

Kansas Register

Bill Graves, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled August 19 through September 1:

Date	Room	Time	Committee	Agenda
August 19	313-S	10:00 a.m.	Special Committee on Children's Initiatives	<u>19th</u> : Public comment on tentative targets and service gaps. <u>20th</u> : Committee review and refining of targets and partial review of service inventory; beginning discussion of investment strategies.
August 20	313-S	9:00 a.m.		
August 21	On tour	10:00 a.m.	Joint Committee on Special Claims Against the State	Tour of Lansing Correctional Facility.
August 21	531-N	10:00 a.m.	Legislative Educational Planning Committee	<u>21st</u> : Postsecondary courses for high school juniors and seniors; funding of postsecondary institutions; other matters. <u>22nd</u> : Presentation by John Myers, NCSL; meeting with members of Board of Education and Board of Regents.
August 22	123-S	9:00 a.m.		
August 21	529-S	10:00 a.m.	SRS Task Force Subcommittee on Financing	<u>21st</u> : Review of SRS funding, status of waivers, alternative financing. <u>22nd</u> : Update on training activities, SRS contracting, provider-specific taxes; committee discussion.
August 22	529-S	9:00 a.m.		
August 22	514-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Cancelled.
August 23	514-S	9:00 a.m.		

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Register Office:
 235-N, State Capitol
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August 22	521-S	10:00 a.m.	SRS Task Force Subcommittee on Medical Services	22nd: Review of community-based long term care programs (SRS and the Dept. on Aging); review of SRS medical budget.
August 23	521-S	9:00 a.m.		23rd: Access to Medicaid services; committee discussion.
August 22	519-S	10:00 a.m.	Joint Committee on Economic Development	22nd: Report on adult basic education by Dr. Charles Krider. Review of governance of community colleges and area vocational-technical schools.
August 23	519-S	9:00 a.m.		23rd: Review of governance continued. Presentations on promotion of tourism in Kansas.
August 26	123-S	10:00 a.m.	Joint Committee on KPERS Investment Practices	Agenda not available.
August 27	123-S	9:00 a.m.		
August 26	Johnson County Community College Theatre	8:45 a.m.	Special Committee on Assessment and Taxation	8:45 a.m.—Bus tour of Industrial Airport. 11:00 a.m.—Presentation on airport property exemptions and economic development tax abatements. 1:00 p.m.—Panel discussion—school district consolidation. 2:00 p.m.—Panel discussion—city and county consolidation. 3:30 p.m.—Public hearing—sales tax exemptions.
August 26	514-S	10:00 a.m.	Special Committee on Ways and Means/Appropriations	Agenda not available.
August 27	514-S	9:00 a.m.		
August 27	521-S	10:00 a.m.	SRS Prevention Subcommittee	27th: Review of prior prevention recommendations; inventory of prevention programs; review of alcohol and drug abuse prevention and treatment.
August 28	521-S	9:00 a.m.		28th: Preventive and primary health care; update on Dept. of Health and Environment programs.
August 29	514-S	10:00 a.m.	Special Committee on Judiciary	Hearings on Proposal No. 12—Juvenile Issues.
August 30	514-S	9:00 a.m.		

Emil Lutz
Director of Legislative
Administrative Services

Doc. No. 010970

State of Kansas

Board of Accountancy**Notice of Meeting**

The Board of Accountancy will meet at 9 a.m. Tuesday, August 27, in Conference Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka. Persons interested in agenda items or in attending should contact the board office in Suite 556 of the Landon Building.

Glenda Sherman Moore
Executive Director

Doc. No. 010963

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 for engineering services for the upgrade of the mechanical system for the Art and Design Building at the University of Kansas, Lawrence. The estimated cost of the project is \$380,000.

Any questions or expressions of interest should be directed to George Steele, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before August 30. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

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

Doc. No. 010959

State of Kansas

Department of Administration**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 2 p.m. Monday, September 16, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Division of Personnel Services.

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

Summaries of the proposed regulations and of their economic impact follow.

Division of Facilities Management

K.A.R. 1-17-1; Use of state owned or operated motor vehicles on official state business; applicability; definitions, and K.A.R. 1-17-2; Use of state-owned or leased motor vehicles are proposed for amendment in order to clarify the definition of "official state business." Proposed amendments would define "official state business" as the pursuit of a goal, obligation, function, or duty imposed upon a state agency or performed on behalf of a state agency and would permit persons other than state employees who have been approved by the Secretary of Administration or the secretary's designee to operate a state vehicle while engaged in official state business.

K.A.R. 1-17-2; Use of state-owned or leased motor vehicles is further amended to eliminate a requirement that individuals operating state vehicles possess a current Kansas driver's license. The requirement of a Kansas driver's license poses difficulties for state agencies when the driver lives in an adjoining state and possesses a valid driver's license from that state.

Amendments to these regulations are proposed on a permanent basis only. No economic impact on state agencies, state employees or the general public is anticipated.

K.A.R. 1-17-2a; State-owned or leased vehicles; travel from employee's residence to official work station. This regulation generally prohibits use of state-owned or leased motor vehicles for commuting between home and work, and sets out three exceptions to the general rule. These exceptions include driving the state vehicle home when parking it overnight at the official work station subjects the vehicle to a high risk of vandalism and when the vehicle is used by an official or employee who is regularly called to duty after normal work hours in connection with law enforcement activities or dealing with emergencies. However, under K.S.A. 8-307, such home-to-work travel in a state vehicle is subject to a "reasonable distance" limitation. Subsection (b) of K.A.R. 1-17-2a defines "reasonable distance" as a one-way trip of no more than 10 miles.

The proposed amendment to K.A.R. 1-17-2a would allow the Secretary of Administration or the secretary's designee to approve exemptions from the 10-mile limitation. The intent of the regulation is to provide some additional flexibility when a review of the circumstances indicate such an exemption is in the interest of the state.

Amendments to this regulation are proposed on a permanent basis only. Additional costs for state travel due to increased mileage that would result from the proposed amendment cannot be estimated with any accuracy. However, it is anticipated that the number of exemptions granted under the amendment would be few and that the economic impact would be less than \$20,000 per year. There will be no economic impact on the general public.

K.A.R. 1-49-1; Stairs, halls and porticos. This regulation prohibits certain forms of personal conduct in

specified buildings that are under the control of the Secretary of Administration pursuant to K.S.A. 75-3762. The regulations in the remainder of Article 49, relating to trash, eating on state grounds, unnecessary noise, damage to public property, prior approval of certain activities and penalties and enforcement, all refer back to the list of properties in K.A.R. 1-49-1. Amendments to the regulation delete property which is no longer owned by the state, including 503 and 509 Kansas, and add property acquired since 1979, such as the Landon State Office Building and the State Printing Plant.

Amendments to this regulation are proposed on a permanent basis only. There is no economic impact associated with the amendments.

Copies of these regulations and their fiscal impact statements can be obtained from the Division of Facilities Management, Room 852-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-1318.

Division of Accounts and Reports

K.A.R. 1-16-18; Subsistence allowance; rates. Proposed amendments to this regulation would increase the quarter-day meals allowance and maximum reimbursement rates for lodging expenses as follows:

	Meals Allowance		Lodging Maximum	
	Current	Proposed	Current	Proposed
In-state, regular	\$4.50	\$5.00	\$ 44.00	\$ 46.00
In-state, high cost	\$4.50	\$5.00	\$ 55.00	\$ 58.00
Out-of-state, regular	\$5.00	\$5.75	\$ 66.00	\$ 70.00
Out-of-state, high-cost	\$6.00	\$6.50	\$ 94.00	\$102.00
Borough of Manhattan & D.C.	\$8.50	\$8.50	\$108.00	\$112.00
International	\$8.50	\$8.50	Actual	Actual

The amendments to this regulation are proposed on both a temporary and a permanent basis with an effective date for the temporary regulation of October 1, 1991. The anticipated fiscal impact of these proposed increases is \$653,566 (\$179,563 SGF) for a full fiscal year. However, the temporary regulation is proposed to take effect on October 1, 1991. Therefore, the fiscal impact for the remaining nine months of FY '92 would be \$490,175. Of this amount, \$134,673 would represent state general fund expenditures. State agencies will bear the cost of these increases and state employees traveling on official state business will benefit from establishment of a rate which more closely reflects the actual cost of travel. No economic impact on the general public is anticipated.

Copies of the proposed regulation and its economic impact statement may be obtained from the director of the Division of Accounts and Reports, Room 355-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, (913) 296-2311.

James R. Cobler
Secretary of Administration

Doc. No. 010960

State of Kansas

Office of the Governor

Executive Order No. 91-139

Establishing the Governor's Criminal Justice Advisory Commission

WHEREAS, the actions of both state and local units of government impact upon the criminal justice system in the State of Kansas; and

WHEREAS, there is a continuing need to identify and explore critical issues facing the criminal justice system in the State of Kansas; and

WHEREAS, there is a continuing need for dialogue regarding inter-agency collaboration at both the state and local level in order to develop effective criminal justice policies and initiatives for the State of Kansas;

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby establish the Governor's Criminal Justice Advisory Commission.

The Advisory Commission is charged with the task of identifying and developing recommendations regarding critical criminal justice system issues and to advise the Governor accordingly. In particular, the Advisory Commission is to:

1. Identify criminal justice concerns of local units of government and means by which the Governor and appropriate state-level officials could assist in addressing those concerns;
2. Identify the significant issues regarding care and treatment of juvenile offenders in the State and to recommend any new or revised activities or programs focusing on these issues;
3. Provide recommendations regarding prevention in criminal justice; and
4. Provide recommendations as to methods for enhancing the effectiveness of the criminal justice system through inter-agency collaboration.

The Advisory Commission is to submit an interim report by November 1991 and a detailed report of recommendations by November 1992.

Membership on the Governor's Criminal Justice Advisory Commission shall be by official certificate of appointment of the Governor, certified by and filed with the Secretary of State. The chairmanship of the committee shall be designated by official certificate of appointment of the Governor, certified by and filed with the Secretary of State.

Members of the Advisory Commission shall serve without compensation or reimbursement of expenses.

This document shall be filed with the Secretary of State as Executive Order No. 91-139 and shall become effective immediately.

Dated August 2, 1991.

Joan Finney
Governor
Attest: Bill Graves
Secretary of State

Doc. No. 010951

State of Kansas

Office of the Governor

Executive Order No. 91-140

Establishing the Kansas Apprenticeship
Council and Rescinding Executive Order 88-111

WHEREAS, apprenticeship is a system of training which combines on-the-job training under the supervision of a skilled journeyman with related technical instruction; and

WHEREAS, apprenticeship offers employers a practical way to train and retain the skilled craftworkers who are vital to their business; and

WHEREAS, Kansas must be competitive in the global market place, and therefore, depends upon a trained workforce; and

WHEREAS, there has been in existence since 1941 an apprenticeship program contributing to the general welfare and interest of the State of Kansas.

NOW, THEREFORE, pursuant to the authority vested in me as the Governor of the State of Kansas, I hereby establish the Kansas Apprenticeship Council for the following purposes:

1. The Council shall seek voluntary cooperation of management and labor in the promotion of joint and unilateral apprenticeship programs and shall encourage and provide assistance to management and labor in establishing programs of voluntary apprenticeship for training in the skilled trades.

2. The Council shall identify and publish recommended fundamentals of apprenticeship, which in no case may be less than the fundamentals as set forth by the National Apprenticeship Program promulgated by the Federal Committee on Apprenticeship.

3. The Council shall work jointly with the representatives of the Kansas State Department of Education, Division of Vocational and Postsecondary Education and other agencies and organizations, both public and private, who are concerned with employment and training in the business and industrial sector.

4. The Council, as recognized by the U.S. Department of Labor, Bureau of Apprenticeship and Training, shall act as the official registration agency for apprenticeship programs developed in the State, shall register and issue a certificate of registration for each program, and shall carry out all other necessary duties associated with the registration.

The Secretary of Human Resources is hereby directed to appoint to the Kansas Apprenticeship Council four representatives of labor and four representatives of management. The Secretary of Human Resources and the State Director of the U.S. Department of Labor, Bureau of Apprenticeship and Training shall serve as ex-officio members of the Council. Members of the Council shall serve without compensation. Travel expenses of the members shall be reimbursed in accordance with applicable regulations for expenses incurred in connection with their service on the Council.

Executive Order 88-111 is hereby rescinded and the Apprenticeship Committee of the Kansas Council on

Employment and Training created by Executive Order 88-111 is hereby abolished.

This document shall be filed with the Secretary of State as Executive Order No. 91-140 and shall become effective immediately.

Dated August 2, 1991.

Joan Finney
Governor
Attest: Bill Graves
Secretary of State

Doc. No. 010952

State of Kansas

Secretary of State

Notice of Places and Dates
of Voter Registration

In compliance with the provisions of K.S.A. 25-2310, K.S.A. 1990 Supp. 25-2311, as amended by L. 1991, ch. 102, § 1, K.S.A. 25-2313 and K.S.A. 1990 Supp. 25-2323, the books for registration of voters will be open at the following places at the time specified:

Office of the Kansas Secretary of State, second floor, State Capitol, Topeka, from 8 a.m. to 5 p.m. every business day.

Industrial Building, exhibit spaces IB-193 and IB-194, Kansas State Fairgrounds, Hutchinson, from 1 p.m. to 9 p.m. Friday, September 6; from 9 a.m. to 9 p.m. Saturday, September 7 through Saturday, September 14; and from 9 a.m. to 6 p.m. Sunday, September 15.

If you are a citizen of the United States and are age 18 or older, or if you will be 18 by November 3, 1992, you must register before you can vote. Registration closes 14 days prior to every election.

