

KANSAS REGISTER



State of Kansas

BILL GRAVES
Secretary of State

Vol. 9, No. 45

November 8, 1990

Pages 1629-1656

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State of Kansas

Secretary of State

Usury Rate for November

Pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of November 1, 1990, through November 30, 1990, is 11.72 percent.

Bill Graves
Secretary of State

Doc. No. 009909

State of Kansas

Kansas Inc.

Notice of Meeting

The Kansas Inc. board will meet from 9 to 11 a.m. Thursday, November 15, in the Kansas Inc. conference room, Suite 113, 400 S.W. 8th, Topeka. The meeting is open to the public.

Charles R. Warren
President

Doc. No. 009911

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 3 p.m. Sunday, November 18, at the Airport Hilton Inn, 2098 Airport Road, Wichita. A copy of the agenda may be obtained by contacting Donna Meader, 109 S.W. 9th, Suite 500, Topeka 66612, (913) 296-3600.

Kenneth F. Kern
Executive Director

Doc. No. 009919

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will meet November 20 in McPherson at a time and location to be announced. A copy of the agenda may be obtained by contacting Dotty Kester, 109 S.W. 9th, Suite 300, Topeka 66612-1249, (913) 296-3185.

John L. Baldwin
Chairman

Doc. No. 009928

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State of Kansas
Board of Technical Professions

Notice of Meeting

The State Board of Technical Professions will meet Tuesday and Wednesday, November 13-14, at the board office, Suite 507, Landon State Office Building, 900 S.W. Jackson, Topeka.

The Architect and Landscape Architect Section and the Professional Engineering and Land Surveyor Section will meet at 9 a.m. and the full board will meet at 1:30 p.m. November 13. The full board also will meet at 8:30 a.m. November 14. All meetings are open to the public.

Betty L. Rose
 Executive Secretary

Doc. No. 009910

State of Kansas
Kansas Arts Commission

**Notice of "Moonlighting" Workshops
 and Technical Assistance Meetings**

The Kansas Arts Commission (KAC) and the Association of Community Arts Agencies of Kansas (ACAAK) will present the annual series of "Moonlighting for the Arts" workshops during November and early December for Kansas arts organizations and other not-for-profit organizations.

As part of the tour, the commission coordinating staff also will conduct four technical assistance meetings. These are free public sessions for the purpose of discussing issues or answering questions regarding KAC programs. Individuals and organizations also may make appointments to reserve time with the KAC staff.

The tour is presented annually, prior to the application deadline for the KAC major grants program. The fiscal year 1992 deadline is February 1, 1991.

The KAC technical assistance sessions will be at these locations on these dates at the times indicated:

- * Thursday, November 8, 9 a.m. to 4 p.m., Green Room, Cultural Education Center, Johnson County Community College, College Blvd. at Quivira, Overland Park.
- * Wednesday, November 14, 9 a.m. to noon, Endowment Room, Student Union, Garden City Community College, 801 Campus Drive, Garden City.
- * Thursday, November 29, 9 a.m. to noon, Coffeyville Public Library, 311 W. 10th, Coffeyville.
- * Thursday, December 6, 9 a.m. to 4 p.m., Salina Arts & Humanities Commission conference room, second floor, Smoky Hill Museum, 211 W. Iron, Salina.

Emphasis for the 1990 "Moonlighting" workshops—will be on serving special constituencies and improving accessibility for persons with disabilities. The workshops are free and open to the public, with no advance registration.

The "Moonlighting" workshops will be at these locations from 7 to 9 p.m. on these dates:

- * Wednesday, November 7, Topeka Performing Arts Center, 214 S.E. 8th, Topeka.

- * Thursday, November 8, Recital Hall, Cultural Education Center, Johnson County Community College, College Blvd. at Quivira, Overland Park.
- * Tuesday, November 13, Endowment Room, Student Union, Garden City Community College, 801 Campus Drive, Garden City.
- * Tuesday, November 27, Linwood Park Recreation Center, 1901 S. Kansas, Wichita.
- * Wednesday, November 28, Coffeyville Public Library, 311 W. 10th, Coffeyville.
- * Wednesday, December 5, Hays Arts Council, 112 E. 11th, Hays.
- * Thursday, December 6, Salina Arts & Humanities Commission conference room, second floor, Smoky Hill Museum, 211 W. Iron, Salina.

Funding for KAC programs is provided through appropriations by the Kansas Legislature and grants from the National Endowment for the Arts, a federal agency. The "Moonlighting" workshops also are underwritten by the Dane G. Hansen Foundation.

For more information about KAC programs or to make appointments for the technical assistance sessions, contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3731, (913) 296-3335.

Dorothy L. Ilgen
 Executive Director

Doc. No. 009926

State of Kansas
Wildlife and Parks Commission

Notice of Meeting

The Kansas Wildlife and Parks Commission will meet at 1:30 p.m. Thursday, November 15, at the Gateway Inn, East 54 Highway, Liberal. A workshop will be conducted on upcoming business and regulatory efforts scheduled for action by the commission.

The workshop items will include commercial harvest of fish; equipment, taking methods and units for big game; season, bag limits and permits for big game; and traffic rules on department lands. Reports on several topics will be heard, including 1991 legislation report, use registration and boating safety of sailboats and jet skis, out-of-state registrations, and plans for the Wichita Education Center.

The meeting will continue at 7 p.m. for a public hearing on regulations as previously announced. The commission will reconvene at 9 a.m. November 16 at the same location for continuance of the public hearing and the workshop meeting as necessary.

The commission will, at its option, tour the Cimarron National Grasslands at the completion of business November 16. Persons interested in following the tour should meet at the Gateway Inn.

Ronald Hopkins
 Chairman

Doc. No. 009913

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for the item 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, November 19, 1990

#10075

Small steam sterilizer

William H. Sesler
Director of Purchasing

Doc. No. 009907

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(b), as amended by 1990 Senate Bill No. 554, records of the Division of Accounts and Reports show the unobligated balance in the petroleum storage tank release trust fund is \$3,442,073.35 as of October 31, 1990.

Shelby Smith
Secretary of Administration

Doc. No. 009924

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of
Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for "on-call" architectural services for the Department of Corrections. Interested firms should be capable of assisting Department of Corrections personnel on miscellaneous small architectural projects for two to three years.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Director of Planning and Design, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before November 23.

Edward A. Martin, AIA
Director, Division of
Architectural Services

Doc. No. 009908

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The secretary of the Kansas Department of Health and Environment is proposing to issue a permit in accordance with K.A.R. 28-19-14 (permits required) to Titan Trailer Mfg. to install and operate a paint booth at the plant at 125 W. Railroad in Waterville. The paint booth is equipped with filters to filter air vented from the booth by an exhaust fan.

Written materials, including the permit application and information relating to the application submitted by Titan Trailer Mfg., draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through December 10 by contacting Pat Simpson, KDHE, 808 W. 24th, Lawrence 66046, (913) 842-4600. The materials also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this permit should be directed to Eugene Sallee, Bureau of Air and Waste Management, Forbes Field, Topeka 66620-0001.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to issuance of the permit. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before December 10.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 009923

State of Kansas

Department of Health
and Environment

Notice of Hearing

A public hearing to discuss the proposed federal fiscal year 1991 priority system and list and the FFY 1991 intended use plan will be conducted at 10 a.m. Tuesday, December 11, at the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka.

The Bureau of Water has made minor modifications and clarifications to the priority system. Comments on the list and the intended use plan can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Robert Nicholson, Bureau of Water, Kansas Department of Health and Environment, Forbes Field, Building 740, Topeka 66620.

Stanley C. Grant
Secretary of Health
and Environment

Doc. No. 009922

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**
 City of Belvue Unnamed tributary Secondary wastewater treatment facility
 % City Clerk, City Hall of Kansas River
 Belvue, KS 66407
 Pottawatomie County, Kansas
 Kansas Permit No. M-KS05-0001 Fed. Permit No. KS-0046370
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**
 City of Bucklin Rattlesnake Creek Secondary wastewater treatment facility
 % City Clerk via west fork
 117 W. Oak Rattlesnake Creek
 Bucklin, KS 67834
 Ford County, Kansas
 Kansas Permit No. M-AR13-0001 Fed. Permit No. KS-0026166
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**
 City of Cunningham South fork Secondary wastewater treatment facility
 119 No. Main Ninneseah River
 P.O. Box 188
 Cunningham, KS 67035
 Kingman County, Kansas
 Kansas Permit No. M-AR27-0001 Fed. Permit No. KS-0049743
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**
 City of Hepler Neosho River via Secondary wastewater treatment facility
 % City Clerk Walnut Creek via
 City Hall unnamed tributary
 Hepler, KS 66746
 Crawford County, Kansas
 Kansas Permit No. M-NE34-0001 Fed. Permit No. KS-0028533
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**
 City of Hoisington Cheyenne Bottoms Secondary wastewater treatment facility
 P.O. Box 418 via Shop Creek
 109 E. 1st.
 Hoisington, KS 67544
 Barton County, Kansas
 Kansas Permit No. M-AR45-0001 Fed. Permit No. KS-0022454
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**
 City of Huron Delaware River via Secondary wastewater treatment facility
 % City Clerk Little Grasshopper
 City Hall Creek via unknown
 Huron, KS 66038 tributary
 Atchison County, Kansas
 Kansas Permit No. M-KS26-0001 Fed. Permit No. KS-0047473
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**
 KTA-Matfield Green Cottonwood River Secondary wastewater treatment facility
 Service Area via south fork
 P.O. Box 780007 Cottonwood River
 Wichita, KS 67278
 Chase County, Kansas
 Kansas Permit No. M-NE46-0001 Fed. Permit No. KS-0053660
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**
 City of Natoma Saline River via Secondary wastewater treatment facility
 P.O. Box 350 Paradise Creek
 Natoma, KS 67651
 Osborne County, Kansas
 Kansas Permit No. M-SA10-0001 Fed. Permit No. KS-0031160
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**
 City of Prescott Little Osage River Secondary wastewater treatment facility
 % City Clerk via East Laberdie
 City Hall Creek
 Prescott, Kansas 66767
 Linn County, Kansas
 Kansas Permit No. M-MC37-0001 Fed. Permit No. KS-0023671
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**
 City of Rantoul Marais des Cygnes Secondary wastewater treatment facility
 % City Clerk River via
 City Hall, Box 78 Pottawatomie Creek
 Rantoul, KS 66079
 Franklin County, Kansas
 Kansas Permit No. M-MC40-0001 Fed. Permit No. KS-0048119
Description of Facility: This facility is designed for the treatment of

(continued)

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
City of Robinson % City Clerk City Hall Robinson, KS 66532 Brown County, Kansas	Wolfe River	Secondary wastewater treatment facility
Kansas Permit No. M-MO17-0001		Fed. Permit No. KS-0047546

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
City of Thayer % City Clerk City Hall Thayer, KS 66776 Neosho County, Kansas	Chetopa Creek via unnamed tributary	Secondary wastewater treatment facility
Kansas Permit No. M-VE35-0001		Fed. Permit No. KS-0026450

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 December 7 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-90-218/229) 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. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

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. 009916

State of Kansas

Attorney General

Opinion No. 90-118

Public Health—Examination, Registration and Regulation of Barbers—Eligibility of Convicted Sex Offenders for State Barber’s License. H.R. (Rocky) Vacek, Administrative Officer, Kansas Board of Barber Examiners, Topeka, October 24, 1990.

