

# Kansas Register

Bill Graves, Secretary of State

Vol. 10, No. 3

January 17, 1991

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## State of Kansas

**Kansas Inc.****Notice of Meeting**

The Kansas Inc. board will meet from 9 a.m. to 4 p.m. Thursday, January 24, 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. 010136

## State of Kansas

**Kansas Planning Council on  
Developmental Disabilities Services****Notice of Meeting**

The Kansas Planning Council on Developmental Disabilities Services will meet at 9 a.m. Thursday, January 24, at the Maner Conference Centre, Kansas Expo-centre, One Expocentre Drive, Topeka.

John F. Kelly  
Executive Director

Doc. No. 010157

## State of Kansas

**Kansas Council on Employment  
and Training****Notice of Meeting**

The Kansas Council on Employment and Training will meet from 9 a.m. to noon Friday, January 25, at the Kansas Expocentre, Maner Conference Centre, Pioneer Room, 17th and Western, Topeka. The meeting is open to the public.

Michael L. Johnston  
Secretary of Human Resources

Doc. No. 010141

## State of Kansas

**State Conservation Commission****Notice to Contractors**

Sealed bids for the construction of a 20,850 cubic yard detention dam, Site 114 in Woodson County, will be received by the Cherry-Plum Creeks Watershed Joint District No. 17 at the ASCS office, 218 W. Rutledge, Yates Center 66783, until 2 p.m. February 11 and then opened. A copy of the invitation for bids and the plans and specifications can be obtained from the office of William Lacy, Chartered, 111 S. State, Yates Center 66783, (316) 625-2145.

Kenneth F. Kern  
Executive Director

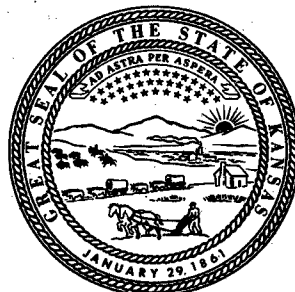
Doc. No. 010134

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**PUBLISHED BY**  
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Secretary of State  
2nd Floor, State Capitol  
Topeka, KS 66612-1594  
(913) 296-2236



**Register Office:**  
235-N, State Capitol  
(913) 296-3489

## State of Kansas

**Grain Inspection Department****Notice of Meeting**

The Kansas State Grain Inspection Department will conduct its quarterly Grain Advisory Board meeting at 9 a.m. Thursday, January 24, in the conference room of the Kansas Grain & Feed Association, 816 S.W. Tyler, Topeka. The meeting is open to the public.

T.D. Wilson  
Director

Doc. No. 010142

## State of Kansas

**Board of Emergency Medical Services****Notice of Meeting**

The Board of Emergency Medical Services will meet at 9 a.m. Friday, February 1, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. Agenda items include election of 1991 officers, selection of facility for instructor coordinator training program and consideration of waiver requests.

All meetings of the board are open to the public. For more information, contact the administrator at 109 S.W. 6th, Topeka, (913) 296-7296.

Bob McDaneld  
Administrator

Doc. No. 010144

## State of Kansas

**Workers Compensation Maximum Medical Fee Schedule Advisory Panel****Notice of Meeting**

The Workers Compensation Maximum Medical Fee Schedule Advisory Panel Meeting will meet from 10 a.m. to 5 p.m. Thursday, January 24, in Room 452-W, Docking State Office Building, 915 Harrison, Topeka, to finalize a medical utilization review survey form to be mailed to health care providers, hospitals, health care facilities, vocational rehabilitation vendors, self-insured employers, insurance carriers, etc. to receive their input in the implementation and adoption of a medical fee schedule for workers compensation in the state of Kansas. The advisory panel will also allow time to hear from any member of the public wishing to make comments and suggestions about the adoption of a medical fee schedule or the utilization and peer review procedures associated therewith.

Members of the public are encouraged to send suggestions and concerns they feel are appropriate which the advisory panel should consider to George E. McCullough, chairman of the Workers Compensation Maximum Medical Fee Schedule Advisory Panel, c/o Director Robert A. Anderson, Division of Workers Compensation, 600 Merchants Bank Tower, 800 S.W. Jackson, Topeka 66612-1227. Any member of the public wishing to address the panel at this meeting should notify the committee chairman in writing through the Division of Workers Compensation prior to the meeting so that adequate time can be set aside for public comment. The chairman and the other members of the advisory panel encourage members of the public with any specific experience, knowledge and concerns about implementation of fee schedules, utilization and peer review procedures to share this information with the panel during this information gathering stage.

Michael L. Johnston  
Secretary of Human Resources

Doc. No. 010159

## State of Kansas

**Kansas State University****Notice to Bidders**

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

**Monday, January 28, 1991**

**#10103**

Scanner and software

William H. Sesler  
Director of Purchasing

Doc. No. 010140

## State of Kansas

**Department of Administration  
Division of Architectural Services****Notice of Commencement of Negotiations  
for Engineering Services**

Notice is hereby given of the commencement of negotiations to replace two existing steam-fired absorption chillers with two 253-ton electric-driven centrifugal chillers at Learned Hall, University of Kansas, Lawrence.

Any questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before February 1. An SF 255 form should be submitted with letters of interest.

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

Doc. No. 010149

## State of Kansas

## Social and Rehabilitation Services

Notice of Hearing Concerning Low Income  
Weatherization Assistance Program

In accordance with the Department of Energy regulations, the SRS Division of Income Maintenance will conduct a public hearing at 9 a.m. Friday, February 1, in Room B of the Staff Development Training Center, State Complex West, 300 S.W. Oakley, Topeka, to receive comments on the 1991 Department of Energy State Plan. A draft copy of the 1991 plan will be available upon request prior to the hearing by calling (913) 296-2065.

All comments are to be followed in writing and submitted for incorporation into the minutes of the hearing. Written comments should be mailed to Norma Phillips, Director of Economic Opportunity Programs, Docking State Office Building, Room 663-W, 915 Harrison, Topeka 66612.

John W. Alquest  
Commissioner

Income Support and Medical Services

Doc. No. 010154

## State of Kansas

## Social and Rehabilitation Services

## Request for Proposals

Kansas Rehabilitation Services (KRS) is requesting proposals for establishment grants for new or expanded community based programs that establish competitive integrated employment for persons with severe disabilities. Proposed projects are to be designed to meet current and future needs of Kansans challenged by disabilities to prepare for and engage in competitive employment. Proposals should outline projects which are model applications of rehabilitation engineering, supported employment, and/or transitional employment methodology in an integrated setting.

A total not to exceed \$300,000 is available to fund grant awards for one year, with a maximum award not to exceed \$200,000 per project. A 23 percent cash match will be required of grantees. The closing date for receipt of proposals is February 15.

To obtain a request for proposals and grant application packet contact Marnie Brown at (913) 296-3911 or TDD (913) 296-7029.

Larry Hinton  
Kansas Rehabilitation Services

Doc. No. 010155

## State of Kansas

Kansas Commission for the Deaf  
and Hearing Impaired

## Notice of Meeting

The Kansas Commission for the Deaf and Hearing Impaired will meet at 10 a.m. Saturday, February 9, in the Seeley Conference Room, Menninger Foundation, 5800 S.W. 6th, Topeka.

Brenda J. Eddy  
Executive Director

Doc. No. 010156

## State of Kansas

## Kansas Insurance Department

## Notice of Hearing

A public hearing will be conducted at 10 a.m. Monday, January 28, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka, to discuss the adoption and implementation of the Kansas Underground Storage Tank Liability Plan pursuant to K.S.A. 65-34,126. The purpose of the plan is to:

1. Provide for applicants who are in good faith entitled thereto insurance necessary to achieve compliance with the financial responsibility requirements for third party liability imposed by 40 C.F.R. part 280, subpart H, and part 281, adopted by the Federal Environmental Protection Agency;
2. Assist owners and operators of underground storage tanks in providing evidence of financial responsibility for compensating third parties for bodily injury or property damage resulting from a release from any such tank, as required by the Kansas Storage Tank Act; and in recognition of such purpose, the Kansas Storage Tank Act shall be and is hereby incorporated by reference in this plan; and
3. Provide for the membership and participation of insurers in the plan.

Copies of the full text of the plan may be obtained by writing to the Commissioner of Insurance, 420 S.W. 9th, Topeka 66612.

All interested parties may submit written comments prior to the hearing to the Commissioner of Insurance. The time period between the date of publication of this notice and the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed plan. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed plan during the hearing.

Ron Todd  
Commissioner of Insurance

Doc. No. 010152

## State of Kansas

**Social and Rehabilitation Services****Request for Proposals**

Kansas Rehabilitation Services (KRS) is requesting proposals for establishment grants for new or expanded community based programs that establish competitive integrated employment for persons with severe disabilities. Proposed projects are to be designed to meet current and future needs of Kansans challenged by disabilities to prepare for and engage in competitive employment. Proposals should outline projects which are model applications of rehabilitation engineering, supported employment, and/or transitional employment methodology in an integrated setting.

A total of \$450,000 in grant funding is available, with a maximum award not to exceed \$200,000 per project. Decreasing funding for the second and third years is dependent upon availability of funds and success of the first year project as measured by attainment of project goals. A 23 percent cash match will be required of the grantees. The closing date for receipt of proposals is March 8.

To obtain a request for proposals and grant application packet contact Marnie Brown at (913) 296-3911 or TDD (913) 296-7029.

Larry Hinton  
Kansas Rehabilitation Services

Doc. No. 010158

## State of Kansas

**Kansas Insurance Department****Notice of Hearing on Proposed  
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, February 19, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed permanent regulations of the Insurance Department.

Copies of the full text of the regulations and the economic impact statements may be obtained by writing to the Commissioner of Insurance, 420 S.W. 9th, Topeka 66612. The following is a summary of the economic impact statements and the regulations:

K.A.R. 40-2-20 is a permanent regulation that will replace the temporary regulation of the same number, which became effective November 29, 1990. Both the temporary and permanent regulations are necessary to activate the provisions of House Bill No. 2723 enacted by the 1990 Kansas Legislature. This legislation permits the sale of life insurance products in Kansas, which include provisions allowing the insured to accelerate payment of life or annuity benefits in advance of the time they would otherwise be payable. K.A.R. 40-2-20 establishes the standards and requirements such accelerated benefit products must meet before they can be approved for use in Kansas.

Because the legislation authorizes the development and sale of a new product, some additional premium

income may result. To the extent this occurs, the additional premium will be paid by Kansas policyholders and premium tax will be paid on the result.

However, several insurers have indicated the new product will be attached to qualifying policies at no charge. Under this arrangement, no additional premium or premium tax will result. Consequently, it appears the accelerated benefit option will primarily add flexibility to the ways life insurance can be used but will produce a modest amount of additional premium and a negligible increase in premium tax collections. Given these considerations, neither House Bill No. 2723 nor K.A.R. 40-2-20 will have any measurable, direct fiscal impact on the insuring public, the insurance industry or the Insurance Department.

K.A.R. 40-3-46 and 40-3-47 will implement the loss cost rate filing procedures authorized by 1990 House Bill No. 2654.

K.A.R. 40-3-46 establishes the procedures to be followed by a reference adoption of the filing form and information requirements promulgated by the National Association of Insurance Commissioners.

K.A.R. 40-3-47 designates the homeowners policy program as the first line of business to be subject to the loss cost rate filing requirements.

These regulations effectively prohibit the filing of final rates by rating organizations with respect to the lines of business affected. Therefore, individual insurers who have previously relied on the rates filed by such organizations will incur additional administrative expense. This additional expense is attributable to the need for the individual insurer to develop the multiplier or factor necessary to produce a final rate from the prospective loss costs (loss cost rates) filed by rating organizations. The magnitude of this additional expense will vary depending upon each insurer's operations. As a result, the fiscal impact cannot be quantified, but the prescribed requirements and the gradual transition that has been designed is intended to minimize the fiscal impact on both insurers and the Insurance Department. By minimizing the fiscal impact on insurers, the impact on the insuring public should not be significant.

All interested parties may submit written comments prior to the hearing to the Commissioner of Insurance. The time period between the date of publication of this notice and the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

Ron Todd  
Commissioner of Insurance

Doc. No. 010145

## 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, January 28, 1991**

27935

University of Kansas Medical Center—Reagents and supplies for electrophoresis

86105A

Hutchinson Correctional Facility—Mobile shelving

86695

Department of Transportation—Bituminous mixture, various locations

86704

University of Kansas—Aerial surveying and mapping

86711

Department of Transportation—Bituminous mixture, various locations

**Tuesday, January 29, 1991**

A-6481

Department of Wildlife and Parks—Metal storage building, Milford Lake fish hatchery

A-6540

Kansas State School for the Deaf—Installation of new steam boiler—Ekengren Power Plant

27516

Statewide—March (1991) meat products

28382

Topeka State Hospital—Analyzer reagents and supplies

86688

Kansas State University—Soybean meal

**Wednesday, January 30, 1991**

A-6430

Larned State Hospital—Reroofing projects—various buildings, replace/repair gutters

27373

Kansas Highway Patrol and Department of Commerce—Janitorial services, South Haven

27474

University of Kansas Medical Center—March (1991) meat products

27524

University of Kansas—March (1991) meat products

28195

Statewide—Specialty foods and related products

28378

University of Kansas Medical Center—Hemoclips and appliers

28379

Wichita State University—Dishwashing supplies for preschool

86669

Department of Transportation—Aggregate, various

86675

Department of Transportation—Bituminous mixture, Troy

86676

Department of Transportation—Bituminous mixture, Wamego

**Thursday, January 31, 1991**

A-6573

University of Kansas Medical Center—Elevator/ vestibule addition, Library of Health Sciences

27495

Department of Transportation—Parts washer service and solvent

**Friday, February 1, 1991**

27515

Statewide—Frozen foods

28211

Kansas Correctional Industries—Shipping cartons and inserts

86694

Emporia State University—Paper cutter

86706

Kansas Board of Agriculture—HPLC

86707

State Corporation Commission—Site restoration services, Montgomery County

86708

Emporia State University—Offset press

86713

University of Kansas Medical Center—Densitometer system

**Tuesday, February 5, 1991**

86674

Department of Social and Rehabilitation Services—Data general peripherals

**Wednesday, February 6, 1991**

86684

University of Kansas—Mainframe communications controllers and muxes

**Monday, February 18, 1991**

27944

Youth Center at Atchison—Lease of farmland, Atchison

28326

Kansas State University—Property insurance—uplink truck

28381

Department of Social and Rehabilitation Services—Lease of farm land, Cowley County

Nicholas B. Roach  
Director of Purchases

Doc. No. 010148

State of Kansas

**Board of Education**

**Notice of Hearing on 1991  
Summer Food Service Program**

The State Board of Education will conduct a public hearing at 1:30 p.m. Tuesday, February 12, in Room 121 of the State Education Building, 120 E. 10th, Topeka, to consider the proposed Summer Food Service Program Plan for fiscal year 1991. The proposed plan sets forth management and administrative policies and procedures to meet U.S. Department of Agriculture requirements for administration of the program.

Chapter I of the plan presents 1990 program participation data and projections for 1991 participation, and Chapter II describes outreach activities and nondiscrimination policies and procedures. Chapter III describes the training and monitoring activities to be conducted by the State Department of Education, and Chapter IV identifies activities to be followed to maximize the use of on-site meal preparation and school food service facilities. Chapter V outlines the procedures for sponsor approval and disbursing funds to participating sponsors. Charts projecting the total number of meals to be served and the receipt of federal funds for sponsor reimbursement in 1991 are also included. Chapter VI describes audit and appeal procedures, and Chapter VII presents the State Department of Education's staffing plan and the administrative budget necessary for program administration.

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

All interested persons will be given a reasonable opportunity at the hearing to present their views or arguments, either orally or in writing, in regard to the proposed plan. In addition, the period of public notice hereby provided constitutes a public comment period for the purpose of receiving written public comments on the proposed plan. Such written comments may be submitted to the secretary of the board at the address above. The hearing shall be conducted in compliance with the public hearing procedures of the board.

Dr. Lee Droegemueller  
Commissioner of Education

Doc. No. 010143

State of Kansas

**Department of Health  
and Environment**

**Notice Concerning Kansas  
Water Pollution Control Permit**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for discharges to the waters of the United States and the state of Kansas for the applicant 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
Exline, Inc. P.O. Box 1487 Salina, KS 67402 Saline County, Kansas	Smoky Hill River via East Dry Creek, Smoky Hill River Basin	Treated contaminated groundwater

Kansas Permit No. I-SH33-P003      Fed. Permit No. KS-0081876

Description of Facility: The wastewater treatment facility is designed to remove hexavalent chromium volatile organic chemicals. This is an existing permit and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to February 15 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-1) 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  
Acting Secretary of Health  
and Environment

Doc. No. 010146

## State of Kansas

Department of Health  
and EnvironmentNotice Concerning Kansas  
Water Pollution Control Permit

In accordance with state regulations 28-16-57 through 63 and 28-18-1 through 4, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a tentative permit has been prepared for the feedlot described below. The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards and regulations of the state of Kansas and the EPA. The permit requires control of any existing or potential discharges to achieve the goal of "no discharge" whenever possible. The permit, upon issuance, will constitute a state water pollution control and national pollutant discharge elimination system permit.