When you are registered according to law, your registration will continue to be valid until one of the following occurs:

1. You change your name because of marriage, divorce or legal proceeding.
2. You change residence.
3. You fail to vote in two consecutive general elections. If you fail to vote in any general election, you should check with your county election officer on the status of your registration.

If any of the above occurs, you must re-register.

To register to vote, you may apply in person, by telephone, or by mail to the Secretary of State or your county election officer. Application forms will be provided by the county election officer upon request in person or in writing by an individual applicant. The application shall be signed by the applicant under penalty of perjury.

Bill Graves
Secretary of State

Doc. No. 010978

State of Kansas

Office of the Governor

Executive Order No. 91-141

Offer of Reward

WHEREAS, Everett D. "Skeet" Bishop, a white male; date of birth: 04/18/55; a resident of southern Leavenworth County, Kansas, disappeared in May of 1990; and

WHEREAS, investigation by the Kansas Bureau of Investigation and other law enforcement agencies indicate that a heinous crime may have been perpetrated in violation of the laws of the State of Kansas.

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Joan Finney, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and felony conviction of the perpetrator(s) of said crime.

This document shall be filed with the Secretary of State as Executive Order No. 91-141 and shall be effective immediately.

Dated August 6, 1991.

Joan Finney
Governor
Attest: Bill Graves
Secretary of State

Doc. No. 010966

State of Kansas

Office of the Governor

Executive Order No. 91-142

Offer of Reward

WHEREAS, Randy Wayne Leach, a white male; date of birth: 07/25/70; a resident of Leavenworth County, Kansas, disappeared in May of 1990; and

WHEREAS, investigation by the Kansas Bureau of Investigation and other law enforcement agencies indicate that a crime may have been perpetrated in violation of the laws of the State of Kansas.

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Joan Finney, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and felony conviction of the perpetrator(s) of said crime.

This document shall be filed with the Secretary of State as Executive Order No. 91-142 and shall be effective immediately.

Dated August 6, 1991.

Joan Finney
Governor
Attest: Bill Graves
Secretary of State

Doc. No. 010967

State of Kansas

Social and Rehabilitation Services

Notice of Medicaid
State Plan Amendment

Federal regulations for Medicaid allow for supplemental payments to hospitals who serve a disproportionate number of low-income individuals with special needs. The supplemental payments must be calculated in accordance with a federally approved formula and consist of a blend of federal and state money. The state money is matched with federal funds, therefore increasing the available funding for Kansas hospitals serving the medically indigent.

The Kansas Department of Social and Rehabilitation Services is changing the way it calculates the disproportionate share formula. This change is being made to help ensure sufficient funding levels so that medical services for the indigent are provided and maintained as encouraged by federal legislation. The aggregate expenditures for the Medicaid Program in Kansas are expected to increase \$129 million.

The revised Medicaid State Plan clearly describes the formula used to determine the low-income utilization rate for Option 2 in the disproportionate share payment adjustment. The new formula for the low-income utilization rate will be the sum of:

The fraction:

Government payments excluding Medicare

Amount of hospital charges minus the amount of contractual allowances and discounts

and the fraction:

The total amount of a hospital's charges for inpatient services which are attributable to charity care less the portion of cash subsidies for patient services received directly from state and local governments reasonably attributable to inpatient services

The total amount of the hospital's charges for inpatient services

Additionally, the requirement that quarterly payments to hospitals be made is being eliminated. This does not have a fiscal effect.

Copies of the proposed change are available for review by contacting the local SRS office in each county or from the Division of Income Maintenance and Medical Services, 6th Floor South, Docking State Office Building, 915 Harrison, Topeka 66612. Written comments also may be sent to that address.

John W. Alquest
Acting Commissioner
Division of Income Maintenance and
Medical Services

Doc. No. 010965

State of Kansas

Social and Rehabilitation Services**Request for Proposals**

The Department of Social and Rehabilitation Services is accepting applications for the planning, development, establishment, expansion or improvement of programs that will provide school-age child care services. Applications must be postmarked by September 9. Applications postmarked after that date will not be eligible for consideration.

Instructions for completing the application are described in the request for proposal available on request from area SRS offices or from Karen Juola, Department of Social and Rehabilitation Services, 300 S.W. Oakley, West Hall, Topeka 66606, (913) 296-3742.

Donna Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 010968

State of Kansas

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

A public hearing will be conducted at 10 a.m. Friday, September 20, in the third floor conference room of the Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed temporary and 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 regulations and the economic impact statements:

K.A.R. 40-1-28 is a proposed temporary and permanent regulation that amends the existing regulation of the same number to accommodate the changes required by 1991 Senate Bill No. 67. K.A.R. 40-1-28 adopts by reference the June 1986 edition of the National Association of Insurance Commissioners' Insurance Holding Company System Model Regulations and reporting forms. The most significant change is adoption of Form D, Prior Notice of Transaction, to facilitate insurers' compliance with Section 5, Subsection (c) of 1991 Senate Bill No. 67.

The amendments to this regulation do not add to the regulatory responsibilities relevant to administration of Kansas laws governing insurance holding company systems. Therefore, the regulation itself will have no direct economic impact on the general public, the Insurance Department or insurers.

K.A.R. 40-2-21 is a new regulation patterned after the National Association of Insurance Commissioners' Model Regulation for Life Reinsurance Agreements to add greater specificity to the permissible effect life reinsurance agreements may have on the assets or liabilities of insurers doing business in Kansas. The restrictions, instructions and prohibitions contained in

the regulations are generally a codification of current acceptable practices. As a result, adoption of this regulation will have no direct economic impact on the general public, insurers or this department.

K.A.R. 40-3-48 is a proposed permanent and temporary regulation which will complete implementation of the statutes governing managing general agents. These statutes were enacted as 1990 Senate Bill No. 514 which, among other responsibilities, required the commissioners to specify the dollar amount of claim authority that might trigger application of the law and establish the coverage limits of required errors and omissions insurance. In addition to fulfilling these requirements, K.A.R. 40-3-48 clarifies the examination process, record keeping requirements and independent audit needs contemplated by 1990 Senate Bill No. 514.

The amendments to this regulation do not add to the regulatory responsibilities relevant to administration of Kansas laws governing managing general agents. Therefore, the regulation itself will have no direct economic impact on the general public, the Insurance Department or insurers.

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 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. 010957

State of Kansas

Department of Commerce**Notice Concerning 1991 Comprehensive
Housing Affordability Strategy**

As part of the Cranston-Gonzalez National Affordable Housing Act of 1990, all states are required to write a comprehensive housing affordability strategy (CHAS). The CHAS is a comprehensive plan containing housing conditions, needs and priorities within the state of Kansas. The plan is composed of three sections: market and housing conditions, a five-year strategy and a one-year plan. Starting August 15, the CHAS will be available at all county clerk's offices throughout the state and at all Regents university libraries.

The department will accept written public comment until October 15. Comments should be sent to the Kansas Department of Commerce, Office of Housing, 400 S.W. 8th, 5th Floor, Topeka 66603-3957.

The State Office of Housing will conduct public hearings in September in various parts of the state. Times, dates and locations of the hearings will appear in the Kansas Register at a later date.

Laura E. Nicholl
Secretary of Commerce

Doc. No. 010977

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Variance Request
From Hazardous Waste Regulations**

The Kansas Department of Health and Environment is providing public notice that on June 11, 1991, Parsons Precision Products, Inc., 3333 Main, Parsons, submitted a request for a variance from specific hazardous waste regulations. The request for a variance was submitted in accordance with K.A.R. 28-31-13(a).

The variance is requested from K.A.R. 28-31-4 and 40 CFR 265.176, which require the storage of containers holding ignitable hazardous waste must be located at least 15 meters (50 feet) from the facility's property line.

Parsons Precision Products, Inc. generates ignitable hazardous waste. The hazardous waste is stored prior to being shipped off-site for reclamation. Parsons Precision Products, Inc. proposes to store this waste in a hazardous waste containment area with concrete flooring and curbing to contain any potential spills. KDHE has reviewed the variance request and concluded that the variance is justified.

In accordance with K.A.R. 28-31-13(b), public notice is being provided of this decision. Copies of the variance request will be available for public review until September 14 from 8 a.m. to 4:30 p.m. weekdays at the KDHE, Building 740, Forbes Field, Topeka, and at the KDHE district office, 1500 W. 7th, Chanute.

Comments concerning this variance request may be directed to Glynis Perry, Hazardous Waste Section, KDHE, Topeka 66620. Comments must be submitted in writing prior to September 14. Requests for additional information may be made by contacting KDHE at (913) 296-1600.

Upon the written request of any interested person, a public meeting may be held to consider comments on this tentative decision. The person requesting a meeting shall state the issues to be raised and shall explain why written comments would not suffice to communicate the person's views. If a decision is made to conduct a public meeting, a separate public notice detailing the date and place of a public meeting will be issued.

After evaluating all public comments, a final decision will be made by the secretary, and a notice of the final decision will be published in the Kansas Register. If approved, any conditions or time limitations needed to comply with all applicable state or federal laws or to protect human health or safety or the environment will be specified by the secretary. A date upon which the variance will no longer be valid will be prescribed in the final decision.

**Azzie Young
Secretary of Health
and Environment**

Doc. No. 010975

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 70,300 cubic yard detention dam, Site D-40 in Jackson County, will be received by the Delaware Watershed Joint District No. 10 at the district office, 125 W. 4th, Holton 66436, until 7 p.m. September 5, and then will be opened. A copy of the invitation for bids and plans and specifications can be obtained from the district office, (913) 364-4309.

**Kenneth F. Kern
Executive Director**

Doc. No. 010964

State of Kansas

**Department of Health
and Environment**

**Notice of Intent to Revoke
Kansas Pretreatment Permit**

In accordance with state regulation 28-16-62 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, it is the intent of the Department of Health and Environment to revoke the Kansas pretreatment permit issued to the applicant listed for failure to pay annual permit fees.

Name and Address of Applicant	POTW	Type of Discharge
Ace Services, Inc. P.O. Box 353 345 Convesse St. Colby, KS 67701	Colby MWWTP	Process wastewater
Kansas Permit No. P-UR06-0002		

Description of Facility: This facility performs chrome plating on agricultural implement parts on an intermittent basis. This facility is only operational 2-3 months a year.

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 September 13 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-RK-91-1) and the name of applicant as listed when preparing comments.

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. Additional copies of this public notice may be obtained at the Division of Environment offices, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. weekdays.

**Azzie Young
Secretary of Health and
Environment**

Doc. No. 010973

State of Kansas

Department of Health
and EnvironmentNotice Concerning Kansas
Water Pollution Control Permits

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

Name and Address of Applicant	Waterway	Type of Discharge
Hunt Midwest Mining, Inc. Sunflower Quarry-DeSoto 4th and Randolph Randolph, MO 64161	Kansas River via Kill Creek	Quarry pit dewatering and uncontaminated stormwater runoff

Johnson County, Kansas

Kansas Permit No. I-KS12-P001 Fed. Permit No. KS-0087947
Description of Facility: This is a limestone quarrying and crushing operation with no washing. Any discharge will be from four settling ponds (outfalls 001, 002, 003 and 004) which collect and detain uncontaminated stormwater runoff and quarry pit dewatering. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Hett Quarry-Marion P.O. Box 5904 Topeka, KS 66605	Neosho River via Cottonwood River via Clear Creek via unnamed tributary	Quarry pit dewatering and uncontaminated stormwater runoff

Marion County, Kansas

Kansas Permit No. I-NE45-P002 Fed. Permit No. KS-0087751
Description of Facility: This is a limestone quarrying and crushing operation with washing. All wastewater from the washing operation is clarified in settling ponds and then recycled. The only discharge is the dewatering of the quarry pit (Outfall 001) and uncontaminated stormwater runoff. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Rake Quarry-Topeka P.O. Box 5904 Topeka, KS 66605	Kansas River via Wakarusa River and Clinton Lake via Deer Creek via unnamed tributary	Quarry pit dewatering and uncontaminated stormwater runoff

Shawnee County, Kansas

Kansas Permit No. I-KS72-P015 Fed. Permit No. KS-0087068
Description of Facility: This is a limestone quarrying and crushing operation with no washing. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Martin Marietta Aggregates Sunflower Quarry-Florence P.O. Box 5904 Topeka, KS 66605	Neosho River via Cottonwood River via unnamed tributary	Quarry pit dewatering and uncontaminated stormwater runoff

Marion County, Kansas

Kansas Permit No. I-NE26-P001 Fed. Permit No. KS-0087760
Description of Facility: This is a limestone quarrying, crushing and washing operation using portable equipment. All wastewater from the washing operation is recycled via a settling pond. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. #73 Dedonder—St. Marys P.O. Box 17 Perry, KS 67073	Kansas River via Riley Creek	Quarry pit dewatering and uncontaminated stormwater runoff

Pottawatomie County, Kansas

Kansas Permit No. I-KS67-P004 Fed. Permit No. KS-0087394
Description of Facility: This is a limestone quarrying and crushing operation with no washing. Outfall 001 is the quarry pit dewatering discharge and Outfall 002 is the uncontaminated stormwater discharge. This is a new facility. 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 September 13 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-91-141/145) 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 Division of Environment.

Azzie Young
Secretary of Health
and Environment

Doc. No. 010972

State of Kansas

Department of Health and Environment

Corrected Notice of Variance Request From Hazardous Waste Regulations

The public notice KS-VR-91-1, published in the August 1 Kansas Register, included the proposed location of the rapid infiltration basin. The location as reported in Range 19 West was incorrect. The correct proposed location is in the center of Section 30, Township 13 South, Range 18 West, Sixth Principal Meridian in Ellis County.