While the Kansas Board of Barber Examiners has the authority to make a moral character determination about an individual applying for licensure, the board cannot exercise this authority prior to the individual’s application for licensure. There exists no statutory authority for identifying suitable candidates for a correctional facility’s barber training program. Cited herein: K.S.A. 65-1812; K.S.A. 1989 Supp. 65-1821; 77-501 *et seq.* GE

Opinion No. 90-119

Public Health—Regulation of Nursing—Acts Which Are Not Prohibited; Administration of Over-The-Counter Medications in the School Setting. Peter K. Curran, Legal Counsel, U.S.D. No. 497 Board of Education, Lawrence, October 24, 1990.

The school nurse regulations do not prohibit a registered professional nurse from administering over-the-counter drugs to a pupil at the parent’s request. Cited herein: K.S.A. 65-1113; K.S.A. 1989 Supp. 65-1124, as amended by L. 1990, ch. 220, § 1; K.S.A. 1989 Supp. 65-1626; K.A.R. 60-15-101, 60-15-104. MWS

Opinion No. 90-120

Elections—Recall of Elected Officials—Grounds for Recall; Sufficiency; Alleged Violation of the Kansas Open Meetings Act; Petition; Change in Boundaries of County Commission District. David R. Heger, Miami County Counselor, Paola, October 26, 1990.

A recall petition states sufficient grounds under K.S.A. 1989 Supp. 25-4302 if that petition contains an allegation and sufficient information concerning a public official’s alleged willful violation of the Kansas open meetings act (KOMA), K.S.A. 75-4317 *et seq.* The election district referred to in K.S.A. 1989 Supp. 25-4320 and 25-4325 is the district which currently exists and which the local elected official now represents. The election officer should review the petition in light of the district as it exists rather than as it existed prior to redistricting under K.S.A. 19-204. Cited herein: K.S.A. 19-204; 25-4301; 25-4317; 25-4318; K.S.A. 1989 Supp. 25-4320; 25-4325; K.S.A. 25-4317. TMN

Robert T. Stephan
Attorney General

Doc. No. 009920

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

Monday, November 19, 1990

RFQ 91 0463

Microcomputers

Gene Puckett, L.C.P.M.
Director of Purchasing

Doc. No. 009931

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, November 19, 1990

25475A

Kansas State University—Diploma covers
27437

University of Kansas; Kansas State University; Department of Transportation; and Department of Administration, Division of Printing—Laboratory solvents

28154

Kansas State University—Nursery stock—seedlings
28344

Department of Wildlife and Parks—Road rock, Hillsdale State Park

85976

Kansas State University—Hard drives
85980

Kansas State University—Audio-video equipment

Tuesday, November 20, 1990

25323

University of Kansas Medical Center—Medical transcription services

27841B

Various state agencies—China
85981

University of Kansas—Ethernet multiport repeaters
85983

University of Kansas—Ethernet boards
85984

University of Kansas Medical Center—Research microscope

86034

Kansas State University—Chilled water plant instrumentation

86036

Kansas State University—Communication recording system

Wednesday, November 21, 1990

A-6400

Kansas State University—Pittman Hall reroofing
86002

University of Kansas Medical Center—Animal cages and racks

86004

Department of Wildlife and Parks—Firefighting pump, Maple City and El Dorado

86012

Department of Transportation—Pickup fuel tanks, various locations

Monday, November 26, 1990

86026

Pittsburg State University—Wall and floor covering
86041

Department of Administration, Motor Pool—Vehicles
86042

Kansas State University—Electro optical equipment
86043

Kansas State University—Tractor
86045

Department of Transportation—Tractors, mowers, mixers, various locations

Tuesday, November 27, 1990

A-6571

University of Kansas—theatre area—wheelchair access, Murphy Hall

86035

Department of Health and Environment—GIS workstations

Thursday, November 29, 1990

A-6007(Rev)

Department of Transportation—Insulate and weatherproof district shop building, Norton

A-6353

University of Kansas—New Regents Center, Overland Park

Monday, December 3, 1990

27414

Statewide—Fine paper products

Request for Proposals

Tuesday, December 4, 1990

86039

Prepare IDE requirements analysis for the Department of Transportation

Friday, December 21, 1990

28347

Sex offender treatment for the Department of Corrections

Nicholas B. Roach
Director of Purchases

Doc. No. 009918

State of Kansas
Kansas Apprenticeship Committee
Notice of Meeting

The Kansas Apprenticeship Committee will meet from 10 a.m. to noon Friday, November 9, in the center classroom at 1309 Topeka Blvd., Topeka. The meeting agenda includes new program standards, revised program standards, subcommittees of the KAC, and Florida apprenticeship video.

The meeting is open to the public.

Ray D. Siehdnel
 Secretary of Human Resources

Doc. No. 009912

State of Kansas
Kansas Public Disclosure Commission

Advisory Opinion No. 90-18

Written October 17, 1990, to Michael R. O'Neal, State Representative, Hutchinson.

This opinion is in response to your letter of August 20, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning the Campaign Finance Act. We understand you request this opinion in your capacity as state representative.

You advise us that this year you are sponsoring a "There Ought To Be A Law" competition. There will be two categories for school age individuals and an adult category. Entrants will propose a new state law, preferably one aimed at saving taxpayers money or helping the state's economy. You are offering as prizes to the winners their choice of savings bonds or a contribution to their favorite charity. You will then have the idea drafted as legislation for introduction in the 1991 session.

Your question involves awarding prizes with monetary value. Are there restrictions on what or how you award prizes and are there any limitations on you paying out prizes from your campaign account?

We have reviewed the act in its entirety and find no restrictions on how much you award in prize money or how that determination is made. The only lingering issue is if you can make the award from campaign funds.

Section 8 of Chapter 306 of the *1990 Session Laws of Kansas* states:

"Sec. 8. K.S.A. 1989 Supp. 25-4157a is hereby amended to read as follows: 25-4157a. (a) Any unexpended balance of any candidate shall not be made available for the personal use of the candidate, except for legitimate campaign purposes or for expenses of holding political office. (b) For the purpose of this section, expenditures for 'personal use' shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office."

Several members of the commission believed so long as you have an active campaign account and that you will

continue to seek elective office, you have not reached the threshold of having "any unexpended balance" and therefore the restrictions in this section do not apply. Others do not agree with that interpretation but believe this expenditure to be for a legitimate campaign purpose. A majority did agree that the expenditure is permissible.

We would note that we have made a recommendation to the Select Committee on Ethics, which would preclude use of campaign funds for anything other than campaign purposes. Some members did not feel this was an appropriate campaign expenditure.

Advisory Opinion No. 90-19

Written October 17, 1990, to Charles R. Settle, Jr., Dean of Administrative Services, Labette Community College, Parsons.

This opinion is in response to your letter of October 9, 1990, in which you request an opinion from the Kansas Public Disclosure Commission.

We understand you request this opinion in your capacity as Dean of Administrative Services for Labette Community College.

You ask whether an elected trustee of the college may also be employed by the college to serve as a part-time faculty member.

We have reviewed K.S.A. 75-4301 *et seq.* as amended by Chapter 306 of the *1990 Session Laws of Kansas* in its entirety and nothing therein prohibits the situation you have described. Enclosed is a copy of Opinion No. 90-14 which covers a similar situation.

Advisory Opinion No. 90-20

Written October 17, 1990, to Bob McDaneld, Administrator, Board of Emergency Medical Services, Topeka.

This opinion is in response to your letter of October 11, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning the state level conflicts of interest law.

We understand you request this opinion in your capacity as administrator of the Board of Emergency Medical Services.

The commission has rendered two opinions to you, 89-11 and 90-17, and you ask whether the law has changed to modify these opinions.

Although there has been significant modifications to the local conflict of interest law, the state law remains unchanged and our opinion on the issues raised in opinions 89-11 and 90-17 stand.

Advisory Opinion No. 90-21

Written October 17, 1990, to Lois Francis, Brewster.

This opinion is in response to your letter of September 18, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning the local conflict of interest law.

We note at the outset that our jurisdiction is limited to K.S.A. 75-4301 *et seq.* as amended by Chapter 306 of the *1990 Session Laws of Kansas*. Thus, whether some other statutory system or common law theory applies to your question is not covered by this opinion.

We understand you ask for this opinion in your capacity as a certified teacher of a unified school district. You

inquire whether it is a conflict of interest to seek a position on the school board and retain your position as a teacher.

This commission has consistently held that a school district does not constitute a "business" or "person" under K.S.A. 75-4301 *et seq.* and nothing in recent amendments addresses a change in this analysis. Since the prohibitions in K.S.A. 75-4304 and 75-4305 are only triggered when an interest is held in a "person" or "business," we again hold that the situation you described does not constitute a conflict of interest under the above setting.

Advisory Opinion No. 90-22

Written October 17, 1990, to John S. Anderson, Assistant City Attorney, City of Overland Park.

This opinion is in response to your letter of September 11, 1990, in which you request an opinion from the Kansas Public Disclosure Commission concerning the definition of "substantial interest" as that phrase has been modified by Section 15 of Chapter 306 of the 1990 *Session Laws of Kansas*, for use in the local conflict of interest law.

We understand you request this opinion in your capacity as assistant city attorney for Overland Park, Kansas. You note in your request that the definition of "substantial interest" and other definitions which are included in that phrase have been changed by the 1990 Legislature. You set forth in great detail the interpretative problem the language change creates and several specific fact patterns. We thank you for your perceptive comments and direction in assisting the commission in dealing with this complex problem.

We start with the premise that to hold a "substantial interest" under the local conflict law the interest must be in a "business" (See New Section 14(a).) "Business" is defined in New Section 14(b) as follows:

"(b) 'Business' means any corporation, association, partnership, proprietorship, trust, joint venture, and every other business interest, including ownership or use of land for income."

The questions you raise can be categorized as follows:

- (1) Does a private not for profit corporation meet the definition of business?
- (2) Does a corporation, association, partnership, proprietorship, trust, or joint venture created by a local governmental subdivision constitute a business?

On the first question, we do not see any distinction made in the statute between not for profit corporations and for profit corporations. It is, therefore, our opinion that both constitute a "business" as that phrase is used in the definition of "substantial interest" under the local conflict law.

Turning to the second question, we first note that "Governmental subdivision" is defined by new Section 14 (f) as follows:

"(f) 'Governmental subdivision' means any city, county, township, school district, drainage district or other governmental subdivision of the state having authority to receive or hold public moneys or funds."

As a matter of statutory construction, since "governmental subdivision" is a defined term not specifically included within the definition of "business," it is our opinion

that those entities which meet the definition of "governmental subdivision" are not a "business" as that term is used in the local conflict law. Thus, a corporation, association, partnership, proprietorship or joint venture created by ordinance or resolution which has the authority to receive or hold public funds does not constitute a "business." The mere fact that an entity receives public funds is not enough for exclusion from the definition. The entity must also be created by ordinance or resolution.

