



Kansas Register

Kris W. Kobach, Secretary of State

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State of Kansas

Children’s Cabinet and Trust Fund

Notice of Meeting

The Kansas Children’s Cabinet and Trust Fund will conduct a board meeting from 9:30 a.m. to 1 p.m. Friday, May 9, in Marvin Auditorium 101B at the Topeka & Shawnee County Public Library, 1515 S.W. 10th Ave., Topeka. The Kansas Children’s Cabinet’s website at www.kschildrenscabinet.org may contain updated information a day before the meeting.

Janice Suzanne Smith
Executive Director

Doc. No. 042457

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 Group 1 — Larned State Hospital and other facilities statewide for the Department for Aging and Disability Services. One firm will be selected. The contract will be for three years.

For more information contact Gary Grimes at 785-296-3772 or gary.grimes@kdads.ks.gov. Firms interested in providing these services should be familiar with the requirements found in Part B — Chapter 4 of the Building Design and Construction Manual at the website below.

To be considered, one (1) PDF file 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. Proposals should be less than 5MB and follow the current State Building Advisory Commission guidelines found in Part B — Chapter 2 of the Building Design and Construction Manual at <http://admin.ks.gov/offices/ofpm/dcc/bdcm>. Proposals should be sent on a CD, DVD or flash drive along with a transmittal to Randy Riveland, Office of Facilities and Procurement Management, Suite 700, 800 S.W. Jackson, Topeka, 66612-1216. Proposals sent via email will no longer be accepted and paper copies of the proposals are no longer required. Proposals received after the date and time noted below will not be forwarded to the State Building Advisory Commission for review. If you have questions call 785-296-0749. The PDF proposal submittals shall be delivered to the attention of Randy Riveland before 2 p.m. May 8, 2014.

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

Doc. No. 042471

State of Kansas

911 Coordinating Council

Notice of Meeting

The Kansas 911 Coordinating Council will meet at 11 a.m. Friday, May 9, in the auditorium of the Eisenhower State Office Building, fourth floor, 700 S.W. Harrison, Topeka. For more information call 785-272-2585.

Melissa Wangemann
Kansas Association of Counties
Local Collection Point Administrator

Doc. No. 042466

State of Kansas

Department for Children and Families

Request for Comments

The Kansas Department for Children and Families is accepting public comment on the State Fiscal 2015 Social Services Block Grant. A copy of the plan (paper and electronic) may be obtained by contacting Melanie Dixon at 785-296-6216 or melanie.dixon@dcf.ks.gov. The plan also is available on the DCF website, under Quick Links in the Newsroom section of the homepage, at www.dcf.ks.gov/newsroom. Comments must be submitted in writing and received by DCF by May 23, 2014.

Phyllis Gilmore
Secretary for Children and Families

Doc. No. 042473

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 14-17. The comprehensive list of projects being amended to the STIP may be viewed online at <http://www.ksdot.org/burProg-ProjMgmt/stip/stip.asp>. This list includes projects for counties and cities and for projects on the state highway system.

The amendment of the STIP requires a public comment period of 14 days. To make comments on this STIP amendment, contact the KDOT Bureau of Program and Project Management, 2nd Floor Tower, Eisenhower State Office Building, 700 S.W. Harrison, Topeka, 66603-3754, 785-296-2252, fax 785-296-8168.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Affairs, 785-296-3585 (voice/hearing impaired – 711).

The comment period regarding the STIP amendment for these projects will conclude May 7, 2014.

Mike King
Secretary of Transportation

Doc. No. 042461

State of Kansas

Department of Transportation

Notice to Consulting Firms

The Kansas Department of Transportation is seeking qualified consulting firms prequalified in Category 402 — Landscape Architectural Design Services as described below. A PDF (1Mb maximum size) of the interest response must be emailed to David J. Nagy, P.E., assistant to the director of design/contracts engineer, at DavidN@ksdot.org. Interest and experience responses are limited to four pages, and the subject line of the reply email and the PDF file name must read "On-Call Landscape — Firm Name." The letter of interest must be received by noon May 1, 2014, for the consulting firm to be considered. View categories at <http://www.ksdot.org/divengdes/prequal/default.asp>.

Project: On-Call Landscape Architectural Design

The Kansas Department of Transportation is seeking qualified firms to provide landscape architectural design services. The scope of services is to provide landscape architectural design services on an as-needed basis state-wide. Several firms may be selected to provide services.

The landscape architectural design activities included with this service will include a variety of landscape architectural functions associated with design at safety rest areas, special kiosks, interpretive signage, ADA compliant features, overlooks, and urban pedestrian and parking areas. The design shall result in a complete and accurate set(s) of plans to construct a project that fulfills the agency's intended purpose, safely and efficiently serves the public, and meets current best practices and prevailing criteria and standards.

Projects of this category will normally involve one or more features and may be either rural or urban in nature and support the sound conception, planning and design of engineered projects. Firms qualified in this area shall have the ability and past experiences of key staff in charge of these types of projects. It is desirable that the consultant be staffed with a landscape architect, registered in Kansas, one of which shall be directly responsible for the projects.

The Consultant Shortlist Committee will select several of the most highly qualified firms expressing interest and schedule an individual interview for the project. The consulting firms can more thoroughly discuss their experience related to the project at the interview and will be expected to discuss their approach to this project in detail and the personnel to be assigned to this project. View categories at www.ksdot.org/divengdes/prequal.

The Consultant Selection Committee, appointed by the secretary of transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select several firms to perform the professional services required for completing the advertised project.

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

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

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

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

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

For more information contact David Nagy at 786-296-0930 or DavidN@ksdot.org.

Jim L. Kowach, P.E. Director
Division of Engineering and Design

Doc. No. 042445

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:

05/06/2014	EVT0003118	Blades for Graders & Plows
05/12/2014	EVT0003113	Lawn Care Services
05/13/2014	EVT0003115	Pre-engineered Wood Frame Buildings
05/13/2014	EVT0003116	Review of current rates paid for services provided for persons receiving services through the State Intellectual and/or Developmental Disability Services programs

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

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

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

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

05/05/2014	A-012483	Parking Lot Repairs — Lot 8B & 8C — Office of Facilities and Procurement Management, Topeka
05/13/2014	A-012424	Dressing Room Remodel — Wilner Auditorium — Wichita State University, Wichita

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

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 042474

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the KDOT website at <http://www.ksdot.org/burconsmain/contracts/proposal.asp>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid not later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject the bid. The secretary of transportation reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2007 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic proposals using the Bid Express website at <http://www.bidx.com> until 1 p.m. local time May 21, 2014. KDOT will open and read these proposals at the Eisenhower State Office Building, 700 S.W. Harrison, Topeka, at 1:30 p.m. local time May 21, 2014. An audio broadcast of the bid letting is available at <http://www.ksdot.org/burconsmain/audio.asp>.

Each bidder shall certify that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

District One — Northeast

Douglas—10-23 KA-1826-01 — K-10 (South Lawrence Trafficway)/Bob Billings Parkway, on west side of Lawrence, grading, bridge and surfacing, 0.5 mile. (Federal Funds)

Leavenworth—192-52 KA-3187-01 — K-192, bridges #057 (Dawson Creek), #059 (Stranger Creek Overflow) and #060 (Stranger Creek), located 3.00, 4.52 and 4.61 miles east of the Leavenworth/Jefferson county line, bridge repair. (State Funds)

Wyandotte—435-105 KA-3583-01 — I-435, interchanges at Parallel Parkway and K-5/Leavenworth Road, signing. (State Funds)

Wyandotte—35-105 KA-3587-01 — I-35, cantilever signs at northbound I-35 off-ramp to 18th Expressway and southbound off-ramp to 18th Expressway, signing. (State Funds)

Johnson—35-46 KA-3649-01 — I-35, northbound exit ramp at Johnson Drive, pavement patching, 0.2 mile. (State Funds)

Shawnee—70-89 KA-3651-01 — I-70, 2 miles west of the I-70/K-4 junction, pavement patching, 0.2 mile. (State Funds)

Shawnee—75-89 KA-3654-01 — U.S. 75 truss, at the southbound U.S. 75 off-ramp to westbound U.S. 24, signing. (State Funds)

Statewide—106 KA-3655-14 — Various locations in District 1, ADA sidewalk improvements, special. (State Funds)

Wyandotte—5-105 KA-3675-01 — K-5, from the U.S. 69/K-5 junction, west to the north junction of I-635/K-5, pavement patching, 2.2 miles. (State Funds)

Wyandotte—105 N-0555-01 — Merriam Lane, from 24th Street to 10th Street, grading, bridge and surfacing, 1.3 miles. (Federal Funds)

Douglas—23 U-0162-01 — City of Lawrence, 9th Street from Emery to Michigan, surfacing and signal. (Federal Funds)

Statewide—192-106 KA-3677-01 — K-192, from the U.S. 59/K-192 junction east to the Jefferson/Leavenworth county line, and from the Leavenworth/Jefferson county line east to the U.S. 73/K-192 junction, crack repair, 16.2 miles. (State Funds)

District Two — North Central

Statewide—106 KA-3656-14 — Various locations in District 2, ADA sidewalk improvements, special. (State Funds)

Dickinson—70-21 KA-3662-01 — I-70, near bridge #097 (local road over I-70), 3.4 miles east of the I-70/K-43 junction, overlay, 0.1 mile. (State Funds)

District Three — Northwest

Statewide—106 KA-3657-14 — Various locations in District 3, ADA sidewalk improvements, special. (State Funds)

District Four — Southeast

Miami—169-61 KA-3650-01 — U.S. 169, bridge #054, 363rd Street over U.S. 169, slide repair. (State Funds)

Statewide—106 KA-3658-14 — Various locations in District 4, ADA sidewalk improvements, special. (State Funds)

District Five — South Central

Sedgwick—87 C-0417-01 — 87th Street South, 2.7 miles west and 2.0 miles south of Haysville over Dry Creek, grading, bridge and surfacing. (Federal Funds)

Butler—54-8 KA-2212-01 — U.S. 54, from 800 feet east of Andover Road east to 400 feet west of existing Dike Road near Augusta, grading and surfacing, 7.8 miles. (State Funds)

Kingman—54-48 KA-3158-01 — U.S. 54, bridges #062 and #063 (Smoots Creek) located 9.73 miles east of the east junction of U.S. 54/K-14, bridge repair. (State Funds)

Sedgwick—235-87 KA-3161-01 — I-235, bridges #062 and #003 at the I-235/I-135 interchange, bridge #062 located 0.34 mile west of I-135 SB and bridge #003 located 0.69 miles north of 47th Street, bridge repair. (State Funds)

Butler—177-8 KA-3648-01 — K-177, from the U.S. 54/K-177 junction north to the Butler/Chase county line, crack repair, 22.3 miles. (State Funds)

(continued)

Statewide—106 KA-3659-14 — Various locations in District 5, ADA sidewalk improvements, special. (State Funds)

Cowley—160-18 KA-3777-01 — U.S. 160, from the U.S. 160/K-15 junction north and east to Burden, crack repair, 5.6 miles. (State Funds)

Statewide—42-106 KA-3724-01 — K-42, from the K-42/K-14 junction east to the Kingman/Sumner county line, and from the Kingman/Sumner county line east to the K-42/K-2 junction, conventional seal, 16.2 miles. (State Funds)

Statewide—56-106 KA-3727-01 — U.S. 56, from Kinsley northeast to the Edwards/Pawnee county line, and from the Pawnee/Edwards county line northeast to Larned, conventional seal, 23.5 miles. (State Funds)

Statewide—106 KA-3778-01 — K-15, from Udall northwest to the Cowley/Sumner county line; K-15, from the Sumner/Cowley county line northwest to the beginning of concrete pavement (south of Mulvane); K-53, from the U.S. 81/K-53 junction east to Mulvane, crack repair, 13.1 miles. (State Funds)

District Six — Southwest

Kearny—25-47 KA-2065-01 — Bridge #012, 8.79 miles north of the K-25/U.S. 50 junction, bridge replacement. (Federal Funds)

Meade—54-60 KA-2823-01 — U.S. 54, various locations from Plains to Meade, slurry seal, 13.7 miles. (State Funds)

Wichita—25-102 KA-3660-14 — K-25 in the city of Leoti, ADA sidewalk improvements, special. (State Funds)

Hodgeman—283-42 KA-3676-01 — U.S. 283, from the Hodgeman/Ford county line north to the south EWS (edge wearing surface) of bridge #029, conventional seal, 11.5 miles. (State Funds)

Statewide—190-106 KA-3617-01 — K-190, from the Seward/Haskell county line south and east to the U.S. 83/K-190 junction, and from the east junction of U.S. 56/K-190 (at Satanta) south the Haskell/Seward county line, crack repair, 10.8 miles. (State Funds)

Statewide—23-106 KA-3702-01 — K-23, from Cimarron north to the Gray/Finney county line, and from the Finney/Gray county line north to the east junction of K-23/K-156, conventional seal, 16.9 miles. (State Funds)

Finney—28 KA-3792-01 — U.S. 83, from the Finney/Haskell county line north to 2.905 miles north of the U.S. 83/RS-247 junction; U.S. 50B, from the concrete pavement at the U.S. 50B/U.S. 50 junction south to the U.S. 83B/Mary Street junction; K-156, from the concrete pavement at the K-156/Mary Street/Jenny Barker Road junction northeast to the west junction of K-156/K-23, crack repair, 30.2 miles. (State Funds)

Statewide—56-106 KA-3809-01 — U.S. 56, from 5 miles northeast of the U.S. 56/K-25 junction northeast to the Stevens/Seward county line, from the Seward/Stevens county line northeast to the Seward/Haskell county line, and from the Haskell/Seward county line northeast to the Haskell/Gray county line, crack repair, 41.3 miles. (State Funds)

Mike King
Secretary of Transportation

Doc. No. 042459

State of Kansas

Department of Agriculture Division of Conservation

Notice to Contractors

Sealed bids for the rehabilitation of detention dam sites C-111 and C-115 in Jackson County will be received by the Delaware Watershed Joint District No. 10 at 125 W. 4th St., Holton, 66436, until 1:30 p.m. May 22, 2014, and then opened. The work consists of the following:

Pipe replacement — principal spillway — type and size: DR21, 10 in. ASTM gasketed PVC pipe. Site C-111, 126 ft. and Site C-115, 153 ft. Other specifications: Geotextile filter fabric for both structures; back berm to be added to Site C-115.

Hand-delivered bids may be carried to the watershed office until immediately prior to closing time for receipt of bids. The low bidder will be required to enter into a contract with the district providing a performance bond, payment bond and proof of insurance. Mailed bids should be marked "Invitation for Bids No. C-111 Repair and C-115 Repair" and addressed to the Delaware Watershed Joint District No. 10, P.O. Box 70, Holton, 66436.

Greg A. Foley
Executive Director
Division of Conservation

Doc. No. 042476

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: tshepher@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: purch@pittstate.edu. Mailing address:

Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762-7549.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu/>. Paper bid postings and mailing address: KU Purchasing Services, 1246 W. Campus Road, Room 20, 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.

Tess Shepherd
Chair of Regents Purchasing Group
Procurement Officer II
Emporia State University

Doc. No. 041700

(Published in the Kansas Register April 24, 2014.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67202, until 10 a.m. Friday, May 30, for the following project:

**KDOT Project No. 87N-0548-01/
472-85042/211502
(OCA Code 707037)
Paving**

Mt. Vernon & Oliver Intersection Improvements

Requests for the bid documents and plans should be directed to QuikPrint at 316-942-2208 or to Jody Doyle at 316-268-4503. Other questions should be directed to the respective design engineer, 316-268-4501.

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

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

Jody Doyle
Administrative Aide II
City of Wichita—Engineering

Doc. No. 042463

(Published in the Kansas Register April 24, 2014.)

City of Haysville, Kansas

Notice of Intent to Seek Private Placement General Obligation Bonds, Series 2014

Notice is hereby given that the city of Haysville, 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 \$370,000. 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 April 14, 2014.

Janie Cox
City Clerk

Doc. No. 042467

State of Kansas

Department of Health and Environment Division of Health Care Finance

Notice of Medicaid State Plan Amendments

Effective July 1, 2014, the state of Kansas Medicaid program will be implementing a new set of services, called Health Homes, for Medicaid beneficiaries. These are six services that will be provided through a partnership between KanCare managed care organizations (lead entities) and community providers (Health Home Partners — HHP). The six services will be provided in addition to other services beneficiaries already receive and will be available to beneficiaries with certain chronic conditions.

The Kansas Department of Health and Environment, Division of Health Care Finance, will be submitting two state plan amendments (SPA) to the Centers for Medicare and Medicaid Services (CMS). One SPA will be for Medicaid beneficiaries with a serious mental illness (SMI). The second SPA will be for Medicaid beneficiaries with asthma or diabetes and who are at risk for another chronic condition (CC). Draft versions of both SPAs can be found at http://www.kancare.ks.gov/health_home/providers_materials.htm.

Each SPA will have a fiscal impact. For federal fiscal year 14 the SMI SPA will be \$266,526. For federal fiscal year 15 the SMI SPA will be 599,517. For federal fiscal year 14 the CC SPA will be \$599,517. For federal fiscal year 15 the CC SPA will be \$2,398,067.

Kansas citizens may provide written comments by May 27 to healthhomes@kdheks.gov.

Kari Bruffet, Executive Director
Division of Health Care Finance

Doc. No. 042468

State of Kansas

Kansas Housing Resources Corporation

Notice of Hearing on the 2014
Weatherization State Plan

The Kansas Housing Resources Corporation will conduct a public hearing at 10 a.m. Wednesday, May 7, at the KHRC office, 611 S. Kansas Ave., Suite 300, Topeka, to provide an opportunity for citizens to comment upon the draft of the 2014 Weatherization State Plan.

The 2014 State of Kansas Weatherization State Plan draft includes only pages intended for public comment and can be found on KHRC's website at www.kshousingcorp.org/weatherization.aspx. This year's state plan will reflect changes in the start date of the 2014 program year. The program year will now run from July 1 to June 30.

Limited hard copies will be available at the public hearing site and upon request. Written comments must be received by 5 p.m. May 5. The public hearing comment period ends not later than noon May 7.

Parking is available along Kansas Avenue and the hearing will be less than the two-hour parking limit. Persons in need of a sign language interpreter, an assistive listening device, large print or other material for accommodations to attend the hearing must notify KHRC at least one week prior to the hearing. Requests may be addressed to Katelyn Smith, KHRC, 611 S. Kansas Ave., Suite 300, Topeka, 66603-3803, 785-217-2052, or via the Kansas Relay Service at 800-766-3777 or 711.

Al Dorsey
Division Director

Doc. No. 042472

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 8, in the conference room of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its tax-exempt Refunding Revenue Bonds on behalf of the University of Kansas Center for Research, Inc. (the corporation), a Kansas not-for-profit corporation affiliated with the University of Kansas, in a principal amount not to exceed \$13 million. The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.* (the act), to refund a portion of the K DFA's Revenue Bonds (University of Kansas Center for Research, Inc. Project), Series 2006G-1, in accordance with and pursuant to the act. The Refunded Bonds financed costs of certain research facilities of the corporation located on the west campus of the university at 2121 Simmons Drive, Lawrence, Kansas (the project).

The bonds, when issued, will be a limited obligation of the K DFA, payable from revenues pledged by the corporation, and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bonds will be payable solely from revenues pledged by the corporation in

amounts sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue bonds for the purpose of refinancing the project, and all written comments previously filed with the K DFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the K DFA.

Tim Shallenburger
President

Doc. No. 042477

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, May 8, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the K DFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the K DFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 000893 – Maximum Principal Amount: \$290,000. Owner/Operator: Kipp M. Smith; Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is being financed by the lender for Kipp M. Smith and is located at the Northeast Quarter of Section 2, Township 28, Range 36, Grant County, Kansas, approximately 7 miles east of Ulysses on Patterson Ave. and 3.5 miles north on South Road Q.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the K DFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the K DFA.

Tim Shallenburger
President

Doc. No. 042464

**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. 2013 Supp. 12-1675(b)(c)(d) and K.S.A. 2013 Supp. 12-1675a(g).

Effective 4-21-14 through 4-27-14

Term	Rate
1-89 days	0.10%
3 months	0.02%
6 months	0.04%
12 months	0.08%
18 months	0.22%
2 years	0.42%

Scott Miller
Director of Investments

Doc. No. 042456

**State of Kansas
Governmental Ethics Commission**

Opinion No. 2014-02

Written April 16, 2014, to Kathy L. Armstrong, J.D., Assistant Director for Legal Services, Prevention & Protection Services, Kansas Department of Children and Families, Topeka.

Synopsis: If a donor, or person to be solicited for a donation, does not have a special interest and the Department of Children and Families (DCF) does not license, inspect or regulate the donor or person to be solicited, then state employees with the DCF may solicit and accept any gift, economic opportunity, special discount, service provided, free or discount meals, and free or discount tickets to entertainment or sporting events when an exception to the general prohibitions of K.S.A. 2013 Supp. 46-237a applies.

Cited herein: K.S.A. 46-216, 46-217, 46-223, 46-236, 46-237, 2013 Supp. 46-237a, and K.A.R. 19-40-3a(b).