Any person wishing to comment on the variance request may forward written comments to the Municipal Programs Section, Kansas Department of Health and Environment, Bureau of Water, Forbes Field, Building 740, Topeka 66620-7300. Comments must be submitted on or before August 30.

Azzie Young
Secretary of Health and Environment

Doc. No. 010971

State of Kansas

Department on Aging

Notice of Intent to Grant Adequate Proportion Waivers

The Kansas Department on Aging intends to grant a waiver to one area agency on aging (AAA) to the requirement that an AAA budget an adequate portion of its Title III-B social services funds for priority services. The three priority service categories are access, in-home and legal assistance. This AAA has shown that it does not have sufficient resources to meet the adequate proportion percentage. A more detailed justification for waivers is available for review at the Department on Aging office.

The agency, Northwest Kansas Area Agency on Aging, will be granted a waiver for in-home services for federal fiscal year 1992.

If an individual or service provider requests a hearing within 30 days of the date of this notice, the Kansas Department on Aging will provide an opportunity for hearing.

Questions and requests for a hearing should be directed to Richard Wagner, Kansas Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612-1500, (913) 296-4986.

Joanne E. Hurst
Secretary of Aging

Doc. No. 010974

State of Kansas

Kansas State University

Notice to Bidders

Sealed bids for items listed below will be received by Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or FAX (913) 532-5632 for additional information.

Monday, August 26, 1991

#20013

Cell harvester

#20014

Liquid scintillation counter

William H. Sesler
Director of Purchasing

Doc. No. 010954

State of Kansas

Department on Aging

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be held at 8:30 a.m. Thursday, September 26, in Room F, KNEA Building, 715 W. 10th, Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Department on Aging.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the secretary of the Department on Aging, Room 122-S, Docking State Office Building, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally in the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These regulations are proposed for adoption on a permanent basis and are intended to regulate aging service providers of the Senior Care Act program who receive all or part of their funding from the Kansas Department on Aging. These proposed regulations will result in a positive effect upon the service providers and the recipients of Senior Care Act program services.

The proposed regulations are the result of the passage of 1989 Senate Bill No. 60 authorizing the Secretary of Aging to establish a program of in-home support services for certain adults providing for requirements for and limitations on such programs and providing for the administration of the program.

No more than 8.5 percent of program administrative costs will be borne by area agencies on aging receiving the funds. The maximum of 8.5 percent of program administration costs can be taken out of grant or local resources.

(continued)

The department does not have a less costly or intensive method for achieving the stated purpose of the regulations. It is estimated that the regulations will not require any additional costs. A summary of proposed regulations follows.

K.A.R. 26-8-1—Definitions. Contains definitions of terms used in the senior care act program.

K.A.R. 26-8-2—Eligibility for services. Contains the requirements for eligibility to receive services under the senior care act program.

K.A.R. 26-8-3—Priority for services. Contains a listing of those services that are priority services.

K.A.R. 26-8-4—Fees. Contains the fee schedule for services set by the program.

K.A.R. 26-8-5—Screening and assessment mechanism. Establishes the screening instrument used to assess applicants for the senior care act program.

K.A.R. 26-8-6—Level of payment to providers. Contains the senior care act program requirement that the level of payments to providers shall be established through purchase of service contracts with the service providers.

K.A.R. 26-8-7—Funds spent for each client. Contains the maximum expenditure limit for total monthly service to a specific client.

K.A.R. 26-8-8—Termination. Contains the reasons for the termination of service and the requirement of notice when the service is being terminated for non-payment of fees.

K.A.R. 26-8-9—Request for a fair hearing. Contains regulations for a request for a fair hearing including the right to a fair hearing notice and the request.

K.A.R. 26-8-10—Formal hearing. Contains requirements for the formal hearing, notice of hearing and hearing procedures.

K.A.R. 26-8-11—Appeal from hearing order. Contains requirements for an appeal hearing including the request for an appeal, the department's responsibility, hearing procedures and the decision of the secretary.

K.A.R. 26-8-12—Reporting requirements. Contains reporting requirements.

K.A.R. 26-8-13—Targeting of services. Contains the requirement that preference for service provision shall be given the eligible persons who are at the greatest risk of institutional placement or those of the greatest social need.

K.A.R. 26-8-14—Costs for administration, start-up and evaluation. Contains requirements to regulate the funds that can be used on administration, start-up funds, screening and assessment, and project evaluation.

Copies of the regulations and the economic impact statement may be obtained from the Department on Aging, Room 122-S, Docking State Office Building, 915 S.W. Harrison, Topeka 66612, (913) 296-4986.

Joanne E. Hurst
Secretary of Aging

Doc. No. 010962

State of Kansas

Wildlife and Parks Commission

Notice of Meeting and Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 7 p.m. Friday, September 13, in the Landon Room at the University Inn, 17th and Anderson, Manhattan, to consider the adoption and revocation of several permanent department regulations which were previously announced and scheduled for the August 16 commission meeting in Emporia.

A workshop meeting on upcoming business and future regulations will begin at 1:30 p.m. Friday, September 13, at the above location. If necessary, the workshop will continue following the conclusion of the public hearing. The public is also invited to attend the workshop.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on the regulations.

All interested parties may submit written comments prior to the hearing to the chairman of the commission, Kansas Department of Wildlife and Parks, Suite 502, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1233. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations and the proposed revocations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending or rejecting the proposed regulations and revocations.

The following is a brief summary of the regulations proposed for adoption and the regulations proposed for revocation:

K.A.R. 115-14-1. Falconry; federal regulations. This proposed permanent regulation replaces K.A.R. 23-21-1, which is proposed for revocation. The only change is an updated 50 C.F.R. reference.

Economic Impact Summary: No economic impact will occur.

K.A.R. 115-14-2. Falconry permits. This proposed permanent regulation includes provisions of K.A.R. 23-21-2, 23-21-3 and 23-21-14, which are proposed for revocation. The only change requires a nonresident holding a falconry permit from another state to apply for a similar Kansas permit upon establishment of residency in Kansas. Thus, the individual would have 60 days to secure a resident permit as opposed to the previous 20 day requirement of K.A.R. 23-21-14.

Economic Impact Summary: No economic impact will occur.

K.A.R. 115-14-3. Falconry permit classes and requirements. This proposed permanent regulation includes provisions of K.A.R. 23-21-4, which is proposed for revocation. Apprentice class falconers would be allowed to possess a red-shouldered hawk. This change would bring the species authorized for possession by an apprentice class falconer into conformity with federal falconry regulations.

Economic Impact Summary: No economic impact will occur.

K.A.R. 115-14-4. Examination. This proposed permanent regulation includes provisions of K.A.R. 23-21-6, which is proposed for revocation. Under this regulation, an individual holding a falconry permit from another state would not be required to take a Kansas test to secure a similar Kansas falconry permit.

Economic Impact Summary: A no testing provision to secure a similar permit upon establishment of residence in Kansas will result in a small savings to those obtaining a permit and a small savings to the department by not having to administer the test.

K.A.R. 115-14-5. Facilities and inspection. This proposed permanent regulation includes provisions of K.A.R. 23-21-7 and 23-21-10, which are proposed for revocation. No changes are included in the proposed regulation.

Economic Impact Summary: No economic impact will occur.

K.A.R. 115-14-6. Equipment. This proposed permanent regulation includes provisions of K.A.R. 23-21-11, which is proposed for revocation. No changes are included in the proposed regulation.

Economic Impact Summary: No economic impact will occur.

K.A.R. 115-14-7. Permit expiration and renewal. This proposed permanent regulation includes provisions of K.A.R. 23-21-8, which is proposed for revocation. Federal regulations now provide for a three year permit. The Kansas permit would be for a three year period, but ending on December 31 of the third year. Under K.A.R. 23-21-8, the permit period is one year.

Economic Impact Summary: The length of permit change will mean a cost savings to falconers and a loss of permit revenue to the department. However, there are currently only four permittees, thus the loss to the department will be insignificant. In effect, it represents a lowering of fees which may result in the issuance of a few more permits.

K.A.R. 115-14-8. Reports. This proposed permanent regulation includes provisions of K.A.R. 23-21-9, which is proposed for revocation. The regulation would discontinue the separate Kansas reporting requirement, but falconers would be required to submit to the department a copy of all federally required reports. The reports would be submitted on the same deadlines as required by the service. A requirement to provide information to the department on hunting and permit activities would continue.

Economic Impact Summary: No significant impact would occur; however, reporting would be simpler for permittees and the department would avoid some administrative expense.

K.A.R. 115-14-9. Acquisition of raptors. This proposed permanent regulation includes provisions of K.A.R. 23-21-13 and 23-21-14, which are proposed for revocation. The red-shouldered hawk and great horned owl are added to the list of species which may be taken from the wild during certain stages. General and master falconers would be authorized to take any species in the passage stage if taking of that species is

authorized by the service and if the species is not on the Kansas threatened or endangered species list. General and master falconers would be authorized to purchase, receive, sell, barter or transfer raptors only if authorized by service regulations.

Economic Impact Summary: No significant impact would occur; however, falconers may benefit slightly with a few more raptors species available for use and expanded ability to secure raptors through purchase, barter or transfer. The department would avoid some administrative expenses.

K.A.R. 115-14-10. Other provisions. This proposed permanent regulation includes provisions of K.A.R. 23-21-12 and 23-21-14, which are proposed for revocation. Marking of released raptors would not be required. A prohibition against carrying of firearms while hawking is discontinued. The necropsy requirement for deceased raptors is discontinued. The incidental take of hen pheasants by falconers is authorized, but is limited to two per day and only four per season.

Economic Impact Summary: No significant impact would occur; however, falconers may benefit from a relaxation of certain standards. The department would avoid some administrative expenses.

The following regulations are proposed for revocation:

K.A.R. 23-1-3. Doves—open season and bag limits. This permanent regulation exists under the discontinued agency 23 number and is proposed for revocation. The provisions of this regulation are included in proposed regulation K.A.R. 115-25-17.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-1. Falconry. This permanent regulation exists under the discontinued agency 23 number. Subject matter of this regulation is contained in the proposed K.A.R. 115-14-1.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-2. Definitions. This permanent regulation exists under the discontinued agency 23 number. Several of the definitions are now included under K.A.R. 115-1-1 or are defined within other proposed regulations.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-3. Falconry permits. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-2, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-4. Falconry permit classes. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-3, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-5. Application. This permanent regu-

(continued)

lation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-3.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-6. Examination. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-6, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-7. Inspection. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-5, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-8. Expiration and renewal. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-7, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-9. Reports. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-8, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-10. Facilities. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-5, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-11. Equipment. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-6.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-12. Marking. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-10, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-13. Acquisition of raptors. This permanent regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-9, and changes are discussed in the summary for that regulation.

Economic Impact Summary: No economic impact will occur as a result of revocation.

K.A.R. 23-21-14. Other provisions. This permanent

regulation exists under the discontinued agency 23 number. Provisions of this regulation are contained in the proposed K.A.R. 115-14-2, 115-14-9 and 115-14-10, and changes are discussed in the summaries for those regulations.

Economic Impact Summary: No economic impact will occur as a result of revocation.

James Holderman
Chairman

Doc. No. 010961

State of Kansas

Department of Transportation

Notice of Public Auction

The Kansas Secretary of Transportation will offer for sale and removal at public auction at 10 a.m. September 5 the following houses located in Shawnee and Jackson counties:

Tract 15, 7130 Northwest Highway 75; 2,070 sq. ft., 3 BR, partial 2-story frame house.

Tract 49, Approx. 1/4 mile north of 150th Street on North Highway 75; 1,536 sq. ft., 3 BR, white 2-story frame house.

Tract 155, Approx. 1/2 mile south of K-16 and Highway 75 south of Holton, west side of highway; 885 sq. ft., 3 BR, blue 1-story frame house.

The successful bidder or bidders will be required to remove the structure or structures from the right of way on or before October 7. A performance bond of \$1,500 must be posted on the day of the sale for each building as a guarantee of removal of the structures. Any item not removed from the right of way on or before the specified date shall revert to and become the property of the Kansas Department of Transportation. The purchaser/purchasers shall have no right, title, interest or claim to or lien upon said remaining items or part thereof, nor any claim against the Department of Transportation for the sale price paid after said date. The purchaser/purchasers shall not permit use or occupancy of said structure pending removal from highway right of way.

The Kansas Department of Transportation ensures that the acceptance of any bid pursuant to this notice will be without discrimination on the grounds of sex, race, color, religion, physical handicap, or national origin.

Terms of the sale are money order or certified or cashier's check for full price. Make check payable to "Secretary of Transportation." The purchaser/purchasers will receive a bill of sale.

The seller reserves the right to reject any and all bids and is not responsible for accidents. For additional information, contact Beverly Lee or Pamela Wolfe, Bureau of Right of Way, (913) 296-3501.

