
115-14-8	Revoked	V. 31, p. 1142
115-14-9	Revoked	V. 31, p. 1142
115-14-10	Revoked	V. 31, p. 1142
115-14-11		
through		
115-14-15	New	V. 31, p. 1142-1151
115-14-14	Amended	V. 32, p. 90
115-17-6		
through		
115-17-9	Amended	V. 31, p. 954, 955
115-18-1	Amended	V. 31, p. 1152
115-18-7	Amended	V. 32, p. 320
115-18-18	Amended	V. 31, p. 1371

115-18-22	New	V. 31, p. 1371
115-20-7	Amended	V. 31, p. 956
AGENCY 117: REAL ESTATE APPRAISAL BOARD		
Reg. No.	Action	Register
117-2-2	Amended	V. 31, p. 1066
117-2-2a	Amended	V. 31, p. 1067
117-3-2	Amended	V. 31, p. 1067
117-3-2a	Amended	V. 31, p. 1068
117-4-2	Amended	V. 31, p. 1069
117-4-2a	Amended	V. 31, p. 1070
117-5-2	Amended	V. 31, p. 1070
117-5-2a	Amended	V. 31, p. 1071
117-7-1	Amended	V. 32, p. 226
117-8-1	Revoked	V. 31, p. 1071
117-20-1		
through		
117-20-7	New (T)	V. 31, p. 997
117-20-1	New	V. 31, p. 1248
117-20-2	New	V. 31, p. 1248
117-20-3	New	V. 32, p. 89

117-20-4	New	V. 31, p. 1248
117-20-5	New	V. 31, p. 1248
117-20-6	New	V. 31, p. 1248
117-20-7	New	V. 32, p. 89
AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE		
Reg. No.	Action	Register
129-5-1	Amended	V. 31, p. 1248
AGENCY 130: HOME INSPECTORS REGISTRATION BOARD		
Reg. No.	Action	Register
130-2-1	Amended	V. 31, p. 224
AGENCY 132: KANSAS 911 COORDINATING COUNCIL		
Reg. No.	Action	Register
132-2-1	New	V. 31, p. 223
132-3-1	New	V. 31, p. 1540
132-4-1	New	V. 31, p. 224

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