Applying these rules to your specific fact patterns, it is our opinion that:

- (1) United Community Services of Johnson County, Kansas does constitute a "business" even though it is a private not for profit corporation.
- (2) Commission on Aging. Although created by resolution, this association does not have the authority to receive or hold public funds and therefore constitutes a "business."
- (3) Overland Park Convention and Visitors Bureau, Inc. Although this entity has the authority to receive public funds, it is not created by resolution or ordinance and therefore does constitute a "business." On this fact pattern you ask an additional question on whether an ex officio member of the board of directors, that is, a non-voting member, would be deemed to hold a "substantial interest" in the entity. New Section 14(a)(4) merely uses the term "director" and makes no distinctions between voting and non-voting members. It is, therefore, our opinion that if a person holds a position on the board of directors (it does not matter whether it is ex officio), a "substantial interest" exists.
- (4) Overland Park Economic Development Council. Although this entity receives public funds, it is not a creation of ordinance or resolution but draws its existence from the Overland Park Chamber of Commerce. Thus, it constitutes a "business." Here you ask the additional question of whether the service on the board of directors of the council constitutes a "substantial interest" in that entity, the Chamber of Commerce, or both. Under new Section 14(a)(4), the operative phrase is "in that business." Since the council is an association which meets the definition of business, it is our opinion that "that business" refers to the council alone.
- (5) Theatre For Young America, Inc. does constitute a "business" under the tests enunciated above.
- (6) Overland Park 2000 Foundation does constitute a "business" under the tests enunciated above.

In closing, we note that this opinion will have extraordinarily broad ramifications and solicit further input from you on how these decisions will affect local government operations. Our greatest concern is the application of K.S.A. 75-4304 under the new definition. Specifically, it is illegal in many instances for city commissioners to participate in the making of contracts with a "business" in which he or she holds a "substantial interest," including grants to nonprofit organizations.

Lowell K. Abeldt
Chairman

Doc. No. 009906

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled from November 12 through November 25:

Date	Room	Time	Committee	Agenda
November 12 November 13	Cancelled 123-S	9:00 a.m.	Special Committee on Local Government	November 12 only-Cancelled.
November 13 November 14	519-S 519-S	10:00 a.m. 9:00 a.m.	Joint Committee on Assessment and Taxation	Final approval of committee reports on Proposals No. 4, 7, 8, 9 and 10; committee decisions and instructions to staff re: Proposals No. 3, 5, and 6; committee discussion and possible decisions on Proposals No. 1 and 2.
November 13 November 14	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
November 13 November 14	313-S 313-S	10:00 a.m. 9:00 a.m.	Task Force on SRS Services	Agenda not available.
November 14 November 15	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on Economic Development	<u>14th</u> : Presentations on budget requests for FY 1992 expenditures from the economic development initiatives fund (EDIF); committee discussion and possible recommendations on the EDIF and on workforce training. <u>15th</u> : Continued committee discussion and directions to staff on workforce training; evaluation of Kansas, Inc. activities; committee discussion and possible recommendations on issues addressed at previous meetings.
November 14 November 15	531-N 531-N	10:00 a.m. 10:00 a.m.	Kansas Select Commission on Ethical Conduct	<u>14th</u> : Commission discussion and recommendations for the final report. <u>15th</u> : Continuation of commission discussion and recommendations for the final report.
November 15 November 16	519-S 519-S	10:00 a.m. 9:00 a.m.	Special Committee on Judiciary	<u>15th</u> : Hearing on Proposal No. 42—Child Sex Offenders. <u>16th</u> : Committee discussion and recommendations on Proposal No. 12—Regional Prisons; Proposal No. 15—Child Support and Child Custody; Proposal No. 42—Child Sex Offenders. Committee review of available reports.

November 15	514-S	10:00 a.m.	Special Committee on Insurance	Committee decisions on bill drafts requested at October meeting; final instructions to staff.
November 16	514-S	9:00 a.m.		
November 19	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	19th: Committee discussion and recommendations on Proposal No. 37—KSU-State Forestry Program; Proposal No. 38—KSU-Ag. Extension Funding; and Proposal No. 39—Regents System Issues. Committee discussion and recommendations on Proposal No. 40—KPERs Retirement Issues; and Proposal No. 41—Hazardous Waste Disposal Fees.
November 20	514-S	9:00 a.m.		
November 19	526-S	10:00 a.m.	Special Committee on Public Health and Welfare	Review of drafts and committee action.
November 20	526-S	9:00 a.m.		

Emil Lutz
 Director of Legislative
 Administrative Services

Doc. No. 009915

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*. County officers are listed in the *Directory of County Officers*. Both directories are published by the Secretary of State's office.

The following appointments were filed October 28-November 2:

Abstracters' Board of Examiners

Roger W. Hannaford, 224 Elm, Marion 66861. Term expires October 31, 1993. Reappointment.

Glen McQueen, 214 W. 8th, Hugoton 67951. Term expires October 31, 1992. Succeeds Joanne Clark.

Advisory Commission for Children With Special Health Care Needs

(Established pursuant to K.S.A. 75-5643.)

Sandra L. Beers, 3780 Woodview Drive, Topeka 66610. Term expires October 31, 1992. Succeeds James Wheeler.

Virginia C. Kelly, 309 S. Park, Independence 67301. Term expires October 31, 1994. Succeeds Sonia Farthing.

Steve C. Meyers, 603 N. 5th, Garden City 67846. Term expires October 31, 1993. Succeeds Elizabeth Denney.

Lucille Paden, 1624 W. 22nd, Lawrence 66046. Term expires October 31, 1991. Succeeds Jackie Hampton.

Lillie Roberts, Route 1, Box 85, Savonburg 66772. Term expires October 31, 1994. Succeeds Vernon Branson.

Advisory Commission on Health and Environment

Hazel Allison, Route 4, Independence 67301. Term expires October 31, 1994. Reappointment.

Virginia Benton, Route 2, Box 169, Lebo 66856. Term expires October 31, 1994. Reappointment.

David Edds, 416 E. 11th, #3, Emporia 66801. Term expires October 31, 1994. Succeeds Mel Gray, resigned.

W. G. "Bill" Hawes, 213 W. 4th, Smith Center 66967. Term expires October 31, 1994. Reappointment.

Wesley Sowers, 234 S. Brookside, Wichita 67218. Term expires October 31, 1994. Reappointment.

David Waxman, 12516 W. 85th Terrace, Lenexa 66215. Term expires October 31, 1994. Reappointment.

Central Kansas Regional Library System

Virginia Krause, Route 2, Hays 67601. Term expires October 31, 1994.

South Central Kansas Regional Library System

Novalis Toews, Route 1, Box 181, Whitewater 67154. Term expires October 31, 1994. Reappointment.

Southeast Kansas Regional Library System

Melinda B. Hall, Route 2, Box 201, Eureka 67045. Term expires October 31, 1994. Succeeds Harriet Shumard.

Sidnia Young, Route 1, Box 36, Cedar Vale 67024. Term expires October 31, 1994.

State Board of Technical Professions

Rodney D. Fogo, 14315 Cascades Court, Wichita 67230. Term expires June 30, 1994. Succeeds Michael Conduff.

Bill Graves
 Secretary of State

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. November 15, 1990, and then publicly opened:

District One—Northeast

Douglas—23 C-1802-01—County road, from the junction U.S. 40 at Big Springs north and east, 3.0 miles, grading. (Federal Funds)

Pottawatomie—75 C-2643-01—County road, 2.5 miles south and 4.5 miles west of Westmoreland, then east, 0.2 mile, grading and bridge (Federal Funds)

Shawnee—70-89 K-2446-03—I-70, 0.4 mile east of the west junction of U.S. 75 east to the Polk-Quincy viaduct, relocate 36-inch waterline at Gage Boulevard interchange. (Federal Funds)

Wyandotte—70-105 M-1618-01—I-70, westbound entrance ramp at 4th Street in Kansas City, slope repair. (State Funds)

District Two—Northcentral

McPherson—56-59 K-4339-01—Intersection of U.S. 56 and Champlin in McPherson, traffic signal. (State Funds)

Washington—101 C-2519-01—County road, 1.5 miles south and 0.2 miles west of Palmer, then west, 0.1 mile, grading, surfacing and bridge. (Federal Funds)

District Three—Northwest

Decatur—36-20 K-4327-01—U.S. 36, from the Decatur-Rawlins county line east to the junction of U.S. 83, 11.0 miles, recycling. (State Funds)

Decatur—83-20 K-4120-01—U.S. 83, 0.4 mile south of the junction of U.S. 36 north to the Kansas-Nebraska state line, 12.8 miles, recycling. (State Funds)

Decatur—36-20 M-1619-01—U.S. 36, stockpile bituminous mix at KDOT strip along U.S. 36, 1 mile west of Oberlin. (State Funds)

Logan—25-55 K-4114-01—K-25, from the Wichita-Logan county line north to the west junction of U.S. 40, 36.7 miles, seal. (State Funds)

Logan/Thomas—25-106 K-4396-01—K-25, from the east junction of U.S. 40 in Logan County north to 0.2 mile south of I-70 in Thomas County, 18.1 miles, recycling. (State Funds)

Norton—69 K-2833-01—Prairie Dog State Park, 3.9 miles, bituminous seal. (State Funds)

Phillips—74 C-2713-01—County road, 2.8 miles west and 0.3 mile south of Glade, then south, 0.2 mile, grading and bridge. (Federal Funds)

Rawlins—117-77 K-2211-01—K-117, from the junction of U.S. 36 and K-117 north to the Nebraska state line, 12.0 miles, seal. (State Funds)

Rooks—183-82 K-4126-01—U.S. 183, from the Ellis-Rooks county line north to south 5th Street in Plainville, 6.6 miles, seal. (State Funds)

Sheridan/Decatur/Norton—9-106 K-4394-01—K-9, from the junction of K-123 in Sheridan County east

through Decatur County to the west junction of U.S. 283 in Norton County, 29.8 miles, conventional seal. (State Funds)

Sheridan/Graham—106 K-4395-01—U.S. 24, from the junction of K-23 in Sheridan County east through Graham County to the Graham-Rooks county line; K-84, from the junction of U.S. 24 south to Penokee; K-85, from the junction of Jct. U.S. 24 south to Morland, 47.3 miles, conventional seal. (State Funds)

Sheridan/Decatur/Thomas/Norton—106 K-4398-01—K-383, from 0.2 mile northeast of the junction of U.S. 83 in Sheridan County east to the west city limits of Jennings in Decatur County; U.S. 83, from the Thomas-Sheridan county line northeast to 0.2 mile west of the junction of K-383; U.S. 36, from the west junction of K-323 east to 0.3 mile east of the west city limits of Norton, 32.3 miles, slurry seal. (State Funds)

Thomas—24-97 K-4113-01—U.S. 24, from the east city limits of Colby east to the junction of U.S. 83, 8.5 miles, recycling. (State Funds)

