

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas

Attorney General

Opinion No. 90-6

Public Utilities—Powers of State Corporation Commission; Telecommunications Public Utilities—Permit to Transact Business Required; Exceptions; Limitations on Commission's Authority and Jurisdiction. Representative Tim Shallenburger, 1st District, Baxter Springs, January 12, 1990.

A telecommunication public utility's closing of collection offices, being a management decision, does not amount to a change in telephone service contrary to a proposal submitted by the utility and approved by the KCC in accordance with K.S.A. 66-131. The KCC can, on its own motion, reconsider the matter if in its judgment the closing of future collection offices affects the sufficiency of the services being provided. Cited herein: K.S.A. 66-131; 66-1,187; K.S.A. 1989 Supp. 66-1,189, 66-1,192; K.S.A. 66-1,195. GE

Opinion No. 90-7

Public Health—Controlled Substances; Forfeitures; Procedure—Forfeitures of Property; Disposition of Proceeds; Retention of Fee by County or District Attorney.

Counties and County Officers—County Attorney—Duties; Fees, When Allowed. Gene Porter, Barton County Attorney, Great Bend, January 12, 1990.

K.S.A. 19-705, 28-175 and general definitions of the term "costs" preclude the district or county attorney from retaining a portion of the sale proceeds as a fee for services rendered pursuant to K.S.A. 65-4173. Cited herein: K.S.A. 19-701; 19-705; 28-175; K.S.A. 1988 Supp. 65-4135; 65-4156; 65-4171; 65-4173. TMN

Opinion No. 90-8

Taxation—Property Exempt From Taxation—Merchants' and Manufacturers' Inventory; Recertifying Valuations of Public Utility Property; Time for Collection. John R. Luttjohann, Director of Property Valuation, Kansas Department of Revenue, Topeka, January 12, 1990.

Absent a valid court or administrative order directing otherwise, 1989 taxes on personal property of public utilities imposed pursuant to 1989 House Bill No. 2004 should be collected according to the statutory scheme in 1990. Cited herein: K.S.A. 1989 Supp. 79-201m; K.S.A. 79-301; K.S.A. 1988 Supp. 79-306; K.S.A. 79-5a02; 79-5a07; K.S.A. 1988 Supp. 79-1427a; 79-1475; K.S.A. 79-1801; 79-1802; 79-1803; 79-1804; K.S.A. 1988 Supp. 79-2001; 79-2004a, as amended by L. 1989 House Bill No. 2001; 1989 House Bill No. 2004. JLM

Robert T. Stephan
Attorney General

Doc. No. 008759

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**State of Kansas
Social and Rehabilitation Services**

Request for Proposals

The Department of Social and Rehabilitation Services is accepting applications for the provision of job links services to refugees in Finney, Ford and Seward counties. Applications must be received in the Garden City SRS office by February 15.

Instructions for completing an application are described in a "Request for Proposal," available on request from the Garden City SRS office or from Phil Gutierrez, Department of Social and Rehabilitation Services, Room 624-S, Docking State Office Building, Topeka 66612, (913) 296-3349.

Winston Barton
Secretary of Social and
Rehabilitation Services

Doc. No. 008768

**State of Kansas
Department of Health
and Environment**

**Notice of Intent to Use
Site-Specific Water Quality Criteria**

In accordance with state regulation 28-16-28f(g) and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, site-specific water quality criteria have been developed for the Big Blue River for all segments of the river located within Sections 10, 11, 15 and 16 Township 14S, Range 25E of Johnson County.

The proposed site-specific criteria and the existing criteria are as follow:

Parameter	Existing Criterion	Proposed Criterion
Silver	0.00012 mg/l	0.0014 mg/l
Zinc	0.047 mg/l	0.149 mg/l

The reasons for utilizing the aforementioned site-specific criterion are as follows:

1. **Silver**—The existing state criterion for silver is based on the national EPA criterion for aquatic organism chronic toxicity. Data used in developing the EPA criterion was obtained from studies utilizing species *not* indigenous to the Big Blue River. The proposed criterion is based on data developed by KDHE through field analysis. The field analysis indicates silver in the concentration allowed by the proposed site-specific limit poses no chronic threat to aquatic organisms that are indigenous to the Big Blue River.

As a note of reference, the EPA maximum contaminant level (MCL) for silver is 0.050 mg/l. MCLs are the maximum levels of contaminants allowed in drinking water intended for human consumption.

2. **Zinc**—The existing state criterion for zinc is based on out-of-date data. The proposed criterion is the aquatic life chronic toxicity criterion adopted by EPA. KDHE will shortly propose to adopt the EPA criterion for zinc on a state-wide basis.

As a note of reference, the EPA secondary maximum contaminant level (SMCL) for zinc is 5 mg/l. The SMCLs serve as guidelines that are not enforceable. The SMCLs are set for contaminants that affect the esthetic qualities of drinking water.

Written comments on the adoption of the proposed site-specific water quality criterion may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Forbes Field, Topeka 66620. All comments received prior to February 25 will be considered in the determination regarding adoption of the proposed site-specific water quality criterion. Please refer to the appropriate public notice number (KS-90-6) when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue a final determination on adoption of the proposed site-specific criteria. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-28f(g).

Additional copies of this public notice, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 008764

**State of Kansas
Social and Rehabilitation Services**

**Notice of Kansas Medicaid
Disproportionate Share Payments for 1989**

Listed below are those Kansas hospitals that received disproportionate share payments for 1989:

Facility Name	Medicaid Payment
Bethany Medical Center	\$104,608
Cushing Memorial Hospital	25,233
Hamilton County Hospital	4,441
Hospital District 1, Crawford County	4,985
Larned State Hospital	381,227
Osawatomie State Hospital	447,738
Rainbow Mental Health Facility	403,695
Riverside Hospital	11,801
St. John Hospital, Inc.	13,734
St. Joseph Medical Center	157,448
Storrmont Vail Regional Medical Center	103,779
Topeka State Hospital	906,428
University of Kansas Medical Center	162,100

Winston Barton
Secretary of Social and
Rehabilitation Services

Doc. No. 008767

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permit

In accordance with state regulations 28-16-57 through 28-16-63, 28-16-83 through 28-16-98, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for discharges to publicly owned treatment works for the applicant described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit to discharge subject to certain limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Cross Hose & Fittings Division Cross Manufacturing, Inc. 204 W. Simpson Pratt, KS 67124 Pratt County, Kansas	Pratt MWWTP	Process Wastewater

Kansas Permit No.: P-AR73-0002

Description of Facility: This facility manufactures hydraulic fittings and adapters. It operates a zinc plating line and does some conversion coating (chromating) using 19 active and four empty tanks.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to February 23 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-PT-90-3) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant
Secretary of Health and Environment

Doc. No. 008762

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below. The tentative determinations for permit content are based on preliminary limitations of the state of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Kuhlman Diecasting Company P.O. Box 23218 164th and Mission Road Stanley, KS 66223 Johnson County, Kansas	Missouri River via Big Blue River	Process Wastewater

Kansas Permit No. I-M026-P001 Fed. Permit No. KS-0001881

Description of Facility: This facility is a diecasting job shop engaged in the production of zinc alloy diecasting, including a captive electroplating operation. Concurrent to public notice of this permit, public notice is also being published to establish site-specific water quality criteria for zinc and silver. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council 218 N. Rock Minneapolis, KS 67467 Ottawa County, Kansas	Solomon River via Lindsey Creek via Unnamed Tributary	Secondary Wastewater Treatment Facility

Kansas Permit No. M-S027-0002 Fed. Permit No. KS-0086304

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Mayor and City Council City Hall, 129 E. Ross P.O. Box 453 Clearwater, KS 67026 Sedgwick County, Kansas	Ninnescah River	Secondary Wastewater Treatment Facility

Kansas Permit No. M-AR22-0001 Fed. Permit No. KS-0022365

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to February 23 will be considered in the formulation of final determinations regarding this public notice. Please refer to the

appropriate application number (KS-90-7/9) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 008763

State of Kansas
Department of Administration
Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, February 26, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Division of Accounts and Reports.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

A summary of proposed regulations and their economic impact follows.

K.A.R. 1-16-8. Use of privately-owned or operated conveyance; reimbursement for transportation and subsistence expenses. This regulation, which sets limits on the amount of transportation and subsistence expenses that may be reimbursed when a private car is used for official state travel, is proposed for amendment on a permanent basis. Under the current regulation, reimbursement for travel and subsistence expenses is limited when a private vehicle is used for out-of-state travel. The proposed amendment would allow exceptions to these restrictions upon written prior approval of the agency head if the agency head determines the exception is in the best interest of the state given unusual circumstances surrounding the travel. The amendment will provide greater flexibility to agencies in reimbursing employees, partic-

ularly when the total expenses are for the out-of-state travel, using the private vehicle, are less than or equal to the total expenses that would have been incurred had the employee used the fastest, most economical form of public transportation available for the trip. No measurable economic impact on state agencies, state employees or the general public is anticipated.

K.A.R. 1-16-18. Subsistence allowance, rates. Proposed amendments to this regulation raise the quarter-day meal allowance rates and the lodging expense maximums as follows:

Proposed Increases in Meals Allowance		
	Current	Proposed
In-state	\$4.00	\$4.50
Out-of-state	\$4.50	\$5.00
Designated high cost geographic area— out-of-state	\$5.50	\$6.00
International Travel	\$5.50	\$6.00

Proposed Increases in Lodging Expense Limitations		
	Current	Proposed
In-state, exclusive of designated high cost geographic areas	\$40.00	\$ 44.00
In-state, designated high cost geographic area	\$50.00	\$ 55.00
Out-of-state, exclusive of designated high cost geographic areas	\$60.00	\$ 66.00
Out-of-state, designated high cost geographic area	\$85.00	\$ 94.00
Borough of Manhattan and the District of Columbia	\$98.00	\$108.00
International Travel	actual	

The amendments, which would take effect on July 1, 1990, are proposed so that subsistence rates will more closely reflect current travel expenses. These increases represent a 12.5 percent increase in meal allowance rates and a 10.3 percent increase in the maximum lodging reimbursement rates. Assuming a *maximum* estimated increase of 10.3 percent in total subsistence expenses as a result of these amendments, the increased cost to state agencies in fiscal year 1991 would be \$840,676 (State General Fund—\$258,928). No impact on other governmental units or on the general public is anticipated.

K.A.R. 1-18-1a. Mileage rates. Amendments to this regulation, which are proposed on both a temporary and a permanent basis, would increase the mileage reimbursement rate for use of privately-owned automobiles on official state business from 22.5 cents to 24 cents per mile. The economic impact of this increase on state agencies for the remainder of fiscal year 1990 (assuming an effective date of March 1, 1990) is estimated to be \$126,558 (State General Fund—\$51,382) and in fiscal year 1991, \$383,505 (State General Fund—\$155,705). The proposed increase also would have an undeterminable economic impact on those governmental units in the state of Kansas that do not elect to establish their own mileage rates.

Copies of the regulations and their economic impact statements may be obtained from the Division of Accounts and Reports, 3rd Floor, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-2311.

Shelby Smith
Secretary of Administration

Doc. No. 008751

State of Kansas

Department of Health and Environment

State Emergency Response Commission

Notice of Meeting

The State Emergency Response Commission will meet at 9 a.m. Tuesday, February 6, in the State Defense Building, 2800 S. Topeka Blvd., Topeka.

Stanley C. Grant Secretary of Health and Environment

Doc. No. 008761

Wednesday, February 7, 1990

A-4854(e)

Emporia State University—Memorial Union renovation—Phase V

27517

Statewide—Spices and miscellaneous groceries

27557

Kansas State University—March (1990) meat products

27603

Kansas Correctional Industries—Chambray shirting fabric

82566

Kansas Correctional Industries—Northern hard maple

82623

University of Kansas Medical Center—Channel extension for mainframe computers

Friday, February 9, 1990

82589

Kansas State University—Lab water still

82590

Kansas State University—Emergency lights and emergency exit signs

82591

Kansas State Historical Society—Film duplicator

82592

Kansas State University—Combine, Hesston

82599

Wichita State University—Light fixtures

82600

Department of Corrections—Computers and accessories

82601

Department of Revenue—Computers and accessories

Monday, February 12, 1990

A5892 (Rev.)

University of Kansas—Reroofing—north section—Dyche Hall

A6369

University of Kansas—Ventilation improvements—Jayhawk Room, Kansas Union

Tuesday, February 13, 1990

A6245

Kansas State Historical Society—Re-inter Indian remains—Historic Indian Cemetery, Salina

Tuesday, February 20, 1990

A6112(a)

Department of Corrections—Site grading—Package 1A, El Dorado

Request for Proposals

Monday, February 12, 1990

28185

Needs assessment of aging Kansas veterans for Kansas Commission on Veterans Affairs

Nicholas B. Roach Director of Purchasing

Doc. No. 008760

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

Monday, February 5, 1990

#00081

Quadrupole doublet and triplet

#00082

Concrete saw—self-propelled

William H. Sesler Director of Purchasing

Doc. No. 008765

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, February 5, 1990

26442

Department of Human Resources—Mail transport service

Tuesday, February 6, 1990

27495

Department of Transportation—Parts washer service and solvent disposal

27515

Statewide—Frozen foods

28184

Various state agencies—Janitorial equipment

State of Kansas

Department of Transportation

Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Monday, February 19, in Room 734 South of the Docking State Office Building, 915 Harrison, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Bureau of Traffic Engineering.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Kent S. Jackson, Office of Chief Counsel, Kansas Department of Transportation, Docking State Office Building, Topeka 66612-1568.

All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

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

K.A.R. 36-1-1, General policy on the issuance of special permits: Amendments to this regulation allow special vehicle combination permits for certain divisible loads as set forth in 36-1-28 through 36-1-33. This change allows trucking firms that comply with the appropriate safety requirements to use triple trailers on the state highway system. Triple trailers are already allowed on the Kansas Turnpike.

K.A.R. 36-1-28, Special vehicle combinations demonstration program: This regulation establishes the procedures for obtaining a special vehicle combination permit. A "special vehicle combination" (SVC) is a truck tractor semi-trailer-trailer-trailer combination of vehicles. A trailer may consist of a converter dolly and a semitrailer. Fees for SVC permits are as follows:

Single Trip SVC Permit	— \$ 5.00/Towing Unit
Monthly SVC Permit	— \$ 12.00/Towing Unit
Annual SVC Permit	— \$120.00/Towing Unit

K.A.R. 36-1-29, Violations: This regulation establishes consequences for violations of laws and regulations applicable to SVCs.

K.A.R. 36-1-30, Cancellation of Permit, Hearing: This regulation establishes a procedure for requesting a hearing following cancellation of a SVC permit.

K.A.R. 36-1-31, Equipment: This regulation establishes equipment and safety requirements for SVC operation.

K.A.R. 36-1-32, Operational Procedure: This regulation establishes operational procedures for SVC operation.

K.A.R. 36-1-33, Insurance: This regulation establishes insurance requirements for SVC operation.

Copies of the regulations and their economic impact statements may be obtained from Kent Jackson at the address given above.

Horace B. Edwards
Secretary of Transportation

Doc. No. 008740

State of Kansas

Animal Health Department

Notice of Hearing
on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, February 26, in Suite 4B, 712 Kansas Ave., Topeka, to consider the adoption of proposed permanent changes in an existing rule and regulation of the bovine brucellosis vaccination procedure.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to the Kansas Livestock Commissioner, Animal Health Department, Suite 4B, 712 Kansas Ave., Topeka 66603.

A summary of the proposed amended regulation and its economic impact follows:

K.A.R. 9-2-1—Official Vaccinate. Amendments to this regulation reduce the amount of paper handling and mail expense by allowing the authorized person doing the vaccination to use a new state form, consisting of an original and two copies of the vaccination certificate. That person shall record the necessary information and submit one copy to the Animal Health Department, give one copy to the livestock owner and retain one copy for their personal records.

This procedure differs in that of the present procedure, in which all copies had to be submitted and the agency mailed one copy to the owner and one to the authorized veterinarian.

The advantage to both the owner and the veterinarian doing the vaccinating is they have a copy of the record immediately following the act of vaccination. The advantage to the Animal Health Department is the economic move of not only saving a great deal of postage, but saving enough in secretarial time to possibly eliminate a full-time position handling the certificates.

The proposed changes continue to comply with the mandated federal regulation that establishes guidelines for official brucellosis vaccination of bovine and bison females.

A copy of the regulation and economic impact statement can be obtained from the Kansas Animal Health Department at the address above, (913) 296-2326.

A. T. Kimmell, D.V.M.
Kansas Livestock Commissioner

Doc. No. 008744

State of Kansas
State Bank Commissioner
State Banking Board
Notice of Meeting

The State Banking Board will meet at 9:30 a.m. Monday, February 19, in the conference room of the State Banking Department, Suite 300, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

W. Newton Male
 State Bank Commissioner

Doc. No. 008743

State of Kansas
Department of Transportation
Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. February 15, 1990, and then publicly opened:

District One—Northeast

Atchison—159-3 K-3735-01—U.S. 159, from the Jefferson-Atchison county line north to the east junction of K-9, 8.1 miles overlay. (State Funds)

Brown—73-7 K-3727-01—U.S. 73, from the Atchison-Brown county line northwest and west to east city limits of Horton, 8.5 miles, overlay. (State Funds)

Doniphan—120-22 K-3734-01—K-120, from the junction of K-20 north 7.6 miles, overlay. (State Funds)

Douglas—23K-1313-05—Clinton State Park, 1.0 mile, overlay. (State Funds)

Douglas—59-23 K-3857-01—U.S. 59, from the south city limits of Lawrence, then south 4.3 miles, recycling. (State Funds)

Jackson—16-43 K-3858-01—K-16, from the east city limits of Holton east to the Jackson-Jefferson county line, 12.1 miles, overlay. (State Funds)

Jefferson—44 K-1429-03—Perry State Park, 5.7 miles, overlay. (State Funds)

Jefferson—92-44 K-0410-01—K-92, Little Slough Creek bridge 26, 8 miles east of the junction of K-4, 1.3 miles, bridge replacement. (Federal Funds)

Jefferson/Leavenworth—16-106 K-3930-01—K-16, from 0.1 mile east of the south junction of U.S. 59 in Jefferson County east and south to the junction of U.S. 24 in Leavenworth County, 16.1 miles, recycling. (State Funds)

Jefferson/Leavenworth—16-106 K-3931-01—K-192, from the junction of U.S. 59 in Jefferson County east to the junction of U.S. 73 in Leavenworth County, 16.3 miles, overlay. (State Funds)

Johnson—56-46 K-3721-01—U.S. 56, from the Douglas-Johnson county line northeast to the west city limits of Gardner, 7.2 miles, recycling. (State Funds)

Leavenworth—52 U-1118-01—10th street, Kenton to Cherokee in Leavenworth, 0.5 mile, grading and surfacing. (Federal Funds)

Nemaha—36-66 K-4017-01—U.S. 36, Intersection of U.S. 36 and 6th Street in Seneca, traffic signal. (State Funds)

Osage—56-70 K-0640-01—U.S. 56, Dragoon Creek drainage bridge 91, 4.4 miles east of the north junction of K-31, bridge replacement. (Federal Funds)

Pottawatomie—99-75 K-0672-01—K-99, Elm Slough 33 bridge and Rock 34 bridge, located 2.7 miles and 2.8 miles north of U.S. 24, bridge replacement. (Federal Funds)

Shawnee—75-89 K-3249-01—U.S. 75, 0.5 mile north of U.S. 24, north to the four lane/two lane divided (north and southbound), 4.5 miles, overlay. (State Funds)

Shawnee/Jefferson—106 K-3929-01—K-4, from the junction of U.S. 24 in Shawnee County northeast to FAS 1799 in Jefferson County and K-92, from the junction of K-4 east 9.0 miles in Jefferson County, 16.7 miles, recycling. (State Funds)

