



# Kansas Register

Bill Graves, Secretary of State

Vol. 11, No. 11

March 12, 1992

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## State of Kansas

## State Fair Board

## Notice of Meeting

The State Fair Board will meet at 10:30 a.m. Wednesday, March 18, at the State Board of Agriculture offices, 901 Kansas Ave., Topeka. For further information, contact Deana Novak at (316) 669-3612.

Deana K. Novak  
Administrative Officer

Doc. No. 011704

## State of Kansas

State Employees Health Care  
Commission

## Notice of Meeting

The Kansas State Employees Health Care Commission will meet at 11:30 a.m. Tuesday, March 17, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka.

Robert C. Harder  
Chairman

Doc. No. 011714

## State of Kansas

## Kansas Inc.

## Notice of Meeting

The Kansas Inc. board will meet at 1:30 p.m. Friday, March 20, at the Kansas Inc. offices, 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren  
President

Doc. No. 011719

## State of Kansas

## Military Advisory Board

## Notice of Meeting

The Kansas Military Advisory Board of the Adjutant General's Department will meet at 10 a.m. Wednesday, March 18, in Room 102 of the State Defense Building, 2800 S. Topeka Blvd., Topeka. An agenda may be obtained from the special assistant.

Charles G. Bredahl  
Special Assistant

Doc. No. 011722

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



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

State of Kansas

State Conservation Commission

Notice to Contractors

Sealed bids for the construction of a 636,530 cubic yard multipurpose reservoir, Site 3 in Brown County, will be received by the city of Sabetha at City Hall, 805 Main, Sabetha 66534, (913) 284-2158, until 2 p.m. March 27, and opened and read publicly at 2:15 p.m. A copy of the invitation for bids and plans and specifications can be obtained at the office of Larkin Associates Consulting Engineers, Inc., 9233 Ward Parkway, Suite 300, Kansas City, MO 64114, (816) 361-0440, or at City Hall, Sabetha. Bids are to be delivered to the city clerk of Sabetha.

Kenneth F. Kern  
Executive Director

Doc. No. 011696

State of Kansas

Office of Drug Abuse Programs

Notice of Available Funds

A total of \$4.637 million is now available through the Kansas Criminal Justice Anti-Drug Grant Program to assist Kansas criminal justice agencies in the war against illicit drugs. The \$4.637 million figure represents funds awarded to the state of Kansas by the U.S. Department of Justice, Bureau of Justice Assistance.

Cities, counties, and state agencies are eligible to apply for these funds for both supply and demand reduction projects, including multi-jurisdictional task forces, school-based demand reduction education by law enforcement officers, and other innovative, expanded, or specialized enforcement, investigative, prosecutorial, defender, judicial, and treatment programs.

Grants operate on a reimbursement basis. Applicants must provide 25 percent of the total amount requested (local matching funds). The Governor's Office of Drug Abuse Programs will provide 75 percent by reimbursing sub-recipients for 75 percent of authorized expenses. Reimbursements are processed monthly.

Applications must be submitted by 5 p.m. May 1 to the address listed below. Grant awards will be announced around June 1. The project period will be from July 1, 1992, through June 30, 1993.

To obtain an application kit or more information write: Governor's Office of Drug Abuse Programs, Kansas Department of Administration, 112 Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1214.

Brent Bengtson  
Director

Doc. No. 011723

State of Kansas

Wichita State University

Notice to Bidders

The Wichita State University is accepting bids on the following items:

Closing March 24, 1992

Quotation #920391-1

Inverted microscope

Closing March 30, 1992

Quotation #910392-1

Particle counter

Bids must be submitted to The Wichita State University, Office of Purchasing, Morrison Hall, Room 021, 1845 N. Fairmount, Wichita 67208, by 2 p.m. C.S.T. on the above specified closing dates. Please refer to the above quotation number on all correspondence. For additional information contact the Office of Purchasing, (316) 689-3080.

Gary D. Link  
Director of Purchasing

Doc. No. 011717

State of Kansas

Kansas Racing Commission

Public Notice

The Kansas Racing Commission will accept applications for research grant monies from qualified applicants who propose to conduct equine research through institutions of higher education under the State Board of Regents, as authorized by K.S.A. 74-8829(b)(5), or research conducted within the state of Kansas relating to the prevention of injury to and disease of greyhounds, as authorized by K.S.A. 74-8831(b)(3).

Commission regulations governing the research grant procedure appear at K.A.R. 112-15-1 through and including K.A.R. 112-15-7. A copy of the full text of the regulations may be reviewed or obtained at the commission office.

Each application proposal must meet the requirements of K.A.R. 112-15-2, 112-15-3 and 112-15-6. The grant committee will conduct its review of each application in accordance with K.A.R. 112-15-4.

Each application must be submitted on or before June 1 to Dana Nelson, Executive Director, Kansas Racing Commission, 3400 Van Buren, Topeka 66611-2228, (913) 296-5800.