Name and Address of Applicant	Legal Description	Receiving Water
G-K's Kennel Kenneth L. White P.O. Box 61 Mayetta, KS 66509	NE/4 Section 30, Township 8S, Range 16E, Jackson County	Kansas River Basin

Kansas Permit No. A-KSJA-K002

The proposed facility will have the capacity for approximately 100 head of canine.

**Wastewater Control Facilities:** Wastewater will be impounded for subsequent disposal upon agricultural land. Storage capabilities will provide in excess of minimum requirements.

**Compliance Schedule:** A livestock waste management plan for the facility shall be developed within six months after detailed guidance and requirements are provided by the Kansas Department of Health and Environment. The approved waste management plan will become a part of the permit.

Written comments on the proposed NPDES permit may be submitted to Angela Buie, Bureau of Environmental Quality, Kansas Department of Health and Environment, Topeka 66620-0001. All comments received prior to February 16 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-AG-91-01) and name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations within 30 days of this notice. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, 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 address above.

Stanley C. Grant  
Acting Secretary of Health  
and Environment

Doc. No. 010147

## State of Kansas

Department of Health  
and Environment

## Notice of Hearing

A public hearing will be conducted by the Kansas Department of Health and Environment, Bureau of Air and Waste Management (BAWM) at the Hillsboro City Hall at 7 p.m. Wednesday, January 30, to receive comments on the proposed issuance of a permit in accordance with K.A.R. 28-19-14 (permits required) to F and R Metals Control, Inc. (FR), Wichita, for the installation and operation of a scrap lead-acid battery reclamation facility to be located at Industrial Park, Hillsboro.

The BAWM has evaluated the air emissions estimates from this proposed facility and has determined that it can be expected to comply with applicable Kansas Air emissions regulations and the Kansas Air Toxics Strategy (KATS). Air pollution dispersion modeling studies conducted by the BAWM indicated the predicted ambient air concentration of lead will not cause the National Ambient Air Quality Standard (NAAQS) for lead to be exceeded. Dispersion modeling also conducted for heavy metals, which may be emitted by the proposed facility, indicates that the predicted concentrations would be less than any limits established by the KATS.

The complete administrative record for this proposed permit is available for public inspection through February 1 by contacting David Butler at the BAWM office, 1919 N. Amidon, Wichita 67203, (316) 838-1071; and at the BAWM office, Building 740, Forbes Field, Topeka. Questions pertaining to the proposed permit should be directed to L.C. Hinthner, BAWM, (913) 296-1576.

All interested parties may submit relevant written comments pertaining to the proposed permit prior to the hearing to the Secretary, KDHE, 900 S.W. Jackson, Topeka 66612. Interested parties also will be given reasonable opportunity during the hearing to present relevant verbal comments. In order to give all parties an opportunity to present their comments, the hearing officer may find it necessary to limit the time period of individual comments. All written and verbal comments received will be considered by the secretary before a final decision on the issuance of the permit is made.

Stanley C. Grant  
Secretary of Health  
and Environment

Doc. No. 010112



State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

Applications set for hearing are to be heard on the date indicated before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka, at 9:30 a.m. unless otherwise noticed.

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3149.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications set for January 29, 1991

Application for Certificate of Convenience and Necessity:

Donna and Linda Alcorn, ) Docket No. 173,628 M  
 dba )  
 Herington Auto Clinic )  
 109 W. Walnut ) MC ID No. 139508  
 Herington, KS 67449

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

*Wrecked, disabled, repossessed and replacement vehicles, and equipment, machinery and parts,*

Between all points and places in Lincoln, Ottawa, Clay, Riley, Pottawatomie, Wabaunsee, Geary, Dickinson, Saline, Ellsworth, Rice, McPherson, Marion, Morris, Chase, Lyon, Greenwood, Butler, Harvey, Sedgwick and Reno counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Thomas L. Baumann, dba ) Docket No. 174,635 M  
 Security Transport Services )  
 700 S.W. Grandview )  
 Topeka, KS 66606 ) MC ID No. 139511

Applicant's Attorney: None

*Passengers who are in the care and custody of law enforcement agencies in the state of Kansas,*

Between all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Ronald M. Cooley ) Docket No. 174,638 M  
 Route 4, Box 192 )  
 Winfield, KS 67156 ) MC ID No. 139605

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Hay, grain, dry feed, dry feed ingredients, salt, seeds, dry fertilizer, building and construction materials, fencing materials and machinery (restricted to transport no hazardous commodities),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Impulse Transport, Inc. ) Docket No. 174,637 M  
 511 Miami )  
 Kansas City, KS 66105 ) MC ID No. 138763

Applicant's Attorney: Alex Lewandowski, 4420 Madison Ave., Kansas City, MO 64111

*General commodities (except classes A and B explosives and household goods),*

Between all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

J.D.R. Oilfield Services, Inc.) Docket No. 174,634 M  
 Route 1, Box 103 )  
 Harper, KS 67058 ) MC ID No. 139510

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Oilfield equipment, materials, supplies and machinery,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

Application for Transfer of Certificate of Convenience and Necessity:

Ron C. Jacobsen ) Docket No. 172,857 M  
 P.O. Box 182 )  
 Franklin, NE 68939 ) MC ID No. 130630

TO:  
 Ron Jacobsen Trucking, Inc.  
 P.O. Box 182  
 Franklin NE 68939

Applicant's Attorney: William Barker, 3401 Harrison, Topeka, KS 66611

*Grain, dry feed, dry feed ingredients, building and construction materials and salt, restricted to transport no hazardous commodities other than ammonium nitrate,*

Between points in Kansas.

\*\*\*\*\*

Application for Extension of Certificate of Convenience and Necessity:

Bob Ming & Sons, Inc. ) Docket No. 30,051 M  
 245 E. James )  
 Box 670 )  
 Dighton, KS 67839 ) MC ID No. 100252

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Livestock, hay, grain, feed, feed ingredients, dry fertilizer and dry fertilizer ingredients, liquid fertilizer solutions, salt,*  
 (continued)

*seeds, building and construction materials, fencing materials, machinery, anhydrous ammonia and propane,*  
Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Parker Trucking and ) Docket No. 173,626 M  
Harvesting, Inc. )  
Route 1, Box 26 ) MC ID No. 139508  
Waterville, KS 66548

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Hay, grain, dry feed, dry feed ingredients, salt, seeds, dry fertilizer (except ammonium nitrate), building and construction materials, fencing materials and machinery (restricted, however, to transport no hazardous commodities),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Rawhide Trucking, Inc. ) Docket No. 174,631 M  
P.O. Box 1768 )  
Hutchinson, KS 67504 ) MC ID No. 124357

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*General commodities (except household goods, classes A and B explosives, liquid bulk commodities and hazardous commodities),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Abandonment of Certificate of Convenience and Necessity:**

Rose Piano & Moving Co., ) Docket No. 149,803 M  
Inc. )  
508 Duck Road ) MC ID No. 124856  
Grandview, MO 64030

Applicant's Attorney: None

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Lloyd Rudzik, dba ) Docket No. 173,627 M  
Rudzik Trucking )  
Route 2, Box 282 )  
Jetmore, KS 67858 ) MC ID No. 139627

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Hay, grain, dry feed, dry feed ingredients, dry fertilizer, dry fertilizer ingredients, seeds, salt, building and construction materials, fencing materials and machinery (restricted to transport no hazardous commodities),*

Between all points and places in the state of Kansas.

*Livestock,*

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins,

Thomas, Logan, Wichita, Scott, Kearny, Finney, Grant, Haskell, Stevens, Seward, Decatur, Sheridan, Gove, Lane, Gray, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick and Sumner counties.

Also,

Between points and places in the above-described counties, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

**Application for Extension of Certificate of Convenience and Necessity:**

Stucky & Sons, Inc. ) Docket No. 160,667 M  
Route 2, Box 179 )  
Moundridge, KS 67107 ) MC ID No. 131208

Applicant's Attorney: Joseph Weiler, 1610 S.W. Topeka Blvd., P.O. Box 237, Topeka, KS 66612-1840

*General commodities (except classes A and B explosives and household goods),*

Between points and places in the state of Kansas.

\*\*\*\*\*

**Application for Abandonment of Certificate of Convenience and Necessity:**

Lloyd P. Taylor, dba ) Docket No. 134,251 M  
Kansas Mobile Home )  
Transfer )  
930 Graphic Arts Road )  
Emporia, KS 66801 ) MC ID No. 105272

Applicant's Attorney: None

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Walthers Oil Company ) Docket No. 174,632 M  
Route 1 )  
Cuba, KS 66940 ) MC ID No. 115197

Applicant's Attorney: Rodney Peake, 1902 M St., Belleville, KS 66935

*Propane, gasoline and diesel fuels in bulk,*

Between points and places in Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Whisman Trucking, Inc. ) Docket No. 174,636 M  
HC 01, Box 105 )  
Palco, KS 67657 ) MC ID No. 139512

Applicant's Attorney: W. Robert Alderson, 1610 S. Topeka Blvd., Topeka, KS 66612-1840

*Livestock, grain, dry feed, dry feed ingredients, salt, seeds, dry fertilizer, hay, construction & building materials,*

*fencing materials and machinery (restricted, however, to transport no hazardous commodities or materials except ammonium nitrate),*

Between points and places in Cheyenne, Sherman, Wallace, Greeley, Hamilton, Stanton, Morton, Rawlins, Thomas, Logan, Wichita, Scott, Kearny, Grant, Stevens, Decatur, Sheridan, Gove, Lane, Finney, Haskell, Gray, Seward, Meade, Norton, Graham, Trego, Ness, Hodgeman, Ford, Clark, Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Smith, Osborne, Russell, Barton, Stafford, Pratt, Barber, Jewell, Mitchell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Republic, Cloud, Ottawa, Marshall, Clay, Riley, Dickinson, Geary, Marion, Butler, Cowley, Saline, McPherson, Harvey, Sedgwick, Sumner, and Washington counties, Kansas.

Also,

Between points and places in the above-named counties, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

**Applications set for February 5, 1991**

**Application for Certificate of Convenience and Necessity:**

R.A. Christopher, Inc. ) Docket No. 174,639 M  
1407 S. Walnut )  
Wichita, KS 67213 ) MC ID No. 139513

Applicant's Attorney: Paul Dugan, Westlink Office Plaza, 940 N. Tyler, The Professional Suite 206, Wichita, KS 67212

*Grain and general commodities,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Paul F. McGovern, dba ) Docket No. 174,642 M  
PFM Enterprises )  
Route 1, Box 67 )  
La Cygne, KS 66040 ) MC ID No. 139515

Applicant's Attorney: None

*General commodities (except classes A and B explosives, household goods and hazardous materials) and curing compounds,*

Between all points and places in Kansas.

\*\*\*\*\*

**Applications for Extension of Certificate of Convenience and Necessity:**

Nick's Truck Service, Inc. ) Docket No. 164,384 M  
132 S. 2nd )  
WaKeeney, KS 67672 ) MC ID No. 133519

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Grain, dry feed, dry feed ingredients, liquid feed, liquid feed ingredients, dry fertilizer (except anhydrous ammonia and ammonium nitrate), liquid fertilizer solutions (except an-*

*hydrous ammonia), liquid fertilizer ingredients (except anhydrous ammonia), seeds, salt, hay, construction and building materials, fencing materials and machinery and livestock,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Abandonment of Certificate of Convenience and Necessity:**

Superior Oilfield Service,) Docket No. 151,508 M  
Inc. )  
702 W. Railroad )  
Canton, KS 67428 ) MC ID No. 124107  
Applicant's Attorney: None

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

We-Mac Manufacturing Co. ) Docket No. 174,641 M  
326 E. 14th )  
North Kansas City, MO ) MC ID No. 107692  
64116

Applicant's Attorney: Alex Lewandowski, 4420 Madison Ave., Kansas City, MO 64111

*General commodities (except classes A and B explosives, commodities in bulk, household goods and hazardous materials),*

Between all points and places in Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Western Carriers, Inc., dba ) Docket No. 174,640 M  
WCI )  
132 S. 2nd )  
WaKeeney, KS 67672 ) MC ID No. 139514

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Anhydrous ammonia, propane, gasoline, diesel fuel, gasohol and ammonium nitrate,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Western-Commercial ) Docket No. 174,633 M  
Transport of Texas, Inc. )  
2929 W. 5th )  
Fort Worth, TX 76107 ) MC ID No. 139557

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Commodities in bulk (except hazardous materials),*

Between all points and places in the state of Kansas.

\*\*\*\*\*

Alfonzo A. Maxwell  
Administrator  
Transportation Division

Doc. No. 010150

State of Kansas

## State Corporation Commission

## Notice of Hearing

Participants in the Kansas Motor Carrier Association's Tariff 90-E (K.C.C. No. 80) Oil Field Fluid Carriers have filed for a rate increase of 10 percent. The application for the rate increase has been set for hearing at 9:30 a.m. Tuesday, February 19, before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka. Interested parties shall submit their petition or protest in writing by February 14 to presiding officer Lyn Farmer at the State Corporation Commission and Clyde Christey, applicant's attorney, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka 66614.

Alfonzo A. Maxwell  
Administrator  
Transportation Division

Doc. No. 010151

State of Kansas

## State Corporation Commission

## Notice of Rate Filing

Participants in Kansas Motor Carrier Association Tariff 70-F, K.C.C. No. 83, transporting petroleum and petroleum products, have filed an application for a rate increase of 8 percent. The commission is now accepting petitions and/or protests from interested parties stating their position. All pleadings should be filed with the presiding officer, Lyn Farmer, State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604, on or before February 8.

A copy of the pleading should be served on the attorney for the applicants, Eugene Hiatt, 627 S.W. Topeka Blvd., Topeka 66603.

At the end of this protest period, the commission will review all pleadings to determine if a public hearing is necessary. If necessary, the hearing will be conducted at 9:30 a.m. Tuesday, February 26, in the commission hearing room, 1500 S.W. Arrowhead Road, Topeka.

Alfonzo A. Maxwell  
Administrator  
Transportation Division

Doc. No. 010153

(Published in the Kansas Register January 17, 1991.)

Summary Notice of Bond Sale  
Unified School District 293 (Quinter)  
Gove County, Kansas  
\$1,200,000  
General Obligation School Building Bonds  
Series 1991

(general obligation bonds payable from  
unlimited ad valorem taxes)

## Sealed Bids

Subject to the official notice of bond sale and preliminary informational statement dated February 1, 1991, sealed bids will be received by the Board of Education of Unified School District 293, Gove County, Kansas (Quinter), at its office, P.O. Box 429, Quinter, KS 67752, until 7:30 p.m. C.S.T. on February 11, 1991, for the purchase of \$1,200,000 principal amount of General Obligation School Building Bonds, Series 1991. The board will take action on the bids at a regular meeting of the board at 7:30 p.m. C.S.T. on February 11, 1991. 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 each in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated March 1, 1991, and will become due serially on October 1 in the years as follows:

Maturity October	Amount
1992	\$ 40,000
1993	50,000
1994	50,000
1995	60,000
1996	60,000
1997	70,000
1998	70,000
1999	80,000
2000	80,000
2001	90,000
2002	90,000
2003	100,000
2004	110,000
2005	120,000
2006	130,000

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 April 1 and October 1 in each year, beginning on April 1, 1992.

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 \$24,000 (2 percent of the principal amount of the bonds).

## Delivery

The school district 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 March 29, 1991, 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 1991 is \$13,587,229, of which amount the sum of approximately \$980,000 represents the assessed, taxable tangible value of motor vehicles. The total general obligation indebtedness of the school district as of the date of the bonds, including the bonds being sold, is \$1,200,000.

**Redemption of Bonds Prior to Maturity**

Bonds maturing on October 1, 2001, and thereafter shall be subject to call and redemption by the school district on October 1, 2000, and on any interest payment date thereafter upon the terms and conditions set forth in the bond resolution.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Topeka, Kansas, bond counsel; whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the school district, printed on the bonds and delivered to the successful bidder as and when the bonds are delivered.

**Bonds Not to be Rated**

The bonds will not be rated by Standard & Poor's Corporation or Moody's Investors Service, Inc., or any other bond rating agency.

**Additional Information**

Additional information regarding the bonds may be obtained from the school district at (913) 754-3953 or from the district's bond counsel, Fred W. Rausch, Jr., Suite 201, 220 S.W. 33rd, Topeka, KS 66611, (913) 267-3470.

Dated January 14, 1991.

Unified School District 293  
Gove County, Kansas

Doc. No. 010139

(Published in the Kansas Register, January 17, 1991.)