Michael Johnston
Secretary of Transportation

Doc. No. 010955

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the purchase of 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.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, August 26, 1991

27530

Statewide—Microcomputer software

27996

Department of Wildlife and Parks—Outdoor poly signs

89437

Emporia State University—Elevator modernization

89446

Kansas State University—Testing machine

89453

Kansas State University—Gel reader with software, DNA cycler and electrophoresis system

89454

Kansas State University—Weighing systems

89464

Department of Transportation—Asphaltic concrete

89519

University of Kansas—Plain paper photocopier

89525

Wichita State University—Audio-video equipment

Tuesday, August 27, 1991

28568

Statewide—Apple computer products

89470

Department of Wildlife and Parks—Park permits

89471

Department of Transportation—Bituminous mixture

89475

Kansas State University—Steel library shelving

Wednesday, August 28, 1991

27516

Statewide—October (1991) meat products

27625

Statewide—Microcomputer printers

89482

Department of Health and Environment—Refrigerated centrifuge

89483

Kansas State University—Truck

89490

Department of Transportation—Ready mix concrete

89491

University of Kansas—Backflow preventers

89526

University of Kansas Medical Center—X-ray labels

Tuesday, September 10, 1991

A-6582

University of Kansas—Install variable air volume system—ECM cycle 13—Robinson Gymnasium

A-6586, A-6587

University of Kansas—Nichols Hall—install VAV system and low leakage dampers

A-6620

Emporia State University—William Allen White Library/Brighton Lecture Hall—HVAC modifications

Request for Proposals

Wednesday, August 28, 1991

28569

Academic and vocational education for the Department of Corrections, Norton Correctional Facility

Leo E. Vogel

Acting Director of Purchases

Doc. No. 010969

(Published in the Kansas Register, August 15, 1991.)

**Notice of Call for Redemption
to the registered owners of
Unified School District 266**

**Sedgwick County, Kansas (Maize)
General Obligation School Building Bonds
Series 1981, Dated April 1, 1981**

Notice is hereby given that pursuant to the provisions of Section 1 of a resolution of the district, duly adopted March 9, 1981, that the above mentioned bonds maturing October 1, 1992, and thereafter, and all unmatured coupons appertaining thereto, have been called for redemption and payment on October 1, 1991, at the office of the Kansas State Treasurer, Topeka, Kansas, the paying agent.

Bond Nos.	Maturity Date	Principal Amount	Interest Rate	CUSIP Nos.
196 to 227	10-1-1992	\$160,000	9.25%	815670AL8
228 to 262	10-1-1993	175,000	9.25%	815670AM6
263 to 300	10-1-1994	190,000	10.00%	815670AN4
301 to 341	10-1-1995	205,000	10.00%	815670AP9
342 to 386	10-1-1996	225,000	10.00%	815670AQ7
387 to 435	10-1-1997	245,000	10.10%	815670AR5
436 to 488	10-1-1998	265,000	10.10%	815670AS3
489 to 546	10-1-1999	290,000	10.30%	815670AT1
547 to 610	10-1-2000	320,000	10.30%	815670AU8
611 to 680	10-1-2001	350,000	10.50%	815670AV6

On such redemption date there shall become due and payable, upon the presentation and surrender of each such bond, the redemption price thereof equal to 102.5 percent of the principal amount of each bond together with interest accrued to the redemption date (upon the presentation and surrender of each such bond and appropriate coupons appertaining thereto). Interest shall cease to accrue on the bonds so called for redemption from and after October 1, 1991, provided such funds for redemption are on deposit with the paying agent.

Unified School District 266
Sedgwick County, Kansas (Maize)

Doc. No. 010953

(Published in the Kansas Register, August 15, 1991.)

Notice of Bond Sale
\$175,000
City of Spring Hill, Kansas
General Obligation Bonds
Series 1991

Sealed Bids

Sealed bids for the purchase of \$175,000 principal amount of General Obligation Bonds, Series 1991, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Spring Hill, Kansas, on behalf of the governing body of the city at City Hall, 100 W. Nichols, Spring Hill, until 10 a.m. C.D.T. Thursday, August 22, 1991. All bids will be publicly opened and read at said time and place and will be acted upon by the city at 7:30 p.m. on said date and at the same place. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated September 1, 1991, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1992	\$ 5,000.00
1993	5,000.00
1994	5,000.00
1995	5,000.00
1996	5,000.00
1997	10,000.00
1998	10,000.00
1999	10,000.00
2000	10,000.00
2001	10,000.00
2002	10,000.00
2003	10,000.00
2004	10,000.00
2005	10,000.00
2006	10,000.00
2007	10,000.00
2008	10,000.00
2009	10,000.00
2010	10,000.00
2011	10,000.00

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on March 1, 1992.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are regis-

tered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of the bond registrar, will be the responsibility of the bondholders.

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 1997, and thereafter will be subject to redemption and payment prior to maturity on September 1, 1996, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

Whenever the city is to select the bonds for the purpose of redemption, it shall, in the case of bonds in denominations greater than \$5,000, if less than all of the bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered bond as though it were a separate bond of the denomination of \$5,000.

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States certified mail to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 30 days prior to the redemption date. Thereafter the paying agent and bond registrar will notify the owners of the bonds of the city's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly *MuniWeek, f/k/a Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued

interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various street improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest in part from special assessments levied upon specially benefited property and, if not so paid, from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986, as amended, imposes requirements on the city which must be met subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted current earnings of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net op-

erating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax may subject certain bondholders to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from gross income for federal income tax purposes. Interest on the bonds may also be excludable from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about September 25, 1991, at such bank or trust company in the state of Kansas, or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 10 a.m. C.D.T. on September 2, 1991. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

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The successful bidder shall furnish the city by 10 a.m. C.D.T., on September 2, 1991, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accomplished by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$3,500, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the city, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, and the city reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

CUSIP identification numbers will be printed on the bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bid Forms

All bids must be made on forms which may be procured from the city clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The city reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at city hall and must be received by the undersigned prior to 10 a.m. C.D.T. Thursday, August 22, 1991.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1990 is \$6,407,029. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$1,525,000, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$215,000, of which \$215,000 will be retired out of the proceeds of the bonds herein offered for sale.

Dated July 25, 1991.

City of Spring Hill, Kansas
 Alice Youngman
 City Clerk
 City Hall
 100 W. Nichols
 Spring Hill, KS 66083
 (913) 686-3664

Doc. No. 010976

State of Kansas

**Board of Agriculture
 Division of Water Resources**

**Permanent Administrative
 Regulations**

**Article 23.—SOUTHWEST KANSAS
 GROUNDWATER MANAGEMENT
 DISTRICT NO. 3**

5-23-3. Well spacing requirements. (a) All well locations described in applications for a permit to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from the unconsolidated aquifer, commonly described as the Ogallala aquifer, or an alluvial aquifer, or both, shall be placed so that spacing between that well and all other nondomestic wells meet the following well spacing requirements:

Acre feet requested annually	Spacing Requirement
6-200	1300 feet
201-300	1600 feet
301-400	1900 feet
401-500	2100 feet
501-or more	2300 feet

Wells for which an annual diversion of five acre feet or less is requested shall be spaced a sufficient distance to prevent direct impairment.

(b) All well locations described in applications for a permit to appropriate water for beneficial use, other than domestic, which propose the diversion or withdrawal of water from a consolidated bedrock aquifer shall:

- (1) be located in an area in which there is a distinct impermeable separation between the consolidated aquifer and the overlying unconsolidated aquifer; and
- (2) meet the following well spacing requirements from all other nondomestic wells:

(A) The minimum spacing between consolidated wells approved for more than 100 acre feet per year shall be two miles. For wells approved for 25 through 100 acre feet per year, the spacing shall be one mile, and for wells approved for less than 25 acre feet per year, the spacing shall be 2,300 feet.

(B) The minimum spacing between a well tapping a consolidated aquifer and a well tapping an unconsolidated aquifer shall be 300 feet.

(C) The minimum spacing between a consolidated aquifer well approved for more than 100 acre feet per year and the nearest known point of hydraulic contact with an unconsolidated aquifer shall be five miles. For wells approved for 25 through 100 acre feet per year, the spacing shall be two miles and for wells approved for less than 25 acre feet per year, there shall be no spacing requirement.

(c) In addition to the spacing requirements in (b), all consolidated aquifer wells that also penetrate an unconsolidated aquifer shall be sealed off between the consolidated and the unconsolidated aquifer in such a manner as to prevent migration of water between the aquifers.

(d) The location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 2,640 feet from the originally authorized point of diversion and shall:

(1) Not decrease the distance to other wells or authorized well locations by more than 300 feet; or

(2) Meet the minimum well spacing requirements as adopted by the board.

(e) No application for approval to change the point of diversion under an approved application for which the original well has not been drilled shall be approved if the location of the proposed point of diversion decreases the distance from the approved location to any other existing wells to less than the spacing requirement for new applications. Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the chief engineer. The board may require the applicant to submit information as it deems necessary to make the determination. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1985; amended Aug. 28, 1989; amended Sept. 30, 1991.)

5-23-4a. Criteria for closing townships to new appropriations. (a) Entire townships shall be closed to further appropriation of water for beneficial use from the unconsolidated aquifer, commonly described as the Ogallala aquifer, except appropriations for domestic use and applications requesting less than five acre-feet per calendar year, if one or more of the following conditions exists:

(1) The entire township is fully appropriated.

(A) A township shall be considered to be fully appropriated if the aquifer within the township would be depleted by 40 percent or more in twenty-five years if current vested rights and appropriations are fully exercised and all limitation clauses listed on permits to appropriate water and certificates are in force.

(B) Aquifer depletion shall be calculated using the depletion formula described in K.A.R. 5-23-4 with an area of consideration equal to the number of acres within the township.

(2) The average saturated thickness of the aquifer within the township is 40 feet or less. The average saturated thickness within a township shall be determined from maps developed by the United States geological survey, the Kansas geological survey or other reliable information.

(3) The aquifer has been depleted by 20 percent or more since 1940. Depletion since 1940 shall be determined from maps developed by the United States geological survey, the Kansas geological survey or other reliable information.

(b) The district shall review townships that are not closed to further appropriations at least once a year to determine their status.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective Sept. 30, 1991.)

Gary Hall

Acting Secretary of Agriculture

Doc. No. 010958

State of Kansas

Department of Corrections

Permanent Administrative Regulations

Article 6.—GOOD TIME CREDITS

44-6-106. Authority to interpret court documents. Department of corrections' staff, authorized by the secretary of corrections, shall have the authority to analyze and interpret the journal entry of judgment, the judgment form, and any other documents from the court to the extent necessary to execute the sentence and commitment.

(b) Authorized staff shall include principal administrators, records officers, classification officers and attorneys.

(c) When correction of a journal entry is necessary, the authorized staff shall refer the matter to the sentencing court and notify the county or district attorney and the defense attorney. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991.)

44-6-108. Good time credits; earning, awarding and applying. (a) Good time credits shall be awarded by the principal administrator of the correctional facility, or that person's designee, acting on recommendation of the unit team or program management committee.

(b) In cases where the time required to be served is

(continued)

amenable to reduction by good time credits, good time credits shall be awarded as earned to reduce the minimum term of those sentences, as described in these regulations and applicable law.

(c) To establish the conditional release date, good time credits shall be presumed earned and shall be applied to the maximum sentence term when first computed. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991.)

44-6-114c. Parole eligibility computation. (a) For concurrent and aggregated consecutive terms not involving class A felonies, parole eligibility shall be set at the minimum term less any award for good time credits.

(b) Concurrent class A felony sentences shall have a fixed parole eligibility date of 15 years, except under K.S.A. 1990 Supp. 21-4624, which provides for a parole eligibility date of 40 years.

(c) Parole eligibility for consecutive sentences including one or more class A felonies shall be determined by:

(1) Computing the parole eligibility on the aggregate minimum terms for crimes which are not class A felonies; and

(2) adding an additional 15 years or 40 years, as appropriate, for each class A felony.

(d) The class A felony sentence shall be served first, with the 15 or 40-year parole eligibility period added to the sentence begins date to determine the parole eligibility date of the class A felony sentence.

(e) An additional 15 or 40 years shall be added for each class A felony. No good time credits shall be deducted from the fixed parole eligibility date for any class A felony. After this fixed parole eligibility date is served, service of time for the non-class A felonies shall begin. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427; K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective Nov. 12, 1990; amended Sept. 30, 1991.)

44-6-120. Application of good time to record. (a) 360-day year. For the purpose of earning, awarding and applying good time credits, the year shall be calculated as a 360-day period with each month being 30 days in length.

(b) Following recommendation by the unit team and the approval of the classification committee, good time credits shall be applied to the official inmate record by the records officer of the facility.

(c) Good time credits shall be applied to the inmate's record:

(1) At the initial inmate program classification, 100% of good time credits shall be awarded for the period from the sentence begins date to the date of the program classification, unless there is written documentation in the inmate's record of maladjustment prior to the date of the program classification;

(2) every 120 days;

(3) upon completion of parole eligibility requirement;

(4) upon notification of the parole board's decision.

(d) Application only to minimum until parole eligibility.

(1) Good time credit awards and forfeitures shall be applied only to the minimum sentence until the parole eligibility has been reached.

(2) However, meritorious good time shall be applied simultaneously to both the minimum and maximum sentence.

(3) After parole eligibility has been reached, no further good time credit of any kind shall be awarded on the minimum.

(4) After parole eligibility, all subsequent forfeitures of good time credits shall be utilized to adjust the conditional release date. The inmate shall be considered as proceeding toward the conditional release date following parole eligibility or a parole hearing, subject to any order of the Kansas parole board in passing or continuing the case.

(e) Unit team running tally. The unit team shall keep a running tally of the good time credits earned and awarded, less any good time credits forfeited by disciplinary action.

(f) Records; form and manner set by secretary. Records shall be maintained in a form and manner established by internal management policy and procedure (IMPP) of the secretary. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427; K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991.)

44-6-124. Awarding good time. (a) Award each program classification period; one opportunity to earn good time; guidelines for granting and denying good time.

(1) Good time credits shall be awarded at every program classification designated for that purpose from credits available to be earned for the period since the previous program classification.

(2) All or any part of the credits allocated for that period may be awarded. For time covered by jail credit, the good time credits shall be presumed to have been earned unless there is written documentation of maladjustment on the part of the inmate prior to the date of the initial program classification.