Dear Ms. Armstrong:

We understand that you have requested this opinion in your capacity as assistant director for Legal Services, Prevention & Protection Services for the DCF. This opinion is in response to your request to the Kansas Governmental Ethics Commission (Commission), concerning application of the state governmental ethics law, 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

As the state agency tasked with investigation and assessment of allegations of abuse and neglect of children and vulnerable adults, as well as placement of such children or adults that may come into DCF custody temporarily pending further arrangements for care and control, agency staff are obligated to meet such immediate needs

for food and safe shelter. To provision the agency to meet these needs, persons and businesses may be of assistance through donations. The DCF would like to solicit and accept such donations. Also, agency staff desire to accept donations that may be used to celebrate success as children and families accomplish goals or objectives or that give recognition to the work provided by state employees with the DCF.

Question

May state employees, because of their official position with the DCF, solicit or accept any gift, economic opportunity, special discount, service provided, free or discount meals, and free or discount tickets to entertainment or sporting events and not violate the general prohibition to solicit and accept under K.S.A. 2013 Supp. 46-237a?

Analysis and Opinion

The request for opinion provides scenarios of solicitation and acceptance that are summarized as follows:

- Solicitation or acceptance by state employees of coupons (discounts) from fast food restaurants to be used by state employees for meals to feed hungry children in protective custody.
- Purchase by state employees of food or diapers for children in protective custody.
- Solicitation or acceptance by state employees of coupons (discounts) from movie or bowling or other appropriate entertainment passes for use by non-state employee families as means to celebrate success toward accomplishment of goals or objectives.
- Acceptance of items and gift cards to be used for children in custody from local businesses or churches.
- Solicitation of items to provision a waiting room for children in protective custody.
- Tickets donated to state employees employed as social workers with the DCF so they may be recognized as appreciation for the work they do to help children and families. Recognition would include an announcement of appreciation or featuring on a “Jumbo Screen.”

These scenarios will be discussed in regard to the applicable statutory provisions below.

Gifts, gift cards or coupons (discounts) for items.

A gift, economic opportunity, loan, gratuity, special discount or service received by state employees is not prohibited by the state governmental ethics law unless it is provided because of the official position of a state employee. K.S.A. 2013 Supp. 46-237a(b). “‘Gift’ means the transfer of money or anything of value unless legal consideration of a reasonably equal or greater value is received in return.” K.A.R. 19-40-3a(b). “‘Economic opportunity’ means any purchase, sale, lease, contract, option, or other transaction or arrangement involving property or services wherein a state [...] employee [...] may gain a personal economic benefit, but not including any gift.” K.S.A. 46-217.

In Governmental Ethics Opinion 1999-50, the Commission determined that:

the term “official position” refers to an individual’s particular position with the [s]tate and does not apply gen-
(continued)

erally to a person because they are a [s]tate employee. For guidance, the Commission notes that a gift or discount which is provided to all [s]tate employees is not being provided to a person because of his or her "official position." On the other hand, a gift or discount which is provided to all purchasing agents, for example, or all employees of a particular agency, will be deemed to be provided because of such persons' "official position."

Applying this meaning of "official position" to the facts presented, the solicitation or acceptance by state employees for items, discounts for items, or gift cards to purchase items—whether consumable (i.e. diapers, soap, shampoo) or durable (i.e. furniture or electronics for a waiting room)—to be used by children in protective custody is within their official position. Such solicitation or acceptance is prohibited *unless* one or more exceptions listed in subparagraphs (1)-(4) of K.S.A. 2013 Supp. 46-237a(b) applies. The following circumstances allow a state employee to solicit or accept gifts or economic opportunities in their official position:

- (1) A gift having an aggregate value of less than \$40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity; or
- (2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position; or
- (3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or
- (4) contributions solicited on behalf of a nonprofit organization which is exempt from taxation under paragraph (3) of subsection (c) of section 501 of the internal revenue code of 1986, as amended.

Subparagraph (3) is directly applicable. The items solicited or accepted inures to the benefit of the state because the state would have to otherwise purchase them or pay full price. Thus, DCF employees may solicit and accept such items or discounts and gift cards regarding the purchase of such items.

Meals, discounts on meals and snack foods.

The solicitation or acceptance of meals or discounted meals by state employees is subject to K.S.A. 2013 Supp. 46-237a(c) that prohibits state employees from soliciting or accepting free or special discount meals from a source outside of state government unless there is an applicable exception. Exceptions are enumerated in subparagraphs (c)(1)-(c)(7):

- (1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;
- (2) meals provided at public events in which the person is attending in an official capacity;
- (3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position;

- (4) food such as soft drinks, coffee or snack foods not offered as part of a meal;
- (5) any meal the value of which is \$25 or less;
- (6) meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state purpose or interest and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting; and
- (7) meals provided to the governor's spouse and members of the governor's immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest.

Exceptions in subparagraphs (c)(4) and (c)(5) each appear to be directly applicable to state employees with the DCF that solicit or accept meals for children in protective custody. Under the subparagraph (c)(4) exception, snacks and drinks from food solicited or accepted by agency employees may be provided to children waiting in custody or as a means to celebrate successes. Under the subparagraph (c)(5) exception, meals solicited, accepted, or discounted may also be provided, subject to the \$25 value limitation for an undiscounted meal for each child.

Entertainment, sporting events, or activities.

Subsection (e) of K.S.A. 46-237a prohibits solicitation and acceptance of free or special discount tickets for entertainment, sporting events or activities:

[n]o person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities when the free or special discount tickets or access are provided because of the person's official position. The provisions of this subsection shall not apply to persons whose official position requires or obliges them to be present at such events or activities.

As discussed previously, solicitation and acceptance by DCF employees is because of their official position. Such solicitation or acceptance by DCF employees of tickets or special discount tickets for movies, bowling or other appropriate entertainment for use as a way to celebrate accomplishments toward plans, goals or objectives by families that work with the DCF violates the subsection (e) prohibition regardless of who uses them. Thus, state employees with the DCF may not accept such tickets.

However, an exception exists. When a state employee's official position requires or obliges them to be present at an event subject to subsection (e), the prohibition against solicitation or acceptance of free or special discount tickets doesn't apply. This exception may apply to acceptance of tickets to a sporting event if the purpose is to secure attendance to confer recognition and the sporting event is incidental to that recognition. Under such circumstances, social workers are not required to attend because of their official position with DCF, yet they could be obliged. In this context, *oblige* is defined as "to put [one] in a debt of gratitude, as by a favor or accommodation." ("*oblige.*" *Dictionary.com Unabridged*. Random House, Inc. 11 April 2014. <[Dictionary.com http://dictionary.reference.com/browse/oblige](http://dictionary.reference.com/browse/oblige)>.) In other words, to be obliged may

mean required, but it may also mean to have an informal moral sense that you **should** do something. Conversely, if the purpose of acceptance is to attend the sporting event, and recognition is general or incidental to the event, then you are not obliged. Similarly, if you solicit the tickets, you are not obliged.

Several points overarch the application of K.S.A. 46-237a as discussed above:

- Kansas governmental ethics laws do not address the purchase of items by state employees. Therefore purchases are not discussed as part of this opinion.
- Second, K.S.A. 46-236 prohibits state employees from soliciting—and pursuant to K.S.A. 46-237(a) from accepting—any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service from persons known to have a special interest under circumstances where such state employee knows or should know that a major purpose of the donor in granting the same could be to influence the performance of the official duties of such employee. As defined by K.S.A. 46-223, a person includes business entities and units of government.
- Third, pursuant to K.S.A. 46-237(c), a DCF employee may not accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service valued over \$40 from any person (as defined by K.S.A. 46-223 to include business entities and units of government) licensed, inspected, or regulated by the DCF.

G. Daniel Harden, Chairman
By Direction of the Commission

Doc. No. 042470

(Published in the Kansas Register April 24, 2014.)

South Central Kansas Economic Development District

Notice to Contractors and Vendors

The South Central Kansas Economic Development District (SCKEDD) in Wichita administers the federally funded Kansas Weatherization Assistance Program in a 13-county region in south central Kansas. SCKEDD is in the process of contracting with the following:

- A vendor who can supply wall furnaces and console furnaces.
- A contractor that is a licensed electrician capable of adding dedicated electrical circuits for furnaces and installing mechanical ventilation systems per ASHRAE 62.2 standards. Fan kits will be provided by SCKEDD.
- A general contractor that can perform weatherization work in the following counties with the SCKEDD's estimated number of units in parenthesis: Barber (2), Chautauqua (1), Cowley (13), Elk (1), Harper (2), Kingman (3), McPherson (10), Pratt (3), Reno (23), Rice (3), Sedgwick (175), Stafford (1) and Sumner (8). Because SCKEDD employs weatherization crews, only the work that can't be performed in-house will be contracted out. Weatherization work includes per-

forming air sealing, repairing broken windows, adding weather-strips to exterior doors, installing plastic vapor barriers in crawl spaces, insulating foundation walls and floors using fiberglass batting material, installing dense pack blown cellulose insulation in exterior walls, installing roof vents and insulating attics with blown cellulose. Mobile home weatherization work includes repairing duct work systems and installing blown fiberglass insulation into bellies, walls and roof cavities. Work will be performed on single-family dwellings and mobile homes. All weatherization contractors will be responsible for complying with the EPA's Renovation Repair and Painting (RRP) regulations as enforced by the Kansas Department of Health and Environment. KDHE and Kansas weatherization require all licensed firms to employ only certified renovators to perform weatherization work.

Contractor requirements include, but are not limited to:

- OSHA 10/30 certification
- Capability to be licensed in all municipalities served by SCKEDD weatherization
- RRP renovation firms licensed with KDHE
- All workers licensed as RRP renovators with KDHE
- All workers have completed LSWP training provided by the U.S. Department of Energy

Contracts will be offered until March 31, 2015, with an option to extend the contract for up to three additional one-year periods at the discretion of SCKEDD and the approval of the Kansas Housing Resources Corporation.

A mandatory bidder's conference will take place to answer all questions regarding the distributed bid packets. Teleconference capabilities will be provided for those unable to attend in person. The bid sheets provided will require contractors and vendors to provide line-item prices by county for all items listed.

Contractors are required to provide references with their bid package, as a high value will be placed on quality of work. SCKEDD may choose any or all of these factors to evaluate contractor bids: price, quality of references, timeliness in completing work, quality of completed work, timeliness in billing, quality of billing, and any other factor as specified in the bid package.

To receive a bid packet and be notified when the bidder's conference will take place, contact the SCKEDD Weatherization Program not later than noon May 7 at the SCKEDD, 3737 N. Hillside, Wichita, 67202, (316) 425-8844.

SCKEDD encourages minority, women-owned and small-business vendors and contractors to apply. SCKEDD is an equal opportunity agency.

Daniel Bass
SCKEDD Financial Manager

Doc. No. 042460

State of Kansas

Advisory Committee on Trauma**Notice of Meeting**

The Advisory Committee on Trauma will meet from 10 a.m. to 3 p.m. Wednesday, May 7, at the Kansas Medical Society, 623 S.W. 10th Ave., Topeka.

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

Doc. No. 042462

State of Kansas

State Conservation Commission**Notice of Meeting**

The State Conservation Commission will meet at 9 a.m. Tuesday, May 13, at the Kansas Department of Agriculture, 109 S.W. 9th St., fourth floor conference room, Topeka. A copy of the agenda may be obtained by contacting Kristin Miller, Kansas Department of Agriculture, Division of Conservation, 109 S.W. 9th St., 2A, Topeka 66612-1283, or 785-296-3600. Persons requesting special accommodations are asked to contact the agency at least three days in advance of the meeting date.

Greg A. Foley
Executive Director
Division of Conservation

Doc. No. 042465

State of Kansas

Attorney General**Opinion 2014-5**

Re: Automobiles and Other Vehicles—Driving Under Influence of Alcohol or Drugs; Related Provisions—Ignition Interlock Devices; January 29, 2014

Synopsis: When a person's driver's license has been restricted pursuant to K.S.A. 2013 Supp. 8-1014 to driving only with an ignition interlock device for a specific period of time, K.S.A. 2013 Supp. 8-1015(d) requires that the person install an ignition interlock device for the entire restriction period in order to obtain full reinstatement of the license. If the person never installs an ignition interlock device, K.S.A. 2013 Supp. 8-1015(d) requires that the person's license remain restricted indefinitely. Cited herein: K.S.A. 2013 Supp. 8-1014 and 8-1015. DC

Opinion 2014-6

Re: Cities and Municipalities—Miscellaneous Provisions—Firearms and Ammunition; Regulation by City or County, Limitations

Cities and Municipalities—Miscellaneous Provisions—Knives and Knife Making Components; Regulation by Municipality, Limitations

Schools—Community Colleges—Organization, Powers and Finances of Boards of Trustees—Boards of Trustees; Powers and Duties

State Departments; Public Officers and Employees—Firearms—Personal and Family Protection Act; March 27, 2014

Synopsis: The board of trustees of a community college may prohibit the open carry of firearms on campus by any person.

The board of trustees of a community college may restrict or prohibit the concealed carry of handguns inside some or all campus buildings by exercising the exemption found in K.S.A. 2013 Supp. 75-7c20(j)(5), or by providing adequate security measures in a building and posting that building as prohibiting concealed carry. A community college may not ban the carrying of concealed handguns by persons licensed to do so on the grounds of the community college.

The board of trustees of a community college may not enact a new rule prohibiting the carrying of knives as defined in K.S.A. 2013 Supp. 12-16,134(c)(1) on campus or inside campus buildings. If a community college enacted such a rule prior to July 1, 2013, the community college may continue to enforce that rule.

The board of trustees of a community college and may ban the carrying on campus of weapons other than knives, such as billy clubs or metal knuckles. Cited herein: K.S.A. 2013 Supp. 12-16,124; 12-16,134; 21-5412; 21-6301; 21-6302; 71-201; K.S.A. 71-204; K.S.A. 2013 Supp. 74-3201b; 75-7c01; 75-7c10; 75-7c17; 75-7c20; 75-6102; Kan. Const., Bill of Rights, § 4; U.S. Const., Am. 2. SF

Opinion 2014-7

Re: State Departments; Public Officers and Employees—Public Officers and Employees—Open Meetings Act; Meetings of State and Subdivisions Open to Public; Exceptions; Closed or Executive Meetings

Statutes; Administrative Rules and Regulations and Procedure—Administrative Procedure Act—Orders Affecting Licensure; Hearings; April 1, 2014

Synopsis: The Kansas Administrative Procedure Act (KAPA) applies to the activities of the investigations committee of a state licensing board only to the extent that the board's statutes expressly provide that proceedings under those statutes are governed by the KAPA. KAPA proceedings are not required to be open to observation by the public with the exception of an evidentiary hearing. Under the KAPA, an agency's decision is made in an order that is served on the parties; a public vote is not required.

If the KAPA does not apply, then the actions of an investigations committee must be held in accordance with the Kansas Open Meetings Act (KOMA). Under the KOMA, the investigations committee of a licensing board may consult with an attorney in a closed or executive session and it may recess to engage in quasi-judicial deliberations regarding a decision in a specific case. However, all other parts of an investigative or disciplinary proceeding and all policy or general discussions must occur in a public meeting, unless otherwise provided by law. Under the KOMA, binding decisions must be made by a vote in an open meeting. Cited herein: K.S.A. 2013 Supp. 65-6112; 65-6129c; 65-6132; 65-6133; K.S.A. 75-4317; K.S.A. 2013 Supp. 75-4317a; 75-4318; 75-4319; 77-201;

K.S.A. 77-501; K.S.A. 2013 Supp. 77-503; K.S.A. 77-508; K.S.A. 2013 Supp. 77-511; K.S.A. 77-512; K.S.A. 2013 Supp. 77-514; 77-523; K.S.A. 77-526. LAM

Opinion 2014-8

Re: Corporations—Agricultural Corporations—Restrictions; Exceptions; Penalties; Limited Corporate Partnership; April 3, 2014

Synopsis: A limited corporate partnership as used in K.S.A. 2013 Supp. 17-5904(a)(12) means a limited partnership as defined in K.S.A. 2013 Supp. 17-5903(c). Cited herein: K.S.A. 2013 Supp. 17-5903; 17-5904; K.S.A. 56-1a01; 56a-101. AEA

Opinion 2014-9

Re: Constitution of the United States—Amendment 4; Searches and Seizures—Plain View Exception

Constitution of the State of Kansas—Bill of Rights—Search and Seizure; Plain View Exception

Wildlife, Parks and Recreation—Enforcement—Unlawful Acts—Seizure of Wildlife, Devices, Equipment, and Firearms; Wildlife Checkpoint; April 10, 2014

Synopsis: The use of a flashlight or spotlight by a law enforcement officer at an intersection from a public vantage point to see if the occupants of a motor vehicle are wearing seatbelts is not a search and does not violate the Fourth Amendment.

Roadway checkpoints may be constitutional if they serve a purpose other than detecting evidence of ordinary criminal wrongdoing. If a checkpoint serves an acceptable purpose, its constitutionality depends on how it is conducted. Cited herein: K.S.A. 8-2501; Kan. Const., Bill of Rights, § 15; U.S. Const., Amend. 4. AEA

Opinion 2014-10

Re: Cities of the Second Class—City Officers—Elective and Appointive Officers; Council Members, Election, Residence, Vacancy in Offices of Mayor or Council Member; Service as City Council Member and County Sheriff

Counties and County Officers—Sheriff—Sheriff; Election, Term, Bond; Qualifications for Office; Preservation of Peace; Service as County Sheriff and City Council Member; Incompatibility of Offices; April 11, 2014

Synopsis: The common law doctrine of incompatibility of offices precludes a person from concurrently serving as a mayor of a city of the second class operating under the mayor-council form of government and sheriff of the county in which the city is located. Cited herein: K.S.A. 14-109; 14-201; 14-207; 14-308; 14-310; 14-423; 14-516; 14-556; 14-560; 14-701a; 14-1302; 19-205; K.S.A. 2013 Supp. 19-801b; K.S.A. 19-811; 22-2202; K.S.A. 2013 Supp. 22-2401; Kan. Const., Art. 12, § 5. RDS

Derek Schmidt
Attorney General

Doc. No. 042458

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-14-098/106

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Russell Cannady Cannady Farms 2570 John Brown Road Princeton, KS 66078	SW/4 of Section 11, T18S, R19E, Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-S027

This is a new permit for an existing facility with the maximum capacity of 50 head (70 animal units) of mature dairy cows, 30 head (30 animal units) of dairy heifers weighing greater than 700 pounds, 30 head (15 animal units) of dairy calves weighing 700 pounds or less, 360 head (144 animal units) of swine weighing greater than 55 pounds and 200 head (20 animal units) of swine weighing 55 pounds or less, for a total of 279 animal units of livestock. The facility consists of a dairy parlor, cattle buildings, calf huts, swine buildings, open lot pens, an earthen retention control structure and grass buffer areas. Proposed modifications to the facility include the construction of a concrete storage tank, diversion berm, two picket fences and a grass buffer area.

Name and Address of Applicant	Legal Description	Receiving Water
Kansas Correctional Industries Kansas Correctional Industries — Farm Division P.O. Box 2 Lansing, KS 66043	NE/4 of Section 19, T09S, R23E, Leavenworth County	Missouri River Basin

Kansas Permit No. A-MOLV-B002

This is a permit renewal for an existing facility with the maximum capacity of 300 head (150 animal units) of cattle weighing 700 pounds or less, 6 head (6 animal units) of cattle weighing greater than 700 pounds, 337 head (134.8 animal units) of swine weighing greater than 55 pounds and 70 head (7 animal units) of sheep and goats, for a total of 297.8 animal units of livestock. The facility consists of one

(continued)

enclosed confinement building, approximately 3.8 acres of open lot pens, two earthen retention structures and grass buffer areas.

Name and Address of Applicant	Legal Description	Receiving Water
Doug Goeckel Quivira Pork, LLC 1746 26th Road Hollenberg, KS 66946	NW/4 of Section 26, T01S, R03E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-S044

This is a permit renewal for an existing facility with the maximum capacity of 1,644 head (657.6 animal units) of swine weighing greater than 55 pounds and 2,240 head (224 animal units) of swine weighing 55 pounds or less, for a total of 881.6 animal units of swine. This facility consists of three enclosed swine buildings, an enclosed trailer washout building and a partially open mortality composting building. The waste management system includes concrete collection pits, waste transfer pipelines, an earthen waste storage pond and a grass buffer area.