Wyandotte—24-105 K-3719-01—U.S. 24, from 2 miles east of U.S. 73 east to 94th Street (north and south lanes), 3.0 miles, overlay. (State Funds)

District Two—Northcentral

Ellsworth—14-27 K-3813-01—K-14, Oak Creek drainage culvert #522 north of Ellsworth, culvert. (State Funds)

Geary—31 K-1316-03—Milford State Park, 0.8 mile, overlay. (State Funds)

Geary—57-31 K-3745-01—K-57, from the south junction of U.S. 77 south to the concrete pavement (north and south lanes), 1.9 miles, overlay. (State Funds)

Geary—77-31 M-1565-01—U.S. 77, stockpile bituminous mix, 1.0 mile south of I-70. (State Funds)

Jewell—36-45 K-3851-01—U.S. 36, from 0.6 mile east of FAS 1446 east to the Jewell-Republic county line, 5.6 miles, recycling. (State Funds)

McPherson—59 K-3926-01—U.S. 81B, from the junction of K-61 north to the south city limits of McPherson; K-153, from the junction of K-61 north to the south city limits of McPherson; and K-153 Spur, the entire route in McPherson County, 5.4 miles, overlay. (State Funds)

McPherson—56-59 K-1700-01—U.S. 56, from the Rice-McPherson county line east to K-153/U.S. 56, west city limits of McPherson, 13.2 miles, seal. (State Funds)

McPherson—61-59 K-3748-01—K-61, from the Reno-McPherson county line northeast to the junction of K-153, 12.4 miles, recycling. (State Funds)

McPherson—81B-59 M-1564—U.S. 81B, stockpile bituminous mix 2.5 miles south of McPherson. (State Funds)

Ottawa—93-72 K-3824-01—K-93, drainage culverts 515 and 516 1.5 miles east of the junction of U.S. 81, 0.0 mile. (State Funds)

Republic—36-79 K-3852-01—U.S. 36, from the Jewell-Republic county line east to the west city limits of Scandia, 7.6 miles, recycling. (State Funds)

Washington—101 K-3924-01—K-148, from the east junction of K-9 north to the Kansas-Nebraska state line; K-234, from the junction of K-146 west to Hanover; and K-243, from the junction of K-148 east to Pony Express Museum in Washington County, 21.9 miles, overlay. (State Funds)

Washington—101 K-3988-01—K-9, from the north junction of K-15 east to the Washington-Marshall county line and K-119 from the junction of K-9 north to the south city limits of Greenleaf in Washington County, 14.1 miles, recycling. (State Funds)

Washington—148-101 M-1566-01—K-148, stockpile bituminous mix, 1.5 miles south of U.S. 36 on K-148. (State Funds)

Washington/Clay—9-106 K-3923-01—K-9, from the west Washington County line east to the junction of K-15 in Clay County, except in Clifton, 13.1 miles, overlay. (State Funds)

District Three—Northwest

Thomas—97 C-2378-01—County road, 5.0 miles east of Brewster, then east, 4.1 miles, surfacing. (Federal Funds)

District Four—Southeast

Allen—169-1 K-3829-01—U.S. 169, Elm Creek bridge 30, 0.9 mile south of the U.S. 54 south junction, bridge painting. (State Funds)

Allen/Anderson/Bourbon—106 K-3928-01—U.S. 59, from the junction of U.S. 54 in Allen County north to the Anderson County line and U.S. 54 from the west junction of K-3 east to the junction of U.S. 69 in Bourbon County, 28.5 miles, recycling. (State Funds)

Bourbon—54-6 K-3820-01—U.S. 54, Marmaton River bridge 5, 0.5 mile north of the east junction of U.S. 69, bridge painting. (State Funds)

Crawford—19 K-1426-02—Crawford State Park, overlay. (State Funds)

Crawford/Cherokee/Montgomery—106 K-4019-01—Crawford County on K-126, Limestone Creek bridge 35; and on K-3, Big Walnut Creek bridge 53; Cherokee County on K-96, Shawnee Creek bridge 60; Montgomery County on U.S. 160, Cherry Creek bridge 27, bridge painting. (State Funds)

Franklin—68-30 K-3822-01—K-68, Marais Des Cygnes River bridge 70, 8.7 miles east of the county line, bridge painting. (State Funds)

Greenwood—99-37 K-3136-01—K-99, Honey Creek bridge 31, 5.5 miles south of the west junction of U.S. 54, bridge replacement. (Federal Funds)

Linn/Anderson—106 K-4018-01—Linn County, K-7, Big Sugar Creek bridge 14, and Anderson County, K-31, Kenoma Creek bridge 16, bridge painting. (State Funds)

Linn—54 K-3927-01—K-52 from the north junction of K-7 east to the south junction of U.S. 69 and from the north junction of U.S. 69 east to the Kansas-Missouri state line and on K-152, 1.5 miles east of FAS 403 east to the junction of U.S. 69 in Linn County, 17.4 miles, overlay. (State Funds)

Montgomery—63 K-1427-03—Elk City State Park, overlay. (State Funds)

Neosho—39-67 K-3964-01—K-39, bridge 15 over the

Atchison, Topeka and Santa Fe Railway in Chanute, bridge painting. (State Funds)

Wilson—39-103 K-3965-01—K-39, Verdigris River bridge 22, 4.7 miles east of the north junction of K-96, bridge painting. (State Funds)

District Five—Southcentral

Butler—8K-2831-01—El Dorado State Park, 20.4 miles, overlay (State Funds)

Butler—8 C-2350-01—County road, 6.0 miles south of Rosalia, then south, 2.5 miles, grading and surfacing. (Federal Funds)

Kingman—48 C-2675-01—County road, 3.8 miles north of Spivey, then north, 3.0 miles, surfacing. (Federal Funds)

Sedgwick—135-87 M-1578-01—I-135, bridge 299, from the junction of U.S. 54 (northbound I-135 westbound U.S. 54), bridge repair. (State Funds)

Sedgwick—87 U-1260-01—Seneca Street north of Grand Street east of Seneca Street in Haysville, 1.3 miles, surfacing. (Federal Funds)

District Six—Southwest

Meade—60 K-2832-01—Meade State Park, overlay. (State Funds)

Scott—83-86 K-3341-01—U.S. 83, from 1,315 feet south of the north city limits of Scott City north to the Scott-Logan county line, 15.3 miles, recycling. (State Funds)

Scott—86 C-2741-01—County road; 0.5 mile south and 1.0 mile west of Shallow Water, then west, 1.0 mile, surfacing. (Federal Funds)

Scott—County road, 0.5 mile south and 2.0 miles west of Shallow Water, then west, 1.0 mile, surfacing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap, or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying 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 sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

Horace B. Edwards
Secretary of Transportation

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced in the 1990 Kansas Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills introduced January 11-17:

House Bills

HB 2619, by Representatives Blumenthal, Adam, Allen, Amos, Baker, Barkis, Bowden, Brady, Branson, Brown, Campbell, Charlton, Cribbs, Dean, Dillon, Douville, Everhart, Flottman, Francisco, Freeman, Fry, Gjerstad, Gomez, Graeber, Green, Gregory, Gross, Grotewiel, Hamm, Harder, Helgerson, Hensley, Hochhauser, Hurt, Jenkins, Johnson, Jones, Kline, Lacey, Lane, Larkin, Lawrence, Littlejohn, J.W. Long, Lynch, McClure, Patrick, Reardon, Reinert, Reinhardt, Rezac, Roper, Roy, Russell, Sader, Sawyer, Schauf, Scott, Sebelius, Shumway, Solbach, Sughrue, Teagarden, Turnbaugh, Turnquist, Wagnon, Watson, Webb, Wells, Whiteman, Wiard, Wilbert, Williams and Wisdom: An act making and concerning appropriations for the fiscal year ending June 30, 1990, for the department of social and rehabilitation services to restore the attendant care for independent living program.

HB 2620, by Committee on Taxation: An act providing property tax relief to certain owners of commercial real estate and providing for the funding thereof; prescribing authorities and duties for the department of revenue relating thereto; amending K.S.A. 79-3298, 79-3607, 79-3702, 79-4103, 79-41a03 and 79-4220 and repealing the existing sections.

HB 2621, by Committee on Taxation: An act amending the Kansas retailers' sales tax act; concerning the method and time of payment; creating a deposit requirement for certain taxpayers; amending K.S.A. 79-3607 and repealing the existing section.

HB 2622, by Committee on Taxation: An act concerning the examination of taxpayers' books and records; providing for the payment of travel expenses.

HB 2623, by Committee on Taxation: An act relating to income tax concerning due dates for returns and the allocation of surtax exemptions; amending K.S.A. 79-3221, 79-3225 and 79-32,110 and repealing the existing sections.

HB 2624, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1991, for the department of corrections; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2625, by Committee on Appropriations: An act making and concerning appropriations for the fiscal year ending June 30, 1991, for the department of revenue — homestead property tax refunds, department of human resources, Kansas commission on veterans affairs, department of health and environment and department on aging; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2626, by Committee on Governmental Organization: An act concerning electricians; relating to standard examinations for determination of competency; amending K.S.A. 1989 Supp. 12-1525 and 12-1527, and repealing the existing sections.

HB 2627, by Representative Roenbaugh: An act concerning the conveyance of certain land to Pawnee county; amending K.S.A. 75-3323 and 75-3323a and repealing the existing sections.

HB 2628, by Committee on Commercial and Financial Institutions: An act relating to banks and banking; concerning branch banks; amending K.S.A. 1989 Supp. 9-1111 and repealing the existing section; also repealing K.S.A. 1989 Supp. 9-1111a and 9-1111c.

HB 2629, by Representatives Heinemann, Allen, Amos, Baker, Blumenthal, Borum, Branson, Brown, Buehler, Cribbs, Douville, Empson, Flottman, Flower, Fry, Fuller, Gatlin, Gjerstad, Goossen, Graeber, Gross, Helgerson, Hensley, Kline, Lane, Lawrence, Lowther, Mead, R.D. Miller, O'Neal, Pottorff, Reinert, Roenbaugh, Russell, Sader, Samuelson, Sawyer, Schauf, Scott, Sebelius, Shriver, Shumway, Sughrue, Turnbaugh, Walker, Weimer, Wells, Wiard, Wilbert and Wisdom:

An act making and concerning appropriations for the fiscal years ending June 30, 1990, and June 30, 1991, for the department of social and rehabilitation services and department of corrections; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2630, by Joint Committee on Administrative Rules and Regulations: An act concerning the optometry law; amending K.S.A. 65-1502, 65-1508, 65-1509, 65-1512, 65-1513, 65-1514, 74-1502 and 74-1504 and K.S.A. 1989 Supp. 65-1501a, 65-1505 and 65-1509a and repealing the existing sections; also repealing K.S.A. 65-1504, 65-1504a and 65-1510 and K.S.A. 1989 Supp. 65-1506.

HB 2631, by Representatives Douville, Branson, Charlton, Cribbs, Flottman and Sughrue: An act making and concerning appropriations for the fiscal year ending June 30, 1990, for the department of social and rehabilitation services.

HB 2632, by Committee on Taxation: An act providing property tax relief to certain owners of residential and commercial real estate and buildings on land devoted to agricultural use; prescribing certain authorities and duties for the department of revenue relating thereto; amending K.S.A. 79-3298, 79-34,147, 79-3620, 79-3710, 79-4103, 79-41a03, 79-4220 and 79-4520 and repealing the existing sections.

HB 2633, by Committee on Commercial and Financial Institutions: An act concerning savings and loan associations; relating to accounts thereof; amending K.S.A. 17-5401 and repealing the existing section.

HB 2634, by Representative Douville: An act making a reduction in compensation for all state officers and employees; amending K.S.A. 75-3111a and 75-3120l and K.S.A. 1989 Supp. 46-137a and 46-137b and repealing the existing sections.

HB 2635, by Committee on Taxation: An act providing for property tax refunds to certain taxpayers; amending K.S.A. 79-4520 and repealing the existing section.

HB 2636, by Committee on Taxation: An act relating to the imposition and collection of income and privilege tax surtaxes by cities; prescribing authorities and duties for the department of revenue relating thereto; amending K.S.A. 12-140 and repealing the existing section.

HB 2637, by Representatives Blumenthal, Adam, Johnson, Lowther, Pottorff, Ramirez, Reardon, Roy, Snowbarger and Spaniol: An act relating to certain local option taxes; providing that information be provided to certain cities and counties imposing the same; amending K.S.A. 1989 Supp. 12-189, 12-1694 and 12-1698 and repealing the existing sections.

HB 2638, An act making and concerning appropriations for the fiscal year ending June 30, 1991, for the Kansas public employees retirement system, Kansas public disclosure commission, commission on civil rights, state corporation commission, department of administration and state finance council; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

HB 2639, by Committee on Agriculture and Small Business: An act concerning meat and poultry; relating to late renewals of registrations; amending K.S.A. 1989 Supp. 65-6a34 and repealing the existing section.

HB 2640, by Committee on Education: An act concerning community colleges; relating to the determination of general state aid entitlements; amending K.S.A. 1989 Supp. 71-619 and repealing the existing section.

HB 2641, by Committee on Education: An act concerning special education for exceptional children; relating to enrollment and attendance requirements; amending K.S.A. 72-977 and K.S.A. 1989 Supp. 38-1502, and repealing the existing sections.

HB 2642, by Committee on Judiciary: An act concerning civil procedure; relating to redemption; amending K.S.A. 60-2414 and repealing the existing section.

HB 2643, by Committee on Judiciary: An act concerning civil procedure; relating to pleadings and judgments; amending K.S.A. 60-208 and K.S.A. 1989 Supp. 60-254 and repealing the existing sections.

HB 2644, by Committee on Judiciary: An act concerning the recording of certain decrees of the court with the register of deeds; amending K.S.A. 1989 Supp. 58-2242a and 59-2249 and repealing the existing sections.

HB 2645, by Committee on Judiciary: An act concerning district courts; relating to the disposition of money received by the clerk; amending K.S.A. 1989 Supp. 20-350 and repealing the existing section; also repealing K.S.A. 1989 Supp. 20-350a.

HB 2646, by Committee on Judiciary: An act concerning municipal courts; relating to the right to counsel; amending K.S.A. 1989 Supp. 12-4416 and repealing the existing section; also repealing K.S.A. 1989 Supp. 12-4416b.

HB 2647, by Committee on Judiciary: An act concerning crimes and punishments; relating to expungement; amending K.S.A. 1989 Supp. 21-4619 and repealing the existing section; also repealing K.S.A. 21-4619, as amended by section 46 of chapter 38 of the 1989 Session Laws of Kansas.

HB 2648, by Committee on Judiciary: An act concerning criminal procedure; relating to release prior to trial; amending K.S.A. 1989 Supp. 22-2802 and repealing the existing section; also repealing K.S.A. 1989 Supp. 22-2802a and 22-2802b.

HB 2649, by Committee on Judiciary: An act concerning criminal procedure; relating to diversion agreements; amending K.S.A. 1989 Supp. 22-2909 and repealing the existing section; also repealing K.S.A. 1989 Supp. 22-2909b.

Senate Bills

SB 417, by Senators Johnston, Anderson, Bogina, Bond, Burke, Daniels, Feleciano, Francisco, Gaines, Harder, Hayden, Kanan, Karr, D. Kerr, F. Kerr, Langworthy, Lee, Martin, McClure, Moran, Oleen, Parrish, Petty, Reilly, Rock, Salisbury, Steineger, Strick, Thiessen, Vidricksen, Walker, Winter and Yost: An act relating to preservation of state owned buildings and structures having historical significance.

SB 455, by Committee on Financial Institutions and Insurance: An act relating to savings and loan associations; authorizing certain acquisitions.

SB 456, by Senators Frahm, F. Kerr, Harder, D. Kerr, Langworthy, Allen, Bogina, Bond, Burke, Doyen, Ehrlich, Feleciano, Francisco, Gaines, Johnston, Karr, Montgomery, Moran, Morris, Oleen, Reilly, Salisbury, Salleg, Thiessen, Vidricksen, Winter and Yost: An act concerning schools; relating to accreditation thereof through effectuation of outcomes-based accountability systems.

SB 457, by Senators Langworthy, F. Kerr, Frahm, Harder, D. Kerr, Allen, Bogina, Bond, Burke, Doyen, Ehrlich, Feleciano, Francisco, Gaines, Johnston, Karr, Montgomery, Moran, Morris, Oleen, Reilly, Salisbury, Thiessen, Vidricksen, Winter and Yost: An act concerning school districts; authorizing the development and operation of parents as teachers programs and providing for grants of state moneys therefor; amending K.S.A. 1989 Supp. 72-7062 and 72-7063, and repealing the existing sections.

SB 458, by Senators Harder, F. Kerr, Frahm, D. Kerr, Langworthy, Allen, Bogina, Bond, Burke, Doyen, Ehrlich, Feleciano, Francisco, Gaines, Johnston, Karr, Montgomery, Morris, Oleen, Reilly, Salisbury, Thiessen, Vidricksen, Winter and Yost: An act concerning the educational excellence grant program; amending K.S.A. 1989 Supp. 72-7062, 72-7063, 72-9901, 72-9902, 72-9903, 72-9904, 72-9905 and 72-9906, and repealing the existing sections.

SB 459, by Senators Frahm, F. Kerr, Harder, D. Kerr, Langworthy, Allen, Bogina, Bond, Burke, Doyen, Ehrlich, Feleciano, Francisco, Gaines, Johnston, Karr, Moran, Morris, Oleen, Reilly, Thiessen, Vidricksen, Winter and Yost: An act concerning education; authorizing agreements between school districts and institutions of postsecondary education for the purpose of encouraging enrollment by certain secondary pupils in courses of postsecondary education; amending K.S.A. 1989 Supp. 72-7033 and repealing the existing section.

SB 460, by Senators D. Kerr, F. Kerr, Frahm, Harder, Langworthy, Allen, Bogina, Bond, Burke, Doyen, Ehrlich, Feleciano, Francisco, Gaines, Johnston, Karr, Morris, Reilly, Salisbury, Thiessen, Vidricksen, Winter and Yost: An act concerning medical assistance; relating to Medicaid coverage of pregnant women and infants; directing certain actions by the secretary of social and rehabilitation services.

SB 461, by Senators Walker, Anderson, Kanan, Karr, Lee, Martin, McClure, Parrish, Petty, Rock, Strick, Vidricksen and Winter: An act relating to preservation of state owned buildings and structures having historical significance.

SB 462, by Committee on Ways and Means: An act concerning property insurance purchase by state agencies; amending K.S.A. 1989 Supp. 74-4702 and repealing the existing section.

SB 463, by Committee on Ways and Means: An act authorizing sale of real estate at Emporia state university by the state board of regents; repealing K.S.A. 76-616g.

SB 464, by Committee on Ways and Means: An act concerning the Kansas civil service act; amending K.S.A. 75-2935 and repealing the existing section; also repealing K.S.A. 75-2935d.

SB 465, by Committee on Ways and Means: An act concerning lease of land at Fort Hays state university; amending K.S.A. 76-519 and repealing the existing section.

SB 466, by Senators Ehrlich, Hayden and Montgomery: An act con-

cerning emergency medical services; relating to qualifications for certain classes of attendant's certificates; amending K.S.A. 1989 Supp. 65-6112 and 65-6129 and repealing the existing sections.

SB 467, by Senators Thiessen and Martin: An act relating to property taxation; concerning notification of property valuation changes; amending K.S.A. 79-1460 and repealing the existing section.

SB 468, by Senators Winter and Moran: An act concerning crimes, punishment and criminal procedure; relating to authorized dispositions; amending K.S.A. 1989 Supp. 21-4603 and repealing the existing section; also repealing K.S.A. 1989 Supp. 21-4603c.