Dana Nelson  
Executive Director

Doc. No. 011716

## 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 February 27-March 4:

## House Bills

HB 3164, by Committee on Federal and State Affairs: An act amending the Kansas act against discrimination; concerning discrimination in housing; amending K.S.A. 1991 Supp. 44-1016, 44-1018, 44-1019 and 44-1021 and repealing the existing sections.

HB 3165, by Committee on Appropriations: An act concerning counties; relating to the use of county jails; amending K.S.A. 1991 Supp. 19-1930 and repealing the existing section.

HB 3166, by Committee on Taxation: An act relating to countywide retailers' sales taxes; concerning the financing of a law enforcement facility by Saline county; amending K.S.A. 12-187 and 12-189 and repealing the existing sections.

HB 3167, by Committee on Appropriations: An act concerning the public water supply regulatory program of the department of health and environment; prescribing a system of fees therefor; amending K.S.A. 1991 Supp. 65-163 and repealing the existing section.

HB 3168, by Committee on Appropriations: An act concerning loans from the pooled money investment board.

HB 3169, by Committee on Appropriations: An act relating to insurance; establishing the insurance department service regulation fund; authorizing the commissioner of insurance to assess insurers for maintenance and expenses of insurance department; amending K.S.A. 40-218 and 40-246 and K.S.A. 1991 Supp. 40-2,133, 40-4103, 40-4116 and 40-4203 and repealing the existing sections.

## House Concurrent Resolutions

HCR 5053, A concurrent resolution requesting Congress to amend the Social Security Act to allow the division of income of institutionalized spouses to be made before medicaid eligibility determinations.

HCR 5054, A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, relating to termination of pregnancy.

## House Resolutions

HR 6045, A resolution inviting Russian student Helen Kalina to come to Kansas and attend Fort Hays State University for the 1992-1993 school year.

HR 6046, A resolution congratulating and commending Wichita State University on its Global Education Program.

HR 6047, A resolution commemorating the memory of Alfred Fairfax in conjunction with Black History Month.

HR 6048, A resolution endorsing Canine Good Citizen programs.

HR 6049, A resolution in memory of Dr. Kay E. Meadows.

HR 6050, A resolution congratulating and commending Jack Heidebrecht on his impending retirement as Hutchinson Chief of Police.

HR 6051, A resolution congratulating and commending head football coach Gennaro Mirocke on his distinguished career and retirement.

HR 6052, A resolution congratulating and commending the Heston Police Department for being named to the Safety Belt 70% PLUS Honor Roll.

HR 6053, A resolution congratulating and commending the Heston High School Academic Decathlon Team and Coach Phyllis Weaver for winning the 1992 Kansas Academic Decathlon Championship.

HR 6054, A resolution directing the Speaker of the House of Representatives to invite presidential candidates participating in the New Hampshire primary to address a joint session of the Kansas legislature.

## Senate Bills

SB 761, by Committee on Ways and Means: An act relating to mineral severance tax; concerning credit amounts allowed therefrom; amending K.S.A. 79-4219 and repealing the existing section.

SB 762, by Committee on Federal and State Affairs: An act concerning counties; relating to boards of county commissioners; amending K.S.A. 19-202 and 19-204 and K.S.A. 1991 Supp. 19-203 and repealing the existing sections.

SB 763, by Committee on Ways and Means: An act concerning grain sorghum; relating to assessments thereon; amending K.S.A. 2-3007 and repealing the existing section.

SB 764, by Committee on Federal and State Affairs: An act concerning employment; prohibiting certain acts by employers and providing a remedy for violations.

SB 765, by Committee on Ways and Means: An act enacting the state building emergency reconstruction act; authorizing the issuance of bonds for replacement of certain buildings owned by the state.

## Senate Resolutions

SR 1831, A resolution endorsing Canine Good Citizen programs.

SR 1832, A resolution designating March, 1992, as "Developmental Disabilities Awareness Month" in Kansas.

Doc. No. 011709

## State of Kansas

## Attorney General

## Opinion No. 92-30

**Courts—District Courts; Judicial Reapportionment Act (1968)—Residence Requirements of Judges of the District Court. Bill Graves, Secretary of State, Topeka, March 2, 1992.**

In order to be eligible for nomination, election, or selection to the first of the three district judge positions of the 20th judicial district, an individual must be a resident of Stafford, Russell, Ellsworth, or Rice county at the time of nomination, election, or selection. Nomination, election, or selection to the two remaining district court positions may be conferred only on individuals who are residents of Barton County at the time of nomination, election, or selection. Cited herein: K.S.A. 4-202; 4-221; 4-221 (Ensley 1985); 20-301a; 20-331; 20-334; 20-336; 20-338 (Ensley 1985); 20-364; Kan. Const., art. 3, § 6; L. 1968, ch. 385, § 36; L. 1976, ch. 146, § 10; L. 1980, ch. 4, § 6; L. 1981, ch. 132, § 1, L. 1986, ch. 115, §§ 18, 39, 106. RDS