Name and Address of Applicant	Legal Description	Receiving Water
Michael D. Wright Wright Cattle Company 1807 Road F Tribune, KS 67879	NW/4 of Section 35, T16S, R40W, Greeley County	Smoky Hill River Basin

Kansas Permit No. A-SHGL-C002 Federal Permit No. KS0115436

This is a permit renewal for an existing facility with the maximum capacity for 14,000 head (14,000 animal units) of cattle weighing greater than 700 pounds. The facility consists of approximately 113 acres of open lot pens and associated feedlot areas. Surface runoff and water tank overflow is directed to two sediment basins and stored in an earthen waste storage pond. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Victor L. Schwarz Schwarz Feedlot Inc. 1326 County Road 37 Menlo, KS 67753	E/2 of Section 36, T08S, R31W, Thomas County	Solomon River Basin

Kansas Permit No. A-SOTH-C004 Federal Permit No. KS0081337

This permit is being reissued for an existing facility for 4,000 head (4,000 animal units) of cattle weighing more than 700 pounds. This represents a decrease from the previously permitted capacity of 10,000 head (10,000 animal units) of cattle. The previously proposed pen expansion was not constructed. An approved Nutrient Management Plan for the facility is on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Taner Layne Litton Pike Trail Cattle Company, Inc. 571 N. 30th Road Glasco, KS 67445	NE/4 of Section 14, T09S, R05W, Ottawa County	Solomon River Basin

Kansas Permit No. A-SOOT-C002 Federal Permit No. KS0090069

This permit is being reissued for an existing facility with a maximum capacity of 1,900 head (950 animal units) of cattle 700 pounds or less. There is no change in the permitted animal units. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Martin Fletchall Fletchall Feedlot 2227 S Road Beloit, KS 67420	SW/4 of Section 05, T09S, R08W, Mitchell County	Solomon River Basin

Kansas Permit No. A-SOMC-B014

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
Alan Braun Harder Farms, Inc. 14325 N.W. 80th St. Whitewater, KS 67154	NE/4 of Section 28, T24S, R03E, Butler County	Walnut River Basin

Kansas Permit No. A-WABU-B010

This permit is being reissued for an existing facility for 800 head (320 animal units) of swine weighing more than 55 pounds, 450 head (225 animal units) of beef cattle weighing less than 700 pounds and 400 head (400 animal units) of beef cattle weighing more than 700 pounds, for a total of 945 animal units. There is no change in the permitted animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Michael & Scott MacNair Cottonwood Corral, Inc. 24089 N.W. X Road Jetmore, KS 67854	W/2 of Section 09, T21S, R24W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-C005 Federal Permit No. KS0086819

This permit is being reissued for an existing facility for 2,000 head (2,000 animal units) of beef cattle weighing more than 700 pounds. 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-14-060/063

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
El Paso LLC 1650 Des Peres Road Suite 303 St. Louis, MO 63131	East Fork Chisholm Creek & Chisholm Creek via Storm Sewer	Groundwater Remediation Project

Kansas Permit No. I-AR94-PO78 Federal Permit No. KS0092118

Legal Description: W¼, SE¼, S4, T27S, R1E, Sedgwick County, KS

Facility Name: El Paso Merchant Energy — Petroleum Company

The proposed action is to reissue an existing permit for discharge during an existing groundwater remediation project. This facility is a former petroleum refinery and a former asphalt blending and terminal operation. The facility currently discharges treated groundwater from a remediation system and stormwater runoff. Groundwater remediation wastewater is treated by aeration, followed by an aerated aerobic bioreactor tank, and then discharged to the East Fork of Chisholm Creek. Stormwater is stored in earthen basins and channels for testing. Once the stormwater meets permit standards, it is discharged through an outfall to either the east fork or west fork of Chisholm Creek. If either stormwater or treated groundwater does not meet the NPDES permit limits, the wastewater is discharged to the city of Wichita sanitary sewer. The proposed permit contains limits for benzene, oil and grease, total suspended solids, dichloromethane, trichloroethylene, vinyl chloride, TPH gasoline range and diesel range organics, and pH, as well as monitoring of chlorides, volatile organic compounds, 1,1 dichloroethane, 1,2 dichloroethane, 1,1 dichloroethylene, methyl chloride, naphthalene, tetrachloroethylene, 1,2-transdichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, cis-1,2-dichloroethylene, isopropylbenzene, methyl tert-butyl ether, n-propylbenzene, p-cymene, sec-butylbenzene, tert-butylbenzene and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
City of Wichita Environmental Health Division 1900 E. 9th St. Wichita, KS 67214	Arkansas River	Groundwater Remediation Project

Kansas Permit No. I-AR94-PO80 Federal Permit No. KS0092762
 Legal Description: NE¼, S5, T28S, R1E, Sedgwick County, KS
 Facility Name: Gilbert & Mosley Remediation Site
 Facility Location: Herman Hill Park

The proposed action is to reissue an existing permit for discharge during an existing groundwater remediation project. This facility is for a groundwater cleanup project consisting of 13 extraction wells located throughout downtown Wichita. The groundwater is contaminated primarily with chlorinated volatile organic chemicals and is treated by an air stripper. A sequestering agent is added to the influent of the air stripper. The proposed permit contains limits for tetrachloroethylene, trichloroethylene and pH, as well as monitoring for total recoverable lead, volatile organic compounds and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Hays, City of P.O. Box 490 Hays, KS 67601	Big Creek via Chetolah Creek	Treated Domestic Wastewater

Kansas Permit No. M-SH16-OO02 Federal Permit No. KS0036684
 Legal Description: NE¼, SE¼, SW¼, S3, T14S, R18W, Ellis County, KS

The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. The facility is a mechanical treatment plant consisting of raw wastewater screening, aerated grit chamber, two primary sedimentation clarifiers, two trickling filters (no longer in use), two activated sludge basins, two final sedimentation clarifiers, two tertiary treatment (granular media effluent filters), dissolved air flotation sludge thickener (not presently used as of 12/13/11), anaerobic sludge digestion, sand drying beds, disinfection of effluent by chlorination, effluent dechlorination facility (sulfur dioxide), two effluent storage basins for irrigation of golf course, ball fields and sports complex, golf course holding pond with reclaimed effluent pump station and reeration of effluent. The facility adds ferric sulfate to reduce phosphorus concentration. The facility receives domestic wastewater from residential and commercial areas and industrial wastewater from local manufacturers. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, ammonia, E. coli, total phosphorus, nitrate + nitrite, total residual chlorine and pH, as well as monitoring for total Kjeldahl nitrogen, total nitrogen, sulfates, dissolved oxygen and flow. Contained in the permit is a schedule of compliance requiring the permittee to complete facility upgrades and comply with final limits by December 31, 2017.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Wade Quarries Box 38 LaCygne, KS 66040	Elm Creek via Unnamed Tributary	Pit Dewatering and Stormwater Runoff

Kansas Permit No. I-MC18-PO10 Federal Permit No. KS0097322
 Legal Description: S32, T19S, R23E, Linn County, KS
 Facility Name: Cadmus Quarry

The proposed action consists of reissuing an existing permit for discharge of wastewater during quarry operations. This facility is engaged in a limestone quarrying operation with some washing. Out-fall 001A1 consists of treated wash-water, which is treated by a large settling pond and stormwater runoff. The proposed permit contains limits for total suspended solids as well as generic water-quality language to protect waters of the state.

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 May 24 will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-14-098/106, KS-Q-14-060/063) and name of the applicant/permittee when preparing comments.

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

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

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

Doc. No. 042469

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

FANTASY BLACKJACK DRAWING

111-4-3311. Name of drawing. The Kansas lottery shall conduct a drawing entitled "Fantasy Blackjack Drawing," and will accept entries on and after the day Kansas lottery "Fantasy Blackjack" instant tickets are first offered for sale to the general public and ending on Saturday, June 7, 2014, as specified in these rules. The drawing will be held after 6:00 p.m. on Saturday, June 7, 2014, at the Kansas lottery selling location at the Riverfest in Wichita, Kansas, or at a time and location designated by the executive director of the Kansas lottery. Rules applicable to this drawing are contained in K.A.R. 111-4-3311 through 111-4-3316 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

111-4-3312. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Fantasy Blackjack Drawing" means the act of drawing prizes conducted by the Kansas Lottery at the 2014 Riverfest in Wichita, Kansas, in which three participants will win prizes as described in these rules.

(continued)

(c) "Non-winning ticket" means any valid Kansas "Fantasy Blackjack" instant game lottery ticket not eligible to win a prize under the rules of the "Fantasy Blackjack" instant game.

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "Fantasy Blackjack Drawing" entries are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

111-4-3313. Prize. (a) Three grand prize packages will be given away at the "Fantasy Blackjack Drawing," which will be conducted on June 7, 2014. Each grand prize winner will receive a prize package consisting of round trip airfare for two persons from any major Kansas airport to Las Vegas, Nevada, round trip ground transfers to and from airports and hotel, a three-night stay at a predetermined premium hotel/casino, \$1,000 cash, and mandatory federal and state income withholding taxes and other applicable initial taxes and fees for this prize. Each prize package has an approximate value of \$5,357.

(b) Each winner of a grand prize trip package in the "Fantasy Blackjack Drawing" must complete the trip no later than one year from the date the "Fantasy Blackjack Drawing" is conducted.

(c) The prizes are subject to lottery validation, set-offs and deductions authorized by law.

(d) The Kansas lottery may, at its discretion, substitute a prize of approximate equal value.

(e) The winner of a grand prize shall return to the lottery a completed claim form as provided by the lottery no later than 5:00 p.m. on the thirtieth day following the day the claim form is mailed to the person whose name was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to these rules shall be declared the winner. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

111-4-3314. Method of entry. (a) Entry into the "Fantasy Blackjack Drawing" to be conducted on June 7, 2014, shall be accomplished as follows:

(1) Obtain a valid "Fantasy Blackjack" Kansas instant lottery ticket;

(2) Determine if the ticket is a winning ticket in accordance with "Fantasy Blackjack" game rules. If the ticket is a winning ticket, it is not eligible for the "Fantasy Blackjack Drawing" and shall be redeemed in accordance with the instant game rules.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the "Fantasy Blackjack Drawing."

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) A receptacle or drum shall be available and entries may be made at the Kansas lottery selling location at the Riverfest until approximately 6:00 p.m. on June 7, 2014.

(6) Players may also deposit entries for the "Fantasy Blackjack Drawing" at any Kansas lottery event at which the lottery has specifically designated a receptacle for deposit of said entries until 5:00 p.m. on June 3, 2014.

(7) Entries other than those entered at the Riverfest shall be mailed with proper postage to "Fantasy Blackjack Drawing," P. O. Box 19226, Topeka, Kansas 66619-0226. Mailed entries must be received by morning mail pickup on Tuesday, June 3, 2014. More than one entry may be mailed in one envelope.

(8) The holder of a ticket is not required to personally attend the "Fantasy Blackjack Drawing" or be present at the time of the drawing to be determined a winner;

(9) The drawing will be conducted soon after 6:00 p.m. on Saturday, June 7, 2014.

(b) There is no limit on the number of entries a person may make, but a person may only win one time in the drawing.

(c) Only valid non-winning "Fantasy Blackjack" tickets which are mailed to the "Fantasy Blackjack Drawing," at the above-stated address with proper postage and received by the morning mail pickup in Topeka, Kansas, on Tuesday, June 3, 2014, and non-winning "Fantasy Blackjack" tickets entered into any other receptacle designated by the lottery or at the Riverfest as provided in the rules herein shall be eligible for the drawing. All tickets so mailed or deposited shall be secured by the lottery until the drawing is conducted.

(d) Eligible entrants in the "Fantasy Blackjack Drawing" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

111-4-3315. Selection of winners. The following process shall be used for the selection of the winners in the "Fantasy Blackjack Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "Fantasy Blackjack Drawing" tickets at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, June 3, 2014. Following the morning mail pickup on Tuesday, June 3, 2014, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. All mailed entries shall then be placed in a secure receptacle, transported to the Riverfest and placed in the drawing receptacle or drum with all entries deposited at the festival and into any other receptacle designated by the lottery.

(b) The drawing shall be held at the Kansas lottery selling location at the Riverfest and shall be open to the pub-

lic with lottery security personnel present. The drawing shall be audio and video taped.

(c) At the drawing on Saturday, June 7, 2014, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be thoroughly mixed with a shovel or by other means.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove three entries from the receptacle or drum one at a time. The person whose name appears on each of the entries drawn shall be the winner of one of the grand prizes identified in these rules, subject to validation by the lottery as set forth in these rules.

(e) After the first three entries have been drawn on June 7, 2014, and the entries have been verified as valid, 15 more valid entries will be drawn, one at a time, which entries drawn will serve as alternate entries for the grand prizes. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 12A, 13A, 14A, and 15A. The winners shall have until 5:00 p.m. on the thirtieth day following mailing of a claim form to present the fully-executed claim form to lottery headquarters. If a grand prize winner cannot be located or is declared ineligible, or fails to timely present a fully-executed claim form to lottery headquarters, the grand prize will be awarded to the first alternate entry drawn. The alternates will be used, if necessary, in the order drawn. If an alternate winner for a grand prize cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters as required herein, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Fantasy Blackjack Drawing" in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. The prize winner shall be given or sent a prize claim form to be completed and returned by 5:00 p.m. on the thirtieth day following mailing of a claim form.

(g) If any entry drawn is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until the required number of apparently eligible selections is obtained.

(h) Only non-winning "Fantasy Blackjack" instant tickets are eligible for the drawing.

(i) All "Fantasy Blackjack" tickets remaining in the drum or receptacle on June 7, 2014, after the winners and alternates have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

111-4-3316. Certification of drawing. (a) The "Fantasy Blackjack Drawing" shall be personally ob-

served by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery.

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

Article 5.—MULTI-STATE ONLINE GAMES AND DRAWINGS

111-5-23. Definitions. The following definitions shall apply to the "Powerball" game:

(a) "Computer pick" means the random selection of two-digit numbers by the computer system, which appear on a ticket and are played by a player in the game.

(b) "Drawing" means the formal process of selecting winning numbers which determine the number of winners for each prize level of the game.

(c) "Game board" or "boards" means that area of the play slip which contains two sets of numbered squares to be marked by the player, the first set containing 59 squares, number one through 59, and the second set containing 35 squares, number one through 35.

(d) "Game ticket" or "ticket" means a computer generated ticket issued by a terminal to a person as a receipt for the combination a person has selected.

(e) "MUSL" means the Multi-State Lottery Association, a government-benefit association wholly owned and operated by the party lotteries.

(f) "MUSL Board" means the governing body of the MUSL which is comprised of the chief executive officer of each party lottery.

(g) "Power play" or "multiplier option" means the "Powerball" game option whereby a player may elect to pay an additional \$1 per play at the time of ticket purchase which will have the effect of multiplying any prize won on the play, except the grand prize.

(h) "On-line lottery game" means a lottery game connected by telephone lines, satellite or other similar communication methodology, owned or controlled by the lottery, to a central computer in which each player selects numbers out of a larger predetermined set or sets of numbers.

(i) "Party Lottery" or "Member Lottery" means a state lottery or lottery of a political subdivision or entity which has joined the MUSL and, in the context of these Powerball product group rules, which has joined in selling the Powerball game.

(j) "Product group" means the group of lotteries which has joined together to offer a product pursuant to the terms of the multi-state lottery agreement and the group's own rules.

(k) "Play" means the six numbers, the first five from a field of 59 numbers and the last one from a field of 35 numbers, that appear on a ticket as a single lettered selection and are to be played by a player in the game.

(continued)

(l) "Play slip" means a card used in marking a player's game plays and containing one or more boards and if the multiplier option is available for play, the play slip shall include a box to mark if the option is chosen.

(m) "Retailer" or "agent" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(n) "Set Prize" means all other prizes except the grand prize that are advertised to be paid by a single cash payment and, except in rare instances, outlined in these rules, will be equal to the prize amount established by the MUSL Board for the prize level.

(o) "Terminal" means a device authorized by a party lottery to function in an on-line, interactive mode with the lottery's computer system for the purpose of issuing lottery tickets and entering, receiving and processing lottery transactions, including purchases, validating tickets and transmitting reports.

(p) "Validation" or "validate" means the process of determining whether a ticket presented for a prize is a winning ticket.

(q) "Winning numbers" means the six numbers, the first five from a field of 59 numbers and the last one from a field of 35 numbers, randomly selected at each drawing which shall be used to determine winning plays contained on a game ticket.

(r) "Licensee Lottery" shall mean a state lottery or lottery of a governmental unit, political subdivision, or entity thereof that is not a party lottery but has agreed to comply with all applicable MUSL and product group requirements and has been authorized by the MUSL and by the Powerball product group to sell the Powerball game.

(r) These amendments shall take effect January 22, 2014. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-3-24-92, March 20, 1992; amended, T-111-6-27-96, June 21, 1996; amended, T-111-10-27-97, Sept. 12, 1997; amended, T-111-3-14-01, Feb. 16, 2001; amended, T-111-10-15-02, Sept. 13, 2002; amended, T-111-7-29-05, July 15, 2005; amended, T-111-2-20-09, Dec. 11, 2008; amended, T-111-2-9-12, Dec. 14, 2011; amended, T-111-4-4-14, Dec. 11, 2013.)

111-5-25. Prize pool; prize pool account, and prize reserve account. (a) The prize pool for all prize categories shall consist of 50.0% of each drawing period's sales, including tax, after the prize pool accounts and prize reserve accounts are funded to the amounts set by the product group. Any amount remaining in the prize pool at the end of this game shall be returned to all lotteries participating in the prize pool after the end of all claim periods of all selling lotteries, carried forward to a replacement game, or expended in a manner as directed by the members of the product group.

(b) Up to five percent (5%) of sales shall be placed in trust in one or more prize pool accounts and prize reserve accounts until the prize pool accounts and the party lottery's share of the prize reserve account(s) reach the amounts designated by the product group.

The product group has established the following prize reserve accounts for the Powerball game: The prize reserve account, which is used to guarantee the payment of

valid, but unanticipated, grand prize claims that may result from a system error or other reason, and the set prize reserve account, which is used to fund deficiencies in low-tier payments (subject to limitations of these rules).

The product group has established the following prize pool accounts for the Powerball game: the grand prize pool, which is used to fund the immediate grand prize; the set-aside account, which is used to guarantee payment of the minimum or starting grand prize; the Power Play pool account, which is described in K.A.R. 111-5-200; and the low-tier prize account, which holds the temporary balances that may result from having fewer than expected winners in the low-tier set prize categories. The source of the low-tier prize pool is the party lottery's weekly prize contributions less actual set prize liability.

When the prize pool accounts and the party lottery's share of the prize reserve accounts exceeds the designated amounts, the excess shall become part of the grand prize pool. The product group, with approval of the MUSL finance and audit committee, may establish a maximum balance for the prize pool accounts and prize reserve account(s).

The product group may determine to expend all or a portion of the funds in the prize pool accounts (except the grand prize pool account) and the prize reserve account(s) for the purpose of indemnifying the party lotteries and licensee lotteries in the payment of prizes to be made by the participating lotteries, subject to the approval of the MUSL board, and for the payment of prizes or special prizes in the game, subject to the approval of the MUSL finance and audit committee. The prize reserve shares of a party lottery may be adjusted with refunds to the party lottery from the prize reserve account(s) as may be needed to maintain the approved maximum balance and shares of the party lotteries.

Any amount remaining in the prize reserve accounts or the prize pool account(s) at the end of this game shall be returned to all lotteries participating in the accounts after the end of all claim periods of all selling lotteries, carried forward to a replacement prize reserve account or prize pool account or expended in a manner as directed by the members of the product group in accordance with state law.

(c) These amendments shall take effect January 22, 2014. (Authorized by K.S.A. 2013 Supp. 74-8710; implementing K.S.A. 2013 Supp. 74-8710 and K.S.A. 74-8731; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-3-24-92, March 20, 1992; amended, T-111-6-27-96, June 21, 1996; amended, T-111-10-27-97, Sept. 12, 1997; amended, T-111-7-29-05, July 15, 2005; amended, T-111-2-20-09, Dec. 11, 2008; amended, T-111-2-9-12, Dec. 14, 2011; amended, T-111-4-4-14, Dec. 11, 2013.)

111-5-26. Expected prize payout pari-mutuel prizes. (a) The grand prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as set cash prizes with the following expected approximate prize payout percentages:

Number of Matches Per Play	Prize Payment	Prize Pool Percentage Allocated to Prize

All five (5) of first set plus one (1) of second set	Grand Prize	63.9511%
All five (5) of first set and none of second set	\$1,000,000	19.4038%
Any four (4) of first set plus one (1) of second set	\$10,000	1.5409%
Any four (4) of first set and none of second set	\$100	0.5239%
Any three (3) of first set plus one (1) of second set	\$100	0.8167%
Any three (3) of first set and none of second set	\$7	1.9437%
Any two (2) of first set plus one (1) of second set	\$7	0.9909%
Any one (1) of first set and one (1) of second set	\$4	3.6097%
None of first set plus one (1) of second set	\$4	7.2194%

(b) The prize money allocated to the grand prize category shall be divided equally by the number of plays winning the grand prize.

(c) The set prize pool (for the cash prizes of \$1,000,000 or less) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw. If the total of the set prizes awarded in a drawing exceeds the percentage of the prize pool allocated to the set prizes, including power play prizes, then the amount needed to fund the set prizes awarded shall be drawn from the following sources, in the following order: (1) the amount allocated to the set prizes and carried forward from previous draws, if any; (2) an amount from the set prize reserve account, if available, not to exceed forty million dollars (\$40,000,000) per drawing. If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded, including power play prizes, then the highest set prize shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels. By agreement with the licensee lotteries, the licensee lotteries shall independently calculate their set pari-mutuel prize amounts. The party lotteries and the licensee lotteries shall then agree to set the pari-mutuel prize amounts for all lotteries selling the game at the lesser of the independently-calculated prize amounts.

(d) These amendments shall take effect January 22, 2014. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-10-27-97, Sept. 12, 1997; amended, T-111-10-15-02, Sept. 13, 2002; amended, T-111-7-29-05, July 15, 2005; amended, T-111-2-20-09, Dec. 11, 2008; amended, T-111-2-9-12, Dec. 14, 2011; amended, T-111-4-4-14, Dec. 11, 2013.)