SB 469, by Senators Reilly, Ehrlich, Kanan, Sallee, Vidricksen and Yost: An act relating to the limitation of the levy of taxes by taxing subdivisions in 1989; amending K.S.A. 79-5022 and repealing the existing section.

SB 470, by Joint Committee on Administrative Rules and Regulations (by request): An act concerning the licensure and registration of certain persons dealing in animals; amending K.S.A. 1989 Supp. 47-1721 and repealing the existing section.

SB 471, by Joint Committee on Administrative Rules and Regulations: An act concerning the removal of certain materials from rivers; relating to the payment of compensation therefor; amending K.S.A. 70a-102 and repealing the existing section.

SB 472, by Senators Bond, Burke, Langworthy, Bogina and Allen: An act concerning vehicles; providing for the suspension of driving privileges under certain circumstances related to presence of illegal drugs in such vehicle and other penalties.

SB 473, by Committee on Financial Institutions and Insurance: An act relating to corporations organized under the nonprofit medical and hospital service corporation act; statutes applicable thereto; amending K.S.A. 1989 Supp. 40-19c09 and repealing the existing section; also repealing K.S.A. 1989 Supp. 40-19c09a.

SB 474, by Committee on Financial Institutions and Insurance: An act relating to captive insurance companies; concerning pure captive insurance companies insuring risks of certain aircraft manufacturers and affiliated companies; amending K.S.A. 1989 Supp. 40-4301, 40-4303 and 40-4311 and repealing the existing sections.

SB 475, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning hearings of the commissioner of insurance with respect to certain rate filings; amending K.S.A. 1989 Supp. 40-929 and 40-1113 and repealing the existing sections; also repealing K.S.A. 1989 Supp. 40-929a and 40-1113b.

SB 476, by Committee on Financial Institutions and Insurance: An act relating to insurance; concerning unfair methods of competition and unfair or deceptive acts or practices; amending K.S.A. 1989 Supp. 40-2404 and repealing the existing section; also repealing K.S.A. 1989 Supp. 40-2404b.

SB 477, by Committee on Financial Institutions and Insurance: An act relating to health maintenance organizations; concerning contract provisions; amending K.S.A. 1989 Supp. 40-3209 and repealing the existing section; also repealing K.S.A. 1989 Supp. 40-3209a.

SB 478, by Committee on Local Government: An act concerning cities; relating to the limitation on bonded indebtedness; amending K.S.A. 1989 Supp. 10-308 and repealing the existing section.

SB 479, by Committee on Local Government: An act concerning public building commissions; relating to the issuance of revenue bonds; amending K.S.A. 1989 Supp. 12-1767 and repealing the existing section; also repealing K.S.A. 1989 Supp. 12-1767a.

SB 480, by Senator Doyen: An act concerning taxation; relating to exemptions for property; amending K.S.A. 79-210 and repealing the existing section.

SB 481, by Committee on Transportation and Utilities: An act relating to motor vehicles; increasing the fee for duplicate registration thereof; amending K.S.A. 1989 Supp. 8-139 and repealing the existing section.

SB 482, by Committee on Transportation and Utilities: An act relating to motor vehicles; concerning salvage vehicle dealers; amending K.S.A. 1989 Supp. 8-2401 and repealing the existing section.

SB 483, by Committee on Transportation and Utilities: An act concerning the taxation of motor fuels; relating to the payment thereof; amending K.S.A. 79-3408, 79-3410, 79-3480a, 79-3495, 79-3499, 79-34,111 and 79-34,113 and repealing the existing sections.

SB 484, by Committee on Transportation and Utilities: An act concerning the Kansas uniform commercial driver's license act; amending K.S.A. 8-234b, as amended by section 19 of chapter 38 of the 1989 Session Laws of Kansas and K.S.A. 1989 Supp. 8-2,128, 8-2,135, 8-2,139 and 8-2106 and repealing the existing sections; also repealing K.S.A. 1989 Supp. 12-4205.

(continued)

SB 485, by Committee on Transportation and Utilities: An act relating to motor vehicles; concerning fees for the filing of security interest therein; amending K.S.A. 1989 Supp. 8-135 and repealing the existing section.

SB 486, by Committee on Transportation and Utilities: An act amending the vehicle dealers' and manufacturers' licensing act; concerning brokers; amending K.S.A. 8-2402 and K.S.A. 1989 Supp. 8-2401 and 8-2404 and repealing the existing sections.

SB 487, by Committee on Transportation and Utilities: An act relating to motor carriers; concerning certain permits and certificates; amending K.S.A. 66-1,115a and repealing the existing section.

SB 488, by Senator Bogina: An act amending the Kansas compensating tax act; concerning the definition of retailer doing business in this state; amending K.S.A. 79-3702 and repealing the existing section.

SB 489, by Committee on Transportation and Utilities: An act relating to motor carriers; concerning the regulation thereof; amending K.S.A. 66-1,109 and K.S.A. 1989 Supp. 66-1,129 and repealing the existing sections.

SB 490, by Committee on Governmental Organization: An act concerning the Kansas sunset law; continuing in existence the commission on civil rights; amending K.S.A. 74-7250 and repealing the existing section.

SB 491, by Committee on Assessment and Taxation: An act concerning the computation of Kansas adjusted gross income; providing for the deductibility of certain expenses; amending K.S.A. 79-32,117 and repealing the existing section.

SB 492, by Committee on Assessment and Taxation: An act concerning the payment of taxes; authorizing the use of electronic funds transfer for such purpose.

SB 493, by Committee on Assessment and Taxation: An act concerning local sales taxes; specifying the taxable situs for telephone answering services; amending K.S.A. 1989 Supp. 12-191 and repealing the existing section.

SB 494, by Committee on Assessment and Taxation: An act concerning homestead property tax refunds; prescribing a date for the filing of a claim therefor; amending K.S.A. 79-4505 and repealing the existing section.

SB 495, by Committee on Assessment and Taxation: An act concerning the taxation of marijuana and controlled substances; imposing a tax on wet and dry domestic marijuana plants; amending K.S.A. 79-5201, 79-5202, 79-5204 and 79-5205 and repealing the existing sections.

SB 496, by Committee on Assessment and Taxation: An act concerning transient guest tax; relating to the due date of returns and penalties for the late filing thereof; amending K.S.A. 1989 Supp. 12-1694, 12-1694b, 12-1698 and 12-1698a and repealing the existing sections.

SB 497, by Committee on Federal and State Affairs: An act concerning certain surplus state property; relating to disposal thereof; amending K.S.A. 75-6602 and repealing the existing section.

SB 498, by Committee on Federal and State Affairs: An act concerning the Kansas arts commission; authorizing the commission to adopt rules and regulations.

SB 499, by Committee on Federal and State Affairs: An act concerning the state historical society; authorizing the exchange, donation or other disposition of certain society property; amending K.S.A. 75-2701 and 75-2704 and repealing the existing sections.

SB 500 by Committee on Federal and State Affairs: An act concerning the joint committee on the arts and cultural resources; amending K.S.A. 1989 Supp. 46-1801 and repealing the existing section; also repealing K.S.A. 1989 Supp. 46-1802.

SB 501, by Committee on Federal and State Affairs: An act providing for checkoff donation for the purpose of funding the heritage preservation program; establishing the heritage trust fund.

SB 502, by Committee on Federal and State Affairs: An act concerning the state historical society; providing copies of publications of state agencies to the society; amending K.S.A. 75-1023 and 75-2703 and repealing the existing sections.

SB 503, by Committee on Federal and State Affairs: An act concerning the Kansas development finance authority act; relating to purposes for which bonds may be issued; amending K.S.A. 1989 Supp. 74-8902 and 74-8905 and repealing the existing sections.

House Resolutions

HR 6006, by Representative Eckert: A resolution urging the Union Pacific Railroad to include the Vliets to Parnell segment of Missouri Pacific rail line in its Northern Kansas lease proposal.

HR 6007, by Representative Lacey: A resolution congratulating and commending Ty Lewis on winning the High Jump at the 23rd Junior Olympic Games.

HR 6008, by Representative Lacey: A resolution commending Douglas Charles Jameson for his heroic action.

Senate Concurrent Resolutions

SCR 1629, by Senator Frahm: A concurrent resolution commending the State Board of Education for efforts in the development and implementation of an outcomes-based accountability system for school accreditation and requesting development of the system by February 1, 1991.

SCR 1630, by Senator D. Kerr: A concurrent resolution urging school districts to explore ways and means of establishing partnerships with the business community and requesting the State Board of Education to provide advice and assistance regarding the formation of business-education partnerships.

SCR 1631, by Senator Langworthy: A concurrent resolution providing for a special committee to make a legislative study concerning interaction between schools and other social service agencies.

SCR 1632, by Senator Yost: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

Senate Resolutions

SR 1802, by Senator Montgomery: A resolution urging the Union Pacific Railroad to include the Vliets to Parnell segment of Missouri Pacific rail line in its Northern Kansas lease proposal.

Doc. No. 008754

State of Kansas

Board of Healing Arts

Temporary Administrative Regulations

Article 49.—FEES

100-49-4. Fees. The following fees shall be collected by the Board:

(a) License based on an examination given by the board	\$150.00
(b) License based on endorsement	\$150.00
(c) (1) Annual renewal.....	\$150.00
(2) Late renewal	\$ 50.00
(3) Reinstatement	\$100.00
(d) Temporary permit.....	\$ 30.00
(e) Temporary license	\$ 25.00
(f) Examination	\$320.00
(g) Certification fee	\$ 15.00
(h) Duplicate license.....	\$ 15.00
(i) Annual renewal of exempt license.....	\$115.00

(Authorized by K.S.A. 65-2013; implementing K.S.A. 1988 Supp. 65-2012; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987; amended April 24, 1989; amended Aug. 21, 1989; amended T-100-1-17-90, Dec. 28, 1989.)

Richard G. Gannon
Executive Director

Doc. No. 008753

**State of Kansas
Social and Rehabilitation Services
Temporary Administrative
Regulations**

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. A monetary standard addresses the costs of day to day expenses and certain special expenditures. (a) Basic standard. The basic standards shall be those set forth below. The basic standards include \$12.00 per person as an energy supplement.

PERSONS IN PLAN			
1	2	3	4
\$125.00	\$203.00	\$274.00	\$335.00

For each additional person, add \$55.00.

(b) Shelter standard. A standard has been established for shelter based on location in the state. The county shelter standards shall be those set forth below.

Standard.	Group I \$92.00	Group II \$97.00	Group III \$109.00	Group IV \$135.00
Allen	Gove	Franklin	Butler	Douglas
Anderson	Graham	Gray	Jefferson	Harvey
Atchison	Grant	Kiowa	Leavenworth	Johnson
Barber	Greeley	Morton	McPherson	
Barton	Greenwood	Pawnee	Miami	
Bourbon	Hamilton	Seward	Osage	
Brown	Harper	Sherman	Reno	
Chase	Haskell		Rice	
Chautauqua	Hodgeman		Riley	
Cherokee	Jackson		Sedgwick	
Cheyenne	Jewell		Shawnee	
Clark	Kearny		Wyandotte	
Clay	Kingman			
Cloud	Labette			
Coffey	Lane			
Comanche	Lincoln			
Cowley	Linn			
Crawford	Logan			
Decatur	Lyon			
Dickinson	Marion			
Doniphan	Marshall			
Edwards	Meade			
Elk	Mitchell			
Ellis	Montgomery			
Ellsworth	Morris			
Finney	Nemaha			
Ford	Neosho			
Geary	Ness			
	Norton			
	Osborne			
	Ottawa			
	Phillips			
	Pottawatomie			
	Pratt			
	Rawlins			
	Republic			
	Rooks			
	Rush			
	Russell			
	Saline			
	Scott			
	Sheridan			
	Smith			
	Stafford			
	Stanton			
	Stevens			
	Sumner			
	Thomas			
	Trego			
	Wabaunsee			
	Wallace			
	Washington			
	Wichita			
	Wilson			
	Woodson			

K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

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

30-5-58. Definitions. (a) The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Accept medicare assignment" means accept the medicare allowed payment rate as payment in full for services provided to a recipient.

(2) "Accrual basis accounting" means reporting revenue in the period when it is earned, regardless of when it is collected, and reporting expenses in the period in which they are incurred, regardless of when they are paid.

(3) "Acquisition cost" means the allowable reimbursement price determined by the agency for each covered drug, supply or device in accordance with federal regulations.

(4) "Activities of daily living" means basic activities necessary for daily self care.

(5) "Admission" means the condition of entry into a hospital for the purpose of receiving inpatient medical treatment.

(6) "Ambulance" means a state-licensed vehicle equipped for emergency transportation of injured or sick recipients to facilities where medical services are rendered.

(7) "Arm's length transaction" means a transaction between unrelated parties.

(8) "Border cities" mean those communities outside of the state of Kansas but within a 50-mile range of the state border.

(9) "Case conference" means a scheduled face-to-face meeting involving two or more persons to discuss problems associated with the treatment of the facility's patient or patients. Persons involved in the case conference may include treatment staff, collaterals or other agency representatives of the client or clients.

(10) "Capitation reimbursement" means a reimbursement methodology establishing payment rates, per program recipient or eligible individual, for a designated group of services.

(11) "Common control" means that an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization or facility.

(12) "Common ownership" means that an individual or

(continued)

The effective date of this regulation shall be January 1, 1990. (Authorized by K.S.A. 39-708c; implementing

individuals possess significant ownership or equity in the provider and the facility or organization serving the provider.

(13) "Comparable outpatient service" means a service that is provided in a hospital that is comparable to a service provided in a physician's office or ambulatory surgical center.

(14) "Comparison per diem rate" means the per diem rate as adjusted by deducting the teaching cost for approved intern, resident and nursing programs divided by the total hospital inpatient days in the hospital fiscal year ending in 1981.

(15) "Complete ownership change" means:

(A) A change that involves an arm's length transaction between unrelated parties; and

(B)(i) The dissolution or creation of a partnership when no member of the dissolved partnership or the new partnership retains ownership interest from the previous ownership affiliation;

(ii) a transfer of title and property to another party if the transfer is an arm's length transaction, and if the property is owned by a sole proprietor;

(iii) the change or creation of a new lessee, acting as a provider of pharmacy services; or

(iv) the consolidation of two or more corporations that creates a new corporate entity. However, the transfer of participating provider corporate stock shall not in itself constitute a complete change of ownership. Similarly, a merger of one or more corporations with a participating provider corporation surviving shall not constitute a complete change of ownership.

(16) "Concurrent care" means service rendered simultaneously by two or more eligible providers.

(17) "Consultation" means an evaluation which requires another examination by a provider of the same profession, a study of records, and a discussion of the case with the physician primarily responsible for the patient's care.

(18) "Contract loss" means the excess of contract cost over contract income.

(19) "Cost finding" means the process of recasting the date derived from the accounts ordinarily kept by a provider to ascertain costs of the various types of services rendered.

(20) "Cost outlier" means a general hospital inpatient stay with an estimated cost which exceeds the cost outlier limit established for the respective diagnosis related group.

(21) "Cost outlier limit" means the maximum cost of a general hospital inpatient stay established according to a methodology specified by the secretary for each diagnosis related group.

(22) "Cost-related reimbursement" means reimbursement based on analysis and consideration of the historical operating costs required to provide specified services.

(23) "Covered service" means a medical service for which reimbursement will be made by the medicaid program. The agency may limit coverage on the basis of prior authorization.

(24) "Day outlier" means a general hospital inpatient length of stay which exceeds the day outlier limit established for the respective diagnosis related group.

(25) "Day outlier limit" means the maximum general hospital inpatient length of stay established according to

a methodology specified by the secretary for each diagnosis related group.

(26) "Diagnosis related group (DRG)" means the classification system which arranges medical diagnoses into mutually exclusive groups.

(27) "Diagnosis related group (DRG) adjustment percent" means a percentage assigned by the secretary to a diagnosis related group for purposes of computing reimbursement.

(28) "Diagnosis related group (DRG) daily rate" means the dollar amount assigned by the secretary to a diagnosis related group for purposes of computing reimbursement when a rate per day is required.

(29) "Diagnosis related group (DRG) reimbursement system" means a reimbursement system in the Kansas medicaid program for general hospital inpatient services which uses diagnosis related groups for determining reimbursement on a prospective basis.

(30) "Diagnosis related group (DRG) weight" means the numeric value assigned to a diagnosis related group for purposes of computing reimbursement.

(31) "Discharge" means the condition of release from a hospital. A discharge shall occur when the recipient leaves the hospital or dies. A transfer to another unit within a hospital, except to a swing bed, and a transfer to another general or special hospital shall not be a discharge.

(32) "Discharging hospital" means, in instances of the transfer of a recipient, the hospital which discharges the recipient admitted from the last transferring hospital.

(33) "Disproportionate share hospital" means a hospital that has:

(A) A medicaid inpatient utilization rate of at least one standard deviation above the mean medicaid inpatient utilization rate for hospitals within the state borders of Kansas which are receiving medicaid payments or a hospital with a low-income utilization rate exceeding 25%; and

(B) at least two obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to medicaid eligible individuals. In a hospital located in a rural area, the obstetrician may be any physician with staff privileges at the hospital to perform non-emergency obstetric procedures. The only exceptions to this shall be:

(i) A hospital with inpatients who are predominantly under 18 years of age; or

(ii) a hospital which did not offer non-emergency obstetric services as of December 21, 1987.

(34) "Drug, supply or device" means:

(A) Articles recognized in the official United States pharmacopoeia, or other such official compendiums of the United States, or official national formulary, or any supplement of any of them;

(B) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings;

(C) articles intended to affect the structure or any function of the bodies of human beings; and

(D) articles intended for use as components of any articles specified in clause (A), (B) or (C) of this paragraph.

(35) "Durable medical equipment (DME)" means equipment which will:

(A) Withstand repeated use;

(B) not generally be useful to a person in the absence of an illness or injury;

(C) be primarily and customarily used to serve a medical purpose;

(D) be appropriate for use in the home; and

(E) be rented or purchased as determined by designees of the secretary.

(36) "Election period" means the period of time for the receipt of hospice care, beginning with the first day of hospice care as provided in the election statement and continuing through any subsequent days excluding any days of hospice care earlier than the date the election statement is signed.

(37) "Election statement" means the revokable statement signed by a recipient which is filed with a particular hospice and which consists of:

(A) Identification of the hospice selected to provide care;

(B) acknowledgement that the recipient has been given a full explanation of hospice care;

(C) acknowledgement by the recipient that other medicaid services are waived;

(D) effective date of the election period; and

(E) the recipient's signature or the signature of the recipient's legal representative.

(38) "Emergency services" means those services provided after the sudden onset of a medical condition manifested by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(39) "Estimated cost" means the cost of general hospital inpatient services provided to a recipient which are computed using a methodology set out in the Kansas medicaid state plan.

(40) "Formulary" means a listing of drugs, supplies or devices.

(41) "Free-standing inpatient psychiatric facility" means an inpatient psychiatric facility licensed to provide services only to the mentally ill.

(42) "General hospital" means an establishment with an organized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have a variety of medical conditions.

(43) "General hospital group" means the category to which a general hospital is assigned for purposes of computing reimbursement.

(44) "General hospital inpatient beds" mean the number of beds as reported by the general hospital on the hospital and hospital health care complex cost report form excluding those beds designated as skilled nursing facility or intermediate care facility beds. For hospitals not filing the hospital and hospital health care complex cost report form, the number of beds shall be obtained from the provider application for participation in the Kansas medicaid program form.

(45) "Group reimbursement rate" means the dollar value assigned by the secretary to each general hospital group for a diagnosis related group weight of one.

(46) "Health maintenance organization" means an organization of providers of designated medical services which makes available and provides these medical services to eligible enrolled individuals for a fixed periodic payment which is determined in advance. Referral to outside specialists is limited.

(47) "Historical cost" means actual allowable costs incurred for a specified period of time.

