



Kansas Register

Bill Graves, Secretary of State

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State of Kansas

State Historical Society

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 2 p.m. Tuesday, March 24, in the auditorium of the Center for Historic Research, 120 W. 10th, Topeka, to consider the adoption of a proposed new regulation.

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 regulation. All interested parties may submit written comments prior to the hearing to the Historical Society's executive director, Center for Historic Research, 120 W. 10th, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation 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.

This regulation is proposed for adoption on a permanent basis. The proposed regulation and a statement of its economic impact follows.

K.A.R. 118-2-1. Removal of human skeletal remains from the collection holdings of the state historical society. (a) As used in this rule and regulation:

(1) "Property," as defined in K.S.A. 1991 Supp. 75-2701, shall not include human skeletal remains and associated burial goods.

(2) Human skeletal remains and associated burial goods shall be disposed of according to the provisions of K.S.A. 75-2741 through 75-2754.

(3) Nothing in this regulation shall be read to exempt these human remains and associated burial goods from the provisions of or procedures set forth in K.S.A. 75-2748(b).

This amendment has neither negative nor positive economic impact upon the general public or any state agency. This amendment benefits the general public, specifically members of the Native American community, by facilitating repatriation and/or reburial of human skeletal remains and associated burial goods.

Copies of the regulation and its economic impact statement may be obtained from the Kansas State Historical Society at the address above, (913) 296-3289, FAX (913) 296-1005.

Ramon Powers
Executive Director

Doc. No. 011585

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State of Kansas

Kansas Racing Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9:30 a.m. Friday, March 20, in the hearing room at commission offices, 3400 Van Buren, Topeka, to consider the adoption of proposed permanent regulations of the Kansas Racing Commission. This 30-day notice constitutes a public comment period for the purpose of receiving written public comments on these proposed regulations.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the commission office, 3400 Van Buren, Topeka. The following is a summary of the proposed amendments.

K.A.R. 112-9-11a through and including K.A.R. 112-9-22a and K.A.R. 112-9-39 through and including K.A.R. 112-9-43 establish parimutuel procedures that are patterned after uniform rules drafted by the association of racing commissioners international and based upon the recommendations of the totalisator companies that provide software for parimutuel racetracks throughout the country. The modifications are to facilitate the compatibility of the racetrack parimutuel and totalisator software programs. The individual regulations are as follows:

112-9-11a. General provisions.

112-9-12 through and including 112-9-22. Revocations of existing parimutuel regulations.

The following proposed regulations replace the proposed revocations:

112-9-12a. Win pools.

112-9-13a. Place pools.

112-9-14a. Show pools.

112-9-15a. Daily double pools.

112-9-16a. Quinella pools.

112-9-16b. Quinella double pools.

112-9-17a. Exacta pools.

112-9-18a. Trifecta pools.

112-9-19a. Twin quinella pools.

112-9-21a. Pick three pools.

112-9-22a. Pick (N) pools.

112-9-39 through and including 112-9-41. Revocations of existing parimutuel regulations.

The following proposed regulations replace the proposed revocations:

112-9-39a. Superfecta pools.

112-9-40a. Tri-superfecta pools.

112-9-41a. Twin trifecta.

112-9-42. Twin superfecta pools. (New regulation.)

112-9-43. Capping carryover pools. (New regulation.)

Economic impact: None known.

Dana Nelson
Executive Director

Doc. No. 011584

State of Kansas

State Corporation Commission

Notice of Hearing

The State Corporation Commission has directed that an investigation be instituted and a hearing conducted pursuant to K.S.A. 55-703 to determine the reasonable market demand for gas produced from the fields and pools listed below for the period extending from April 1, 1992, through September 30, 1992, inclusive; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within the fields and pools. Evidence will be received for the above purposes and for determining and fixing the allowables for each of the wells in the following fields and pools in the proration period:

- Hugoton gas field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove gas field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Stanton, Stevens, Wichita and Seward counties
- Glick (Mississippi) gas pool in Barber, Comanche and Kiowa counties
- Salley (Lower Morrow) gas pool in Seward County
- Gentzler (Lower Morrow) Mississippi gas pool in Stevens County
- Harding West gas pool in Barber and Pratt counties
- Wall-Mississippi gas pool in Harvey County
- Zenith-Peace Creek (Mississippi) gas pool in Reno County
- McKinney East Mississippi gas pool in Clark County
- Komarek Indian Cave gas field in Kingman County
- Greenwood gas field in Morton County
- Negro Creek (Indian Cave) gas pool in Kingman County
- Shepherd Conglomerate gas field in Stafford County

The hearing will begin at 9 a.m. Thursday, March 19, in the third floor hearing room of the Conservation Division, 300 Colorado Derby Building, 202 W. 1st, Wichita. All transporters of gas produced from the above mentioned fields and pools must furnish to the Corporation Commission at the hearing their nominations from the fields and pools for the calendar months included in the proration period.

Further information may be obtained by contacting John McCannon or William J. Wix, State Corporation Commission, Conservation Division, 202 W. 1st, Wichita 67202, (316) 263-3238.

Judith McConnell
Executive Director

Doc. No. 011578

State of Kansas

Kansas Council on Employment and Training

Notice of Meeting

The Kansas Council on Employment and Training will meet from 8:30 a.m. to 3 p.m. Monday, March 2, at the Employment Security Systems Institute, lower level-middle classroom, 1309 S.W. Topeka Blvd., Topeka. The meeting is open to the public.

Joe Dick
Secretary of Human Resources

Doc. No. 011594

State of Kansas

Board of Agriculture

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 1:30 p.m. Monday, March 16, in Conference Room A of the Kansas State Board of Agriculture, 901 S. Kansas Ave., Topeka, at which time all interested persons will have an opportunity to be heard regarding the adoption of proposed permanent rules and regulations of the Kansas State Board of Agriculture. In addition, certain regulations will be revoked. The proposed permanent rules and regulations will become effective 45 days after their publication in the Kansas Register unless a specified date is contained in the regulation.

All interested persons may attend the hearing and will be given an opportunity to express comments either orally or in writing, or both. In addition, the period of at least 30 days notice constitutes a public comment period for the purpose of receiving comments on the proposed rules and regulations.

Written comments and requests for copies of the regulations and the complete economic impact statement should be sent to Kenneth M. Wilke, Chief Counsel, Kansas State Board of Agriculture, 901 S. Kansas Ave., Topeka 66612, at or before the time of the hearing. If you intend to present testimony in person at the hearing, prior notice to this office would be helpful in arranging the agenda. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

A summary of the proposed regulations is as follows:

4-8-27. Updates Musk Thistle Control Plan to allow biological control areas as authorized by K.A.R. 4-8-41.

4-8-41. Establishes criteria and procedure for approval of biological control plans.

4-15-2. Establishes a fee of \$15.00 per hour for inspection of unharvested crops which are to be shipped outside the state and require plant pest inspection.

4-7-716. Updates Grade A Pasteurized Milk Ordinance adopted by reference to October 1, 1989 edition as amended by the national conference on interstate milk shipments and the food and drug administration on July 5, 1991.

4-16-300. This regulation provides criteria for a complaint for the assessment of a civil penalty.

4-16-301. This regulation provides criteria for an answer to a complaint for the assessment of a civil penalty.

4-16-302. This regulation establishes ranges for the amount of the proposed civil penalty.

4-16-303. This regulation establishes criteria for determining the amount of the proposed civil penalty.

4-16-304. This regulation provides a procedure for informal settlement.

4-16-305. This regulation provides a procedure for adjusting the amount of the proposed civil penalty.

4-17-300. This regulation provides criteria for a complaint for the assessment of a civil penalty.

4-17-301. This regulation provides criteria for an answer to a complaint for the assessment of a civil penalty.

4-17-302. This regulation establishes ranges for the amount of the proposed civil penalty.

4-17-303. This regulation establishes criteria for determining the amount of the proposed civil penalty.

4-17-304. This regulation provides a procedure for informal settlement.

4-17-305. This regulation provides a procedure for adjusting the amount of the proposed civil penalty.

Regarding the proposed amendments to K.A.R. 4-8-27 and 4-8-41, concerning noxious weeds, there will be minimal, if any, fiscal or economic impact on this agency, other governmental agencies, individuals, private businesses or the general public.

Regarding the proposed amendments to K.A.R. 4-7-716 concerning the updates to the Pasteurized Milk Ordinance, there will be minimal, if any, fiscal or economic impact on this agency, other governmental agencies, individuals, private businesses or the general public.

Regarding the proposed amendments to K.A.R. 4-15-2, there will be minimal, if any, fiscal impact on this agency, other governmental agencies, individuals, private businesses or the general public except those persons requesting plant pest inspection of growing crops prior to interstate shipment. In these cases, the agency estimates that it will receive additional revenue of approximately \$1,500.

Regarding the proposed regulations K.A.R. 4-16-300 through 4-16-305 inclusive and 4-17-300 through 4-17-305 inclusive, there will be minimal, if any, fiscal or economic impact on this agency, other governmental agencies, individuals, private businesses or the general public.

Copies of these regulations and the complete fiscal impact statements may be obtained by contacting Kenneth Wilke at the address above, (913) 296-3848.

Sam Brownback
Secretary of Agriculture

Doc. No. 011595

State of Kansas

Kansas Continuing Legal Education Commission

Notice of Meeting

The Kansas Continuing Legal Education Commission will meet at 1 p.m. Friday, February 14, in the Court of Appeals Courtroom, second floor, Kansas Judicial Center, 301 W. 10th, Topeka.

Ronald M. Keefover
Information-Education Officer

Doc. No. 011581

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1992 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, Topeka 66612, (913) 296-4096.

Bills Introduced January 30-February 5:

House Bills

HB 2805, by Representatives Allen and Macy and Amos, Blumenthal, Brown, Carmody, Douville, Hackler, Kline, Lane, Parkinson, Patrick, Sader, Snowbarger, Thompson and Weimer: An act concerning law libraries; relating to the Johnson county law library; amending K.S.A. 20-3127 and K.S.A. 1991 Supp. 20-3129 and repealing the existing sections.

HB 2806, by Representatives Hensley, Cates, Everhart, Gomez, Hamilton, Roy, Sebelius, M. Smith and Wagnon: An act concerning crimes and punishments; relating to battery against an officer or employee of the youth center at Topeka; amending K.S.A. 1991 Supp. 21-3413 and repealing the existing section.

HB 2807, by Committee on Agriculture: An act creating the Kansas pecan commission; relating to the powers and duties thereof; creating the Kansas pecan commission fund; amending K.S.A. 1991 Supp. 75-3170a and repealing the existing section.

HB 2808, by Committee on Commercial and Financial Institutions: An act relating to Kansas Venture Capital, Inc.; concerning the membership of the board; amending K.S.A. 1991 Supp. 74-8203 and repealing the existing section.

HB 2809, by Committee on Commercial and Financial Institutions: An act relating to municipalities; concerning bonds; relating to the redemption thereof or payment of interest thereon; amending K.S.A. 10-130 and repealing the existing section.

HB 2810, by Committee on Commercial and Financial Institutions: An act relating to banks and banking; concerning annual assessments for trust departments of banks; amending K.S.A. 9-1703 and repealing the existing section.

HB 2811, by Representative Johnson: An act relating to property taxation; concerning real property valuation increases; amending K.S.A. 1991 Supp. 79-1460 and repealing the existing section.

HB 2812, by Committee on Taxation: An act concerning property taxation; authorizing the director of property valuation to order the withholding of certain county entitlements for noncompliance with property tax administration laws.

HB 2813, by Committee on Taxation: An act relating to county and district appraisers; concerning qualifications and appointment thereof; amending K.S.A. 1991 Supp. 19-430 and repealing the existing section.

HB 2814, by Committee on Taxation: An act relating to property taxation; concerning the recordation of instruments conveying or affecting real estate and duties of the county appraiser and register of deeds relating thereto; amending K.S.A. 58-2221 and repealing the existing section.

HB 2815, by Committee on Taxation: An act relating to property taxation; concerning the hearing and appeals process; repealing K.S.A. 79-1466, 79-1467, 79-1601, 79-1603, 79-1604, 79-1609 and 79-1610 and K.S.A. 1991 Supp. 79-1448, 79-1460, 79-1606, 79-1607 and 79-2005.

HB 2816, by Committee on Taxation: An act concerning property taxation; relating to the assessment-sales ratio study; amending K.S.A. 1991 Supp. 79-1437 and repealing the existing section.

HB 2817, by Committee on Taxation: An act relating to property taxation; concerning the contents of property tax statements; amending K.S.A. 79-1803 and K.S.A. 1991 Supp. 79-2001 and repealing the existing sections.

HB 2818, by Committee on Taxation: An act relating to property taxation; concerning accessibility of real estate sales validation questionnaires; penalties; amending K.S.A. 1991 Supp. 79-1437f and 79-1437g and repealing the existing sections.

HB 2819, by Committee on Taxation: An act concerning property taxation; prescribing a notice form of proposed property taxes to be mailed to taxpayers; amending K.S.A. 79-1801, 79-1802, 79-2927, 79-2929 and 79-2933 and repealing the existing sections.

HB 2820, by Committee on Taxation: An act concerning property taxation; requiring audits to be performed; amending K.S.A. 1991 Supp. 79-503a and repealing the existing section.

HB 2821, by Committee on Taxation: An act relating to property taxation; time for payment of taxes; amending K.S.A. 1991 Supp. 79-2004 and 79-2004a and repealing the existing sections.

HB 2822, by Committee on Insurance: An act concerning insurance; group life insurance of certain debtors; amending K.S.A. 1991 Supp. 40-433 and repealing the existing section.

HB 2823, by Committee on Transportation: An act relating to motor vehicles; concerning certificates of title for repossessed vehicles; amending K.S.A. 8-116a and 8-135 and repealing the existing sections.

HB 2824, by Committee on Judiciary: An act relating to water pollution; concerning intervention in legal actions relating thereto; amending K.S.A. 1991 Supp. 65-170e and repealing the existing section.

HB 2825, by Representatives Wagle, Heinemann and O'Neal: An act relating to property taxation; providing authority for boards of county commissioners to abate or provide credit against property taxes levied upon property destroyed or substantially destroyed by calamity.

HB 2826, by Representative Crumbaker: An act concerning school districts; relating to the financing thereof; requiring the levy of ad valorem and income taxes; amending K.S.A. 1991 Supp. 72-7041, 72-7042, 72-7055 and 72-7056 and repealing the existing sections.

HB 2827, by Committee on Agriculture: An act concerning the grain inspection department; relating to fees and services; amending K.S.A. 1991 Supp. 34-101d and 34-103a and repealing the existing sections.

HB 2828, by Committee on Judiciary: An act concerning the courts; relating to the supreme court nominating commission and the district court nominating commissions; amending K.S.A. 20-126, 20-128, 20-2904 and 20-2906 and repealing the existing sections.

HB 2829, by Committee on Judiciary: An act concerning lien filings; relating to the indexing thereof by the clerk; amending K.S.A. 55-209, 60-1102, 60-1104 and 60-1108 and K.S.A. 1991 Supp. 60-1103 and repealing the existing sections.

HB 2830, by Committee on Judiciary: An act concerning crimes and punishments; creating the crime of stalking.

HB 2831, by Committee on Judiciary: An act concerning civil procedure; relating to process service agents; amending K.S.A. 60-306 and K.S.A. 1991 Supp. 60-305 and repealing the existing sections.

HB 2832, by Committee on Judiciary: An act concerning the judicial branch; relating to the education of judicial officers and employees; increasing docket fees; creating the judicial branch education fund; amending K.S.A. 8-2107, 12-4112, 12-4114 and 12-4116 and K.S.A. 1991 Supp. 20-362, 28-172a and 32-1050 and repealing the existing sections; also repealing K.S.A. 12-4115.

HB 2833, by Committee on Local Government: An act concerning fire districts; relating to the powers and duties of the governing body thereof; amending K.S.A. 19-3601a and repealing the existing section.

HB 2834, by Committee on Taxation: An act concerning the state board of tax appeals; relating to certain procedures and cases of the

(continued)

board; concerning review of board orders; authorizing certain actions to be filed in district court; eliminating review of certain tax grievances; amending K.S.A. 1991 Supp. 74-2426, 77-529 and 77-618 and repealing the existing sections.

HB 2835, by Representatives Glasscock, Lloyd, Adam, Baker, Bishop, Bowden, Bradford, Brown, Campbell, Charlton, Chronister, Corbin, Correll, Cozine, Crowell, Crumbaker, Dean, Edlund, Empson, Flower, Fuller, Gilbert, Harder, Helgerson, Hendrix, Hochhauser, Krehbiel, Lahti, Larkin, B. Lawrence, Lowther, Mead, O'Neal, Parkinson, Pottorff, Praeger, Reardon, Reinhardt, Rezac, Samuelson, Sawyer, Sebelius, D. Smith, Snowbarger, Turnquist, Wells and White: An act concerning school districts; relating to bonded indebtedness; establishing the school district capital improvements fund and providing for payments therefrom to school districts.