**Summary Notice of Bond Sale**

**\$12,770,000**

**Aggregate Principal Amount**

**General Obligation Bonds**

**Series 724 and 725**

**of the**

**City of Wichita, Kansas**

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

Subject to the terms and conditions of the complete official notice of bond sale, dated as of January 8, 1991, prepared by the city of Wichita, Kansas, in connection with the bonds hereinafter described, sealed, written bids shall be received at the office of the mayor, first floor, city hall, 455 N. Main, Wichita, until 10:30 a.m. C.S.T. on Tuesday, January 29, 1991, for the purchase of each of the series of bonds of the city which are hereinafter described. All bids shall be publicly opened and read aloud on said date and at said time and place. The bids will be considered and the bonds will be

awarded by the city counsel meeting in the city council chambers, city hall, at 11 a.m. January 29, 1991.

Each series of bonds shall be sold separately. Bidders may bid on either or both series of bonds, but must bid on the entire amount of a series. No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of a series shall be considered. Bids will be accepted only on the official bid form that has been prepared for each series of bonds, which may be obtained from the city's Department of Finance. Bids may be submitted by mail or may be delivered in person and must be received at the place and no later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the series of bonds for which the bid is made.

**Description of the Bonds**

The bonds shall be issued as fully registered bonds in denominations of \$5,000, or any integral multiple thereof not exceeding the principal amount maturing in each year. The bonds shall bear a dated date of February 1, 1991. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

**General Obligation Bonds, Series 724**

The Series 724 bonds to be sold are in the aggregate principal amount of \$7,020,000; the interest thereon shall be payable semiannually on March 1 and September 1 of each year, commencing September 1, 1991; and the Series 724 bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$290,000	1991
310,000	1992
330,000	1993
350,000	1994
370,000	1995
400,000	1996
420,000	1997
450,000	1998
480,000	1999
510,000	2000
540,000	2001
580,000	2002
620,000	2003
660,000	2004
710,000	2005

**General Obligation Bonds, Series 725**

The Series 725 bonds to be sold are in the aggregate principal amount of \$5,750,000; the interest thereon shall be payable semiannually on June 1 and December 1 of each year, commencing June 1, 1991; and the Series 725 bonds shall mature serially on December 1 in each of the years and principal amounts as follows:

(continued)

Principal Amount	Maturity Date
\$575,000	1991
575,000	1992
575,000	1993
575,000	1994
575,000	1995
575,000	1996
575,000	1997
575,000	1998
575,000	1999
575,000	2000

The successful bidder shall have the option of specifying whether the bonds shall be issued as certificated bonds or whether they shall be issued by means of a book entry system.

#### Paying Agent and Bond Registrar; Payment of Principal and Interest

The Chase Manhattan Bank, N.A., New York, New York, shall serve as bond registrar and paying agent for the bonds if they are issued as certificated bonds. If the bonds are issued by means of a book entry system, the transfer of principal and interest payments to the participants of DTC will be the responsibility of DTC, and the transfer of principal and interest payments to beneficial owners by participants of DTC will be the responsibility of such participants and other nominees of beneficial owners.

#### Redemption

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

#### Delivery

On or about February 14, 1991, at any bank or trust company in the state of Kansas or any of the following Federal Reserve cities: Boston, New York City, Cleveland, Richmond, Atlanta, Chicago, St. Louis, Minneapolis, Kansas City, Dallas or San Francisco. Delivery elsewhere shall be made at the expense of the successful bidder. If the bonds are issued by means of a book entry system, as a condition to delivery, the successful bidder shall be required to deposit the bonds with DTC.

#### Legal Opinion

Hinkle, Eberhart & Elkouri, Wichita, Kansas. (Reference is made to the official notice of bond sale and the city's preliminary official statement for the bonds.)

#### Security

The bonds and the interest thereon constitute general obligations of the city, and the full faith, credit and resources of the city will be pledged to the payment thereof. The city will be obligated to levy special assessment taxes in certain authorized amounts upon certain benefitted properties and ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

#### Ratings

The city's outstanding general obligation bonds issued since 1975 have been rated "Aa" by Moody's

Investors Service, Inc. and "AA" by Standard & Poor's Corporation. The city has applied to both of said rating services for ratings on the bonds described herein.

#### Financial Matters

The city's assessed valuation for the year 1990 is as follows:

Assessed valuation of taxable tangible property	\$1,452,865,067
Taxable value of motor vehicles .....	241,384,854
Equalized assessed tangible valuation for computation of bonded debt limitations .....	<u>\$1,694,249,921</u>

The total outstanding general obligation bonded indebtedness of the city on February 1, 1991, will be \$257,000,000. This amount does not include the within described series of bonds nor the pending issue of the city's temporary notes hereinafter mentioned; nor does this amount include the city's currently outstanding temporary notes which will be redeemed and paid upon the issuance of the within described series of bonds either from the proceeds thereof together with special assessments which have been collected in cash and other available funds, or that will be renewed and refunded from a portion of the proceeds of the hereinafter mentioned pending issue of temporary notes.

The city expects to sell on or about the same date as the series of bonds described herein \$10,000,000 principal amount of its temporary notes for the purpose of temporarily financing new internal improvements and for renewing and refunding outstanding temporary indebtedness.

#### Additional Information

Copies of the complete official notice of bond sale and the city's preliminary official statement dated January 8, 1991, and official bid forms may be obtained from the Department of Finance, City Hall, 13th Floor, 455 N. Main, Wichita, KS 67202-1679, (316) 267-4434.

#### Official Statement

The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities Exchange Commission's Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder of each series of bonds with a reasonable number of copies of the final official statement for such series, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Patricia L. Burnett  
Deputy City Clerk

Doc. No. 010160

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

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

PERSONS IN PLAN

1	2	3	4
\$125.00	\$203.00	\$274.00	\$335.00

For each additional person, add \$55.00.

(b) Basic standard in the GA program. The basic standards in the GA program shall be those set forth below. The basic standards include \$21.00 per person as an energy supplement.

PERSONS IN PLAN

1	2	3	4
\$134.00	\$221.00	\$301.00	\$371.00

For each additional person, add \$64.00.

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

Standard.	Group I \$92.00	
Allen	Gove	Norton
Anderson	Graham	Osborne
Atchison	Grant	Ottawa
Barber	Greeley	Phillips
Barton	Greenwood	Pottawatomie
Bourbon	Hamilton	Pratt
Brown	Harper	Rawlins
Chase	Haskell	Republic
Chautauqua	Hodgeman	Rooks
Cherokee	Jackson	Rush
Cheyenne	Jewell	Russell
Clark	Kearny	Saline
Clay	Kingman	Scott
Cloud	Labette	Sheridan
Coffey	Lane	Smith
Comanche	Lincoln	Stafford
Cowley	Linn	Stanton
Crawford	Logan	Stevens
Decatur	Lyon	Sumner
Dickinson	Marion	Thomas
Doniphan	Marshall	Trego
Edwards	Meade	Wabaunsee
Elk	Mitchell	Wallace
Ellis	Montgomery	Washington
Ellsworth	Morris	Wichita
Finney	Nemaha	Wilson
Ford	Neosho	Woodson
Geary	Ness	

Standard.	Group II \$97.00	Group III \$109.00	Group IV \$135.00
	Franklin	Butler	Douglas
	Gray	Jefferson	Harvey
	Kiowa	Leavenworth	Johnson
	Morton	McPherson	
	Pawnee	Miami	
	Seward	Osage	
	Sherman	Reno	
		Rice	
		Riley	
		Sedgwick	
		Shawnee	
		Wyandotte	

The effective date of this regulation shall be April 1, 1991. (Authorized by K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1; implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152, Sec. 1, K.S.A. 1989 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended, T-30-5-1-90, May 1, 1990; amended, T-30-8-28-90, Aug. 30, 1990; amended, T-30-12-28-90, Dec. 28, 1990; amended April 1, 1991.)

Article 10.—ADULT CARE HOME PROGRAM OF THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

**30-10-210.** ICF-MR reimbursement. Payment for services. (a) Providers with a current signed provider agreement shall be paid a per diem rate for services furnished to eligible medicaid/medikan clients. Payment shall be for the type of medical or health care required by the beneficiary as determined by:

(1) The attending physician's or physician extender's certification upon admission; or

(2) inspection of care and utilization review teams, as provided for in K.A.R. 39-10-207.

However, payment for services shall not exceed the type of care the provider is certified to provide under the medicaid/medikan program. The type of care required by the beneficiary may be verified by the agency prior to and after payment. No payment shall be made for care or services determined to be the result of unnecessary utilization.

(b) Payment for routine services and supplies, pursuant to K.A.R. 30-10-200, shall be included in the per diem reimbursement and such services and supplies shall not be otherwise billed or reimbursed.

(1) The following durable medical equipment, medical supplies and other items and services may be considered routine unless used in excessive quantities:

- (A) Alternating pressure pads and pumps;
- (B) armboards;

(continued)



- (C) bedpans, urinals and basins;
- (D) bed rails, beds, mattresses and mattress covers;
- (E) canes;
- (F) commodes;
- (G) crutches;
- (H) denture cups;
- (I) dialysis, including supplies and maintenance;
- (J) dressing items, including applicators, tongue blades, tape, gauze, bandages, band-aides, pads and compresses, ace bandages, vaseline gauze, cotton balls, slings, triangle bandages and pressure pads;
- (K) emesis basins and bath basins;
- (L) enemas and enema equipment;
- (M) facial tissues and toilet paper;
- (N) footboards;
- (O) footcradles;
- (P) gel pads or cushions;
- (Q) geri-chairs;
- (R) gloves, rubber or plastic;
- (S) heating pads;
- (T) heat lamps and examination lights;
- (U) humidifiers;
- (V) ice bags and hot water bottles;
- (W) intermittent positive pressure breathing (IPPB) machines;
- (X) I.V. stands and clamps;
- (Y) laundry, including personal laundry;
- (Z) lifts;
- (AA) nebulizers;
- (BB) occupational therapy;
- (CC) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae and humidifiers;
- (DD) parenteral and enteral infusion pumps;
- (EE) patient gowns, pajamas and bed linens;
- (FF) physical therapy;
- (GG) restraints;
- (HH) sheepskins and foam pads;
- (II) speech therapy;
- (JJ) sphygmomanometers, stethoscopes and other examination equipment;
- (KK) stretchers;
- (LL) suction pumps and tubing;
- (MM) syringes and needles, except insulin syringes and needles for diabetics that are covered by the pharmacy program;
- (NN) thermometers;
- (OO) traction apparatus and equipment;
- (PP) underpads and adult diapers, disposable and non-disposable;
- (QQ) walkers;
- (RR) water pitchers, glasses and straws;
- (SS) weighing scales;
- (TT) wheelchairs;
- (UU) irrigation solution, i.e., water and normal saline;
- (VV) lotions, creams and powders, including baby lotion, oil and powders;
- (WW) first-aid type ointments;
- (XX) skin antiseptics such as alcohol;
- (YY) antacids;
- (ZZ) mouthwash;
- (AAA) over-the-counter analgesics;
- (BBB) two types of laxatives;

- (CCC) two types of stool softeners;
- (DDD) nutritional supplements; and
- (EEE) blood glucose monitors and supplies.

(2) Urinary supplies. Urinary catheters and accessories shall be covered services in the medicaid/medikan program when billed through the durable medical equipment or medical supply provider. This expense shall not be reimbursed in the per diem rate of the cost report.

(3) Nutritional therapy. Total nutritional replacement therapy shall be prior authorized to qualify for reimbursement by the durable medical equipment program. If not prior authorized, it is an allowable cost to be covered in the per diem rate.

(c) Payment for ancillary services, as defined in K.A.R. 30-10-200, shall be billed separately when the services or supplies are required.

(d) Payment for a day activity program for an ICF-MR shall be included in the per diem reimbursement.

(e) Payment shall be limited to providers who accept, as payment in full, the amount paid in accordance with the fee structure established by the medicaid/medikan program.

(f) Payment shall not be made for allowable non-routine services and items unless prior authorized. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-211. ICF-MR financial data.** (a) General. The per diem rate or rates for providers participating in the medicaid/medikan program shall be based on an audit or desk review of the costs reported to provide client care in each facility. The basis for conducting these audits or reviews shall be the ICF-MR financial and statistical report. Each provider shall maintain sufficient financial records and statistical data for proper determination of reasonable and adequate rates. Standardized definitions, accounting, statistics, and reporting practices which are widely accepted in the ICF-MR and related fields shall be followed, except to the extent that they may conflict with or be superseded by state or federal medicaid requirements. Changes in these practices and systems shall not be required in order to determine reasonable and adequate rates.

(b) Pursuant to K.A.R. 30-10-213, ICF-MR financial and statistical reports (cost reports) shall be required from providers on an annual basis.

(c) Adequate cost data and cost findings. Each provider shall provide adequate cost data on the cost report. This cost data shall be in accordance with state and federal medicaid requirements and general accounting principles, shall be based on the accrual basis of accounting, and may include a current use value of the provider's fixed assets used in client care. Estimates of costs shall not be allowable except on projected cost reports submitted pursuant to K.A.R. 30-10-213.

(d) Recordkeeping requirements.

(1) Each provider shall furnish any information to the agency that may be necessary:

(A) To assure proper payment by the program pursuant to paragraph (2);

(B) to substantiate claims for program payments; and



(C) to complete determinations of program overpayments.

(2) Each provider shall permit the agency to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of program payments due. These records shall include:

(A) Matters of the ICF-MR ownership, organization, and operation, including documentation as to whether transactions occurred between related parties;

(B) fiscal, medical, and other recordkeeping systems;

(C) federal and state income tax returns and all supporting documents;

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

(E) franchise or management arrangements;

(F) matters pertaining to costs of operation;

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

(H) a statement of changes in financial position.

Other records and documents shall be made available as necessary. Records and documents shall be made available in Kansas.

(3) Each provider, when requested, shall furnish the agency with copies of client service charge schedules and changes thereto as they are put into effect. The agency shall evaluate the charge schedules to determine the extent to which they may be used for determining program payment.

(4) Suspension of program payments to a provider. If the agency determines that any provider does not maintain or no longer maintains adequate records for the determination of reasonable and adequate per diem rates under the program, payments to that provider may be suspended until deficiencies are corrected. Thirty days before suspending payment to the provider, the agency shall send written notice to the provider of its intent to suspend payments. The notice shall explain the basis for the agency's determination with respect to the provider's records and shall identify the provider's recordkeeping deficiencies.

(5) All records of each provider that are used in support of costs, charges and payments for services and supplies shall be subject to inspection and audit by the agency, the United States department of health and human services, and the United States general accounting office. All financial and statistical records to support costs reports shall be retained for five years from the date of filing the cost report with the agency. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-212. ICF-MR heavy care.** (a) Additional reimbursement for direct services shall be available to ICF's-MR for medicaid/medikan clients in need of heavy care. Failure to obtain prior authorization shall negate reimbursement for this service.

(b) Heavy care shall be considered a covered service within the scope of the program unless the request for prior authorization is denied. Reimbursement for this service shall be contingent on approval by the agency.

(c) The additional reimbursement for heavy care

shall be offset to the cost center of benefit on the ICF-MR financial and statistical report. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-213. ICF-MR cost reports.** (a) Historical cost data.

(1) For cost reporting purposes, each provider shall submit the ICF-MR financial and statistical report in accordance with the instructions included in this regulation. The report shall cover a consecutive 12-month period of operations. The 12-month period shall coincide with the fiscal year used for federal income tax or other financial reporting purposes, except that the same 12-month period shall be used by providers related through common ownership, common interests or common control. If the operator of a facility under a management agreement has not signed a provider agreement, the operator shall not be considered a provider for the purpose of this paragraph. A working trial balance, as defined in K.A.R. 30-10-200, shall be submitted with the cost report.

(2) If a provider has more than one facility, and if one of those facilities is reimbursed on the basis of projected cost data, the provider shall allocate central office cost to each facility, including those facilities being paid rates from projected cost data, for cost reporting at the end of the provider's designated fiscal year for all other related facilities. The method used to allocate central office costs to those facilities filing projected cost reports shall be consistent with the method used to allocate such costs to those facilities filing historical cost reports and other non-medicaid/medikan programs operated by the provider. The allocation shall be based on pro-rata expenditures or a recognized time-allocation method.

(b) Amended cost reports. Amended cost reports revising cost report information previously submitted by a provider shall be required when the error or omission is material in amount and results in a change in the provider's rate of \$.10 or more per client day. Amended cost reports shall also be permitted when the error or omission affects the current or future accounting periods of the provider. No amended cost report shall be allowed after 13 months have passed from the report year end.

(c) Due dates of cost reports. Cost reports shall be received by the agency no later than the close of business on the last day of the third month following the close of the period covered by the report. Cost reports from each provider with more than one facility shall be received on the same date.

(d) Extension of time for submitting a cost report to be received by the agency.

(1) A one-month extension of the due date of a cost report may, for good cause, be granted by the agency. The request shall be in writing and shall be received by the agency prior to the due date of the cost report. Untimely requests shall not be accepted.

(2) A second extension may be granted in writing by the secretary of the agency when the cause for further delay is beyond the control of the provider.