(48) "Home health aide service" means the direct care provided by a person with minimum training, and who is under the supervision of a registered nurse employed by a home health agency, to recipients who are unable to care for themselves or who need assistance in accomplishing the activities of daily living.

(49) "Hospice" means a public agency or private organization, or a subdivision of either, that primarily engages in providing care to terminally ill individuals, which meets the medicaid conditions of participation for hospices, and which has enrolled to provide hospice services pursuant to K.A.R. 30-5-59.

(50) "Hospital located in a rural area" means a facility located in an area outside of a metropolitan statistical area as defined by the executive office of management and budget under the health care financing administration.

(51) "Independent laboratory" means a laboratory that performs laboratory tests that are ordered by a physician, and that is in a location other than the physician's office or a hospital.

(52) "Ineligible provider" means a provider who is not enrolled in the medicaid program because of reasons set forth in K.A.R. 30-5-60, or because of commission of civil or criminal fraud in another state or another program.

(53) "Interest expense" means the cost incurred for the use of borrowed funds on a loan made for a purpose related to patient care.

(54) "Kan Be Healthy program participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone a Kan Be Healthy medical screening in accordance with a specified screening schedule in order to ascertain physical and mental defects and to provide treatment which corrects or ameliorates defects and chronic conditions found.

(55) "Kan Be Healthy dental-only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only a Kan Be Healthy dental screening in accordance with a specified screening schedule in order to ascertain dental defects and to provide treatment which corrects or ameliorates dental defects and chronic dental conditions found.

(56) "Kan Be Healthy vision-only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only a Kan Be Healthy vision screening in accordance with a specified screening schedule in order to ascertain vision defects and to provide treatment which corrects or ameliorates vision defects and chronic vision conditions found.

(57) "Length of stay as an inpatient in a general hospital" means the number of days an individual remains for treatment as an inpatient in a general hospital from

(continued)

and including the day of admission, to and excluding the day of discharge.

(58) "Lock-in" means the restriction of a recipient's access to medical services because of abuse through limitation of the use of the medical identification card to designated medical providers.

(59) "Low-income utilization rate for hospitals" means the rate which is defined in accordance with the omnibus budget reconciliation act, public law 100-203, Section 4112, effective July 1, 1988, which is adopted by reference.

(60) "Managerial capacity" means an individual, including a general manager, business manager, administrator, or director, who exercises operational or managerial control over the provider, or who directly or indirectly conducts the day to day operations of the provider.

(61) "Medicaid hospital inpatient utilization rate" means the total number of medicaid paid inpatient days in a cost reporting period, divided by the total number of the hospital's inpatient days in the same period.

(62) "Medical necessity" means a medically necessary item or service prescribed or provided by a physician or other medical practitioner for a specific medical condition and for the purpose of achieving a specific result. Medical staff designated by the secretary have final authority for the determination of medical necessity.

(63) "Medical necessity in psychiatric situations" means that there is medical documentation which indicates that the person could be harmful to himself or herself or others if not under psychiatric treatment, or the person is disoriented in time, place or person.

(64) "Medical supplies" means supplies not generally useful to a person in the absence of illness or injury which are prescribed by a physician and used in the home and certain institutional settings.

(65) "Metropolitan statistical area (MSA)" means a geographic area designated as such by the United States executive office of management and budget as set out in the Federal Register, Vol. 53, No. 244, December 20, 1988, which is adopted by reference.

(66) "Necessary interest" means interest expense incurred on a loan made to satisfy a financial need of the facility. Loans which result in excess funds or investments shall not be considered necessary.

(67) "Net cost" means the cost of approved educational activities less any reimbursements from grants, tuition, and specific donations.

(68) "Non-covered services" mean services for which medicaid will not provide reimbursement, including services that have been denied due to the lack of medical necessity.

(69) "Occupational therapy" means the provision of treatment by an occupational therapist registered with the American occupational therapy association. The treatment shall be:

- (A) Rehabilitative and restorative in nature;
- (B) provided following physical debilitation due to acute physical trauma or physical illness; and
- (C) prescribed by the attending physician.

(70) "Orthotics and prosthetics" mean devices which are:

- (A) Reasonable and necessary for treatment of an illness or injury;

(B) prescribed by a physician;

(C) necessary to replace or improve functioning of a body part; and

(D) provided by a trained orthotist or prosthetist.

(71) "Out-of-state provider" means any provider that is physically located more than 50 miles beyond the border of Kansas, except those providing services to children who are wards of the secretary. Adult care homes, community mental health centers, partial hospitalization service providers, and alcohol and drug program providers shall be considered out-of-state providers if they are physically located beyond the border of Kansas.

(72) "Outpatient treatment" means services provided by the outpatient department of a hospital, a facility that is not under the administration of the hospital, or a physician's office.

(73) "Over-the-counter" means any item available for purchase without a prescription order.

(74) "Owner" means a sole proprietor, member of a partnership or a corporate stockholder with 5% or more interest in the corporation. The term "owner" shall not include minor stockholders in publicly-held corporations.

(75) "Partial hospitalization program" means an ambulatory treatment program that includes the major diagnostic, medical, psychiatric, psychosocial, and daily living skills treatment modalities based upon a treatment plan.

(76) "Participating provider" means any individual or entity that has in effect an agreement with the Kansas department of social and rehabilitation services to furnish medicaid services.

(77) "Pharmacy" means the premises, laboratory, area or other place:

(A) Where drugs are offered for sale, the profession of pharmacy is practiced and prescriptions are compounded and dispensed;

(B) which has displayed upon it or within it the words "pharmacist," "pharmaceutical chemist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "drug sundries," or any combinations of these words or words of similar import; and

(C) where the characteristic symbols of pharmacy or the characteristic prescription sign "Rx" is exhibited. The term "premises" as used in this subsection refers only to the portion of any building or structure leased, used, or controlled by the registrant in the conduct of the business registered by the board at the address for which the registration was issued.

(78) "Pharmacist" means any person duly licensed or registered to practice pharmacy by the state board of pharmacy or by the regulatory authority of the state in which the person is engaged in the practice of pharmacy.

(79) "Physical therapy" means treatment which:

(A) Is provided by a physical therapist registered in the jurisdiction where the service is provided or by the Kansas board of healing arts;

(B) is rehabilitative and restorative in nature;

(C) is provided following physical debilitation due to acute physical trauma or physical illness; and

(D) is prescribed by the attending physician.

(80) "Physician extender" means a person registered as a physician's assistant or licensed advanced registered nurse practitioner in the jurisdiction where the service is

provided and who is working under supervision as required by law or administrative regulation.

(81) "Plan of care" means a document which states the need for care, the estimated length of program, the prescribed treatment, modalities, and methodology to be used, and the expected results.

(82) "Practitioner" means any person licensed to practice medicine and surgery, dentistry or podiatry, or any other person licensed, registered or otherwise authorized by law to administer, prescribe and use prescription-only drugs in the course of professional practice.

(83) "Prescribed" means the issuance of a prescription order by a practitioner.

(84) "Prescription" means, according to the context, either a prescription order or a prescription medication.

(85) "Prescription medication" means any drug, supply or device, including label and container according to context, which is dispensed pursuant to a prescription order.

(86) "Prescription-only" means an item available for purchase only with a prescription order.

(87) "Primary care network" means a service delivery control system in which physicians, in independent or group practices, local health departments, or clinics act as primary care providers and are responsible for initiating or approving specified medical services for participating recipients.

(88) "Primary diagnosis" means the most significant diagnosis related to the services rendered.

(89) "Prior authorization" means the approval of a request to provide a specific service before the provision of the service.

(90) "Professional fee" means the reimbursement rate assigned to each individual pharmacy provider for provision of pharmacy services.

(91) "Program" means the Kansas medicaid program.

(92) "Proper interest" means interest incurred at a rate not in excess of what a prudent borrower would have had to pay under market conditions existing at the time the loan was made.

(93) "Prospective, reasonable cost-related reimbursement" means present and future reimbursement, based on analysis and consideration of the historical cost that is related to patient care, in the operation of facilities and programs.

(94) "Qualified medicare beneficiary (QMB)" means an individual who is entitled to medicare hospital insurance benefits under part A of medicare, whose income does not exceed a specified percent of the official poverty level as defined by the United States executive office of management and budget, and whose resources do not exceed twice the supplemental security income resource limit.

(95) "Readmission" means the subsequent admission of a recipient as an inpatient into a hospital within 30 days of discharge as an inpatient from the same or another DRG hospital.

(96) "Related parties" means that one party of a transaction has the ability to significantly influence another party in the transaction to the extent that either of their own separate interests may not be fully pursued. Related parties include those related by family, by business or financial association, or by common ownership or control.

(97) "Related to the community mental health center"

means that the agency or facility furnishing services to the community mental health center is directly associated or affiliated with the community mental health center by formal agreement, or that it governs the community mental health center, or is governed by the community mental health center.

(98) "Revocation statement" means the statement signed by the recipient which revokes the election of hospice service.

(99) "Special hospital" means an establishment with an organized medical staff of physicians, with permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have specified medical conditions.

(100) "Speech therapy" means treatment provided by a speech pathologist who has a certificate of clinical competence from the American speech and hearing association. The treatment shall be rehabilitative and restorative in nature, shall be provided following physical debilitation due to acute physical trauma or physical illness, and shall be prescribed by the attending physician.

(101) "Standard diagnosis related group (DRG) amount" means the amount computed by multiplying the group reimbursement rate for the general hospital by the diagnosis related group weight.

(102) "Stay as an inpatient in a general hospital" means the period of time spent in a general hospital from admission to discharge.

(103) "Swing bed" means a hospital bed that can be used interchangeably as either a hospital, skilled nursing facility, or intermediate care facility bed, with reimbursement based on the specific type of care provided.

(104) "Targeted case management services" means those services to assist medicaid recipients in gaining access to medically necessary care, and which are provided by a case manager with credentials specified by the department of social and rehabilitation services.

(105) "Terminally ill" means the medical condition of an individual whose life expectancy is six months or less as determined by a physician.

(106) "Transfer" means the movement of an individual receiving general hospital inpatient services from one hospital to another hospital for additional related inpatient care after admission to the previous hospital or hospitals.

(107) "Transferring hospital" means the hospital which transfers a recipient to another hospital. There may be more than one transferring hospital for the same recipient until discharge.

(108) "Uncollectable overpayment to an out-of-business provider" means:

(A) Any amount which is due from a provider of medical services who has ceased all practice or operations for any medical services as an individual, a partnership or a corporate identity, and who has no assets capable of being applied to any extent toward a medicaid overpayment; or

(B) any amount due which is less than its collection and processing costs.

(109) "Urgent" means situations which require immediate admission, but not through the emergency room.

(continued)

(b) The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Jan. 1, 1990; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-59. Provider participation requirements. The following shall be prerequisites for participation in and payment from the medicaid program. Adult care home providers shall be excluded from these prerequisites. Providers of services to foster care recipients or adoption support recipients may be excluded from these prerequisites at the discretion of the secretary. (a) Enrollment. Each participating provider shall:

(1) Submit an application for participation in the medicaid program on forms as prescribed by the secretary;

(2) obtain and maintain professional or agency-specified credentials as determined by the secretary in the jurisdiction where the service is provided and for the time period when the service is provided, and if applicable, be certified, licensed or registered by the appropriate professional credentialing authority;

(3) notify the Kansas department of social and rehabilitation services if any of the original information provided on the application changes during the term of participation in the medicaid program;

(4) after completing the necessary application forms and receiving notice of approval to participate from the department, enter into and keep a provider agreement with the Kansas department of social and rehabilitation services;

(5) notify the Kansas department of social and rehabilitation services when a change of provider ownership occurs, submit new ownership information on forms for application for participation in the medicaid program, and receive approval from the department for participation as a new provider before reimbursement for services rendered to medicaid program recipients is made; and

(6) locate a provider service representative in Kansas if applying to be an out-of-state durable medical equipment or medical supply provider.

(b) Denial of application. If an application for participation in the medicaid program is denied, the applicant shall be notified in writing by the agency.

(c) Continuing participation. Each participating provider shall:

(1) Comply with applicable state and federal laws, regulations or other program requirements;

(2) comply with the terms of the provider agreement;

(3) submit accurate claims or cost reports;

(4) submit claims only for covered services provided to recipients;

(5) engage in ethical and professional conduct;

(6) provide goods, services or supplies which meet professionally recognized standards of quality;

(7) submit a new application for participation in the medicaid program if a claim has been submitted for payment and if at least 18 months have elapsed since a previous claim for payment was submitted; and

(8) refund any overpayment to the program within a period of time specified by the secretary or lose eligibility to participate.

(d) Recordkeeping. Each participating provider shall:

(1) Maintain and furnish within the time frame specified in a request any information for five years from the date of service that the Kansas department of social and rehabilitation services, its designee or any other governmental agency acting in its official capacity may request to assure proper payment by the medicaid program, to substantiate claims for medicaid program payments, and to complete determinations of medicaid program overpayments. This information shall include:

(A) Fiscal, medical and other recordkeeping systems;

(B) matters of the provider's ownership, organization and operation, including documentation as to whether transactions occurred between related parties;

(C) documentation of asset acquisition, lease, sale or other action;

(D) franchise or management arrangements;

(E) matters pertaining to costs of operation;

(F) amounts of income received, by source and purpose; and

(G) a statement of changes in financial position.

(2) Use standardized definitions, accounting, statistics and reporting practices which are widely accepted in the provider's field.

(3) Permit the Kansas department of social and rehabilitation services, its designee, or any other governmental agency acting in its official capacity to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of a payment due from the medicaid program.

(e) Payment. Each participating provider shall:

(1) Accept as payment in full, subject to audit when applicable, the amount paid by the medicaid program for covered services;

(2) not assign medicaid program claims or grant a power of attorney over or otherwise transfer right to payment for such claims except as set forth in 42 CFR 447.10, revised August 24, 1981;

(3) not charge medicaid program recipients for services denied for payment by the medicaid program because the provider has failed to meet a program requirement including prior authorization;

(4) not charge medicaid program recipients for non-covered services unless the recipient has been informed of the noncoverage prior to the rendering of the service;

(5) not charge medicaid program recipients for services covered by the program with the exceptions of claims liable to spenddown or copayment;

(6) submit claims for payment on claim forms approved and prescribed by the secretary; and

(7) be subject to the payment limitations pursuant to K.A.R. 30-5-70.

(f) Provider participation in the medicaid program may be disallowed for any of the reasons set forth in K.A.R. 30-5-60. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-60. Provider termination. (a) Any provider's participation in the medicaid program may be terminated for one or more of the following reasons:

- (1) Voluntary withdrawal of the provider from participation in the program;
 - (2) non-compliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;
 - (3) non-compliance with the terms of a provider agreement;
 - (4) non-compliance with the terms (provider certification) set forth on claims submitted to the agency for reimbursement;
 - (5) assignment (or granting a power of attorney over or otherwise transferring right to payment) of program claims except as set forth in 42 USCA 1396a (32);
 - (6) pattern of submitting inaccurate billings or cost reports;
 - (7) pattern of submitting billings for services not covered under the program;
 - (8) pattern of unnecessary utilization;
 - (9) unethical or unprofessional conduct;
 - (10) suspension or termination of license, registration, or certification;
 - (11) provision of goods, services, or supplies harmful to individuals or of an inferior quality;
 - (12) civil or criminal fraud against medicare, the Kansas medicaid or social service programs, or any other state's medicaid or social service programs;
 - (13) suspension or exclusion by the secretary of health and human services from the title XVIII or title XIX programs;
 - (14) direct or indirect ownership or controlling interest of 5% or more in a provider institution, organization or agency by a person who has been found guilty of civil or criminal fraud against the medicare program or the Kansas medicaid or social service programs or any other state's medicaid or social service programs;
 - (15) employment or appointment by a provider of a person in a managerial capacity or as an agent if the person has been found guilty of civil or criminal fraud against the medicare program or the Kansas medicaid or social service programs or any other state's medicaid or social service programs;
 - (16) insolvency; or
 - (17) other good cause.
- (b) Termination, unless based upon civil or criminal fraud against the program, suspension or exclusion by the secretary of health and human services, shall remain in effect until the agency determines that the reason for the termination has been removed and that there is a reasonable assurance that it shall not recur. Terminations based upon civil or criminal fraud shall remain in effect for such time period as deemed appropriate by the agency. Termination based upon suspension or exclusion by the secretary of health and human services (HHS) shall remain in effect no less than the time period specified in HHS' notice of suspension.
- (c) Prior to the termination of a provider from the program, the provider shall be sent a written notification by the agency of the proposed termination and the reasons. The notice shall state whether payment liability to the

provider has been suspended pending further proceedings. The notice shall further advise the provider that an appearance before the section may be permitted at a specified time, not less than five days nor more than 15 days from the date the notice is mailed to or served upon the provider. At the appearance the provider may present any relevant evidence and have an opportunity to be heard on the question of continuing eligibility in the program. All evidence presented, including that of the provider, shall be considered by the agency. If the decision is to terminate, a written order of termination shall be issued, setting forth the effective date of the termination and the basic underlying facts supporting the order. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1986; amended July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-62. Reinstatement of a provider previously terminated from the medicaid program. A request for reinstatement by a provider terminated from participation in the medicaid program shall not be considered for a period of 60 days following the effective date of the order of termination. As a prerequisite for reinstatement in the program one or more of the following conditions may be imposed by the agency: (a) Implementation and documentation of corrective action taken by the provider to comply with program policies and to reasonably insure that the reason for the termination shall not recur;

- (b) probationary period not to exceed one year;
- (c) attendance at provider education sessions;
- (d) prior authorization of services;
- (e) peer supervision; and
- (f) other conditions as the specific situation may warrant. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1986; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-65. Filing limitations for medical claims. Each claim for payment shall be submitted within six months of the date of service. Each medical claim which has been denied for payment shall be resubmitted within 12 months of the date of service and in conformance with all billing requirements of the medicaid program or payment shall not be made. The only exceptions shall be: (a) Claims which are submitted to medicare or medicaid within six months of the date of service; paid or denied for payment by medicare; and subsequently submitted for payment to the medicaid program within 30 days of the medicare payment or denial date; or

- (b) claims determined payable by reason of administrative appeals, court action or agency error. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-67. Disallowance of claims for services generated by providers ineligible for participation in the medicaid program. The agency shall disallow payment, except

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for emergency services, if the service set forth on a claim was generated by a provider ineligible to participate in the medicaid program. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1986; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-68. Fees for consultants to the medicaid program. The maximum fee for consultants to the medicaid program who are contracted by the agency shall be \$55.00 per hour. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1986; amended T-30-12-29-89, Jan. 1, 1990.)

30-5-70. Payment of medical expenses for eligible recipients. (a) Payment for covered services shall be made only to those providers participating in the program pursuant to K.A.R. 30-5-59. The only exception to this shall be that payment for services provided to foster care or adoption support recipients may be made to providers not participating in the program.

(b) Program recipients shall be eligible for the payment of specific medical expenses as follows:

(1) Payment of medicare (title XVIII) premiums and deductibles and co-insurance amounts for services covered in the medicaid program. Recipients who are ineligible for program coverage because they have a spenddown shall also be eligible for the payment of the medicare (title XVIII) premium expense. For cash recipients, including SSI recipients, age 65 or older, payment of the medicare (title XVIII) premium shall begin with the month of approval for medicaid, excluding any months of prior eligibility. For recipients under age 65 who are eligible for medicare after receiving retirement and survivor's disability insurance for 24 consecutive months, payment of the medicare (title XVIII) premium shall begin with the 25th month. For all other recipients, payment of the medicare (title XVIII) premium shall begin with the second month following the month of approval for medicaid, excluding any months of prior eligibility;

(2) payment of premiums of health maintenance organizations which are approved by the agency;

(3) payment of other allowable medical expenses incurred in the current eligibility base period in excess of any co-pay or spenddown requirements;

(4) payment for services rendered to a person who is mandated to receive inpatient treatment for tuberculosis and who is not otherwise eligible for participation in the program shall be limited to services related to the treatment for tuberculosis;

(5) services in excess of medicaid program limitations shall be covered for foster care and adoption support recipients when approved by the agency; and

(6) payment for covered medical services provided to an individual participating in the KanWork program shall be made. A monthly cost sharing amount for medical services shall be paid by an individual participating in the KanWork program when required.