HB 2836, by Committee on Agriculture: An act concerning pet food; relating to fees credited to the animal dealers fee fund; amending K.S.A. 2-1004 and repealing the existing section.

HB 2837, by Committee on Federal and State Affairs: An act concerning district coroners; relating to removal from office; amending K.S.A. 22a-226 and repealing the existing section.

HB 2838, by Committee on Commercial and Financial Institutions: An act amending the uniform consumer credit code; concerning consumer leases; relating to delinquency charges; amending K.S.A. 16a-2-502, 16a-3-201, 16a-6-105 and 16a-6-117 and repealing the existing sections; also repealing K.S.A. 16a-2-511.

HB 2839, by Representative Stephens: An act concerning the state health care benefits program; requiring option to select health care providers; amending K.S.A. 75-6501 and repealing the existing section.

HB 2840, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; amending K.S.A. 1991 Supp. 41-308 and 41-311 and repealing the existing sections.

HB 2841, by Representatives Corbin, Baker, Ensminger, Jennison, King, Lloyd, Mead, Rezac, Roe, Shallenburger and M. Smith: An act concerning crimes, punishments and criminal procedure; creating the crime of livestock theft; relating to forfeiture of property; duties and procedures to be followed by law enforcement agencies.

HB 2842, by Committee on Commercial and Financial Institutions: An act relating to securities; concerning the registration thereof; relating to the powers of the commissioner; concerning certain exempt transactions; amending K.S.A. 17-1252, 17-1254, 17-1257, 17-1262a and 17-1270 and K.S.A. 1991 Supp. 17-1262 and repealing the existing sections.

HB 2843, by Representative Everhart: An act relating to townships; concerning the election of township officers; amending K.S.A. 25-1601 and repealing the existing section.

HB 2844, by Representatives Dean, Adam, Amos, Baker, Benlon, Bishop, Boston, Bowden, Bradford, Brown, Bryant, Campbell, Carmody, Cates, Charlton, Chronister, Correll, Dillon, Edlund, Ensminger, Flottman, Flower, Gilbert, Graeber, Harder, Hensley, Hochhauser, Jennison, Johnson, King, Kline, Krehbiel, Lahti, Lane, B. Lawrence, D. Lawrence, Lloyd, Love, Lowther, McKechnie, Mead, Minor, Mollenkamp, Neufeld, Patrick, Pauls, Praeger, Ramirez, Reardon, Rezac, Sader, Sawyer, Scott, Sebelius, Shallenburger, D. Smith, M. Smith, Stephens, Thompson, Wagon, Watson, Webb, Weimer, Wells and Welshimer: An act concerning social welfare; relating to persons eligible for coverage of adult care home costs; amending K.S.A. 1991 Supp. 39-708c and repealing the existing section.

HB 2845, by Representatives Love and Bowden, Charlton, Correll, Cozine, Crumbaker, Empson, Gomez, Grotewiel, Hackler, Harder, Hensley, Krehbiel, Larkin, Lynch, Mollenkamp, Rezac, Roe, Sebelius and Stephens: An act relating to property taxation; prescribing limitations upon authority of cities and counties to grant certain property tax exemptions.

HB 2846, by Representative Bowden (by request): An act concerning community historical museums; relating to levies therefor; amending K.S.A. 12-1688 and repealing the existing section.

HB 2847, by Representative Bowden (by request): An act concerning recreation commissions; relating to tax levies therefor; amending K.S.A. 12-1927 and repealing the existing section.

HB 2848, by Committee on Insurance: An act concerning accident and health insurance; coverage of procedures relating to skeletal bones and joints.

HB 2849, by Representatives Wagon and Sebelius: An act concerning certain counties; authorizing the creation of library districts.

HB 2850, by Committee on Taxation: An act concerning transient guest tax; providing for the uniform application of statutes relating thereto; amending K.S.A. 12-1697 and repealing the existing section; also repealing K.S.A. 12-1692, 12-1693, 12-1694, 12-1694a, 12-1694b and 12-1695.

HB 2851, by Committee on Local Government: An act concerning cities; relating to the removal or destruction of weeds; amending K.S.A. 12-1617f and repealing the existing section.

HB 2852, by Representative Heinemann: An act relating to property taxation; concerning the classification of real property used for residential purposes; amending K.S.A. 79-1439 and repealing the existing section.

HB 2853, by Representative Bishop: An act enacting the tuition voucher act; providing for establishment under the act of a pilot program of parental choice of schools for attendance of children.

HB 2854, by Representatives Bishop, Baker, Campbell, Harder and Sawyer: An act concerning the Kansas lottery; prohibiting certain advertising and promotions; amending K.S.A. 1991 Supp. 74-8704 and repealing the existing section.

HB 2855, by Committee on Judiciary: An act concerning contempt; relating to restricted driving privileges as a sentence of contempt in child support enforcement proceedings; amending K.S.A. 20-1203 and 20-1204a and repealing the existing sections.

HB 2856, by Committee on Judiciary: An act concerning bonds; relating to the judge's approval of such bond; amending K.S.A. 2-2209, 19-1426, 22-2806, 24-701, 24-702, 40-2705, 44-530, 60-722, 60-1005, 60-1006, 60-1110, 60-1111, 61-2402 and 65-2850 and K.S.A. 1991 Supp. 41-805 and 65-1628a and repealing the existing sections.

HB 2857, by Representative McKechnie: An act concerning counties; relating to services for the elderly.

HB 2858, by Representative Love: An act concerning school districts; affecting the definition of pupil for purposes of the school district equalization act; amending K.S.A. 1991 Supp. 72-7033 and repealing the existing section.

HB 2859, by Committee on Local Government: An act relating to motor vehicles; concerning unlawful statehouse parking; amending K.S.A. 75-4510 and repealing the existing section.

HB 2860, by Committee on Local Government: An act concerning census or population figures; amending K.S.A. 11-201 and repealing the existing section.

HB 2861, by Committee on Local Government: An act concerning the regulation of traffic; relating to unlawful statehouse parking; amending K.S.A. 8-2118 and 75-4510a and repealing the existing sections.

HB 2862, by Committee on Local Government: An act relating to the capitol area security patrol; concerning the authority thereof; amending K.S.A. 1991 Supp. 75-4503 and repealing the existing section.

HB 2863, by Representative Pottorff (by request): An act concerning canceled warrants; amending K.S.A. 1991 Supp. 46-921 and repealing the existing section.

HB 2864, by Committee on Insurance: An act concerning group accident and health insurance; coverage for certain disorders of the brain.

HB 2865, by Committee on Transportation: An act relating to motor vehicles; concerning abandoned and disabled vehicles; amending K.S.A. 8-1101 and 8-1102 and repealing the existing sections.

HB 2866, by Committee on Taxation: An act relating to the taxation of certain motor vehicles; amending K.S.A. 79-5102, 79-5103, 79-5104, 79-5105, 79-5106 and 79-5108 and K.S.A. 1991 Supp. 79-5101 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 79-5101a.

HB 2867, by Committee on Elections: An act relating to elections; concerning campaign finance; amending K.S.A. 1991 Supp. 25-4143 and repealing the existing section.

HB 2868, by Committee on Elections: An act relating to governmental ethics; concerning gifts to certain officers and employees; amending K.S.A. 1991 Supp. 46-237 and 46-271 and repealing the existing sections.

House Concurrent Resolutions

HC 5041, A concurrent resolution supporting measures to improve the safety of the highways through incentives for driver improvement courses for older drivers and through more adequate highway safety measures for state and county roads in Kansas.

House Resolutions

HR 6019, A resolution encouraging the promotion of sexual abstinence as the first line of defense to control the spread of AIDS.

HR 6020, A resolution memorializing the President and Congress of the United States to support the availability of RU-486 for appropriate research and, if indicated, clinical practice.

HR 6021, A resolution in memory of Dean B. Hinshaw.

HR 6022, A resolution congratulating and commending the Clafin High School football team and Coach Gregg Webb for winning the 1991 8-man Division II State Football Championship in Kansas.

HR 6023, A resolution rejecting David Duke's candidacy in the Kansas April 7th Presidential Preference Primary Election and further rejecting David Duke's past and current philosophies and beliefs.

Senate Bills

SB 545, by Committee on Education: An act concerning tuition grants for students of accredited independent institutions; relating to determination of residence; amending K.S.A. 1991 Supp. 72-6107 and 72-6111 and repealing the existing sections.

SB 546, by Senator Francisco: An act relating to elections; concerning absentee voting; amending K.S.A. 25-1119 and 25-1122 and repealing the existing sections.

SB 547, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal year ending June 30, 1992, for the Larned state hospital, Osawatomie state hospital, Rainbow mental health facility, Topeka state hospital, department of corrections, Kansas racing commission, department of commerce, department of social and rehabilitation services, state board of indigents' defense services, Kansas animal health department, Kansas wheat commission and state board of agriculture; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

SB 548, by Committee on Public Health and Welfare: An act concerning social welfare; relating to persons eligible for coverage of adult care home costs; amending K.S.A. 1991 Supp. 39-708c and repealing the existing section.

SB 549, by Committee on Transportation and Utilities: An act relating to the taxation of motor fuels; establishing the international fuel tax agreement clearing fund; providing for the disposition of certain funds; amending K.S.A. 79-34,126 and repealing the existing section.

SB 550, by Committee on Transportation and Utilities: An act concerning accessible parking for persons with a disability; relating to placards and identification cards; providing for certain fees; amending K.S.A. 8-145d and 8-1,125 and repealing the existing sections.

SB 551, by Committee on Transportation and Utilities: An act relating to motor-fuel tax; concerning special fuels taxation; providing for a motor-vehicle fuel or special fuel exemption permit; amending K.S.A. 79-2971, 79-3401, 79-3403, 79-3405, 79-3406, 79-3407, 79-3408c, 79-3409, 79-3410, 79-3415, 79-3416, 79-3417, 79-3419, 79-3421, 79-3423, 79-3424, 79-3426, 79-3453, 79-3455, 79-3456, 79-3458, 79-3459, 79-3463, 79-34,108, 79-34,142 and 79-34,143, as amended by section 57 of chapter 209 of the 1989 Session Laws of Kansas, and K.S.A. 1991 Supp. 58-241, 79-3408, 79-3420 and 79-3454 and repealing the existing sections; also repealing K.S.A. 79-3474, 79-3475, 79-3475a, 79-3477, 79-3479a, 79-3479b, 79-3479c, 79-3480, 79-3481, 79-3483, 79-3484a, 79-3485, 79-3486, 79-3487, 79-3488 and 79-3489 and K.S.A. 1991 Supp. 79-3478 and 79-3480a.

SB 552, by Committee on Elections: An act relating to elections; amending K.S.A. 25-409, 25-604, 25-2808, 25-2811, 25-4503, 25-4607 and 25-4608 and K.S.A. 1991 Supp. 25-4609 and repealing the existing sections.

SB 553, by Senators Walker, Francisco, Karr, Martin, Steineger, Strick and Winter: An act enacting the Kansas health care reform act; establishing the Kansas health care commission and providing for the powers, duties and functions thereof; establishing the Kansas health care trust fund and providing certain accounts within such fund; providing comprehensive, statewide health insurance coverage for all residents of the state; providing for financing thereof.

SB 554, by Senator Doyen: An act designating the square dance as the official state folk dance of Kansas.

SB 555, by Committee on Energy and Natural Resources: An act relating to water; concerning interbasin and intrabasin transfers

thereof and providing procedures therefor; repealing K.S.A. 82a-1501 to 82a-1506, inclusive.

SB 556, by Committee on Judiciary: An act concerning crimes and punishment; creating the crime of unlawful sexual relations and prescribing the penalty therefor.

SB 557, by Committee on Judiciary: An act concerning crimes and punishment; relating to obstructing legal process or official duty; amending K.S.A. 21-3808 and repealing the existing section.

SB 558, by Committee on Judiciary: An act concerning state corporation commission; relating to stay or suspension of order or decision pending review; amending K.S.A. 66-118g and repealing the existing section.

SB 559, by Senator Sallee: An act relating to the taxation of motor fuels; concerning certain exemptions; amending K.S.A. 79-3475 and K.S.A. 1991 Supp. 79-3408 and repealing the existing sections.

SB 560, by Senator Sallee: An act requiring the department of revenue to collect certain taxes on Indian reservations; giving certain authority to the attorney general; providing penalties on certain delinquent taxes.

SB 561, by Committee on Financial Institutions and Insurance: An act relating to insurance; accident and sickness insurance; small employers group coverage.

SB 562, by Senator Vidricksen: An act relating to fish and game; concerning fishing and hunting by military personnel while on leave.

SB 563, by Committee on Local Government: An act concerning municipalities; relating to the consolidation of services; amending K.S.A. 12-3904 and repealing the existing section.

SB 564, by Committee on Local Government: An act concerning municipalities; relating to certain contracts; amending K.S.A. 12-2908 and repealing the existing section.

SB 565, by Committee on Local Government: An act concerning municipalities; relating to the privatization of public services; amending K.S.A. 12-5501 and repealing the existing section.

SB 566, by Senator Salisbury: An act relating to property taxation; concerning the valuation of certain commercial property; amending K.S.A. 1991 Supp. 79-1476 and repealing the existing section.

SB 567, by Senator Hayden: An act concerning alcoholic liquors; relating to eligibility for a retailer's license; amending K.S.A. 1991 Supp. 41-311 and repealing the existing section.

SB 568, by Senator Hayden: An act relating to property taxation; concerning the classification of real property used for residential purposes; amending K.S.A. 79-1439 and repealing the existing section.

SB 569, by Committee on Elections: An act relating to election campaign finance; concerning the use of campaign contributions; amending K.S.A. 1991 Supp. 25-4157a and repealing the existing section.

SB 570, by Senators Harder, Karr, Montgomery, Morris, Oleen, Parrish, Reilly, Vidricksen, Winter and Yost: An act concerning community colleges; transferring supervision thereof from the state board of education to the state board of regents; amending K.S.A. 71-202, 71-211, 71-306, 71-403, 71-406, 71-615, 71-701, 71-802, 71-901, 71-902, 71-1104, 71-1105, 71-1106, 71-1201, 71-1309, 71-1406, 72-5015, 72-5017, 72-6201, 72-6202, 72-7515, 72-7518a, 72-9002 and 72-9006 and K.S.A. 1991 Supp. 71-201, 71-302, 71-601, 71-602, 71-607, 71-609 and 71-1507 and repealing the existing sections.

SB 571, by Senators Karr, Brady, Daniels, Feleciano, Francisco, Gaines, Hayden, Lee, Martin, McClure, Montgomery, Parrish, Petty, Rock, Steineger and Walker: An act concerning the regulation of motor carriers; providing for the exemption of certain private carriers; amending K.S.A. 1991 Supp. 66-1,109 and repealing the existing section.

SB 572, by Committee on Ways and Means: An act relating to certificates of title; increasing the fee; providing for the disposition thereof; amending K.S.A. 8-135, 8-135a, 8-139, 8-145, 8-146, 8-170, 8-171 and 8-198 and K.S.A. 1991 Supp. 74-2013 and repealing the existing sections.

SB 573, by Senators Oleen, Francisco, Langworthy, McClure, Moran, Petty, Reilly and Winter: An act concerning use of acid-free, alkaline-based or permanent type paper in certain state publications.

SB 574, by Committee on Local Government: An act concerning counties; authorizing creation of a vehicle reserve fund.

SB 575, by Committee on Governmental Organization: An act concerning cosmetology; amending K.S.A. 1991 Supp. 65-1901, 65-

(continued)

1902, 65-1903, 65-1908 and 65-1912 and repealing the existing sections.

SB 576, by Assessment and Taxation: An act relating to taxation; authorizing the payment of taxes by credit card.

SB 577, by Committee on Assessment and Taxation: An act concerning sand royalties; amending the formula by which such royalties are distributed to water districts; amending K.S.A. 1991 Supp. 70a-102 and repealing the existing section.

SB 578, by Committee on Assessment and Taxation: An act concerning confidentiality of tax information; authorizing the disclosure of information for certain limited purposes; amending K.S.A. 75-5133 and 79-3234 and repealing the existing sections.

SB 579, by Committee on Assessment and Taxation: An act relating to county appraisers and the appointment thereof; amending K.S.A. 1991 Supp. 19-430 and repealing the existing section.

SB 580, by Committee on Assessment and Taxation: An act relating to property taxation; concerning change of valuation notice and maintenance of valuation listings requirements; amending K.S.A. 79-1480 and K.S.A. 1991 Supp. 79-1460 and repealing the existing sections.