111-5-28. Prize payments; annuitized and cash prizes. (a) Grand prizes shall be paid, at the election of the player made no later than 60 days after the player becomes entitled to a prize with either a per winner annuity or cash payment. If the payment election is not

made at the time of purchase and is not made by the player within 60 days after the player becomes entitled to the prize, then the prize shall be paid as an annuity prize. An election for an annuity payment made by a player before ticket purchase or by system default or design may be changed to a cash payment at the election of the player until the expiration of 60 days after the player becomes entitled to the prize. The election to take the cash payment may be made at the time of the prize claim or within 60 days after the player becomes entitled to the prize. An election made after the winner becomes entitled to the prize is final and cannot be revoked, withdrawn or otherwise changed. Shares of the grand prize shall be determined by dividing the cash available in the grand prize pool equally among all winning plays of the grand prize. Winner(s) who elected a cash payment shall be paid their share(s) in a single cash payment. The annuitized option prize shall be determined by multiplying a winner's share of the grand prize pool by the MUSL annuity factor. The MUSL annuity factor is determined by the best total securities price obtained through a competitive bid of qualified, pre-approved brokers made after it is determined that the prize is to be paid as an annuity prize or after the expiration of 60 days after the winner becomes entitled to the prize. Neither MUSL nor the party lotteries shall be responsible or liable for changes in the advertised or estimated annuity prize amount and the actual amount purchased after the prize payment method is actually known to MUSL. In certain instances announced by the product group, the grand prize shall be a guaranteed amount and shall be determined pursuant to subsection (f) of K.A.R. 111-5-28. If individual shares of the cash held to fund an annuity are less than \$250,000, the product group, in its sole discretion, may elect to pay the winners their share of the cash held in the grand prize pool of the annuity. All annuitized prizes shall be paid annually in 30 equal payments with the initial payment being made in cash, to be followed by 29 payments funded by the annuity. All annuitized prizes shall be paid annually in thirty (30) graduated payments (increasing each year) by a rate as determined by the product group. Prize payments may be rounded down to the nearest one-thousand dollars (\$1,000). Annual payments after the initial payment shall be made by the lottery on the anniversary date, or if such date falls on a non-business day, then on the first business day following the anniversary date of the selection of the jackpot winning numbers. Funds for the initial payment of an annuitized prize shall be made available by MUSL for payment by a party lottery by the fifteenth calendar day following the drawing or the next banking day if the fifteenth day is a non-business day. A state may elect to make the initial payment from its own funds after validation, with notice to MUSL.

(b) In the event of the death of a lottery winner during the annuity payment period, the product group, in its sole discretion, upon the petition of the estate of the lottery winner to the Kansas lottery, may accelerate the payment of all of the remaining lottery proceeds to the estate. If the product group makes such a determination, then securities and/or cash held to fund the deceased lottery winner's annuitized prize may be distributed to the estate.

(continued)

The identification of the securities to fund the annuitized prize shall be at the sole discretion of the product group.

(c) All low tier cash prizes, which are all prizes except the grand prize, shall be paid in cash through the party lottery which sold the winning ticket(s). A party lottery may begin paying low-tier cash prizes after receiving authorization to pay from the MUSL central office.

(d) Annuitized payments of the grand prize or a share of the grand prize may be rounded to facilitate the purchase of an appropriate funding mechanism. Breakage on an annuitized grand prize win shall be added to the first cash payment to the winner or winners. Prizes other than the grand prize, which, under these rules, may become single-payment, pari-mutuel prizes, may be rounded down so that prizes can be paid in multiples of whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

(e) If the grand prize is not won in a drawing, the prize money allocated for the grand prize shall roll over and be added to the grand prize pool for the following drawing.

(f) The product group may offer guaranteed minimum grand prize amounts or minimum increases in the grand prize amount between drawings or make other changes in the allocation of prize money where the product group finds that it would be in the best interest of the game. If a minimum grand prize amount or a minimum increase in the grand prize amount between drawings is offered by the product group, then the grand prize shares shall be determined as follows. If there are multiple grand prize winners during a single drawing, each selecting the annuitized option prize, then a winner's share of the guaranteed annuitized grand prize shall be determined by dividing the guaranteed annuitized grand prize by the number of winning plays. If there are multiple grand prize winners during a single drawing and at least one of the grand prize winners has elected the annuitized option prize, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized grand prize. If no winner of the grand prize during a single drawing has elected the annuitized option prize, then the amount of cash in the grand prize pool shall be an amount equal to the guaranteed annuitized amount divided by the average annuity factor of the most recent three best quotes provided by MUSL's pre-approved qualified brokers submitting quotes. In no case shall quotes be used which are more than two weeks old and if less than three quotes are submitted, then MUSL shall use the average of all quotes submitted. Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, set out in these rules. Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism set out in K.A.R. 111-5-26 becomes necessary.

(g) The holder of a winning ticket may win only one prize per board in connection with the winning numbers drawn, and shall be entitled only to the prize won by those numbers in the highest matching prize category.

(h) All prizes must be claimed within 365 days of the day of the drawing in which the prize was won.

(i) These amendments shall take effect January 22, 2014. (Authorized by K.S.A. 2013 Supp. 74-8710; implementing 2013 Supp. K.S.A. 74-8710 and K.S.A. 74-8731; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-3-24-92, March 20, 1992; amended, T-111-2-23-93, Feb. 19, 1993; amended, T-111-6-27-96, June 21, 1996; amended, T-111-10-27-97; Sept. 12, 1997; amended, T-111-1-21-99, Jan. 15, 1999; amended, T-111-8-20-02, Aug. 14, 2002; amended, T-111-10-15-02, Sept. 13, 2002; amended, T-111-7-29-05, July 15, 2005; amended, T-111-2-20-09, Dec. 11, 2008; amended, T-111-2-9-12, Dec. 14, 2011; amended, T-111-4-4-14, Dec. 11, 2013.)

111-5-31. Ticket responsibility. (a) Prize claim procedures shall be governed by the rules of the Kansas lottery. The MUSL and the Kansas lottery shall not be responsible for prizes that are not claimed following the proper procedures as determined by the Kansas lottery.

(b) Until such time as a signature, mark or name is placed on the back of a ticket in the area designated for a signature, mark or name, a ticket shall be owned by the holder of the ticket. When a signature, mark or name is placed on a ticket in the place designated, the person whose signature, mark or name appears in that area shall be the owner of the ticket and shall be entitled to any prize attributable thereto.

(c) If the signature of more than one person appears on the back of the ticket in the designated place, the lottery shall make payment to the person presenting the ticket whose signature appears on both the ticket and the winner claim form. If all persons whose signatures appear in the appropriate space cannot identify one person to whom payment should be made, the lottery shall keep the prize until a determination of entitlement is made by the parties. In no event shall more than one person be entitled to a particular prize.

(d) It shall be the sole responsibility of the player to verify the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player's own risk through the online agent who is acting on behalf of the player in entering the play or plays.

(e) The product group, the MUSL and Kansas lottery shall not be responsible for lost, damaged, destroyed, misprinted, or stolen tickets, or tickets printed based on faulty information. (Authorized by K.S.A. 2013 Supp. 74-8710; implementing K.S.A. 2013 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-3-5-92, Feb. 21, 1992; amended, T-111-10-27-97, Sept. 12, 1997; amended, T-111-4-2-99, March 19, 1999; amended, T-111-2-9-12, Dec. 14, 2011; amended, T-111-4-4-14, Dec. 11, 2013.)

111-5-200. Powerball Power Play promotion. (a) The Kansas Lottery shall offer players the opportunity to participate in the Powerball Power Play promotion, with changes effective in these rules beginning January 22, 2014. The Power Play promotion shall offer a Powerball player a chance to increase the amount of any of the eight lump sum set prizes (the lump sum prizes normally paying \$4 to \$1,000,000) won in a drawing held during the promotion. The grand prize jackpot is not a set prize and will not be increased.

(b) A qualifying play is any single Powerball play for which the player pays an extra one dollar for the Power Play option play and which is recorded in the Kansas Lottery's central computer as a qualifying play.

(c) Except as provided in these rules, a qualifying play which wins one of the seven lowest lump sum set prizes (excluding the match 5+0 prize) will be multiplied by the number selected, either two, three, four, or five (2, 3, 4, or 5), in a separate random Power Play drawing announced during the official Powerball drawing show. Each announced match 5+0 prize, for players selecting the Power Play option, shall be \$2,000,000 (two million dollars) unless a higher limited promotional dollar amount is announced by the product group.

(d) The multi-state lottery association will conduct a separate random Power Play drawing and announce results during each of the regular Powerball drawings held during the promotion. During each Powerball drawing, a single number (2, 3, 4, or 5) shall be drawn. The product group may modify the multiplier features for special promotions from time to time.

(e) The prize pool for all prize categories shall consist of up to forty-nine and thirty-six hundredths percent (49.36%) of each drawing period's sales, including any specific statutorily mandated tax of a selling lottery to be included in the price of a lottery ticket. The Power Play prize pool shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the power play prizes awarded in the current draw and held in the Power Play pool account.

(f) An additional zero and sixty-four hundredths of one percent (0.64%) of sales, including any specific statutorily mandated tax to be included in the price of a lottery ticket, may be collected and placed in trust in the Power Play pool account for the purpose of paying Power Play prizes. Any amount remaining in the Power Play pool account at the end of this game shall be returned to all lotteries participating in the account after the end of all claim periods of all selling lotteries, carried forward to a replacement game, or expended in a manner as directed by the members of the product group and in accordance with Kansas law.

(g) The expected prize payout for Power Play prizes is as follows:

	Prize Amount	5X	4X	3X	2X
Match 5+0	\$1,000,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Match 4+1	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Match 4+0	\$100	\$500	\$400	\$300	\$200
Match 3+1	\$100	\$500	\$400	\$300	\$200
Match 3+0	\$7	\$35	\$28	\$21	\$14
Match 2+1	\$7	\$35	\$28	\$21	\$14
Match 1+1	\$4	\$20	\$16	\$12	\$8
Match 0+1	\$4	\$20	\$16	\$12	\$8

In certain instances the Powerball set prize amount may be less than the amount shown as otherwise provided in these rules.

(h) The following table sets forth the probability of the various Power Play numbers being drawn during a single Powerball drawing, except that the Power Play amount for the Match 5+0 prize will be \$2,000,000 (two million dollars). The Powerball group may elect to run limited promotions that may modify the multiplier features.

Probability of Prize Increase

5X - Prize Won Times 5	1 in 10
4X - Prize Won Times 4	1 in 10
3X - Prize Won Times 3	1 in 3.33
2X - Prize Won Times 2	1 in 2

Power Play does not apply to the Powerball grand prize. Except as provided in these rules, a Power Play match 5 prize is set at \$2,000,000 (two million dollars), regardless of the multiplier selected.

(i) The Prize pool percentage allocated to the Power Play set prizes shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw. Except as provided in these rules, if the total of the original Powerball set prizes and the Power Play prizes awarded in a drawing exceeds the percentage of the prize pools allocated to the set prizes, then the amount needed to fund the set prizes (including the Power Play prize amounts) awarded shall be drawn from the following sources in the following order:

- (1) the amount allocated to the set prizes and carried forward from previous draws, if any;
- (2) an amount from the Powerball set prize reserve account, if available in the account, not to exceed \$40,000,000 (forty million dollars) per drawing.

If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded (including Power Play prize amounts), then the highest set prize (including the Power Play prize amounts) shall become a pari-mutuel prize. If the amount of the highest set prize, when paid on a pari-mutuel basis, drops to or below the next highest set prize and there are still not sufficient funds to pay the remaining set prizes awarded, then the next highest set prize, including the Power Play prize amount, shall become a pari-mutuel prize. This procedure shall continue down through all set prize levels, if necessary, until all set prize levels become pari-mutuel prize levels. In that instance, the money available from the funding sources listed in this rule shall be divided among the winning plays in proportion to their respective prize percentages. Powerball and Power Play prizes will be reduced by the same percentage.

(j) All Power Play prizes shall be paid in one lump sum. The lottery will begin paying Power Play prizes after receiving authorization to pay from the MUSL central office.

(k) Prizes that, under these rules, may become pari-mutuel prizes, may be rounded down so that prizes can be paid in whole dollars. Breakage resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-2-9-12, Dec. 14, 2011; amended, T-111-4-4-14, Dec. 11, 2013.)

Article 15.—RAFFLE GAMES

111-15-3. Game description; retail sale of tickets.

(a) "Holiday Millionaire Raffle" is a raffle drawing which offers a total of 175,000 online tickets available for sale. Each ticket shall bear a "TICKET NUMBER" on the face of the ticket. The Kansas lottery will conduct "Holiday

(continued)

Millionaire Raffle Early Bird Drawings” according to the following schedule, unless otherwise determined by the executive director:

Drawing	Purchase Deadline 8:59 p.m. on:	Drawing Date
Early Bird 1	Sunday, October 13, 2013	Sunday, October 13, 2013
Early Bird 2	Sunday, October 13, 2013	Sunday, October 13, 2013
Early Bird 3	Sunday, October 20, 2013	Sunday, October 20, 2013
Early Bird 4	Sunday, October 20, 2013	Sunday, October 20, 2013
Early Bird 5	Sunday, October 27, 2013	Sunday, October 27, 2013
Early Bird 6	Sunday, October 27, 2013	Sunday, October 27, 2013
Early Bird 7	Sunday, November 3, 2013	Sunday, November 3, 2013
Early Bird 8	Sunday, November 3, 2013	Sunday, November 3, 2013
Early Bird 9	Sunday, November 10, 2013	Sunday, November 10, 2013
Early Bird 10	Sunday, November 10, 2013	Sunday, November 10, 2013

For each early bird drawing, one ticket number will be drawn to determine the winner of one \$10,000 prize. A ticket must be purchased before 8:59 p.m. the day of the drawing to be eligible for that drawing. In the event a ticket wins the prize in an early bird drawing, the ticket will remain eligible for any remaining drawings, including the final drawing held on December 31, 2013. For the final drawing, an electronic drawing machine, which has been approved by the executive director of the Kansas lottery, shall randomly select a total of 2,551 “WINNING NUMBERS.” Each “WINNING NUMBER” consists of a six-digit number as it appears in exact order reading from left to right. A player wins by exactly matching his or her “TICKET NUMBER” to a “WINNING NUMBER” that was selected in the drawing. The first “WINNING NUMBER” selected during the drawing process shall be the grand prize winner. The second (2nd) through twenty-sixth (26th) “WINNING NUMBERS” selected during the drawing process shall be the second prize winners. The next 25 “WINNING NUMBERS” selected during the drawing process, which shall be drawn in the order of the twenty-seventh (27th) “WINNING NUMBER” through the fifty-first (51st) “WINNING NUMBER,” shall be the third prize winners. The next 2,500 “WINNING NUMBERS” selected during the drawing process, which shall be drawn in the order of the fifty-second (52nd) “WINNING NUMBER” through the two thousand five hundred fifty-first (2,551st) “WINNING NUMBER,” shall be the fourth prize winners. If 169,000 of the 175,000 tickets that are available for sale are sold, all prizes shall be paid as a cash lump sum payment. If less than 169,000 tickets available for sale are sold, all prizes may be paid on a pari-mutuel basis as a cash lump sum payment of the total cash held for all tickets sold in this game. To play the “Holiday Millionaire Raffle,” a player shall purchase a “Holiday Millionaire Raffle” ticket which bears a ticket number on the face of the ticket.

(b) A “Holiday Millionaire Raffle” ticket shall sell for \$20 (twenty) dollars.

(c) Tickets shall not be sold to any person under the age of 18 years. Each retailer may require a person purchasing tickets to produce proof of age.

(d) Each ticket shall be purchased from a terminal operated by a retailer.

(e) All tickets sold by a retailer shall be a “computer pick” or “quick pick” ticket.

(f) A validated ticket shall be the only proof of a game play. The only method of claiming a prize or prizes shall

be the submission of the original winning ticket to and receipt of said ticket by the lottery or its authorized agent.

(g) The only guaranteed methods of win checking a ticket to determine whether the ticket bears a winning number shall be through the Kansas lottery check-a-ticket machines, or submission of a ticket to the Kansas lottery or an authorized retail agent.

(h) A ticket shall not be voided or cancelled by returning the ticket to the selling retailer, including tickets that are printed in error. Exchange tickets may be printed by the lottery for early bird drawing winners at the discretion of the executive director.

(i) There shall be a total of 175,000 available tickets for sale.

(j) Ticket sales will begin at 5:00 a.m. central time on October 1, 2013.

(k) Ticket sales will end at 2:00 a.m. central time on December 31, 2013, or whenever all 175,000 tickets that are available for sale are sold, whichever comes first.

(l) The game will officially close at 4:30 a.m. on December 31, 2013.

(m) The drawing shall be conducted on December 31, 2013, before noon central time, at a secure location as determined by the executive director, after the game is closed and the drawing official has verified that the game is closed, under conditions and procedures promulgated by the executive director of the lottery.

(n) Each player shall have the sole responsibility for verifying the accuracy and condition of the data printed on the ticket. The purchase of a ticket is done at the player’s own risk through the online retailer who is deemed to be acting on behalf of the player in entering the play or plays.

(o) For any reason or under any circumstance, the liability of the Kansas lottery or its agents shall be strictly limited to a refund of the amount of the ticket purchase price.

(p) Winning ticket numbers shall be made available to the public on or about noon, December 31, 2013. (Authorized by K.S.A. 2013 Supp. 74-8710; implementing K.S.A. 2013 Supp. 74-8710 and 74-8718; effective, T-111-10-8-09, Sept. 9, 2009; amended, T-111-12-7-10, Sept. 8, 2010; amended, T-111-12-29-10, Dec. 9, 2010; amended, T-111-10-12-11, Sept. 14, 2011; amended, T-111-10-18-12, Sept. 12, 2012; amended, T-111-11-6-13, Sept. 11, 2013; amended, T-111-4-4-14, Dec. 11, 2013.)

111-15-5. Expected prize payout. (a) In the event 169,000 or more of the tickets available for sale in this raffle game are sold, all prizes awarded shall be paid as set cash prizes, with the following expected approximate prize payout amounts:

Order in Which Winning Number Was Drawn	Prize Payment
Early Bird Drawings:	
1 through 10	\$10,000
Raffle Drawing on December 31, 2013:	
1	\$1,000,000
2 through 26	\$5,000

27 through 51	\$1,000
52 through 2,551	\$100

(b) In the event less than 169,000 tickets available for sale in this raffle game are sold, all prizes awarded as described in subsection (a) above may be paid as pari-mutuel prizes, as a cash lump sum payment of the total cash held for all tickets sold in this game. In that instance, the money available from the funding sources for this game shall be divided among the winning tickets/plays in proportion to their respective prize percentages. Any pari-mutuel prizes awarded shall be calculated rounding down to the nearest dollar. Monies left over after prizes have been rounded down shall be applied to the general prize reserve pool for subsequent lottery games. (Authorized by and implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-10-8-09, Sept. 9, 2009; amended, T-111-10-12-11, Sept. 14, 2011; amended, T-111-10-18-12, Sept. 12, 2012; amended, T-111-11-6-13, Sept. 11, 2013; amended, T-111-4-4-14, Dec. 11, 2013.)

Article 17.—SPECIFIC ONLINE DRAWING RULES

111-17-13. Kansas Speedway second-chance online event drawings. (a) The Kansas lottery shall conduct a series of two second-chance online event drawings entitled "Kansas Speedway Drawings." The Kansas lottery will accept online entries into the drawing(s) beginning at midnight December 18, 2013, or any time on the date the "Super Red Hot Crossword" instant Kansas lottery ticket number 562 is first offered for sale to the general public, whichever occurs first. Entry into the first drawing will close at noon on April 1, 2014. Entry into the second drawing will close at noon on August 19, 2014. The drawings will be conducted sometime after entry into the drawings has closed, but before noon on April 4, 2014, for the first drawing and before noon on August 22, 2014, for the second drawing.

(b) The specific ticket eligible for entry into the second-chance online event drawings shall be non-winning \$5 Kansas lottery instant ticket named Super Red Hot Crossword, game number 562. Winning tickets for game number 562 will be disqualified.

(c) For the drawing to be conducted before noon on April 4, 2014, the Kansas lottery shall award 30 VIP race weekend prize packages for two to players who entered the "Kansas Speedway Drawing" using the non-winning \$5 Kansas lottery instant ticket named Super Red Hot Crossword, game number 562. Each VIP racing weekend prize package shall consist of two tickets at Kansas Speedway for the NASCAR Camping World Truck Series races on May 9, 2014, and NASCAR Sprint Cup Series race on May 10, 2014; one double occupancy hotel room for the evenings of May 8, 9, and 10, 2014; transportation between the hotel and Kansas Speedway; food and other amenities at the Kansas lottery winner's suite at Kansas Speedway; \$400 cash; and state and federal mandatory income withholding taxes. Each VIP racing weekend prize package is valued at approximately \$4,075.

(d) For the drawing to be conducted before noon on August 22, 2014, the Kansas lottery shall award 30 VIP race weekend prize packages for two to players who entered the "Kansas Speedway Drawing" using the non-

winning \$5 Kansas lottery instant ticket named Super Red Hot Crossword, game number 562. Each VIP racing weekend prize package shall consist of two tickets at Kansas Speedway for the NASCAR Nationwide Series race on October 4, 2014, and the NASCAR Sprint Cup Series race on October 5, 2014; one double occupancy hotel room for the evenings of October 3 and 4, 2014; transportation between the hotel and Kansas Speedway; food and other amenities at the Kansas lottery winner's suite at Kansas Speedway; \$400 cash; and state and federal mandatory income withholding taxes. Each VIP racing weekend prize package is valued at approximately \$4,075.