(c) The scope of services to be provided recipients and the payment for those services shall be as set forth in articles 5 and 10 of this chapter, subject to the following limitations.

(1) Payment for a particular medical expense shall be denied if it is determined that:

(A) The recipient failed to utilize medical care available through other community resources, including public institutions, veterans administration benefits, and those laboratory services that are available at no charge through the state department of health and environment;

(B) a third party liability for the medical expense has been established and is available;

(C) the recipient fails to make a good faith effort to establish a third party liability for the medical expense or fails to cooperate with the agency in establishing the liability. Payment of a medical expense may be delayed pending the outcome of a determination concerning third party liability;

(D) the expense is not covered or is only partially covered by an insurance policy because of an insurance program limitation or exclusion;

(E) the recipient failed to notify the provider of services of the recipient's eligibility for the program;

(F) the service is cosmetic, pioneering, experimental, or a result of complications related to such procedures;

(G) the service is related to transplant procedures which are noncovered by the medicaid program;

(H) the service was provided by a provider not designated as a lock-in provider for any recipient who is locked into designated providers due to abuse or participation in a primary care network. This limitation shall not apply to emergency services or services not provided by the primary care network; or

(I) the service was provided by an unlicensed, unregistered or noncertified provider when licensure, registration or certification is a requirement to participate in the medicaid program.

(2) Payment for out-of-state services shall be limited to:

(A) Payment on behalf of recipients where medical services are normally provided by medical vendors that are located in the bordering state and within 50 miles of the state border, except for community mental health center services, alcohol and drug abuse services or partial hospitalization services;

(B) emergency services rendered outside the state;

(C) nonemergency services for which prior approval by the agency has been given. Authorization from the agency shall be obtained before making arrangements for the individual to obtain the out-of-state services;

(D) services provided by independent laboratories; and

(E) medical services provided to foster care recipients and medical services in excess of the limitations of the state of residence when approved by the Kansas department of social and rehabilitation services and within the scope of the adoption agreement for those for whom Kansas has initiated adoption support agreements.

(d) Payment for medical services shall be made after approval when it has been determined by the agency that an agency administrative error has been made. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, E-82-11, June 17, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984;

amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-71. Co-payment requirements. (a) Except as set forth in subsection (b), program recipients shall be obligated to the provider for co-payment.

(1) Co-payment for inpatient general hospital services shall be \$25.00 per admission.

(2) Co-payment for outpatient general hospital services shall be \$1.00 per non-emergency visit in place of a doctor's office visit.

(3) Co-payment for inpatient free-standing psychiatric facility services shall be \$25.00 per admission.

(4) Co-payment for other medical services shall be based upon the following ranges:

<i>average medicaid payment for services</i>	<i>maximum copayment chargeable to recipient</i>
\$10.00 or less	\$. 50
\$10.01 to \$25.00	\$1.00
\$25.01 to \$50.00	\$2.00
\$50.01 or more	\$3.00

(5) Other medical services subject to co-payment are:

- (A) Ambulatory surgical center services, per visit;
- (B) audiological services, per office visit;
- (C) chiropractic services, per office visit;
- (D) dental services, per office visit;
- (E) durable medical equipment, per item;
- (F) non-emergency ambulance services, per trip;
- (G) optometric services, per office visit;
- (H) outpatient general hospital, per outpatient surgery;
- (I) prescribed drugs, per new or refill prescription;
- (J) physician services, per office visit;
- (K) podiatric services, per office visit; and
- (L) psychological services, per office visit.

(b) The provisions of subsection (a) shall not apply to services provided:

(1) To residents in intermediate care facilities, intermediate care facilities for the mentally retarded, intermediate care facilities for mental health, skilled nursing facilities, and to recipients participating in the home and community-based services program;

(2) to recipients age 18 to under 22, or age 65 or older, who are inpatients in a state psychiatric facility;

(3) to recipients under 18;

(4) to recipients enrolled in a health maintenance organization;

(5) for family planning purposes;

(6) for medical services relating to an injury incurred on the job during a community work experience project;

(7) that are related to pregnancy; and

(8) as emergency services. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1981; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended, T-84-36, Jan. 1, 1984; amended May 1, 1984; amended May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-73. Requirements for facilities to participate.

(a) For medical services provided in community mental health centers, inpatient psychiatric facilities, and general hospitals to be reimbursed by the medicaid program, they shall be under the effective control of a physician as determined by the agency.

(b) Community mental health centers, inpatient psychiatric facilities, and general hospitals providing medical services reimbursable by the medicaid program shall have utilization review programs approved by medicare or the agency. Utilization review programs and their implementation shall be subject to review by the secretary.

(c) Facilities offering medical services shall be licensed or certified by an appropriate Kansas state licensing or certification authority in order to be eligible for reimbursement by the medicaid program. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1986; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-81a. Participation in the diagnosis related group reimbursement system. As a prerequisite for participation in the medicaid program, a general hospital shall participate in the Kansas department of social and rehabilitation services' diagnosis related group reimbursement system. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, E-82-6, May 1, 1981; effective May 1, 1982; amended, T-84-7, May 1, 1983; amended May 1, 1984; amended July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-82. Scope of rural health clinic services. Rural health clinic services and other ambulatory services shall be provided in medically underserved rural areas, as determined by the census bureau, by medicare-certified rural health clinics. (a) Rural health clinic services shall be provided by a physician, advanced registered nurse practitioner, or physician's assistant under the following conditions.

(1) A physician shall be available at least once every two weeks to supervise the delivery of services and to perform services not in the scope of practice of a registered physician's assistant or advanced registered nurse practitioner as defined in the Kansas statutes.

(2) A physician shall be available at least every 60 days to review the plan of care established for each homebound patient.

(b) Covered services include:

(1) Services and related medical supplies routinely provided in a physician's office and covered by medicare;

(2) other ambulatory services covered by medicaid;

(3) referral to other practitioners who are providers in the medicaid program for covered services that are not provided by the rural health clinic;

(4) home health nursing services and related medical supplies in the recipient's place of residence in areas where there is no home health agency. Nursing services shall be provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse. A written plan of treatment shall be established by a physician, a physician's assistant, or an advanced registered nurse practitioner; and

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(5) screening and appropriate referral for the Kan Be Healthy program. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c, effective May 1, 1981; amended Jan. 2, 1989; amended July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-89. Scope of home health services. (a) Home health services shall be available to program recipients when a physician has developed a plan of treatment and has certified the need for the service. The service shall be documented as medically necessary.

(b) Home health nursing services shall be provided by a registered nurse when the services of a home health agency are not available to the recipient.

(c) Except as set forth in subsection (d), home health services shall be provided by an agency which meets the federal requirements to participate in medicare as determined by the Kansas department of health and environment or the state in which the services were provided. Home health services include the following:

- (1) Nursing care provided by a registered nurse or a licensed practical nurse;
- (2) home health aide service;
- (3) restorative and rehabilitative physical therapy;
- (4) restorative and rehabilitative occupational therapy;
- (5) restorative and rehabilitative speech therapy;
- (6) prior authorized respiratory therapy for Kan Be Healthy program participants;
- (7) immunizations;
- (8) durable medical equipment rental; and
- (9) medical supplies pursuant to K.A.R. 30-5-108 and 30-5-166.

(d) Prior authorized medical attendant care for independent living may be provided by a licensed home health agency. Covered services for recipients who are Kan Be Healthy program participants shall consist of:

- (1) Attendant care;
- (2) care provided by a licensed practical nurse;
- (3) skilled nursing services; or
- (4) daily services for technology-dependent children.

The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Jan. 1, 1990; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-94. Reimbursement for pharmacy services. (a) Pharmacy providers shall be reimbursed for covered pharmacy services on the basis of product acquisition cost plus a professional fee. The submitted charge and payment for covered over-the-counter pharmacy services shall not exceed the lesser of the product acquisition cost plus the professional fee or the usual and customary over-the-counter charge of the pharmacy provider.

(b) The acquisition cost shall include an agency determined maximum allowable cost reimbursement limitation for selected multiple source drugs. The acquisition cost may be limited to a level as established by the secretary.

(c) The professional fee assigned to pharmacy providers shall be based upon each individual pharmacy's historical

operating costs, as determined by analysis of data submitted on an annual cost report. The professional fee shall be limited to the lesser of:

(1) The 85th percentile of allocated costs per prescription for all pharmacies filing a cost report, plus a reasonable profit;

(2) usual and customary fee charges of each individual pharmacy, as determined by a prescription survey addendum to the pharmacy cost report;

(3) a factor of 1.075 multiplied by the lowest professional fee accepted by each individual pharmacy provider through participation in any pharmacy services program:

(A) In which partial or total reimbursement is made by a party other than the consumer; and

(B) In which total reimbursement from participation in any such program comprises 5% or more of the total prescription sales, not including sales for medical equipment and supplies, for the pharmacy during their most recently completed fiscal year; or

(4) a rate as established by the secretary.

(d) The agency may elect to further limit the professional fee assignment of individual pharmacy providers through use of a multiple regression analysis based on cost study data from all pharmacy cost reports. Individual pharmacy providers with data which exceeds selected regression analysis norms by a factor greater than a standard deviation of 1.0 shall have allocated cost data relative to the selected norm limited to a value at a standard deviation of 1.0 above the norm.

(e) Completed cost reports, pursuant to the provisions of subsection (c), shall be due on May 1 of each year. Cost reports submitted after May 1 shall be processed and fees assigned within eight weeks from the date received or by August 1, whichever is later. If August 1 occurs within the eight-week period, the pharmacy submitting the cost report shall be assigned a professional fee for the eight-week period that is not greater than the lowest professional fee determined for any Kansas pharmacy. Delinquent cost reports shall not be accepted after August 15.

(f) Out-of-state pharmacy providers, new Kansas pharmacies, and Kansas pharmacies that were in business for less than six months in the cost reporting period shall not be required to file a cost report and shall be assigned a professional fee determined from mean and average cost data for all pharmacies that file a cost report. If the annual volume of payments to an out-of-state pharmacy provider reaches a substantial level, the filing of a cost report shall be required.

(g) Pharmacy providers involved in an ownership change shall re-apply to the agency to participate in the Medicaid program pursuant to K.A.R. 30-5-59. Pharmacy providers involved in a complete change of ownership shall be assigned an initial professional fee based on cost data from the previous owner's cost report and on weighted mean labor costs per prescription for all pharmacy providers that file a cost report. Pharmacy providers involved in a partial change of ownership shall be assigned the professional fee of the previous pharmacy provider.

(h) In areas where pharmacy services are not available, each physician dispensing prescriptions to program recipients shall be eligible to receive reimbursement for pro-

vision of those services after a pharmacy provider number has been issued by the agency pursuant to K.A.R. 30-5-59.

(1) Physicians assigned a pharmacy provider number shall be reimbursed on the basis of product acquisition cost plus a professional fee of \$1.00 per prescription.

(2) Payment shall not apply to injectible drugs not intended for self-administration by the patient except as included in the charge for the professional services of the physician.

(i) Reimbursement shall be made to the pharmacy provider only when the covered service has been prescribed by the recipient's attending practitioner. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-101. Scope of chiropractic services. Chiropractic services shall be covered for medicaid recipients. One chiropractic history and one physical per calendar year per recipient shall be covered. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended Jan. 2, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-103. Scope of podiatric services. Podiatric services shall be covered for medicaid recipients. (a) Covered services shall be confined to those parts of the body below the ankle.

(b) Office visits shall be limited to two per calendar year per recipient.

(c) Adult care home facility visits shall be limited to two per calendar year per recipient. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-111. Screening, evaluation, and referral for adult care home services for persons ineligible to participate in the medicaid program. (a) Each person requesting screening, evaluation, and referral for admission to an adult care home or referral to community-based services shall make application on forms prescribed by the secretary.

(b) The fee for the service shall be the contract rate negotiated between the agency and the performing provider. The fee shall be payable at the time the application for services is approved. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-777, 39-778; effective, T-84-25, Oct. 1, 1983; effective May 1, 1984; amended May 1, 1986; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-112. Scope of local health department services. (a) Local health department services shall be covered for medicaid recipients.

(b) covered services shall include the following:

- (1) "Kan Be Healthy" program services;
- (2) family planning services;
- (3) maternal and child health services;
- (4) home health nursing services when home health agency services are not available to the recipient;
- (5) immunizations;
- (6) nursing assessments performed by a registered nurse; and
- (7) services to detect, diagnose and treat specific diseases. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-113. Scope of advanced registered nurse practitioner and registered nurse anesthetist services. (a) (1) Advanced registered nurse practitioner services shall be covered for medicaid recipients when provided by an advanced registered nurse practitioner who is certified pursuant to K.A.R. 60-11-103 or who meets criteria in K.A.R. 60-11-103 if practicing out-of-state.

- (2) Covered services shall include the following:
- (A) Anesthesia services provided by certified registered nurse anesthetists;
 - (B) obstetrical services provided by nurse midwives;
 - (C) "Kan Be Healthy" screenings when certified by the department of health and environment; and
 - (D) targeted case management services for technology dependent children.

(b) Registered nurse anesthetist services shall be covered for medicaid recipients when provided by a registered nurse anesthetist who is authorized to practice pursuant to K.S.A. 1988 Supp. 65-1151 and 65-1152. Anesthesia services shall be covered. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1988; amended Jan. 2, 1989; amended Jan. 1, 1990; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-114. Scope of targeted case management services. (a) Targeted case management services shall be covered for medicaid recipients.

- (b) Covered services shall include the following:
- (1) Referral for assessment;
 - (2) referral for treatment if appropriate according to the assessment; and
 - (3) assistance with gaining access to medically necessary services. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1988; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-115. Scope of hospice services. Hospice services shall be covered for medicaid recipients who have been determined to be terminally ill by a physician and who have filed an election statement with a hospice enrolled to participate in the medicaid program. Hospice services shall be covered pursuant to Public Law 99-272, section 9505, effective April 7, 1986. Medicare hospice beneficiaries who are also simultaneously eligible for the program and who reside in adult care homes shall have

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room and board reimbursed. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-116. Scope of rehabilitation services. Rehabilitation services (behavior management services) shall be covered for medicaid recipients when provided by a rehabilitation service provider enrolled pursuant to K.A.R. 30-5-59. Services may include: (a) Substance abuse treatment rendered by a facility licensed by the alcohol and drug abuse commission within the Kansas department of social and rehabilitation services and approved by the division of medical programs;

(b) family mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized;

(c) group mental health treatment rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services and prior authorized; and

(d) physical therapy, speech pathology or occupational therapy services provided when medically necessary to recipients under the age of 21 and when rendered by physical therapists, speech pathologists or occupational therapists employed by or under contract with enrolled local education agencies which have been approved by the division of medical programs. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective July 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-5-150. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-151. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, March 29, 1983; amended, T-84-11, July 1, 1983; effective May 1, 1984; amended, T-85-24, Sept. 18, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-152. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-154. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1987; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-155. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended Jan. 2, 1989; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-156. This regulation shall expire on January 1,

1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, March 29, 1983; amended, T-84-11, July 1, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-157. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-158. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-159. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-160. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-161. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-162. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-163. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-164. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-165. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-166. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-167. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c;

effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-168. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-169. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-170. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-171. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; amended May 1, 1988; revoked T-30-12-28-89, Jan. 1, 1990.)

30-5-172. This regulation shall expire on January 1, 1990. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective, T-84-8, April 1, 1983; effective May 1, 1984; revoked T-30-12-28-89, Jan. 1, 1990.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-65. Automatic eligibles. To be automatically eligible for medical assistance, each person shall meet the general eligibility requirements of K.A.R. 30-6-56, 30-6-63 and 30-6-106(c)(2) and shall be: (a) Legally entitled to and receiving SSI benefits and in compliance with the general eligibility requirements of residence;

(b) legally entitled to and receiving state supplemental payments from Kansas related to SSI;

(c) determined by SSA to retain recipient status, although not currently receiving an SSI benefit;

(d) receiving public assistance, excepting emergency assistance and general assistance for adults who do not meet the provisions of K.A.R. 30-6-77, pursuant to article 4 of this chapter. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d);

(e) not receiving public assistance for one of the following reasons:

(1) The person is eligible for less than \$10.00 of public assistance;

(2) the amount of recovery of an overpayment is greater than the budget deficit; or

(3) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income;

(f) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW

and which became ineligible solely because of increased earned income or increased hours of employment. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible and legally entitled to receive ADC, ADC-FC, or APW as long as a family member is employed and the family and the person remains ineligible for ADC, ADC-FC, or APW solely because of increased earned income or increased hours of employment. The receipt of an extra pay check due to an additional pay period within a calendar month shall not constitute an increase in earnings;

(g) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW as a result, in whole or in part, of collection or increased collection of support. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible and legally entitled to receive ADC, ADC-FC, or APW as long as the family remains ineligible for ADC, ADC-FC, or APW due to such collection or increased collection of support;

(h) mandated to receive inpatient treatment for tuberculosis;

(i) one who is not a public assistance recipient but is receiving maintenance payments from youth services;

(j) included in the assistance plan of a family which became ineligible for ADC, ADC-FC, or APW solely because of the termination of the earned income disregards as provided in K.A.R. 30-4-111(b)(2). Automatic eligibility for the medical assistance program shall continue for the nine months immediately subsequent to the last month in which the family was eligible and legally entitled to receive ADC, ADC-FC, or APW. This automatic eligibility period shall be extended for an additional three months for a KanWork participant and the participant's immediate family;

(k) a non-ADC eligible child who is under 18 years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter;

(l) a child born to a mother eligible for and receiving medicaid at the time of birth for a period of up to one year. The child shall remain eligible so long as such mother remains eligible for medicaid and the child remains in the same household with the mother;

(m) a child receiving foster care payments under title IV-E, regardless of the state making payment;

(n) a child for whom an adoption assistance agreement under title IV-E is in effect, even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility begins when the child is placed for adoption even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued;

(o) a child for whom a non-title IV-E adoption assist-

(continued)

ance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care; or

(p) a KanWork participant and the participant's family who:

(1) Has received ADC or APW in three of the six months immediately preceding the first month of transitional medical services;

(2) has lost eligibility for ADC or APW beginning in or after January 1990 due solely to increased earned income or hours of employment; and

(3) has not been rendered ineligible for assistance as a result of a fraud determination at any time during the six months immediately preceding the first month of transitional medical services.

(A) Assistance under this provision shall be initially provided to persons for a period not to exceed six months provided that the individual continues to be a resident of the state and provides ongoing status reports as may be required by the secretary.

(B) Assistance shall be provided for an additional six-month period of time provided the individual continues to be a resident of the state, provides ongoing status reports as may be required by the secretary and continues employment. Assistance shall be terminated when the person's gross earned income, less the cost of child care, exceeds 185% of the official federal poverty income guidelines. Persons who are not otherwise eligible for medicaid without a spenddown and who have gross earned income, less the cost of child care, that exceeds 100% of the official federal poverty income guidelines shall be responsible for contributing to the payment of the cost for medical coverage. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1, 39-7,103; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

30-6-103. Determined eligibles; protected income levels. (a) Independent living and home- and community-based services arrangements.

(1) The protected income level for persons in independent living arrangements and in the home- and community-based services program shall be based on the total number of persons in the assistance plan and any other persons in the family group whose income is being considered.