(3) If the entire allocation of good time credit is not awarded at any program classification, no part of that allocation shall be awarded at a later date. The inmate shall be permitted only one opportunity to earn the good time credits available for each separate period.

(b) For parole eligibility, award of good time credits shall be limited as follows:

(1) Inmates with no class I offenses during the program classification period shall receive at least 50% of the good time credits allocated for that period.

(2) Inmates with no class I or II offenses during the program classification period shall receive at least 60% of the good time credits allocated for that period.

(3) Inmates with no class I, II or III offenses during the program classification period shall receive at least 70% of the good time credits allocated for that period.

(4) Inmates with no class I, II, III or IV offenses

during the program classification period shall receive at least 80% of the good time credits allocated for that period.

(5) The balance of the credits above the percentages listed in paragraphs (a)(1) to (a)(4) shall be awarded by the unit team based on factors of good work, behavior, and other performance factors related to effective rehabilitation of the inmate.

(c) Award at discretion of unit team and based on merit. The unit team may refuse to award all or part of that portion of the credits over which they have discretion for:

- (1) misbehavior;
- (2) poor work;
- (3) malingering in programs; or

(4) any other relevant reasons determined, explained and documented by the unit team. Inability to work or participate in programs due to legitimate health problems or for other reasons beyond the inmate's control shall not be considered grounds for refusing to award good time credits. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427; K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991.)

44-6-126. Meritorious good time. (a) For any inmate incarcerated for crimes committed before July 1, 1982, "meritorious" good time credits may be recommended to the Kansas parole board for any meritorious act by an inmate, if deemed appropriate by the unit team and subject to the approval of the program management committee and the warden.

(1) The action taken on this recommendation by the Kansas parole board shall be recorded in the inmate's record by the records officer at the institution.

(2) The application of these "meritorious" good time credits shall be in addition to other authorized good time credits.

(3) For offenses committed on or after July 1, 1982, no meritorious good time credits shall be given.

(b) For any offenses committed on and after July 1, 1984, meritorious good time shall again be available, and an inmate may be awarded not more than 90 days per meritorious act by the secretary of corrections in accordance with the provisions of K.S.A. 1990 Supp. 22-3717(a). (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427; K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended, T-85-37, December 19, 1984; amended May 1, 1985; amended Nov. 12, 1990; amended Sept. 30, 1991.)

44-6-133. Training for records staff; basis for sentence computation. (a) The principal administrator of each facility shall ensure that any person responsible for the computation of sentences has been thoroughly trained.

(b) The records specialist shall provide the necessary training and report on satisfactory completion of that training to the principal administrator.

(c) At least one in-service training session shall be

held following each legislative session for all persons designated as records officers.

(d) Records officers shall be familiar with all statutes of the state of Kansas relative to sentence terms and computation. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991.)

44-6-134. Jail credit time. (a) Jail credit as basis for sentence begins date set by court. Jail credit shall not be used in the sentence computation unless an authorization appears in the journal entry of judgment form. When only the number of days of jail credit earned is contained in the journal entry, the records office shall compute the sentence begins date by subtracting jail credit from the date of sentencing. The amount of jail credit shall not adjust the sentence begins date so that it falls prior to the date of commission of the offense.

(1) Jail credit shall be awarded for time spent in committal to the state hospital by an inmate prior to sentencing on a current conviction.

(2) Jail credit shall be awarded for time spent in custody by an inmate pending disposition of charges on the earlier sentence when consecutive sentences are imposed on different dates. The credits on the earlier sentence shall be computed so that the credits do not overlap into the latest imposed sentence. The credits for time spent previously in custody pending disposition of charges shall be recorded as jail credit, but the credit shall not exceed an amount equal to the previous minimum sentence less the maximum amount of good time credits that could have been earned on the minimum sentence. The remainder of credits shall be recorded as sentence maximum credits to apply to the maximum date. If prior penal credit was included as jail credit by the court, the credit shall be shown as jail credit.

(3) Jail credit shall be awarded for time spent by an inmate at the state reception and diagnostic center for presentence evaluation. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427; K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991.)

44-6-135. Prior penal credit. (a) Prior penal credit shall be computed and applied by department of corrections' personnel.

(b) To compute prior penal credit for court releases, the effective date of the sentence shall be subtracted from the date of the final disposition of the court by release on probation, appeal bond, or vacating of the sentence. Pre-sentence evaluation time spent at the Topeka correctional facility or any other facility designated by the secretary of corrections shall not be considered as prior penal credit, but shall be considered jail credit.

(c) To compute prior penal credit for an aggregate sentence, the sentence begins date of the earlier, con-

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trolling minimum sentence date shall be subtracted from the release date and applied as follows:

(1) The actual time incarcerated, not exceeding an amount equal to the previous minimum sentence less the maximum amount of good time credit that could have been earned under the law in effect at the time, shall be the prior penal credit available.

(2) The prior penal credit for a mandatory minimum sentence imposed prior to July 1, 1982 shall be restricted to a total credit equal to the actual time served prior to July 1, 1982, and the remaining minimum time to serve less all good time credits which could have been earned after July 1, 1982.

(3) The prior penal credit for a life sentence shall not exceed 15 years or the aggregated 15 years. The remainder of the credit shall be credited as maximum sentence credit.

(4) Accelerated parole eligibility dates under K.S.A. 1988 Supp. 22-3725 shall be credited to May 19, 1988 if the accelerated date was prior to the effective parole eligibility date under that statute.

(5) Accelerated parole eligibility dates under K.S.A. 1989 Supp. 22-3725 shall be credited to August 1, 1989 if the accelerated parole eligibility date was prior to the effective date of that statute.

(6) Parole eligibilities between July 1974 and January 1979, which were established at the discretion of the secretary of corrections upon attainment of the lowest minimum custody status, shall be credited with the actual time served from the sentence begins date of the earlier controlling minimum sentence. This credit shall not exceed the prior minimum sentence less the maximum amount of good time credits provided by K.A.R. 44-6-116 that could be earned on the minimum sentence.

(d) Computations of prior penal credit shall be subject to the provisions of K.A.R. 44-6-134, 44-6-136, 44-6-137, and 44-6-138. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427; K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; amended May 1, 1984; amended Nov. 12, 1990; amended Sept. 30, 1991.)

44-6-142. Conditional release date. The net maximum term and conditional release date referred to in K.S.A. 21-4608(3)(b) shall be based on computations from the same sentence. When computing the conditional release date, it shall be presumed that 100% of the available good time credits has been earned, and the good time credits shall be applied on a projected basis. The conditional release date shall be based on the controlling maximum sentence. No conditional release date shall be computed for a maximum sentence of life. (Authorized by K.S.A. 1990 Supp. 75-5210, 75-5251; implementing K.S.A. 22-3427, K.S.A. 1990 Supp. 21-4608, 22-3717, 75-5210, 75-5251; effective, T-84-32, Nov. 23, 1983; effective May 1, 1984; amended Sept. 30, 1991.)

Gary Stotts
Secretary of Corrections

Doc. No. 010950

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

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

30-10-200. Intermediate care facilities for mentally retarded (ICF's-MR) definitions. (a) "Accrual basis of accounting" means that revenue of the provider is reported in the period when it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

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

(c) "Agency" means the Kansas department of social and rehabilitation services.

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

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

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

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

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

(i) "Cost finding" means the process of recasting the data derived from the accounts ordinarily kept by a

provider to ascertain costs of the various types of services rendered.

(j) "Costs related to client care" means all necessary and proper costs, arising from arms-length transactions in accordance with general accounting rules, which are appropriate and helpful in developing and maintaining the operation of client care facilities and activities. Specific items of expense shall be limited pursuant to K.A.R. 30-10-218, K.A.R. 30-10-219, K.A.R. 30-10-220, K.A.R. 30-10-221, K.A.R. 30-10-222, K.A.R. 30-10-223, K.A.R. 30-10-224 and K.A.R. 30-10-225.

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

(l) "General accounting rules" mean the generally accepted accounting principles as established by the American institute of certified public accountants except as otherwise specifically indicated by ICF-MR program policies and regulations. Any adoption of these principles does not supersede any specific regulations and policies of the ICF-MR program.

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

(n) "Inadequate care" means any act or failure to take action which potentially may be physically or emotionally harmful to a recipient.

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

(p) "Intermediate care facility for the mentally retarded" means a facility which has met state licensure standards and which:

(1) Is primarily for the diagnosis, treatment, or habilitation of the mentally retarded or persons with related conditions; and

(2) provides, in a protected residential setting, ongoing evaluation, planning, 24-hour supervision, coordination, and integration of health or habilitative services to help each individual function at that person's greatest ability.

(q) "Levels-of-care model" means a residential model with five residential facility levels established by service intensity categories and size of facilities. The following specifies the size of facility limits:

- (1) Small facility (four through eight beds);
- (2) medium facility (nine through 16 beds); and
- (3) large facility (greater than 16 beds).

(r) "Mental retardation" means subaverage general intellectual functioning which originates in the developmental period and which is associated with impairment in adaptive behavior as defined by the 1983 revision of classification in mental retardation authored by the American association of mental deficiency.

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

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

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

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

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

(x) "Persons with related conditions" means individuals who have a severe, chronic disability that meets all of the following conditions:

(1) Is attributable to:

(A) Cerebral palsy or epilepsy; or

(B) any other condition, other than mental illness, found to be closely related to mental retardation because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons, and requires treatment or services similar to those required for these persons.

(2) is manifested before the person attains age 22;

(3) is likely to continue indefinitely; and

(4) results in substantial functional limitations in three or more of the following areas of major life activity:

(A) Self-care;

(B) understanding and use of language;

(C) learning;

(D) mobility;

(E) self-direction; and

(F) capacity for independent living.

(y) "Physician extender" means a person registered as a physician's assistant or licensed advanced registered nurse practitioner in the jurisdiction where the service is provided and who is working under supervision as required by law or administrative regulation.

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

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

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

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

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

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

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

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

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

(1) Routine services and supplies may include:

(A) All general nursing services;

(B) items which are furnished routinely to all clients;

(C) items stocked at nursing stations in large quantities and distributed or utilized individually in small quantities;

(D) routine items covered by the pharmacy program when ordered by a physician for occasional use; and

(E) items which are used by individual clients but which are reusable and expected to be available in a facility.

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

(A) It is not a stock item of the facility; or

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

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

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

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

(jj) "Working trial balance" means the summary from the provider's general ledger that was used in completing the cost report. This summary should contain the account number, and a description of the account, amount of the account and on what line of the cost report it was reported. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-10-1-90, Oct. 1, 1990; effective Jan. 30, 1991; amended Oct. 1, 1991.)

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

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

(c) Any ICF-MR where the utilization review team finds inappropriately placed clients shall be responsible for providing transportation for the clients to a more appropriate placement facility. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-10-1-90, Oct. 1, 1990; effective Jan. 30, 1991; amended Oct. 1, 1991.)

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

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

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

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

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

(B) the client may apply to the social security administration to have a representative payee designated for purposes of federal or state benefits to which the client may be entitled;

(C) except when paragraph (B) of this subsection applies, the client may designate, in writing, another

person to act for the purpose of managing the client's personal needs fund;

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

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

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

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

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

- (A) The client's name;
- (B) an identification of client's representative, if any;
- (C) the admission date;
- (D) the date and amount of each deposit and withdrawal, the name of the person who accepted the withdrawn funds, and the balance after each transaction;
- (E) receipts indicating the purpose for which any withdrawn funds were spent; and
- (F) the client's earned interest, if any.

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

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

- (A) The balance at the beginning of the statement period;
- (B) total deposits and withdrawals;
- (C) the interest earned, if any, and;
- (D) the ending balance.

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

(d) Types of accounts; distribution of interest.

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

(2) Interest-bearing accounts. The provider shall, within 15 days of receipt of the money, deposit in an interest-bearing account any funds in excess of \$50.00

from an individual client. The account may be individual to the client or pooled with other client accounts. If a pooled account is used, each client shall be individually identified on the provider's books. The account shall be in a form that clearly indicates that the provider does not have an ownership interest in the funds. The account shall be insured under federal or state law.

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

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

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

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

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

(g) Duties on change of provider.

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

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

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

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

- (1) The client's next of kin;
- (2) the client's representative; and
- (3) the clerk of the probate court of the county in which the client died.

(i) The provider shall purchase a surety bond in the name of the provider on behalf of the clients or employee indemnity bond, or submit a letter of credit or individual or corporate surety, to guarantee the se-

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curity of clients' funds when the amount in the aggregate exceeds \$1,000.00. The guarantee shall be sufficient to secure the highest quarterly balance from the previous year.

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

(k) Client property records.

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

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

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

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

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

(o) The provider shall provide and maintain a system of accounting for expenditures from the client's personal needs fund. This system shall follow generally accepted accounting principles and shall be subject to audit by representatives of the agency. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-10-1-90, Oct. 1, 1990; effective Jan. 30, 1991; amended Oct. 1, 1991.)

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. 30-10-207.

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.

(A) Initial eligibility for ICF/MR level services will be determined based on a screening completed by the agency or its designee.

(B) Continued eligibility for ICF/MR level services will be determined by a professional review of the client by the utilization review team of the department of health and environment.

(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 shall be considered routine:

- (A) Alternating pressure pads and pumps;
- (B) armboards;
- (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 which exceed the quantity of services covered by medicaid/medikan;
- (CC) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae and humidifiers;
- (DD) parenteral and enteral infusion pumps;
- (EE) patient gowns and bed linens;
- (FF) physical therapy which exceed the quantity of services covered by medicaid/medikan;
- (GG) restraints;
- (HH) sheepskins and foam pads;
- (II) speech therapy which exceed the quantity of services covered by medicaid/medikan;
- (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 clients of 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) The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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 MH&RS-2004. 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, MH&RS-2004, (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; and

(I) actual cost of day care programs provided to ICF/MR clients.