Thomas—70-97 K-4313-01—I-70, from east of the K-25 interchange east to the Gove-Trego county line, 59.2 miles, signing. (State Funds)

Thomas—24-97 M-1620-01—U.S. 24, stockpile bituminous mix of KDOT strip along U.S. 24, 1/2 mile west of Colby. (State Funds)

Thomas—25-97 K-4117-01—K-25, from the north city limits of Colby north to the Thomas-Rawlins county line, 11.5 miles, recycling. (State Funds)

District Four—Southeast

Cherokee—11 C-2684-01—County road, 4.5 miles north and 1.8 miles west of Galena, then east, 0.2 mile, grading and bridge. (Federal Funds)

District Five—Southcentral

Barber—4 K-4403-01—K-2, from the junction of U.S. 281 northeast to the Barber-Harper county line and K-8, from the Oklahoma-Kansas state line to the junction of K-2, 17.6 miles overlay. (State Funds)

Barber/Kingman—42-106 K-4406-01—K-42, from the junction of U.S. 281 east through Barber County to the Kingman county line, 13.9 miles, overlay. (State Funds)

Butler—177-8 K-4215-01—K-177, 8.8 miles north of the junction of U.S. 54 north to the Butler-Chase county line, 13.5 miles, overlay. (State Funds)

Cowley—15-18 K-4196-01—K-15, from the north city limits of Udall northwest to the Cowley-Sumner county line, 3.1 miles, shoulders. (State Funds)

Cowley/Sumner—106 K-4405-01—K-15, from the north city limits of Udall in Cowley County northwest through Sumner County to the Sedgwick County line and K-53, from the junction of U.S. 81 east to the west city limits of Mulvane, 13.4 miles, overlay. (State Funds)

Harper—160-39 K-4211-01—U.S. 160, from the west city limits of Attica east to the south junction of K-14, 10.9 miles, seal. (State Funds)

Pratt—61-76 K-4210-01—K-61, from the junction of U.S. 54 north to 0.3 mile north of the four lane/two lane, 1.3 miles, overlay. (State Funds)

Sumner—15-96 K-4197-01—K-15, from the Cowley-

Sumner county line northwest to the Sumner-Sedgwick county line, 5.6 miles, shoulders. (State Funds)

Sumner—53-96 K-4199-01—K-53, from the junction of U.S. 81 east to the west city limits of Mulvane, 4.7 miles, shoulders. (State Funds)

Sumner—160-96 K-4408-01—U.S. 160, from the Harper-Sumner county line east to the west city limits of Argonia; from the west junction of K-49 east 1.0 mile; from the KTA interchange east to the east city limits of Oxford, 13.2 miles, overlay. (State Funds)

District Six—Southwest

Hamilton—27-38 K-4093-01—K-27, from the west junction of U.S. 50 north to the Hamilton-Greeley county line, 19.4 miles, recycling. (State Funds)

Hamilton—27-38 M-1606-01—K-27, stockpile bituminous mix, 1.0 mile north of Syracuse. (State Funds)

Kearny—50-47 K-3206-01—U.S. 50, from the Hamilton-Kearny county line east to the east city limits of Lakin, 15.9 miles, recycling. (State Funds)

Lane—51 K-4410-01—K-23 from the Finney-Lane county line north to the south city limits of Dighton and K-96, from the east city limits of Dighton to the Lane-Ness county line, 26.3 miles, recycling. (State Funds)

Lane—96-51 M-1607-01—K-96, stockpile bituminous mix, 1.0 mile west of Dighton. (State Funds)

Scott—95-86 K-4098-01—K-95, from the south junction of U.S. 83 north and east to the north junction of U.S. 83, 6.6 miles, recycling. (State Funds)

Stanton—27-94 K-4095-01—K-27, from the Morton-Stanton county line north to the south junction of U.S. 160, 12.1 miles, overlay. (State Funds)

Stanton—160-94 M-1610-01—U.S. 160, stockpile bituminous mix, 0.3 mile west of the junction of K-27. (State 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 ex-

amined 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

Doc. No. 009927

(Published in the Kansas Register, November 8, 1990.)

**Notice of Redemption
to the holders of
Saline County, Kansas
Single Family Housing Bonds
(Loan to Lenders Program)
1981 Series A**

Notice is hereby given that pursuant to Section 7.1 of the loan agreement dated as of February 1, 1981, an event of default occurred when Peoples Heritage Federal Savings and Loan (formerly Homestead Savings Association) of Salina, Kansas, was declared insolvent and Resolution Trust Corporation (RTC) was named conservator of its assets. The lender's note was subsequently paid in full by RTC to the trustee. Pursuant to Section 3.01 of the indenture dated as of February 1, 1981, \$560,000 principal amount of bonds has been drawn by lot for redemption at par on December 1, 1990 (the redemption date), as follows:

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

CUSIP No. 795164 AL6 due December 1, 1991

986	1033	1061	1091	1129
996	1034	1066	1102	1131
997	1036	1067	1109	1133
999	1041	1071	1110	1135
1000	1042	1073	1112	1136
1006	1044	1075	1113	1137
1014	1046	1080	1116	1138
1016	1052	1085	1118	1140
1018	1056	1088	1122	
1024	1058	1089	1123	
1027	1059	1090	1127	

CUSIP No. 795164 AM4 due December 1, 1992

1142	1193	1227	1268	1300
1144	1196	1230	1270	1303
1145	1197	1233	1274	1306
1152	1198	1239	1277	1308
1153	1200	1240	1280	1311
1158	1206	1242	1285	1312
1160	1210	1245	1286	1319
1161	1212	1250	1288	1320
1162	1214	1253	1289	
1166	1217	1258	1290	
1172	1224	1259	1294	
1191	1225	1260	1298	

In addition to the coupon bonds listed above, the following registered bonds have been called:

CUSIP No. 795164 AL6 due December 1, 1991

Bond No.	Total Principal	Amount Called
R-8	\$25,000	\$10,000

(continued)

CUSIP No. 795164 AM4 due December 1, 1992

Bond No.	Total Principal	Amount Called
R-1	\$30,000	\$10,000

When 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 bonds called for redemption will cease to accrue on December 1, 1990.

Coupon bonds with the December 1, 1990, and all subsequent coupons attached and registered bonds called for redemption should be presented at the office of the paying agent listed below:

By Mail

Continental Bank N.A.
Corporate Trust Operations
231 S. LaSalle St.
19th Floor
Chicago IL 60697

By Hand

Continental Bank N.A.
Corporate Trust Operations
230 S. Clark
19th Floor
Chicago IL 60697

Sending your certificate by registered, insured mail is recommended.

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 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 November 8, 1990.

Saline County, Kansas
By: Continental Bank, National Association
Trustee

Doc. No. 009925

(Published in the Kansas Register, November 8, 1990.)

**Summary Notice of Bond Sale
City of Winfield, Kansas
\$258,000**

**General Obligation Bonds, Series 150
(general obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated November 1, 1990, sealed bids will be received by the city clerk of the city of Winfield, Kansas, on behalf of the governing body at the City Hall, 200 E. 9th, Winfield, until noon C.S.T. on November 15, 1990, for the purchase of \$258,000 principal amount of General Obligation Bonds, Series 150. 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 \$8,000. The bonds will be dated November 1, 1990, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1991	\$28,000
1992	30,000
1993	25,000
1994	25,000
1995	25,000
1996	25,000
1997	25,000
1998	25,000
1999	25,000
2000	25,000

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 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 \$5,160 (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 November 29, 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 1990 is \$40,779,949. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$6,838,000.

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, Don Drennan, City Hall, 200 E. 9th, Winfield, KS 67156, (316) 221-3060.

Dated November 1, 1990.

City of Winfield, Kansas
Don Drennan, City Clerk

Doc. No. 009921

(Published in the *Kansas Register*, November 8, 1990.)

**Summary Notice of Bond Sale
City of Caldwell, Kansas
\$123,000**

**General Obligation Street Bonds
Series 1990**

**(general obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale and preliminary official statement dated October 24, 1990, sealed bids will be received by the city clerk of the city of Caldwell, Kansas on behalf of the governing body at the City Hall, Caldwell, KS 67022, until 7:30 p.m. on November 19, 1990, for the purchase of \$123,000 principal amount of General Obligation Street Bonds, Series 1990. 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 \$3,000, not exceeding the principal amount of bonds maturing in each year. The bonds will be dated December 1, 1990, and will become due serially on November 1 in the years as follows:

Year	Principal Amount
1991	\$ 8,000
1992	10,000
1993	10,000
1994	10,000
1995	10,000
1996	15,000
1997	15,000
1998	15,000
1999	15,000
2000	15,000

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 May 1 and November 1 in each year, beginning on May 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 \$2,460 (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 December 19, 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 compu-

tation of bonded debt limitations for the year 1989 is \$4,720,852. The total general obligation indebtedness of the city, as of the date of the bonds, including the bonds being sold, is \$340,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Curfman, Harris, Borniger, Rose & Weltz, 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, Freda E. Cink, City Hall, 14 W. Central, Caldwell, KS 67022, (316) 845-6514; or from the financial advisor, Cooper Malone McClain, Inc., One Main Place, Suite 510, Wichita, KS 67202, Attention: Dave Malone, (316) 264-2400.

Dated October 24, 1990.

City of Caldwell, Kansas
Freda E. Cink, City Clerk

Doc. No. 009929

(Published in the *Kansas Register*, November 8, 1990.)

**Summary Notice of Bond Sale
City of Salina, Kansas
\$455,000**

**General Obligation Internal Improvement Bonds
Series B-236**

**(general obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the terms and conditions of the complete notice of bond sale and preliminary official statement dated November 6, 1990, sealed bids on the official bid form will be received by Jacqueline B. Shiever, city clerk of the city of Salina, Kansas, at Room 206, City/County Building, 300 W. Ash, Salina, KS 67402-0736, on behalf of the governing body until 2 p.m. C.S.T. on Monday, November 19, 1990, for the purchase of \$455,000 principal amount of General Obligation Internal Improvement Bonds, Series B-236. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered. Each bid shall be accompanied by a cashier's or certified check in the amount of \$9,100.

Bond Details

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

Year	Principal Amount
1991	\$50,000
1992	45,000
1993	45,000
1994	45,000
1995	45,000
1996	45,000
1997	45,000

(continued)

1998	45,000
1999	45,000
2000	45,000

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 June 1 and December 1 in each year, beginning on June 1, 1991. Bonds maturing on December 1, 1998, and thereafter will be subject to redemption prior to maturity at the option of the city, as a whole or in part, in inverse order of maturity, on December 1, 1997, or on any interest payment date thereafter, at a redemption price of 100 percent of the principal amount redeemed, plus accrued interest, without a premium.

Paying Agent and Bond Registrar

The Kansas State Treasurer will be the paying agent and bond registrar for 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 about December 18, 1990, at such location as may be specified by the purchaser.