(2) The protected income levels for independent living may also be used when an applicant or recipient:

(A) Enters a medicaid-approved facility, except that this

provision shall not apply in situations where only one spouse of a married couple enters an institutional living arrangement; or

(B) is absent from the home for medical care for a period not to exceed two months to allow for maintaining the applicant's or recipient's independent living arrangements.

(3) Except as provided in paragraph (4), (5) and (6) below, the following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING
(Per Month)

1	2	3
\$386.00	\$460.00	\$465.00

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard.

(4) In determining eligibility for pregnant women and for infants under the provisions of K.A.R. 30-6-77(a) and (b), 100% of the official federal poverty income guidelines shall serve as the protected income level.

(5) In determining eligibility for other young children under the provisions of K.A.R. 30-6-77(c), 100% of the official federal poverty income guidelines shall serve as the protected income level.

(6) In determining eligibility for medicare beneficiaries under the provisions of K.A.R. 30-6-86, 90% of the official federal poverty income guidelines shall serve as the protected income level.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$30.00 except as noted in paragraph (2) of subsection (a).

(c) Specialized living arrangements. The protected income level for persons residing in approved, specialized living arrangements, including adult family homes, home- and community-based congregate care facilities, and child care facilities, shall be established by the secretary. The effective date of this regulation shall be January 1, 1990. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-36, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Oct. 1, 1989; amended T-30-12-28-89, Jan. 1, 1990.)

Winston Barton
Secretary of Social and
Rehabilitation Services

Doc. No. 008697

State of Kansas

Department of Health
and EnvironmentPermanent Administrative
Regulations

Article 51.—HOME HEALTH AGENCY LICENSURE

28-51-108. Home health aide services. (a) Each home health aide shall be supervised by a registered nurse and shall be given written instructions for patient care prepared by an appropriate, qualified health professional.

(b) Each home health aide shall not perform acts beyond the scope of the "Kansas home health aide training guidelines" as established under K.A.R. 28-51-112, unless specific and adequate training has been given and documented by the attending physician or supervising registered nurse. (Authorized by and implementing K.S.A. 65-5104, effective July 1, 1985; amended March 12, 1990.)

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 008752

State of Kansas

Department of Corrections

Permanent Administrative
Regulations

Article 9.—PAROLE

44-9-103. Parole supervision. (a) Conditions of parole, as established by the Kansas parole board, shall be explained to the parolee and shall be enforced by the parole officer. After receiving the approval of the parole supervisor, any parole officer may impose a special condition if, at any time during the supervision period the parole officer determines the client, or the community, would best be served by the addition of a special condition. The parole officer shall not modify any condition of parole established by the Kansas parole board without authorization from the Kansas parole board if that condition involves a victim or a travel restriction.

(b) Assessment of risk and needs. The category and level of supervision under which the parolee will be supervised shall be determined by the score received on the risk and needs assessment form, in accordance with the secretary of corrections' internal management policy and procedure (IMPP) 014-101, unless an override is approved by the parole supervisor to change the level of supervision. An override for a change in the level of supervision of a parolee convicted of a severity level I offense shall require the concurrence of the parole supervisor and must be approved by the deputy secretary for community and field services. Reassessment of risk and needs for the parolee shall be completed at six month intervals, or when exceptional circumstances arise. (Authorized by and implementing K.S.A. 75-5216, 75-5251, K.S.A. 1988 Supp. 75-5217; effective May 1, 1980; amended May 1, 1984; amended May 1, 1987; amended March 12, 1990).

44-9-104. Categories of supervision. Based on scores attained on the risk and needs assessment, a parolee shall be assigned to one of four levels of supervision:

(a) Close supervision means a minimum of two face-to-face contacts per month, at least two weeks apart, as well as one field visit every three months and one collateral contact per month.

(b) Intermediate supervision means a minimum of one face-to-face contact per month, one collateral contact every other month, and one field visit every three months.

(c) Reduced supervision means one face-to-face contact every four months, one collateral contact every six months, and requires the parolee to mail in a monthly report to the parole officer.

(d) Limited supervision means one face-to-face contact per year, one collateral contact every six months, and requires the parolee to mail in a monthly report to the parole officer. This level of supervision is designed for parolees who have a risk and needs score comparable to the reduced level of supervision, have been on parole successfully for a minimum of two years, and remain on parole status only for the purpose of paying restitution and/or court costs. (Authorized by and implementing K.S.A. 22-3717, 75-5216, 75-5251; and K.S.A. 1988 Supp. 75-5217; effective May 1, 1980; amended May 1, 1984; amended May 1, 1986; amended March 12, 1990).

Stephen J. Davies
Secretary of Corrections

Doc. No. 008745

(Published in the *Kansas Register*, January 25, 1990.)

**Notice of Redemption
City of Topeka, Kansas
Industrial Revenue Bonds
Series September 1, 1979
(The Martin Company, Inc. Project)**

Notice is hereby given that all of the then outstanding city of Topeka, Kansas, Industrial Revenue Bonds, Series September 1, 1979 (The Martin Company, Inc. Project), will be redeemed prior to their respective maturities on March 1, 1990. On said date there will become due and payable upon each of said bonds to be redeemed the principal amount thereof, plus accrued interest to the date of redemption and a premium of 3½ percent of said principal amount. Interest shall cease on all of said bonds as of March 1, 1990, the date fixed for redemption and payment.

The bonds to be redeemed and paid are numbered from 29 to 72, inclusive.

Payment of the bonds to be redeemed will be made at the office of BANK IV Topeka, N.A., Topeka, Kansas, upon presentation and surrender of said bonds.

Dated January 1, 1990.

City of Topeka, Kansas
By: BANK IV Topeka N.A.
Topeka, Kansas
Fiscal Agent for the Bonds

Doc. No. 008749

(Published in the Kansas Register, January 25, 1990.)

**Notice of Redemption
to the holders of
Gardner, Kansas
Waterworks Utility System and
Electrical Distribution System
Revenue Bonds
Series 1978-F**

Notice is hereby given that pursuant to Section Two of Ordinance No. 1371 of the city of Gardner, Kansas, all of the outstanding Waterworks Utility System and Electrical Distribution System Revenue Bonds, Series 1978-F, of the city, maturing September 1, 1990, and thereafter, will be redeemed and prepaid on March 1, 1990 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein.

Bond Numbers	Principal Amount	Maturity Date	Interest Rate
14-15	\$10,000	September 1, 1990	6.25%
16-17	\$10,000	September 1, 1991	6.50%
18-19	\$10,000	September 1, 1992	6.50%
20-21	\$10,000	September 1, 1993	6.50%

The principal amount of the bonds shall become due and payable on March 1, 1990, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a premium equal to 102 percent of the principal amount of the bonds so called for redemption and payment.

On March 1, 1990, provided that funds are on hand to pay the specified redemption price, all bonds will be due and payable at the principal office of the Kansas State Treasurer's Office, 900 S.W. Jackson, Topeka, Kansas, and from and after March 1, 1990, the interest on the bonds will cease to accrue.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the bonds who wish to avoid the imposition of the tax should submit certified taxpayer identification numbers when presenting the bonds for payment.

Dated January 18, 1990.

The City of Gardner, Kansas
Gwen Scott, City Clerk
City Hall
120 E. Main
Gardner, KS 66030

Doc. No. 008769

(Published in the Kansas Register, January 25, 1990.)

**Notice of Redemption
Industrial Revenue Bonds
(Hometown Communications of Kansas, Inc.)
Series 1982, Dated December 15, 1982
of the
City of Utica, Kansas**

Subject to the provisions of the second paragraph of this notice, notice is hereby given that pursuant to Section 5 of Ordinance No. 161 of the city of Utica, Kansas, all of the outstanding Industrial Revenue Bonds, Series 1982 (Hometown Communications of Kansas, Inc.), of the city of Utica, Kansas, maturing on and after March 1, 1991, will be redeemed and prepaid on March 1, 1990 (the redemption date), prior to their respective maturities subject to the provisions and limitations set forth herein.

Bond Numbers	Maturity Date	Interest Rate
34-40	03/01/91	10.50%
41-47	03/01/92	11.00%
48-55	03/01/93	11.50%
56-65	03/01/94	11.75%
66-75	03/01/95	12.00%

The principal amount of the above described 1982 bonds shall become due and payable on March 1, 1990, at a redemption price equal to the principal amount thereof, plus accrued interest thereon to said redemption date, together with a price of 101 of the principal amount of the bonds so called for redemption and payment.

On March 1, 1990, provided that funds are on hand to pay the specified redemption price, all the 1982 bonds will be due and payable at the principal office of The Farmers State Bank and Trust Company, Hays, Kansas, and from and after March 1, 1990, all interest on the 1982 bonds will cease to accrue. All coupons maturing subsequent to March 1, 1990, must be attached to and surrendered with said 1982 bonds.

Under the provisions of the Interest Dividend Tax Compliance act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax remittance to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the 1982 bonds who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their bonds for payment.

Dated January 8, 1990.

The Farmers State Bank and Trust Company
718 Main Street
P.O. Box 10
Hays, KS 67601
As Fiscal Agent

Doc. No. 008757

(Published in the *Kansas Register*, January 25, 1990.)

**Notice of Call for Redemption
to the holders of
City of Moran, Kansas
Industrial Revenue Bonds
Series B, 1983
(Americare Properties, Inc.)**

Notice is hereby given that pursuant to Section 5 of Ordinance No. 999 of the city of Moran, Kansas, all of the above-mentioned bonds maturing on and after March 1, 1991, and all unmatured coupons appertaining hereto, have been called for redemption and payment on March 1, 1990, at the office of the Southwest National Bank of Wichita, Wichita, Kansas (the paying agent).

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
12-15	3-1-91	20,000.00	10.50%
16-20	3-1-92	25,000.00	10.75%
21-25	3-1-93	25,000.00	11.00%
26-108	3-1-02	415,000.00	12.00%

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond, the redemption price thereof equal to 103 percent of the principal amount of each bond together with interest accrued to the redemption date, upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto. Interest shall cease to accrue on the bonds so called for redemption, and all unmatured coupons appertaining thereto, from and after March 1, 1990, subject to the condition that sufficient funds for redemption are then on deposit with the paying agent from the proceeds of the refunding bonds issued by the city.

Dated January 15, 1990.

City of Moran, Kansas
By Southwest National Bank
of Wichita
as Trustee

Doc. No. 008758

(Published in the *Kansas Register*, January 25, 1990.)

**Notice of Redemption
Shawnee County, Kansas
Y.M.C.A. Revenue Bonds
Series 1978-1**

Notice is hereby given that pursuant to Section 5 of Resolution No. 78-382 of Shawnee County, Kansas, all of the outstanding Industrial Revenue Bonds, Series 1978-1 (Y.M.C.A. Project) are called for redemption and payment on March 1, 1990 (the redemption date), at the redemption price of 100 percent of the principal amount being redeemed plus a premium of 3½ percent of the principal amount, together with accrued interest on the principal amount to the redemption date.

The serial numbers of the bearer bonds to be redeemed are as follows:

	Numbers	Amount
Due March 1, 1991	427-487	\$61,000
Due March 1, 1992	488-553	66,000
Due March 1, 1993	554-624	71,000
Due March 1, 1994	625-700	76,000

Note: Coupons and bonds due March 1, 1990, should be presented in the normal manner. Coupons due September 1, 1990, and all subsequent coupons must be attached to all of the following bonds called for redemption on the redemption date.

Payment of the redemption price of the bonds will be made at Bank IV Topeka, N.A., 534 Kansas Ave., Topeka, KS 66603. To avoid a 20 percent backup withholding required by the Interest and Dividend Tax Act of 1983, bondholders should submit certified taxpayer identification numbers when presenting their securities for collection.

Notice is hereby given that on and after March 1, 1990, interest on the bonds hereby called for redemption shall cease to accrue.

Dated January 18, 1990.

Bank IV Topeka, N.A.
Topeka, Kansas
By Rudy Wrenick, Trust Officer

Doc. No. 008747

(Published in the *Kansas Register*, January 25, 1990.)

**Notice of Redemption
to the holders of
Ford County, Kansas
Single Family Mortgage Revenue Bonds
1979 Series A 7.50% (due September 1, 2004)
CUSIP No. 345267 AW 8**

Notice is hereby given that pursuant to Section 3.01 of the Indenture dated as of September 1, 1979, \$140,000 principal amount of bonds has been drawn by lot for redemption at par on March 1, 1990 as follows:

Coupon bonds, \$5,000 denominations called in full:

1112	1051
1122	1058
1170	1090
1196	1091
1210	1131
1048	1136
1012	1148

The serial numbers of the registered bonds to be redeemed in whole or in part and in the principal amount to be redeemed are as follows:

Bond Number	Par Amount	Amount Called
R280	25,000	5,000
R283	30,000	5,000
R310	55,000	5,000
R311	30,000	5,000
R312	10,000	5,000
R313	15,000	5,000
R314	50,000	20,000
R315	50,000	10,000
R319	15,000	5,000
R320	5,000	5,000

Coupon bonds with the March 1, 1990, and all subsequent coupons attached and registered bonds called in full should be presented to one of the following offices of the paying agents:

(continued)

By mail:

Continental Bank, National Association
Attention Corporate Trust Operations
231 LaSalle St., 19th Floor
Chicago, IL 60697

Kansas State Bank & Trust Company
Attention Trust Department
123 N. Market
Wichita, KS 67202

If hand delivered:

Continental Bank, National Association
Attention Corporate Trust Operation
230 S. Clark St., 19th Floor
Chicago, IL 60697

While registered bondholders have the option of presenting bonds to the Kansas paying agent, there will be a delay in the issuance of bonds for any unredeemed portion unless presentment is made to the principal paying agent in Chicago. Accordingly, the registered bonds that have been called in part should be presented to the paying agent in Chicago at the address given above.

Where a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge. Interest on the bonds or portions of the bonds called for redemption will cease to accrue on March 1, 1990.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold a 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated January 25, 1990.

Ford County, Kansas
by Continental Bank, National Association
as Trustees

Doc. No. 008748

(Published in the Kansas Register, January 25, 1990.)

Fort Scott Community College District

Notice of Intent to Issue Revenue Bonds

The Board of Trustees of the Fort Scott Community College District, Bourbon County, Kansas, adopted a resolution on January 15, 1990, declaring it necessary to and authorizing additions, improvements and renovations to the Dormitory and Student Union System, including adding additional dormitory bed capacity on the campus of the college, Fort Scott, Kansas, at an estimated cost of \$300,000 under the authority of K.S.A. 76-6a12 to 76-6a25, inclusive, as amended and supplemented.

Said resolution of the Board of Trustees of the college declares it necessary to and authorizes the issuance and sale of dormitory and student union system revenue bonds of the college in an amount not to exceed \$300,000 in order to pay the costs of the project.

Unless an action to contest the legality of the proposed revenue bonds of the college shall be filed in a court of law within 30 days of the date of publication of this notice, the right to contest the legality of any revenue bonds issued in compliance with the aforesaid resolution and other proceedings duly and legally had and taken by said Board of Trustees prior to the date of publication of this notice, and the right to contest the validity of the provisions of such proceedings shall cease to exist, and no court shall thereafter have the authority to inquire into such matters. After the expiration of said 30 days from the date of publication of this notice, no one shall have any right to commence an action contesting the validity of such revenue bonds or the provisions of such proceedings of the Board of Trustees and all such revenue bonds shall be conclusively presumed to be legal and no court shall thereafter have the authority to inquire into such matters.

Dated January 15, 1990.

Board of Trustees
Fort Scott Community College District
Bourbon County, Kansas

Doc. No. 008756

(Published in the *Kansas Register*, January 25, 1990.)

**Summary Notice of Bond Sale
City of Junction City, Kansas
\$541,160.35**

**General Obligation Bonds, Series DA
(general obligation bonds payable from
unlimited ad-valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated January 16, 1990, and preliminary official statement dated January 17, 1990, sealed bids will be received by the city clerk of the city of Junction City, Kansas, on behalf of the governing body at the City Hall, 7th and Jefferson, Junction City, until 5 p.m. C.S.T. on Tuesday, February 6, 1990, for the purchase of \$541,160.35 principal amount of General Obligation Bonds, Series DA. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,160.35. The bonds will be dated February 1, 1990, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1991	\$16,160.35
1992	20,000.00
1993	20,000.00
1994	20,000.00
1995	20,000.00
1996	25,000.00
1997	25,000.00
1998	25,000.00
1999	30,000.00
2000	30,000.00
2001	35,000.00
2002	35,000.00
2003	35,000.00
2004	45,000.00
2005	45,000.00
2006	20,000.00
2007	20,000.00
2008	25,000.00
2009	25,000.00
2010	25,000.00

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1991.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$10,823.21 (2 percent of the principal amount of the bonds).

Delivery

The city will pay for printing the bonds and will deliver

the same properly prepared, executed and registered without cost to the successful bidder on or before February 28, 1990, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1989 is \$74,348,826. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$14,670,160.35.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the city clerk, Rodney D. Barnes, or the financial advisor, George K. Baum & Company, 12 Wyandotte Plaza, 120 W. 12th, Kansas City, MO 64105, Attention: Roger Edgar (800/821-7195).

City of Junction City, Kansas

Doc. No. 008755

(Published in the *Kansas Register*, January 25, 1990.)

**Notice of Advance Refunding
(Combined)**

**Kansas Municipal Energy Agency
Electric Power Supply Project Revenue Bonds
1982 Series A (Nearman Project)
\$16,900,000**

**Dated December 1, 1982
CUSIP 485268AK2**

Notice is hereby given pursuant to the provisions of Article II of Resolution No. 47 adopted by the Board of Directors of the Kansas Municipal Energy Agency, on December 16, 1982, that the agency has issued its Electric Power Supply Project Refunding Revenue Bonds (Nearman Project), 1987 Series A, dated August 15, 1987, and its Electric Power Supply Project Revenue Bonds (Nearman Project), 1989 Series B, dated June 15, 1989. The proceeds of the 1987 Series A Bonds and the 1989 Series B Bonds, together with other funds of the agency, will be used to provide funds to redeem all of the Kansas Municipal Energy Agency Electric Power Supply Project Revenue Bonds, 1982 Series A (Nearman Project) 10.25 percent dated December 1, 1982, maturing on December 1, 1997, on December 1, 1992 (the redemption date). The redemption price will be 103 percent of the principal amount thereof plus interest accrued to the redemption date. The aggregate principal amount outstanding of the 10.25 percent bonds maturing December 1, 1997, is \$8,465,000.

Sufficient funds to provide for the redemption of such bonds together with payment of the 1982 Series Bonds scheduled to mature in the years 1989 to 1992, inclusive, on their respective maturity dates have been deposited

(continued)

with the trustee pursuant to an escrow trust agreement dated June 15, 1989.

Dated January 25, 1990.

Kansas Municipal Energy Agency
By: Commercial National Bank
Kansas City, Kansas
as Trustee

Doc. No. 008717

(Published in the *Kansas Register*, January 25, 1990.)

**Notice of Advance Refunding
(Combined)**

**Kansas Municipal Energy Agency
Electric Power Supply Project Revenue Bonds
1987 Series A (Nearman Project)**

\$8,950,000

Dated August 15, 1987

Notice is hereby given pursuant to the provisions of Article II of Resolution No. 47 adopted by the Board of Directors of the Kansas Municipal Energy Agency, on December 16, 1982, and the provisions of Section 302 of Resolution No. 70 adopted by the Board of Directors of the Kansas Municipal Energy Agency, on August 13, 1987, the agency has issued its Electric Power Supply Project Refunding Revenue Bonds, 1989 Series A, dated June 15, 1989. The proceeds of the 1989 Series A Bonds, together with other funds of the agency, will be used to provide funds to retire the \$8,575,000 aggregate principal amount of the outstanding Kansas Municipal Energy Agency Electric Power Supply Project Refunding Revenue Bonds, 1987 Series A (Nearman Project), dated August 15, 1987, on their respective maturity dates at a price of 100 percent of the principal amount thereof plus interest accrued to the respective maturity dates. The following bonds are subject to this notice of advance refunding:

Maturity Date	Interest Rate	Principal Amount	Cusip Numbers
12/01/89	5.00%	\$ 50,000	485268AM8
12/01/90	5.20%	125,000	485268AN6
12/01/91	5.40%	210,000	485268AP1
12/01/92	5.60%	220,000	485268AQ9
12/01/93	5.80%	235,000	485268AR7
12/01/94	6.00%	1,765,000	485268AS5
12/01/95	6.10%	1,870,000	485268AT3
12/01/96	6.25%	1,990,000	485268AU0
12/01/97	6.40%	2,110,000	485268AV8

Sufficient funds to retire the bonds at their respective maturity dates have been deposited with the trustee pursuant to an escrow trust agreement dated June 15, 1989.