Other records and documents shall be made available as necessary. Records and documents shall be made available in Kansas. Any provider who fails to provide any documents requested by the agency may be suspended from the ICF/MR program.

(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

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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. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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 shown as a provider adjustment on the individual line item of benefit on the ICF-MR financial and statistical report. Heavy care costs shall not be included as a component when calculating the final rate for the facility. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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. The same 12-month period shall be used by providers related through common ownership, common interests or common control. A non-owner operator of a facility must have a signed provider agreement to be considered a provider for the purpose of this paragraph. A working trial balance, as defined in K.A.R. 30-10-200, and a detailed depreciation schedule shall be submitted with the cost report.

(2) If a provider has more than one facility, the provider shall allocate central office cost to each facility consistently, based on generally accepted accounting principles, including any facilities being paid rates from projected cost data.

(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. Requests received after the due date 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.

(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) 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.

(2) 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 (1) 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. Historical 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.

(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, 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.

(4) 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.

(5) 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. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 1991.)

30-10-214. ICF-MR rates of reimbursement. (a) Rates for 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 limits established based on the level of care needs of clients to determine the allowable per diem cost.

(2) Ownership allowance shall be determined as follows:

(A) All ICF's-MR initially certified to participate in the medicaid/medikan program prior to July 1, 1991 shall be held to the established ownership allowance.

(B) All ICF's-MR certified on or after July 1, 1991 shall be subject to an absolute cap on ownership costs.

(3) Per diem rates for the following cost centers shall be limited by absolute caps:

(A) The cost center limits shall be based on facility size and level of care. The cost centers and limiting factors are as follows:

(i) Direct service based on facility size and level of care. Direct service consists of the room and board and health care cost centers in the ICF-MR financial and statistical report.

(ii) Administration based on facility size.
(iii) Plant operating shall be based on total allowable costs.

(B) The absolute caps shall be reviewed at least annually for reasonableness based on the reimbursement model and the allowable historical costs. The absolute caps shall be approved by the secretary or a designated official.

(4) To establish a per diem rate for each provider by facility size and level of care, a factor for inflation may be added to the allowable per diem cost. The per diem rate shall be based on the lower of the actual allowable cost or the absolute cost center limits. After the rate is established for a provider, a detailed listing of the computation of that rate shall be provided to the provider. The effective date of the rate for existing facilities shall be in accordance with subsection (a) of K.A.R. 30-10-215.

(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 of a new medicaid rate.

(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.

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

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

(C) There shall be no penalty during the grace period if the rate or rates charged to 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 than rates charged to medicaid/medikan clients after the grace period, the medicaid/medikan rate will be lowered as of the original effective date of the most recent changes.

(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) Change of provider.

(continued)

(1) When a new 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 a 12-month historical cost report within three months after the end of the first 12 months of operation and another one within three months after the end of the provider's fiscal year established for tax or accounting purposes. The rates determined from these cost reports shall be effective in accordance with K.A.R. 30-10-215.

(2) The agency may approve a new rate based on a projected cost report when the care of the clients is certified to be at risk by the Kansas department of health and environment 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.

(e) 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.

(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.

(f) Provision of services out-of-state. Rates for clients served out-of-state by certified participants in a Medicaid program shall be the rate or rates approved by the agency. All payments made for services provided outside the state of Kansas require prior authorization by the agency.

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 ICF/MR 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 an approved 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 change in 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. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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 provider 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 may 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. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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 not 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) items or services provided only to non-medicaid/medikan clients and reimbursed from third party payors;

(19) 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;

(20) airplanes and associated expenses;

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

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

(23) costs incurred through providing service to a bed made available through involuntary discharge of a client as determined by the Kansas department of health and environment without prior authorization of the agency.

(b) The following contract cost 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. The effective date of this regulation shall be October 1, 1991.

(Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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.

(continued)

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

(B) special assessments on land for capital improvements 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 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 salaries limited to three months prior to licensing;

(ii) employee salaries limited to one month prior to licensing;

(iii) utilities;

(iv) taxes;

(v) insurance;

(vi) mortgage interest;

(vii) employee training costs; and

(viii) any other allowable costs incidental to the startup of the facility as prior approved by the agency.

(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, 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 reported in accordance with the financial account statements of the Financial Accounting Standards Board. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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 non-reimbursable cost of goods and 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 provided that excess revenue received for such service shall be distributed to the entire agency based on generally accepted accounting principles. 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. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 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 of the provider 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-admin-

istrator, 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.

(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 ICF-MR 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. The effective date of this regulation shall be October 1, 1991. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, T-30-12-28-90, Dec. 28, 1990; effective March 4, 1991; amended Oct. 1, 1991.)

30-10-226. This rule and regulation shall expire on October 1, 1991. (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; revoked Oct. 1, 1991.)

Donna Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 010956

State of Kansas

The Kansas Lottery

Temporary Administrative
Regulations

Article 2.—LOTTERY RETAILERS

111-2-7. Training Session Incentive Bonus. (Authorized by K.S.A. 1988 Supp. 74-8710; implementing K.S.A. 1988 Supp. 74-8710 and K.S.A. 1988 Supp. 74-8708; effective, T-111-3-1-89, Feb. 28, 1989; amended, T-111-4-13-89, April 17, 1989; revoked July 19, 1991.)

111-2-16. KENO Dream Month Drawing Retailer Incentive. (Authorized and implementing K.S.A. 1989 Supp. 74-8710(h); effective, T-111-2-1-91, Jan. 19, 1991; revoked July 19, 1991.)

111-2-17. "Tic-Tac-Toe" Retailer Incentive. (Authorized by K.S.A. 1989 Supp. 74-8710; implementing 1989 Supp. 74-8710 and 74-8708; effective, T-111-4-10-01, March 15, 1991; revoked July 19, 1991.)

Article 3.—INSTANT GAME RULES

111-3-1. Definitions. The following definitions apply to all instant ticket games: (a) "Bare arm technique" means a type of drawing in which the person drawing the winning ticket from the receptacle or drum wears a short-sleeved (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(b) "Book" means a pack of fanfolded instant game tickets which are attached to each other by perforations, which perforations the retailer tears when selling a ticket from the book. The books are packed in plastic shrinkwrapping which shall be removed by the retailer so that the retailer can apply the retailer's name and number to each ticket prior to sale. Each book shall consist of 300 instant game tickets fanfolded by fives.

(c) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. The book-ticket number is a book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in grayblack ink on the bottom right portion of the front of each instant game ticket.

(d) "Claimant" means a holder of a ticket who presents it for payment of a prize.

(e) "Co-sponsor drawings" are the acts of drawing for prizes which may be held subsequent to the lottery drawings.

(f) "Co-sponsor(s)" means the person, retailer or organization designated by the executive director to assist in organizing and participating in the lottery drawings.

(g) "Drawings" are the acts of drawing prizes conducted by the Kansas lottery.

(h) "Drum" means a container which can be sealed and rotated for the purpose of mixing, and into which

instant tickets are placed for the purpose of drawing preliminary and/or final drawing winners.

(i) "Executive director" means the executive director of the Kansas lottery, or the person designated by the executive director.

(j) "Instant game" means a lottery game in which a ticket is purchased by a player and the player can immediately determine whether he or she has won a prize by removing the removable covering on the ticket and comparing the exposed play numbers or symbols with those specified as winners in the published game rules for that instant game.

(k) "Lottery security" means the lottery security officer or a certified law enforcement officer(s) designated by the executive director or the person designated by the executive director.

(l) "Non-Winning ticket" means any valid Kansas instant game lottery ticket not eligible to win a prize under any instant game rules.

(m) "Participant" means any person, player, or contestant participating in a lottery game and anyone designated by a prize winner to appear on his or her behalf for any lottery game including any lottery drawing or televised draw show. In the event the prize winner or his or her designee fails to appear for a drawing or televised draw show, the executive director may designate an adult who may be a member of his staff to participate on behalf of the non-appearing prize winner. Any prize won by a participant appearing through a designee shall be payable to and delivered to the prize winner as provided by these rules and regulations.

(n) "Play area" is the portion of the front of each instant game ticket where the play symbols appear. It is covered by a removable layer of material which is intended to be removed ("scratched off") by the player to reveal the play symbols.

(o) "Play symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket holder is entitled to a prize.

(p) "Play symbols captions" are the words or portions of words printed beneath each play symbol in the play area and are used to repeat or explain the play symbol. The play symbol caption associated with each play symbol is designated by the rules of the game.

(q) Prize Tiers:

(1) "Low-tier prize" means a lottery instant game prize not exceeding \$25.00.

(2) "Mid-tier prize" means a lottery instant game prize of more than \$25.00 but not exceeding \$599.99.

(3) "High-tier prize" means a lottery instant game prize in excess of \$599.99.

(r) "Receptacle" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the drawings are made. Receptacles shall be sealable and capable of being mixed.

(s) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer.

(t) "Special event" means a drawing or other method of awarding an additional prize or prizes within a group of lottery instant game winners as defined by the rules for a particular instant game.

(u) "Ticket holder" or "holder" means the person who has possession of an unsigned ticket or the person whose signature appears in the area upon a ticket designated for signature.

(v) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. The ticket validation number appears under the removable covering on the front of each instant ticket. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-88-39, Oct. 15, 1987; amended, T-89-7, Feb. 26, 1988; amended, T-115-12-28-89, Dec. 21, 1989; amended, T-111-10-10-90, Sept. 15, 1990; amended, T-111-12-21-90, Dec. 14, 1990; amended, T-111-8-2-91, July 19, 1991.)

111-3-20. Method of Entry. Entry into lottery drawings is accomplished by the following steps except where a player receives direct entry onto the televised draw show pursuant to individual game rules:

(a) Obtain a valid Kansas instant game lottery ticket;
 (b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket is a winning ticket, it is not eligible for the drawings and shall be redeemed in accordance with the appropriate game rules;

(c) If the ticket is a non-winning ticket, it is eligible for winning the drawing, and the holder of the ticket may enter the drawings by placing it in the receptacle or drum provided by the lottery;

(d) The holder of a non-winning ticket must complete the information form on the back of the ticket in a legible manner and sign it. Unsigned tickets shall not be considered valid entries in any drawing conducted by the lottery;

(e) There is no limit on the number of entries a person may make. (Authorized by and implementing K.S.A. 1988 Supp. 74-8710; effective, T-89-4, Jan. 21, 1988; amended, T-111-7-7-88; amended, T-111-8-3-88, Aug. 3, 1988; amended, T-111-4-13-89, April 7, 1989; amended, T-111-6-30-89, June 30, 1989; amended T-111-8-2-91, July 19, 1991.)

Article 4.—INDIVIDUAL GAME RULES

111-4-100. Name of Drawing. The Kansas Lottery shall conduct a series of instant ticket drawings entitled "State Fair Drawings." The dates of the drawings shall coincide with the 1991 Kansas State Fair in Hutchinson, Kansas. The times and dates of the drawings shall be as follows:

DATE	DRUM OPENS	DRUM DRAW	DRUM OPENS	DRUM DRAW	DRUM OPENS	DRUM DRAW
Sept. 6	10:00 a.m.		4:00 p.m.	4:30 p.m.	8:00 p.m.	
Sept. 7	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 8	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 9	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 10	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 11	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 12	10:00 a.m.			4:00 p.m.	4:30 p.m.	8:00 p.m.
Sept. 13	10:00 a.m.	12:00 p.m.	12:30 p.m.	4:00 p.m.	4:30 p.m.	8:00 p.m.

Sept. 14 10:00 a.m. 12:00 p.m. 12:30 p.m. 4:00 p.m. 4:30 p.m. 7:00 p.m.
 Sept. 14 "State Fair Grand Prize Drawing" 8:30 p.m.

(Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-9-7-88, Sept. 7, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-2-91, July 19, 1991.)

111-4-101. Definitions. (a) All definitions contained in the Kansas lottery act (K.S.A. 1990 Supp. 74-8701 et seq.) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Kansas State Fair" or "State Fair" means the annual fair held in Hutchinson, Kansas, scheduled in 1991 from September 6 through 15, 1991.

(c) "Kansas Lottery State Fair Drawings" or "State Fair Drawings" means the acts of drawing prizes conducted by the Kansas Lottery at the state fair in which participants are selected to win various prizes as described in K.A.R. 111-4-104.

(d) "Co-sponsor drawings" means an act of drawing for prizes which may be held at the state fair subsequent to the "State Fair Drawings."

(e) "Co-sponsor(s)" means the person, retailer or organization designated by the executive director to assist in organizing the "Kansas Lottery State Fair Drawings."

(f) "Non-winning ticket" means any valid Kansas instant game lottery ticket not eligible to win a prize under any instant game rules.

(g) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "State Fair Drawings" are made. Receptacles or drums shall be sealable and drums shall be capable of being rotated for the purpose of mixing.

(h) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm.

(i) "State Fair Grand Prize Drawing" or "Grand Prize Drawing" means the drawing which will occur at approximately 8:30 p.m. on September 14, 1991, for the prize(s) described at K.A.R. 111-4-104. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-8-24-90, Aug. 17, 1990; amended, T-111-8-2-91, July 19, 1991.)

111-4-102. Location of Drawings. "State Fair Drawings" shall be held in the Kansas Lottery building on the state fairgrounds in Hutchinson, Kansas, from September 6 through September 14, 1991. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 24, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990; amended, T-111-8-2-91, July 19, 1991.)