SB 581, by Committee on Assessment and Taxation: An act relating to real estate sales validation questionnaires; providing that such questionnaires are open to public inspection; amending K.S.A. 1991 Supp. 79-1437c and repealing the existing section; also repealing K.S.A. 1991 Supp. 79-1437f.

SB 582, by Committee on Assessment and Taxation: An act relating to property taxation; authorizing appointment of panels to assume the duties of county boards of equalization; amending K.S.A. 79-1601 and repealing the existing section.

SB 583, by Committee on Assessment and Taxation: An act relating to employees in the offices of county or district appraisers; concerning education requirements thereof; amending K.S.A. 79-1411b and repealing the existing section.

SB 584, by Senators Parrish, Petty and Salisbury: An act concerning Washburn university; relating to the financing thereof; amending K.S.A. 1991 Supp. 72-6503 and 72-6508 and repealing the existing sections.

SB 585, by Senators Parrish, Petty and Salisbury: An act relating to Washburn university of Topeka; establishing Washburn university as a separate state educational institution under the control and supervision of the state board of regents; providing for the conveyance of property to the state board of regents; authorizing and requiring certain tax levies and disbursement thereof; providing for retirement of the bonded indebtedness of Washburn university of Topeka; providing for the disposition and management of certain endowment property of Washburn university of Topeka; and establishing a board of trustees for the university and prescribing its composition, powers, rights and authority; amending K.S.A. 75-4101, 75-5501, 76-719 and 79-2961 and K.S.A. 1991 Supp. 74-3209, 74-3210a, 74-3229, 74-4925, 75-3731, 75-3732, 75-3765, 75-4503, 76-156a, 76-6a01, 76-6a13, 76-711, 76-751, 76-754 and 76-756 and repealing the existing sections; also repealing K.S.A. 13-13a03, 13-13a04, 13-13a05, 13-13a06, 13-13a08, 13-13a09, 13-13a11, 13-13a12, 13-13a13, 13-13a14, 13-13a16, 13-13a17, 13-13a18, 13-13a19, 13-13a20, 13-13a20a, 13-13a21, 13-13a23, 13-13a24, 13-13a25, 13-13a26, 13-13a27, 13-13a28, 13-13a29, 13-13a30, 13-13a31, 13-13a32, 13-13a33, 13-13a34, 13-13a35, 13-13a36, 13-13a37, 72-6502, 72-6504 and 72-6505 and K.S.A. 1991 Supp. 72-6501, 72-6503, 72-6506, 72-6507, 72-6508 and 72-6509.

SB 586, by Senator Daniels: An act concerning mobile home parks; relating to storm shelters.

SB 587, by Committee on Governmental Organization: An act concerning certain public records; transfer thereof to state archives; amending K.S.A. 45-405 and repealing the existing section.

SB 588, by SRS Task Force: Re Proposal No. 19: An act concerning children and minors; relating to child support; prescribing certain powers, duties, functions and procedures concerning orders for child support; amending and supplementing the Kansas code for care of children and the Kansas juvenile offenders code; amending K.S.A. 20-165, 38-1513, 38-1518, 38-1531, 38-1533, 38-1564, 38-1611, 38-1622, 38-1626, 38-1632, 38-1637, 38-1665 and 38-1666, K.S.A. 1991 Supp. 38-1516, 38-1543, 38-1563, 38-1610, 38-1663 and 59-2006 and K.S.A. 38-1632, as amended by section 1 of chapter 150 of the 1990 Session Laws of Kansas, and repealing the existing sections; also repealing K.S.A. 38-1632, as amended by section 18 of this act, and K.S.A. 1991 Supp. 38-1663b.

SB 589, by Committee on Ways and Means: An act relating to state finances; concerning limitations on expenditures and demand transfers from the state general fund; amending K.S.A. 1991 Supp. 75-3721a, 75-6702 and 75-6704 and repealing the existing sections; also repealing K.S.A. 1991 Supp. 75-6703.

SB 590, by Committee on Assessment and Taxation: An act relating to property taxes; concerning the protest of payment thereof; amending K.S.A. 1991 Supp. 79-2005 and repealing the existing section.

SB 591, by Committee on Assessment and Taxation: An act relating to property taxation; exempting certain public safety expenses from aggregate tax levy limitations; amending K.S.A. 1991 Supp. 79-5028 and repealing the existing section.

Senate Resolutions

SR 1815, A resolution supporting a 1992 presidential debate in Sedgwick County, Kansas.

SR 1816, A resolution congratulating and commending the Marion High School girls' cross country team and its coach, Rex Wilson, on winning the 1991 Class 2-1A State Cross Country Championship in Kansas.

SR 1817, A resolution congratulating and commending the Marion High School girls' volleyball team and Coach Jim Versch for winning the 1991 Class 2A State Volleyball Championship in Kansas.

SR 1818, A resolution congratulating and commending the Emporia High School boys' cross country team and its coach, Bob Karr, on winning the 1991 Class 6A State Cross Country Championship in Kansas.

SR 1819, A resolution in memory of W. Edgar Moore.

SR 1820, A resolution in memory of Ira Frank Randel.

Doc. No. 011589

State of Kansas

Kansas Arts Commission

Notice of Meeting

The Kansas Arts Commission will conduct its next quarterly business meeting from 9 a.m. to 3:15 p.m. Friday, February 21, at the Governor's Row House, 811 S.W. Buchanan, Topeka. Scheduled for action by the commission is ratification of the review panel recommendations for the 1992 Kansas Artist Fellowships to individual performance artists and approval of Design Arts/Capital Aid Accessibility grants to cultural organizations.

Plans will be discussed for "Celebrate Kansas Culture Day" on March 19, coinciding with the Governor's Arts Awards presentation in the Capitol at 1 p.m., and for the six-state regional Rural Arts Forum, March 27-29, at the Eisenhower Center in Abilene.

In other business, the commissioners will review the fiscal year 1992 budget and the pending FY 93 budget and approve the FY 93 preliminary apportionment plan. Reports will be presented on agency programs by staff coordinators.

Meetings of the Kansas Arts Commission, a state agency, and of its funding review panels are open to public observation.

For more information, contact the Kansas Arts Commission, Jayhawk Tower, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335.

Dorothy L. Ilgen
Executive Director

Doc. No. 011590

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9:30 a.m. Monday, February 24, in the conference room of the State Banking Department, Suite 300, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 et seq.

Frank D. Dunnick
State Bank Commissioner

Doc. No. 011579

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

Monday, February 24, 1992

28740

Statewide—Room air conditioners

28741

Statewide—Lawn equipment

28746

State Fire Marshal—Indirect cost allocation plan

28747

University of Kansas Medical Center—Laboratory services

91135

Department of Transportation—Weed killers, Chanute

91136

Kansas State University—Assorted pesticides, Hays

91137

University of Kansas Medical Center—Furnish all labor and materials for fireproofing

Tuesday, February 25, 1992

28734

University of Kansas—April (1992) meat products

28735

University of Kansas Medical Center—April (1992) meat products

Wednesday, February 26, 1992

A-6745

Osawatomie State Hospital—Asbestos abatement at laundry and Rush buildings

A-6784

Parsons State Hospital—Add maintenance catwalks in heating plant

A-6805

Pittsburg State University—KUMC area health education center remodel, Shirk Hall

28739

Statewide—Large, photo, and stage studio lamps

91163

Kansas State University—Sheets and mattress covers

91166

University of Kansas—Printing of undergraduate catalog

91167

University of Kansas—Gas analyzer

91168

Department of Social and Rehabilitation Services—Electric wheelchair, Wichita

91169

University of Kansas—Paper, printing and binding

Thursday, February 27, 1992

A-6663

Larned State Hospital—Renovate water wells

A-6670

Osawatomie State Hospital—Repair and paint interior and exterior of water tower

91176

University of Kansas—Carpet

Friday, February 28, 1992

A-6817

University of Kansas—Partial demolition of Hoch Auditorium

91187

Kansas State University—Gas analyzer

91189

University of Kansas Medical Center—Phacoemulsification system

91190

University of Kansas Medical Center—Endoscopy equipment

Tuesday, March 3, 1992

28743

Fort Hays State University—Natural gas

Wednesday, March 4, 1992

27544

Statewide—Electro medical supplies (Class 16)

Monday, March 9, 1992

28744

Lansing Correctional Facility—Natural gas

Wednesday, March 25, 1992

28750

Larned State Hospital—Lease of farm land

Tuesday, March 31, 1992

28745

University of Kansas—Property insurance

Request for Proposals

Friday, February 28, 1992

28742

Collection services for the Department of Administration

Jack R. Shipman
Director of Purchases

Doc. No. 011593

State of Kansas

Kansas State University

Notice to Bidders

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

Tuesday, February 25, 1992

#20093

Can seamer

William H. Sesler
Director of Purchasing

Doc. No. 011576

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by the University of Kansas Purchasing Office, Lawrence, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 or FAX (913) 864-3454 for additional information.

February 24, 1992

RFQ # 92 0835

Diode-pumped CW Nd-YAG laser

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

Doc. No. 011591

State of Kansas

Secretary of State

Executive Appointments

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

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

The following appointments were filed February 1-7:

Capitol Area Plaza Authority

James R. Cobler, Chairman, Secretary of Administration, Room 263-N, State Capitol, Topeka 66612. Serves at the pleasure of the Governor.

Kansas Coal Commission

Patrick "Pat" Barone, 403 W. Leighton, Frontenac 66762. Serves at the pleasure of the Governor. Succeeds Richard Senecaut.

Advisory Council of Community Colleges

David Clymer, Business/Industry Representative, Box 71, El Dorado 67042. Term expires May 30, 1995. Succeeds James Rodenbeek.

State Highway Advisory Commission

Tony Alvarez, District 6 Appointee, 1013 S. Washington, Liberal 67901. Term expires January 31, 1996. Succeeds Donna Marconette.

Kansas Quality Management Planning and Guidance Committee

(New positions. Members serve at the pleasure of the Governor.)

Mark Andrews, Department of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Robert Barnum, Social and Rehabilitation Services, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Col. Joe Crawford, Office of the Adjutant General, P.O. Box C-300, Topeka 66601.

Mary Lou Davis, Department of Administration, Room 263-E, State Capitol, Topeka 66612.

Nancy Echols, Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Connie Hafenstine, Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Joe Harkins, Capitol Center, K.U., KNEA Building, 715 S.W. 10th, Topeka 66604.

Rosemary Ingram, Department of Transportation, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Steve Jack, Department of Commerce, 5th Floor, Capitol Tower, 800 S.W. 8th, Topeka 66603.

Bob Kelly, Department of Education, Room 263-E, State Capitol, Topeka 66612.

Bobbi Mariani, Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Bill McGlassen, Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka 66612.

Karla Pierce, Department of Revenue, 2nd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka 66612.

Maj. Clifford Silsby, Office of the Adjutant General, P.O. Box C-300, Topeka 66601.

Errol Williams, Department of Commerce, 5th Floor, Capitol Tower, 400 S.W. 8th, Topeka 66603.

Wichita State University Board of Trustees

Don Ablah, 251 Crestway, Wichita 67208. Term expires June 30, 1994. Succeeds Terence Scanlon, deceased.

Bill Graves
Secretary of State

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-46-7, 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 staff review, applying the appropriate standards, regulations and effluent 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.

Public Notice No. KS-92-35/49

Name and Address of Applicant	Waterway	Type of Discharge
Baileyville Improvement District #1 Baileyville, KS 66404	Big Blue River via Black Vermillion River via north fork Black Vermillion via unnamed tributary	Secondary wastewater treatment facility

Nemaha County, Kansas
 Kansas Permit No. M-BB26-0002 Fed. Permit No. KS-0081422
 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Chihowa Retreat Center Route 1 Perry, KS 66073	Stone House Creek via West Stone House Creek via unnamed tributary	Secondary wastewater treatment facility

Jefferson County, Kansas
 Kansas Permit No. C-KS58-0001 Fed. Permit No. KS-0081531
 Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Cloud Ceramics Division of General Finance, Inc. Clay Pit #C-171-Aurora P.O. Box 369 Concordia, KS 66901	Solomon River via Middle Pipe Creek	Mine pit dewatering and uncontaminated stormwater discharge

Cloud County, Kansas
 Kansas Permit No. I-SO44-P001 Fed. Permit No. KS-0002691
 Description of Facility: This facility is engaged in mining clay for face brick manufacture. Pit dewatering is employed when necessary to remove rain water, spring water or melted snow from the clay pit. This is an existing facility and the previous limitations are continued. 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
City of Douglass City Hall Douglass, KS 67039 Butler County, Kansas Kansas Permit No. M-WA07-0002 Fed. Permit No. KS-0081078	Walnut River via unnamed tributary	Secondary wastewater treatment facility

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

Name and Address of Applicant	Waterway	Type of Discharge
City of Garnett-North Facility P.O. Box H 131 W. 5th Garnett, KS 66032 Anderson County, Kansas Kansas Permit No. M-MC13-I001 Fed. Permit No. KS-0024830	Nouth fork Pottawatomie Creek	Secondary wastewater treatment facility

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

Name and Address of Applicant	Waterway	Type of Discharge
City of Garnett-South Facility P.O. Box H 131 W. 5th Garnett, KS 66032 Anderson County, Kansas Kansas Permit No. M-MC13-0002 Fed. Permit No. KS-0024848	South fork Pottawatomie Creek	Secondary wastewater treatment facility

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

Name and Address of Applicant	Waterway	Type of Discharge
Kansas Gas and Electric Wichita Service Building P.O. Box 208 Wichita, KS 67214 Sedgwick County, Kansas Kansas Permit No. I-AR94-P041 Fed. Permit No. KS-0087840	Arkansas River via Chisholm Creek via storm sewer	Air-stripped groundwater

Description of Facility: This discharge consists of petroleum contaminated groundwater which has been treated with an air stripper. 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
Killough Quarries, Inc. Bone Quarry-Paola P.O. Box 3729 Lawrence, KS 66046 Miami County, Kansas Kansas Permit No. I-MC33-P006 Fed. Permit No. KS-0116092	Marais des Cygnes River (Hillsdale Lake) Bull Creek via Scott Branch	Quarry pit dewatering and uncontaminated stormwater runoff

Description of Facility: This facility operates approximately four months per year and is engaged in limestone quarrying and crushing. There are no wash facilities and all discharge is due to pit dewatering and uncontaminated stormwater runoff. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

(continued)

Name and Address of Applicant	Waterway	Type of Discharge
Lafarge Corporation- Clay Pit P.O. Box 479 Fredonia, KS 66736	Verdigris River via Fall River via Salt Creek	Clay quarry pit dewatering and uncontaminated stormwater runoff

Wilson County, Kansas

Kansas Permit No. I-VE18-P002 Fed. Permit No. KS-0088242

Description of Facility: This is a clay quarrying operation. The only discharge is quarry pit dewatering 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
City of Little River c/o City Clerk 320 Main Little River, KS 67457	Little Arkansas River	Secondary wastewater treatment facility

Rice County, Kansas

Kansas Permit No. M-LA10-0002 Fed. Permit No. KS-0081094

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

Name and Address of Applicant	Waterway	Type of Discharge
Midwest Minerals, Inc. Quarry #3 P.O. Box 412 Pittsburg, KS 66762	Neosho River via Labette Creek via Bachelor Creek	Quarry pit dewatering and uncontaminated stormwater runoff

Labette County, Kansas

Kansas Permit No. I-NE55-P001 Fed. Permit No. KS-0115525

Description of Facility: This is a limestone quarrying and crushing operation with no washing. This is an existing facility and the previous limitations are continued. 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
Moore Rubber Company 20151 W. 55th Shawnee, KS 66203	Kansas River via Mill Creek via storm sewer	Non-contact cooling water

Johnson County, Kansas

Kansas Permit No. I-KS68-C001 Fed. Permit No. KS-0085324

Description of Facility: This facility is engaged in the custom manufacturing of molded rubber machine parts. Non-contact cooling water is discharged to the storm sewer. This is an existing permit and the limits are continued. 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
Reichhold Chemical, Inc. 3150 Fiberglass Road Kansas City, KS 66115	Missouri River via Fairfax Drainage District sewers	Non-contact cooling water

Wyandotte County, Kansas

Kansas Permit No. I-MO25-C006 Fed. Permit No. KS-0001651

Description of Facility: This plant produces vinyl acrylic and acrylic emulsions. 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
City of Russell P.O. Box 112 City Hall Russell, KS 67665	Fossil Creek	Secondary wastewater treatment facility

Russell County, Kansas

Kansas Permit No. M-SH31-0001 Fed. Permit No. KS-0038458

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

Name and Address of Applicant	Waterway	Type of Discharge
Sedan Limestone Company, Inc. Sedan Quarry P.O. Drawer J Sedan, KS 67361	Verdigris River via Middle Caney Creek via Deer Creek	Quarry pit dewatering and uncontaminated stormwater runoff

Chautauqua County, Kansas

Kansas Permit No. I-VE33-P001 Fed. Permit No. KS-0117609

Description of Facility: This is a limestone quarrying and crushing operation with no washing. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Public Notice No. KS-EG-92-11/12

In accordance with K.A.R. 28-16-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the continued use of two Class I non-hazardous waste injection wells, within the state of Kansas, for Koch Underground Storage Company, Route 2, Box 181, McPherson, KS 67460. Both wells are located in McPherson County.