(e) There will be two drawings held as described in subsection (a) to select winners of prizes. Each drawing shall select 100 entrants. The first 30 entrants drawn in the drawing entry into which closes at noon on April 1, 2014, shall be awarded prizes identified in subsection (c). The next 70 entrants drawn in this drawing (identified as numbers 31 through 100) will be used as alternate winners, if necessary, in the order drawn. The first 30 entrants drawn in the second drawing entry into which closes at noon on August 19, 2014, shall be awarded prizes identified in subsection (d). The next 70 entrants drawn in this drawing (identified as numbers 31 through 100) will be used as alternate winners, if necessary, in the order drawn.

(f) A player may enter the drawing(s) an unlimited number of times, but may win only one prize package. Entries into the first drawing will be eligible to win a prize in the second drawing.

(g) A winner of a prize shall be notified via email that he or she has won a prize. The winner shall be instructed how to verify his or her personal identification.

(h) A winner shall be sent a claim form via U. S. mail at the time the winner is notified he or she has won a prize.

(i) A player who is among the first 30 winners selected in each drawing to receive a prize must return his or her completed claim form, and must be received by the Kansas lottery within 14 days following the date of the online event drawing. A player who is among the entrants selected as alternate winners in this drawing to receive a prize identified in subsection (e) must return his or her completed claim form within 14 days following the date the alternate winner was sent a claim form via U. S. mail.

(j) Completed claim forms and non-winning ticket(s) can be mailed by the winner via U.S. Mail to: Kansas lottery, 128 North Kansas Avenue, Topeka, Kansas 66603, or the winner can deliver the completed claim form and non-winning ticket to the Kansas lottery claims center in Topeka, Kansas.

(k) If a player fails to answer any email, respond to any request for information, or fill out any forms required by the Kansas lottery within the time allotted in the winner's notification of winning a prize, said win shall be forfeited and the prize awarded to another alternate winner.

(l) Each person who enters a Kansas Lottery non-winning Super Red Hot Crossword, game number 562, agrees to release Kansas Speedway Corporation, its parent and affiliated companies, the Kansas lottery and their respective officers, directors, employees, agents, and

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sponsors from liability of any kind or nature for any loss, claims, damages, or injuries of any kind associated with participation in the drawing or with acceptance and use of any prize.

(m) In the event any race in the prize package awarded for this drawing is postponed, changed, or canceled in whole or in part, no cash prize substitutions or other compensation shall be provided.

(n) Rules applicable to this online event drawing are contained in K.A.R. 111-17-13 and K.A.R. 111-16-1 *et seq.* (Authorized by K.S.A. 2013 Supp. 74-8710 and K.S.A. 74-8748; implementing K.S.A. 2013 Supp. 74-8710; effective, T-111-4-4-14, Dec. 11, 2013.)

Terry Presta
Executive Director

Doc. No. 042443

State of Kansas

Secretary of State

Certification of New State Laws

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

Kris W. Kobach
Secretary of State

(Published in the Kansas Register April 24, 2014.)

SENATE BILL No. 285

AN ACT concerning payments for providing vision care services; pertaining to limitations imposed by insurance plans and discount plans.

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

Section 1. No contract issued or renewed on or after the effective date of this act between any insurer, health insurer or any other entity that writes vision care insurance or a vision care discount plan and a vision care provider shall contain any provisions which requires the vision care provider to:

(a) Provide services or materials to an insured under such vision care insurance or health benefit plan or to a subscriber to a vision care discount plan at a fee limited or set by such vision care insurance plan or health benefit plan or vision care discount plan unless the services or materials are reimbursed as covered services under the contract; or

(b) participate in a vision care insurance or a vision care discount plan as a condition to participate in any other health benefit plan or vision care plan, regardless of whether such vision care plan is a plan of insurance or a vision care discount program which is not an insurance plan.

Sec. 2. No vision care provider shall charge more for services and materials that are not covered services under either vision care insurance or a vision care discount plan than such vision care provider's usual and customary rate for those services and materials.

Sec. 3. (a) No vision care insurance policy or vision care discount plan contract covered by this act shall change the terms, discounts or rates provided therein without the concurrence and agreement at the time of such change by the vision care provider.

(b) No vision care insurance policy or vision care discount plan that provides covered services for materials shall have the effect, directly or indirectly, of limiting the choice of sources and suppliers of materials by a patient of a vision care provider.

Sec. 4. No provision of this act shall prohibit the use of a discount card by a patient or client of a vision care provider if:

- (a) Enrollment by the vision care provider is:
- (1) Completely voluntary; and

(2) not conditioned upon the vision care provider's participation in any other discount card with different provider terms and conditions or insurance program; and

(b) the discount card program does not make or include any coverage or payment to the vision care provider.

Sec. 5. For the purposes of this act:

(a) (1) "Covered service" means any service or material for which:

(A) Reimbursement from the vision care insurance or health benefit plan is provided for by an insured's vision care insurance plan or health benefit plan contract subject to the application of the vision care insurance or health benefit plan's deductibles, copayments or coinsurance; or

(B) a reimbursement would be available subject to the application of any contractual limitations of deductibles or copayments required under the vision care discount plan coinsurance.

(2) "Covered services" does not include any services or materials covered or provided at a nominal or de minimus rate.

(b) "Contractual discount" means a percentage reduction from a vision care provider's usual and customary rate for providing covered services and materials required under a participating provider agreement.

(c) "Discount card" shall have the meaning ascribed to such term in K.S.A. 50-1,100, and amendments thereto.

(d) "Health benefit plan" shall have the meaning ascribed to such term in K.S.A. 40-4602, and amendments thereto.

(e) "Health insurer" shall have the meaning ascribed to such term in K.S.A. 40-4602, and amendments thereto.

(f) "Material" includes, but is not limited to, lenses, devices containing lenses, prisms, lens treatments and coatings, contact lenses, orthoptics, vision training and any prosthetic device necessary to correct, relieve, or treat any defect or abnormal condition of the human eye or its adnexa.

(g) "Participating provider agreement" includes a health benefit plan, vision care insurance or a vision care discount plan.

(h) "Participating provider" shall have the meaning ascribed to such term in K.S.A. 40-4602, and amendments thereto.

(i) "Vision care insurance" means an integrated health benefit plan or vision care insurance policy or contract which provides vision benefits pertaining to the provision of covered services or materials.

(j) "Vision care provider" means an optometrist licensed by the board of examiners in optometry or an ophthalmologist licensed by the state board of healing arts.

(k) "Vision care discount plan" means any entity governed by K.S.A. 50-1,100, and amendments thereto, which has been specifically authorized by the vision care providers to provide discounts to patients.

Sec. 6. Sections 1 through 6, and amendments thereto, shall be known and may be cited as the vision care services act.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 24, 2014.)

HOUSE BILL No. 2420

AN ACT concerning school crossing guards; amending K.S.A. 2013 Supp. 8-15,104 and repealing the existing section.

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

Section 1. K.S.A. 2013 Supp. 8-15,104 is hereby amended to read as follows: 8-15,104. (a) The governing body of any school district, nonpublic school, city, *township located in a county designated as an urban area pursuant to K.S.A. 19-2654, and amendments thereto*, or county is hereby authorized to appoint and equip volunteers and designated employees of such school district, nonpublic school, city, *township* or county, and may provide training to such volunteers *and employees* as school crossing guards, as defined in K.S.A. 2013 Supp. 8-1492, and amendments thereto, *and is further hereby authorized to retain any other individual, firm, partnership, corporation, public agency or other association of persons, by contract for services* to direct traffic at school crossings, streets and highways in the vicinity of schools and bus stops, by means of lawful orders, signs or semaphores. Such persons shall wear a distinctive garb or insignia indicating such appointment.

(b) School crossing guards shall not have the power to issue citations or the power to arrest provided to law enforcement officers.

Sec. 2. K.S.A. 2013 Supp. 8-15,104 is hereby repealed.

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

(Published in the Kansas Register April 24, 2014.)

SENATE BILL No. 344

AN ACT regulating traffic; concerning motor carriers, special permits; relating to oversized loads; transporting hay or feed stuffs; amending K.S.A. 2013 Supp. 8-1911 and 66-1344 and repealing the existing sections.

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

Section 1. K.S.A. 2013 Supp. 8-1911 is hereby amended to read as follows: 8-1911. (a) The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion, upon application, may issue a special permit, which term shall include an authorization number, to the owner or operator of an oversize or overweight vehicle. The special permit shall authorize the special permit holder to operate or move a vehicle or combination of vehicles which exceed the limitations of this act, on a route, or routes, designated in the special permit and in accordance with the terms and conditions of the special permit.

(b) The application for the permit shall describe the vehicle, or combination of vehicles and all loads or cargo for which the special permit is requested, the route or routes on which operation is sought and whether a single trip or annual operation is requested. One special permit may be issued for a vehicle or combination of vehicles, that are both oversize and overweight. A special permit under this section may be for a single trip or for annual operation. The special permit shall designate the route or routes that may be used and any other terms, conditions or restrictions deemed necessary. The secretary of transportation shall charge a fee for each permit or authorization number issued as provided for in subsection (f). No permit shall be required to authorize the moving or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, or vehicles owned by counties, cities and other political subdivisions of the state, except that this sentence shall not: (1) Exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on interstate highways.

(c) A permit shall be valid only when the registration on the power unit is equal to or exceeds the total gross weight of the vehicle. When the gross weight of the vehicle exceeds the upper limit of the available registration, the maximum amount of registration must be purchased. The provisions of this subsection shall not apply to a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto, and registered in accordance with the provisions of K.S.A. 8-143, and amendments thereto.

(d) The secretary or local authority may issue or withhold the permit at the secretary's or local authority's discretion or may limit the number of trips, or establish seasonal or other time limitations within which the vehicles described may be operated on the highways, or may otherwise limit or prescribe conditions of operations of such vehicle or combination of vehicles, when necessary to assure against undue damage to the road. The secretary or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. It shall be unlawful for any person to violate any of the terms or conditions of the special permit.

(f) The secretary of transportation shall charge and collect fees as follows:

- (1) Twenty dollars for each single-trip permit;
- (2) thirty dollars for each single-trip permit for a large structure, as defined by rules and regulations;
- (3) fifty dollars for each single-trip permit for a superload, as defined by rules and regulations;
- (4) twenty-five dollars for a five-year permit for vehicles authorized to move bales of hay under subsection (j) on noninterstate highways;
- (5) one hundred and fifty dollars for each annual permit; or
- (6) two thousand dollars per year for each qualified carrier company for special vehicle combination permits authorized under K.S.A. 8-1915, and amendments thereto, plus \$50 per year for each power unit operating under such annual permit.

No fees shall be charged for permits issued for vehicles owned by counties, cities and other political subdivisions of the state. All permit fees received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund. The secretary may adopt rules and regulations for payment and collection of all fees. The secretary may adopt rules and regulations implementing the provisions of this section to prescribe standards for any permit program to enhance highway safety.

(g) If any local authority does not desire to exercise the powers conferred on it by this section to issue or deny permits then such a permit from the local authority shall not be required to operate any such vehicle or combination of vehicles on highways under the jurisdiction of such local authority, but in no event shall the jurisdiction of the local authority be construed as extending to any portion of any state highway, any city street designated by the secretary as a connecting link in the state highway system or any highway within the national system of interstate and defense highways, which highways and streets, for the purpose of this section, shall be under the jurisdiction of the secretary.

(h) A house trailer, manufactured home or mobile home which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on the highways of this state by obtaining a permit as provided in this section, if:

- (1) The width of such house trailer, manufactured home or mobile home does not exceed 16½ feet;
- (2) the driver of the vehicle pulling the house trailer, manufactured home or mobile home has a valid driver's license; and
- (3) the driver carries evidence that the house trailer, manufactured home or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than \$100,000 for injury to any one person, and \$300,000 for injury to persons in any one accident, and \$25,000 for injury to property.

For the purposes of this subsection, the terms "manufactured home" and "mobile home" shall have the meanings ascribed to them by K.S.A. 58-4202, and amendments thereto.

(i) Upon proper application stating the description and registration of each power unit, the secretary of transportation shall issue permits for a period, from May 1 to November 15, for custom combine operators to tow custom-combine equipment on a trailer within legal dimensions or a trailer especially designed for the transportation of combines or combine equipment at the rate of \$10 per power unit. Each application shall be accompanied by information as required by the secretary. The permit shall allow custom combine operators to haul two combine headers on designated interstate highways provided:

- (1) The vehicle plus the load do not exceed 14 feet in width;
- (2) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset; and
- (3) the vehicle plus the load are not overweight.

(j) Except as provided in paragraph (2) of subsection (d) of K.S.A. 8-1902, and amendments thereto, a vehicle loaded with bales of hay which exceeds the width as provided in subsection (a) of K.S.A. 8-1902, and amendments thereto, may be moved on any highway designated as a part of the national network of highways by obtaining a permit as provided by this section, if:

- (1) The vehicle plus the bales of hay do not exceed 12 feet in width;
- (2) the vehicle plus the bales of hay do not exceed the height authorized under K.S.A. 8-1904, and amendments thereto;
- (3) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset;
- (4) the vehicle plus the load are not overweight; and
- (5) the vehicle plus the load comply with the signing and marking requirements of paragraph (3) of subsection (d) of K.S.A. 8-1902, and amendments thereto.

(k) If it is determined by the secretary of transportation that a person has been granted a permit and has not complied with the applicable provisions of this section and the rules and regulations of the secretary of transportation relating thereto, the secretary may cancel the permit and may refuse to grant future permits to the individual.

(l) (1) *Vehicles operating under the provisions of a permit issued under subsection (a), which exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall have a sign attached which states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush stroke of not less than 1⅜ inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load no longer exceeds the legal width dimensions prescribed by K.S.A. 8-1902, and amendments thereto,*

(continued)

or the length provisions in K.S.A. 8-1904, and amendments thereto. Each such vehicle shall be equipped with red flags on all four corners of the oversize load.

(2) Vehicles operating under the provision of a permit issued under subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not have a sign attached which states "OVERSIZE LOAD."

(m) (1) Vehicles operating under the provisions of a permit issued under subsection (a), which exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not operate: (i) During the time period between 30 minutes after sunset to 30 minutes before sunrise, unless specifically authorized under another statute or regulation; (ii) under conditions where visibility is less than ½ mile; or (iii) when highway surfaces have ice or snow pack or drifting snow.

(2) Vehicles operating under the provisions of a permit issued under subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-hour days, except that such vehicles shall not operate when highway surfaces have ice or snow pack or drifting snow.

Sec. 2. K.S.A. 2013 Supp. 66-1344 is hereby amended to read as follows: 66-1344. (a) Whenever the governor or the United States department of agriculture declares that all or any portion of the state is in a state of drought pursuant to subsection (e) of K.S.A. 48-924 et seq., and amendments thereto, the following conditions shall apply to any motor carrier transporting hay or related animal forage feedstuffs to the geographic area as specified in such declaration of drought:

(1) Motor carrier registration and fuel tax permits as enforced by the Kansas department of revenue shall be temporarily suspended;

(2) any licensing, certification and permitting rules and regulations as required by the state corporation commission shall be temporarily suspended;

(3) motor carriers shall not operate during the period beginning 30 minutes after sunset and ending 30 minutes before sunrise, and shall comply with the flags, signs and lighting requirements applicable to overwidth vehicles as provided in K.S.A. 8-1902, and amendments thereto;

~~(4) motor carriers shall not operate during inclement weather conditions;~~

~~(5) oversize or overweight loads shall not be transported when visibility is less than ½ mile, or when conditions of moderate to heavy rain, sleet, snow, fog or smoke exist, or when highway surfaces are slippery due to ice or packed snow; and~~

~~(6) (A) Vehicles which exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not operate unless specifically authorized under another statute or rule and regulation: (i) Under conditions where visibility is less than ½ mile; or (ii) when highway surfaces have ice or snow pack or drifting snow;~~

(B) vehicles which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-hour days, except that such vehicles shall not operate when highway surfaces have ice or snow pack or drifting snow;

(5) motor carriers shall not transport a load of more than 12 feet in width and 14 feet, six inches, in height.

(b) The provisions of subsection (a) shall be effective immediately upon a declaration of a state of drought by the governor or the United States department of agriculture and shall continue in effect until such declaration has been terminated.

(c) As used in this section:

(1) "Commercial vehicle" has the same meaning as provided in K.S.A. 8-2,128, and amendments thereto; and

(2) "motor carrier" means any driver operating a commercial motor vehicle and any person that holds a certificate of convenience and necessity, a certificate of public service or a private carrier permit from the state corporation commission, or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504a.

Sec. 3. K.S.A. 2013 Supp. 8-1911 and 66-1344 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 24, 2014.)

Substitute for HOUSE BILL No. 2223

AN ACT concerning alcoholic beverages; relating to homemade fermented beverages; amending K.S.A. 2013 Supp. 41-104, 41-308b, 41-308d and 41-311 and repealing the existing sections.

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

Section 1. K.S.A. 2013 Supp. 41-104 is hereby amended to read as follows: 41-104. No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act shall prevent:

(a) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker and the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

(c) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(g) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following: (1) The consumer must be at least 21 years of age; (2) the consumer must purchase the wine while physically present on the premises of the wine manufacturer; (3) the wine must be for the consumer's personal consumption and not for resale; and (4) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

(h) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; or

(i) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance.

(j) For purposes of subsection (b), the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" shall not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

Sec. 2. K.S.A. 2013 Supp. 41-308b is hereby amended to read as follows: 41-308b. (a) A microbrewery license shall allow:

(1) The manufacture of not less than 100 nor more than ~~15,000~~ 30,000 barrels of domestic beer during the license calendar year and the storage thereof;

(2) the sale to beer distributors of beer, manufactured by the licensee;

(3) the sale, on the licensed premises in the original unopened container to consumers for consumption off the licensed premises, of beer manufactured by the licensee;

(4) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of beer manufactured by the licensee, if the premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

(5) if the licensee is also licensed as a club or drinking establishment, the sale of domestic beer and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act; and

(6) if the licensee is also licensed as a caterer, the sale of domestic beer and other alcoholic liquor for consumption on unlicensed premises as authorized by the club and drinking establishment act.

(b) Upon application and payment of the fee prescribed by K.S.A. 41-310, and amendments thereto, by a microbrewery licensee, the director may issue not to exceed one microbrewery packaging and warehousing facility license to the microbrewery licensee. A microbrewery packaging and warehousing facility license shall allow:

(1) The transfer, from the licensed premises of the microbrewery to the licensed premises of the microbrewery packaging and warehousing facility, of beer manufactured by the licensee, for the purpose of packaging or storage, or both; and

(2) the transfer, from the licensed premises of the microbrewery packaging and warehousing facility to the licensed premises of the microbrewery, of beer manufactured by the licensee; or

(3) the removal from the licensed premises of the microbrewery packaging and warehousing facility of beer manufactured by the licensee for the purpose of delivery to a licensed beer wholesaler.

(c) A microbrewery may sell domestic beer in the original unopened container to consumers for consumption off the licensed premises at any time between 6 a.m. and 12 midnight on any day except Sunday and between 11 a.m. and 7 p.m. on Sunday. If authorized by subsection (a), a microbrewery may serve samples of domestic beer and serve and sell domestic beer and other alcoholic liquor for consumption on the licensed premises at any time when a club or drinking establishment is authorized to serve and sell alcoholic liquor.

(d) The director may issue to the Kansas state fair or any bona fide group of brewers a permit to import into this state small quantities of beer. Such beer shall be used only for bona fide educational and scientific tasting programs and shall not be resold. Such beer shall not be subject to the tax imposed by K.S.A. 41-501, and amendments thereto. The permit shall identify specifically the brand and type of beer to be imported, the quantity to be imported, the tasting programs for which the beer is to be used and the times and locations of such programs. The secretary shall adopt rules and regulations governing the importation of beer pursuant to this subsection and the conduct of tasting programs for which such beer is imported.

(e) A microbrewery license or microbrewery packaging and warehousing facility license shall apply only to the premises described in the application and in the license issued and only one location shall be described in the license.

(f) No microbrewery shall:

(1) Employ any person under the age of 18 years in connection with the manufacture, sale or serving of any alcoholic liquor;

(2) permit any employee of the licensee who is under the age of 21 years to work on the licensed premises at any time when not under the on-premises supervision of either the licensee or an employee of the licensee who is 21 years of age or over;

(3) employ any person under 21 years of age in connection with mixing or dispensing alcoholic liquor; or

(4) employ any person in connection with the manufacture or sale of alcoholic liquor if the person has been convicted of a felony.

(g) Whenever a microbrewery licensee is convicted of a violation of the Kansas liquor control act, the director may revoke the licensee's license and all fees paid for the license in accordance with the Kansas administrative procedure act.

Sec. 3. K.S.A. 2013 Supp. 41-308d is hereby amended to read as follows: 41-308d. (a) Notwithstanding any other provisions of the Kansas liquor control act to the contrary, any person or entity who is licensed to sell alcoholic liquor in the original package at retail may conduct wine, beer and distilled spirit tastings on the licensed premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, as follows:

(1) Wine, beer and spirits for the tastings shall come from the inventory of the licensee. Except as provided by paragraph (2), a person

other than the licensee or the licensee's agent or employee may not dispense or participate in the dispensing of alcoholic beverages under this section.