Assessed Valuation and Indebtedness

The equalized assessed valuation for computation of bonded debt limitations for the year 1990 is \$182,897,417. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$10,040,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Stinson, Mag & Fizzell, Kansas City, Missouri, bond counsel, whose approving 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 undersigned or from George K. Baum & Company, Kansas City, Missouri, (816) 474-1100, the city's financial advisor.

Dated November 6, 1990.

City of Salina, Kansas
 By Jacqueline B. Shiever
 City Clerk
 Room 206
 City/County Building
 300 W. Ash
 Salina, KS 67402-0736
 (913) 827-9653

Doc. No. 009930

State of Kansas

**Department of Health
 and Environment**

**Permanent Administrative
 Regulations**

Article 1.—DISEASES

28-1-2. Designation of infectious or contagious diseases. (a) The following diseases shall be designated as infectious or contagious in their nature and shall be reported, in accordance with K.S.A. 65-118, K.S.A. 1989 Supp. 65-128 and K.S.A. 1989 Supp. 65-6002, as amended by L. 1990, Ch. 234, sec. 2:

- (1) Acquired immune deficiency syndrome (AIDS);
- (2) anthrax;
- (3) botulism;
- (4) brucellosis;
- (5) campylobacter infections;
- (6) chancroid;
- (7) chickenpox;
- (8) Chlamydia species infections;
- (9) cholera;
- (10) diphtheria;
- (11) encephalitis, infectious (indicate infectious agent whenever possible);
- (12) epidemic diarrhea of the newborn;
- (13) food poisoning (indicate causative agent, if known);
- (14) giardiasis;
- (15) granuloma inguinale;
- (16) hepatitis, viral;
- (17) herpes simplex infections, genital;
- (18) histoplasmosis;
- (19) Kawasaki disease;
- (20) legionellosis;
- (21) Lyme disease;
- (22) lymphogranuloma venereum;
- (23) malaria;
- (24) meningitis (indicate causative agent, if known);
- (25) meningococcemia;
- (26) mumps;
- (27) Neisseria gonorrhoea infections;
- (28) pertussis (whooping cough);
- (29) plague;
- (30) poliomyelitis;
- (31) Q fever;
- (32) rabies;
- (33) rickettsialpox;
- (34) Rocky Mountain spotted fever (see also typhus);
- (35) rubella, including congenital rubella syndrome;
- (36) rubeola (measles);
- (37) salmonellosis, including typhoid fever;
- (38) shigellosis;
- (39) staphylococcal disease, hospital acquired;
- (40) streptococcal infections, group A beta-hemolytic;
- (41) syphilis;
- (42) taeniasis and cysticercosis (beef or pork tapeworm);
- (43) tetanus;
- (44) trichinosis;
- (45) tuberculosis;
- (46) tularemia;
- (47) typhus fever;

- (48) urethritis, other than gonococcal or chlamydial;
 (49) vaginitis, non-specific; and
 (50) yellow fever.

(b) This designation shall also include any exotic or newly recognized disease, and any disease unusual in incidence or behavior, known or suspected to be infectious or contagious and constituting a risk to the public health. (Authorized by K.S.A. 1989 Supp. 65-101 and 65-128, K.S.A. 1989 Supp. 65-6003, as amended by L. 1990, Ch. 234, sec. 3 and K.S.A. 65-202; implementing K.S.A. 1989 Supp. 65-128; effective May 1, 1982; amended May 1, 1986; amended Dec. 24, 1990.)

28-1-22. Reporting of HIV infection and AIDS. The reporting of HIV infection and AIDS required by K.S.A. 1989 Supp. 65-6001 and 65-6002, as amended by L. 1990, Ch. 234, sec. 1-2, shall be as follows: (a) Any physician or hospital administrator shall report the disease acquired immune deficiency syndrome (AIDS), in accordance with K.A.R. 28-1-2 and K.A.R. 28-1-4.

(b) Any physician who is in receipt of a report indicating a positive reaction to an AIDS test, indicating HIV infection of a Kansas resident, resulting from the examination of any specimen provided to a laboratory by such physician, shall report all such positive reactions.

(c) Any person who is in charge of a clinical laboratory approved by the Kansas department of health and environment to perform HIV-antibody tests, in accordance with K.A.R. 28-33-11, who has evidence of a positive reaction to an AIDS test, indicating HIV infection of a Kansas resident, whether confirmed by that laboratory or any other laboratory, shall report such positive reactions, including the name and address of the physician for whom such tests were performed.

(d) All reports pursuant to this regulation shall be reported to the secretary of the Kansas department of health and environment on forms provided by the department and shall be confidential and not open to public inspection. (Authorized by K.S.A. 1989 Supp. 65-101, 65-128 and K.S.A. 1989 Supp. 65-6003, as amended by L. 1990, Ch. 234, sec. 3; implementing K.S.A. 1989 Supp. 65-6001 and 65-6002, as amended by L. 1990, Ch. 234, sec. 1-2; effective Dec. 24, 1990.)

Stanley C. Grant
 Secretary of Health
 and Environment

Doc. No. 009917

State of Kansas

Social and Rehabilitation Services

Temporary Administrative Regulations

(Effective October 1, 1990)

The complete text of the following regulations has not been published because of its length and the resulting cost of publication. Copies of the complete text of any of the following regulations may be obtained by contacting the Office of Policy, Planning and Management Analysis, Department of Social and Rehabilitation Services, Room 606-N, Docking State Office Building, Topeka 66612, (913) 296-3969.

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

30-5-81. Scope of hospital services. This regulation is being amended to change the requirement that all liver and heart transplants must be performed at the Kansas University Medical Center and to allow liver and heart transplants to be performed elsewhere upon the written recommendation of the medical staff of the Kansas University Medical Center.

30-5-88. Scope of physician services. This regulation is being amended to change the requirement that all liver and heart transplants must be performed at the Kansas University Medical Center and to allow liver and heart transplants to be performed elsewhere upon the written recommendation of the medical staff of the Kansas University Medical Center. This change parallels the change to K.A.R. 30-5-81, Scope of Hospital Services.

30-5-118. Scope of federally-qualified health center services. The secretary adopted a new regulation, the text of which is set forth below:

30-5-118. Scope of federally-qualified health center services. (a) Covered services and limitations shall include:

- (1) Physician and physician assistant services pursuant to K.A.R. 30-5-88;
- (2) advanced registered nurse practitioner services pursuant to K.A.R. 30-5-113;
- (3) medical supplies pursuant to K.A.R. 30-5-108;
- (4) psychological services pursuant to K.A.R. 30-5-104;
- (5) home health services pursuant to K.A.R. 30-5-89;

and

- (6) dental services pursuant to K.A.R. 30-5-100.

(b) Other covered ambulatory services and clinical social worker services shall be covered when provided by federally-qualified health center services.

30-5-118a. Reimbursement for federally-qualified health center services. The secretary adopted a new regulation, the text of which is set forth below:

30-5-118a. Reimbursement for federally-qualified health center services. (a) Reimbursement for established federally-qualified health center services shall be based upon a prospective encounter rate established from costs submitted by the facility on an annual cost report. There shall not be a year-end settlement.

(b) For newly-opened facilities, an interim rate shall be set for the first year based upon the average of encounter rates set for established facilities. After the completion of the first full fiscal year of operation for the new facility, a cost report shall be submitted to and analyzed by the Kansas department of social and rehabilitation services. A rate adjustment, if necessary, shall be effected at that time along with a retroactive pay-out or recoupment.

(c) Reimbursement shall not exceed the amount that would be paid by applying Medicare cost reimbursement principles.

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

30-6-106. General rules for consideration of resources, including real property, personal property, and income. This regulation is being amended to require that the combined resources of the husband and wife be considered

(continued)

available to both for the month the institutional arrangement begins if both spouses enter an institutional living arrangement. Previously, the combined resources were considered for an additional six months in certain instances.

Article 10.—ADULT CARE HOME PROGRAM

30-10-1a. Nursing facility program definitions. This regulation and the following regulations (K.A.R. 30-10-1b thru 30-10-28) are being amended throughout to rename and reclassify "intermediate care facilities and skilled nursing facilities" to the vocations of "nursing facilities," and "intermediate care facilities for mental health" to "nursing facilities for mental health." These changes are required by federal mandates of the Federal Omnibus Budget Reconciliation Act (OBRA) of 1987. All references to the intermediate care facility for the mentally retarded are being placed in a new section beginning with K.A.R. 30-10-200.

This regulation is being further amended to state "Reasonable transportation expenses necessary to secure routine and non-emergency medical services are considered reimbursable through the medicaid per diem rate."

The definition of "twenty-four hour nursing care" is being amended to read as follows: "Twenty-four hour nursing care" means the provision of nursing services by at least one registered nurse (RN) on the day shift per facility for 24 hours per day, seven days per week.

The following new definitions are being added:

"Hospital-based nursing facility" means a facility that is attached or associated with a hospital. An allocation of expenditures between the hospital and the long term care facility is required through a step-down process.

"Working trial balance" means the summary from the provider's general ledger that was used in completing the cost report. This summary should contain the account number, and a description of the account, amount of the account and on what line of the cost report it was reported.

The regulation is also being amended to make technical changes.

30-10-1b. Nursing facilities. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a and make technical changes.

30-10-1c. Provider agreement. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a.

30-10-1d. Inadequate care. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a and to delete "or the inspection of care teams" as a technical change. The inspection of care teams have been transferred to the department of health and environment.

30-10-1f. Private pay wings. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a and to make technical changes.

30-10-2. Standards for participation; nursing facility. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended to add an additional prerequisite for participation in the medicaid/medikan program which states that the provider must inform all new residents of the availability of potential eligibility assessment under

the federal spousal impoverishment law. This assessment is to be completed by the area/local agency offices.

30-10-3. Standards for participation; nursing facility for mental health. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended to add an additional prerequisite for participation in the medicaid/medikan program which states that the provider must inform all new residents of the availability of potential eligibility assessment under the federal spousal impoverishment law. This assessment is to be completed by the area/local agency offices.

30-10-6. Admission procedure. This regulation is being amended to use the language of the federal omnibus budget reconciliation act of 1987 such as nursing facility instead of intermediate care facility.

30-10-7. Certification and recertification by physicians. This regulation is being amended to delete the time-lines for obtaining a physician or physician extender's recertification and to conform to federal mandates.

This regulation is being further amended to meet federal mandates by adding a new subsection which reads as follows: "Screening, evaluation, and referral for nursing facility services for persons ineligible to participate in the medicaid/medikan program. Each individual requesting screening, evaluation, and referral for admission to a nursing facility or referral to community-based services shall make application on forms prescribed by the secretary. 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."

This regulation is being further amended to make technical changes.

30-10-8. Inspection of care review in nursing facilities and nursing facilities for mental health. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended to add that "Any nursing facility where the inspection of care team finds inappropriately placed residents shall be responsible for providing transportation for the resident to a more appropriate placement facility."

30-10-9. Utilization review of adult care homes. This regulation is being revoked due to the change in requirements of OBRA '87.

30-10-11. Personal needs fund. This regulation is being amended to change the reference to "adult care home" to "nursing facility" and to change the reference to "recipients" to "residents" in accordance with other terminology changes in K.A.R. 30-10-1a.