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(3) Each provider who requests an extension of time for filing a cost report to delay the effective date of the new rate, which is lower than the provider's current rate, shall have the current rate reduced to the amount of the new rate. The reduced rate shall be effective on the date that the new rate would have been effective if the cost report had been received on the last day of the filing period, without the extension.

(e) Penalty for late filing. Except as provided in subsection (d), each provider filing a cost report after the due date shall be subject to the following penalties.

(1) If the cost report has not been received by the agency by the close of business on the due date, all further payments to the provider shall be withheld and suspended until the complete ICF-MR financial and statistical report has been received.

(2) Failure to submit cost information within one year after the end of the provider's fiscal year shall be cause for termination from the medicaid/medikan program.

(f) Projected cost data.

(1) Projected cost reports for providers with only one facility.

(A) If a provider is required to submit a projected cost report under K.A.R. 30-10-214, the provider's rate or rates shall be based on a proposed budget with costs projected on a line item basis for the provider's most immediate future 12-month period.

(B) The projection period shall end on the last day of a calendar month. Providers shall use the last day of the month nearest the end of the 12-month period specified in subparagraph (A) or the end of their fiscal year when that period ends not more than one month before or after the end of the 12-month report period. The projection period shall not be less than 11 months or more than 13 months. The cost data reported shall be for the full period reported if that period is less than 12 months or the latest consecutive 12-month period if the report period is extended beyond 12 months to meet this requirement.

(C) The projected cost report shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period, and upon receipt of the provider's historical cost report for the time period covered by the projected cost report. The projected cost report items which are determined to be unreasonable or which contain deviations from the historical cost report shall, upon audit, be handled in accordance with subsection (f) of K.A.R. 30-10-214.

(2) The projection period of each provider filing a projected cost report in accordance with paragraph (2) of subsection (e) of K.A.R. 30-10-214 shall be extended to the last day of the 12th month following the date the new construction is certified for use by the appropriate agency. The projected and historical cost reports for this projection period shall be handled in accordance with paragraph (1) of this subsection. If the projection period prior to the certification of the new construction exceeds three months, the provider shall be required to file a historical cost report for this period for the purpose of retroactive settlement in accordance with paragraph (1) of this subsection.

(3) Projected cost reports for each provider with more than one facility. Each provider required to file a projected cost report in accordance with this subsection and who operates more than one facility, either in-state or out-of-state, shall allocate central office costs to each facility being paid rates from the projected cost data at the end of the provider's fiscal year that ends during the projection period. The method of allocating central office costs to those facilities on projection shall be consistent with the method used to allocate such costs to those facilities in the chain who are filing historical cost reports and other non-medicaid/medikan programs operated by the provider.

(4) An interim settlement, based on a desk review of the historical cost report for the projection period, may generally be determined within 90 days after the provider is notified of the new rate determined from such cost report. The final settlement shall be based on an audit of the historical cost report.

(g) Balance sheet requirement. A balance sheet prepared in accordance with cost report instructions shall be filed as part of the cost report forms for each provider. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-214. ICF-MR rates of reimbursement.** (a) Rates for existing ICF's-MR.

(1) The determination of per diem rates shall be made, at least annually by the secretary, on the basis of the cost information supplied by the provider and retained for cost auditing. The cost information for each provider shall be compared with other providers that are similar in size, scope of service and other relevant factors to determine the allowable per diem cost.

(2) The property allowance shall be subject to a facility maxim.

(b) Comparable service rate limitations.

(1) Intermediate care facilities for the mentally retarded and persons with related conditions. The per diem rate for intermediate care for the mentally retarded and persons with related conditions shall not exceed the rate or rates charged to clients not under the medicaid/medikan program for the same level of care in the ICF-MR and for the same types of services.

(2) All private pay rate structure changes and the effective dates shall be reported on the uniform cost report.

(3) The agency shall be notified of any private pay rate structure changes within 30 days of the effective date.

(4) Providers shall have a grace period to raise the rate or rates charged to clients not under the medicaid/medikan program for the same level of care in the ICF-MR and 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 pe-

riod if the rate or rates charged to clients not under the medicaid/medikan program are lower than the medicaid/medikan rate.

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

(c) Rates for new construction or bed additions. The per diem rate or rates for newly constructed ICF's-MR shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-213. No rate shall be paid until an ICF-MR financial and statistical report is received and approved. Limitations established for existing facilities providing the same level of care shall apply. The effective date of the per diem rate shall be in accordance with K.A.R. 30-10-215.

(d) Rates for existing facilities which have received certification for a different level of care. Providers who made changes to their level of care which relate to a higher payment limit for reimbursement shall be allowed to file a projected cost report to reflect an interim rate for the changed level of care, if approved by the secretary or a designated official.

(e) Change of provider.

(1) When a provider makes no change in the facility, number of beds or operations, the interim payment rate for the first 12 months of operation shall be based on the historical cost data of the previous owner or provider. The new owner or provider shall file an historical cost report within three months after the end of the 12-month period and again within three months after the end of the provider's fiscal year established for tax or accounting purposes. A retroactive settlement will be made based on the variances between the interim payment rates and the historic rates from the first cost report filed by the new provider subject to K.A.R. 30-10-214(a)(2). The rates determined from these cost reports shall be effective in accordance with K.A.R. 30-10-215.

(2) The new provider may file a projected cost report when the care of the clients may be at risk because the per diem rate of the previous provider is not sufficient for the new provider to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards. The provisions of this subparagraph shall not apply when capital improvements, applicable to all providers, are required by new state or federal regulations.

(f) Per diem rates with errors.

(1) When per diem rates, whether based upon projected or historical cost data, are audited by the agency and are found to contain errors, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. If a provider no longer operates a facility with an identified overpayment, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation unless other arrangements have been made to reimburse the agency. A net settlement may be made when a provider has more than one facility involved in settlements.

(2) Per diem rates for providers may be increased or decreased as a result of a desk review or audit on

the provider's cost reports. Written notice of these per diem rate changes and of the audit findings due to an audit shall be sent to the provider. Retroactive adjustments of rates paid during any projection period shall apply to the same period of time covered by the projected rates, except that no adjustment shall be made for the period of time that the lowest rate, or other penalty-reduced rate, is in effect.

(3) Providers have 30 days from the date of the audit report cover letter to request an administrative review of the audit adjustments that result in an overpayment or underpayment. The request shall specify the finding or findings that the provider wishes to have reviewed.

(4) Any audit exception imposed on the agency by the department of health and human services due to provider action may be recovered from the provider.

(g) Out-of-state providers. Rates for clients served by out-of-state providers certified to participate in a medicaid program shall be the rate or rates approved by the agency. Out-of-state providers require prior authorization by the agency.

(h) Projected cost report to meet survey requirements.

(1) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs in excess of \$125,000.00 for facilities with more than 16 beds, and \$40,000.00 for facilities with 16 beds or less, to meet certification requirements shall be allowed to file a projected cost report when approved by the secretary or a designated official.

(2) The projected cost report shall be based on a proposed budget for the survey corrections for the provider's most immediate future 12-month period. The projection period shall end on the last day of a calendar month. Copies of the survey deficiencies shall be attached to the projected cost report.

(3) The projected cost report shall be approved for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period. The projected budget items which are determined to be unreasonable or not appropriate to the survey corrections shall be excluded.

(4) A reasonable add-on to the per diem rate already in effect shall be determined from the reviewed projected cost report. The increases to the per diem rate shall not be limited by K.A.R. 30-10-214(a)(2).

(5) Within three months after the end of the projection period, the provider shall submit an historical cost report for an audit of its actual expenditures for the survey correction projection period.

(i) Determination of rates for ICF-MR providers re-entering the medicaid program.

(1) The per diem rate for each provider re-entering the medicaid program shall be determined from:

(A) A projected cost report in those cases where the provider:

(i) Has not actively participated and been certified in the program for 24 months or more; or

(ii) has not participated in the medicaid program for less than 24 months and the per diem rate to be paid is not sufficient reimbursement for providing the eco-

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conomic and efficient care and services required by program laws and regulations; or

(B) the last historic cost report filed with the agency if the provider has actively participated in the program during the most recent 24 months, and if the per diem rate to be paid is sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations. The appropriate inflation factors may be applied to the per diem rate determined in accordance with this paragraph.

(2) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(A) of this subsection, a settlement shall be made in accordance with K.A.R. 30-10-214(f).

(3) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(B) of this subsection, a settlement shall be made only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-215. ICF-MR rates; effective dates.** (a) Effective date of per diem rates for existing facilities. The effective date of a new rate that is based on information and data in the adult care home cost report shall be the first day of the third calendar month following the month the complete cost report is received by the agency.

(b) Effective date of the per diem rate for a new provider. The effective date of the per diem rate for a new provider, as set forth in subsection (c) of K.A.R. 30-10-214, shall be the date of certification by the department of health and environment pursuant to 42 CFR section 442.13, effective October 3, 1988, which is adopted by reference. The interim rate determined from the projected cost report filed by the provider shall be established with the fiscal agent by the first day of the third month after the receipt of a complete and workable cost report. The effective date of the final rate, determined after audit of the historical cost report filed for the projection period, shall be the date of certification by the department of health and environment.

(c) Effective date of the per diem rate for a new provider resulting from a change in provider.

(1) The effective date of the per diem rate for a new provider, as set forth in K.A.R. 30-10-215, shall be the date of certification by the department of health and environment. The effective date of the final rate, determined after audit of the historical cost report filed for the projection period, shall be the date of certification by the department of health and environment.

(2) The effective date of the projected and final rate for a new provider, as set forth in K.A.R. 30-10-214, shall be the later of the date of the receipt of the ICF-MR financial and statistical report or the date the new construction is certified.

(d) The effective date of the per diem rates for providers with more than one facility filing an historic

cost report, in accordance with K.A.R. 30-10-213, shall be the first day of the third calendar month after all cost reports due from that provider have been received.

(e) The effective date for a provider filing an historic cost report covering a projection status period shall be the first day of the month following the report year-end. This is the date that historic and estimated inflation factors are applied in determining prospective rates. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-216. ICF-MR payment of claims.** (a) Payment to participating provider. Each participating provider shall be paid, at least monthly, a per diem rate for ICF-MR services, excluding client liability, rendered to eligible clients provided that:

(1) The agency is billed on the turn-around document or electronic claims submission furnished by the contractor serving as the fiscal agent for the medicaid/medikan program;

(2) the turn-around document or electronic claims submission is verified by the administrator of the facility or a designated key staff member; and

(3) the claim is filed no more than six months after the time the services were rendered pursuant to K.S.A. 39-708a, and any amendments thereto.

(b) Client's liability. The client's liability for services shall be the amount determined by the local agency office in which a medicaid/medikan client or the client's agent applies for care. The client's liability begins on the first day of each month and shall be applied in full prior to any liability incurred by the medicaid/medikan program. The unexpended portion of the client's liability payment shall be refunded to the client or client's agent if the client dies or otherwise permanently leaves the facility.

(c) The payment of claims may be suspended if there has been an identified overpayment and the provider is financially insolvent. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-217. ICF-MR reserve days.** (a) Payment shall be available for days for which it is necessary to reserve a bed in an intermediate care facility for the mentally retarded when the client is absent for:

(1) Admission to a hospital for acute conditions;

(2) a temporary absence for therapeutically indicated home visits with relatives or friends; or

(3) a temporary absence to participate in state-approved therapeutic or rehabilitative programs.

(b) The following conditions shall be met in any instance in which a bed is reserved during a temporary absence in a hospital for acute conditions:

(1) Payment shall be available only for the days during which there is a likelihood that the reserved bed would otherwise be required for occupancy by some other client.

(2) The local agency office shall approve the request for hospital reserve days within five to seven working days.

(3) The periods of hospitalization for acute conditions shall not exceed 10 days per any single hospital stay.

(4) The client shall intend to return to the same facility after hospitalization.

(5) The hospital shall provide a discharge plan for the client.

(c) The client's plan of care shall provide for the non-hospital related absence. Payment for non-hospital related reserve days for eligible clients residing in intermediate care facilities for the mentally retarded shall not exceed 21 days per calendar year, including travel. If additional days are required to alleviate a severe hardship or facilitate normalization, the ICF-MR party shall send the request for additional days and supporting documentation to the agency for approval or disapproval.

(d) This regulation shall not prohibit any client from leaving a facility if the client so desires.

(e) Payments made for unauthorized reserve days shall be reclaimed by the agency.

(f) Prior to any routine absence by eligible clients, the provider shall notify the local agency office. In case of emergency admission to a hospital, notification shall be submitted to the local agency office no later than five working days following admission.

(g) Payment for reserve days shall not be made until written authorization has been given by the local agency office to the provider. A copy of the authorization shall be attached to the turn-around document or electronic claims submission.

(h) Payment for reserve days shall be approved except when:

(1) The request for reserve days is received by the area or local agency more than seven working days after the beginning of absence; or

(2) the request for reserve days is for an absence longer than 10 hospital days. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-218. ICF-MR non-reimbursable costs.** (a) Costs not related to client care, as set forth in K.A.R. 30-10-200, shall not be considered in computing reimbursable costs. In addition, the following expenses or costs shall be allowed:

(1) Fees paid to non-working directors and the salaries of non-working officers;

(2) bad debts;

(3) donations and contributions;

(4) fund-raising expenses;

(5) taxes, including:

(A) Federal income and excess profit taxes, including any interest or penalties paid thereon;

(B) state or local income and excess profits taxes;

(C) taxes from which exemptions are available to the provider;

(D) taxes on property which is not used in providing covered services;

(E) taxes levied against any client and collected and remitted by the provider;

(F) self-employment taxes applicable to individual

proprietors, partners, or members of a joint venture; and

(G) interest or penalties paid on federal and state payroll taxes;

(6) insurance premiums on lives of officers and owners;

(7) the imputed value of services rendered by non-paid workers and volunteers;

(8) utilization review;

(9) costs of social, fraternal, and other organizations which concern themselves with activities unrelated to their members' professional or business activities;

(10) oxygen;

(11) vending machine and related supplies;

(12) board of director costs;

(13) client personal purchases;

(14) barber and beauty shop expenses;

(15) advertising for client utilization;

(16) public relations expenses;

(17) penalties, fines, and late charges;

(18) prescription drugs;

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

(20) automobiles and related accessories in excess of \$25,000.00. Buses and vans for client transportation shall be reviewed for reasonableness and may exceed \$25,000.00 in costs;

(21) airplanes;

(22) costs of legal fees incurred in actions brought against the agency;

(23) aggregate costs incurred in excess of historical total costs plus allowed inflation, without prior authorization of the agency; and

(24) costs incurred through providing service to a bed made available through involuntary discharge of a recipient without prior authorization of the agency.

(b) The following contract cost limitations under the day habilitation program shall not be allowed:

(1) Client salaries and FICA match;

(2) all material costs, including sub-contracts;

(3) all costs related to securing contracts; and

(4) 50% of the cost of the following items:

(A) Cost of equipment lease;

(B) maintenance of equipment;

(C) purchase of small tools under \$100.00; and

(D) depreciation of production equipment. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-219. ICF-MR costs allowed with limitations.** (a) The following expenses or costs shall be allowed with limitations:

(1) Loan acquisition fees and standby fees shall be amortized over the life of the related loan if the loan is related to client care.

(2) Only the taxes specified below shall be allowed as amortized costs.

(A) Taxes in connection with financing, re-financing, or re-funding operations; and

(B) special assessments on land for capital improve-

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ments over the estimated useful life of those improvements.

(3) Purchase discounts, allowances, and refunds shall be deducted from the cost of the items purchased. Refunds of prior year expense payments shall also be deducted from the related expenses.

(4) Any start-up cost of a provider with a newly constructed facility shall be recognized if it is:

(A) Incurred prior to the opening of the facility and related to developing the ability to care for clients;

(B) amortized over a period of not less than 60 months;

(C) consistent with the facility's federal income tax return, and internal and external financial reports with the exception of (B) above; and

(D) identified in the cost report as a start-up cost which may include:

(i) Administrative and nursing salaries;

(ii) utilities;

(iii) taxes;

(iv) insurance;

(v) mortgage interest;

(vi) employee training costs; and

(vii) any other allowable costs incidental to the operation of the facility.

(5) Any cost which can properly be identified as organization expenses or can be capitalized as construction expenses shall be appropriately classified and excluded from start-up cost.

(6) Organization and other corporate costs, as defined in K.A.R. 30-10-200, of a provider that is newly organized shall be amortized over a period of not less than 60 months beginning with the date of organization.

(7) Membership dues and costs incurred as a result of membership in professional, technical, civic, or business-related organizations shall be allowable. However, similar expenses set forth in paragraph (a)(9) of K.A.R. 30-10-218 shall not be allowable.

(8) (A) Costs associated with services, facilities, and supplies furnished to the ICF-MR by related parties, as defined in K.A.R. 30-10-200, shall be included in the allowable cost of the facility at the actual cost to the related party, except that the allowable cost to the ICF-MR provider shall not exceed the lower of the actual cost or the market price.