(2) The holder of a supplier's permit or *Kansas farm winery license* or such permit holder's or licensee's agent or employee may participate in and conduct product tastings of alcoholic beverages at a retail licensee's premises, or adjacent premises, monitored and regulated by the division of alcoholic beverage control, and may open, touch, or pour alcoholic beverages, make a presentation, or answer questions at the tasting. Any alcoholic beverage tasted under this subsection must be purchased from the retailer on whose premises the tasting is held. The retailer may not require the purchase of more alcoholic beverages than are necessary for the tasting. This section does not authorize the supplier, *farm winery licensee* or its the supplier's or licensee's agent to withdraw or purchase an alcoholic beverage from the holder of a distributor's permit or provide an alcoholic beverage for tasting on a retailer's premises that is not purchased from the retailer.

(3) No charge of any sort may be made for a sample serving.

(4) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the licensed premises.

(5) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(b) Nothing in this section shall be construed to permit the licensee to sell wine, malt beverages or distilled spirits for on-premises consumption.

(c) The provisions of this section shall take effect and be in force from and after July 1, 2012.

(d) All rules and regulations adopted on and after July 1, 2012, and prior to July 1, 2013, to implement this section shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary until revised, amended, revoked or nullified pursuant to law.

(e) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 4. K.S.A. 2013 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who ~~has not been~~ *is not* a citizen of the United States ~~for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;~~

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of

(continued)

a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2013 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall

not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least one year immediately preceding the date of application;

(3) person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(4) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2013 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 5. K.S.A. 2013 Supp. 41-104, 41-308b, 41-308d and 41-311 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 24, 2014.)

SENATE BILL No. 423

AN ACT concerning real property; authorizing the secretary of administration to sell the Landon state office building and the Eisenhower state office building; authorizing the secretary of administration to exercise the option to purchase and sell the Van Buren project and the Curtis state office building and parking facility; authorizing the secretary of administration to demolish the Docking state office building and to reconstruct, relocate and renovate the power plant; making and concerning appropriations for the fiscal year ending June 30, 2015, for the department of administration.

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

Section 1. (a) The secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tracts of real estate located in Shawnee county, Kansas:

TRACT 1: The South 7 feet of Lot 160, and all Lots 162, 164, 166 and 168, on Harrison Street; AND Lots 26, 28, 30, 32, 34 and 36 on 6th Avenue East, along with vacated alley lying South of Lot 168 on Harrison Street, and North of Lots 26, 28, 30, 32, 34 and 36 on 6th Avenue East, all in the Original Town, City of Topeka, Shawnee County, Kansas.

TRACT 2: Lots 25, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45 and 47, on 6th Avenue East; AND Lots 193, 195, 197, 199, 201, 203, 205, 207, 209, 211, 213, and 215 on Van Buren Street; AND Lots 194, 196, 198, 200, 202, 204, and 206, on Harrison Street, along with all of the vacated alleys in the block bounded by 6th Avenue on the North, Van Buren Street on the East, Seventh Avenue on the South, and Harrison Street on the West, all in the Original Town, City of Topeka, Shawnee County, Kansas, except the South 1.5 feet of said Lot 206.

TRACT 3: Lots 217, 219, 221, 223, 225, 227, 229, 231 and 233 on Van Buren Street; AND Lots 218, 220, 222, 224, 226, 228, 230, 232 and 234 on Harrison Street, along with the vacated alley lying West of Lots 217 through 233 (odd) on Van Buren Street and East of Lots 218 through 234 (even) on Harrison Street; AND Lots 236, 238 and 240 on Harrison Street, all in the Original Town, City of Topeka, Shawnee County, Kansas.

(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with and approved by the joint committee on state building construction.

(c) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) (1) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Eisenhower building escrow fund which is hereby created in the state treasury. Moneys in the Eisenhower building escrow fund shall be used only to: (A) Call and redeem outstanding bonds associated with any of the property described in subsection (a) in accordance with their terms on or after their first optional redemption date as may be permitted in accordance with the applicable bond covenants, along with any other legally available revenues as may be necessary; and (B) pay the expenses of such sale and any costs of appraisal.

(2) The Kansas development finance authority shall be responsible for certifying to the secretary of administration and the state treasurer that the outstanding bonds associated with any of the property described in subsection (a) have been legally defeased in full. The president of the Kansas development finance authority shall transmit a copy of such certification to the director of legislative research.

(3) Upon receiving such certification, except as provided in subsection (f), the state treasurer shall transfer any remaining moneys in the Eisenhower building escrow fund as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(4) Expenditures from the Eisenhower building escrow fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration.

(e) In the event that the secretary of administration determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the

correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(f) The director of accounts and reports, in consultation with the secretary of administration, shall transfer any remaining moneys pursuant to subsection (d)(3) from such sale proceeds, not exceeding \$15,000,000 in total sum combined with the sale proceeds from section 2, and amendments thereto, to the docking state office building rehab, repair and razing fund of the department of administration. The secretary of administration shall determine and certify the amount of moneys that are transferred under this subsection. The secretary shall transmit a copy of such certification to the director of legislative research.

Sec. 2. (a) The secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the following tract of real estate located in Shawnee county, Kansas:

A tract of land in the Southeast Quarter of Section 31, Township 11 South, Range 16 East of the 6th Principal Meridian in the City of Topeka, County of Shawnee, State of Kansas, and more particularly described as follows: All of Lots Nos. 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, and 312 on Jackson Street in original town and the Northerly one-half of alley lying Southerly of and adjacent to Lot 312 as vacated by Ordinance No. 3009 dated October 6, 1909, and pursuant to Ord. 3021 dated Nov. 19, 1909, and A.T.&S.F. Cont. No. 25487 filed with Register of Deeds, Shawnee County, March 15, 1982, at 1:48 p.m. in Book 2160, commencing on page 172. Said lots and portion of vacated alley containing 46,800 square feet of land, more or less.

(b) No sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with and approved by the joint committee on state building construction.

(c) Prior to the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) When the sale is made, the proceeds thereof shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, except as provided in subsection (f), the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(e) In the event that the secretary of administration determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(f) The director of accounts and reports, in consultation with the secretary of administration, shall transfer any moneys pursuant to subsection (d) from such sale proceeds, not exceeding \$15,000,000 in total sum combined with the sale proceeds from section 1, and amendments thereto, to the docking state office building rehab, repair and razing fund of the department of administration. The secretary of administration shall determine and certify the amount of moneys that are transferred under this subsection. The secretary shall transmit a copy of such certification to the director of legislative research.

Sec. 3. (a) The secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, to act as the tenant for the state of Kansas - Kansas department for children and families, known as the department of social and rehabilitation services in the lease with option to purchase agreement dated January 1, 1999, to exercise such tenant's option to purchase the Van Buren project and the land pursuant to such lease with option to purchase agreement.

(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with and approved by the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance

(continued)

council for approval at any time, including periods of time during which the legislature is in session.

(d) When such option has been exercised, the secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the Van Buren project and land subject to the terms and conditions of the lease and any outstanding bonds.

(e) When the sale is made, the proceeds thereof shall be used only to: (1) Call and redeem outstanding bonds associated with the Van Buren project and the land in accordance with their terms on or after their first optional redemption date as may be permitted in accordance with the applicable bond covenants, along with any other legally available revenues as may be necessary; (2) pay the costs and expenses resulting from exercising the option to purchase; and (3) pay the closing costs and expenses of such sale. Any remaining moneys shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(f) In the event that the secretary of administration determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(g) As used in this section:

(1) "Van Buren project and land" means the following described real estate located in Shawnee County, Kansas, including all buildings, improvements, machinery and equipment constructed, located or installed on such real estate:

All of lots 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166 and 168 on Van Buren streets in the City of Topeka, Shawnee County, Kansas.

(2) "Lease with option to purchase agreement dated January 1, 1999" means the lease with option to purchase agreement dated January 1, 1999, as amended, entered into between the Topeka public building commission and the state of Kansas - department of social and rehabilitation services, currently known as the Kansas department for children and families.

Sec. 4. (a) The secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, as the tenant for the state of Kansas - Kansas department administration in the lease with option to purchase agreement dated December 1, 1998, to exercise such tenant's option to purchase the Curtis state office building and the land pursuant to such lease with option to purchase agreement.

(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with and approved by the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) When such option has been exercised, the secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the Curtis state office building and land subject to the terms and conditions of the lease and any outstanding bonds.

(e) When the sale is made, the proceeds thereof shall be used only to: (1) Call and redeem outstanding bonds associated with the Curtis state office building and the land in accordance with their terms on or after their first optional redemption date as may be permitted in accordance with the applicable bond covenants, along with any other legally available revenues as may be necessary; (2) pay the costs and expenses resulting from exercising the option to purchase; and (3) pay the closing costs and expenses of such sale. Any remaining moneys shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(f) In the event that the secretary of administration determines that the legal description of the parcel described by this section is incorrect,

the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(g) As used in this section:

(1) "Curtis state office building and land" means the following described real estate located in Shawnee County, Kansas, including all buildings, improvements, machinery and equipment constructed, located or installed on such real estate:

Lots 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345 and 347 on Kansas Avenue; Lots 73, 75, 77, 79, 81, 83, 85, 87 and 89 on 10th Avenue East; and Lots 338, 340, 342, 344, 346 and 348 on Jackson Street in the City of Topeka, Shawnee County, Kansas.

(2) "Lease with option to purchase agreement dated December 1, 1998" means the lease with option to purchase agreement dated December 1, 1998, as amended, entered into between the Topeka public building commission and the state of Kansas - department of administration.

Sec. 5. (a) The secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, as the tenant for the state of Kansas - Kansas department administration in the lease with option to purchase agreement dated December 1, 1998, to exercise such tenant's option to purchase the Curtis parking facility and the land pursuant to such lease with option to purchase agreement.

(b) No option to purchase, sale or conveyance of the real property described in subsection (a) shall be authorized or approved by the secretary of administration without having first advised and consulted with and approved by the joint committee on state building construction.

(c) Prior to the exercising of the option to purchase and the sale or conveyance of the real property described in subsection (a), the state finance council shall approve the option to purchase and sale, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711, and amendments thereto. The matter may be submitted to the state finance council for approval at any time, including periods of time during which the legislature is in session.

(d) When such option has been exercised, the secretary of administration is hereby authorized and empowered, for and on behalf of the state of Kansas, to sell and convey all of the rights, title and interest in the Curtis parking facility and land subject to the terms and conditions of the lease and any outstanding bonds.

(e) When the sale is made, the proceeds thereof shall be used only to: (1) Call and redeem outstanding bonds associated with the Curtis parking facility and the land in accordance with their terms on or after their first optional redemption date as may be permitted in accordance with the applicable bond covenants, along with any other legally available revenues as may be necessary; (2) pay the costs and expenses resulting from exercising the option to purchase; and (3) pay the closing costs and expenses of such sale. Any remaining moneys shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit as provided for the proceeds from the sale of surplus real estate pursuant to subsection (f) of K.S.A. 2013 Supp. 75-6609, and amendments thereto.

(f) In the event that the secretary of administration determines that the legal description of the parcel described by this section is incorrect, the secretary of administration may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general.

(g) As used in this section:

(1) "Curtis parking facility and land" means the following described real estate located in Shawnee County, Kansas, including all buildings, improvements, machinery and equipment constructed, located or installed on such real estate:

Lots 349, 351, 353, 357 and 359 on Kansas Avenue; and Lots 350, 352, 354, 356, 358 and 360 on Jackson Street in the City of Topeka, Shawnee County, Kansas.

(2) "Lease with option to purchase agreement dated December 1, 1998" means the lease with option to purchase agreement dated December 1, 1998, as amended, entered into between the Topeka public building commission, the state of Kansas - department of administration and the City of Topeka, Kansas.

Sec. 6. (a) As used in this section:

(1) "Affiliated person" means:

(A) Any member of the immediate family of a state or local official; or

(B) any partnership, firm, corporation or limited liability company with which a state or local official is associated or in which a state or

local official has an interest, or any partner, officer, director or employee thereof while the state or local official is associated with such partnership, firm, corporation or company.

(2) "State or local official" means any person who is:

(A) Any state officer or employee required to file a written statement of substantial interests pursuant to the state governmental ethics law;

(B) the governor or any full-time professional employee of the office of the governor;

(C) any member of the legislature and any full-time professional employee of the legislature;

(D) any justice of the supreme court, judge of the court of appeals or judge of the district court;

(E) the head of any state agency, the assistant or deputy heads of any state agency, or the head of any division within a state agency; or

(F) any member of the governing body of a city in Shawnee county or the governing body of Shawnee county; any municipal or county judge of such city or county; any city, county or district attorney of such city or county; and any member of or attorney for the planning board or zoning board of such city or county and any professional planner or consultant regularly employed or retained by such planning board or zoning board.

(b) No state or local official or affiliated person shall hold, directly or indirectly, an interest in, be employed by, represent or appear for any entity to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(c) No state or local official or affiliated person shall represent, appear for or negotiate on behalf of any person or entity submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(d) No state or local official or affiliated person, within five years immediately subsequent to the termination of the office or employment of the official, shall hold, directly or indirectly, an interest in, be employed by or represent, appear for or negotiate on behalf of any person or entity submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto.

(e) No state or local official shall solicit or accept, directly or indirectly, any complimentary service or discount from any person submitting a proposal to bid on or purchase any property described in section 1, 2, 3, 4, or 5, and amendments thereto, which such official knows or has reason to know is other than a service or discount that is offered to members of the general public in like circumstance.

(f) No state or local official shall influence, or attempt to influence, by use of official authority, the decision of the secretary of administration in selling or conveying any property described in section 1, 2, 3, 4, or 5, and amendments thereto. Any such attempt shall be reported promptly to the attorney general.

(g) Willful violation of this section is a class A misdemeanor.

Sec. 7.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the special revenue fund or funds for the fiscal year ending June 30, 2015, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Docking state office building rehab, repair and razing fund	\$15,000,000
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Provided, That expenditures shall be made from the Docking state office building rehab, repair and razing fund only for demolition of the Docking state office building and related reconstruction, relocation, and renovation of the power plant.

Sec. 8. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 24, 2014.)

SENATE BILL No. 54

AN ACT concerning abortion; relating to medical emergencies; relating to the woman's-right-to-know act; amending K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 and repealing the existing sections.

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

Section 1. K.S.A. 2013 Supp. 65-4a01 is hereby amended to read as follows: 65-4a01. As used in K.S.A. 2013 Supp 65-4a01 through 65-4a12, and amendments thereto:

(a) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

(b) "Ambulatory surgical center" means an ambulatory surgical center as defined in K.S.A. 65-425, and amendments thereto.

(c) "Bodily function" means physical functions only. The term "bodily function" does not include mental or emotional functions.

(d) "Clinic" means any facility, other than a hospital or ambulatory surgical center, in which any second or third trimester, or five or more first trimester abortions are performed in a month.

(e) "Department" means the department of health and environment.

(f) "Elective abortion" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which would result in her death.

(g) "Facility" means any clinic, hospital or ambulatory surgical center, in which any second or third trimester elective abortion, or five or more first trimester elective abortions are performed in a month, excluding any abortion performed due to a medical emergency as defined in this act, and amendments thereto.

(h) "Gestational age" has the same meaning ascribed thereto in K.S.A. 65-6701, and amendments thereto, and shall be determined pursuant to K.S.A. 65-6703, and amendments thereto.

(i) "Hospital" means a hospital as defined in subsection (a) or (b) of K.S.A. 65-425, and amendments thereto.

(j) "Medical emergency" means a condition that, in a reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy without first determining gestational age in order to avert her death, or for which a delay necessary to determine gestational age comply with the applicable statutory requirements will create serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.

(k) "Physician" has the same meaning ascribed thereto in K.S.A. 65-6701, and amendments thereto.

(l) "Secretary" means the secretary of the department of health and environment.

Sec. 2. K.S.A. 2013 Supp. 65-4a07 is hereby amended to read as follows: 65-4a07. Except in the case of a medical emergency, as defined in this act, and amendments thereto, an abortion performed when the gestational age of the unborn child is 22 weeks or more shall be performed in a hospital or ambulatory surgical center licensed pursuant to this act. All other abortions shall be performed in a hospital, ambulatory surgical center or facility licensed pursuant to this act. All other abortions shall be performed in a facility licensed pursuant to this act, except that a hospital or ambulatory surgical center that does not meet the definition of a facility under this act and that is licensed pursuant to K.S.A. 65-425 et seq. and amendments thereto, may perform abortions.

Sec. 3. K.S.A. 2013 Supp. 65-6701 is hereby amended to read as follows: 65-6701. As used in K.S.A. 65-6701 through 65-6721, and amendments thereto:

(a) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

(b) "Bodily function" means physical functions only. The term "bodily function" does not include mental or emotional functions.

(c) "Counselor" means a person who is: (1) Licensed to practice medicine and surgery; (2) licensed to practice professional or practical nursing; (3) the following persons licensed to practice behavioral sciences: Licensed psychologists, licensed master's level psychologists, licensed clinical psychotherapists, licensed social workers, licensed specialist clinical social workers, licensed marriage and family therapists,

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licensed clinical marriage and family therapists, licensed professional counselors, licensed clinical professional counselors; (4) a licensed physician assistant; or (5) a currently ordained member of the clergy or religious authority of any religious denomination or society. Counselor does not include the physician who performs or induces the abortion or a physician or other person who assists in performing or inducing the abortion.

(d) "Department" means the department of health and environment.

(e) "Fertilization" means the fusion of a human spermatozoon with a human ovum.

(f) "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

(g) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy ~~without first determining gestational age~~ to avert the death of the woman or for which a delay necessary ~~to determine gestational age~~ *comply with the applicable statutory requirements* will create serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.

(h) "Minor" means a person less than 18 years of age.

(i) "Physician" means a person licensed to practice medicine and surgery in this state.

(j) "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the mother's body.

(k) "Qualified person" means an agent of the physician who is a psychologist, licensed social worker, licensed professional counselor, licensed marriage and family therapist, licensed master's level psychologist, licensed clinical psychotherapist, registered nurse or physician.

(l) "Unemancipated minor" means any minor who has never been: (1) Married; or (2) freed, by court order or otherwise, from the care, custody and control of the minor's parents.

(m) "Viable" means that stage of fetal development when it is the physician's judgment according to accepted obstetrical or neonatal standards of care and practice applied by physicians in the same or similar circumstances that there is a reasonable probability that the life of the child can be continued indefinitely outside the mother's womb with natural or artificial life-supportive measures.

Sec. 4. K.S.A. 65-6704 is hereby amended to read as follows: 65-6704.

(a) Before the performance of an abortion upon a minor, a counselor shall provide pregnancy information and counseling in a manner that can be understood by the minor and allows opportunity for the minor's questions to be addressed. A parent or guardian, or a person 21 or more years of age who is not associated with the abortion provider and who has a personal interest in the minor's well-being, shall accompany the minor and be involved in the minor's decision-making process regarding whether to have an abortion. Such information and counseling shall include:

(1) The alternatives available to the minor, including abortion, adoption and other alternatives to abortion;

(2) an explanation that the minor may change a decision to have an abortion at any time before the abortion is performed or may decide to have an abortion at any time while an abortion may be legally performed;

(3) make available to the minor information on agencies available to assist the minor and agencies from which birth control information is available;

(4) discussion of the possibility of involving the minor's parent or parents, other adult family members or guardian in the minor's decision-making; and

(5) information regarding the provisions of K.S.A. 65-6705, *and amendments thereto*, and the minor's rights under such provisions.

(b) After the performance of an abortion on a minor, a counselor shall provide counseling to assist the minor in adjusting to any post-abortion problems that the minor may have.

(c) After the counselor provides information and counseling to a minor as required by this section, the counselor shall have the minor sign and date a statement setting forth the requirements of subsections (a) and (b) and declaring that the minor has received information and counseling in accordance with those requirements.

(d) The counselor shall also sign and date the statement and shall include the counselor's business address and business telephone number. The counselor shall keep a copy for the minor's medical record and shall give the form to the minor or, if the minor requests and if the counselor is not the attending physician, transmit the statement to the

minor's attending physician. Such medical record shall be maintained as otherwise provided by law.

(e) The provision by a counselor of written materials which contain information and counseling meeting the requirements of subsections (a) and (b) and which is signed by the minor shall be presumed to be evidence of compliance with the requirements of this section.

(f) The requirements of subsection (a) shall not apply when, ~~in the best medical judgment of the attending physician based on the facts of the case, an emergency exists that threatens the health, safety or well-being of the minor as to require an abortion~~ *a medical emergency exists*. A physician who does not comply with the requirements of this section by reason of this exception shall state in the medical record of the abortion the medical indications on which the physician's judgment was based.

Sec. 5. K.S.A. 2013 Supp. 65-6705 is hereby amended to read as follows: 65-6705. (a) Except in the case of a medical emergency ~~or as otherwise provided in this section~~, no person shall perform an abortion upon an unemancipated minor, unless the person first obtains the notarized written consent of the minor and both parents or the legal guardian of the minor.

(1) If the minor's parents are divorced or otherwise unmarried and living separate and apart, then the written consent of the parent with primary custody, care and control of such minor shall be sufficient.

(2) If the minor's parents are married and one parent is not available to the person performing the abortion in a reasonable time and manner, then the written consent of the parent who is available shall be sufficient.

(3) If the minor's pregnancy was caused by sexual intercourse with the minor's natural father, adoptive father, stepfather or legal guardian, then the written consent of the minor's mother shall be sufficient. Notice of such circumstances shall be reported to the proper authorities as provided in K.S.A. 2013 Supp. 38-2223, and amendments thereto.