30-10-14. Prospective reimbursement. This regulation is being amended to change the reference from "patient-related costs" to "resident-related costs" and to conform with the other changes of these terms throughout the definition and payment regulations. Since this is a regulation pertaining to cost references in the payment system, it is necessary that it be amended in conformity to those regulations.

30-10-15a. Reimbursement. This regulation is being amended to add the term physician extender and to delete reference to the utilization review committee due to OBRA '87.

This regulation is being further amended to clarify that

payment for urinary supplies shall not be reimbursed in the per diem rate of the cost report.

For terminology and technical clarification for medicare certified facilities the following subsection is being added: "For medicare certified facilities, the cost of occupational, physical and speech therapy shall be adjusted by both the ratio of medicaid units of service to total units of service and the ratio of total resident days to medicaid days. The facility shall report the total expense on the cost report and the total and medicaid units of service in an attachment. Adult services or its designee will calculate the adjustment. If the required information is not provided, the medicare revenue shall be offset against the expense, but not below zero.

30-10-15b. Financial data. This regulation is being amended for technical changes to state that 30 days before suspending payment to a provider, the agency will give written notice to the provider of its intent. The language relating to reduction of payments is being deleted. Other changes in this regulation are for clarification due to OBRA '87.

30-10-16. Heavy care. This regulation is being amended to change the reference to adult care homes to nursing facilities and recipients to residents. Since this regulation pertains to specific payment allowances, it is necessary that it be amended at the same time as the other definition and payment sections.

30-10-17. Cost reports. This regulation is being amended by adding the statement "No amended cost report shall be allowed after 13 months have passed from the report year end."

This regulation is being further amended by deleting the sentence, "The interim settlement shall not exceed 90% of the anticipated overpayment or underpayment," and to make other technical changes.

The adult care home financial and statistical report and related instructions were revised for clarity and to reflect the OBRA '87 requirements.

30-10-18. Rates of reimbursement. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended for clarification to add the following new subparagraphs in subsection (b):

(5) Providers shall have a grace period to raise the rate or rates charged to residents not under the medicaid/medikan program for the same types of service.

(A) The grace period shall end the first day of the third calendar month following notification of a new medicaid/medikan rate.

(B) The notification date is the date typed on the letter which informs the provider of a new medicaid/medikan rate.

(C) There shall be no penalty during the grace period if the rate or rates charged to residents not under the medicaid/medikan program is lower than the medicaid/medikan rate.

(D) If the rate or rates charged to residents not under the medicaid/medikan program are lower after the grace period, the medicaid/medikan rate will be lowered accordingly.

The regulation is further amended in subsection (c) to remove the provision for an adult care home to file a projected cost report when there is a bed addition of 25

percent or more and in subsection (d) when a provider changes the level of care from skilled to intermediate and vice-versa.

Reference to ICF's-MR were moved to the K.A.R. 30-10-200 series.

This regulation is being further amended to make technical changes.

30-10-19. Rates; effective dates. This regulation is being amended to add a new subsection which reads as follows: "All rates established October 1, 1990 shall remain in effect through September 30, 1991 with the exception of rates affected by K.A.R. 30-10-18(d), (e) and (g) and K.A.R. 30-10-29(b)."

30-10-20. Payment of claims. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended for clarification by adding the following wording: "The unexpended portion of the resident's liability payment shall be refunded to the resident or resident's agent if the resident dies or otherwise permanently leaves the facility."

30-10-21. Reserve days. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended by deleting the words "except in those cases where the recipient is receiving a skilled level of care in the swing-bed hospital and the recipient would ultimately be returning to an intermediate care facility."

30-10-22. Skilled utilization review services. This regulation is being revoked due to OBRA '87 changes.

30-10-23a. Non-reimbursable costs. This regulation is being amended for terminology changes in K.A.R. 30-10-1a and to indicate that costs not related to resident care shall not be considered in computing reimbursable costs. The following additional expenses or costs are being added and these expenses or costs will not be allowed:

(19) items or services provided only to non-medicaid/medikan residents and reimbursed from third party payors;

(20) automobiles and related accessories in excess of \$25,000. Buses and vans for resident transportation shall be reviewed for reasonableness and may exceed \$25,000 in costs; and

(21) airplanes.

30-10-23b. Costs allowed with limitations. This regulation is being amended for clarification due to OBRA '87.

30-10-23c. Revenues. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a and for technical clarification. This regulation is being further amended for clarification to add that "Miscellaneous revenue with insufficient explanation in the cost report shall be offset."

This regulation is being further amended to add that "Each NF-MH provider with a day habilitation program shall not be required to deduct the income earned from the costs incurred on contracts" for technical clarification.

30-10-24. Compensation of owners, spouses, related parties and administrators. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended to make technical changes.

30-10-25. Real and personal property fee. This regu-

(continued)

lation is being amended to state that effective dates for rebased property fees shall be the next following October 1. This is part of the rate freeze provision found in K.A.R. 30-10-19.

This regulation is being further amended for clarification to add that "A property fee rebasing shall not be allowed if the request and documentation are submitted more than one year after the property subject to the rebasing has been acquired and put into service."

30-10-26. Interest expense. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a. This regulation is being further amended to make technical changes.

30-10-27. Central office costs. This regulation is being amended for clarification to state that failure to submit detailed central office expenses and allocation methods shall result in cost reports being considered incomplete and to add a provision that the agency may establish a central office cost limit within the overall administrative cost center limit. The regulation is being further amended to change terminology as indicated in K.A.R. 30-10-1a.

30-10-28. Resident days. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a and to move references to the ICF's-MR to the K.A.R. 30-10-200 series.

30-10-29. Reimbursement for 24-hour nursing care. This regulation is being amended to change terminology as indicated in K.A.R. 30-10-1a.

30-10-31 to 30-10-199. These regulation numbers are being reserved for future use.

30-10-200. Intermediate care facilities for mentally retarded (ICF's-MR) definitions. The secretary adopted a new regulation, the text of which is set forth below:

30-10-200. Intermediate care facilities for mentally retarded (ICF's-MR) definitions. (a) "Inadequate care" means any act or failure to take action which potentially may be physically or emotionally harmful to a recipient.

(b) "Inspection of care review of intermediate care facilities for the mentally retarded" means yearly, client-oriented review of only medicaid/medikan clients, conducted by a team from the Kansas department of health and environment consisting of a nurse, a social worker, and a medical doctor, to determine whether those clients' needs are being met.

(c) "Intermediate care facility for the mentally retarded" means a facility which has met state licensure standards and which provides habilitation-related care and services, prescribed by a physician, in conjunction with active treatment programming for clients who are mentally retarded and who have related health and physical conditions.

(d) "Mental retardation" means subaverage general intellectual functioning which originates in the developmental period and which is associated with impairment in adaptive behavior.

(e) "Developmental disability" means a severe, chronic disability of a person which:

- (1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
- (2) is manifested before the person attains age 22;
- (3) is likely to continue indefinitely;
- (4) results in substantial functional limitations in three or more of the following areas of major life activity:

- (A) Self-care;
- (B) receptive and expressive language;
- (C) learning;
- (D) mobility;
- (E) self-direction;
- (F) capacity for independent living; and
- (G) economic self-sufficiency; and

(5) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

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

(g) "Psychological evaluations or re-evaluations in intermediate care facilities for the mentally retarded" means a review of the previous pertinent psychological material to determine if it is consistent with the client's present status.

(h) "Routine services and supplies" mean services and supplies that are commonly stocked for use by or provided to any client. They are to be included in the provider's cost report.

(1) Routine services and supplies may include:

- (A) All general nursing services;
- (B) items which are furnished routinely to all clients;
- (C) items stocked at nursing stations in large quantities and distributed or utilized individually in small quantities;
- (D) routine items covered by the pharmacy program when ordered by a physician for occasional use; and
- (E) items which are used by individual clients but which are reusable and expected to be availability in a facility.

(2) Routine services and supplies are distinguished from non-routine services and supplies which are ordered or prescribed by a physician on an individual or scheduled basis. Medication ordered may be considered non-routine if:

- (A) It is not a stock item of the facility; or
- (B) it is a stock item with unusually high usage by the individual for whom prior authorization may or may not be required.

(3) Routine services and supplies do not include ancillary services and other medically necessary services as defined in subsection (i) and also do not include those services and supplies the client must provide.

(4) Reasonable transportation expenses necessary to secure routine and non-emergency medical services are considered reimbursable through the medicaid per diem rate.

(i) "Ancillary services and other medically necessary services" mean those special services or supplies for which charges are made in addition to routine services. This includes oxygen. The purchase of oxygen gas shall be reimbursed to the oxygen supplier through the social and rehabilitation services' fiscal agent or the fiscal agent may reimburse the ICF-MR directly if an oxygen supplier is unavailable.

(j) "Costs related to client care" means all necessary and proper costs, arising from arms-length transactions in accordance with general accounting rules, which are appropriate and helpful in developing and maintaining the operation of client care facilities and activities. Specific

items of expense shall be limited pursuant to K.A.R. 30-10-218, K.A.R. 30-10-219, K.A.R. 30-10-220, K.A.R. 30-10-221, K.A.R. 30-10-222, K.A.R. 30-10-223, K.A.R. 30-10-224 and K.A.R. 30-10-225.

(k) "Costs not related to client care" means costs which are not appropriate or necessary and proper in developing and maintaining the ICF-MR operation and activities. These costs are not allowable in computing reimbursable costs.

(l) "Related parties" means any relationship between two or more parties in which one party has the ability to influence another party to the transaction such that one or more of the transacting parties might fail to pursue its own separate interests fully. Related parties include parties related by family, business or financial association, or by common ownership or control. Transactions between related parties shall not be considered to have arisen through arms-length negotiations. Transactions or agreements that are illusory or a sham shall not be recognized.

(m) "Related to the ICF-MR" means that the facility, to a significant extent, is associated or affiliated with, has control of, or is controlled by, the organization furnishing the services, facilities, or supplies.

(n) "Common ownership" means that any individual or an organization holds 5% or more ownership or equity of the ICF-MR and of the facility or organization services the ICF-MR.

(o) "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.

(p) "Approved staff educational activities" means formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of client care in an ICF-MR. These activities shall be licensed when required by state law.

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

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

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

(t) "Adequate cost and other accounting information" means that the data, including source documentation, is accurate, current, and in sufficient detail to accomplish the purposes for which it is intended. Source documentation, including petty cash pay out memoranda and original invoices, shall be valid only if it originated at the time and near the place of the transaction. In order to provide the required costs data, financial and statistical records shall be maintained in a manner that is consistent from one period to another. This requirement shall not preclude a beneficial change in accounting procedures when there is a compelling reason to effect a change of procedures.

(u) "Organization costs" mean those costs directly in-

cidental to the creation of the corporation or other form of business. These costs are intangible assets in that they represent expenditures for rights and privileges which have value to the enterprise. The services inherent in organization costs extend over more than one accounting period and should be amortized over a period of not less than 60 months from the date of incorporation.