111-4-103. Prerequisites for a Drawing. Before "State Fair Drawings" may be validly conducted, a

(continued)

location(s) and a receptacle(s) or drum must be approved by the executive director or his designee and the drawing must be open to the public. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-9-6-88, Sept. 6, 1988; amended, T-111-8-2-91, July 19, 1991.)

111-4-104. Prizes. (a) The winners selected at the "State Fair Drawings" specified in K.A.R. 111-4-100 between September 6 and September 14, 1991, including the 7:00 p.m. drawing shall receive a prize of not less than one hundred dollars (\$100). All winners in the 1991 State Fair lottery drawings are ineligible for the "State Fair Grand Prize Drawing." The "State Fair Grand Prize Drawing" will occur at 8:30 p.m. on September 14, 1991, and the winner shall receive a choice of a new 1991 Chevrolet S-10 pickup, Chevrolet Cavalier, Ford Ranger pickup, Ford Escort Pony, Geo Metro or Pontiac Le Mans vehicles on display by the lottery and cash with a total value of \$17,866.67. All prize awards are subject to lottery validation, set offs and deductions provided by law.

(b) A player who purchases at least three instant or on-line tickets at the lottery state fair building or lottery tent is entitled to one roll of oversized dice at the state fair lottery building for a chance to win a lottery promotional prize. If the player rolls a seven or an 11, he or she wins a promotional prize determined by the lottery. The odds of rolling a seven are one in six rolls. The odds of rolling an 11 are one in 18. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990, amended T-111-8-2-91, July 19, 1991.)

111-4-105. Entry into Drawing. Entry into the "State Fair Drawing" is accomplished by the process detailed in the following subparagraphs:

(a) Obtain a valid Kansas instant lottery ticket. High Roller and Double Dollars II instant tickets scheduled to expire on August 3, 1991 and September 3, 1991, respectively, shall be considered valid instant tickets for the purposes of all 1991 "State Fair Drawings" and the "State Fair Grand Prize Drawing" occurring through September 14, 1991, but shall not be valid for any other purpose beyond the above expiration date;

(b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket is a winning ticket, it is not eligible for the "State Fair Drawing" and shall be redeemed in accordance with the instant game rules;

(c) If the ticket is a valid non-winning ticket, the ticket is eligible for winning the drawing and the holder of the ticket may enter the "State Fair Drawings."

(d) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner and sign it. Unsigned tickets shall not be considered valid entries in any drawing conducted by the lottery;

(e) The holder of the non-winning ticket must take the non-winning ticket with the completed information form to the location of the "State Fair Drawing" and

place it in the receptacle or drum provided during the "State Fair";

(f) A receptacle or drum shall be available and entries may be made at the times stated in K.A.R. 111-4-100. Between August 1, 1991, and August 30, 1991, receptacles shall also be available for entries at the following locations:

(1) Kansas lottery regional offices at Great Bend, Kansas City, Topeka and Wichita.

(2) The 116 Coastal Mart stores in Kansas,

(3) Mel Hambelton Ford, Wichita,

(4) Hambelton-LaGreca, Hutchinson,

(5) Mid America Ag Network Stations as follows:

KREP FM, Belleville; KGGF FM, Coffeyville; KXXX/KQLS, Colby; KEGS FM, Emporia; KBUF AM, Garden City; KZXL FM, Great Bend; KHAZ FM, Hays; KNZA FM, Hiawatha; KGLS FM, Hutchinson; KYUU/KSLS, Liberal; KNDY AM/FM, Marysville; KWLS AM, Pratt.

Except for entries made at the "State Fair" pursuant to K.A.R. 111-4-100, entries shall be allowed until receptacles are sealed August 30, 1991;

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

(h) The drawings will be conducted at the approximate times listed in K.A.R. 111-4-100.

(i) There is no limit to the number of entries a participant may make. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710(b); effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-89, Aug. 18, 1989; amended, T-111-9-8-89, Sept. 8, 1989; amended, T-111-8-24-90, Aug. 17, 1990, amended, T-111-8-2-91, July 19, 1991.)

111-4-106. Determination of "State Fair Drawing" Winners. (a) At least ten minutes before the drawings, the co-sponsor or person designated by the executive director, shall announce to the audience the time that the winner selection process will begin. Any persons wishing to enter the drawing who have not yet done so, shall immediately place their tickets into the receptacle or drum at this time.

(b) Prior to sealing the receptacle or drum, the co-sponsor or person designated by the executive director shall announce that entries into the "State Fair Drawings" are closed. No further entries will be accepted.

(c) All non-winning tickets placed in receptacles or drums at the locations identified in subsections (e) and (f) of K.A.R. 111-4-105 shall be combined under the supervision of lottery security personnel present prior to the first "State Fair Drawing."

(d) The receptacle or drum shall be sealed and rotated a minimum of 10 times or mixed thoroughly with a shovel for two minutes by lottery security personnel present to ensure random selection.

(e) The executive director shall designate one individual of his choice to participate in the selection process.

(f) The selection of "State Fair Drawing" winners shall be accomplished by the individual designated by the executive director, using a bare arm technique, removing only one ticket from the receptacle in which all entries were placed. A person representing the ex-

executive director as well as a law enforcement officer approved by the Kansas lottery, division of security, and a Kansas lottery employee, shall review the selected ticket to determine if the name stated on the information form located on the back of the selected ticket is legible and if the ticket is signed. If the name is determined to be legible, the ticket is signed, and it is determined by lottery security to be a valid ticket, the name of the winner shall be announced to the audience. This process shall be repeated until two valid winners have been selected.

(g) The named person is not required to be present in order to win the "State Fair Drawing" prizes described in K.A.R. 111-4-104, including the "State Fair Grand Prize Drawing." The security person conducting the drawing shall be responsible for the final determination concerning the legibility of the name on any ticket drawn.

(h) The person whose ticket has been drawn from the receptacle or drum at each drawing shall be determined a "State Fair Drawing" winner.

(i) Each winner shall be given a prize claim form to be completed and returned to the lottery;

(j) If the name on any ticket drawn is not legible or the ticket is not signed, the ticket drawn will be void and the selection process shall be repeated until a valid winning ticket is selected. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-9-7-88, Sept. 8, 1988; amended, T-111-8-24-90, Aug. 17, 1990, amended, T-111-8-2-91, July 19, 1991.)

111-4-106a. "State Fair Grand Prize Drawing." The 44 \$100 winners in the 1991 "State Fair Drawings" shall be excluded from the "State Fair Grand Prize Drawing." The grand prize winner will be determined in a drawing from all other tickets remaining in the receptacle or drum as follows:

(a) At the close of each draw the law enforcement officer selected by the Kansas lottery, division of security, shall secure the tickets of each "State Fair Drawing" winner and the auditor present shall prepare a log of the names and addresses of those winners.

(b) Prior to the grand prize drawing scheduled for approximately 8:30 p.m. on September 14, 1991, the security person in charge of the drawing shall observe the auditor as the auditor places the names and addresses of each "State Fair Drawing" winner in a separate sealed envelope and deposits the sealed envelopes in the receptacle or drum.

(c) The receptacle or drum containing the non-winning tickets not previously drawn shall be sealed and rotated a minimum of 10 times or mixed thoroughly with a shovel for two minutes by lottery security personnel to ensure random selection.

(d) The executive director shall designate one individual to participate in the selection process.

(e) The selection of "State Fair Grand Prize Drawing" winners shall be accomplished by the individual designated by the executive director, using a bare arm technique, removing only one envelope from the receptacle or drum in which all entries were placed. The person drawing the envelope shall open the envelope and show the name of the grand prize winner to the

security person and the auditor present for verification. The name of the winner shall then be announced to the audience by the person drawing the ticket.

(f) The named person is not required to be present in order to win the "State Fair Grand Prize Drawing" prize described in K.A.R. 111-4-104.

(g) The person whose name has been drawn from the receptacle or drum shall be determined the "State Fair Grand Prize Drawing" winner.

(h) Following the selection of the "State Fair Grand Prize Drawing" winner, additional envelopes may be drawn in the same manner as the "State Fair Grand Prize Drawing" and non-monetary prizes donated by sponsors shall be awarded.

(i) Each winner of a prize at the "State Fair Grand Prize Drawing" shall be given a prize claim form to be completed and returned to the lottery. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-24-90, Aug. 17, 1990, amended, T-111-8-2-91, July 19, 1991.)

111-4-108. Ticket Disqualification. Any non-winning Kansas instant game lottery ticket entered into a "State Fair Drawing" which is not drawn shall remain eligible for other 1991 "State Fair Drawings," Kansas lottery prizes and prizes donated by sponsors except the "State Fair Grand Prize Drawing." (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-9-7-88, Sept. 6, 1988; amended, T-111-8-24-90, Aug. 17, 1990, amended, T-111-8-2-91, July 19, 1991.)

111-4-213. Name of Game. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-4-90, May 4, 1990; revoked July 19, 1991.)

111-4-214. Definitions. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-4-90, May 4, 1990; revoked July 19, 1991.)

111-4-215. Determination of Instant Prize Winners. (Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (i); implementing K.S.A. 1989 Supp. 74-8710(b), (c) & (i) and 74-8720(b) & (d); effective, T-111-5-4-90, May 4, 1990; revoked July 19, 1991.)

111-4-216. Number and Value of Instant Prizes. (Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (f); implementing 74-8710(b), (c) & (f); and 74-8720; effective, T-111-5-4-90, May 4, 1990; revoked July 19, 1991.)

111-4-217. Name of Game. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-5-8-90, May 4, 1990; amended, T-111-6-7-90, June 1, 1990; revoked July 19, 1991.)

111-4-218. Definitions. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-6-7-90, June 1, 1990; revoked July 19, 1991.)

111-4-219. Determination of Instant Prize Winners. (Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (i); implementing K.S.A. 1989 Supp. 74-8710(b), (c) & (i) and 74-8720(b) & (d); effective, T-111-6-7-90, June 1, 1990; revoked July 19, 1991.)

111-4-220. Number and Value of Instant Prizes.
(continued)

(Authorized by K.S.A. 1989 Supp. 74-8710(b), (c) & (f); implementing 74-8710(b), (c) & (f); and 74-8720; effective, T-111-6-7-90, June 1, 1990; revoked July 19, 1991.)

111-4-308. Name of Drawing. The Kansas lottery shall conduct a series of drawings, entitled Heartland Park "Winners' Circle Drawings." The dates of the drawings shall coincide with the 1991 racing season at Heartland Park, 1805 SW 71st, Topeka, Kansas 66619. The dates and events at which the drawings shall take place are as follows:

Sunday August 4 "ARCA Wendy's Big Classic 100"
 Sunday Sept. 8 "Superbike Challenge"
 Sunday Sept. 29 "NHRA Heartland Nationals"

Rules applicable to the "Winners' Circle Drawings" are contained in K.A.R. 111-3-1 *et seq.* and 111-4-308 through 111-4-31. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-309. Location of Drawings. "Winners' Circle Drawings" shall be held at Heartland Park, 1805 Southwest 71st, Topeka, Kansas 66619. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-310. Prerequisites for a Drawing. Before "Winners' Circle Drawings" may be validly conducted, a location and a receptacle or drum must be approved by the executive director or his designee and the drawing must be open to the public. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-311. Prizes. The winners selected at the "Winners' Circle Drawings" conducted pursuant to K.A.R. 111-4-308 *et seq.* shall receive the following prizes:

Sunday August 4 1st ticket drawn—Hawaiian Vacation September 12 through September 19, 1991, which includes but is not limited to:

- Round trip air fare for two from KC to Kauai, Hawaii and return
- Round trip transportation from airport in Hawaii to hotel and return
- Six nights at the Westin Kauai Hotel
- Hospitality desk and services
- Welcome reception with hors d'oeuvres
- Deluxe breakfast buffet four mornings
- Professional tour escort

2nd through 11th tickets drawn—\$100 each
 Sunday Sept. 8 1st through 10th tickets drawn—\$100 each
 Sunday Sept. 29 1st through 10th tickets drawn—\$100 each

All prize awards are subject to lottery validation, set-offs and deductions provided by law. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-312. Entry into Drawing. Entry into the "Winners' Circle Drawing" is accomplished by the process detailed in the following subparagraphs:

- (a) Obtain a valid Kansas instant lottery ticket;
- (b) Determine if the ticket is a winning ticket in accordance with any instant game rules. If the ticket is a winning ticket, it is not eligible for "Winners' Circle Drawings" and shall be redeemed in accordance with the instant game rules;

(c) If the ticket is a valid non-winning ticket, the ticket is eligible for winning the drawing and the holder of the ticket may enter the "Winners' Circle Drawings."

(d) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner and sign it. Unsigned tickets shall not be considered valid entries in any drawing conducted by the lottery;

(e) The holder of the ticket need not be present to win at the time of the "Winners' Circle Drawings;"

(f) There is no limit to the number of entries a participant may make.

(g) For the events specified in K.A.R. 111-4-308 the drums shall open at 10:00 a.m. on the Saturdays immediately preceding the Sunday drawings, and close at 4:00 p.m., and open again at 9:00 a.m. on the Sundays of the drawings, and close at 12 noon.

(h) The holder of the non-winning ticket must take each non-winning ticket with the information form on the back completed, to the location of either drum at the "Winners' Circle Drawings" and place it in the receptacle or drum provided by the lottery.

(i) On Sunday, August 4, 1991, the Kansas lottery will sponsor its first "Winners' Circle Drawing." Players enter this drawing by placing non-winning tickets into either of two drums located inside the admission gate at Heartland Park. One drum will be located inside the admission gate in the concession area on the west side of the track, and the second will be near the pit area. Eleven tickets will be drawn from the combined contents of the two drums. Following validation by lottery security personnel the winners' names shall be announced.