(b) After receiving counseling as provided by subsection (a) of K.S.A. 65-6704, and amendments thereto, the minor may object to the written consent requirement set forth in subsection (a). If the minor so objects, the minor may petition, on her own behalf or by an adult of her choice, the district court of any county of this state for a waiver of the written consent requirement. If the minor so desires, the counselor who counseled the minor as required by K.S.A. 65-6704, and amendments thereto, shall notify the court and the court shall ensure that the minor or the adult petitioning on the minor's behalf is given assistance in preparing and filing the petition. The minor may participate in proceedings in the court on the minor's own behalf or through the adult petitioning on the minor's behalf. The court shall provide a court-appointed counsel to represent the minor at no cost to the minor.

(c) Court proceedings under this section shall be anonymous and the court shall ensure that the minor's identity is kept confidential. The court shall order that a confidential record of the evidence in the proceeding be maintained. All persons shall be excluded from hearings under this section except the minor, her attorney and such other persons whose presence is specifically requested by the applicant or her attorney.

(d) Consent shall be waived if the court finds by clear and convincing evidence that either: (1) The minor is mature and well-informed enough to make the abortion decision on her own; or (2) the consent of the individuals specified in subsection (a) would not be in the best interest of the minor.

(e) A court that conducts proceedings under this section shall issue written and specific factual findings and legal conclusions supporting its decision as follows:

(1) Granting the minor's application for waiver of consent pursuant to this section, if the court finds that the minor is mature and well-enough informed to make the abortion decision without the consent of the individuals specified in subsection (a);

(2) granting the minor's application for waiver of consent if the court finds that the minor is immature but that consent of the individuals specified in subsection (a) would not be in the minor's best interest; or

(3) denying the application if the court finds that the minor is immature and that waiver of the consent of the individuals specified in subsection (a) would not be in the minor's best interest.

(f) The court shall give proceedings under this section such precedence over other pending matters as necessary to ensure that the court may reach a decision promptly. The court shall issue a written order which shall be issued immediately to the minor, or her attorney or other individual designated by the minor to receive the order. If the court fails to rule within 48 hours, excluding Saturdays and Sundays, of the time of the filing of the minor's application, the application shall be deemed granted.

(g) An expedited anonymous appeal shall be available to any minor. The record on appeal shall be completed and the appeal shall be perfected within five days from the filing of the notice to appeal.

(h) The supreme court shall promulgate any rules it finds are necessary to ensure that proceedings under this act are handled in an expeditious and anonymous manner.

(i) No fees shall be required of any minor who avails herself of the procedures provided by this section.

(j) (1) No consent shall be required under this section ~~if in the best medical judgment of the attending physician based on the facts of the case, an emergency exists that threatens the health, safety or well-being of the minor as to require an abortion~~ when a medical emergency exists.

(2) A physician acting pursuant to this subsection shall state in the medical record of the abortion the medical indications on which the physician's judgment was based. The medical basis for the determination shall also be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto.

(k) Any person who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor, and who intentionally and knowingly fails to conform to any requirement of this section, is guilty of a class A person misdemeanor.

(l) Except as necessary for the conduct of a proceeding pursuant to this section, it is a class B person misdemeanor for any individual or entity to willfully or knowingly: (1) Disclose the identity of a minor petitioning the court pursuant to this section or to disclose any court record relating to such proceeding; or (2) permit or encourage disclosure of such minor's identity or such record.

(m) Prior to conducting proceedings under this section, the court may require the minor to participate in an evaluation session with a psychiatrist, licensed psychologist or licensed clinical social worker. Such evaluation session shall be for the purpose of developing trustworthy and reliable expert opinion concerning the minor's sufficiency of knowledge, insight, judgment and maturity with regard to her abortion decision in order to aid the court in its decision and to make the state's resources available to the court for this purpose. Persons conducting such sessions may employ the information and materials referred to in K.S.A. 65-6708 et seq., and amendments thereto, in examining how well the minor is informed about pregnancy, fetal development, abortion risks and consequences and abortion alternatives, and should also endeavor to verify that the minor is seeking an abortion of her own free will and is not acting under intimidation, threats, abuse, undue pressure or extortion by any other persons. The results of such evaluation shall be reported to the court by the most expeditious means, commensurate with security and confidentiality, to assure receipt by the court prior to or at the proceedings initiated pursuant to this section.

(n) In determining if a minor is mature and well-enough informed to make the abortion decision without parental consent, the court shall take into account the minor's experience level, perspective and judgment. In assessing the minor's experience level, the court shall consider, along with any other relevant factors, the minor's age, experience working outside the home, living away from home, traveling on her own, handling personal finances and making other significant decisions. In assessing the minor's perspective, the court shall consider, along with any other relevant factors, what steps the minor has taken to explore her options and the extent to which she considered and weighed the potential consequences of each option. In assessing the minor's judgment, the court shall consider, along with any other relevant factors, her conduct since learning of her pregnancy and her intellectual ability to understand her options and to make informed decisions.

(o) The judicial record of any court proceedings initiated pursuant to this section shall upon final determination by the court be compiled by the court. One copy of the judicial record shall be given to the minor or an adult chosen by the minor to bring the initial petition under this section. A second copy of the judicial record shall be sent by the court to the abortion provider who performed or will perform the abortion for inclusion in the minor's medical records and shall be maintained by the abortion provider for at least 10 years.

(p) The chief judge of each judicial district shall send annual reports to the department of health and environment disclosing in a nonidentifying manner:

- (1) The number of minors seeking a bypass of the parental consent requirements through court proceedings under this section;
- (2) the number of petitions granted;
- (3) the reasons for granting such petitions;
- (4) any subsequent actions taken to protect the minor from domestic or predator abuse;

- (5) each minor's state of residence, age and disability status; and
- (6) the gestational age of the unborn child if the petition is granted.

(q) (1) A custodial parent or legal guardian of the minor may pursue civil remedies against individuals, including the physician and abortion clinic staff, who violate the rights of parents, legal guardian or the minor as set forth in this section.

(2) Such relief shall include:

- (A) Money damages for all injuries, psychological and physical, occasioned by the violation of this section;
- (B) the cost of any subsequent medical treatment such minor might require because of the abortion performed without parental consent or knowledge, or without a court order, in violation of this section;
- (C) statutory damages equal to three times the cost of the abortion; and
- (D) reasonable attorney fees.

(r) In the course of a judicial hearing to waive parental consent, if the court has reason to suspect that a minor has been injured as a result of physical, mental or emotional abuse or neglect or sexual abuse, the court shall report the matter promptly as provided in subsection (c) of K.S.A. 2013 Supp. 38-2223, and amendments thereto. In the course of reporting suspected child abuse or neglect to the appropriate state authorities, nothing in this section shall abridge or otherwise modify the anonymity or confidentiality provisions of the judicial waiver proceeding as specified in this section.

(s) Nothing in this section shall be construed to create a right to an abortion. Notwithstanding any provision of this section, a person shall not perform an abortion that is prohibited by law.

Sec. 6. K.S.A. 2013 Supp. 65-6709 is hereby amended to read as follows: 65-6709. No abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if:

(a) At least 24 hours before the abortion the physician who is to perform the abortion or the referring physician has informed the woman in writing of:

- (1) The name of the physician who will perform the abortion;
- (2) a description of the proposed abortion method;
- (3) a description of risks related to the proposed abortion method, including risk of premature birth in future pregnancies, risk of breast cancer and risks to the woman's reproductive health and alternatives to the abortion that a reasonable patient would consider material to the decision of whether or not to undergo the abortion;

(4) the probable gestational age of the unborn child at the time the abortion is to be performed and that Kansas law requires the following: "No person shall perform or induce an abortion when the unborn child is viable unless such person is a physician and has a documented referral from another physician not financially associated with the physician performing or inducing the abortion and both physicians determine that: (1) The abortion is necessary to preserve the life of the pregnant woman; or (2) a continuation of the pregnancy will cause a substantial and irreversible physical impairment of a major bodily function of the pregnant woman." If the child is born alive, the attending physician has the legal obligation to take all reasonable steps necessary to maintain the life and health of the child;

(5) the probable anatomical and physiological characteristics of the unborn child at the time the abortion is to be performed;

(6) the contact information for counseling assistance for medically challenging pregnancies, the contact information for perinatal hospice services and a listing of websites for national perinatal assistance, including information regarding which entities provide such services free of charge;

(7) the medical risks associated with carrying an unborn child to term; and

(8) any need for anti-Rh immune globulin therapy, if she is Rh negative, the likely consequences of refusing such therapy and the cost of the therapy.

(b) At least 24 hours before the abortion, the physician who is to perform the abortion, the referring physician or a qualified person has informed the woman in writing that:

(1) Medical assistance benefits may be available for prenatal care, childbirth and neonatal care, and that more detailed information on the availability of such assistance is contained in the printed materials given to her and described in K.S.A. 65-6710, and amendments thereto;

(2) the informational materials in K.S.A. 65-6710, and amendments thereto, are available in printed form and online, and describe the unborn child, list agencies which offer alternatives to abortion with a special section listing adoption services and list providers of free ultrasound services;

(continued)

(3) the father of the unborn child is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion except that in the case of rape this information may be omitted;

(4) the woman is free to withhold or withdraw her consent to the abortion at any time prior to invasion of the uterus without affecting her right to future care or treatment and without the loss of any state or federally-funded benefits to which she might otherwise be entitled;

(5) the abortion will terminate the life of a whole, separate, unique, living human being; and

(6) by no later than 20 weeks from fertilization, the unborn child has the physical structures necessary to experience pain. There is evidence that by 20 weeks from fertilization unborn children seek to evade certain stimuli in a manner that in an infant or an adult would be interpreted to be a response to pain. Anesthesia is routinely administered to unborn children who are 20 weeks from fertilization or older who undergo prenatal surgery.

(c) At least 30 minutes prior to the abortion procedure, prior to physical preparation for the abortion and prior to the administration of medication for the abortion, the woman shall meet privately with the physician who is to perform the abortion and such person's staff to ensure that she has an adequate opportunity to ask questions of and obtain information from the physician concerning the abortion.

(d) At least 24 hours before the abortion, the woman is given a copy of the informational materials described in K.S.A. 65-6710, and amendments thereto. If the woman asks questions concerning any of the information or materials, answers shall be provided to her in her own language.

(e) The woman certifies in writing on a form provided by the department, prior to the abortion, that the information required to be provided under subsections (a), (b) and (d) has been provided and that she has met with the physician who is to perform the abortion on an individual basis as provided under subsection (c). All physicians who perform abortions shall report the total number of certifications received monthly to the department. The total number of certifications shall be reported by the physician as part of the written report made by the physician to the secretary of health and environment under K.S.A. 65-445, and amendments thereto. The department shall make the number of certifications received available on an annual basis.

(f) Prior to the performance of the abortion, the physician who is to perform the abortion or the physician's agent receives a copy of the written certification prescribed by subsection (e) of this section.

(g) The woman is not required to pay any amount for the abortion procedure until the 24-hour waiting period has expired.

(h) A physician who will use ultrasound equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to view the ultrasound image of her unborn child, at no additional expense to her;

(2) informs the woman that she has the right to receive a physical picture of the ultrasound image, at no additional expense to her;

(3) offers the woman the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image;

(4) certifies in writing that the woman was offered the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image at least 30 minutes prior to the performance of the abortion; and

(5) obtains the woman's signed acceptance or rejection of the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image.

If the woman accepts the offer and requests to view the ultrasound image, receive a physical picture of the ultrasound image or both, her request shall be granted by the physician at no additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to view the ultrasound image and receive a physical picture of the ultrasound image was offered.

(i) A physician who will use heart monitor equipment preparatory to or in the performance of the abortion, at least 30 minutes prior to the performance of the abortion:

(1) Informs the woman that she has the right to listen to the heartbeat of her unborn child, at no additional expense to her;

(2) offers the woman the opportunity to listen to the heartbeat of her unborn child;

(3) certifies in writing that the woman was offered the opportunity to listen to the heartbeat of her unborn child at least 30 minutes prior to the performance of the abortion; and

(4) obtains the woman's signed acceptance or rejection of the opportunity to listen to the heartbeat of her unborn child.

If the woman accepts the offer and requests to listen to the heartbeat of her unborn child, her request shall be granted by the physician at no

additional expense to the woman. The physician's certification shall be time-stamped at the time the opportunity to listen to the heartbeat of her unborn child was offered.

(j) The physician's certification required by subsections (h) and (i) together with the pregnant woman's signed acceptance or rejection of such offer shall be placed in the woman's medical file in the physician's office and kept for 10 years. However, in the case of a minor, the physician shall keep a copy of the certification and the signed acceptance or rejection in the minor's medical file for five years past the minor's majority, but in no event less than 10 years.

(k) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed shall conspicuously post a sign in a location so as to be clearly visible to patients. The sign required pursuant to this subsection shall be printed with lettering that is legible and shall be at least three quarters of an inch bold-faced type. The sign shall include the address for the pregnancy resources website published and maintained by the department of health and environment, and the following text:

Notice: It is against the law for anyone, regardless of their relationship to you, to force you to have an abortion. By law, we cannot perform an abortion on you unless we have your freely given and voluntary consent. It is against the law to perform an abortion on you against your will. You have the right to contact any local or state law enforcement agency to receive protection from any actual or threatened physical abuse or violence. You have the right to change your mind at any time prior to the actual abortion and request that the abortion procedure cease. It is unlawful for anyone to make you have an abortion against your will, even if you are a minor. The father of your child must provide support for the child, even if he has offered to pay for an abortion. If you decide not to have an abortion, you may qualify for financial help for pregnancy, childbirth and newborn care. If you qualify, medicaid will pay or help pay the cost of doctor, clinic, hospital and other related medical expenses, including childbirth delivery services and care for your newborn baby. Many agencies are willing to provide assistance so that you may carry your child to term, and to assist you after your child's birth.

The provisions of this subsection shall not apply to any private office, freestanding surgical outpatient clinic or other facility or clinic which performs abortions only when necessary to prevent the death of the pregnant woman.

(l) Any private office, freestanding surgical outpatient clinic or other facility or clinic in which abortions are performed that has a website shall publish an easily identifiable link on the homepage of such website that directly links to the department of health and environment's website that provides informed consent materials under the woman's-right-to-know act. Such link shall read: "The Kansas Department of Health and Environment maintains a website containing ~~objective, nonjudgmental, scientifically accurate~~ information about the development of the unborn child, as well as video of sonogram images of the unborn child at various stages of development. The Kansas Department of Health and Environment's website can be reached by clicking here."

(m) For purposes of this section:

(1) The term "human being" means an individual living member of the species of homo sapiens, including the unborn human being during the entire embryonic and fetal ages from fertilization to full gestation.

(2) The term "medically challenging pregnancy" means a pregnancy where the unborn child is diagnosed as having: (A) A severe anomaly; or (B) an illness, disease or defect which is invariably fatal.

Sec. 7. K.S.A. 2013 Supp. 65-6723 is hereby amended to read as follows: 65-6723. As used in K.S.A. 2013 Supp. 65-6722 through 65-6724, and amendments thereto:

(a) "Abortion" means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy.

(b) "Bodily function" means physical function. The term "bodily function" does not include mental or emotional functions.

(c) "Department" means the department of health and environment.

(d) "Gestational age" means the time that has elapsed since the first day of the woman's last menstrual period.

(e) "Medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy ~~without first determining gestational age~~ to avert her death or for which a

delay necessary to determine gestational age comply with the applicable statutory requirements will create serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.

(f) "Pain-capable unborn child" means an unborn child having reached the gestational age of 22 weeks or more.

(g) "Physician" means a person licensed to practice medicine and surgery in this state.

(h) "Pregnant" or "pregnancy" means that female reproductive condition of having an unborn child in the mother's body.

Sec. 8. K.S.A. 2013 Supp. 76-3308 is hereby amended to read as follows: 76-3308. (a) The authority shall have all the powers necessary to carry out the purposes and provisions of this act, including, without limitation, the following powers to:

- (1) Have the duties, privileges, immunities, rights, liabilities and disabilities of a body corporate and a political instrumentality of the state;
- (2) have perpetual existence and succession;
- (3) adopt, have and use a seal and to alter the same at its pleasure;
- (4) sue and be sued in its own name;
- (5) make and execute contracts, guarantees or any other instruments and agreements necessary or convenient for the exercise of its powers and functions including, without limitation, to make and execute contracts with hospitals or other health care businesses to operate and manage any or all of the hospital facilities or operations and to incur liabilities and secure the obligations of any entity or individual;
- (6) borrow money and to issue bonds evidencing the same and pledge all or any part of the authority's assets therefor;
- (7) purchase, lease, trade, exchange or otherwise acquire, maintain, hold, improve, mortgage, sell, lease and dispose of personal property, whether tangible or intangible, and any interest therein; and to purchase, lease, trade, exchange or otherwise acquire real property or any interest therein, and to maintain, hold, improve, mortgage, lease and otherwise transfer such real property, so long as such transactions do not conflict with the mission of the authority as specified in this act;
- (8) incur or assume indebtedness to, and enter into contracts with the Kansas development finance authority, which is authorized to borrow money and provide financing for the authority;
- (9) develop policies and procedures generally applicable to the procurement of goods, services and construction, based upon sound business practices;
- (10) contract for and to accept any gifts, grants and loans of funds, property, or any other aid in any form from the federal government, the state, any state agency, or any other source, or any combination thereof, and to comply with the provisions of the terms and conditions thereof;
- (11) acquire space, equipment, services, supplies and insurance necessary to carry out the purposes of this act;
- (12) deposit any moneys of the authority in any banking institution within or without the state or in any depository authorized to receive such deposits, one or more persons to act as custodians of the moneys of the authority, to give surety bonds in such amounts in form and for such purposes as the board requires;
- (13) procure such insurance, participate in such insurance plans or provide such self insurance or both as it deems necessary or convenient to carry out the purposes and provisions of this act; the purchase of insurance, participation in an insurance plan or creation of a self-insurance fund by the authority shall not be deemed as a waiver or relinquishment of any sovereign immunity to which the authority or its officers, directors, employees or agents are otherwise entitled;
- (14) appoint, supervise and set the salary and compensation of a president of the authority who shall be appointed by and serve at the pleasure of the board;

(15) fix, revise, charge and collect rates, rentals, fees and other charges for the services or facilities furnished by or on behalf of the authority, and to establish policies and procedures regarding any such service rendered for the use, occupancy or operation of any such facility; such charges and policies and procedures not to be subject to supervision or regulation by any commission, board, bureau or agency of the state; and

(16) do any and all things necessary or convenient to carry out the authority's purposes and exercise the powers given in this act.

(b) The authority may create, own in whole or in part, or otherwise acquire or dispose of any entity organized for a purpose related to or in support of the mission of the authority.

(c) The authority may participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers or other entities to facilitate any activities or programs consistent with the public purpose and intent of this act.

(d) The authority may create a nonprofit entity or entities for the purpose of soliciting, accepting and administering grants, outright gifts and bequests, endowment gifts and bequests and gifts and bequests in trust which entity or entities shall not engage in trust business.

(e) In carrying out any activities authorized by this act, the authority may provide appropriate assistance, including the making of loans and providing time of employees, to corporations, partnerships, associations, joint ventures or other entities, whether or not such corporations, partnerships, associations, joint ventures or other entities are owned or controlled in whole or in part, directly or indirectly, by the authority.

(f) Effective with the transfer date, all moneys of the authority shall be deposited in one or more banks or trust companies in one or more special accounts. All banks and trust companies are authorized to give security for such deposits if required by the authority. The moneys in such accounts shall be paid out on a warrant or other orders of the treasurer of the authority or any such other person or persons as the authority may authorize to execute such warrants or orders.

(g) Notwithstanding any provision of law to the contrary, the authority, effective with the transfer date, may invest the authority's operating funds in any obligations or securities as authorized by the board. The board shall adopt written investment guidelines.

(h) The authority is authorized to negotiate contracts with one or more qualified parties to provide collection services. The selection of a collection services provider shall be based on responses to a request for proposals from qualified professional firms and shall be administered in accordance with policies adopted by the board.

(i) Notwithstanding any provision of law to the contrary, no abortion shall be performed, except in the event of a medical emergency, in any medical facility, hospital or clinic owned, leased or operated by the authority. The provisions of this subsection are not applicable to any member of the physician faculty of the university of Kansas school of medicine when such abortion is performed outside the scope of such member's employment on property not owned, leased or operated by the authority. As used in this subsection, "medical emergency" means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy to avert the death of the woman or for which a delay necessary to comply with the applicable statutory requirements will create serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.

Sec. 9. K.S.A. 65-6704 and K.S.A. 2013 Supp. 65-4a01, 65-4a07, 65-6701, 65-6705, 65-6709, 65-6723 and 76-3308 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

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 Vol-

umes of the *Kansas Administrative Regulations* and the 2013 Supplement of the *Kansas Administrative Regulations*.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register		
4-16-1a	Amended	V. 32, p. 408	4-17-1c	Revoked
4-16-1c	Amended	V. 32, p. 409	4-17-300	Revoked
4-16-7a	Amended	V. 32, p. 410	4-17-302	
4-16-306	New	V. 32, p. 410	through	
4-17-1a	Revoked	V. 32, p. 411	4-17-305	Revoked
			4-28-2	Amended
			4-28-6	Amended
			4-28-8	Amended
			4-28-9	
			through	
			4-28-16	Revoked
			4-28-33	New
			4-28-34	New

(continued)

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Table with 3 columns: Reg. No., Action, Register. Rows include 5-7-1 Amended, 5-7-4 Amended, 5-7-4b New, 5-16-1 Amended, 5-16-2 Revoked, 5-16-3 Amended, 5-16-4 Amended, 5-16-5 Revoked, 5-16-6 Amended, 5-16-7 Amended.