(v) A "client day" means that period of service rendered to a client between the census-taking hours on two successive days and all other days for which the provider receives payment, either full or partial, for any medicaid/medikan or non-medicaid/medikan client who was not in the home. The census-taking hours consist of 24 hours beginning at midnight.

(w) "Representative" means legal guardian, conservator or representative payee as designated by the social security administration, or any person designated in writing by the client to manage the client's personal funds, and who is willing to accept the designation.

(x) "Heavy care" means the care required by a client that takes more time, services and supplies than the care provided an average ICF-MR client. Heavy care requires prior authorization before reimbursement.

(y) "Non-working owners" means any individual or organization having 5% or more interest in the provider, who does not perform a client-related function for the ICF-MR.

(z) "Non-working related party" means any related party as defined in K.A.R. 30-10-200 who does not perform a client-related function for the ICF-MR.

(aa) "Owner-related party compensation" means salaries, drawings, consulting fees, or other payments paid to or on behalf of any owner with a 5% or greater interest in the provider or any related party as defined in K.A.R. 30-10-200, whether the payment is from a sole proprietorship, partnership, corporation, or non-profit organization.

(bb) "Projection status" means that a provider has been assigned a previous provider's rate for a set period of time or is allowed to submit a projected cost report. The provider shall submit an historic cost report at the end of the projection period to be used for a settlement of the interim rates and to determine a prospective rate.

(cc) "Projected cost report" means a cost report submitted to the agency by a provider prospectively for a 12-month period of time. The projected cost report is based on an estimate of the costs, revenues, resident days, and other financial data for the 12-month period of time.

(dd) "Survey correction budget" means a budget of the estimated costs for a 12-month period needed to correct state- and federally- determined deficiencies found in intermediate care facilities for the mentally retarded.

(ee) "Provider" means the operator of the ICF-MR specified in the provider agreement.

(ff) "General accounting rules" mean the generally accepted accounting principles as established by the American Institute of Certified Public Accountants except as otherwise specifically indicated by ICF-MR program policies and regulations. Any adoption of these principles does not supersede any specific regulations and policies of the ICF-MR program.

(gg) "Working trial balance" means the summary from

(continued)

the provider's general ledger that was used in completing the cost report. This summary should contain the account number, and a description of the account, amount of the account and on what line of the cost report it was reported.

30-10-201. Intermediate care facilities for mentally retarded. The secretary adopted a new regulation, the text of which is set forth below:

30-10-201. Intermediate care facilities for mentally retarded. (a) Change of provider.

(1) The current provider or prospective provider shall notify the agency of a proposed change of providers at least 60 days in advance of the closing transaction date. Failure to submit a timely notification shall result in the new provider assuming responsibility for any overpayment made to the previous provider before the transfer. This shall not release the previous provider of responsibility for such overpayment.

(2) Before the dissolution of the business entity, the change of ownership of the business entity, or the sale, exchange or gift of 5% or more of the depreciable assets of the business entity, the agency shall be notified in writing concerning the change at least 60 days before the change. Failure to submit a timely notification shall result in the new provider assuming responsibility for any overpayment made to the previous provider before the transfer. This shall not release the previous provider of responsibility for such overpayment. The secretary may expressly agree in writing to other overpayment recovery terms.

(3) Any partnership that is dissolved shall not require a new provider agreement if at least one member of the original partnership remains as the provider of services. Any addition or substitution to a partnership or any change of provider resulting in a completely new partnership shall require that an application to be a provider of services be submitted to the agency.

(4) If a sole proprietor not incorporated under applicable state law transfers title and property to another party, a change of ownership shall have occurred. An application to be a provider of services shall be submitted to the agency.

(5) Transfer of participating provider corporate stock shall not in itself constitute a change of provider. Similarly, a merger of one or more corporations with the participating provider corporation surviving shall not constitute a change of provider. A consolidation of two or more corporations which creates a new corporate entity shall constitute a change of provider and an application to be a provider of services shall be submitted to the agency.

(6) The change of or a creation of a new lessee, acting as a provider of services, shall constitute a change of provider. An application to be a provider of services shall be submitted to the agency. If the lessee of the facility purchases the facility, the purchase shall not constitute a change in provider.

(b) Each new provider shall be subject to a certification survey by the department of health and environment and, if certified, the period of certification shall be as established by the Kansas department of health and environment.

30-10-202. ICF-MR provider agreement. The secre-

tary adopted a new regulation, the text of which is set forth below:

30-10-202. ICF-MR provider agreement. As a prerequisite for participation in the medicaid/medikan program as an ICF-MR provider, the owner or lessee shall enter into a provider agreement with the agency on forms prescribed by the secretary.

30-10-203. ICF-MR inadequate care. The secretary adopted a new regulation, the text of which is set forth below:

30-10-203. ICF-MR inadequate care. (a) When the agency determines that inadequate care is being provided to a client, payment to the ICF-MR for the client may be terminated.

(b) When the agency receives confirmation from the Kansas department of health and environment that an ICF-MR has not corrected deficiencies which significantly and adversely affect the health, safety, nutrition or sanitation of ICF-MR clients, payments for new admissions shall be denied and future payments for all clients shall be withheld until confirmation that the deficiencies have been corrected.

30-10-204. ICF-MR standards for participation; intermediate care facility for the mentally retarded or clients with related conditions. The secretary adopted a new regulation, the text of which is set forth below:

30-10-204. ICF-MR standards for participation; intermediate care facility for the mentally retarded or clients with related conditions. As a prerequisite for participation in the medicaid/medikan program as a provider of intermediate care facility services for the mentally retarded or clients with related conditions, each ICF-MR shall: (a) Meet the requirements of 42 CFR 442, subparts A, B, C and E, effective October 3, 1988, which is adopted by reference, and 42 CFR 483, subpart D, effective October 3, 1988, which is adopted by reference; and

(b) be certified for participation in the program by the Kansas department of health and environment.

30-10-205. ICF-MR admission procedure. The secretary adopted a new regulation, the text of which is set forth below:

30-10-205. ICF-MR admission procedure. (a) Admission procedure for ICF's-MR shall be pursuant to 42 CFR 483.440, effective October 3, 1988, which is adopted by reference.

(b) An ICF-MR shall not require a private-paying client to remain in a private-pay status for any period of time after the client becomes eligible for medicaid/medikan.

(c) Each client shall be screened and found eligible for services before the client is admitted in the medicaid/medikan program.

30-10-206. ICF-MR certification and recertification by physicians. The secretary adopted a new regulation, the text of which is set forth below:

30-10-206. ICF-MR certification and recertification by physicians. (a) Certification. At the time of admission to an ICF-MR or at the time any ICF-MR client applies for medical assistance under the medicaid/medikan program, a physician or physician extender shall certify that the services must be given on an inpatient basis. Services shall be furnished under a plan established by the physician or physician extender before authorization of payment. Before reimbursement is approved, a screening

team designated by the secretary shall review the physician's or physician extender's certification and shall certify that services in an ICF-MR are the most appropriate services available for the individual. The certification of need shall become part of the individual's medical record. The date of certification shall be the date the case is approved for payment and the certification is signed.

(b) Recertification.

(1) Each ICF-MR shall be responsible for obtaining a physician's or physician extender's recertification for each client.

(2) The recertification shall be included in the client's medical record. Recertification statements may be entered on or included with forms, notes, or other records a physician or physician extender normally signs in caring for a client. The statement shall be authenticated by the actual date and signature of the physician or physician extender.

(c) If the appropriate professional refuses to certify or recertify because, in the professional's opinion, the client does not require ICF-MR care on a continuing basis, the services shall not be covered. The reason for the refusal to certify or recertify shall be documented in the client's records.

30-10-207. ICF-MR inspection of care and utilization review. The secretary adopted a new regulation, the text of which is set forth below:

30-10-207. ICF-MR inspection of care and utilization review. (a) The inspection of care team from the Kansas department of health and environment shall conduct an inspection of care and utilization review of each medicaid/medikan client in all intermediate care facilities for the mentally retarded certified to participate in the medicaid/medikan program.

(b) Each ICF-MR shall cooperate with authorized representatives of the agency and the department of health and human services in the discharge of their duties regarding all aspects of the inspection of care and utilization review.

(c) Any ICF-MR where the inspection of care team finds inappropriately placed clients shall be responsible for providing transportation for the clients to a more appropriate placement facility.

30-10-208. ICF-MR personal needs fund. The secretary adopted a new regulation, the text of which is set forth below:

30-10-208. ICF-MR personal needs fund. (a) At the time of admission, ICF-MR providers shall furnish that client and the representative with a written statement that:

(1) Lists all services provided by the provider, distinguishing between those services included in the provider's per diem rate and those services not included in the provider's basic rate, that can be charged to the client's personal needs fund;

(2) states that there is no obligation for the client to deposit funds with the provider;

(3) describes the client's rights to select one of the following alternatives for managing the personal needs fund;

(A) The client may receive, retain and manage the client's personal needs fund or have this done by a legal guardian, if any;

(B) the client may apply to the social security admin-

istration to have a representative payee designated for purposes of federal or state benefits to which the client may be entitled;

(C) except when paragraph (B) of this subsection applies, the client may designate, in writing, another person to act for the purpose of managing the client's personal needs fund;

(4) states that any charge for these services is included in the provider's per diem rate;

(5) states that the provider is required to accept a client's personal needs fund to hold, safeguard, and provide an accounting, upon the written authorization of the client or representative, or upon appointment of the provider as a client's representative payee; and

(6) states that, if the client becomes incapable of managing the personal needs fund and does not have a representative, the provider is required to arrange for the management of the client's personal funds as provided in K.A.R. 30-10-208(j).

(b)(1) The provider shall upon written authorization by the client, accept responsibility for holding, safeguarding and accounting for the client's personal needs fund. The provider may make arrangements with a federally or state insured banking institution to provide these services. However, the responsibility for the quality and accuracy of compliance with the requirements of K.A.R. 30-10-208 shall remain with the provider. The provider may not charge the client for these services, but shall include any charges in the provider's per diem rate.

(2) The provider shall maintain current, written, individual records of all financial transactions involving each client's personal needs fund for which the provider has accepted responsibility. The records shall include at least the following:

(A) The client's name;

(B) an identification of client's representative, if any;

(C) the admission date;

(D) the date and amount of each deposit and withdrawal, the name of the person who accepted the withdrawn funds, and the balance after each transaction;

(E) receipts indicating the purpose for which any withdrawn funds were spent; and

(F) the client's earned interest, if any.

(3) The provider shall provide each client reasonable access to the client's own financial records.

(4) The provider shall provide a written statement, at least quarterly, to each client or representative. The statement shall include at least the following:

(A) The balance at the beginning of the statement period;

(B) total deposits and withdrawals;

(C) the interest earned, if any, and;

(D) the ending balance.

(c) Commingling prohibited. The provider shall keep any funds received from a client for holding, safeguarding and accounting separate from the provider's operating funds, activity funds, client council funds and from the funds of any person other than another client in that facility.

(d) Types of accounts; distribution of interest.

(1) Petty cash. The provider may keep up to \$50.00 of a client's money in a non-interest bearing account or petty cash fund.