Well and Permit Number	Well Location
Well: Riddell #1 Permit No. KS-01-113-003	SE SW SW 28-19-4W 123' fsl and 4158' fel of SE Corner

Description of Facility: The site is an underground storage facility for liquid petroleum gas products.

Well and Permit Number	Well Location
Well: Riddell #2 Permit No. KS-01-113-004	SE SW SW 28-19-4W 425' fsl and 4450' fel of SE Corner

Description of Facility: The site is an underground storage facility for liquid petroleum gas products.

Written comments on the proposed determinations may be submitted to Bethel Spotts or Angela Buie (agricultural permits), Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments received prior to March 13 will be considered in formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-92-35/49, KS-EG-92-11/12) 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 (28-46-21 for UIC). 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 Kansas Department of Health and Environment offices, Building 740, Forbes Field, Topeka, from 8 a.m. to 4:30 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011596

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 1991 Supp. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balance in the petroleum storage tank release trust fund is \$5,731,131.73 at January 31, 1992.

James R. Cobler
Secretary of Administration

Doc. No. 011574

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emissions source construction/operating permit in accordance with K.A.R. 28-19-14 (permits required) to Blick's, Inc. to install and operate a portable liquid fertilizer plant.

Written materials, including the permit application and information relating to the application submitted by Blick's, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through March 12 by contacting Richard Robinson, KDHE, 2301 E. 13th, Hays, (913) 625-5664. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to Gene Sallee at (913) 296-1575.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary,

Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before March 12.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011582

State of Kansas

Department of Health
and Environment

Notice Concerning Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source permit in accordance with K.A.R. 28-19-14 (permits required) to Sharpline Converting, Inc. to operate screen printing equipment at 1520 S. Tyler Road, Wichita.

Written materials, including the permit application and information relating to the application submitted by Sharpline, draft permit, permit summary and analysis by KDHE describing the basis for the proposed permit, are available for public inspection during normal business hours through March 13 by contacting David Butler at the KDHE office, 1919 N. Amidon, Wichita, (316) 838-1071. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinther at (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before March 13.

Azzie Young
Secretary of Health
and Environment

Doc. No. 011583

State of Kansas

Attorney General

Opinion No. 92-11

State Boards, Commissions and Authorities—State Board of Technical Professions—State Board of Technical Professions; Purpose; Appointments; Vacancies. Carl O. Knop, Chairman, Kansas State Board of Technical Professions, Topeka, January 29, 1992.

Terms of office of the members of the State Board of Technical Professions were originally set by statute and appointments made accordingly. The terms of all

(continued)

subsequent appointees must be made with reference to the initial terms, each commencing at the end of the preceding term. Any appointments made during a term are for an unexpired term. Cited herein: K.S.A. 74-7006, Kan. Const., art. 5, § 2. GE

Opinion No. 92-12

Taxation—Rules for Valuing Property—Fair Market Value Defined; Factors to be Considered in Determining Fair Market Value; Effect of Failure to Consider Factors. Representative Clyde D. Graeber, 41st District, Leavenworth, January 29, 1992.

Pursuant to K.S.A. 79-503a and the holding in *Garvey Grain, Inc. v. MacDonald*, 203 Kan. 1 (1969), guidelines and schedules promulgated by the director of property valuation must reflect, where applicable, realistic market-place depreciation, including short and long-term physical deterioration or functional, economic or social obsolescence. Cited herein: K.S.A. 1991 Supp. 79-503a; K.S.A. 79-1439; K.S.A. 1991 Supp. 79-1476; K.S.A. 1968 Supp. 79-503 (repealed L. 1982, ch. 391, § 39). JLM

Opinion No. 92-13

Taxation—Property Valuation, Equalizing Assessments, Appraisers and Assessment of Property—Notification of Taxpayer of Change in Appraised Valuation of Property; Effect of Appraiser's Failure to Conduct Final Review. Representative Clyde D. Graeber, 41st District, Leavenworth, January 29, 1992.

The final field review required by reappraisal maintenance specifications issued by the Division of Property Valuation are mandatory in the sense that the director of the division, prosecutors and the Board of Tax Appeals may pursue actions to penalize an appraiser for failure to conduct such a review. Moreover, upon finding that any county has not performed a final review, the director of property valuation must file a complaint with the Board of Tax Appeals seeking reappraisal of that county. Finally, L. 1990, ch. 90, § 5 and K.S.A. 1991 Supp. 79-1460 require a specific review, including a physical inspection, of property the value of which is to be increased in tax years 1990 or 1992 and subsequent years. If this review is not performed, the value of the property (excluding agricultural land) may not be increased. Cited herein: K.S.A. 79-401; 79-411; K.S.A. 1991 Supp. 79-1413a; 79-1460; 79-1479; L. 1990, ch. 90, § 5. JLM

Opinion No. 92-14

Intoxicating Liquors and Beverages—Certain Prohibited Acts and Penalties—Advertising and Display of Liquor; Restrictions; Billboards. Robert A. Engler, Director, Alcoholic Beverage Control, Department of Revenue, Topeka, February 3, 1992.

K.S.A. 1991 Supp. 41-714(a)(2) attempts to prohibit retailers from advertising alcoholic liquor by means of billboards. However, the statute does not sufficiently inform retailers what conduct will subject them to penalties, and prohibits advertising by "billboard" in terms so vague that persons of common intelligence must necessarily guess at its meaning. In our opinion that

provision is therefore violative of due process and unenforceable. Cited herein: K.S.A. 1991 Supp. 41-714; Kan. Const., Bill of Rights, § 10; U.S. Const., Amend. 14. JLM

Opinion No. 92-15

State Departments; Public Officers and Employees—Department of Health and Environment; Advisory Commission on Health and Environment—Advisory Commission on Health and Environment Established; Meetings; Compensation and Expenses.

State Departments; Public Officers and Employees—Compensation and Allowances—Compensation, Subsistence, Allowances, Mileage and Expenses of Member of Board. Representative Bob J. Mead, 112th District, Pawnee Rock, February 3, 1992.

The use of the word "shall" in a statute which specifies a set number of meetings per year is directory, not mandatory, if that statute does not provide consequences for non-compliance. Members of the Advisory Commission on Health and Environment should be compensated with subsistence allowances, and reimbursement for mileage and other actual and necessary expenses for attending commission meetings. Cited herein: K.S.A. 75-3223; 75-5656. CN

Opinion No. 92-16

Wildlife, Parks and Recreation—Department of Wildlife and Parks; Organization and Powers—Secretary of Wildlife and Parks; Qualifications. Senator Sheila Frahm, 40th District, Colby, February 3, 1992.

As used within the statute which sets qualifications for the position of secretary of wildlife and parks, the term "education" refers, at a minimum, to some measure of instruction received at a school or college in wildlife, parks or natural resources or a related field. Cited herein: K.S.A. 1991 Supp. 32-801. CN

Opinion No. 92-17

Counties and County Officers—Hospitals and Related Facilities—County Hospitals; Recruitment of Staff; Meaning of Word "Staff." R. Douglas Sebelius, Norton County Attorney, Norton; John F. McClymont, Attorney for Norton County Hospital Board of Trustees, Norton, February 4, 1992.

The meaning of the word "staff" as used in K.S.A. 1991 Supp. 19-4611(f) includes physicians who are admitted to membership on the hospital medical staff with attendant hospital practice privileges. The board of trustees of a county hospital may expend funds as deemed necessary for the recruitment of physicians who are anticipated to become members of the hospital staff. Such expenditures may include the purchase of a building and attendant personal property which would then be leased to such recruited physicians for their use as a clinic and office space. The county hospital's purchase of the property would serve the public purpose of recruiting physicians to the area. Accordingly, the county may contribute appropriately budgeted and allocated county funds to this endeavor. Cited herein: K.S.A. 19-4601; K.S.A. 1991 Supp. 19-4611; 65-431; K.S.A. 79-2929a; 79-2934. CN

Doc. No. 011586

Robert T. Stephan
Attorney General

State of Kansas

**Office of Judicial Administration
Supreme Court Docket**

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

Monday, February 24, 1992

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,638	Reinhard Simon and Four Star Dairy, Appellees, v. National Farmers Organization Incorporated, Appellant.	John B. Gilliam Craig W. West	Sedgwick
66,987	Alice I. Million, Appellee, v. The Boeing Company-Wichita, <i>et al.</i> , Appellants.	Scott J. Mann Brian D. Pistotnik Stephen M. Kerwick Frederick L. Hagg	Sedgwick
66,174	State of Kansas, Appellee, v. Monte W. Summers, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney M. Kristine Paredes, Assistant Appellate Defender	Sedgwick
66,569	State of Kansas, Appellee, v. Robert Lee Swanson, Appellant.	Robert T. Stephan, Attorney General Debra Byrd Wagner, Assistant District Attorney Thomas Jacquinet, Assistant Appellate Defender	Sedgwick
1:30 p.m.			
66,595	Jeremy Honeycutt, a Minor, by and through his Guardian, Daniel H. Phillips, Appellant, v. City of Wichita and Wichita Public School System U.S.D. 259, <i>et al.</i> , Appellees.	Bradley J. Prochaska Timothy J. Finnerty Douglas J. Moshier, Assistant City Attorney Debra J. Arnett	Sedgwick
66,726	Patrons Mutual Insurance Association, Appellant, v. Union Gas System, Inc., Appellee.	Carlton W. Kennard Diane M. Breneman	Montgomery

Tuesday, February 25, 1992

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,889	Mark Twain Kansas City Bank, Appellee, v. Kroh Brothers Development Company, <i>et al.</i> , Appellants.	Gordon E. Wells, Jr. Robert F. Bennett H. David Barr	Johnson
66,264	Robert and Vicky Lytle, <i>et al.</i> , Appellants, v. Donald Stearns, <i>et al.</i> , Appellees.	Dennis M. Clyde Terry Fitzgerald	Johnson

(continued)

66,434	Laurence M. Jarvis, Appellant, v. Terry W. Drake, Appellee.	Laurence M. Jarvis, <i>pro se</i> Bill L. Klapper	Wyandotte
66,749	State of Kansas, Appellant, v. Kenneth Williams, Appellee.	Robert T. Stephan, Attorney General Paul J. Morrison, District Attorney Rebecca E. Woodman, Assistant Appellate Defender	Johnson
1:30 p.m.			
66,163	In the Matter of the Acquisition of Land by Eminent Domain: Metcalf Partners, Appellant, v. Kansas City Power & Light Company, A Corporation, Appellee.	Eldon J. Shields Richard N. Roe	Johnson
66,590	Jessica M. Simon, a Minor Child, by and through her Mother and Natural Guardian, Hattie Fillenwarth, Appellee, v. Stephen J. Bazzano, D.O. (Kansas Insurance Guaranty Association, Appellant).	Fred Spigarelli Edward J. Hershewe Stuart Messer	Cherokee

Wednesday, February 26, 1992

9:30 a.m.

Case No.	Case Name	Attorneys	County
67,025	Jerry T. Utley, Appellant, v. Kansas Power and Light Company, a/k/a KPL Gas Service, <i>et al.</i> , Appellees.	Dennis M. Clyde Barry E. Warren J. Donald Lysaught, Jr. David P. Mudrick	Wyandotte
66,859	Ashley Ball, by and through her Father and Next Friend, Joseph Ball, Appellee, v. Midwestern Insurance Company, Appellant.	John Parisi Paul Hasty, Jr.	Johnson
66,871	Terry Hollenbeck, Special Adm. of the Estate of Robert E. Hollenbeck, Deceased, Appellant, v. Household Bank, Appellee.	Robert A. Mintz Timothy J. Turner Bernard F. Weinand Todd A. Rohr	Johnson
66,691	Bank IV Wichita, Nat'l Assn., formerly Bank of Mid-America, Appellee, v. Mary Plein, <i>et al.</i> , Appellants.	Martin R. Ufford John Barrett William A. Vickery	Sedgwick
1:30 p.m.			
66,720	Bobbie J. Angleton, <i>et al.</i> , Appellees, Cross-Appellants, v. Starkan, Inc., <i>et al.</i> , Appellants, Cross-Appellees.	Daryl D. Ahlquist R. Kent Pringle Duncan A. Whittier	Neosho
66,862	State of Kansas, Appellant, v. Robert K. Gormley, Appellee.	Robert T. Stephan, Attorney General Charles F. Bennett, County Attorney Daryl D. Ahlquist	Neosho

Thursday, February 27, 1992

9:30 a.m.

Case No.	Case Name	Attorneys	County
66,716	The Central Bank & Trust Company, Appellee, v. Pauline E. Friesen, <i>et al.</i> , Appellants.	Kenneth Boelte Kent G. Voth E. Edward Brown Edward G. Collister	Finney
66,655	Admire Bank and Trust, Appellant, v. City of Emporia, Kansas, Appellee.	Mark E. Jones	Lyon
65,252	State of Kansas, Appellee, v. Vicky L. Getz, Appellant.	Dale W. Bell Robert T. Stephan, Attorney General Michael E. Ward, County Attorney	Butler On Petition for Review
65,076	State of Kansas, Appellee, v. Cheun Phon Ji, Appellant.	Steven R. Zinn, Assistant Appellate Defender Robert T. Stephen, Attorney General Rodney H. Symmonds, County Attorney Cortland E. Berry	Lyon

1:30 p.m.

66,965	Ron Todd, Insurance Commissioner of the State of Kansas, Appellant, v. Patrick F. Kelly, Judge of the United States District Court for the District of Kansas, Appellee.	Steven C. Day Richard I. Stephenson Mark B. Hutton William Tinker, Jr.	Certified Question
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Friday, February 28, 1992

9:30 a.m.

Case No.	Case Name	Attorneys	County
67,011	Board of County Commissioners of Douglas County, Kansas, <i>et al.</i> , Appellants, v. Mike Hayden, Governor, <i>et al.</i> , Appellees.	Robert W. Fairchild Robert T. Stephan, Attorney General Martha M. Snyder, Assistant Attorney General	Shawnee
66,302	Raymond D. Wahwasuck, Appellee, v. The Kansas Power and Light Company, Appellant.	William J. Pauzanski Jeffrey S. Southard Dan L. Wulz	Shawnee
66,255	State of Kansas, Appellee, v. Dennis L. Sanford, Appellant.	Robert T. Stephan, Attorney General Gene M. Olander, District Attorney Lucille Marino, Assistant Appellate Defender	Shawnee Carol G. Green Clerk of the Appellate Courts

Doc. No. 011575

State of Kansas

Kansas Commission on Governmental Standards and Conduct**Advisory Opinion No. 92-1**

Written January 23, 1992, to Thomas J. Burgardt, Cahilan, Brown, Burgardt & Wurst, Garden City.

This opinion is in response to your letter of January 9, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as county counselor for Finney County. You advise us that a county commissioner is considering accepting a position on the Kansas Highway Commission.

You ask whether the commissioner can serve in both positions at the same time.

We note at the outset that the commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.* Thus, whether some other law applies to your question is covered by this opinion.

It is our opinion that nothing in either of the above statutes precludes the service in both positions at the same time. However, he must abstain from actions on contracts between the two entities.

Advisory Opinion No. 92-2

Written January 23, 1992, to Bert Cantwell, Superintendent, Kansas Highway Patrol, Topeka.

This opinion is in response to your letter of December 18, 1991, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as superintendent of the Kansas Highway Patrol.

You state the Kansas Highway Patrol and the Independent Oil Marketers of Kansas are working on a proposal in which the Independent Oil Marketers would donate a tank of gasoline for use in marked Highway Patrol vehicles during the upcoming holidays. The purpose of the proposal is twofold: primarily as a show of unity between the private sector and law enforcement in the traffic safety arena and, secondly, to benefit the citizens of Kansas by providing a small amount of funds from the private sector which would ordinarily come from general fund monies. The businesses involved in the venture are independent retailers, not wholesalers regulated in the normal course of your duties. You ask whether this program is permissible.

We first note that our jurisdiction is limited to the application of K.S.A. 46-215 *et seq.* Thus, whether some other law applies to your question is not covered by this opinion.

We have reviewed the laws under our jurisdiction and it is our opinion since the Highway Patrol does not license, regulate or inspect the donors as those terms are used in K.S.A. 46-237(c), that the donations are permissible under K.S.A. 46-215 *et seq.*

Advisory Opinion No. 92-3

Written January 23, 1992, to Robert V. Eye, General Counsel, Department of Health and Environment, Topeka.