(B) When a provider chooses to pay an amount in excess of the market price for supplies or services, the agency shall use the market price to determine the allowable cost under the medicaid/medikan program in the absence of a clear justification for the premium.

(9) The net cost of approved staff educational activities shall be an allowable cost. The net cost of "orientation" and "on-the-job training" shall not be within the scope of approved educational activities, but shall be recognized as normal operating costs.

(10) Client-related transportation costs shall include only reasonable costs that are directly related to client care and substantiated by detailed, contemporaneous expense and mileage records. Transportation costs only remotely related to client care shall not be allowable. Estimates shall not be acceptable.

(11) Lease payments. Lease payments shall be re-

ported in accordance with the financial account statements of the Financial Accounting Standards Board. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-220. ICF-MR revenues.** A statement of revenue shall be required as part of the cost report forms. (a) Revenue shall be reported in accordance with general accounting rules as recorded in the accounting records of the facility and as required in the detailed revenue schedule in the uniform cost report.

(b) The cost of non-covered services provided to clients shall be deducted from the related expense item. The net expense shall not be less than zero.

(c) Revenue received for a service that is not related to client care shall be used to offset the cost of providing that service, if the cost incurred cannot be determined or is not furnished to the agency by the provider. The cost report line item which includes the non-client related costs shall not be less than zero. Miscellaneous revenue with insufficient explanation in the cost report shall be offset.

(d) Expense recoveries credited to expense accounts shall not be reclassified as revenue to increase the costs reported in order to qualify for a higher rate.

(e) Each ICF-MR provider with a day habilitation program shall not be required to deduct the income earned from the costs incurred on contracts. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-221. ICF-MR compensation of owners, spouses, related parties and administrators.** (a) Non-working owners and related parties. Remunerations paid to non-working owners or other related parties, as defined in K.A.R. 30-10-200, shall not be considered an allowable cost regardless of the name assigned to the transfer or accrual or the type of provider entity making the payment. Each payment shall be separately identified and reported as owner compensation in the non-reimbursable and non-client related expense section of the cost report.

(b) Services related to client care.

(1) If owners with 5% or more ownership interest, spouses, or related parties actually perform a necessary function directly contributing to client care, a reasonable amount shall be allowed for such client care activity. The reasonable amount allowed shall be the lesser of:

(A) The reasonable cost that would have been incurred to pay a non-owner employee to perform the client-related services actually performed by owners or other related parties, limited by a schedule of salaries and wages based on the state civil service salary schedule in effect when the cost report is processed until the subsequent cost report is filed; or

(B) the amount of cash and other assets actually withdrawn by the owner, spouse, or related parties.

(2) The client-related functions shall be limited to those functions common to the industry and for which cost data is available which are normally performed by non-owner employees. The job titles for administrative

and supervisory duties performed by an owner, spouse, or related party shall be limited to the work activities included in the schedule of the owner, spouse, or related party salary limitations.

(3) The salary limit shall also be pro-rated in accordance with subsection (c) of this regulation. In no case shall the limitation exceed the highest salary limit on the civil-service-based chart.

(4) The owner, spouse, or related party shall be professionally qualified for those functions performed which require licensure or certification.

(5) Cash and other assets actually withdrawn shall include only those amounts or items actually paid or transferred during the cost reporting period in which the services were rendered and reported to the internal revenue service.

(6) Any liabilities established shall be paid in cash within 75 days after the end of the accounting period.

(c) Allocation of owner, spouse, or related party total work time for client-related functions. When any owner, spouse, or related party performs a client-related function for less than a full-time-equivalent work week, the compensation limit shall be pro-rated. The time spent on each function within a facility or within all facilities in which they have an ownership or management interest, shall be pro-rated separately by function, but shall not exceed 100% of that person's total work time. Time spent on other non-related business interests or work activities shall not be included in calculations of total work time.

(d) Reporting owner, spouse, or related party compensation on cost report. Owner, spouse, or related party compensation shall be reported on the owner compensation line in the appropriate cost center for the work activity involved. Any compensation paid to employees who have an ownership interest of 5% or more, including employees at the central office of a chain organization, shall be considered to be owner compensation. Providers with professionally qualified owner, spouse, or related party employees performing duties other than those for which they are professionally qualified shall report the cost for such duties in the administrative cost center.

(e) Owner-administrator compensation limitation.

(1) Reasonable limits shall be determined by the agency for owner-administrator compensation based upon the current civil service salary schedule.

(2) This limitation shall apply to the salaries of each administrator and co-administrator of that facility and to owner compensation reported in the administrative cost center of the cost report. This limitation shall apply to the salary of the administrator and co-administrator, regardless of whether they have any ownership interest in the business entity.

(3) Each salary in excess of the owner, spouse, or related party limitations determined in accordance with subsections (b) and (c) of this regulation shall be transferred to the owner compensation line in the administrative cost center and shall be subject to the owner-administrator compensation limitation. All owner-administrator compensation in excess of the limitation shall be included in the administrative costs used to compute the efficiency factor.

(f) Management consultant fees. Fees for consulting services provided by the following professionally qualified people shall be considered owner's compensation subject to the owner-administrator compensation limit and shall be reported on the owner compensation line in the administrative cost center if the actual cost of the service is not submitted with the adult care home financial and statistical report:

(1) Related parties as defined in K.A.R. 30-10-200;

(2) current owners of the provider agreement and operators of the facility;

(3) current owners of the facility in a lessee-lessor relationship;

(4) management consulting firms owned and operated by former business associates of the current owners in this and other states;

(5) owners who sell and enter into management contracts with the new owner to operate the facility; and

(6) accountants, lawyers and other professional people who have common ownership interests in other facilities, in this or other states, with the owners of the facility from which the consulting fee is received.

(g) Costs not related to client care. An allowance shall not be made for costs related to investigation of investment opportunities, travel, entertainment, goodwill, administrative or managerial activities performed by owners or other related parties that are not directly related to client care. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-222. ICF-MR ownership reimbursement fee.** (a) The agency shall determine an allowable cost for ownership.

(b) (1) The ownership allowance shall include an appropriate component for:

(A) Rent or lease expense;

(B) interest expense on real estate mortgage;

(C) amortization of leasehold improvements; and

(D) depreciation on buildings and equipment.

(2) The ownership allowance shall be subject to a facility maximum.

(c) (1) The depreciation component of the ownership allowance shall be:

(A) Identifiable and recorded in the provider's accounting records;

(B) based on the historical cost of the asset as established in this regulation; and

(C) pro-rated over the estimated useful life of the asset using the straight-line method.

(2) (A) Appropriate recording of depreciation shall include identification of the depreciable assets in use, the assets' historical costs, the method of depreciation, the assets' estimated useful life, and the assets' accumulated depreciation.

(B) Gains and losses on the sale of depreciable personal property shall be reflected on the cost report at the time of such sale. Trading of depreciable property shall be recorded in accordance with the income tax method of accounting for the basis of property acquired. Under the income tax method, gains and losses arising from the trading of assets are not recognized

(continued)

in the year of trade but are used to adjust the basis of the newly acquired property.

(3) (A) Gains from the sale of depreciable assets while the provider participates in the medicaid/medikan program, or within one year after the provider terminates participation in the program, shall be used to reduce the allowable costs for each cost reporting period prior to the sale, subject to limitation. The total sale price shall be allocated to the individual assets sold on the basis of an appraisal by a qualified appraiser or on the ratio of the seller's cost basis of each asset to the total cost basis of the assets sold.

(B) The gain on the sale shall be defined as the excess of the sale price over the cost basis of the asset. The cost basis for personal property assets shall be the book value. The cost basis for real property assets sold or disposed of before July 18, 1984, shall be the lesser of the book value adjusted for inflation by a price index selected by the agency or an appraisal by an American institute of real estate appraiser or an appraiser approved by the agency. The cost basis for real property assets sold or disposed of after July 17, 1984 shall be the book value.

(C) The gain on the sale shall be multiplied by the ratio of depreciation charged while participating in the medicaid/medikan program to the total depreciation charged since the date of purchase or acquisition. The resulting product shall be used to reduce allowable cost.

(4) For depreciation purposes, the cost basis for a facility acquired after July 17, 1984 shall be the lesser of the acquisition cost to the holder of record on that date or the purchase price of the asset. The cost basis shall not include costs attributable to the negotiation or final purchase of the facility, including legal fees, accounting fees, travel costs and the cost of feasibility studies. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-223. ICF-MR interest expense.** (a) Only necessary and proper interest on working capital indebtedness shall be an allowable cost.

(b) The interest expense shall be incurred on indebtedness established with:

(1) Lenders or lending organizations not related to the borrower; or

(2) partners, stockholders, home office organizations, or related parties, if the following conditions are met:

(A) The terms and conditions of payment of the loans shall resemble terms and conditions of an arms-length transaction by a prudent borrower with a recognized, local lending institution with the capability of entering into a transaction of the required magnitude.

(B) The provider shall demonstrate, to the satisfaction of the agency, a primary business purpose for the loan other than increasing the per diem rate.

(C) The transaction shall be recognized and reported by all parties for federal income tax purposes.

(c) When the general fund of an ICF-MR "borrows" from a donor-restricted fund, this interest expense shall be an allowable cost if it is considered by the

agency to be reasonable. In addition, if an ICF-MR operated by members of a religious order borrows from the order, interest paid to the order shall be an allowable cost.

(d) The interest expense shall be reduced by the investment income from restricted or unrestricted idle funds or funded reserve accounts, except when that income is from gifts and grants, whether restricted or unrestricted, which are held in a separate account and not commingled with other funds. Income from the provider's qualified pension fund shall not be used to reduce interest expense.

(e) Interest earned on restricted or unrestricted reserve accounts of industrial revenue bonds of sinking fund accounts shall be offset against interest expense and limited to the interest expense on the related debt.

(f) Loans made to finance that portion of the cost of acquisition of a facility that exceeds historical cost or the cost basis recognized for program purposes shall not be considered to be reasonably related to client care. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-40, Dec. 28, 1940; effective March 4, 1991.)

**30-10-224. ICF-MR central office costs.** (a) Allocation of central office costs shall be reasonable, conform to general accounting rules, and allowed only to the extent that the central office is providing a service normally available in the ICF-MR. Central office costs shall not be recognized or allowed to the extent they are unreasonably in excess of similar ICF's-MR in the program. The burden of furnishing sufficient evidence to establish a reasonable level of costs shall be on the provider. All expenses reported as central office cost shall be limited to the actual client-related costs of the central office.

(b) Expense limitations.

(1) Salaries of professionally qualified employees performing the duties for which they are professionally qualified shall be allocated to the room and board and health care cost centers as appropriate for the duties performed. Professionally qualified employees include licensed and registered nurses, dietitians, qualified mental retardation professionals, and other as may be designated by the secretary.

(2) Salaries of chief executives, corporate officers, department heads, and employees with ownership interests of 5% or more shall be considered owner's compensation and shall be reported as owner's compensation in the administrative cost center. Salaries of the chief executive officers of non-profit organizations shall also be considered owner's compensation and included in the administrative cost center.

(3) The salary of an owner or related party performing a client-related service for which such person is professionally qualified shall be included in the appropriate cost center for that service.

(4) Salaries of all other central office personnel performing client-related administrative functions shall be reported in the administrative cost center.

(5) All providers operating more than one facility shall complete and submit detailed schedules of all salaries and expenses incurred for each fiscal year. Fail-



ure to submit detailed central office expenses and allocation methods shall result in the cost report being considered incomplete. Methods for allocating all program costs to all facilities in this and other states shall be submitted for prior approval. Changes in these methods shall not be permitted without prior approval.

(6) A central office cost limit may be established by the agency within the overall administrative cost center limit. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-225. ICF-MR client days.** (a) Calculation of client days.

(1) Client day has the meaning set forth in K.A.R. 30-10-200.

(2) If both admission and discharge occur on the same day, that day shall be considered to be a day of admission and shall count as one client day.

(3) If the provider does not make refunds on behalf of a client for unused days in case of death or discharge, and if the bed is available and actually used by another client, these unused days shall not be counted as a client day.

(4) Any bed days paid for by the client, or any other party on behalf of the client, before an admission date shall not be counted as a client day.

(5) The total client days for the cost report period shall be precise and documented; an estimate of the days of care provided shall not be acceptable.

(6) In order to facilitate accurate and uniform reporting of client days, the accumulated method format set forth in forms prescribed by the secretary shall be used for all clients. These forms shall be submitted to the agency as supportive documentation for the client days shown on the cost report forms and shall be submitted at the time the cost report forms are submitted to the agency. Each provider shall keep these monthly records for each client, whether a medicaid/medikan recipient or a non-recipient. If a provider fails to keep accurate records of client days in accordance with the accumulated method format, the assumed occupancy rate shall be 100%.

(7) The provider shall report the total number of medicaid/medikan client days in addition to the total client days on the uniform cost report form.

(b) Any provider which has an occupancy rate of less than 90% for the cost report period shall calculate client days at a minimum occupancy of 90%.

(c) The minimum occupancy rate shall be determined by multiplying the total licensed bed days available by 90%. Therefore, in order to participate in the medicaid/medikan program, each ICF-MR provider shall obtain proper certification for all licensed beds.

(d) Respite care days shall be counted as client days and reported on the monthly census forms.

(e) Day care and day treatment shall be counted as one client day for 18 hours of service. The total hours of service provided for all clients during the cost reporting year shall be divided by 18 hours to convert to client days. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

**30-10-226. ICF-MR reimbursement for nurse aide training for FY 1990.** (a) ICF-MR providers receiving the \$.43 per client day payments in FY 1990 for nurse aide training costs shall:

(1) Promptly complete required in-service preparation sheets to document the training sessions, the nurse aides attendance, and the expense involved; and

(2) complete and file the required OBRA nurse aide training/funding form with the agency after July 1, 1990 and before September 30, 1990. All completed in-service preparation sheets shall also be filed at the same time. An extension of the filing deadline for up to 30 days may be granted for good cause if filed in writing prior to the filing deadline.

(b) Completion of the in-service preparation sheets shall require a detailed statement of costs for nurse aide training. Costs may include, but are not limited to, the aides' wages and benefits while they are in training and the instructors' expenses, contracts with outside institutions, educational materials and supplies, and travel expenses. Each cost of \$100.00 or more shown on the statement must be supported by originals or copies of invoices, cancelled checks, agreements, or other documents which clearly describe the goods or services purchased and their cost. Any necessary backup information or documents must be available on any audit requests to the agency.

(c) Notwithstanding the provisions of K.A.R. 30-10-201, any new provider shall be responsible for obtaining nurse aide training information from the prior provider to document costs and client days and any new provider shall be responsible for any overpayment of reimbursement for nurse aide training for FY 1990 to the prior provider.

(d) The agency shall audit the in-service preparation sheets and documents filed by each provider. The total allowable training costs will be divided by the total days of service to determine the actual per diem cost. There will be no minimum occupancy in determining the actual cost per day. The variance between the actual cost per day and the \$.43 reimbursed to the provider will be multiplied by the medicaid days to determine any overpayment. A settlement will then be recovered from the provider.

(e) A failure of a provider to timely submit the required forms or to supply accurate information may result in the determination of an overpayment of the entire amount of reimbursement for nurse aide training for FY 1990 paid to that provider. (Authorized by and implementing K.S.A. 39-708c, as amended by L. 1990, Chapter 152; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991.)

Robert Harder  
Acting Secretary of Social  
and Rehabilitation Services

Doc. No. 010135

## State of Kansas

## Department of Transportation

Permanent Administrative  
RegulationsArticle 1.—SPECIAL PERMITS, LOADS,  
AND VEHICLES

**36-1-1. General policy on the issuance of special permits.** (a) When vehicles and loads exceeding the legal sizes and weights defined in K.S.A. 1989 Supp. 8-1902, 8-1908, 8-1909 and K.S.A. 1989 Supp. 8-1904, as amended by L. 1990, Ch. 50, Sec. 3 are of such a type that they cannot be reasonably divided or reduced, special permits may be issued by the secretary of transportation or the secretary's designee for the movement of these vehicles and loads on state highways. Special vehicle combination permits may be issued for certain divisible loads as set forth in K.A.R. 36-1-28 through 36-1-34.

(b) Acceptance of the permit by the applicant/owner shall be evidence that the applicant/owner:

(1) assures full compliance with all requirements contained in K.S.A. 1989 Supp. 8-1911 as amended by L. 1990, Ch. 50, Sec. 4 and these regulations;

(2) assumes all responsibility for injury to persons or damage to public or private property; and

(3) agrees to hold the state of Kansas immune from all suits, claims, or damages arising from the movement of such vehicles.

(c) Loads eligible for special permits include, but are not limited to: tanks, tractors, house trailers, buildings, power shovels, oil field equipment, and the following:

(1) loads containing more than one piece of culvert pipe, if the load does not exceed eight feet six inches in width, 18 feet in height, and the length as defined in K.S.A. 1989 Supp. 8-1904 as amended by L. 1990, Ch. 50, Sec. 3;

(2) trucks and trailers especially designed and exclusively used for transporting modular building sections if the vehicle or load does not exceed 12 feet in width and 85 feet in length; and

(3) Overweight self-propelled truck-mounted cranes if it is towing a trailer containing counter-weights and outrigger stands.