Dated January 25, 1990.

Kansas Municipal Energy Agency
By: Commercial National Bank
Kansas City, Kansas
as Trustee

Doc. No. 008718

State of Kansas

Board of Education

**Notice of Hearings on Kansas State Plan
for Vocational Education**

The State Board of Education will conduct two public hearings to consider the proposed Kansas State Plan for Vocational Education for fiscal years 1991-1992. One will be in the board room of the Kansas State Education Building, 120 E. 10th, Topeka, at 1:30 p.m. Tuesday, March 13. The other hearing will be in the auditorium of the Central Vocational Building, 324 N. Emporia, Wichita, at 1 p.m. Tuesday, March 6.

In developing the plan, the state has performed those activities prescribed in Section 113 of the Carl D. Perkins Vocational Education Act. Additionally, the plan provides those assurances called for under the act and sets forth or describes those additional items required under the act. The plan also sets forth the planned use of federal funds available for vocational education and the criteria the board will use in approving applications of eligible recipients and allocated funds made available under the act to such recipients.

Not less than 60 days before the plan is submitted to the secretary of education, the plan will be furnished for review and comment to the Kansas Legislature, the Kansas Council on Vocational Education and the Kansas Council on Employment and Training. The plan will be submitted to the secretary of education following adoption by the board and certification of such action by the Kansas commissioner of education. The plan is to become effective July 1, 1990.

A copy of the plan may be obtained by contacting the secretary of the State Board of Education, State Education Building, 120 E. 10th, Topeka 66612, prior to the date of the hearing.

All segments of the public and interested organizations and groups will be afforded an opportunity to present their views and make recommendations regarding the plan at the hearings. The hearings shall be conducted in compliance with public hearing procedures of the State Board of Education.

Dr. Lee Droegemueller
Commissioner of Education

Doc. No. 08766

State of Kansas

Secretary of State

I, Bill Graves, 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.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal.

BILL GRAVES
Secretary of State

(Published in the Kansas Register, January 25, 1990.)

HOUSE BILL No. 2608

AN ACT relating to elections; concerning nomination petitions; concerning the names of candidates upon ballots; amending K.S.A. 25-610 and K.S.A. 1989 Supp. 25-205 and 25-303 and repealing the existing sections.

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

Section 1. K.S.A. 1989 Supp. 25-205 is hereby amended to read as follows: 25-205, (a) The names of candidates for national, state, county and township offices shall be printed upon the official primary ballot when each shall have qualified to become a candidate by one of the following methods and none other: (1) They shall have had filed in their behalf, not later than 12:00 noon, June 10, prior to such primary election, or if such date falls on Saturday, Sunday or a holiday, then before 12:00 noon of the next following day that is not a Saturday, Sunday or a holiday, nomination petitions, as provided for in this act; or (2) they shall have filed not later than the time for filing nomination petitions, as above provided, with the proper officer a declaration of intention to become a candidate, accompanied by the fee required by law. Such declaration shall be prescribed by the secretary of state.

(b) Nomination petitions shall be in substantially the following form:

I, the undersigned, an elector of the county of _____, and state of Kansas, and a duly registered voter, and a member of _____ party, hereby nominate _____, who resides in the township of _____ (or at number _____ on _____ street, city of _____), in the county of _____ and state of Kansas, as a candidate for the office of (here specify the office) _____, to be voted for at the primary election to be held on the first Tuesday in August in _____, as representing the principles of such party; and I further declare that I intend to support the candidate herein named and that I have not signed and will not sign any nomination petition for any other person, for such office at such primary election.

(HEADING)

Name of Signers.	Street Number or Rural Route	Name of City. (as registered).	Date of Signing.
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All nomination petitions shall have substantially the foregoing form, written or printed at the top thereof. No signature shall be counted unless it is upon a sheet having such written or printed form at the top thereof.

(c) Each signer of a nomination petition shall sign but one such petition for the same office, and shall declare that such person intends to support the candidate therein named, and shall add to such person's signature and residence, if in a city, by street and number (if any); or, otherwise by post-office address. No signature shall be counted unless the place of residence of the signer is clearly indicated and the date of signing given as herein required and if ditto marks are used to indicate address they shall be continuous and clearly made. Such sheets shall not be cut or pasted together.

(d) All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit described in this paragraph of a qualified elector who resides in such county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator or the candidate, to the effect that such circulator or the candidate personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote.

(e) Nomination petitions shall be signed:

(1) If for a state officer elected on a statewide basis or for the office of United States senator, by voters equal in number to not less than 1% of the total vote of the current voter registration of the party designated in the state, as compiled by the office of the secretary of state;

(2) If for a state or national officer elected on less than a statewide basis, by voters equal in number to not less than 2% of the total vote of the current voter registration of the party designated in such district as compiled by the office of the secretary of state, except that for the office of district magistrate judge, by not less than 2% of the total vote of the current voter registration of the party designated in the county in which such office is to be filled;

(3) If for a county office, by voters equal in number to not less than 3% of the total vote of the current voter registration of the party designated in such district or county, as compiled by the county election officer; and

(4) If for a township office, by voters equal in number to not less than 3% of the total vote of the current voter registration of the party designated in such township as compiled by the county election officer.

The basis of a percentage required by this subsection (e) shall be the vote of the party for secretary of state at the last preceding election or, in case of a new party, the basis of a percentage shall be the vote cast for the successful candidate for secretary of state at the last preceding election.

(f) Subject to the requirements of K.S.A. 25-202, and amendments thereto, any political organization filing nomination petitions for a majority of the state or county offices, as provided in this act, shall have a separate primary election ballot as a political party and, upon receipt of such nomination petitions, the respective officers shall prepare a separate state and county ballot for such new party in their respective counties or districts thereof in the same manner as is provided for existing parties.

Sec. 2. K.S.A. 1989 Supp. 25-303 is hereby amended to read as follows: 25-303. This section shall not apply to city and school elections, nor to election of other officers provided by law to be elected in April. All nominations other than party nominations shall be independent nominations. Independent nominations of candidates for any office to be filled by the voters of the state at large may be made by nomination petitions signed by not less than 2,500 qualified voters of the state for each candidate and in the case of governor and lieutenant governor for each pair of such candidates.

Independent nominations of candidates for offices to be filled by the voters of a county, district or other division less than a state may be made by nomination petitions signed by voters equal in number to not less than 5% 4% of the qualified voters of such county, district or other division voting for as compiled by the office of the secretary of state at the last preceding general election for each candidate in the case of state offices and as compiled in the office of the county election officer in the case of local offices, and in no case to be signed by less than 25 voters of such county, district or division, for each candidate.

Independent nominations of candidates for offices to be filled by the voters of a township may be made by nomination papers signed by not less than 5% of the qualified voters of such township, computed as above provided, for each candidate, and in no case to be signed by less than 10 such voters of such township for each candidate.

The signatures to such nomination petitions need not all be appended to one paper, but each registered voter signing an independent certificate of nomination shall add to the signature such petitioner's place of residence and post-office address. All signers of each separate nomination petition shall reside in the same county and election district of the office sought. The affidavit of a qualified elector who resides in such county and election district or of the candidate shall be appended to each petition and shall contain, at the end of each set of documents carried by each circulator, a verification, signed by the circulator, to the effect that such circulator personally witnessed the signing of the petition by each person whose name appears thereon. The person making such affidavit shall be duly registered to vote. No such nomination paper shall contain the name of a candidate for governor without in the same such paper containing the name of a candidate for lieutenant governor, and if

(continued)

it does it shall be void. No person shall join in nominating more than one person for the same office, and if this is done, the name shall not be counted on any certificate.

Sec. 3. K.S.A. 25-610 is hereby amended to read as follows: 25-610. The secretary of state shall furnish to each county election officer forms for ballots in their respective counties. The secretary of state shall prepare a rotation of the different candidates appearing on the official general ballot for the national and state offices for each such office. Such rotation shall be developed and arranged so that each candidate shall have an equal opportunity as near as practicable for the respective offices to which they are nominated. In case there is more than one candidate for any national or state office, the secretary of state shall divide the state or part thereof, into as many divisions as there are names to go on the ballot for each particular office. In making such division the secretary of state shall divide, in regular order, the alphabetical list of counties into the required number of divisions, in such a manner that all divisions are as nearly equal as convenient in the number of votes cast for all gubernatorial candidates or for all presidential candidates, whichever the case may be, at the last general election registered voters in such division as compiled by the office of the secretary of state. The secretary of state, in certifying the list of names of candidates to the

county election officers, shall assign, in regular order from the alphabetical list of candidates for each office, the ballot position for each candidate in such a manner that every candidate for any office shall occupy a different ballot position in each division. When, in the case of candidates for national or state offices elected on less than a statewide basis, the secretary of state finds it impossible to make a division which allows each such candidate in any given district an equitable or fair opportunity to have such candidate's name first on the ballot in the respective counties of the district, the secretary of state shall order the county election officers in the various counties of the district to rotate the names of the candidates for such district offices according to precinct to obtain an equitable division. The names of candidates for the same office but for different terms of service therein shall be arranged in groups according to the length of their respective terms.

In the case of the governor and lieutenant governor running together, when the word "candidate" is used in this section, it shall mean pair of candidates.

Sec. 4. K.S.A. 25-610 and K.S.A. 1989 Supp. 25-205 and 25-303 are hereby repealed.

Sec. 5. 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. This cumulative index supplements the index found in the 1989 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

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1-2-1	Revoked	V. 8, p. 1207
1-2-1	Amended	V. 8, p. 1472
1-5-9	Amended	V. 8, p. 1207
1-5-9	Amended	V. 8, p. 1472
1-5-10	Amended	V. 8, p. 1207
1-5-10	Amended	V. 8, p. 1472
1-5-11	Amended	V. 8, p. 130
1-5-11	Amended	V. 8, p. 1473
1-5-13	Amended	V. 8, p. 130
1-5-15	Amended	V. 8, p. 130
1-5-19b	Amended	V. 8, p. 1208
1-5-19b	Amended	V. 8, p. 1473
1-5-19c	Amended	V. 8, p. 1208
1-5-19c	Amended	V. 8, p. 1473
1-5-24	Amended	V. 8, p. 1209
1-5-24	Amended	V. 8, p. 1474
1-5-29	New	V. 8, p. 1210
1-5-29	New	V. 8, p. 1475
1-6-24	Amended	V. 8, p. 131
1-6-31	New	V. 8, p. 131
1-6-32	Amended	V. 9, p. 10
1-7-10	Amended	V. 8, p. 1210
1-7-10	Amended	V. 8, p. 1475
1-9-19a	Amended	V. 9, p. 10
1-62-1	New	V. 8, p. 1004

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-1-17	Amended	V. 8, p. 1004
4-1-17	Amended	V. 8, p. 1070
4-2-17	Revoked	V. 8, p. 1004
4-2-17	Revoked	V. 8, p. 1087
4-2-17a	New	V. 8, p. 1087
4-2-17a	New	V. 8, p. 1395
4-4-2	Amended	V. 8, p. 1005
4-4-2	Amended	V. 8, p. 1070

4-7-900		
through		
4-7-904	New	V. 8, p. 1731, 1732
4-8-27	Amended	V. 8, p. 1732
4-33-1	New	V. 8, p. 132

**AGENCY 5: BOARD OF AGRICULTURE—
DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-23-3	Amended	V. 8, p. 1088
5-23-4	Amended	V. 8, p. 1089
5-23-9	Revoked	V. 8, p. 1089

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-34-1	New	V. 8, p. 1139
7-34-1	New	V. 8, p. 1183
7-35-1	New	V. 8, p. 1556
7-35-2	New	V. 8, p. 1556

**AGENCY 9: ANIMAL HEALTH
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9-17-1		
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9-17-4	Amended	V. 8, p. 1804, 1805
9-17-6	New	V. 8, p. 1805
9-17-7	New	V. 8, p. 1805
9-17-8	New	V. 8, p. 1805
9-18-1	New	V. 8, p. 1138
9-18-1	New	V. 8, p. 1183

**AGENCY 14: DEPARTMENT OF REVENUE—
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16-7-9	New	V. 8, p. 1326, 1327
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16-7-9	New	V. 8, p. 1447, 1448

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22-3-2	New	V. 8, p. 1090
22-4-2	New	V. 8, p. 1495
22-4-3	New	V. 8, p. 1495
22-5-6	New	V. 8, p. 1090
22-6-17	New	V. 8, p. 1090
22-8-1	Amended	V. 8, p. 1091
22-10-3	Amended	V. 8, p. 1091
22-10-12	Amended	V. 8, p. 1092
22-10-17	New	V. 8, p. 1092
22-13-35	Amended	V. 8, p. 1092

**AGENCY 23: DEPARTMENT OF
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Reg. No.	Action	Register
23-1-10	Revoked	V. 8, p. 1733
23-2-3	Revoked	V. 8, p. 1525
23-3-2	Revoked	V. 8, p. 1733
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23-3-10	Revoked	V. 8, p. 1629
23-3-11	Revoked	V. 8, p. 1629
23-3-12	Revoked	V. 8, p. 1629
23-3-14	Revoked	V. 8, p. 1629
23-3-15	Revoked	V. 8, p. 1629
23-8-1	Revoked	V. 8, p. 1525
23-8-2	Revoked	V. 8, p. 1525
23-8-4	Revoked	V. 8, p. 1356
23-8-18	Revoked	V. 8, p. 1525
23-8-19	Revoked	V. 8, p. 1525
23-8-21	Revoked	V. 8, p. 1525
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23-8-33	Revoked	V. 8, p. 1525
23-8-36	Revoked	V. 8, p. 1525
23-9-2	Revoked	V. 8, p. 1525
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23-11-1	Revoked	V. 8, p. 1356
23-14-1	Revoked	V. 8, p. 1356
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23-17-2	Revoked	V. 8, p. 1356
23-17-3	Revoked	V. 8, p. 1356
23-18-1	Revoked	V. 8, p. 1525
23-18-3	Revoked	V. 8, p. 1629
23-18-4	Revoked	V. 8, p. 1629

**AGENCY 25: GRAIN INSPECTION
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Reg. No.	Action	Register
25-4-1	Amended	Vol. 8, p. 1290

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26-8-1		
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26-8-10	New	V. 8, p. 1557
26-9-1		
through		
26-9-4	New	V. 8, p. 1557, 1558

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28-4-124		
through		
28-4-132	Amended	V. 9, p. 40-43
28-4-350	Amended	V. 9, p. 44
28-4-400	Amended	V. 8, p. 1632
28-4-401	Amended	V. 8, p. 1632
28-4-403	Amended	V. 8, p. 1632
28-4-405	Amended	V. 8, p. 1633
28-4-405a	Amended	V. 8, p. 1634
28-4-405b	Amended	V. 8, p. 1635
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28-4-410	Amended	V. 8, p. 1636
28-4-411	Amended	V. 8, p. 1637
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28-4-413	Amended	V. 8, p. 1637
28-4-442	Amended	V. 9, p. 44
28-16-110		
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28-16-138	New	V. 8, p. 517-520
28-16-137	Amended	V. 8, p. 1559
28-16-137	Amended	V. 8, p. 1638
28-19-7	Amended	V. 8, p. 1291
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28-19-14	Amended	V. 8, p. 1293
28-19-16a	Amended	V. 8, p. 1294
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28-19-17i	Amended	V. 8, p. 1298
28-19-20	Amended	V. 8, p. 1298
28-19-21	Amended	V. 8, p. 1298
28-19-56	Amended	V. 8, p. 1298
28-31-1		
through		
28-31-6	Amended	V. 8, p. 1806-1812
28-31-8	Amended	V. 8, p. 1813
28-31-8a	Amended	V. 8, p. 1814
28-31-8b	New	V. 8, p. 1814
28-31-9	Amended	V. 8, p. 1814
28-31-14	Amended	V. 8, p. 1814
28-33-11	New	V. 8, p. 1211
28-33-12	New	V. 8, p. 1212
28-39-77	Amended	V. 8, p. 200
28-39-87	Amended	V. 8, p. 871
28-39-200	Revoked	V. 8, p. 201
28-39-202		
through		
28-39-218	Revoked	V. 8, p. 201
28-39-225	Amended	V. 8, p. 201
28-39-226	Amended	V. 8, p. 203

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-50	Amended	V. 8, p. 1180
30-4-54	Amended	V. 8, p. 1180
30-4-56	Revoked	V. 8, p. 714
30-4-57	Amended	V. 8, p. 1180
30-4-58	Amended	V. 8, p. 1180
30-4-62	Amended	V. 8, p. 1180
30-4-63	Amended	V. 8, p. 1661
30-4-64	Amended	V. 8, p. 1661
30-4-70	Amended	V. 8, p. 714
30-4-73	Amended	V. 8, p. 1181
30-4-74	Amended	V. 8, p. 715
30-4-75	Amended	V. 8, p. 715
30-4-85a	Amended	V. 8, p. 1181
30-4-90	Amended	V. 8, p. 1182
30-4-100	Amended	V. 8, p. 715
30-4-101	Amended	V. 8, p. 715
30-4-102	Amended	V. 8, p. 715
30-4-110	Amended	V. 8, p. 1182
30-4-111	Amended	V. 8, p. 1662
30-4-112	Amended	V. 8, p. 1662
30-4-113	Amended	V. 8, p. 1182