(continued)

(2) Interest-bearing accounts. The provider shall, within 15 days of receipt of the money, deposit in an interest-bearing account any funds in excess of \$50.00 from an individual client. The account may be individual to the client or pooled with other client accounts. If a pooled account is used, each client shall be individually identified on the provider's books. The account shall be in a form that clearly indicates that the provider does not have an ownership interest in the funds. The account shall be insured under federal or state law.

(3) The interest earned on any pooled interest-bearing account shall be distributed in one of the following ways, at the election of the provider:

(A) Pro-rated to each client on an actual interest-earned basis; or

(B) pro-rated to each client on the basis of the client's end-of-quarter balance.

(e) The provider shall provide the clients with reasonable access to their personal needs funds. The provider shall, upon request or upon the client's transfer or discharge, return to the client, the legal guardian or the representative payee the balance of the client's personal needs fund for which the provider has accepted responsibility, and any funds maintained in a petty cash fund. When a client's personal needs fund for which the provider has accepted responsibility is deposited in an account outside the facility, the provider, upon request or upon the client's transfer or discharge, shall within 15 business days, return to the client, the legal guardian, or the representative payee, the balance of those funds.

(f) When a provider is a client's representative payee and directly receives monthly benefits to which the client is entitled, the provider shall fulfill all of its legal duties as representative payee.

(g) Duties on change of provider.

(1) Upon change of providers, the former provider shall furnish the new provider with a written account of each client personal needs fund to be transferred, and obtain a written receipt for those funds from the new provider.

(2) The provider shall give each client's representative a written accounting of any personal needs fund held by the provider before any change of provider occurs.

(3) In the event of a disagreement with the accounting provided by the previous provider or the new provider, the client shall retain all rights and remedies provided under state law.

(h) Upon the death of a client, the provider shall provide the executor or administrator of a client's estate with a written accounting of the client's personal needs fund within 30 business days of a client's death. If the deceased client's estate has no executor or administrator, the provider shall provide the accounting to:

(1) The client's next of kin;

(2) the client's representative; and

(3) the clerk of the probate court of the county in which the client died.

(i) The provider shall purchase a surety bond or employee indemnity bond, or submit a letter of credit or individual or corporate surety, to guarantee the security of clients' funds when the amount in the aggregate exceeds \$1,000.00. The guarantee requirement shall not exceed the highest quarterly balance from the previous year.

(j) If a client is incapable of managing the client's per-

sonal needs fund, has no representative, and is eligible for SSI, the provider shall notify the local office of the social security administration and request that a representative be appointed for that client. If the client is not eligible for SSI, the provider shall refer the client to the local agency office, or the provider shall serve as a temporary representative payee for the client until the actual appointment of a guardian or conservator or representative payee.

(k) Client property records.

(1) The provider shall maintain a current, written record for each client that includes written receipts for all personal possessions deposited with the provider by the client.

(2) The property record shall be available to the client and the client's representative.

(l) Providers shall keep the funds in the state of Kansas.

(m) Personal needs fund shall not be turned over to any person other than a duly accredited agent or guardian of the client. With the consent of the client, if the client is able and willing to give consent, the administrator shall turn over a client's personal needs fund to a designated person to purchase a particular item. However, a signed, itemized, and dated receipt shall be required for deposit in the client's personal needs fund envelope or another type of file.

(n) Receipts shall be signed by the client, legal guardian, conservator or responsible party for all transactions. Recognizing that a legal guardian, conservator or responsible party may not be available at the time each transaction is made for or on behalf of a client, the provider shall have a procedure which includes a provision for signed receipts at least quarterly.

(o) The provider shall provide and maintain a system of accounting for expenditures from the client's personal needs fund. This system shall follow generally accepted accounting principles and shall be subject to audit by representatives of the agency.

30-10-209. ICF-MR prospective reimbursement. The secretary adopted a new regulation, the text of which is set forth below:

30-10-209. ICF-MR prospective reimbursement. Providers participating in the medicaid/medikan program shall be reimbursed for long term care services through rates that are reasonable and adequate to meet the client-related costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

Dennis R. Taylor
Acting Secretary of Social and
Rehabilitation Services

Doc. No. 009905

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 1990 Index Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-30	New	V. 9, p. 1387
1-9-5	Amended	V. 9, p. 837
1-16-8	Amended	V. 9, p. 379
1-16-18	Amended	V. 9, p. 1281
1-16-18	Amended	V. 9, p. 1347
1-16-18a	Amended	V. 9, p. 838
1-18-1a	Amended	V. 9, p. 329
1-18-1a	Amended	V. 9, p. 380

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-7-510	Amended	V. 9, p. 189
4-7-511	New	V. 9, p. 189
4-7-512	New	V. 9, p. 189
4-7-513	New	V. 9, p. 190
4-7-800	Revoked	V. 9, p. 1359
4-7-801	Revoked	V. 9, p. 1359
4-7-802	Amended	V. 9, p. 1076
4-7-802	Amended	V. 9, p. 1359
4-7-803	Revoked	V. 9, p. 1359
4-7-903	Amended	V. 9, p. 1359
4-8-34	Amended	V. 9, p. 1359
4-8-40	Amended	V. 9, p. 1359
4-13-4	Amended	V. 9, p. 190
4-13-4a	New	V. 9, p. 190
4-13-5	Amended	V. 9, p. 191
4-13-8	Amended	V. 9, p. 191
4-13-15	Amended	V. 9, p. 578
4-13-26	New	V. 9, p. 191
4-13-27	New	V. 9, p. 191
4-20-3	Amended	V. 9, p. 191
4-20-5	Amended	V. 9, p. 192
4-20-6	Amended	V. 9, p. 192
4-20-7	New	V. 9, p. 192
4-20-8	New	V. 9, p. 192
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4-20-12	New	V. 9, p. 192
4-20-13	New	V. 9, p. 192
4-20-14	New	V. 9, p. 193

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 9, p. 1539
5-5-7	New	V. 9, p. 1541
5-9-3	Amended	V. 9, p. 1541
5-22-1	Amended	V. 9, p. 1302
5-22-2	Amended	V. 9, p. 1302
5-22-4	Amended	V. 9, p. 1302
5-22-5	Amended	V. 9, p. 1303
5-22-7	Amended	V. 9, p. 1303
5-22-8	New	V. 9, p. 1303
5-22-9	New	V. 9, p. 1303
5-23-3	Amended	V. 9, p. 193

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-4	Amended	V. 9, p. 1194
7-29-1	Amended	V. 9, p. 989
7-29-1	Amended	V. 9, p. 1074

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-2-1	Amended	V. 9, p. 328
9-13-4	New	V. 9, p. 624

AGENCY 11: STATE CONSERVATION COMMISSION

Reg. No.	Action	Register
11-7-1 through 11-7-10	New	V. 9, p. 506, 507

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

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14-5-4	Amended	V. 9, p. 989
14-6-1	Amended	V. 9, p. 989
14-6-4	Amended	V. 9, p. 990
14-7-4	Amended	V. 9, p. 990
14-10-5	Amended	V. 9, p. 990
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14-13-9	Amended	V. 9, p. 993
14-13-11	Amended	V. 9, p. 994
14-14-7	Amended	V. 9, p. 994
14-14-14	New	V. 9, p. 995
14-17-6	New	V. 8, p. 750
14-19-14	Amended	V. 9, p. 995
14-19-17	Amended	V. 9, p. 996
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14-20-17	Amended	V. 9, p. 997
14-21-1	Amended	V. 9, p. 997
14-21-4	Amended	V. 9, p. 998
14-21-6	Amended	V. 9, p. 998
14-22-1	Amended	V. 9, p. 999
14-22-4	Amended	V. 9, p. 1000
14-22-12	Amended	V. 9, p. 1000
14-23-14	Revoked	V. 9, p. 1000

AGENCY 22: STATE FIRE MARSHAL

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22-3-2	Amended	V. 9, p. 1168
22-4-1	Amended	V. 9, p. 1168
22-4-4	New	V. 9, p. 1168
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22-10-13	Amended	V. 9, p. 1358
22-10-17	Amended	V. 9, p. 1170
22-11-6	Amended	V. 9, p. 1170
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22-15-7	Amended	V. 9, p. 1171
22-18-3	New	V. 9, p. 1172
22-20-1	Amended	V. 9, p. 1172

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

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23-1-12	Revoked	V. 9, p. 386
23-2-5	Revoked	V. 9, p. 704
23-2-7	Revoked	V. 9, p. 386
23-2-12	Revoked	V. 9, p. 704
23-2-14	Revoked	V. 9, p. 386
23-2-15	Revoked	V. 9, p. 386
23-2-16	Revoked	V. 9, p. 386
23-2-17	Revoked	V. 9, p. 1133
23-2-18	Revoked	V. 9, p. 704
23-2-19	Revoked	V. 9, p. 704
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23-6-1	Revoked	V. 9, p. 1134
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23-11-16	Revoked	V. 9, p. 1344
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23-20-1	Revoked	V. 9, p. 1563

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 9, p. 1342
25-4-4	Amended	V. 9, p. 1343

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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28-4-120	Amended	V. 9, p. 40
28-4-124 through 28-4-132	Amended	V. 9, p. 40-43
28-4-350	Amended	V. 9, p. 44
28-4-442	Amended	V. 9, p. 44
28-17-1	Amended	V. 9, p. 1340
28-17-3	Revoked	V. 9, p. 1340
28-17-4	Revoked	V. 9, p. 1340
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28-38-24	Revoked	V. 9, p. 1196
28-38-25	Revoked	V. 9, p. 1196
28-38-26	Amended	V. 9, p. 1196
28-38-28	Amended	V. 9, p. 1197
28-39-81	Amended	V. 9, p. 1023
28-44-1 through 28-44-11	Revoked	V. 9, p. 1513
28-44-12 through 28-44-27	New	V. 9, p. 1513-1517
28-51-108	Amended	V. 9, p. 123

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

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30-4-64	Amended	V. 9, p. 1252
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30-4-85a	Amended	V. 9, p. 194
30-4-96	Amended	V. 9, p. 194
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30-4-102	Amended	V. 9, p. 450
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30-51-5	Revoked	V. 9, p. 198

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33-3-2	Revoked	V. 9, p. 386
33-3-4	Revoked	V. 9, p. 386

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36-26-1	Amended	V. 9, p. 1023

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40-4-35a	Amended	V. 9, p. 303
40-4-39	New	V. 9, p. 303
40-7-11	Amended	V. 9, p. 304
40-7-20a	Amended	V. 9, p. 305
40-7-20a	Amended	V. 9, p. 1362
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40-7-25	New	V. 9, p. 304
40-10-2	Amended	V. 9, p. 985
40-14-1	Amended	V. 9, p. 304
40-14-4	Amended	V. 9, p. 304

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44-11-135	New	V. 9, p. 81, 82

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Reg. No.	Action	Register
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AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
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60-11-108	Amended	V. 9, p. 988

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68-20-20	Amended	V. 9, p. 384

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75-6-26	Amended	V. 9, p. 625

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LOOSELEAF BINDERS
for the
KANSAS REGISTER**

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