This opinion is in response to your letter of December 16, 1991, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct.

We understand you request this opinion in your capacity as general counsel for the Department of Health and Environment.

You inform us in your agency you are frequently requested and/or required to attend informational and training conferences sponsored by various agencies of the federal government. Your involvement in such conferences is often an integral part of administering certain programs pursuant to agreements between our state and federal agencies. Often the travel arrangements and expenses associated with the conferences are taken care of by the relevant federal agency. For example, the United States Food and Drug Administration (FDA) plans to conduct a training program soon in New Mexico. FDA has agreed to provide the airline tickets to an agency employee to attend the conference.

You state the issue which arises is whether an agency employee may attend a federal government sponsored training conference when the travel expenses are paid directly by the federal agency, considering the last sentence of the 1991 Session Law, Ch. 150, Sec. 26(f) which contemplates a reimbursement of expenses. A second issue is from whom an agency employee may receive reimbursement. May an agency employee be reimbursed from a federal agency or other interested group sponsoring a conference or must the reimbursement come from the state of Kansas?

K.S.A. 46-237(a), (c) & (f) relate to your question. Those sections state:

(a) No state officer or employee or candidate for state office shall accept, or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee of that agency.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the Kansas commission on governmental standards and conduct prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for

reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

A review of these sections leads to the following categories in analyzing the grant of travel expenses and lodging to a state employee doing state duties:

1. Attending a training session and not giving a speech.

If the entity granting the travel expenses and lodging is not licensed, regulated or inspected by the recipient or the recipient's agency, then only subsection (a) applies, and so long as the agency head authorizes the trip there is no financial gain by the employee and the receipt of reasonable and necessary expenses is permissible.

If the entity granting the travel expenses and lodging is licensed, regulated or inspected by the recipient or the recipient's agency, then subsection (c) applies and the \$40 limit is in effect.

2. Attending a seminar or conference to give a speech.

Here subsection (f) applies and reasonable and necessary costs for travel expenses and lodging are permissible.

In our view under any of the scenarios it is irrelevant who does the reimbursement or how it is routed, as long as the amounts are reasonable and necessary it meets the above guidelines.

Advisory Opinion No. 92-4

Written January 23, 1992, to all interested persons:

Pursuant to K.S.A. 46-254, the commission takes this opportunity to issue its opinion concerning the application of K.S.A. 46-237(c) regarding gifts to spouses of state officers and employees.

K.S.A. 46-237(c) states: "No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality, or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee of that agency."

It is our opinion, whenever a gift, favor, hospitality, etc. is given to the spouse of a state officer or employee primarily because of that relationship, the value of the gift given to the spouse is included in the gift limit to the state officer or employee. Thus, for example, if a licensed entity takes a state officer or employee and spouse to dinner, the cost of the dinner for both the state officer or employee and the spouse are attributed to the \$40 limit.

Richard C. Loux
Chairman

Doc. No. 011577

State of Kansas

The Kansas Lottery

Temporary Administrative Regulations

Article 2.—LOTTERY RETAILERS

111-2-20. Dillons Instant Ticket Sales Promotion. In addition to the compensation specified in K.A.R. 111-2-4 and 111-2-6, the Kansas Lottery is also offering the following as bonus incentives to enhance the sale of the "Hoops" instant ticket to Kansas Dillons stores:

(a) The instant sales promotion will commence at 6:00 a.m. on February 6, 1992, and end at 5:00 p.m. on March 13, 1992.

(b) Every time a Dillons store orders a pack of "Hoops" instant tickets, a lottery telemarketing representative and/or regional office will be responsible for placing an entry card on behalf of the store into a receptacle at the lottery.

(c) On March 24, 1992, a drawing from all the entries will be held in the Holidome in Hutchinson, Kansas. The drawing will be conducted by lottery officials. The first card drawn bearing the identity of a Dillons store entered in the promotion will entitle a representative of that store to receive the first prize, a vacation package donated by KCMO AM-FM, Kansas City:

(1) Round trip air fare for two to Nassau in the Bahamas, from Kansas City, leaving April 23, 1992, and returning April 27, 1992.

(2) Four nights' lodging at the Carnival's Crystal Palace Resort and Casino, from April 23, 1992 through April 26, 1992.

(d) Cash prizes will also be awarded to the following winners:

second prize:	\$500
third prize:	\$400
fourth prize:	\$300
fifth prize:	\$200
sixth through 10th prize:	\$100 each

(Authorized by and implementing K.S.A. 1991 74-8710; effective, T-111-2-5-92, Jan. 31, 1992.)

Ralph Decker
Executive Director

Doc. No. 011588

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

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

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

(continued)

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

(2) "Accrual basis accounting" means 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.

(3) "Acquisition cost" means the allowable reimbursement price determined by the Kansas department of social and rehabilitation services for each covered drug, supply or device in accordance with federal regulations.

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

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

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

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

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

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

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

(11) "Change of ownership" means:

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

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

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

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

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

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

(13) "Common ownership" means that an entity holds a minimum of five percent ownership or equity

in the provider facility and in the company engaged in business with the provider facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(29) "Diagnosis related group (DRG) reimbursement system" means a reimbursement system in the Kansas medicaid/medikan program for general hospital inpa-

tient services which uses diagnosis related groups for determining reimbursement on a prospective basis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Withstand repeated use;

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

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

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

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

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

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

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

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

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

(D) effective date of the election period; and

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

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

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

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

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

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

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

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

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

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

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

(48) "Home health aide service" means the direct care provided by a person with minimum training, and

(continued)

who is under the supervision of a registered nurse employed by a home health agency, to recipients who are unable to care for themselves or who need assistance in accomplishing the activities of daily living.

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

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

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

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

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

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

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

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

(57) "Length of stay as an inpatient in a general hospital" means the number of days an individual remains for treatment as an inpatient in a general hospital from and including the day of admission, to and excluding the day of discharge.

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

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

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

(61) "Maternity center" means a facility licensed as a maternity hospital which provides delivery services for normal uncomplicated pregnancies.

(62) "Medicaid home- and community-based services for persons with head injury trauma (HCBS/HI)" means services provided in accordance with a federally-approved waiver to the Kansas medicaid state plan that are designed to be alternatives to services in head injury rehabilitation facilities for individuals with external, traumatic head injuries.

(63) "Medicaid home- and community-based services for persons with mental retardation or other developmental disabilities (HCBS/MRDD)" means services provided in accordance with a federally-approved waiver to the Kansas medicaid state plan that are designed to be alternatives to services otherwise provided in intermediate care facilities for the mentally retarded (ICF/MR) for individuals who have mental retardation or other developmental disabilities.

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

(65) "Medical necessity" means a decision by a medical practitioner that a therapy, treatment, drug, item or service prescribed or provided is essential to treat or diagnose a specific physical or psychiatric condition.

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

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

(68) "Mental retardation" means significantly subaverage intellectual functioning which:

(A) Is manifested before age 22; and

(B) is evidenced by:

(i) A score of 70 or below on any standardized measure of intelligence; and

(ii) concurrently existing deficits in adaptive behavior.

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

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

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

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

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

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

(74) "Orthotics and prosthetics" means devices which are:

- (A) Reasonable and necessary for treatment of an illness or injury;
- (B) prescribed by a physician;
- (C) necessary to replace or improve functioning of a body part; and
- (D) provided by a trained orthotist or prosthetist.

(75) "Other developmental disabilities" means a condition or illness which:

- (A) Is manifested before age 22;
- (B) may reasonably be expected to continue indefinitely;

(C) results in substantial limitations in any three or more of the following areas of life functioning:

- (i) Self-care;
- (ii) understanding and the use of language;
- (iii) learning and adapting;
- (iv) mobility;
- (v) self-direction in setting goals and undertaking activities to accomplish those goals;
- (vi) living independently; or
- (vii) economic self-sufficiency; and

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

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

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

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

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

(80) "Partial hospitalization program" means an ambulatory treatment program that includes the major diagnostic, medical, psychiatric, psychosocial, and

daily living skills treatment modalities based upon a treatment plan.

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

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

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

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

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

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

(84) "Physical therapy" means treatment which:

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

(B) is rehabilitative and restorative in nature;

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

(D) is prescribed by the attending physician.

(85) "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.

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

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

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

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

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

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

(continued)

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

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

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

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

(96) "Program" means the Kansas medicaid/medikan program.

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

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

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

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

(101) "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 those related by family, by 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.

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

(103) "Residence for the payment of hospice services" means a hospice recipient's home or the nursing facility in which a hospice recipient is residing.

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

(105) "Special hospital" means an establishment with an organized medical staff of physicians, with per-

manent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have specified medical conditions, or which are located within the state of Kansas and at least 10 percent of the historic cost of the hospital is incurred for teaching physicians or nurses.

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

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

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

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

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

(111) "Technology-assisted child" means a chronically ill or medically fragile child younger than 16 years whose illness or disability, in the absence of home care services, would require admission to or prolonged stay in a hospital. The technology-assisted child needs both a medical device to compensate for the loss of a vital body function and substantial continuous care by a nurse or other caretaker under the supervision of a nurse in order to avert death or further disability. A technology-assisted child shall require substantial and ongoing care by a nurse, and be dependent at least part of each day on mechanical ventilators for survival, require prolonged intravenous administration of nutritional substances or drugs, or require other medical devices to compensate for the loss of a vital body function.

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

(113) "Timely filing" means the receipt by the Kansas department of social and rehabilitation services or its fiscal agent of a claim for payment from a provider for services provided to a medicaid program recipient which is no later than six months after the date the claimed services were provided.

(114) "Transfer" means the movement of an individual receiving general hospital inpatient services from one hospital to another hospital for additional

related inpatient care after admission to the previous hospital or hospitals.

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

(116) "Traumatic head injury" means non-degenerative, structural brain damage resulting in residual deficits and disability which have been acquired by external physical injury.

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

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

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

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

(b) The effective date of this regulation shall be April 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended, T-30-3-1-91, March 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992.)

30-5-95. Cost report requirement for pharmacy services. (a) The cost reports filed by pharmacy providers for professional fee determination shall reflect data which coincides with the immediate fiscal year used for federal income taxes that ends prior to the cost report filing due date, except in those cases where the provider is not required to file a federal income tax return. In such cases, the provider shall file a cost report from the official financial reporting records of the business.

(b) (1) A detailed cost report shall be filed in each odd-numbered year and an interim cost report shall be filed in each even-numbered year. The initial cost report filed by all pharmacies shall be the detailed cost report, regardless of the year in which it is filed. Pharmacies shall have been in operation for a minimum of six months in the cost reporting period to file an initial cost report.

(2) After the initial submission of a detailed cost report by a new provider, new pharmacy or pharmacy which has changed ownership, a pharmacy may elect in subsequent years not to file the detailed pharmacy cost report. The assignment of fees to such a pharmacy requires the submission of a prescription survey in a format designed by the Kansas department of social and rehabilitation services, and which reflects the av-

erage gross profit per prescription and other pertinent information.

(3) Failure or refusal by a Kansas pharmacy, or an out-of-state pharmacy, when required, to file cost reports shall result in assignment to that pharmacy of a professional fee of \$0.00.

(4) Pharmacies that receive a professional fee of \$0.00 as a result of failure or refusal to file cost reports shall have a professional fee calculated and assigned following the completion of a subsequent year cost report as required by the department. The assignment of such a professional fee will take effect at the same time all professional fees of pharmacies are adjusted through the standard fee setting procedures of the department. Should all pharmacy fees not be adjusted through the standard fee setting procedures of the department, the assignment of a fee to a pharmacy which previously failed or refused to file a cost report shall take effect no later than the subsequent annual anniversary of the date that the \$0.00 fee was assigned.

(c) Cost report and prescription survey forms, instructions, and notice of the requirement to file shall be prepared by the Kansas department of social and rehabilitation services and distributed to all pharmacy providers as required. The effective date of this regulation shall be April 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1981; amended May 1, 1984; amended May 1, 1987; amended July 1, 1989; amended May 1, 1991; amended April 1, 1992.)

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

30-10-1a. Nursing facility program definitions.

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

(1) "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.

(2) "Adequate cost and other accounting information" means that 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 cost 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.

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

(4) "Ancillary services and other medically necessary services" means those special services or supplies for which charges are made in addition to routine services.

(continued)

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 nursing facility directly if an oxygen supplier is unavailable.

(5) "Approved educational activities" means formally organized or planned programs of study usually engaged in by providers in order to enhance the quality of resident care in an institution. These activities shall be licensed when required by state law.

(6) "Common ownership" means an entity holds a minimum of five percent ownership or equity in the provider facility and in the company engaged in business with the provider facility.

(7) "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.

(8) "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.

(9) "Costs not related to resident care" means costs which are not appropriate, necessary or proper in developing and maintaining the nursing facility operation and activities. These costs are not allowable in computing reimbursable costs.

(10) "Costs related to resident 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 resident care facilities and activities. Specific items of expense shall be limited pursuant to K.A.R. 30-10-23a, K.A.R. 30-10-23b, K.A.R. 30-10-23c, K.A.R. 30-10-24, K.A.R. 30-10-25, K.A.R. 30-10-26, K.A.R. 30-10-27 and K.A.R. 30-10-28.

(11) "General accounting rules" means the generally accepted accounting principles as established by the American Institute of Certified Public Accountants, except as otherwise specifically indicated by nursing facility program policies and regulations. Any adoption of these principles does not supersede any specific regulations and policies of the nursing facility program.

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

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

(14) "Inspection of care review and medical review of nursing facilities" means a yearly, resident-oriented review of only medicaid/medikan recipients, 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 recipients' needs are being met.

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

(16) "Net cost of educational activities" means the

cost of approved educational activities less any grants, specific donations or reimbursements of tuition.

(17) "Non-working owners" means any individual or organization having five percent or more interest in the provider who does not perform a resident-related function for the nursing facility.

(18) "Non-working related party or director" means any related party as defined in K.A.R. 30-10-1a who does not perform a resident-related function for the nursing facility.

(19) "Nursing facility (NF)" means a facility which has met state licensure standards and which provides health-related care and services, prescribed by a physician, to residents who require 24-hour-a-day, seven-day-a-week, licensed nursing supervision for ongoing observation, treatment, or care for long-term illness, disease, or injury.

(20) "Nursing facility for mental health" means a facility which has met state licensure standards and which provides health-related care and services, prescribed by a physician, in conjunction with recommended active treatment programming for residents with a diagnosis of mental illness or behavior disorders.

(21) "Organizational costs" means 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 should be amortized over a period of not less than 60 months from the date of incorporation.

(22) "Owner-related party compensation" means salaries, drawings, consulting fees, or other payments paid to or on behalf of any owner with a five percent or greater interest in the provider or any related party as defined in K.A.R. 30-10-1a, whether the payment is from a sole proprietorship, partnership, corporation, or non-profit organization.

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

(24) "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 that 12-month period of time.

(25) "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.

(26) "Provider" means the operator of the nursing facility specified in the provider agreement.

(27) "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.

(28) "Related to the nursing facility" 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.

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

(30) A "resident day" means that period of service rendered to a patient or resident between 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 resident who was not in the home. Census-taking hours consist of 24 hours beginning at midnight.

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

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

(33) "Twenty-four hour nursing care" means the provision of 24-hour licensed nursing services with the services of a registered nurse for at least eight consecutive hours a day, seven days a week.

(34) "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.

(b) The effective date of this regulation shall be April 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992.)

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

(continued)

(m) "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.

(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.

(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) "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 April 1, 1992. (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; amended April 1, 1992.)