(d) Except when using the interstate highways, special permits shall not be required to haul oversized farm machinery:

(1) by anyone from field to field on a truck or trailer; or

(2) by an implement dealer to or from a farm within 100 miles of the implement dealer's place of business. Only mileage within the state of Kansas shall be used to calculate the 100 miles.

(e) For purposes of this regulation, farm machinery shall include any machinery used in custom farm operations.

(f) Except as provided in K.A.R. 36-1-28 through 36-1-34, only one article may be transported if a second article would cause the load to exceed weight, width or length restriction requirements.

(g) Every article or unit shall be loaded with the smallest dimension as its width.

(h) A permit shall be obtained to move any load that exceeds the sizes and weights, as defined in K.S.A. 1989 Supp. 8-1902, 8-1908, 8-1909 and K.S.A. 1989 Supp. 8-1904, as amended by L. 1990, Ch. 50, Sec. 3, over any highway of the state system. This includes moving across any highway. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1908, 8-1909, K.S.A. 1989 Supp. 8-1904, as amended by L. 1990, Ch. 50, Sec. 3, and K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sec. 4; effective Jan. 1, 1966; amended, E-70-14, Jan. 19, 1970; amended, E-70-23, April 29, 1970; amended Jan. 1, 1971; amended, E-71-32, Aug. 1, 1971; amended Jan. 1, 1972; amended May 1, 1979; amended May 1, 1983; amended March 4, 1991.)

SPECIAL VEHICLE COMBINATION PROGRAM  
RULES AND REGULATIONS

**36-1-28. Special vehicle combinations.** (a) Notwithstanding any other regulation, special vehicle combination permits may be issued for a combination of vehicles which exceeds the size and length restriction requirements of K.S.A. 8-1904 and amendments thereto.

(b) A "special vehicle combination" for the purposes of these regulations means a truck-tractor semitrailer-trailer-trailer combination of vehicles. A trailer may consist of a converter dolly and a semitrailer. No converter dolly shall be pulled behind the third trailer. A "special vehicle combination" shall hereby be referred to as "SVC" and the Kansas department of transportation shall hereby be referred to as "KDOT."

(c) Any applicant/owner who applies for an annual SCV permit shall furnish the following before the permit may be issued:

(1) a description of the applicant/owner's training and supervisory programs for drivers;

(2) a description of the applicant/owner's shop facilities and maintenance programs for equipment;

(3) a description of the applicant/owner's compliance with driver qualification standards;

(4) a description of the applicant/owner's safety program;

(5) a list of vehicles for which permits are being applied for including model and vehicle identification numbers;

(6) a list showing the names of drivers to be certified; and

(7) the necessary maps showing all route information to and from the applicant/owner's terminal.

(d) Annual certification shall be required for every SVC. All requests for certification or recertification shall be submitted:

(1) in writing to KDOT, special permit section;

(2) at least one month prior to the expiration of the current permit.

(e) Once certification is approved, the applicant/owner may apply for an annual SVC permit. The application shall include all applicable fees.

(f) Upon approval of the application and payment of associated fees, KDOT will issue annual SVC per-

mits showing the model and vehicle identification numbers (VIN) of the vehicles being certified and provide the applicant/owner with driver certification cards both of which shall be carried in the SVC whenever it is operating. Permits and VIN information shall be displayed to any law enforcement officer, Kansas highway patrol officer or employee of KDOT upon request.

(g) In addition to the annual SVC permit, the applicant/owner must obtain all other necessary permits for travel in Kansas.

(h) SVC permits shall be \$2000.00 per year for each qualified applicant/owner company plus \$50.00 per year for each special vehicle combination power unit operating under such annual SVC permit. Lost or destroyed SVC permits may be reissued upon request to KDOT.

(i) Access routes to terminals will be designated on each annual SVC permit. Such terminal shall be within five miles of the interstate. The applicant/owner shall ensure that the SVC can safely maneuver through any construction work zones or detours. Any deviation from this route must be authorized by a representative of the special permit section of KDOT.

(j) SVC travel may be prohibited or restricted to specific routes, hours of operation, specific days, or seasonal periods, when adverse conditions, traffic, weather or safety considerations make such travel unsafe or inadvisable. A SVC shall not be dispatched during adverse weather conditions, such as high winds, snow, ice, sleet, hail, fog, mist, rain, dust, smog, or smoke. If adverse weather or road conditions are encountered during operation, the driver of the SVC shall:

(1) proceed to the next available exit and wait for conditions to improve; or

(2) proceed to the next available exit and detach a trailer.

(k) No movement of a SVC is allowed on holidays or holiday weekends.

(l) Every applicant/owner approved to operate an SVC shall provide the KDOT special permit section all information relating to accidents, operational costs, safety inspections, equipment, maintenance, Motor Carrier Safety Assistance Program (MCSAP) out-of-service reports or other pertinent operational information.

(m) Notwithstanding other state and federal requirements for reporting motor vehicle accidents, a copy of any accident report involving the SVC being operated under an annual SVC permit shall be delivered or mailed to KDOT, special permit section, within 10 days of the accident. If the accident involves a death, within 24 hours the carrier must provide the information specified in section 394.7(b) of the federal motor carrier safety regulations manual, as in effect April 1, 1990 and adopted herein by reference, to KDOT, special permit section. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

**36-1-29. Violations.** (a) The Kansas highway patrol and any local law enforcement agency (enforcement agency) have the authority to enforce the

provisions of these SVC regulations.

(b) In the event any SVC does not comply with the restrictions as specified in K.S.A. 1989 Supp. 8-1908, the enforcement agency has the discretionary authority to request the driver to shift or remove any portion of the load or to adjust the configuration in order to bring the SVC into compliance.

(c) The enforcement agency may require the detaching of a trailer if the SVC or driver is in violation of these rules and regulations. If one of the trailers is to be detached:

(1) the SVC shall be driven to an appropriate location as determined by the enforcement agency;

(2) provisions by the applicant/owner of the SVC shall be made to have another truck-tractor sent to retrieve the detached trailer; and

(3) all related expenses and labor costs shall be the responsibility of the applicant/owner.

(d) The responsibility for strict compliance with the requirements shown in this section and the payment of fines shall be the responsibility of the applicant/owner of the SVC.

(e) Noncompliance with these rules and regulations can result in the suspension or the cancellation of the annual SVC permit.

(f) In accordance with the hearing procedures found in K.A.R. 36-1-30, an annual SVC permit may be suspended, cancelled or withheld for any violation of these regulations until such violation is rectified. Repeated or serious violations may result in suspension or cancellation of the applicant/owner's SVC certification. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

**36-1-30. Cancellation of permit, hearing.** (a) Whenever the secretary cancels an annual SVC permit, the applicant/owner shall be notified by certified mail, return receipt requested, at the address on the application, of the following:

(1) the right to a hearing;

(2) the right to be represented by counsel of the applicant's own choosing at the hearing;

(3) that a written request for a hearing must be filed with the secretary within 15 days of the date of mailing of the order of cancellation to the applicant/owner; and

(4) that the timely filing of the request shall suspend the operation of the order of cancellation pending a hearing.

(b) After receipt by KDOT of a request for a hearing, the applicant/owner of the SVC and any person who has made a complaint as to the operation of the SVC shall be given not less than 10 days written notice by the secretary of the time and place of hearing by registered or certified mail, return receipt requested, provided an address is available. If available, the letter will be addressed to the persons at their last known address, as shown by the files of the secretary.

(c) The owner of the SVC and other interested parties may appear at the hearing in person or by counsel and present their reasons for and against cancellation of the permit. Corporations may be represented by an

(continued)

officer or other agent or by an attorney duly authorized to practice law in Kansas.

(d) At the conclusion of the hearing, the order cancelling the annual SVC permit shall be affirmed, vacated or taken under advisement and a final ruling will be issued within 10 days.

(1) If the order is vacated, the permit shall be reinstated and the SVC allowed to operate.

(2) If the order is affirmed, the applicant/owner may not apply for a new annual SVC permit for a period of one year from the date of the final ruling.

(e) If a hearing is not requested, the applicant/owner may not apply for a new annual SVC permit for a period of one year from the date of the original order of cancellation. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

**36-1-31. Equipment.** (a) All equipment on the SVC must conform with these regulations and those of the federal motor carrier safety regulations, 49 C.F.R. 390-399, as in effect on April 1, 1990 and adopted herein by reference. All equipment operated under the annual SVC permit is subject to periodic field inspection to ensure continued compliance with all equipment requirements.

(b) Power. All truck-tractors shall be powered to provide adequate acceleration ability and hill climbing ability under normal operating conditions, and to operate on level grades at speeds compatible with other traffic. The ability to maintain a minimum speed of 40 miles per hour under normal operating conditions on any grade and to be able to resume a speed of 40 miles per hour upon any grade on which the SVC is stopped is required.

(c) Tires. All tires shall be of the same size and construction (radial or non-radial). Tires must be properly inflated for the load being carried. Each axle must have two tires at each end of the axle, except for the steering axle.

(d) Fifth wheels. Every fifth wheel shall be:

(1) clean and lubricated with a light-duty grease.

(2) located in a position which provides adequate stability.

(e) King pins. Every king pin shall be solid-type and permanently fastened to the semitrailer. Screw-out or folding king pins are prohibited.

(f) Pick-up plates. Pick-up plates shall be of equal strength to the fifth wheel.

(g) Hitch connections. All hitch connections shall be no-slack air-actuated ram-type and isolated from the primary air transmission system.

(h) Pressure controlling devices. All pressure controlling devices shall be located outside the cab of the tractor and not accessible to the driver while in the cab.

(i) Drawbars. The drawbar length shall be the practical minimum consistent with clearances required between trailers for turning and backing maneuvers.

(j) Axles. All axles permanently attached to the trailer and/or semitrailer shall be designed for the width of the trailer. Drop or lift axles shall not be permitted. An SVC shall have a minimum of six and

a maximum of nine axles.

(1) The total weight on any single axle shall not exceed 20,000 pounds. The total weight on any tandem axle shall not exceed 34,000 pounds. Only single and tandem groupings shall be permitted. The total gross weight of the SVC shall not exceed 110,000 pounds.

(2) The total weight on any group of two or more consecutive axles shall not exceed the bridge formula as set out in 23 U.S.C. 127 as in effect on December 22, 1987 and adopted herein by reference. Compliance with height and length restriction requirements is required.

(k) Brakes. Fast air transmission and release valves shall be provided on all semitrailer and trailer axles. Brakes shall be installed to apply consecutively beginning with the rear axle and proceeding to the front axle. The use of engine-retarder brakes shall be prohibited.

(l) Antispray devices. Antispray mud flaps shall be attached to the rear of each axle except the steering axle. Mud flaps shall have a surface designed to absorb and deflect excess moisture to the road surface.

(m) Trailers/semitrailers. All trailers/semitrailers shall conform as follows:

(1) The heaviest trailer or semitrailer shall be placed in front and the lightest at the rear;

(2) The length of a semitrailer or trailer in a SVC shall not exceed 28½ feet in length; and

(3) A semitrailer used with a converter dolly shall be considered to be a trailer.

(n) Convex mirrors. In addition to the standard mirrors, each SVC shall be equipped with convex mirrors (minimum 6 inches in diameter) on the left and right sides of the truck-tractor. Such mirrors shall be visible by the driver while operating the SVC. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

**36-1-32. Operational Procedure.** (a) Following Distance. A minimum distance of 100 feet for every 10 miles per hour of speed shall be maintained between an SVC and other vehicles except when overtaking and passing.

(b) Lane of Travel. An SVC must remain in the right hand lane except when passing another vehicle traveling in the same direction or when emergency conditions exist.

(c) Disabled SVC. If an SVC is disabled for any reason other than an accident, it should be parked as far off the traveled way as possible. The KHP shall be notified as soon as possible, and the SVC shall be removed from the roadway. All expenses and labor costs shall be assumed by the applicant/owner.

(d) Cargo.

(1) All cargo shall be loaded to restrict any movement or shifting of the contents during routine delivery, sudden braking and other emergency maneuvers.

(2) Transportation of the following specified hazardous material types and quantities are prohibited:

(A) Any quantity of a material within the hazard classes specified in 49 C.F.R. 172.504, Table 1 as in effect on December 31, 1990 and as defined in 49

C.F.R. 173 as in effect on December 31, 1990 both of which are adopted herein by reference.

(B) Any material within the hazard classes specified in 49 C.F.R. 172.504, Table 2 as in the effect December 31, 1990 and adopted herein by reference, that:

- (i) exceeds 55 gallons per package;
- (ii) is transported in bulk quantities in excess of a 3500 water gallon capacity.

(C) Is classified as a "Poison-Inhalation Hazard" as defined in 49 C.F.R. 173.3a(b)(2) as in effect on December 31, 1990 and adopted herein by reference.

(e) Stability. Any SVC shall be stable at all times during normal braking and normal operation. When travelling on a level, smooth, paved surface, any SVC shall follow the towing vehicle without shifting or swerving beyond the restraints of the lane of travel.

(f) Bridges. No SVC shall cross any structure if the SVC is over the posted limit. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

**36-1-33. Insurance.** Every SVC operated under an annual SVC permit shall be covered by insurance of not less than \$500,000.00 general liability and

\$50,000.00 property damage. (Authorized by K.S.A. 68-404; K.S.A. 40-31-01 *et seq.*; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

**36-1-34. Driver Qualification Standards.** (a) Each SVC driver shall:

- (1) possess a class A chauffeur's or commercial driver's license (CDL) with an appropriate endorsements.
- (2) have a minimum of two years combined experience driving a truck-tractor-semitrailer combination;
- (3) have at least one year of experience in driving multiple trailer combinations; and
- (4) have completed:

- (A) a supervised SVC driver training program; and
- (B) a road test provided by the employer company.

(b) No more than one year may have elapsed between a driver's certification to these standards and the last time the driver was employed to operate truck-tractor-semitrailer combinations. (Authorized by K.S.A. 68-404; implementing K.S.A. 1989 Supp. 8-1911, as amended by L. 1990, Ch. 50, Sections 2, 4; effective March 4, 1991.)

Arland Hicks

Acting Secretary of Transportation

Doc. No. 010161

State of Kansas

Office of Judicial Administration  
Court of Appeals Docket

(Note: Dates and times of arguments are subject to change.)

Kansas Court of Appeals  
Court of Appeals Courtroom, 2nd Floor, Kansas Judicial Center  
Topeka, Kansas  
Before Briscoe, C. J.; Rees and Pierron, JJ.

Tuesday, January 29, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
64,847	John Mike Elwell, Appellee, v. Maiko Exploration & Drilling, Inc., Appellant.	Robert W. Fairchild James E. Rumsey	Douglas
64,137	Dennis C. Gardner, Appellee, v. Whelans, Inc., Weather Guard, Inc., Appellant, <i>et al.</i>	Douglas E. Wells Dana M. Harris James J. Cramer Gregory A. Lee J. Stephen Pigg	Shawnee

10:30 a.m.

65,537	Florabelle Hanna, Appellant, v. U.S.D. 373, Appellee.	Robert E. Duncan II Alan L. Rupe Stanley Oyler	Harvey
65,360	In the Matter of the Estate of Georgia B. Smith, deceased.	Eldon L. Meigs Fred A. Johnson	Pratt

(continued)

## 1:30 p.m.

64,736	State of Kansas, Appellee,	County Attorney Attorney General	Reno
	v. Steven Beem, Appellant.	Lucille Marino	
64,982	State of Kansas, Appellee,	County Attorney Attorney General	Reno
	v. Vincent Eugene Jefferson, Appellant.	Steven Zinn	
64,776	In the Matter of the Marriage of Pamela S. Rupp-Moody and Allen Ray Moody.	Glenn I. Kerbs Curtis E. Campbell	Ford

## 2:30 p.m.

65,361	State of Kansas, Appellee,	County Attorney Attorney General	Pratt
	v. Richard A. Parson, Appellant.	Kurt W. Ratzlaff	
64,702	Eugene Hrabe, Appellee,	Frank D. Minghini William P. Ronan	Rooks
	v. Rip Poore, <i>et al.</i> , Appellants.	Thomas C. Boone	

Wednesday, January 30, 1991

## 9:30 a.m.

Case No.	Case Name	Attorneys	County
65,727	Kristie Aguirre, Appellant, v. William & Betty Adams, Appellees.	Kirk W. Lowry William Hergenreter	Shawnee
64,430	Board of County Commissioners of Pottawatomie County, Appellee, v. Gaylord T. Acker and Robert D. Brockish, Appellants, <i>et al.</i>	John E. Lang Roy Stubblefield Howard Fick Gary R. Conklin	Pottawatomie

## Summary Calendar—No Oral Argument

65,241	Secretary, Dept. of SRS, <i>ex rel.</i> , Wilson, Appellant, v. Paul E. Cornwell, Appellee.	County Attorney Doug Thompson	Saline
65,379	Ronnie Green, Appellee, v. Capital City Moving & Storage, <i>et al.</i> , Appellants.	John J. Bryan Mark A. Buck	Shawnee
65,268	In the Interest of A.R., a minor.	Eric A. Stahl Kelly S. Hodge County Attorney	Geary
65,132	State of Kansas, Appellee, v. Floyd Michael Hughes, Appellant.	County Attorney Attorney General Jessica R. Kunen	Geary

Kansas Court of Appeals  
Supreme Court Courtroom, 3rd Floor, Kansas Judicial Center  
Topeka, Kansas

Before Brazil, P.J.; Davis and Larson, JJ.