30-4-120	Amended	V. 8, p. 1182
30-4-130	Amended	V. 8, p. 1662
30-4-140	Amended	V. 8, p. 715
30-5-58	Amended	V. 8, p. 1662
30-5-59	Amended	V. 8, p. 1182
30-5-60	Amended	V. 8, p. 717
30-5-70	Amended	V. 8, p. 717
30-5-76	New	V. 8, p. 717
30-5-81	Amended	V. 8, p. 1205
30-5-81	Amended	V. 8, p. 1470
30-5-81a	Amended	V. 8, p. 718
30-5-81b	Amended	V. 8, p. 718
30-5-81d	Revoked	V. 8, p. 718
30-5-81q	Revoked	V. 8, p. 718
30-5-81r	Revoked	V. 8, p. 718
30-5-81s	Revoked	V. 8, p. 718
30-5-81t	Amended	V. 8, p. 718
30-5-81u	New	V. 8, p. 718
30-5-81v	New	V. 8, p. 718
30-5-82	Amended	V. 8, p. 719
30-5-84	Amended	V. 8, p. 1662
30-5-84a	Revoked	V. 8, p. 1662
30-5-88	Amended	V. 8, p. 1206
30-5-88	Amended	V. 8, p. 1471
30-5-89	Amended	V. 8, p. 1662
30-5-94	Amended	V. 8, p. 719
30-5-95	Amended	V. 8, p. 719
30-5-100	Amended	V. 8, p. 1182
30-5-108	Amended	V. 8, p. 719
30-5-110	Amended	V. 8, p. 719
30-5-113	Amended	V. 8, p. 1662
30-5-115	New	V. 8, p. 719
30-5-115a	New	V. 8, p. 719
30-5-116	New	V. 8, p. 719
30-5-116a	New	V. 8, p. 720
30-5-169	Amended	V. 8, p. 720
30-6-35	Amended	V. 8, p. 720
30-6-53	Amended	V. 8, p. 720
30-6-55	Amended	V. 8, p. 1662
30-6-56	Amended	V. 8, p. 720
30-6-57	Revoked	V. 8, p. 1182
30-6-58	Revoked	V. 8, p. 1182
30-6-63	Amended	V. 8, p. 1182
30-6-65	Amended	V. 8, p. 1662
30-6-73	Amended	V. 8, p. 1182
30-6-73	Amended	V. 8, p. 1754
30-6-74	Amended	V. 8, p. 721
30-6-77	Amended	V. 8, p. 721
30-6-86	Amended	V. 8, p. 721
30-6-103	Amended	V. 8, p. 1662
30-6-106	Amended	V. 8, p. 1663
30-6-109	Amended	V. 8, p. 721
30-6-110	Amended	V. 8, p. 1663
30-6-111	Amended	V. 8, p. 1663
30-6-112	Amended	V. 8, p. 1663
30-6-113	Amended	V. 8, p. 1183
30-7-26		
through		
30-7-63	Revoked	V. 8, p. 721
30-7-64		
through		
30-7-78	New	V. 8, p. 721-724
30-7-68	Amended	V. 8, p. 1663
30-9-13	New	V. 8, p. 1663
30-9-18		
through		
30-9-22	New	V. 8, p. 1663, 1664
30-10-1b	Amended	V. 8, p. 1664
30-10-2	Amended	V. 8, p. 1664
30-10-3	Amended	V. 8, p. 1664
30-10-4	Amended	V. 8, p. 1664
30-10-11	Amended	V. 8, p. 1664
30-10-15a	Amended	V. 8, p. 1664
30-10-15b	Amended	V. 8, p. 1664
30-10-17	Amended	V. 8, p. 1665
30-10-18	Amended	V. 8, p. 1665
30-10-19	Amended	V. 8, p. 1665
30-10-21	Amended	V. 8, p. 1665
30-10-25	Amended	V. 8, p. 1665
30-10-28	Amended	V. 8, p. 1665
30-10-29	Amended	V. 8, p. 1665
30-10-30	New	V. 8, p. 1665
30-22-31	Amended	V. 8, p. 1665
30-22-32	Amended	V. 8, p. 1666
30-46-10	Amended	V. 8, p. 1666
30-46-17	Amended	V. 8, p. 1666

AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
33-1-4		
through		
33-1-17	Revoked	V. 8, p. 1525
33-1-19	Revoked	V. 8, p. 1525
33-2-4	Revoked	V. 8, p. 1733
33-3-3	Revoked	V. 8, p. 1733
33-4-5	Revoked	
33-4-7		
through		
33-4-10	Revoked	V. 8, p. 1525

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-16-1	Amended	V. 8, p. 1162

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 8, p. 452
40-1-34	Amended	V. 8, p. 798
40-1-37	New	V. 8, p. 798
40-2-12	Amended	V. 8, p. 452
40-3-5	Amended	V. 8, p. 454
40-3-42	New	V. 8, p. 1323
40-3-43	New	V. 8, p. 1139
40-3-43	New	V. 8, p. 1184
40-3-44	New	V. 8, p. 454
40-3-45	New	V. 8, p. 1006
40-4-35	Amended	V. 8, p. 515
40-4-35	Amended	V. 8, p. 558
40-4-35a	New	V. 8, p. 454
40-4-35a	Amended	V. 9, p. 30
40-4-38	New	V. 8, p. 455
40-5-108	Amended	V. 8, p. 800
40-7-7	Amended	V. 8, p. 455
40-7-13	Amended	V. 8, p. 455
40-7-20	Revoked	V. 8, p. 455
40-7-20a	New	V. 8, p. 455
40-7-21	Amended	V. 8, p. 457
40-7-21	Amended	V. 8, p. 516

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-11-111	Amended	V. 9, p. 80
44-11-112	Amended	V. 9, p. 80
44-11-113	Amended	V. 9, p. 80
44-11-114	Amended	V. 9, p. 80
44-11-116	Revoked	V. 9, p. 81
44-11-121	Amended	V. 9, p. 81
44-11-122	Amended	V. 9, p. 81
44-11-123	Amended	V. 9, p. 81
44-11-126	Revoked	V. 9, p. 81
44-11-128	Revoked	V. 9, p. 81
44-11-129		
through		
44-11-135	New	V. 9, p. 81, 82

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-4	Amended	V. 8, p. 1493
51-24-5	Amended	V. 8, p. 1493

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 8, p. 712
63-1-4	Amended	V. 8, p. 712
63-1-6	Amended	V. 8, p. 712
63-1-12	Amended	V. 8, p. 713
63-6-3	Amended	V. 8, p. 713
63-6-6	Amended	V. 8, p. 714
63-6-7	Revoked	V. 8, p. 714
63-6-8	Revoked	V. 8, p. 714

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-2	Amended	V. 8, p. 252
68-5-11	Revoked	V. 8, p. 252
68-7-11	Amended	V. 8, p. 252
68-7-12	Amended	V. 8, p. 253

(continued)

68-9-1	Amended	V. 8, p. 253
68-20-1	Amended	V. 8, p. 254
68-20-16	Amended	V. 8, p. 255

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 8, p. 750

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-2-7	Amended	V. 8, p. 161, 162
71-2-9	Amended	V. 8, p. 162
71-2-11	Amended	V. 8, p. 163
71-2-12	Amended	V. 8, p. 163
71-2-13	Revoked	V. 8, p. 163

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-5-202	Amended	V. 8, p. 493
74-5-203	Amended	V. 8, p. 493
74-6-2	Amended	V. 8, p. 1069
74-12-1	Amended	V. 8, p. 1590

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-2	Amended	V. 8, p. 1704
81-3-2	Amended	V. 9, p. 83
81-5-6	Amended	V. 8, p. 1704
81-5-6	Amended	V. 9, p. 83

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-105	Amended	V. 8, p. 425
82-3-106	Amended	V. 8, p. 425
82-3-107	Amended	V. 8, p. 426
82-3-109	Amended	V. 8, p. 427
82-3-114	Amended	V. 8, p. 427
82-3-120	Amended	V. 8, p. 428
82-3-123	Amended	V. 8, p. 428
82-3-123a	New	V. 8, p. 429
82-3-124	Amended	V. 8, p. 429
82-3-130	Amended	V. 8, p. 430
82-3-139	Amended	V. 8, p. 430
82-3-140	Amended	V. 8, p. 430
82-3-142	New	V. 8, p. 430
82-3-143	New	V. 8, p. 430
82-3-203	Amended	V. 8, p. 431
82-3-205	Amended	V. 8, p. 431
82-3-305	Amended	V. 8, p. 431
82-3-311	Amended	V. 8, p. 431
82-3-400	Amended	V. 8, p. 432
82-3-401	Amended	V. 8, p. 432
82-3-402	Amended	V. 8, p. 434
82-3-405	Amended	V. 8, p. 434
82-3-407	Amended	V. 8, p. 435
82-3-408	Amended	V. 8, p. 435
82-3-409	Amended	V. 8, p. 435
82-11-1		
through		
82-11-7	Revoked	V. 8, p. 517
82-11-1		
through		
82-11-9	New	V. 8, p. 377-383

AGENCY 85: ABSTRACTERS' BOARD OF EXAMINERS

Reg. No.	Action	Register
85-4-1	Amended	V. 8, p. 1448
85-6-1	Amended	V. 8, p. 1448
85-7-1	Amended	V. 8, p. 1448

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 8, p. 1752
86-1-13	Amended	V. 8, p. 1753

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-21-1		
through		
88-21-10	New	V. 8, p. 1834, 1835

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27b	Amended	V. 8, p. 94
91-1-32	Amended	V. 8, p. 94
91-1-32a	Revoked	V. 8, p. 94
91-1-33	Amended	V. 8, p. 94
91-1-38	Revoked	V. 8, p. 95
91-1-58	Amended	V. 8, p. 95
91-1-60	Amended	V. 8, p. 95
91-1-79	Amended	V. 8, p. 95
91-1-85	Amended	V. 8, p. 95
91-1-92	Amended	V. 8, p. 96
91-1-107a	Amended	V. 8, p. 96
91-1-128a	Amended	V. 8, p. 98
91-1-129a	Amended	V. 8, p. 98
91-1-131	Amended	V. 8, p. 99
91-1-132a	Amended	V. 8, p. 100
91-1-149	New	V. 8, p. 101
91-1-150	New	V. 8, p. 101
91-12-22	Amended	V. 8, p. 1755
91-12-23	Amended	V. 8, p. 1758
91-12-25	Amended	V. 8, p. 1759
91-12-32	Amended	V. 8, p. 1760
91-12-34	Amended	V. 8, p. 1760
91-12-38	Amended	V. 8, p. 1760
91-12-40	Amended	V. 8, p. 1761
91-12-41	Amended	V. 8, p. 1762
91-12-42	Amended	V. 8, p. 1763
91-12-44	Amended	V. 8, p. 1763
91-12-51		
through		
91-12-63	Amended	V. 8, p. 1764-1770
91-12-65	Amended	V. 8, p. 1771
91-12-70	Amended	V. 8, p. 1771
91-12-73	New	V. 8, p. 1771
91-16-30	New	V. 8, p. 423
91-19-1	Amended	V. 8, p. 101
91-19-2	Amended	V. 8, p. 101
91-19-6	Amended	V. 8, p. 102
91-31-1	Amended	V. 8, p. 102
91-31-2	Amended	V. 8, p. 102
91-31-3	Amended	V. 8, p. 1361
91-31-4a	New	V. 8, p. 1362
91-31-7	Amended	V. 8, p. 103
91-31-11	Revoked	V. 8, p. 1362
91-31-12a	Amended	V. 8, p. 104
91-31-12h	Amended	V. 8, p. 1362
91-31-13	Amended	V. 8, p. 104
91-31-14	New	V. 8, p. 105
91-31-14a	Amended	V. 8, p. 105
91-33-1	Amended	V. 8, p. 105
91-33-3	Amended	V. 8, p. 1363
91-33-5	Amended	V. 8, p. 106
91-33-8	Amended	V. 8, p. 1364
91-33-9	Revoked	V. 8, p. 1364
91-34-1	Amended	V. 8, p. 106
91-34-2	Amended	V. 8, p. 106
91-34-3	Amended	V. 8, p. 107
91-34-6	Revoked	V. 8, p. 1364
91-34-7	Amended	V. 8, p. 1364
91-34-13	Amended	V. 8, p. 1365

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-9-6	Revoked	V. 8, p. 751
92-9-6a	New	V. 8, p. 751
92-51-42	New	V. 9, p. 35
92-52-10	Revoked	V. 9, p. 35
92-52-12	New	V. 9, p. 35
92-56-1		
through		
92-56-5	New	V. 8, p. 1324, 1325

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-6-1		
through		
98-6-4	New	V. 8, p. 1121, 1122

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

Reg. No.	Action	Register
99-25-1	Amended	V. 8, p. 1005
99-25-3	Amended	V. 8, p. 1005
99-31-1	Amended	V. 8, p. 132

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 8, p. 654
100-11-1	Amended	V. 8, p. 1069
100-38-1	Amended	V. 8, p. 1558
100-38-1	Amended	V. 8, p. 1806
100-49-4	Amended	V. 8, p. 654
100-49-4	Amended	V. 8, p. 1069
100-54-4	Amended	V. 8, p. 1558
100-54-4	Amended	V. 8, p. 1806
100-55-4	Amended	V. 8, p. 1558
100-55-4	Amended	V. 8, p. 1806
100-60-1	Amended	V. 8, p. 1558
100-60-1	Amended	V. 8, p. 1806
100-60-15	New	V. 8, p. 1558
100-60-15	Amended	V. 8, p. 1806

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-7	Amended	V. 8, p. 906
102-1-15	Amended	V. 8, p. 906
102-2-1a	Amended	V. 8, p. 204
102-2-3	Amended	V. 8, p. 1470
102-2-3	Amended	V. 8, p. 1591
102-3-1	New	V. 8, p. 1526
102-3-1	New	V. 8, p. 1591
102-3-3		
through		
102-3-13	New	V. 8, p. 1526-1531
102-3-3		
through		
102-3-13	New	V. 8, p. 1591-1596
102-4-1	New	V. 8, p. 204
102-4-1	New	V. 8, p. 335
102-4-3		
through		
102-4-11	New	V. 8, p. 205-209
102-4-3		
through		
102-4-11	New	V. 8, p. 335-339

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-3-2	Amended	V. 8, p. 1366
105-5-6	Amended	V. 8, p. 1366
105-5-7	Amended	V. 8, p. 1367
105-5-8	Amended	V. 8, p. 1367
105-7-5	Amended	V. 8, p. 1367
105-8-4	Amended	V. 8, p. 1367
105-10-1	Amended	V. 8, p. 1070
105-10-1	Amended	V. 8, p. 1367

AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD

Reg. No.	Action	Register
109-1-1	Amended	V. 8, p. 873
109-2-1	Amended	V. 8, p. 874
109-2-2	Amended	V. 8, p. 874
109-2-4	Amended	V. 8, p. 874
109-2-5		
through		
109-2-9	Amended	V. 8, p. 874-877
109-2-10	Revoked	V. 8, p. 877
109-2-11	Amended	V. 8, p. 877
109-2-12	Amended	V. 8, p. 878
109-3-1	New	V. 8, p. 879
109-4-1	Amended	V. 8, p. 879
109-4-2	Amended	V. 8, p. 880
109-4-3	Amended	V. 8, p. 880
109-5-1	Amended	V. 8, p. 881
109-5-2	Amended	V. 8, p. 881
109-5-3	Amended	V. 8, p. 881
109-6-1	Amended	V. 8, p. 1731
109-7-1	New	V. 8, p. 1731
109-8-1	New	V. 8, p. 882
109-9-1	New	V. 8, p. 882
109-9-2	New	V. 8, p. 882
109-9-4	New	V. 8, p. 882
109-10-1	New	V. 8, p. 883
109-11-1		
through		
109-11-8	New	V. 8, p. 883-885
109-12-1	New	V. 8, p. 885
109-12-2	New	V. 8, p. 886

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-3-1 through 110-3-11	New	V. 8, p. 28-30

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1985
111-2-5	Revoked	V. 8, p. 1085
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-8 through 111-2-12	Revoked	V. 8, p. 1666
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-3-1	Amended	V. 7, p. 1061
111-3-3	Revoked	V. 7, p. 1062
111-3-4	Revoked	V. 7, p. 1062
111-3-7	Revoked	V. 7, p. 1714
111-3-9	Amended	V. 8, p. 1085
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-10	Revoked	V. 7, p. 1062
111-3-11	Amended	V. 8, p. 299
111-3-12	New	V. 8, p. 587
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 8, p. 587
111-3-14a	Revoked	V. 9, p. 30
111-3-16	Amended	V. 7, p. 1309
111-3-17	Revoked	V. 7, p. 1714
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-22a	Revoked	V. 9, p. 31
111-3-24	Revoked	V. 9, p. 31
111-3-25	New	V. 7, p. 1310
111-3-27	New	V. 7, p. 1310
111-3-30	Revoked	V. 7, p. 1310
111-3-31	Amended	V. 8, p. 209
111-3-32	New	V. 7, p. 931
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-16	Revoked	V. 8, p. 209
111-4-19	Revoked	V. 7, p. 206
111-4-22 through 111-4-40	Revoked	V. 7, p. 206, 207
111-4-41	Revoked	V. 7, p. 1435
111-4-42	Revoked	V. 7, p. 1435
111-4-43	Revoked	V. 7, p. 207
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111-4-46 through 111-4-64	Revoked	V. 7, p. 207
111-4-66 through 111-4-77	New	V. 7, p. 207-209
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111-4-75	Revoked	V. 9, p. 31
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111-4-88 through 111-4-91	Revoked	V. 8, p. 210
111-4-92 through 111-4-95	Revoked	V. 8, p. 299
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111-4-96 through 111-4-99	Revoked	V. 8, p. 1667
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111-4-99b	Revoked	V. 8, p. 1667
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111-4-105	Amended	V. 8, p. 1396
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111-4-138 through 111-4-152	Revoked	V. 8, p. 1668
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111-4-160	Amended	V. 8, p. 1329
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111-5-1 through 111-5-8	Revoked	V. 9, p. 34
111-5-9 through 111-5-15	Amended	V. 8, p. 210, 211
111-5-17	Amended	V. 8, p. 211
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111-5-22	Revoked	V. 9, p. 34
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111-6-1	Amended	V. 8, p. 212
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AGENCY 112: KANSAS RACING COMMISSION

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112-4-4	Amended	V. 8, p. 1288
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112-4-14a	New	V. 8, p. 1289
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112-4-19	Amended	V. 8, p. 1214
112-4-19	Amended	V. 8, p. 1289
112-4-20	Amended	V. 8, p. 1246
112-4-20	Amended	V. 8, p. 1289
112-4-22	Amended	V. 8, p. 1246
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115-8-3	New	V. 8, p. 1161
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115-8-16	New	V. 8, p. 1521-1523
115-8-18	New	V. 8, p. 1523
115-8-20	New	V. 8, p. 1523
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115-9-4	New	V. 8, p. 1631
115-9-5	New	V. 8, p. 1524
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115-9-6	New	V. 8, p. 1185
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115-12-1	New	V. 8, p. 1734
115-15-1	New	V. 8, p. 1357
115-15-2	New	V. 8, p. 1357
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115-18-5	New	V. 8, p. 1359, 1360
115-18-7	New	V. 8, p. 1361
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AGENCY 116: STATE FAIR BOARD

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116-1-2	New	V. 8, p. 1326
116-2-1	New	V. 8, p. 1191
116-2-1	New	V. 8, p. 1326

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112-6-8	New	V. 8, p. 261-263
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112-7-22	New	V. 8, p. 593, 594
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through		
112-7-22	New	V. 8, p. 641-648
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112-8-12	New	V. 8, p. 263-267
112-8-3	New	V. 8, p. 596
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112-8-9	New	V. 8, p. 596
112-8-9	New	V. 8, p. 725
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112-9-38	New	V. 8, p. 726-737
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112-9-41	New	V. 8, p. 1214-1216
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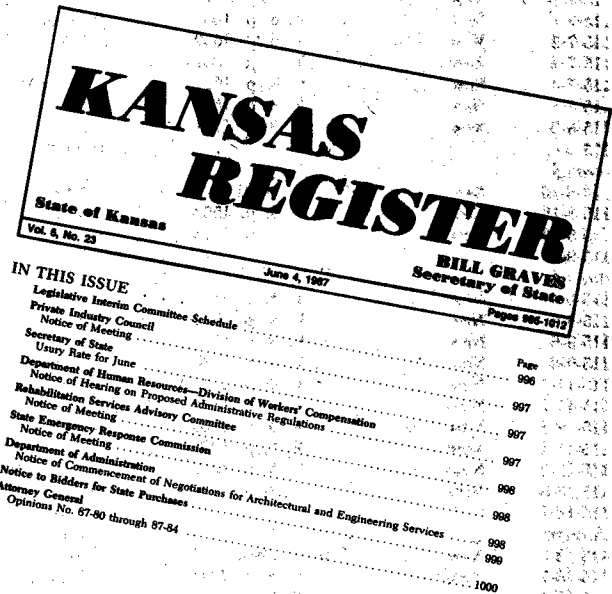
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112-11-19	New	V. 8, p. 648-653
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AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

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115-3-1	New	V. 8, p. 1160
115-3-1	New	V. 8, p. 1185
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115-3-2	Amended	V. 9, p. 35
115-4-1	New	V. 8, p. 1733
115-4-8	New	V. 8, p. 1356
115-4-8	New	V. 8, p. 1477
115-4-10	New	V. 8, p. 1357

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