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) 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;

(J) emesis basins and bath basins;

(K) enemas and enema equipment;

(L) facial tissues and toilet paper;

(M) footboards;

(N) footcradles;

(O) gel pads or cushions;

(P) geri-chairs;

(Q) gloves, rubber or plastic;

(R) heating pads;

(S) heat lamps and examination lights;

(T) humidifiers;

(U) ice bags and hot water bottles;

(V) intermittent positive pressure breathing (IPPB) machines;

(W) I.V. stands and clamps;

(X) laundry, including personal laundry;

(Y) lifts;

(Z) nebulizers;

(AA) occupational therapy which exceed the quantity of services covered by medicaid/medikan;

(BB) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae and humidifiers;

(CC) parenteral and enteral infusion pumps;

(DD) patient gowns and bed linens;

(continued)

(EE) physical therapy which exceed the quantity of services covered by medicaid/medikan;

(FF) restraints;

(GG) sheepskins and foam pads;

(HH) speech therapy which exceed the quantity of services covered by medicaid/medikan;

(II) sphygmomanometers, stethoscopes and other examination equipment;

(JJ) stretchers;

(KK) suction pumps and tubing;

(LL) syringes and needles, except insulin syringes and needles for diabetics that are covered by the pharmacy program;

(MM) thermometers;

(NN) traction apparatus and equipment;

(OO) underpads and adult diapers, disposable and non-disposable;

(PP) walkers;

(QQ) water pitchers, glasses and straws;

(RR) weighing scales;

(SS) wheelchairs;

(TT) irrigation solution, i.e., water and normal saline;

(UU) lotions, creams and powders, including baby lotion, oil and powders;

(VV) first-aid type ointments;

(WW) skin antiseptics such as alcohol;

(XX) antacids;

(YY) mouthwash;

(ZZ) over-the-counter analgesics;

(AAA) two types of laxatives;

(BBB) two types of stool softeners;

(CCC) nutritional supplements; and

(DDD) 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 service program for clients of an ICF-MR shall be included in the per diem reimbursement. Providers shall allow the client or the client's guardian to select a day service program offered by another agency. The other agency must be licensed and unencumbered by documented service deficiencies which would prevent the provider from becoming certified or remaining certified as a medicaid provider. The provider must pay the actual cost of the service provided by the other agency up to 24 percent of the provider's approved per diem rate. Expenses incurred by the provider for this service are allowable expenses and may be reported on the provider's financial and statistical report.

(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. The effective date of this regulation shall be April 1, 1992. (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; amended April 1, 1992.)

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

(b) Extra 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 extra care shall be shown as a provider adjustment on the individual line item of benefit on the ICF-MR financial and statistical report. Extra 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 April 1, 1992. (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; amended April 1, 1992.)

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) 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.

(c) The provider shall be required to notify the local agency office prior to routine absence from the facility by clients in the Kansas medicaid/medikan program. In case of routine admission to a hospital, notification must be submitted to the local agency office no later than five working days following admission.

(d) No payment for medical reserve days shall be made until authorization has been given by the local agency office in writing to the provider. A copy of the authorization shall be attached to the claim submitted for payment.

(e) The following conditions shall be met when a bed is reserved in an ICF/MR because of hospitalization for an acute medical condition:

(1) The local agency office has approved the client reserve days for hospitalization of an acute condition for each period of hospitalization up to 10 days.

(2) When ICF/MR clients are transferred to one of the state mental retardation facilities, they are eligible for 21 hospital reserve days.

(3) The client shall intend to return to the same fa-

cility after hospitalization and the facility accepts the individual for service.

(4) The hospital shall provide a discharge plan for the client which includes returning to the facility requesting the reserve days.

(5) An ICF/MR which has less than 90% occupancy may not be approved for hospitalization reserve days.

(f) 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.

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

(h) Payments made for unauthorized reserve days shall be reclaimed by the agency. The effective date of this regulation shall be April 1, 1992. (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; amended April 1, 1992.)

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

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

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

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

(B) special assessments on land for capital 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 start-up 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.

(12) The actual cost of airplanes and associated expenses are not allowed. However, the provider may charge the equivalent distance of automobile mileage at the IRS allowable rate. The effective date of this regulation shall be April 1, 1992. (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; amended April 1, 1992.)

Donna Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 011587

State of Kansas

Department of Human Resources
Division of Workers' Compensation
Permanent Administrative
Regulations

Article 24.—REHABILITATION

51-24-1. Vocational rehabilitation. (a) Insurance carriers and employers shall furnish to the selected vocational rehabilitation vendor, or at the administrator's request, to the rehabilitation administrator, any medical reports that may be necessary to make an effective vocational rehabilitation determination.

(b) Any party to a proceeding, including the director, the administrative law judge, the employee, the employer or insurance carrier shall have the right to request, pursuant to K.S.A. 1991 Supp. 44-510g(e)(1), an assessment as defined in K.S.A. 1991 Supp. 44-510g(n). If any party objects to such an assessment being made, a hearing shall be held by the director to determine whether it is needed and whether the assessment should be ordered. When such a request is granted all parties shall cooperate in completing the rehabilitation assessment in an expeditious and timely manner.

(c) The rehabilitation administrator shall be the coordinator between the parties seeking a vocational assessment and the Kansas rehabilitation services or a qualified private agency.

(d) The injured worker shall keep appointments with the rehabilitation vendor and shall comply with the vocational rehabilitation process.

(e) The rehabilitation vendor shall keep all interested parties advised as to the progress of the assessment in a timely manner. If the injured worker is participating in the rehabilitation process, a current record shall be maintained by the administrator as to the worker's progress in the rehabilitation process.

(f) If a review of the assessment, plan or both has been completed by the rehabilitation administrator, a copy of that review shall be submitted to all parties and the administrative law judge. The administrative law judge shall consider the review in the trial of the case, and shall hear all parties as to their position on a rehabilitation plan for the claimant based upon that review.

(g) If an application for hearing is filed for an injury which occurred before July 1, 1987, and no evaluation report has been made on the injured employee, a determination shall be made by the administrative law judge at the first hearing as to whether a vocational rehabilitation evaluation should be ordered. If an evaluation is ordered by the administrative law judge, the parties shall cooperate in submitting the necessary medical reports to the vocational rehabilitation administrator as necessary to make a prompt and complete report. When the evaluation is completed, a written report shall be submitted to all parties. If any parties request a hearing as to the necessity for including a vocational rehabilitation program as part of the award

in an individual case, a hearing shall be held by the administrative law judge. (Authorized by K.S.A. 1990 Supp. 44-573; implementing K.S.A. 1990 Supp. 44-510g as amended by 1991 HB 2457, Sec. 4; effective May 1, 1976; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1983; amended March 30, 1992.)

51-24-4. Qualifications and duties of a vendor.

For vocational rehabilitation cases under the Kansas workers compensation act, each person, firm or corporation proposing to qualify as a vendor shall file an application with the director. The application shall be updated as changes occur which may affect the standing of the applicant to become or remain qualified. Each application shall include: (a) a statement that the person, firm or corporation will maintain an office in the state of Kansas or in the metropolitan Kansas City area staffed with personnel capable of responding to written or telephone inquiries regarding cases referred to that vendor;

(b) the addresses and telephone numbers of the offices within and without the state of Kansas from which vocational rehabilitation services will be performed for cases under the Kansas workers compensation act;

(c) a listing of each person employed to perform services as a medical manager, counselor, evaluator or job placement specialist for cases referred to that vendor and an indication of each person's discipline;

(d) a statement that the person, firm or corporation will employ or contract with one or more persons qualified to perform work as a medical manager, counselor, evaluator or job placement specialist as necessary to carry out the purpose of the referral;

(e) a statement that the person, firm or corporation will be responsible for the appropriateness and timeliness of service delivery by each medical manager, counselor, evaluator and job placement specialist employed or under contract to carry out the purpose of the referral;

(f) a statement indicating whether the person, firm or corporation wants to be included in the list of vendors qualified and requesting to receive referrals from employers or the director;

(g) a statement that the person, firm or corporation will report, in a form prescribed by the director, to the vocational rehabilitation administrator each referral received from an employer or insurance carrier and the date of the referral;

(h) a statement that the person, firm or corporation will report upon the status of the evaluation 30 days after the referral and report upon the status of the evaluation and plan on each occasion upon which changes occur which affect the evaluation or plan. These reports shall be in a form prescribed by the director;

(i) a statement that the person, firm or corporation will provide copies of all vocational assessments, plans and progress reports to all parties involved, including attorneys for the claimant and respondent if it is a litigated case;

(j) a statement that the person, firm or corporation will provide objective and impartial assessments of the

injured worker's need for rehabilitation services; and

(k) a statement that the person or firm acknowledges that the authorization by the director to provide vocational rehabilitation services pursuant to the Kansas workers compensation act and regulations may be suspended or revoked for failure to comply with regulations adopted by the director. (Authorized by K.S.A. 1990 Supp. 44-573; implementing K.S.A. 44-510g, as amended by 1991 HB 2457, Sec. 4; effective, T-88-20, July 1, 1987; effective May 1, 1988; amended Nov. 27, 1989; amended March 30, 1992.)

51-24-8. Standards of conduct for vocational rehabilitation vendors and vocational rehabilitation professionals. Each vocational rehabilitation vendor (vendor) and vocational rehabilitation professional (professional) who has been authorized by the director to provide vocational rehabilitation services pursuant to the Kansas workers compensation act and regulations: (a) shall adhere to all applicable federal, state and local laws establishing and regulating business practices;

(b) shall adhere to the Kansas workers compensation law and regulations;

(c) shall report any known violation of these standards of conduct using the complaint procedures established in K.A.R. 51-24-9;

(d) shall not circumvent a standard of conduct through the actions of another;

(e) shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(f) shall not engage in any conduct that adversely affects the vendor's or professional's fitness to perform assessments, evaluations, plans or any other act to be performed under the Kansas workers compensation act and regulations;

(g) shall not conceal or knowingly fail to disclose that which the vendor or professional is required by law to reveal;

(h) shall not knowingly use perjured testimony or false evidence;

(i) shall not knowingly make false statements of law or fact;

(j) shall not participate in the creation or preservation of evidence which the vendor or professional knows, or should reasonably know, is false;

(k) shall not counsel or assist in conduct that the vendor or professional knows to be illegal or fraudulent;

(l) shall not misrepresent himself or herself, the job duties or credentials of the vendor or professional nor promise results or offer services the vendor or professional has not been approved by the director to provide;

(m) shall not solicit referrals either directly or indirectly by offering to any one person or firm money or gifts, excluding food and beverages, that have a fair market value of more than \$50 per annum;

(n) shall not accept or continue employment or other contractual relationships if the exercise of professional judgement by the vendor or professional will be affected by financial, business, property, or personal interests of the vendor or professional;

(o) shall not accept a referral of a person who may unduly influence the vendor's or professional's actions;

(p) shall not provide any services in investigation of claims or negotiating for, or attempting to effect the settlement of a claim;

(q) shall not request a medical provider to change restrictions or ratings issued by that medical provider. The furnishing of occupational and medical information to a medical provider so that the medical provider has adequate information on which to base a medical decision shall not be considered as a request that a medical provider change a restriction or rating;

(r) shall not accompany the injured worker during medical treatment or medical consultations if either the injured worker or the medical provider objects to the presence of the vendor or professional;

(s) shall not attempt to interpret the workers compensation act or regulations for a party but shall, at the first interview with an injured worker, furnish to the injured worker information prepared by the director for such purpose and maintain in the case file acknowledgement from the injured worker that such information was furnished;

(t) shall not communicate as to the merits of a litigated case or request specific case direction from the administrative law judge or hearing officer before whom the case is pending nor the rehabilitation administrator assigned except:

(1) in the course of the official proceedings in the case;

(2) in writing, if a copy is promptly furnished to each party or each party's attorney; or

(3) as otherwise authorized by law; and

(u) shall establish a bookkeeping system which insures that all charges made by the vendor or professional are for actual services rendered and that reports to the director regarding such charges are accurate and reflect entirely the consideration asked and given for services in each case. (Authorized by K.S.A. 1991 Supp. 44-573; implementing K.S.A. 1991 Supp. 44-510g; effective March 30, 1992.)

51-24-9. Procedure for reviewing and processing complaints of violations of standards of conduct. (a) Individuals and firms approved by the director as qualified vocational rehabilitation professionals and vendors under K.A.R. 51-24-1 et seq., shall be subject to disciplinary action for violation of the standards of conduct set forth in K.A.R. 51-24-8.

(b) Oral or unsigned complaints of violations of the standards of conduct shall be considered as informal complaints and shall be handled by the director or administrator as deemed appropriate.

(c) Complaints of standards of conduct violations that are in writing and signed by the complaining party shall be considered formal complaints.

(d) The following procedure shall be used to address formal complaints of standards of conduct violations: (a) Each formal complaint of standards of conduct violations shall be in writing, signed by the complaining party and directed to the administrator. The complaint shall identify the vendor or professional complained

(continued)

of (hereinafter referred to as respondent), the nature of the violation and a statement of the facts constituting the violation.

(2) A copy of the complaint shall be sent by the administrator to each respondent by certified mail, return receipt requested. The complaining party shall be notified by the administrator of receipt of the complaint.

(3) Each respondent shall have 30 days from the date of the certified receipt to deliver to the administrator a factual written response to each particular of the complaint. If requested in writing by respondent before the expiration of the 30-day response time, one 30-day extension of time to file a response may be granted by the administrator. Failure to provide a timely written response to the administrator shall result in immediate suspension of the qualification of the respondent. This suspension shall remain in effect until the response is received or until appropriate hearing processes are completed.

(4) Each respondent shall cooperate fully with attempts at resolving the complaint. Cooperation shall include: (A) responding fully and promptly to the administrator, administrative law judge or hearing officer concerning any questions on the subject of the complaint;

(B) providing copies of pertinent records, reports, logs, data or cost information; and

(C) attending meetings or hearings held by the administrator, administrative law judge or hearing officer on the subject of the complaint.

(5) Meetings with the complaining party and the respondent, individually or jointly, may be scheduled by the administrator prior to the appointment of an administrative law judge or hearing officer for: (A) clarification;

(B) explanation;

(C) settlement of issues;

(D) obtaining information;

(E) instructing parties to the complaint; or

(F) to address the issues.

(6) Upon receipt of a response, the complaint and response shall be reviewed by the administrator and, within 30 days, a conclusion shall be reached by the administrator as to whether there is sufficient indication that respondent may have violated the standards of conduct.

(7) If the administrator concludes that there is not substantial indication that respondent violated the standards of conduct, the complaint shall be dismissed by the administrator. The complaining party and the respondent shall be notified by the administrator of the actions of the administrator and the reasons for the conclusions reached.

(8) If the administrator concludes that there is a substantial indication that respondent may have violated the standards of conduct, an administrative law judge or hearing officer shall be appointed by the director to hear the complaint. The administrative law judge or hearing officer shall conduct a hearing or hearings and make recommendations as to whether disciplinary action should be taken, and if so, recommend the degree and type of discipline warranted.

(9) Any evidentiary hearing conducted by the administrative law judge or hearing officer regarding the complaint shall be recorded verbatim by a certified shorthand reporter. If there is a decision not to discipline the respondent, the verbatim notes of the reporter shall not be transcribed. However, such notes shall be retained as part of the records of the division of workers compensation. If there is a decision to discipline the respondent, the recording of the hearing shall be transcribed and retained as part of the records of the division of workers compensation. Costs of the shorthand reporter shall be assessed to respondent if it is found discipline is warranted.

(10) If within 10 days the complaining party, respondent or administrator request a review of the recommendations of the administrative law judge or hearing officer, a review, de novo, shall be conducted by the director on the record of the hearing or hearings and the recommendations of the administrative law judge or hearing officer.

(11) Within 20 days after completion of the review, a decision shall be entered by the director which may either affirm, modify or reverse the decision of the administrative law judge or hearing officer. The director's determination shall be in writing, with copies sent to the: (A) administrative law judge or hearing officer;

(B) administrator;

(C) complaining party; and

(D) respondent.

(12) Any action of the director shall be subject to judicial review in accordance with the act for judicial review and civil enforcement of agency actions, K.S.A. 77-601 et seq. and amendments thereto.

(e) If disciplinary measures are imposed on a professional at the final level of hearing or appeal, and the disciplinary measures taken prevent the professional from completing all or part of the rehabilitation process on a case or cases assigned to the professional, the vendor for whom the disciplined professional was performing services shall effect the reassignment of the case to another professional.

(f) If disciplinary measures are imposed on a vendor at the final level of hearing or appeal, and the disciplinary measures taken prevent the vendor from completing all or part of the rehabilitation process on a case or cases assigned to the vendor, the administrator shall effect the reassignment of the case to another vendor. (Authorized by K.S.A. 1990 Supp. 44-573; implementing K.S.A. 44-510g, as amended by 1991 HB 2457, Sec. 4; effective March 30, 1992.)

51-24-10. Penalties for violations of standards of conduct. If a person or firm qualified by the director pursuant to K.A.R. 51-24-4 or K.A.R. 51-24-5 is found, following the procedure in K.A.R. 51-24-9, to have violated the standards of conduct set out in K.A.R. 51-24-8, any combination of the following disciplinary measures may be imposed:

(a) the respondent may be issued a letter of censure by the director;

(b) the respondent may be required to create and implement a written corrective action plan acceptable to the director;

(c) the respondent may be prohibited from undertaking work on any new cases for a stated period of time;

(d) the respondent may be prohibited from working on the respondent's existing caseload for a stated period of time;

(e) the respondent may be permanently or temporarily prohibited from accepting cases from specific referral sources;

(f) the respondent's qualification may be revoked for a stated period of time; or

(g) the respondent's qualification may be revoked permanently. (Authorized by K.S.A. 1990 Supp. 44-573; implementing K.S.A. 44-510g, as amended by 1991 HB 2457, Sec. 4; effective March 30, 1992.)