(j) On Sunday, September 8, 1991, and on Sunday, September 29, 1991, the Kansas lottery will sponsor two additional drawings utilizing the same format as the August 4 drawing, except that on these drawings a total of 10 tickets will be drawn on each date.

(k) Each "Winners' Circle Drawing" specified in subsections (i) and (j) shall be conducted at approximately 12:15 p.m.

(l) Prior to each Heartland Park drawing for prizes set forth in K.A.R. 111-4-311 or 111-4-317, the contents of the drums shall be combined under the supervision of lottery security personnel present, and the drawing shall be from the drum containing all the tickets. It shall be held on the track in front of the Heartland Park tower. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710(b); effective, T-111-8-2-91, July 19, 1991.)

111-4-313. Determination of "Winners' Circle Drawing" Winners. (a) The receptacle or drum shall be sealed and mixed to ensure random selection.

(b) The executive director shall designate one individual of his choice to participate in the selection process.

(c) The selection of the "Winners' Circle Drawing" winner shall be accomplished by the individual designated by the executive director, using a bare arm technique, removing only one ticket from the receptacle at each location where entries were placed. Lot-

tery security shall review the selected ticket to determine if the ticket is valid, the name stated on the information form located on the back of the selected ticket is legible and the ticket is signed. If the ticket is valid, the name is determined to be legible and the ticket is signed, the name shall be announced to the audience.

(d) The named person need not be present at the drawing, but must in any event provide proper identification in order to claim the "Winners' Circle Drawing" prize.

(e) The person whose ticket has been drawn from the receptacle or drum shall be determined the "Winners' Circle Drawing" winner.

(f) The winner shall be given a prize claim form to be completed and returned to the lottery.

(g) If the ticket is not valid, the name on the ticket is not legible or the ticket is not signed, the person is not present or cannot provide proper identification the ticket drawn will be void and the selection process shall be repeated until a winner is selected. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-314. Security of Drawing. (a) The receptacles or drums located at Heartland Park, into which drawing entries are placed, shall be monitored from the commencement of ticket entries until completion of the event by lottery security.

(b) The actual drawing event shall be recorded on both audio and video tape by lottery security. The audio and video tape shall contain no other material than the actual drawing beginning with the sealing of the receptacle or drum and continuing through the announcement and verification of the winner. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-315 Ticket Disqualification. Any non-winning Kansas instant game lottery ticket entered into a "Winners' Circle Drawing" shall become the property of the Kansas lottery and is disqualified from any other Kansas lottery prize or drawing. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-316. Co-sponsor Drawings. Co-sponsors of Heartland Park's "Winners' Circle Drawings" may hold co-sponsor drawings in conjunction with local retailers, businesses and organizations at the drawing event. In no instance shall these drawings take place prior to a lottery "Winners' Circle Drawing." Such drawings, if conducted, shall be a part of the lottery "Winners' Circle Drawings" and prizes, in addition to cash prizes presented by the lottery, may be donated by the co-sponsor(s). The person drawing tickets for the lottery may draw additional tickets for the co-sponsor(s) prizes. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-317. Cancellation of Race/Drawing. (a) If a "Winners' Circle Drawing" is not held due to the Heartland Park race being cancelled because of rain out, power failure or any other unforeseen circum-

stance beyond the control of the Kansas lottery and Heartland Park, the specific drawing which was to occur immediately prior to the cancellation, will be rescheduled. The rescheduled drawing will be held as soon as practicable and at a location and time determined by the executive director or the person designated by the executive director.

(b) Lottery security personnel or designated security personnel will, upon cancellation of a "Winners' Circle Drawing," take possession of and secure the receptacle or drum containing all entries for the cancelled "Winners' Circle Drawing," and hold all ticket entries contained therein until the rescheduled drawing.

(c) The winner of the rescheduled "Winners' Circle Drawing" need not be present at the time of that drawing to be determined a winner.

(d) If a Heartland Park race is cancelled before the gates are open to the public, no entries will be allowed, and the "Winners' Circle Drawing" will also be cancelled. If a "Winners' Circle Drawing" is cancelled under (d), it will not be rescheduled. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

**RULES FOR INSTANT GAME NO. 35
"QUICK CHANGE"**

111-4-318. Name of Game. The Kansas Lottery shall conduct an instant winner lottery game entitled "Quick Change" commencing on August 1, 1991. The specific rules for the "Quick Change" game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-318 through 111-4-321. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-319. Definitions. The following definitions shall apply to the "Quick Change" instant lottery game:

(a) "Game symbols" are the numbers, letters, symbols, or pictures printed in the play area of each instant game ticket and which determine if the ticket bearer is entitled to a prize. In this instant game, the game symbols are printed in black ink in 15 pt. Archer. A game symbol appears in each of six play spots within the play area. Each game symbol for this instant game is one of the following: FREE — 5-FREE — \$2.⁰⁰ — \$5.⁰⁰ — 20.⁰⁰ — \$50.⁰⁰ — \$500\$ — 05¢ — 10¢ — 25¢ — 50¢.

(b) "Game symbol captions" are the words or portions of words, letters or numbers printed beneath each game symbol in the play area and are used to repeat or explain the game symbol. The game symbol caption associated with each game symbol is as follows:

Game Symbol	Game Symbol Caption
FREE	TICKET
5-FREE	FIVE TICKETS
\$2. ⁰⁰	TWO\$
\$5. ⁰⁰	FIVE\$
\$20. ⁰⁰	TWENTY
\$50	FIFTY

(continued)

\$500\$	FIVE-HUN
05¢	NICKEL
10¢	DIME
25¢	QUARTER
50¢	HALF

(c) "Ticket validation number" means a unique number appearing on each ticket which is used to validate winning tickets. For this instant game, the ticket validation number is a 10-digit number which appears under the "Void If Removed" spot on the front of each instant ticket.

(d) "Book-ticket number" means the unique number appearing on each ticket which includes the number of the book from which it was removed and the serially assigned number of the ticket within that book. For this instant game, the book-ticket number is an 8-digit book number followed by a dash and then a 3-digit ticket number. The ticket numbers in each book start with 000 and end with 299. The book-ticket number is printed in black ink on the front of each instant game ticket.

(e) "Retailer validation code" means the small letters found under removable covering in the play area of each instant game ticket. The retailer uses this code to verify and validate winners which are to be paid by the retailer. In this instant game, the retailer validation code is a two letter code printed and appearing in two of six varying locations among the game symbols. The codes and their meanings are as follows: AA = FREE; XX = 5 FREE TICKETS; DD = \$2.00; KK = \$5.00; NN = \$20.00. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-111-8-2-91, July 19, 1991.)

111-4-320. Determination of Instant Prize Winners. An instant prize winner is determined for this instant game when the player removed or "scratches off" the removable layer of material covering the play area to reveal the five game symbols and captions. This is an add-up game in which if the five concealed numbers of "change amounts" add up to a total of more than one dollar (\$1.00) the player wins the amount in the prize box. No ticket will be eligible to win more than one prize. If "change amount" is more than one dollar, the prizes a player may win are as follows:

Get	Win
FREE	TICKET
5-FREE	5 FREE TICKETS
\$ 2.00	Two Dollars
\$ 5.00	Five Dollars
\$ 20.00	Twenty Dollars
\$ 50.00	Fifty Dollars
\$500.00	Five Hundred Dollars

(Authorized by K.S.A. 1990 Supp. 74-8710(b), (c) & (i); implementing K.S.A. 1990 Supp. 74-8710(b), (c) & (i) and 74-8720 (b) & (d); effective, T-111-8-2-91, July 19, 1991.)

111-4-321. Number and Value of Instant Prizes.

(a) There will be approximately 3,600,000 tickets ordered for this instant game. The expected number and value of the instant prizes are as follows:

Prizes	Expected Number of Prizes in Game	Expected Value in Game
FREE	300,000	0
5 Free	12,000	0
\$2	300,000	\$ 600,000
\$5	120,000	600,000
\$20	12,000	240,000
\$50	2,160	108,000
\$500	180	90,000
	746,340	\$1,638,000

(b) The executive director may terminate the sale of tickets prior to the complete sale of all tickets. In this event, the number and value of prizes will be approximately proportional to the number of tickets actually sold.

(c) All prizes are subject to deductions provided by law. (Authorized by K.S.A. 1990 Supp. 74-8710(b), (c) & (f); implementing 74-8710(b), (c) & (f); and 74-8720; effective, T-111-8-2-91, July 19, 1991.)

Article 6.—ON-LINE GAMES

111-6-6. Drawings and End of Sales Prior to Drawings. (a) Drawings may be conducted in a location and at days and times designated by the executive director.

(b) For each type of on-line games, the executive director shall establish a time prior to the drawing for the end of sales.

(c) The executive director shall designate a drawing manager who shall oversee each drawing. The drawing manager shall be responsible for conducting the drawing in compliance with the lottery's drawing procedures. The drawing manager and the auditor shall attest whether the drawing was conducted in accordance with proper drawing procedures at the end of each drawing.

(d) The executive director shall designate the type of equipment to be used and shall establish procedures to randomly select the winning combination for each type of on-line game. Drawing procedures shall include provisions for the substitution of backup drawing equipment in the event the primary drawing equipment malfunctions or fails for any reason.

(e) The equipment used to determine the winning combination shall not be electronically or otherwise connected to the central computer or to any tapes, discs, files, etc., generated or produced by the central computer. The equipment shall be tested prior to each drawing to assure proper operation and lack of tampering or fraud. Drawings shall not be held until all pre-inspection checks are completed.

(f) All drawings may be broadcast live on television provided the facilities for such broadcasts are available and operational and can be done at a reasonable cost.

(g) The executive director shall establish procedures governing the conduct of drawings for each type of on-line game. The procedures shall include provisions for deviations which include but are not limited to: (1) malfunction of the drawing equipment before determination of the winning combination; (2) video and/or audio malfunctions during the drawing; (3) fouled

drawing; (4) delayed drawing; and (5) other equipment, facility and/or personnel difficulties.

(h) In the event a deviation occurs, the drawing will be completed under lottery supervision. The drawing may be videotaped for later broadcast if broadcast time is available. The winning combination will be provided to the television network for dissemination to the public.

(i) If, during any live-broadcast drawing for a game, a mechanical failure or operator error causes an interruption in the selection of all numbers or symbols, a "foul" shall be called by the auditor. Any number drawn prior to a "foul" being called will stand and be deemed official after passing inspection and certification by the drawing manager and the auditor.

(j) The executive director shall delay payment of all prizes if any evidence exists or there are grounds for suspicion that tampering or fraud has occurred. Payment shall be made after an investigation is completed and the drawing approved by the drawing manager. If the drawing is not approved, it shall be void and another drawing will be conducted to determine the actual winner. (Authorized by and implementing K.S.A. 1988 Supp. 74-8710; effective T-89-4, Jan. 21, 1988; amended T-111-12-28-89, Dec. 21, 1989; amended, T-111-8-2-91, July 19, 1991.)

111-6-9. Retailer Compensation and Charges. (a) The compensation paid to on-line lottery retailers shall be as follows:

(1) A discount of five per cent shall be applied to on-line tickets sold from a clerk-activated terminal (CAT);

(2) A discount of three per cent shall be applied to on-line tickets sold from a player-activated terminal (PAT);

(3) A discount of three per cent shall be applied to instant tickets dispensed from a player-activated terminal (PAT).

(b) The charges to be paid by on-line retailers shall include:

(1) A fee of \$200.00.

(2) Retailers required to have dedicated telephone lines will be charged one per cent of all on-line sales each week with a minimum of \$10.00 and a maximum of \$30.00 per week.

(3) Retailers whose businesses are seasonal and are based on events which regularly occur four or fewer

days a week during the season may qualify for cellular telephone services rather than dedicated telephone lines during the test period. There shall be no service charges for those on-line retailers selected to receive cellular telephone services available from the lottery. The test period shall be conducted through June 30, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 74-8710; effective, T-89-4, Jan. 22, 1988; amended, T-111-8-2-91, July 19, 1991.)

Article 7.—CASH LOTTO GAME RULES

111-7-55. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710, effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

111-7-56. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710; effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

111-7-57. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

111-7-58. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-2-1-91, Jan. 18, 1991; amended, T-111-2-18-19, Feb. 15, 1991; revoked July 19, 1991.)

111-7-59. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b); effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

111-7-60. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(b) & (d); effective, T-111-2-1-91, Jan. 18, 1991; amended, T-111-2-18-91, Feb. 18, 1991; revoked July 19, 1991.)

111-7-61. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(d); effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

111-7-62. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(c), and 74-8720(b); effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

111-7-63. (Authorized by and implementing K.S.A. 1989 Supp. 74-8710(c) and (i); effective, T-111-2-1-91, Jan. 18, 1991; revoked July 19, 1991.)

Ralph Decker
Executive Director

Doc. No. 010949

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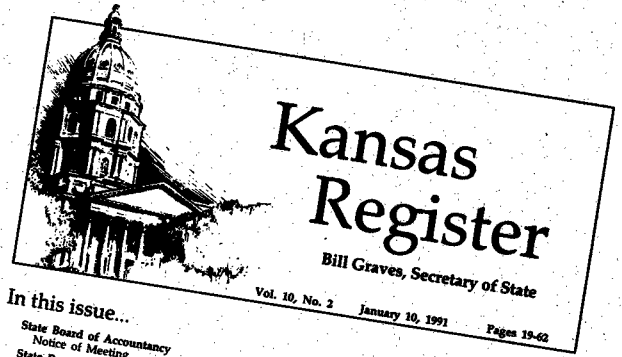
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