Tuesday, January 29, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,195	Velma M. Williams, Appellant, v. Beech Aircraft Corp., Appellee.	Gerard D. Scott Terry J. Torline	Sedgwick
64,985	Brent E. and Pamela J. Remsberg, Appellants, v. Betty Killion, Appellee.	Richard H. Rumsey Stephen B. Plummer David J. Wood	Sedgwick

10:30 a.m.

65,082	Wichita Computer & Supply, Inc., Appellant, v. Mulvane State Bank, Appellee.	John C. King Jay C. Hinkel	Sedgwick
65,238	State of Kansas, <i>ex rel</i> , Fuson, Appellee, v. Victor D. Fitz, Appellant.	County Attorney Ted L. Peters	Butler

Summary Calendar—No Oral Argument

65,105	Lynnette A. Mayson, Appellee, v. Excel Corp., <i>et al.</i> , Appellants.	Gerard D. Scott James R. Roth Frederick L. Haag	Sedgwick
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Before Davis, P.J.; Larson and Gernon, JJ.

Tuesday, January 29, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
65,396	In the Interest of Y.Y.E., a minor.	Philip J. Bernhardt County Attorney	Montgomery
65,272	Continental Western Insurance Co., Appellee, v. Keith W. Clark, <i>et al.</i> , Appellants.	Thomas Devore Sally Pokorny Roger Gossard Larry Markle Philip J. Bernhardt	Montgomery

2:30 p.m.

65,204	In the Matter of the Marriage of Jimmy E. Rush and Grace E. Rush Williams.	Stanley L. Wiles Robert L. Pinet	Franklin
64,915	State of Kansas, Appellee, v. John Lee Stafford, Appellant.	County Attorney Attorney General Tim J. Larson	Montgomery

(continued)

## Summary Calendar—No Oral Argument

65,534 In the Matter of the Adoption of Gary L. Fuller Allen  
B.D.B., a minor. James M. Immel

Before Brazil, P.J.; Davis and Gernon, JJ.

Wednesday, January 30, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,365	Prairieland Proc., Inc., Appellant, v. Employment Security Board, <i>et al.</i> , Appellees.	Ross A Hollander Steven Calhoun  James R. McEntire	Sedgwick
65,295	Jack L. Price, Jr., Appellant, v. Employment Security Board, <i>et al.</i> , Appellees.	Douglas B. Muxlow  James R. McEntire	Shawnee
10:30 a.m.			
65,225	Westinghouse Electric, Appellee, v. Employment Security Board, Appellant.	Robert K. Scovel Todd Mangan  James R. McEntire	Montgomery
64,935	In the Interest of S.R.H., a minor.	Darrel G. Shumake Oliver Kent Lynch County Attorney Larry A. Prauser	Cherokee

## Summary Calendar—No Oral Argument

64,766 Roger James Johnson, Appellant, Rodney H. Busey Sedgwick  
v.  
Mike Hill, Sheiff, Appellee. Debra Byrd Wagner

Before Brazil, P.J.; Larson and Gernon, JJ.

Wednesday, January 30, 1991

1:30 p.m.

Case No.	Case Name	Attorneys	County
65,064	Gerald L. Tillman, Appellant, v. State of Kansas, Appellee.	Steven Zinn  Attorney General Debra Byrd Wagner	Sedgwick
65,097	State of Kansas, Appellant, v. Larnell Dykes, Appellee.	Debra Byrd Wagner Attorney General  Tom Jacquinot	Sedgwick
2:30 p.m.			
64,748	State of Kansas, Appellee, v. Jorge A. Cruz, <i>et al.</i> , Appellants.	Debra Byrd Wagner Attorney General  Lucille Marino Geary N. Gorup	Sedgwick



65,288	State of Kansas, Appellee, v. Ronald D. Riedl, Appellant.	Debra Byrd Wagner Attorney General  Richard Sanborn	Sedgwick
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## Summary Calendar—No Oral Argument

65,103	Diana Cool, Appellee, v. Boeing Military Aircraft Co., et al., Appellants.	Brian D. Pistotnik Cortland Q. Clotfelter  Frederick L. Haag	Sedgwick
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**Kansas Court of Appeals**  
Harold R. Fatzer Courtroom, 3rd Floor, Kansas Judicial Center  
Topeka, Kansas

Before Lewis, P.J.; Elliott and Rulon, JJ.

Tuesday, January 29, 1991

9:30 a.m.

Case No.	Case Name	Attorneys	County
65,509	Bank IV Topeka, N.A., Executor, Appellant, v. Topeka Bank & Trust Co., et al., Appellees.	Eric W. Severson  Larry G. Karns Carl W. Quarnstrom	Shawnee
64,689	State of Kansas, Appellee, v. Hiram L. Sparks, Appellant.	Nick A. Tomasic Attorney General  Rebecca Holihan	Wyandotte

10:30 a.m.

64,228	In the Matter of the Marriage of Michael Dorthy and Lorraine Dorthy.	David K. Martin R. Michael Latimer	Johnson
65,155	Ola L. Drake, Appellant, v. Fred W. Phelps, Jr., et al., Appellees.	Ola L. Drake, <i>pro se</i>  Fred Phelps, Jr. Joseph Huerter Alma Heckler	Shawnee

1:30 p.m.

65,504	Shawnee Mission Medical Center, Appellee, v. State Farm Fire & Casualty Co., et al., Appellants.	G. Mark Sappington  Lynn W. Hursh	Johnson
65,544	Safelite Glass Corp., Appellant, v. Richard Max Fuller, Appellee.	Hal D. Meltzer  C. Maxwell Logan	Johnson

2:30 p.m.

65,137	Board of County Commissioners of Johnson County, et al., Appellants, v. W.H. of Kansas City, Inc., et al., Appellees.	Philip S. Harness  Bruce F. Landeck	Johnson
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(continued)

65,208 Homayoun S. Karimi, Appellant, William F. Dunn Johnson  
 v. Robert Kennedy  
 Richard D. Patton, et al., Appellees. James Howard

Wednesday, January 30, 1991  
 9:30 a.m.

Case No.	Case Name	Attorneys	County
65,461	Ruth Cooper, Appellant, v. City of Kansas City, Appellee.	Ruth Cooper, <i>pro se</i> Maurice Ryan	Wyandotte
65,660	In the Matter of the Application of Home Savings Association for Exemption.	John M. Duma John J. Gardner	Wyandotte

10:30 a.m.

65,020	John S. Eberhardt, Appellant, v. R. Owen Watchous, et al., Appellees.	John Eberhardt, <i>pro se</i> R. Owen Watchous Harry G. Miller	Wyandotte
64,444	State of Kansas, Appellee, v. Miguel A. Basurto, Appellant.	Debra Byrd Wagner Attorney General Jack Focht	Sedgwick

Summary Calendar—No Oral Argument

65,319	State of Kansas, Appellee, v. Winfred D. Rhea, Appellant.	W. Scott Toth Attorney General Jessica R. Kunen	Johnson
64,892	State of Kansas, Appellee, v. Diane C. McDonald, Appellant.	Hiram E. Blomquist Attorney General Jessica R. Kunen	Johnson
64,896	State of Kansas, Appellee, v. William R. Clark II, Appellant.	County Attorney Attorney General Jessica R. Kunen	Anderson

No. 65,931

In the Court of Appeals of the State of Kansas  
 Greeley Gas Company, Applicant,

v.

State Corporation Commission, et al., Respondents.

The above-captioned case is set for hearing at 10 a.m. Tuesday, February 12, in the Court of Appeals Courtroom, 2nd floor, Kansas Judicial Center, 301 W. 10th, Topeka, before Elliott, P.J., Larson and Pierron, J.J.

Lewis C. Carter  
 Clerk of the Appellate Courts

**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, 1708
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. 1708, 1784

**AGENCY 4: BOARD OF AGRICULTURE**

Reg. No.	Action	Register
4-4-900 through 4-4-912	New	V. 9, p. 1754-1756
4-4-920 through 4-4-924	New	V. 9, p. 1757, 1758
4-4-931 through 4-4-937	New	V. 9, p. 1758-1760
4-4-950 through 4-4-954	New	V. 9, p. 1760, 1761
4-7-1	Revoked	V. 9, p. 1761
4-7-2	Amended	V. 9, p. 1762
4-7-4	Amended	V. 9, p. 1762
4-7-5	Revoked	V. 9, p. 1762
4-7-7	Revoked	V. 9, p. 1762
4-7-213	Amended	V. 9, p. 1762
4-7-214	Amended	V. 9, p. 1762
4-7-215	Amended	V. 9, p. 1762
4-7-300 through 4-7-306	Revoked	V. 9, p. 1762
4-7-400 through 4-7-407	Revoked	V. 9, p. 1762
4-7-509	Revoked	V. 9, p. 1762
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
4-7-700	Revoked	V. 9, p. 1762
4-7-702	Revoked	V. 9, p. 1763
4-7-709	Revoked	V. 9, p. 1763
4-7-715 through 4-7-722	Amended	V. 9, p. 1763
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
4-7-1000	New	V. 9, p. 1764
4-7-1001	New	V. 9, p. 1764
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
4-16-1a	Amended	V. 9, p. 1785
4-16-1c	Amended	V. 9, p. 1785

4-17-1a	Amended	V. 9, p. 1785
4-17-1c	Amended	V. 9, p. 1786
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
4-20-11	New	V. 9, p. 192
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
7-33-2	New	V. 9, p. 1675

**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**

Reg. No.	Action	Register
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
14-13-1	Amended	V. 9, p. 991
14-13-2	Amended	V. 9, p. 992
14-13-4	Amended	V. 9, p. 992
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
14-20-14	Amended	V. 9, p. 996
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**

Reg. No.	Action	Register
22-1-1	Amended	V. 9, p. 1167
22-2-1	Amended	V. 9, p. 1790
22-3-2	Amended	V. 9, p. 1168
22-4-1	Amended	V. 9, p. 1168
22-4-4	New	V. 9, p. 1168
22-7-1	Amended	V. 9, p. 1168
22-7-2	Amended	V. 9, p. 1168
22-7-3	Amended	V. 9, p. 1168
22-8-1	Amended	V. 9, p. 1168
22-10-1	Amended	V. 9, p. 1790

22-10-2	Amended	V. 9, p. 1791
22-10-3	Amended	V. 9, p. 1791
22-10-3a	New	V. 9, p. 1792
22-10-6	Amended	V. 9, p. 1792
22-10-9	Amended	V. 9, p. 1792
22-10-11	Amended	V. 9, p. 1358
22-10-13	Amended	V. 9, p. 1358
22-10-14	Amended	V. 9, p. 1793
22-10-17	Amended	V. 9, p. 1793
22-11-6	Amended	V. 9, p. 1170
22-11-8	Amended	V. 9, p. 1170
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**

Reg. No.	Action	Register
23-1-8	Revoked	V. 9, p. 704
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
23-3-9	Revoked	V. 9, p. 1133
23-3-13	Revoked	V. 9, p. 1134
23-3-17	Revoked	V. 9, p. 1563
23-3-18	Revoked	V. 9, p. 1563
23-5-1 through 23-5-8	Revoked	V. 9, p. 386
23-6-1	Revoked	V. 9, p. 1134
23-6-6	Revoked	V. 9, p. 167
23-6-7	Revoked	V. 9, p. 1134
23-7-5	Revoked	V. 9, p. 167
23-7-7	Revoked	V. 9, p. 167
23-8-11	Revoked	V. 9, p. 1134
23-11-3	Revoked	V. 9, p. 1344
23-11-4	Revoked	V. 9, p. 1344
23-11-6	Revoked	V. 9, p. 1344
23-11-7	Revoked	V. 9, p. 1344
23-11-8	Revoked	V. 9, p. 1344
23-11-9	Revoked	V. 9, p. 1344
23-11-12	Revoked	V. 9, p. 1344
23-11-13	Revoked	V. 9, p. 1344
23-11-15	Revoked	V. 9, p. 1815
23-11-16	Revoked	V. 9, p. 1344
23-11-17	Revoked	V. 9, p. 1344
23-15-1	Revoked	V. 9, p. 1134
23-18-2	Revoked	V. 9, p. 1563
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**

Reg. No.	Action	Register
28-1-2	Amended	V. 9, p. 1644
28-1-22	New	V. 9, p. 1645
28-4-113 through 28-4-118	Amended	V. 9, p. 36-40
28-4-119b	Amended	V. 9, p. 40
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
28-17-5	Amended	V. 9, p. 1340
28-17-7	Revoked	V. 9, p. 1340
28-17-12	Amended	V. 9, p. 1340
28-17-15	Amended	V. 9, p. 1340
28-17-19	Amended	V. 9, p. 1340

(continued)

28-17-20	Amended	V. 9, p. 1340
28-33-11	Amended	V. 9, p. 1842
28-38-17	Revoked	V. 9, p. 1195
28-38-18 through 28-38-23	Amended	V. 9, p. 1195, 1196
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
28-50-1	Amended	V. 9, p. 1844
28-50-5 through 28-50-10	Amended	V. 9, p. 1846-1854
28-50-11	Revoked	V. 9, p. 1855
28-50-13	Amended	V. 9, p. 1855
28-50-14	Amended	V. 9, p. 1855
28-51-108	Amended	V. 9, p. 123
28-60-20 through 28-60-27	New	V. 10, p. 9-11

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-2-16	Amended	V. 9, p. 1250
30-4-63	Amended	V. 9, p. 1250, 1708
30-4-64	Amended	V. 9, p. 1252, 1710
30-4-73	Amended	V. 9, p. 1253
30-4-85a	Amended	V. 9, p. 194
30-4-96	Amended	V. 9, p. 194
30-4-101	Amended	V. 10, p. 42
30-4-102	Amended	V. 9, p. 450
30-4-112	Amended	V. 9, p. 1254
30-4-112	Revoked	V. 9, p. 1280
30-4-120	Amended	V. 9, p. 1254, 1711
30-5-58	Amended	V. 9, p. 1712
30-5-59	Amended	V. 9, p. 1717
30-5-60	Amended	V. 9, p. 940
30-5-62	Amended	V. 9, p. 457
30-5-65	Amended	V. 9, p. 940
30-5-67	Amended	V. 9, p. 457
30-5-68	Amended	V. 9, p. 940
30-5-70	Amended	V. 9, p. 457
30-5-71	Amended	V. 9, p. 940
30-5-73	Amended	V. 9, p. 459
30-5-81	Amended	V. 9, p. 1601, 1645
30-5-81a	Amended	V. 9, p. 459
30-5-81b	Amended	V. 9, p. 940
30-5-82	Amended	V. 9, p. 459
30-5-86	Amended	V. 9, p. 940
30-5-87	Amended	V. 9, p. 987
30-5-88	Amended	V. 9, p. 1601, 1645
30-5-89	Amended	V. 9, p. 118
30-5-90	Revoked	V. 9, p. 941
30-5-92	Amended	V. 9, p. 941
30-5-94	Amended	V. 9, p. 460
30-5-100	Amended	V. 9, p. 941
30-5-101	Amended	V. 9, p. 1718
30-5-103	Amended	V. 9, p. 1718
30-5-104	Amended	V. 9, p. 1718
30-5-110	Amended	V. 9, p. 941
30-5-111	Revoked	V. 9, p. 1718
30-5-112	Amended	V. 9, p. 461
30-5-113	Amended	V. 9, p. 941
30-5-113a	Amended	V. 9, p. 941
30-5-114	Amended	V. 9, p. 461
30-5-115	Amended	V. 9, p. 941
30-5-116	Amended	V. 9, p. 1718
30-5-116a	Amended	V. 9, p. 1719
30-5-117	New	V. 9, p. 941
30-5-117a	New	V. 9, p. 942
30-5-118	New	V. 9, p. 1602, 1645
30-5-118a	New	V. 9, p. 1602, 1645
30-5-150	New	V. 9, p. 461
30-5-151	New	V. 9, p. 462
30-5-152	New	V. 9, p. 462
30-5-154 through 30-5-172	New	V. 9, p. 462-464