AGENCY 9: DEPARTMENT OF AGRICULTURE—DIVISION OF ANIMAL HEALTH

Table with 3 columns: Reg. No., Action, Register. Row: 9-7-4 Amended, V. 32, p. 1170.

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

Table with 3 columns: Reg. No., Action, Register. Rows: 10-10-2 Amended, V. 32, p. 960; 10-10-5 New, V. 32, p. 960.

AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

Table with 3 columns: Reg. No., Action, Register. Row: 11-12-1 through 11-12-7 Amended, V. 32, p. 501-503.

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

Table with 3 columns: Reg. No., Action, Register. Rows include 14-13-1 Amended, 14-13-2 Amended, 14-13-3 Revoked, 14-13-4 through 14-13-10 Amended, 14-13-11 Revoked, 14-13-13 Amended, 14-13-15 Amended, 14-13-16 New, 14-13-17 New, 14-13-18 New.

AGENCY 16: ATTORNEY GENERAL

Table with 3 columns: Reg. No., Action, Register. Rows include 16-8-1 through 16-8-7 New (T), 16-8-1 through 16-8-7 New, 16-11-7 Amended (T), 16-11-7 Amended.

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Table with 3 columns: Reg. No., Action, Register. Row: 17-11-18 Amended, V. 32, p. 372.

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 20-1-1 Amended, 20-1-2 Revoked, 20-2-1 Revoked, 20-2-2 Amended, 20-2-3 Amended, 20-2-4 Revoked, 20-2-7 Amended, 20-2-8 Amended, 20-2-9 Amended, 20-6-1 Revoked, 20-15-1 Revoked, 20-15-2 Revoked.

AGENCY 22: STATE FIRE MARSHAL

Table with 3 columns: Reg. No., Action, Register. Rows: 22-4-2 Revoked, V. 32, p. 1217; 22-4-3 Revoked, V. 32, p. 1217.

Table with 3 columns: Reg. No., Action, Register. Rows include 22-4-4 Revoked, 22-4-5 New (T), 22-4-5 New, 22-8-4 Revoked, 22-8-7 Revoked, 22-8-11 Amended, 22-8-12 Amended.

AGENCY 26: DEPARTMENT FOR AGING AND DISABILITY SERVICES

Table with 3 columns: Reg. No., Action, Register. Rows include 26-39-100 Amended (T), 26-39-100 Amended, 26-50-10 New (T), 26-50-10 New, 26-50-12 New (T), 26-50-12 New, 26-50-20 New (T), 26-50-20 New, 26-50-22 New (T), 26-50-22 New, 26-50-24 New (T), 26-50-24 New, 26-50-26 New (T), 26-50-26 New, 26-50-30 New (T), 26-50-30 New, 26-50-32 New (T), 26-50-32 New, 26-50-34 New (T), 26-50-34 New, 26-50-36 New (T), 26-50-36 New, 26-50-36 New, 26-50-38 New (T), 26-50-38 New, 26-50-40 New (T), 26-50-40 New.

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 28-1-23 New, 28-4-550 Amended, 28-4-552 Revoked, 28-4-556 Revoked, 28-4-564 Amended, 28-4-565 Amended, 28-4-568 Amended, 28-4-569 Amended, 28-4-573 Amended, 28-4-801 Amended, 28-4-814 Amended, 28-4-816 Amended, 28-4-820 Amended, 28-4-821 Amended, 28-4-1250 through 28-4-1269 New (T), 28-4-1250 through 28-4-1269 New, 28-29-109 Amended, 28-29-1600 through 28-29-1608 New, 28-30-2 through 28-30-6 Amended, 28-31-260b New, 28-31-268 Amended, 28-32-13 Amended, 28-35-147a Amended, 28-39-164 through 28-39-168 Revoked (T), 28-39-169a Revoked (T), 28-39-169b Revoked (T), 28-39-169c Revoked (T).

AGENCY 30: DEPARTMENT FOR CHILDREN AND FAMILIES

Table with 3 columns: Reg. No., Action, Register. Rows include 30-6-34 Revoked (T), 30-6-34 Revoked, 30-6-35 Revoked (T), 30-6-35 Revoked, 30-6-36 Revoked (T), 30-6-36 Revoked, 30-6-39 Revoked (T), 30-6-39 Revoked, 30-6-40 Revoked (T).

Table with 3 columns: Reg. No., Action, Register. Rows include 30-6-40 Revoked, 30-6-41 Revoked (T), 30-6-41 Revoked, 30-6-50 through 30-6-56 Revoked (T), 30-6-50 through 30-6-56 Revoked, 30-6-60 Revoked (T), 30-6-60 Revoked, 30-6-63 Revoked (T), 30-6-63 Revoked, 30-6-65 Revoked (T), 30-6-65 Revoked, 30-6-70 Revoked (T), 30-6-70 Revoked, 30-6-78 Revoked (T), 30-6-78 Revoked, 30-6-80 Revoked (T), 30-6-80 Revoked, 30-6-81 Revoked (T), 30-6-81 Revoked, 30-6-82 Revoked (T), 30-6-82 Revoked, 30-6-85 through 30-6-89 Revoked (T), 30-6-89 Revoked, 30-6-91 Revoked (T), 30-6-91 Revoked, 30-6-94 Revoked (T), 30-6-94 Revoked, 30-6-95 Revoked (T), 30-6-95 Revoked, 30-6-103 Revoked (T), 30-6-103 Revoked, 30-6-106 through 30-6-113 Revoked (T), 30-6-106 through 30-6-113 Revoked, 30-6-113 Revoked, 30-6-120 Revoked (T), 30-6-120 Revoked, 30-6-140 Revoked (T), 30-6-140 Revoked, 30-6-150 Revoked (T), 30-6-150 Revoked, 30-14-1 Revoked (T), 30-14-1 Revoked, 30-14-2 Revoked (T), 30-14-2 Revoked, 30-14-3 Revoked (T), 30-14-3 Revoked, 30-14-20 Revoked (T), 30-14-20 Revoked, 30-14-21 Revoked (T), 30-14-21 Revoked, 30-14-23 through 30-14-26 Revoked (T), 30-14-23 through 30-14-26 Revoked, 30-14-28 through 30-14-31 Revoked (T), 30-14-28 through 30-14-31 Revoked, 30-14-31 Revoked, 30-14-50 Revoked (T), 30-14-50 Revoked.

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 40-1-20 Amended, 40-1-28 Amended, 40-1-37 Amended, 40-1-48 Amended, 40-2-14a Amended, 40-3-59 New, 40-16-1 New, 40-16-2 New.

AGENCY 44: DEPARTMENT OF CORRECTIONS

Table with 3 columns: Reg. No., Action, Register. Rows: 44-15-204 New (T), 44-15-204 New.

**AGENCY 51: DEPARTMENT OF LABOR—
DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 32, p. 1299
51-9-15	Revoked	V. 32, p. 836
51-9-17	Amended	V. 32, p. 88

AGENCY 54: STATE LIBRARY OF KANSAS

Reg. No.	Action	Register
54-4-1	New	V. 33, p. 225

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-8-101	Amended	V. 32, p. 1216
60-9-105	Amended	V. 32, p. 411
60-9-106	Amended	V. 32, p. 412
60-9-107	Amended	V. 32, p. 413
60-12-106	Amended	V. 32, p. 414
60-16-102	Amended	V. 32, p. 1216

**AGENCY 66: BOARD OF
TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-8-3	Amended	V. 32, p. 1488
66-8-6	Amended	V. 32, p. 1488
66-9-7	Amended	V. 32, p. 1488
66-10-1	Amended	V. 32, p. 1489
66-10-3	Amended	V. 32, p. 1489
66-10-9	Amended	V. 32, p. 1489
66-10-13	Amended	V. 32, p. 1489
66-10-14	Amended	V. 32, p. 1490
66-11-1	Amended	V. 32, p. 1490
66-11-2	Revoked	V. 32, p. 1490
66-14-1	Amended	V. 32, p. 1490

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-27	Amended	V. 33, p. 108
69-3-29	New	V. 33, p. 108
69-11-1	Amended	V. 33, p. 108
69-11-2	Amended	V. 33, p. 108
69-12-5	Amended	V. 33, p. 108
69-15-3	Amended	V. 33, p. 108
69-15-4	Amended	V. 33, p. 109
69-15-5	Amended	V. 33, p. 109
69-15-7	Amended	V. 33, p. 109
69-15-12		
69-15-15	Amended	V. 33, p. 109-111
69-15-17	Amended	V. 33, p. 111

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-3-9	Amended	V. 32, p. 504

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-1	Amended	V. 33, p. 241
74-2-7	Amended	V. 33, p. 242
74-4-9	Amended	V. 33, p. 242
74-5-2	Amended	V. 33, p. 243
74-5-101	Amended	V. 33, p. 244
74-5-202	Amended	V. 33, p. 244
74-5-406	Amended	V. 33, p. 244
74-5-407	Amended	V. 33, p. 245
74-6-2	Amended	V. 33, p. 245
74-11-6	Amended	V. 33, p. 245
74-11-7	Amended	V. 33, p. 246
74-11-15	Revoked	V. 33, p. 246

**AGENCY 81: OFFICE OF THE
SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-14-9	Amended	V. 32, p. 1235
81-14-11	New	V. 32, p. 1238

**AGENCY 82: STATE CORPORATION
COMMISSION**

Reg. No.	Action	Register
82-3-135a	Amended	V. 32, p. 940
82-3-602	Amended	V. 32, p. 940
82-3-603	Amended	V. 32, p. 940
82-3-604	Amended	V. 32, p. 941
82-3-607	Amended	V. 32, p. 942
82-3-608	New	V. 32, p. 942
82-3-1300		
82-3-1307	New	V. 32, p. 942, 943

82-3-1400	New	V. 32, p. 1354
82-3-1401	New	V. 32, p. 1355
82-3-1402	New	V. 32, p. 1355
82-4-1	Amended	V. 32, p. 1077
82-4-3a		
82-4-3b		
82-4-3d	Amended	V. 32, p. 1079-1099
82-4-3f		
82-4-3g		
82-4-3o	Amended	V. 32, p. 1100-1119
82-4-6d	Amended	V. 32, p. 1119
82-4-8a	Amended	V. 32, p. 1121
82-4-20	Amended	V. 32, p. 1121
82-4-27	Amended	V. 32, p. 1122
82-4-29	Amended	V. 32, p. 1122
82-4-39	Amended	V. 32, p. 1122
82-4-48a	Amended	V. 32, p. 1122

**AGENCY 91: DEPARTMENT OF
EDUCATION**

Reg. No.	Action	Register
91-31-32	Amended	V. 32, p. 1527
91-42-1	New	V. 32, p. 317
91-42-2	New	V. 32, p. 317

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-51-21	Amended	V. 32, p. 1325
92-56-1	Amended	V. 33, p. 371
92-56-2	Amended	V. 33, p. 372
92-56-4	Amended	V. 33, p. 374
92-56-5	Amended	V. 33, p. 375
92-56-6		
92-56-9	New	V. 33, p. 375, 376

**AGENCY 93: DEPARTMENT OF REVENUE—
DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-6-2	Amended	V. 32, p. 1454
93-6-3	Amended	V. 32, p. 1454
93-6-6	Amended	V. 32, p. 1455

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-1-1	Amended	V. 32, p. 995
98-1-2	Revoked	V. 32, p. 996
98-2-1	Amended	V. 32, p. 996
98-2-2	Amended	V. 32, p. 996
98-2-3		
98-2-20	Revoked	V. 32, p. 996
98-4-1		
98-4-5	Amended	V. 32, p. 996-998
98-4-6	Revoked	V. 32, p. 998
98-4-7	Revoked	V. 32, p. 998
98-4-8	Amended	V. 32, p. 998
98-4-9	Revoked	V. 32, p. 999
98-4-10	Revoked	V. 32, p. 999
98-5-1	Revoked	V. 32, p. 999
98-5-2		
98-5-8	Amended	V. 32, p. 999-1001
98-5-9	New	V. 32, p. 1001
98-6-1	Revoked	V. 32, p. 1002
98-6-3	Amended	V. 32, p. 1002
98-6-4	Amended	V. 32, p. 1003
98-7-1		
98-7-4	New	V. 32, p. 1003, 1004
98-7-6	New	V. 32, p. 1005
98-8-1	New	V. 32, p. 1005
98-8-2	New	V. 32, p. 1006
98-8-3	New	V. 32, p. 1006

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

Reg. No.	Action	Register
99-25-1	Amended	V. 32, p. 960
99-25-9	Amended	V. 32, p. 960
99-40-3	Amended	V. 32, p. 960

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-7-3	Amended (T)	V. 32, p. 916
102-7-3	Amended	V. 32, p. 1356

**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
109-2-2	Amended	V. 32, p. 1512
109-2-5	Amended	V. 32, p. 612
109-5-3	Amended	V. 32, p. 230
109-5-5	Amended	V. 32, p. 231
109-11-1	Revoked	V. 32, p. 231
109-11-3	Revoked	V. 32, p. 231
109-11-4	Revoked	V. 32, p. 231
109-11-5	Revoked	V. 32, p. 231
109-11-6	Revoked	V. 32, p. 231
109-15-1	Amended	V. 32, p. 231
109-15-2	Amended	V. 33, p. 7
109-16-1	New	V. 33, p. 8

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-6-1	Revoked	V. 32, p. 1049
110-6-1a	Revoked	V. 32, p. 1049
110-6-2		
110-6-7	Revoked	V. 32, p. 1049, 1050
110-6-8		
110-6-12	New	V. 32, p. 1050-1053
110-12-1		
110-12-6	Revoked	V. 32, p. 854

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. A list of regulations filed from December 22, 2011 through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. The following regulations were filed after December 15, 2013:

Reg. No.	Action	Register
111-2-314	New	V. 33, p. 59
111-4-3295		
111-4-3305	New	V. 33, p. 35-44
111-4-3306		
111-4-3310	New	V. 33, p. 60-64
111-9-199		
111-9-203	New	V. 33, p. 45-47
111-17-9	Amended	V. 33, p. 48
111-17-10	Amended	V. 33, p. 48
111-17-12	New	V. 33, p. 65
111-501-6	Amended	V. 33, p. 65
111-501-101	Amended	V. 33, p. 67

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

Reg. No.	Action	Register
115-2-1	Amended	V. 32, p. 1299
115-2-3	Amended	V. 33, p. 90
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	Amended	V. 33, p. 90
115-5-1	Amended	V. 32, p. 854
115-5-2	Amended	V. 32, p. 855
115-6-1	Amended	V. 32, p. 855
115-7-10	Amended	V. 32, p. 1300
115-8-1	Amended	V. 32, p. 856
115-8-2	Amended	V. 32, p. 856
115-8-23	Amended	V. 32, p. 857

(continued)

115-9-8	Amended	V. 32, p. 89	129-6-34	New	V. 33, p. 146	129-6-106		
115-14-14	Amended	V. 32, p. 90	129-6-35	New (T)	V. 32, p. 1382	through		
115-16-5	Amended	V. 32, p. 857	129-6-35	New	V. 33, p. 148	129-6-113	New	V. 33, p. 163-171
115-18-7	Amended	V. 32, p. 320	129-6-36	New (T)	V. 32, p. 1382	129-6-120	New (T)	V. 32, p. 1407
115-40-1			129-6-36	New	V. 33, p. 148	129-6-120	New	V. 33, p. 172
through			129-6-38	Revoked (T)	V. 32, p. 1382	129-6-140	New (T)	V. 32, p. 1407
115-40-6	New	V. 32, p. 858, 859	129-6-38	Revoked	V. 33, p. 148	129-6-140	New	V. 33, p. 173
AGENCY 117: REAL ESTATE APPRAISAL BOARD			129-6-39	New (T)	V. 32, p. 1382	129-6-150	New (T)	V. 32, p. 1407
Reg. No.	Action	Register	129-6-39	New	V. 33, p. 148	129-6-150	New	V. 33, p. 173
117-7-1	Amended	V. 32, p. 226	129-6-41	New (T)	V. 32, p. 1382	129-6-151	Amended (T)	V. 32, p. 1408
117-20-3	New	V. 32, p. 89	129-6-41	New	V. 33, p. 149	129-6-151	Amended	V. 33, p. 173
117-20-4	Amended	V. 32, p. 1026	129-6-42	New (T)	V. 32, p. 1383	129-6-152	Amended (T)	V. 32, p. 1408
117-20-7	New	V. 32, p. 89	129-6-42	New	V. 33, p. 149	129-6-152	Amended	V. 33, p. 174
AGENCY 128: DEPARTMENT OF COMMERCE—KANSAS ATHLETIC COMMISSION			129-6-50			129-6-153	New	V. 33, p. 174
Reg. No.	Action	Register	129-6-50	New (T)	V. 32, p. 1383-1388	129-6-153	New	V. 33, p. 174
128-1-1	Amended	V. 32, p. 1455	through			129-10-31	Amended	V. 32, p. 1488
128-2-1	Amended	V. 32, p. 1456	129-6-57	New	V. 33, p. 149-154	129-14-2	New (T)	V. 32, p. 1409
128-2-3a	New	V. 32, p. 1457	129-6-60	New (T)	V. 32, p. 1390	129-14-2	New	V. 33, p. 174
128-2-6			129-6-60	New	V. 33, p. 156	129-14-3	New (T)	V. 32, p. 1409
through			129-6-63	New (T)	V. 32, p. 1391	129-14-3	New	V. 33, p. 175
128-2-9	Amended	V. 32, p. 1457, 1458	129-6-63	New	V. 33, p. 157	129-14-20	New (T)	V. 32, p. 1409
128-2-12	Amended	V. 32, p. 1458	129-6-63	New	V. 33, p. 157	129-14-20	New	V. 33, p. 175
128-2-13	Amended	V. 32, p. 1458	129-6-65	New (T)	V. 32, p. 1391	129-14-20	New	V. 33, p. 175
128-3-1	Amended	V. 32, p. 1459	129-6-65	New	V. 33, p. 157	129-14-21	New (T)	V. 32, p. 1410
128-4-2			129-6-65	New	V. 33, p. 157	129-14-21	New	V. 33, p. 175
through			129-6-70			129-14-21	New	V. 33, p. 175
128-4-9	Amended	V. 32, p. 1460-1465	129-6-70			129-14-22	Revoked (T)	V. 32, p. 1410
128-5-1	Amended	V. 32, p. 1466	through			129-14-22	Revoked	V. 33, p. 175
128-5-2	Amended	V. 32, p. 1466	129-6-74	New (T)	V. 32, p. 1391, 1392	129-14-22	Revoked	V. 33, p. 175
128-5-3	New	V. 32, p. 1467	129-6-74			129-14-23	New (T)	V. 32, p. 1410
128-6-1	Amended	V. 32, p. 1467	129-6-74	New	V. 33, p. 157, 158	129-14-23	New	V. 33, p. 176
128-6-6	New	V. 32, p. 1472	129-6-77	Revoked (T)	V. 32, p. 1393	129-14-25	New (T)	V. 32, p. 1410
128-6-7	New	V. 32, p. 1472	129-6-77	Revoked	V. 33, p. 159	129-14-25	New	V. 33, p. 176
AGENCY 129: DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH CARE FINANCE			129-6-80			129-14-26	New (T)	V. 32, p. 1411
Reg. No.	Action	Register	129-6-80			129-14-26	New	V. 33, p. 176
129-1-1	New (T)	V. 32, p. 1380	through			129-14-27	Amended (T)	V. 32, p. 1411
129-1-1	New	V. 33, p. 146	129-6-89	New (T)	V. 32, p. 1393-1395	129-14-27	Amended	V. 33, p. 177
129-2-1	New (T)	V. 32, p. 1380	129-6-80			129-14-27	Amended	V. 33, p. 177
129-2-1	New	V. 33, p. 146	129-6-80			129-14-28	New (T)	V. 32, p. 1412
129-2-2	New	V. 33, p. 146	through			128-14-28	New	V. 33, p. 177
129-6-30	New (T)	V. 32, p. 1380	129-6-89	New	V. 33, p. 159-161	129-14-30		
129-6-30	New	V. 33, p. 146	129-6-91	New (T)	V. 32, p. 1395	through		
129-6-34	New (T)	V. 32, p. 1380	129-6-91	New	V. 33, p. 161	129-14-37	New (T)	V. 32, p. 1412-1414
			129-6-94			129-14-30		
			through			through		
			129-6-97	New (T)	V. 32, p. 1395, 1396	129-14-37	New	V. 33, p. 178-180
			129-6-94			129-14-40	New (T)	V. 32, p. 1414
			through			129-14-40	New	V. 33, p. 180
			129-6-97	New	V. 33, p. 161, 162	129-14-50	New (T)	V. 32, p. 1415
			129-6-103	New (T)	V. 32, p. 1396	129-14-50	New	V. 33, p. 180
			129-6-103	New	V. 33, p. 162	129-14-51	Amended (T)	V. 32, p. 1415
			129-6-106			129-14-51	Amended	V. 33, p. 180
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			129-6-113	New (T)	V. 32, p. 1397-1405	129-14-52	Amended	V. 33, p. 180

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