Joe Dick
Secretary of Human Resources

Doc. No. 011580

(Published in the Kansas Register, February 13, 1992.)

**Notice of Call for Redemption
to the holders of
City of Rossville, Kansas
Industrial Revenue Bonds, Series 1976-A
(Kross Development Company)
No CUSIP Numbers Available**

Notice is hereby given that all of the above bonds maturing on and after March 1, 1993, have been called for redemption and payment on March 1, 1992.

Bond Nos.	Maturity Date	Principal Amount	Interest Rate
174-180	3/1/93	35,000	9%
181-189	3/1/94	45,000	9.5%
190-198	3/1/95	45,000	9.5%
199-243	3/1/96	45,000	9.5%
244-252	3/1/97	45,000	9.5%

On the redemption date there shall become due and payable, upon the presentation and surrender of each such bond and all unmatured coupons, to BANK IV Kansas, N.A., 100 N. Broadway, 3rd Floor, Exchange Place, Corporate Trust Operations, Wichita, KS 67202 (successor to The First National Bank of Topeka, Topeka, Kansas), the redemption price of 104 percent of the principal amount of each bond, with interest accrued to the redemption date. Interest shall cease to accrue on the bonds so called for redemption from and after March 1, 1992.

Tax identification form W-9 or an exemption certificate is required or backup withholding tax may be withheld from the payment.

Dated February 4, 1992.

City of Rossville, Kansas
BANK IV Kansas, National Association
Topeka, Kansas, as Paying Agent

Doc. No. 011597

State of Kansas

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that the following bill is a correct copy of the original enrolled bill now on file in my office.

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

Bill Graves
Secretary of State

(Published in the Kansas Register, February 13, 1992.)

SENATE BILL No. 486

AN ACT relating to the recall of elected public officials; amending K.S.A. 25-4328 and repealing the existing section.

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

Section 1. K.S.A. 25-4328 is hereby amended to read as follows: 25-4328. If the county election officer of the county where petitions are required to be filed determines the petition is properly filed and if the office is not vacant, such election officer shall prepare the ballots and shall call a special election to be held on a date not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed. If a vacancy occurs in the office held by the local officer sought to be recalled at any time after the date that notification is given that the petition therefor was properly filed, the county election officer, if such officer determines that unnecessary election expenses may be avoided thereby, may cancel such special election. The county election officer shall immediately notify the recall committee and any other county election officer involved of such vacancy and determination and take such other action as may be necessary to withdraw such proposition from submission to election. If a primary or general election is to be held not less than 60, nor more than 90, days after the date that notification is given that the petition was properly filed, the special election shall be held on the date of the primary or general election. *If an election at which all or some of the residents of the district are entitled to vote, is to be held more than 90 days but not more than 120 days after the date notification is given that the petition was properly filed, the recall election may be held on the date of such election.* The ballot shall be designed with the question of whether the local officer shall be recalled, placed on the ballot in the following manner: "Shall (name of official) be recalled from the office of _____?" Provision shall be made for marking the question "Yes" or "No." Except as otherwise specifically provided by this act, laws applicable to question submitted elections shall apply to elections held under this section.

Sec. 2. K.S.A. 25-4328 is hereby repealed.

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

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1991 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-5-15	Amended	V. 10, p. 1688
1-5-27	Revoked	V. 10, p. 1688
1-5-28	Amended	V. 10, p. 1688
1-5-30	Amended	V. 10, p. 1689
1-6-29	Amended	V. 10, p. 1689
1-9-4	Amended	V. 10, p. 1690
1-9-5	Amended	V. 10, p. 1691
1-9-7a	Amended	V. 10, p. 382, 760
1-9-21	Amended	V. 10, p. 1692
1-16-18	Amended	V. 10, p. 1470, 1497
1-17-1	Amended	V. 10, p. 1471
1-17-2	Amended	V. 10, p. 1471
1-17-2a	Amended	V. 10, p. 1471
1-45-16	Amended	V. 10, p. 1692
1-49-1	Amended	V. 10, p. 1472

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-3-47	Amended	V. 10, p. 1319
4-3-49	Amended	V. 10, p. 1319
4-7-2	Amended	V. 10, p. 1319
4-7-510	Amended	V. 10, p. 1319
4-7-513	Amended	V. 10, p. 1319
4-7-530	New	V. 10, p. 1319
4-7-531	New	V. 10, p. 1319
4-7-532	New	V. 10, p. 1319
4-7-533	New	V. 10, p. 1320
4-7-716	Amended	V. 10, p. 1320
4-7-717	Amended	V. 10, p. 1320
4-7-719	Amended	V. 11, p. 63
4-7-722	Amended	V. 10, p. 1320
4-8-14	Revoked	V. 10, p. 1320
4-8-14a	New	V. 10, p. 1320
4-8-27	Amended	V. 11, p. 63
4-8-30	Amended	V. 10, p. 1321
4-8-39	Amended	V. 10, p. 1321
4-8-40	Amended	V. 10, p. 1321
4-13-28	New	V. 10, p. 1321
4-33-1	Amended	V. 10, p. 1315, 1321
4-33-2	New	V. 10, p. 1315, 1321

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-23-3	Amended	V. 10, p. 1194
5-23-4a	New	V. 10, p. 1195
5-24-2	Amended	V. 10, p. 976
5-24-5	Amended	V. 10, p. 977
5-40-1	Amended	V. 11, p. 15, 40
5-42-1	Amended	V. 11, p. 40
5-44-1	through	
5-44-6	New	V. 11, p. 15-17, 40-42
5-45-1	through	
5-45-4	Amended	V. 11, p. 42-44
5-45-6	Amended	V. 11, p. 44
5-45-7	Amended	V. 11, p. 44
5-45-12	Amended	V. 11, p. 44
5-45-13	Amended	V. 11, p. 45
5-45-14	through	
5-45-17	New	V. 11, p. 45

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Amended	V. 10, p. 728
7-32-1	Amended	V. 10, p. 728
7-32-2	New	V. 10, p. 728

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-13-1	through	
9-13-3	Revoked	V. 10, p. 1821, 1822
9-13-4	Revoked	V. 10, p. 257
9-18-1	Amended	V. 10, p. 1822
9-19-1	through	
9-19-11	New	V. 10, p. 1822-1827
9-20-1	New	V. 10, p. 1827
9-20-2	New	V. 10, p. 1828
9-20-3	New	V. 10, p. 1828
9-21-1	New	V. 10, p. 1828
9-21-2	New	V. 10, p. 1829
9-21-3	New	V. 10, p. 1829
9-22-1	New	V. 10, p. 1829
9-22-2	New	V. 10, p. 1830
9-22-3	New	V. 10, p. 1830
9-23-1	New	V. 10, p. 1830
9-23-2	New	V. 10, p. 1831
9-23-3	New	V. 10, p. 1831
9-24-1	New	V. 10, p. 1831
9-24-2	New	V. 10, p. 1832
9-24-3	New	V. 10, p. 1832

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

Reg. No.	Action	Register
14-19-24	Amended	V. 10, p. 689
14-19-36	Amended	V. 10, p. 689
14-20-25	Amended	V. 10, p. 689
14-20-26	Amended	V. 10, p. 690
14-21-9	Amended	V. 10, p. 690
14-22-6	Amended	V. 10, p. 690
14-22-9	Amended	V. 10, p. 691
14-23-4	Amended	V. 10, p. 691

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-11-17	Amended	V. 10, p. 1768
17-11-18	Amended	V. 10, p. 1768
17-11-21	Amended	V. 10, p. 1768
17-12-1	Amended	V. 10, p. 1768
17-12-2	Amended	V. 10, p. 1769
17-14-1	Amended	V. 10, p. 1769
17-15-1	Amended	V. 10, p. 1769
17-16-1	Amended	V. 10, p. 1772
17-16-2	Amended	V. 10, p. 1772
17-16-3	Amended	V. 10, p. 1772
17-16-5	Amended	V. 10, p. 1773
17-16-6	Amended	V. 10, p. 1773
17-16-8	Amended	V. 10, p. 1773
17-16-9	Amended	V. 10, p. 1773
17-18-4	Amended	V. 10, p. 1773
17-20-1	New	V. 10, p. 1773

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
23-3-16	Revoked	V. 10, p. 916
23-8-24	Revoked	V. 10, p. 916
23-12-1	Revoked	V. 10, p. 916
23-12-8	Revoked	V. 10, p. 916
23-12-11	Revoked	V. 10, p. 917
23-21-1	through	
23-21-14	Revoked	V. 10, p. 1441

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-4-1	Amended	V. 10, p. 405
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1	through	
26-8-14	New	V. 10, p. 1285-1287

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-4-405	Amended	V. 10, p. 257
28-4-530	New	V. 10, p. 1246
28-4-531	New	V. 10, p. 1246
28-17-6	Amended	V. 10, p. 1246
28-17-12	Amended	V. 10, p. 1246
28-19-61	Amended	V. 10, p. 1246
28-19-62	Amended	V. 10, p. 1250
28-19-76	New	V. 10, p. 1251
28-19-77	New	V. 10, p. 1252
28-19-78	New	V. 10, p. 1254
28-35-147	Amended	V. 11, p. 130
28-36-30	Amended	V. 10, p. 1655
28-39-77	Amended	V. 10, p. 1655
28-53-1	through	
28-53-5	New	V. 10, p. 199
28-59-1	through	
28-59-8	New	V. 10, p. 111-113

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 10, p. 1353
30-4-34	Amended	V. 10, p. 956
30-4-41	Amended	V. 10, p. 1648
30-4-63	Amended	V. 10, p. 1353
30-4-64	Amended	V. 10, p. 1355
30-4-90	Amended	V. 10, p. 1356
30-4-101	Amended	V. 10, p. 1357
30-4-111	Amended	V. 10, p. 341
30-4-112	Amended	V. 10, p. 1648
30-4-113	Amended	V. 10, p. 693
30-4-120	Amended	V. 10, p. 343
30-4-130	Amended	V. 10, p. 961
30-5-58	Amended	V. 10, p. 1358
30-5-70	Amended	V. 10, p. 1363
30-5-77	Amended	V. 10, p. 1291
30-5-78	New	V. 10, p. 1364
30-5-79	New	V. 10, p. 1364
30-5-81	Amended	V. 10, p. 699
30-5-86	Amended	V. 10, p. 699
30-5-88	Amended	V. 10, p. 700
30-5-92	Amended	V. 10, p. 344
30-5-94	Amended	V. 10, p. 345
30-5-95	Amended	V. 10, p. 346
30-5-101	Amended	V. 10, p. 1365
30-5-103	Amended	V. 10, p. 1365
30-5-104	Amended	V. 10, p. 701
30-5-110	Amended	V. 10, p. 1365
30-5-112	Amended	V. 10, p. 963
30-5-113	Amended	V. 10, p. 963
30-5-114	Amended	V. 10, p. 1365
30-5-115	Amended	V. 10, p. 963
30-5-116	Amended	V. 10, p. 1496, 1649
30-5-116a	Amended	V. 10, p. 1496, 1649
30-5-151	Amended	V. 10, p. 963
30-5-152	Amended	V. 10, p. 963
30-5-154	Amended	V. 10, p. 963
30-5-156	Amended	V. 10, p. 963
30-5-157	Amended	V. 10, p. 964
30-5-159	Amended	V. 10, p. 964
30-5-160	Amended	V. 10, p. 964
30-5-161	Amended	V. 10, p. 964
30-5-162	Amended	V. 10, p. 964
30-5-163	Amended	V. 10, p. 964
30-5-164	Amended	V. 10, p. 964
30-5-166	Amended	V. 10, p. 964
30-5-167	Amended	V. 10, p. 964
30-5-168	Amended	V. 10, p. 964
30-5-169	Amended	V. 10, p. 964
30-5-170	Amended	V. 10, p. 965
30-5-171	Amended	V. 10, p. 965
30-6-53	Amended	V. 10, p. 1366
30-6-65	Amended	V. 10, p. 1650

30-6-74	Revoked	V. 10, p. 1366
30-6-77	Amended	V. 10, p. 701
30-6-82	New	V. 10, p. 702
30-6-86	Amended	V. 10, p. 348
30-6-94	New	V. 10, p. 1651
30-6-103	Amended	V. 10, p. 1651
30-6-106	Amended	V. 10, p. 1651
30-6-107	Amended	V. 10, p. 705
30-6-111	Amended	V. 10, p. 351
30-6-112	Amended	V. 10, p. 1653
30-6-113	Amended	V. 10, p. 706
30-7-65	Amended	V. 10, p. 707
30-7-75	Amended	V. 10, p. 708
30-7-76	Amended	V. 10, p. 1654
30-7-77	Amended	V. 10, p. 1655
30-7-78	Amended	V. 10, p. 1655
30-10-1a	Amended	V. 10, p. 1369
30-10-7	Amended	V. 10, p. 354
30-10-11	Amended	V. 10, p. 1371
30-10-15a	Amended	V. 10, p. 708
30-10-15b	Amended	V. 10, p. 1372
30-10-16	Revoked	V. 10, p. 709
30-10-17	Amended	V. 10, p. 1373
30-10-18	Amended	V. 10, p. 1374
30-10-19	Amended	V. 10, p. 1376
30-10-23a	Amended	V. 10, p. 1376
30-10-24	Amended	V. 10, p. 1377
30-10-25	Amended	V. 10, p. 1378
30-10-27	Amended	V. 10, p. 1379
30-10-29	Amended	V. 10, p. 1379
30-10-30	Revoked	V. 10, p. 355
30-10-200	Amended	V. 10, p. 1198
30-10-207	Amended	V. 10, p. 1200
30-10-208	Amended	V. 10, p. 1200
30-10-210	through	
30-10-226	New	V. 10, p. 48-57
30-10-210	Amended	V. 10, p. 1202
30-10-211	Amended	V. 10, p. 1203
30-10-212	Amended	V. 10, p. 1204
30-10-213	Amended	V. 10, p. 1204
30-10-214	Amended	V. 10, p. 1230
30-10-215	Amended	V. 10, p. 1206
30-10-217	Amended	V. 10, p. 1206
30-10-218	Amended	V. 10, p. 1207
30-10-219	Amended	V. 10, p. 1207
30-10-220	Amended	V. 10, p. 1208
30-10-221	Amended	V. 10, p. 1208
30-10-226	Revoked	V. 10, p. 1209
30-22-1	Amended	V. 10, p. 1380
30-22-2	Amended	V. 10, p. 1380
30-22-5	Amended	V. 10, p. 1381
30-22-6	Amended	V. 10, p. 1381
30-22-11	through	
30-22-28	Revoked	V. 10, p. 1381
30-41-1	Amended	V. 10, p. 710
30-41-7a	Amended	V. 10, p. 711
30-41-7i	New	V. 10, p. 711
30-41-20	New	V. 10, p. 711
30-46-13	Amended	V. 10, p. 1381
30-46-14	Revoked	V. 10, p. 1381
30-46-15	Amended	V. 10, p. 1381
30-60-1	New	V. 10, p. 1381
30-60-2	New	V. 10, p. 1381
30-60-5	New	V. 10, p. 1382
30-60-6	New	V. 10, p. 1382
30-60-7	New	V. 10, p. 1383
30-60-10	New	V. 10, p. 1383
30-60-11	New	V. 10, p. 1383
30-60-12	New	V. 10, p. 1384
30-60-17	New	V. 10, p. 1384
30-60-18	New	V. 10, p. 1384
30-60-19	New	V. 10, p. 1384
30-60-25	New	V. 10, p. 1385
30-60-26	New	V. 10, p. 1385
30-60-27	New	V. 10, p. 1385
30-60-28	New	V. 10, p. 1386
30-60-40	New	V. 10, p. 1386
30-60-41	New	V. 10, p. 1386
30-60-45	New	V. 10, p. 1386
30-60-46	New	V. 10, p. 1386
30-60-47	New	V. 10, p. 1386
30-60-50	New	V. 10, p. 1387
30-60-55	New	V. 10, p. 1387

30-60-60	New	V. 10, p. 1388
30-60-61	New	V. 10, p. 1389
30-60-62	New	V. 10, p. 1389
30-60-70	New	V. 10, p. 1389
30-60-71	New	V. 10, p. 1390
30-60-72	New	V. 10, p. 1390
30-60-73	New	V. 10, p. 1390
30-60-74	New	V. 10, p. 1390
30-60-75	New	V. 10, p. 1390
30-60-76	New	V. 10, p. 1390
30-61-1	New	V. 10, p. 1391
30-61-2	New	V. 10, p. 1391
30-61-5	New	V. 10, p. 1391
30-61-6	New	V. 10, p. 1391
30-61-10	New	V. 10, p. 1391
30-61-15	New	V. 10, p. 1391
30-61-16	New	V. 10, p. 1392