30-5-162	Amended	V. 9, p. 1719
30-6-35	Amended	V. 9, p. 1255
30-6-35	Revoked	V. 9, p. 1280
30-6-38	Amended	V. 9, p. 1256
30-6-38	Revoked	V. 9, p. 1280
30-6-41	Amended	V. 9, p. 195
30-6-53	Amended	V. 9, p. 1256
30-6-53	Revoked	V. 9, p. 1280
30-6-65	Amended	V. 9, p. 1719
30-6-73	Amended	V. 9, p. 1720
30-6-74	Amended	V. 9, p. 195
30-6-77	Amended	V. 9, p. 1258
30-6-77	Amended	V. 10, p. 43
30-6-79	Amended	V. 9, p. 195
30-6-86	Amended	V. 10, p. 43
30-6-87	New	V. 9, p. 1259
30-6-87	Revoked	V. 9, p. 1280
30-6-103	Amended	V. 10, p. 44
30-6-106	Amended	V. 10, p. 44
30-6-107	Amended	V. 9, p. 1259
30-6-107	Revoked	V. 9, p. 1281
30-6-108	Amended	V. 9, p. 1260
30-6-108	Revoked	V. 9, p. 1281
30-6-109	Amended	V. 9, p. 1260
30-6-109	Revoked	V. 9, p. 1281
30-6-111	Amended	V. 9, p. 197
30-6-112	Amended	V. 9, p. 1261
30-6-112	Revoked	V. 9, p. 1281
30-6-113	Amended	V. 10, p. 46
30-7-68	Amended	V. 9, p. 1723
30-7-79	New	V. 9, p. 942
30-10-1a	Amended	V. 9, p. 1603, 1646
30-10-1b	Amended	V. 9, p. 1604, 1646
30-10-1c	Amended	V. 9, p. 1605, 1646
30-10-1d	Amended	V. 9, p. 1605, 1646
30-10-1f	Amended	V. 9, p. 1605, 1646
30-10-2	Amended	V. 9, p. 1605, 1646
30-10-3	Amended	V. 9, p. 1606, 1646
30-10-6	Amended	V. 9, p. 1606, 1646
30-10-7	Amended	V. 9, p. 1606, 1646
30-10-8	Amended	V. 9, p. 1607, 1646
30-10-9	Amended	V. 9, p. 1607, 1646
30-10-11	Amended	V. 9, p. 1609, 1646
30-10-14	Amended	V. 9, p. 1609, 1646
30-10-15a	Amended	V. 9, p. 1610, 1647
30-10-15b	Amended	V. 9, p. 1610, 1647
30-10-16	Amended	V. 9, p. 1610, 1647
30-10-17	Amended	V. 9, p. 1610, 1647
30-10-18	Amended	V. 9, p. 1612, 1647
30-10-19	Amended	V. 9, p. 1613, 1647
30-10-20	Amended	V. 9, p. 1613, 1647
30-10-21	Amended	V. 9, p. 1614, 1647
30-10-22	Revoked	V. 9, p. 1614, 1647
30-10-23a	Amended	V. 9, p. 1614, 1647
30-10-23b	Amended	V. 9, p. 1615, 1647
30-10-23c	Amended	V. 9, p. 1615, 1647
30-10-24	Amended	V. 9, p. 1616, 1647
30-10-25	Amended	V. 9, p. 1617, 1647
30-10-26	Amended	V. 9, p. 1618, 1648
30-10-27	Amended	V. 9, p. 1618, 1648
30-10-28	Amended	V. 9, p. 1618, 1648
30-10-29	Amended	V. 9, p. 1619, 1648
30-10-200 through 30-10-209	New	V. 9, p. 1619-1624
30-10-200 through 30-10-209	New	V. 9, p. 1648-1652
30-10-210 through 30-10-226	New	V. 10, p. 48-57
30-22-33	New	V. 9, p. 942
30-51-1 through 30-51-5	Revoked	V. 9, p. 198

**AGENCY 33: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
33-1-21	Revoked	V. 9, p. 167
33-2-2	Revoked	V. 9, p. 1815
33-3-2	Revoked	V. 9, p. 386
33-3-4	Revoked	V. 9, p. 386

**AGENCY 36: DEPARTMENT OF TRANSPORTATION**

Reg. No.	Action	Register
36-15-23	Amended	V. 9, p. 1023
36-26-1	Amended	V. 9, p. 1023

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-2-20	New	V. 9, p. 1814
40-3-35	Amended	V. 9, p. 1304
40-4-35a	Amended	V. 9, p. 30
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. 1305
40-7-20a	Amended	V. 9, p. 1362
40-7-22 through 40-7-25	New	V. 9, p. 304
40-7-25	Amended	V. 9, p. 985
40-10-2	Amended	V. 9, p. 304
40-14-1	Amended	V. 9, p. 304
40-14-4	Amended	V. 9, p. 304

**AGENCY 44: DEPARTMENT OF CORRECTIONS**

Reg. No.	Action	Register
44-6-101	Amended	V. 9, p. 1424
44-6-108a through 44-6-114b	Revoked	V. 9, p. 1425
44-6-114c	New	V. 9, p. 1425
44-6-120	Amended	V. 9, p. 1425
44-6-121	Amended	V. 9, p. 1425
44-6-124	Amended	V. 9, p. 1426
44-6-125	Amended	V. 9, p. 1426
44-6-126	Amended	V. 9, p. 1426
44-6-134	Amended	V. 9, p. 1427
44-6-135	Amended	V. 9, p. 1427
44-6-135a	New	V. 9, p. 1427
44-6-136a	New	V. 9, p. 1427
44-6-143	New	V. 9, p. 1428
44-7-104	Amended	V. 9, p. 1428
44-7-114	New	V. 9, p. 577
44-8-115	New	V. 9, p. 577
44-8-116	New	V. 9, p. 577
44-9-103	Amended	V. 9, p. 123
44-9-104	Amended	V. 9, p. 123
44-11-111	Amended	V. 9, p. 950
44-11-112	Amended	V. 9, p. 80
44-11-113	Amended	V. 9, p. 80
44-11-114	Amended	V. 9, p. 80
44-11-116	Revoked	V. 9, p. 81
44-11-121	Amended	V. 9, p. 81
44-11-122	Amended	V. 9, p. 81
44-11-123	Amended	V. 9, p. 950
44-11-126	Revoked	V. 9, p. 81
44-11-128	Revoked	V. 9, p. 81
44-11-129 through 44-11-135	New	V. 9, p. 81, 82

**AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
47-1-1	New	Vol. 9, p. 1872
47-1-3	Amended	Vol. 9, p. 1872
47-1-4	Amended	Vol. 9, p. 1872
47-1-8	Amended	Vol. 9, p. 1872
47-1-9	Amended	Vol. 9, p. 1872
47-1-10	Amended	Vol. 9, p. 1872
47-1-11	Amended	Vol. 9, p. 1873
47-2-14	Amended	Vol. 9, p. 1873
47-2-21	Amended	Vol. 9, p. 1873
47-2-53	Amended	Vol. 9, p. 1873
47-2-53a	Amended	Vol. 9, p. 1873
47-2-67	Amended	Vol. 9, p. 1873
47-2-75	Amended	Vol. 9, p. 1873
47-3-1	Amended	Vol. 9, p. 1874
47-3-2	Amended	Vol. 9, p. 1874
47-3-3a	Amended	Vol. 9, p. 1874
47-3-42	Amended	Vol. 9, p. 1874
47-4-14	Revoked	Vol. 9, p. 1874
47-4-14a	New	Vol. 9, p. 1874
47-4-15	Amended	Vol. 9, p. 1881
47-4-16	Amended	Vol. 9, p. 1884
47-4-17	Amended	Vol. 9, p. 1884

47-5-5a	Amended	Vol. 9, p. 1885
47-5-16	Amended	Vol. 9, p. 1887
47-6-1	Amended	Vol. 9, p. 1887
47-6-2	Amended	Vol. 9, p. 1887
47-6-3	Amended	Vol. 9, p. 1887
47-6-4	Amended	Vol. 9, p. 1887
47-6-6	Amended	Vol. 9, p. 1888
47-6-7	New	Vol. 9, p. 1888
47-6-8	New	Vol. 9, p. 1889
47-6-9	New	Vol. 9, p. 1889
47-6-10	New	Vol. 9, p. 1889
47-7-2	Amended	Vol. 9, p. 1889
47-8-9	Amended	Vol. 9, p. 1890
47-8-11	Amended	Vol. 9, p. 1890
47-9-1	Amended	Vol. 9, p. 1890
47-9-2	Amended	Vol. 9, p. 1893
47-9-4	Amended	Vol. 9, p. 1893
47-10-1	Amended	Vol. 9, p. 1893
47-11-8	Amended	Vol. 9, p. 1893
47-12-4	Amended	Vol. 9, p. 1894
47-13-4	Amended	Vol. 9, p. 1894
47-13-5	Amended	Vol. 9, p. 1894
47-13-6	Amended	Vol. 9, p. 1895
47-14-7	Amended	Vol. 9, p. 1895
47-15-1a	Amended	Vol. 9, p. 1895
47-15-3	Amended	Vol. 9, p. 1896
47-15-4	Amended	Vol. 9, p. 1896
47-15-7	Amended	Vol. 9, p. 1896
47-15-8	Amended	Vol. 9, p. 1896
47-15-15	Amended	Vol. 9, p. 1897
47-15-17	Amended	Vol. 9, p. 1897
47-16-1		
through		
47-16-8	Amended	Vol. 9, p. 1897-1899

**AGENCY 49: DEPARTMENT OF HUMAN RESOURCES**

Reg. No.	Action	Register
49-49-1	Amended	V. 9, p. 706

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-2-21	Amended	V. 9, p. 704

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-11-103	Amended	V. 9, p. 1707
60-11-104a	Amended	V. 9, p. 406
60-11-108	Amended	V. 9, p. 988

**AGENCY 63: BOARD OF MORTUARY ARTS**

Reg. No.	Action	Register
63-1-3	Amended	V. 9, p. 170
63-1-4	Amended	V. 9, p. 170

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-10-9	Amended	V. 9, p. 257

**AGENCY 67: BOARD OF HEARING AID EXAMINERS**

Reg. No.	Action	Register
67-5-3	Amended	V. 9, p. 625
67-5-4	Amended	V. 9, p. 625

**AGENCY 68: BOARD OF PHARMACY**

Reg. No.	Action	Register
68-1-1b	Amended	V. 9, p. 383
68-2-12a	Amended	V. 9, p. 383
68-9-1	Amended	V. 9, p. 384
68-20-20	Amended	V. 9, p. 384

**AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS**

Reg. No.	Action	Register
70-32-2	Amended	V. 10, p. 9

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-5-202	Amended	V. 9, p. 1707
74-5-203	Amended	V. 9, p. 1707
74-5-406	Amended	V. 9, p. 1282
74-13-1	New	V. 9, p. 232
74-13-2	New	V. 9, p. 232

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-11	Amended	V. 9, p. 988
75-6-24	Amended	V. 9, p. 893
75-6-26	Amended	V. 9, p. 625

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

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

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-1-201	Amended	V. 9, p. 894
82-1-202	Amended	V. 9, p. 895
82-1-204	Amended	V. 9, p. 895
82-1-205	Amended	V. 9, p. 896
82-1-206	Amended	V. 9, p. 896
82-1-207	Amended	V. 9, p. 896
82-9-1	Amended	V. 9, p. 1359
82-9-3	Amended	V. 9, p. 1360
83-9-5	Amended	V. 9, p. 1360
82-9-6	Amended	V. 9, p. 1360
82-9-8	Amended	V. 9, p. 1361
82-9-14	Amended	V. 9, p. 1361
82-9-16	Amended	V. 9, p. 1361
82-9-24	Amended	V. 9, p. 1362
82-11-3	Amended	V. 9, p. 298
82-11-4	Amended	V. 9, p. 298
82-11-10	New	V. 9, p. 302

**AGENCY 84: PUBLIC EMPLOYEES RELATIONS BOARD**

Reg. No.	Action	Register
84-1-1	Amended	V. 9, p. 943
84-1-2	Amended	V. 9, p. 943
84-1-3	New	V. 9, p. 943
84-1-4	New	V. 9, p. 943
84-2-1		
through		
84-2-7	Amended	V. 9, p. 943-945
84-2-9	Amended	V. 9, p. 945
84-2-11		
through		
84-2-15	Amended	V. 9, p. 945-947
84-3-1		
through		
84-3-6	Amended	V. 9, p. 948
84-4-1		
through		
84-4-5	Amended	V. 9, p. 948, 949
84-4-7	Amended	V. 9, p. 949
84-5-1	Amended	V. 9, p. 950

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-10	Amended	V. 9, p. 835

**AGENCY 88: BOARD OF REGENTS**

Reg. No.	Action	Register
88-20-1		
through		
88-20-11	New	V. 9, p. 165-167

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-27b	Amended	V. 9, p. 1099
91-1-27c	New	V. 9, p. 1099
91-1-32	Amended	V. 9, p. 1857
91-1-34	Amended	V. 9, p. 1817
91-1-58	Amended	V. 9, p. 1099
91-1-62	Revoked	V. 9, p. 1817
91-1-80	Amended	V. 9, p. 1100
91-1-82	Amended	V. 9, p. 1100
91-1-101	Revoked	V. 9, p. 1101
91-1-106a		
through		
91-1-106m	New	V. 9, p. 1101-1103
91-1-110	Revoked	V. 9, p. 1103
91-1-123a	New	V. 9, p. 1103
91-1-128b	New	V. 9, p. 1857
91-1-132a	Amended	V. 9, p. 1103
91-1-153	New	V. 9, p. 1817
91-12-48	Amended	V. 9, p. 1674

91-12-63	Amended	V. 9, p. 1674
91-12-70	Revoked	V. 9, p. 1674

**AGENCY 92: DEPARTMENT OF REVENUE**

Reg. No.	Action	Register
92-23-40	Amended	V. 9, p. 1076
92-55-2a	New	V. 9, p. 1513

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

Reg. No.	Action	Register
99-26-1	Amended	V. 9, p. 1706, 1753
99-40-1	New	V. 9, p. 1753
99-40-3	New	V. 9, p. 1753

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-46-5	Amended	V. 9, p. 1841
100-47-1	Amended	V. 9, p. 1841
100-49-4	Amended	V. 9, p. 108
100-49-4	Amended	V. 9, p. 257

**AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD**

Reg. No.	Action	Register
102-1-13	Amended	V. 9, p. 1789, 1810
102-2-1a	Amended	V. 10, p. 32
102-2-2a	Amended	V. 10, p. 33
102-2-3	Amended	V. 9, p. 1789, 1810
102-2-4a	Amended	V. 10, p. 34
102-2-7	Amended	V. 10, p. 34
102-2-8	Amended	V. 10, p. 36
102-2-12	Amended	V. 10, p. 36
102-3-1	New	V. 10, p. 37
102-3-2	Amended	V. 9, p. 1790, 1811
102-3-3	New	V. 10, p. 37
102-3-4	New	V. 10, p. 38
102-3-5	New	V. 10, p. 38
102-3-6	New	V. 10, p. 39
102-3-10	New	V. 10, p. 40
102-3-11	New	V. 10, p. 41
102-4-2	Amended	V. 9, p. 1790, 1811
102-4-4	Amended	V. 10, p. 41
102-4-10	New	V. 9, p. 1024

**AGENCY 109: EMERGENCY MEDICAL SERVICES BOARD**

Reg. No.	Action	Register
109-2-5	Amended	V. 9, p. 1076
109-2-7	Amended	V. 9, p. 1077
109-8-1	Amended	V. 9, p. 1077
109-9-1	Amended	V. 9, p. 1077
109-10-1	Amended	V. 9, p. 1078
109-12-1	Amended	V. 9, p. 1078

**AGENCY 110: DEPARTMENT OF COMMERCE**

Reg. No.	Action	Register
110-4-1		
through		
110-4-8	New	V. 9, p. 1282-1284

**AGENCY 111: THE KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	New	V. 8, p. 134
111-2-7	Amended	V. 8, p. 586
111-2-13	New	V. 8, p. 1666
111-2-14	New	V. 9, p. 30
111-2-15	New	V. 9, p. 1812
111-3-1	Amended	V. 10, p. 11
111-3-9	Amended	V. 8, p. 1085
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 7, p. 1062
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30

(continued)

111-3-20	Amended	V. 8, p. 1085
111-3-21	Amended	V. 7, p. 1606
111-3-22	Amended	V. 8, p. 1085
111-3-25	New	V. 7, p. 1310
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112-11-7	Amended	V. 9, p. 161
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AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
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115-30-8	New	V. 9, p. 1344, 1345
115-30-9	New	V. 9, p. 1816

AGENCY 116: STATE FAIR BOARD

Reg. No.	Action	Register
116-2-1	Amended	V. 9, p. 1022

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	New	V. 9, p. 1786
117-2-1	New	V. 9, p. 1786
117-2-2	New	V. 9, p. 1787
117-3-1	New	V. 9, p. 1787
117-3-2	New	V. 9, p. 1787
117-6-1	New	V. 9, p. 1788
117-6-2	New	V. 9, p. 1788
117-6-3	New	V. 9, p. 1788
117-7-1	New	V. 9, p. 1789

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