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-1-1	Amended	V. 10, p. 88
36-1-28	through	
36-1-34	New	V. 10, p. 88-91

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-28	Amended	V. 10, p. 1582
40-1-38	New	V. 10, p. 1693
40-2-15	Amended	V. 10, p. 1693
40-2-20	New	V. 10, p. 259, 383
40-2-21	New	V. 10, p. 1583
40-3-22	Amended	V. 10, p. 1693
40-3-46	New	V. 10, p. 381
40-3-47	New	V. 10, p. 381
40-3-48	New	V. 10, p. 1584
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 10, p. 1695

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-106	Amended	V. 10, p. 1195
44-6-108	Amended	V. 10, p. 1195
44-6-114c	Amended	V. 10, p. 1196
44-6-120	Amended	V. 10, p. 1196
44-6-124	Amended	V. 10, p. 1196
44-6-126	Amended	V. 10, p. 1197
44-6-133	Amended	V. 10, p. 1197
44-6-134	Amended	V. 10, p. 1197
44-6-135	Amended	V. 10, p. 1197
44-6-142	Amended	V. 10, p. 1198

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-105	Amended	V. 10, p. 1040
60-3-106	Amended	V. 10, p. 1040
60-4-101	Amended	V. 11, p. 83
60-8-101	Amended	V. 10, p. 496
60-9-101	Revoked	V. 10, p. 1040
60-9-102	Revoked	V. 10, p. 1040
60-9-103	Revoked	V. 10, p. 1041
60-9-104	Revoked	V. 11, p. 83
60-9-105	Amended	V. 11, p. 83
60-9-106	New	V. 10, p. 1041
60-9-107	New	V. 11, p. 83
60-9-109	New	V. 10, p. 1041
60-11-103	Amended	V. 11, p. 84
60-11-110	Revoked	V. 10, p. 1042
60-11-111	Revoked	V. 10, p. 1042
60-11-112	New	V. 10, p. 1042
60-11-113	New	V. 10, p. 1042, 1497
60-11-114	New	V. 11, p. 85
60-11-116	New	V. 10, p. 1042
60-11-117	New	V. 10, p. 1042
60-11-118	New	V. 10, p. 1042
60-11-119	New	V. 10, p. 1043
60-12-101	Revoked	V. 10, p. 1043
60-12-102	Revoked	V. 10, p. 1043
60-12-103	Revoked	V. 10, p. 1043
60-12-105	New	V. 11, p. 85
60-12-106	New	V. 10, p. 1043
60-12-109	New	V. 10, p. 1043
60-13-101	Amended	V. 10, p. 496

60-13-105	Revoked	V. 10, p. 1044
60-13-106	Revoked	V. 10, p. 1044
60-13-107	Revoked	V. 10, p. 1044
60-13-108	Revoked	V. 10, p. 1044
60-13-110	New	V. 10, p. 1044
60-13-111	New	V. 10, p. 1044
60-13-112	New	V. 10, p. 1044
60-13-113	New	V. 11, p. 85
60-13-115	New	V. 10, p. 1044
60-15-101	Amended	V. 10, p. 1045
60-15-102	Amended	V. 10, p. 1045
60-15-103	Amended	V. 10, p. 1046
60-15-104	Amended	V. 10, p. 1046

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-1	Amended	V. 10, p. 1698
63-1-3	Amended	V. 10, p. 1698
63-1-12	Amended	V. 10, p. 1699
63-3-11	Amended	V. 10, p. 1700
63-3-17	Amended	V. 10, p. 1700
63-3-19	Amended	V. 10, p. 1700
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133
63-4-1	Amended	V. 10, p. 1701
63-6-1	Amended	V. 10, p. 1701

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Reg. No.	Action	Register
67-3-4	New	V. 10, p. 887

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-7-10	Amended	V. 10, p. 1082
68-9-1	Amended	V. 10, p. 1083
68-11-1	Amended	V. 10, p. 216
68-20-15a	Amended	V. 10, p. 1084
68-20-18	Amended	V. 10, p. 1084
68-20-19	Amended	V. 10, p. 1085

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 10, p. 840
74-4-6	Amended	V. 10, p. 841
74-5-2	Amended	V. 10, p. 841
74-5-403	Amended	V. 10, p. 842

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-26	Amended	V. 10, p. 1353

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 10, p. 1242
81-3-1	Amended	V. 10, p. 1242
81-3-2	Amended	V. 10, p. 1244
81-4-1	Amended	V. 10, p. 1245, 1316
81-4-2	New	V. 10, p. 172
81-4-3	New	V. 10, p. 1440
81-5-8	Amended	V. 10, p. 1245
81-5-9	New	V. 10, p. 1440
81-6-1	Amended	V. 10, p. 173

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-101	Amended	V. 10, p. 887
82-3-103	Amended	V. 11, p. 38
82-3-106	Amended	V. 11, p. 38
82-3-307	Amended	V. 10, p. 976
82-3-600	Amended	V. 10, p. 890
82-3-600b	New	V. 10, p. 890
82-3-601	Revoked	V. 10, p. 891
82-3-601a	New	V. 10, p. 891
82-3-601b	New	V. 10, p. 891
82-3-602	Amended	V. 10, p. 891
82-3-605	New	V. 10, p. 892
82-4-1	Amended	V. 10, p. 1121
82-4-2	Amended	V. 10, p. 1121
82-4-3	Amended	V. 10, p. 1122
82-4-6a	Amended	V. 10, p. 1122
82-4-6b	Revoked	V. 10, p. 1122
82-4-6d	Amended	V. 10, p. 1122

(continued)

82-4-19a	Revoked	V. 10, p. 1123
82-4-20	Amended	V. 10, p. 1123
82-4-27	Amended	V. 10, p. 1123
82-4-27a	Amended	V. 10, p. 1124
82-4-27c	Amended	V. 10, p. 1124

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-4	Amended	V. 10, p. 1466
86-1-5	Amended	V. 10, p. 531
86-1-11	Amended	V. 10, p. 1466
86-3-10	Amended	V. 10, p. 1467
86-3-21	Amended	V. 10, p. 1467

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 10, p. 1467
88-2-2	Amended	V. 10, p. 1467
88-2-3	Amended	V. 10, p. 1467
88-2-4	Amended	V. 10, p. 1468
88-3-1	Amended	V. 10, p. 1468
88-3-2	Amended	V. 10, p. 1508
88-3-3	Amended	V. 10, p. 1469
88-3-5	Amended	V. 10, p. 1469
88-3-8	Amended	V. 10, p. 1469
88-3-9	Amended	V. 10, p. 1469
88-3-10	Amended	V. 10, p. 1469
88-3-11	Amended	V. 10, p. 1469
88-3-12	Amended	V. 10, p. 1470

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-68	Revoked	V. 10, p. 1046
91-1-68a	New	V. 10, p. 1046
91-1-68b	New	V. 10, p. 1047
91-1-68c	New	V. 10, p. 1048
91-1-68d	New	V. 10, p. 1049
91-1-69	Revoked	V. 10, p. 1050
91-1-101b	Amended	V. 10, p. 1050
91-1-112a	Amended	V. 10, p. 1051
91-1-150	Amended	V. 10, p. 1051
91-10-1	Revoked	V. 10, p. 1051
91-10-1a	New	V. 10, p. 1052
91-12-22	Amended	V. 10, p. 1052
91-12-25	Amended	V. 10, p. 1055
91-12-51	Amended	V. 10, p. 1056
91-12-73	Amended	V. 10, p. 1056
91-31-7	Amended	V. 10, p. 686
91-35-1		
through		
91-35-4	New	V. 10, p. 909, 910
91-37-1		
through		
91-37-4	New	V. 10, p. 910, 911

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-55-2a	New	V. 10, p. 531, 587

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

Reg. No.	Action	Register
99-8-8	Amended	V. 10, p. 1322
99-8-9	Amended	V. 10, p. 1322
99-25-1	Amended	V. 10, p. 1322
99-25-2	Amended	V. 10, p. 1322
99-25-3	Amended	V. 10, p. 1322
99-30-2	Amended	V. 10, p. 1322
99-30-3	Amended	V. 10, p. 1323
99-30-4	Amended	V. 10, p. 1323
99-30-5	Amended	V. 10, p. 1323
99-30-6	Amended	V. 10, p. 1323
99-31-3	Amended	V. 10, p. 1323
99-31-4	Amended	V. 10, p. 1323
99-32-1		
through		
99-32-6	Revoked	V. 10, p. 1323

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-10a-4	Amended	V. 10, p. 653
100-11-1	Amended	V. 10, p. 653

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-2-7	Amended	V. 10, p. 1789
109-5-1	Amended	V. 10, p. 1789
109-5-4	New	V. 10, p. 1790
109-7-1	Amended	V. 10, p. 1790
109-8-1	Amended	V. 10, p. 1791
109-9-1	Amended	V. 10, p. 1791
109-9-4	Amended	V. 10, p. 1791
109-9-5	New	V. 11, p. 133
109-11-2	Amended	V. 10, p. 1792
109-11-6	Amended	V. 10, p. 1792
109-11-9	New	V. 10, p. 1792

AGENCY 111: THE KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 8, p. 586
111-2-1	Amended	V. 7, p. 1995
111-2-2	Amended	V. 9, p. 1675
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Amended	V. 11, p. 136
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	New	V. 10, p. 881
111-2-19	New	V. 10, p. 882
111-3-1	Amended	V. 10, p. 1210
111-3-9	Amended	V. 8, p. 1085
111-3-10		
through		
111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 8, p. 299
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 10, p. 1014
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19		
through		
111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 10, p. 1211
111-3-21	Amended	V. 10, p. 882
111-3-22	Amended	V. 10, p. 882
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 10, p. 883
111-3-27	Amended	V. 10, p. 883
111-3-29	Amended	V. 10, p. 883
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-4-1	Amended	V. 8, p. 134
111-4-2	Amended	V. 7, p. 1063
111-4-4	Amended	V. 7, p. 1063
111-4-6	Amended	V. 7, p. 1434
111-4-7	Amended	V. 7, p. 1945
111-4-8	Amended	V. 7, p. 1064
111-4-12	Amended	V. 7, p. 1190
111-4-66		
through		
111-4-77	New	V. 7, p. 207-209
111-4-96		
through		
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 10, p. 1211
111-4-101	Amended	V. 10, p. 1211
111-4-102	Amended	V. 10, p. 1211
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 10, p. 1212
111-4-105	Amended	V. 10, p. 1410
111-4-106	Amended	V. 10, p. 1212
111-4-106a	Amended	V. 10, p. 1213
111-4-107	Amended	V. 9, p. 1366
111-4-108	Amended	V. 10, p. 1213
111-4-111	Amended	V. 9, p. 1366
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366
111-4-153		
through		
111-4-160	Revoked	V. 9, p. 1676, 1677

111-4-177		
through		
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213		
through		
111-4-220	Revoked	V. 10, p. 1213
111-4-217	Amended	V. 9, p. 986
111-4-221		
through		
111-4-224	Revoked	V. 10, p. 1585
111-4-225		
through		
111-4-228	Revoked	V. 10, p. 1585
111-4-229		
through		
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237		
through		
111-4-240	New	V. 9, p. 1678, 1679
111-4-241		
through		
111-4-244	New	V. 9, p. 1812
111-4-245		
through		
111-4-248	New	V. 10, p. 200
111-4-249		
through		
111-4-252	New	V. 9, p. 1813
111-4-253		
through		
111-4-256	New	V. 10, p. 530
111-4-257		
through		
111-4-280	New	V. 10, p. 755-759
111-4-257	Amended	V. 10, p. 1014
111-4-261	Amended	V. 10, p. 1014
111-4-262	Amended	V. 10, p. 1014
111-4-282		
through		
111-4-286	New	V. 10, p. 759
111-4-287		
through		
111-4-300	New	V. 10, p. 883-886
111-4-301		
through		
111-4-307	New	V. 10, p. 1015, 1016
111-4-308		
through		
111-4-320	New	V. 10, p. 1214, 1215
111-4-308	Amended	V. 10, p. 1472
111-4-311	Amended	V. 10, p. 1472
111-4-312	Amended	V. 10, p. 1472
111-4-322		
through		
111-4-331	New	V. 10, p. 1411-1413
111-4-332		
through		
111-4-335	New	V. 10, p. 1473
111-4-336		
through		
111-4-345	New	V. 10, p. 1526-1528
111-4-346		
through		
111-4-361	New	V. 10, p. 1586-1589
111-4-362		
through		
111-4-365	New	V. 10, p. 1723
111-4-362	Amended	V. 11, p. 13
111-4-366		
through		
111-4-379	New	V. 11, p. 136-139
111-5-1		
through		
111-5-23	New	V. 7, p. 209-213
111-5-9		
through		
111-5-15	Amended	V. 8, p. 210, 211
111-5-11	Amended	V. 9, p. 505
111-5-17	Amended	V. 8, p. 211
111-5-18	Amended	V. 10, p. 13
111-5-19	Amended	V. 8, p. 212
111-6-1		
through		
111-6-15	New	V. 7, p. 213-217
111-6-1	Amended	V. 10, p. 1474

111-6-3	Amended	V. 9, p. 200
111-6-4	Amended	V. 10, p. 1413
111-6-5	Amended	V. 10, p. 14
111-6-6	Amended	V. 10, p. 1474
111-6-9	Amended	V. 10, p. 1217
111-6-12	Amended	V. 8, p. 212
111-6-13	Amended	V. 8, p. 299
111-6-17	Revoked	V. 10, p. 1475
111-7-1		
through		
111-7-10	New	V. 7, p. 1192, 1193
111-7-1	Amended	V. 8, p. 212
111-7-3	Amended	V. 10, p. 1475
111-7-4	Amended	V. 9, p. 1367
111-7-5	Amended	V. 9, p. 986
111-7-6	Amended	V. 9, p. 987
111-7-9	Amended	V. 9, p. 1569
111-7-11	Amended	V. 10, p. 1475
111-7-12		
through		
111-7-32	New	V. 7, p. 1194-1196
111-7-33		
through		
111-7-43	New	V. 7, p. 1197, 1198
111-7-33a	New	V. 8, p. 300
111-7-44		
through		
111-7-54	New	V. 9, p. 1367-1370
111-7-46	Amended	V. 10, p. 1476
111-7-54	Amended	V. 10, p. 1476
111-7-55		
through		
111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
111-7-64		
through		
111-7-75	New	V. 11, p. 13, 14
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	New	V. 7, p. 1995
111-8-5		
through		
111-8-13	New	V. 7, p. 1634
111-9-1		
through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1		
through		
111-9-6	Revoked	V. 9, p. 1680

111-9-13		
through		
111-9-18	Revoked	V. 9, p. 1680
111-9-25		
through		
111-9-30	New	V. 9, p. 699, 700
111-9-31		
through		
111-9-36	New	V. 10, p. 262
111-9-37		
through		
111-9-48	New	V. 10, p. 1439, 1440
111-10-1		
through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

AGENCY 112: KANSAS RACING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 11, p. 36, 86
112-4-4	Amended	V. 11, p. 165
112-4-14b	New	V. 10, p. 162
112-4-21	New	V. 10, p. 162
112-6-1		
through		
112-6-5	Amended	V. 10, p. 163-165
112-6-8	Amended	V. 10, p. 165
112-7-6	Amended	V. 10, p. 165
112-8-3	Amended	V. 10, p. 166
112-8-4	Amended	V. 10, p. 167
112-8-5	Amended	V. 10, p. 167
112-8-8	Amended	V. 10, p. 168
112-8-10	Amended	V. 10, p. 168
112-9-41	Revoked	V. 11, p. 134
112-9-41a	New	V. 11, p. 134
112-10-34	Amended	V. 10, p. 169
112-10-35	Amended	V. 10, p. 170
112-10-36	Revoked	V. 11, p. 165
112-10-36a	New	V. 11, p. 37, 135
112-11-21	Amended	V. 10, p. 263, 531
112-12-12	Amended	V. 10, p. 170
112-13-2	Amended	V. 10, p. 170
112-13-4	New	V. 10, p. 171
112-13-5	New	V. 10, p. 171
112-16-1		
through		
112-16-14	New	V. 10, p. 1316-1318

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 10, p. 1818
115-4-1	Amended	V. 10, p. 458
115-4-3	Amended	V. 10, p. 458
115-4-5	Amended	V. 10, p. 782
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115-7-1	Amended	V. 10, p. 1820
115-8-9	Amended	V. 10, p. 1820
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117-2-1	Amended	V. 10, p. 911, 952
117-2-2	Amended	V. 10, p. 912, 952
117-2-3	New	V. 10, p. 912, 952
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117-3-1	Amended	V. 10, p. 912, 953
117-3-2	Amended	V. 10, p. 913, 953
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through		
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AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

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119-1-2	New	V. 10, p. 264
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