## Opinion No. 92-31

**State Institutions and Agencies; Historical Property—State Educational Institutions; Management and Operation—Appointment of Employees; Teaching Personnel; Concurrent Service as Member of the Legislature. Representative Tim Shallenburger, 1st District, Baxter Springs, March 2, 1992.**

An individual who is employed as an instructor at a state educational institution is not precluded by constitutional or statutory provision from concurrently serving as a member of the legislature. Cited herein: K.S.A. 1991 Supp. 75-2935; 76-712; K.S.A. 76-714; 76-715; Kan. Const., art. 6, § 3. RDS

Robert T. Stephan  
Attorney General

Doc. No. 011710

## State of Kansas

## Real Estate Appraisal Board

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, April 13, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of a proposed amendment to regulation 117-1-1.

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 rule and regulation. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Room 501, Landon State Office Building, 900 S.W. Jackson, Topeka 66612-1220. 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 temporary and a permanent basis. A summary of the proposed regulation and its economic impact follows:

**K.A.R. 117-1-1.** The regulation increases fees for original certification or licensure to \$200 (prorated for length of time remaining until the expiration date) and for renewal of a certificate or license to \$200.

The economic impact on each appraiser applicant is \$100 (or a proration thereof) and \$100 on appraisers for each one-year renewal of a license or certificate. Anticipated revenue during FY 1992 to the appraiser fee fund administered by the Kansas Real Estate Commission is \$48,000 and to the general fund is \$12,000. There is no significant economic impact to other state agencies, employees or the general public.

Copies of the regulation and its economic impact statement may be obtained from the Kansas Real Estate Appraisal Board at the address above, (913) 296-0706.

Jean Duncan  
Administrative Officer

Doc. No. 011715

## 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 March 2-6:

Wabaunsee County Commissioner,  
3rd District

**Maurice L. Gleason**, Route 1, Box 0740, Maple Hill 66507. Term expires when a successor is elected and qualifies according to law. Succeeds Glen L. Heiser, resigned.

District Judge, 3rd Judicial District,  
Division 3

**Marla J. Luckert**, 3708 Stutley Road, Topeka 66610. Term expires when a successor is elected and qualifies according to law. Succeeds E. Newton Vickers, retired.

## Secretary of Administration

**Susan M. Seltsam**, 5225 N.W. 46th, Topeka 66618. Subject to Senate confirmation. Serves at the pleasure of the Governor. Succeeds James Cobler, appointment withdrawn.

## Governor's Council on Work Force Training

**John Hennessy**, Department of Administration, Room 263-E, State Capitol, Topeka 66612. Serves at the pleasure of the Governor. Succeeds James Cobler, name withdrawn.

**Susan M. Seltsam**, Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. Serves at the pleasure of the Governor. Succeeds James Cobler, appointment withdrawn.

Governor's Interagency Coordinating Committee  
on Substance Abuse

**John Hennessy**, Department of Administration, Room 263-E, State Capitol, Topeka 66612. Serves at the pleasure of the Governor. Succeeds James Cobler, name withdrawn.

**Susan M. Seltsam**, Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. Serves at the pleasure of the Governor. Succeeds James Cobler, appointment withdrawn.

## State Board of Healing Arts

**Lawrence T. Buening, Jr.**, Executive Director, 235 S. Topeka Blvd., Topeka 66603. Appointed by and serves at the pleasure of the Board of Healing Arts.

## Kansas Quality Management Council

**John Hennessy**, Department of Administration, Room 263-E, State Capitol, Topeka 66612. Serves at the pleasure of the Governor. Succeeds James Cobler, name withdrawn.

**Susan M. Seltsam**, Secretary of Administration, Room 263-E, State Capitol, Topeka 66612. Serves at the pleasure of the Governor. Succeeds James Cobler, appointment withdrawn.

## State Employees Health Care Commission

**Robert C. Harder**, Chairman, 1420 Ward Parkway, Topeka 66604. Serves at the pleasure of the Governor.

**Bill Graves**  
Secretary of State

## State of Kansas

## Kansas Arts Commission

Notice of Advisory Panel Meetings  
for Major Grants Program

Advisory panels for the Kansas Arts Commission will meet in April to review applications requesting funding support from the four Major Grants categories for arts programming during fiscal year 1993 (July 1, 1992, through June 30, 1993).

Each advisory panel will meet at the Kansas Museum of History, 6425 S.W. 6th, Topeka. Meetings of the commission and of its advisory panels are open to public observation. Applicants are not required to attend panel meetings, nor do they make presentations in support of their applications to panels. If present, they may answer questions asked by panelists.

The meetings are listed by date and time, according to the four Major Grants Program categories:

- Statewide Arts Service Support—Monday, April 20, 9 a.m. to noon.
- Basic Program Support—Monday, April 20, 1 to 5 p.m. and Tuesday, April 21, 9 a.m. to 5 p.m.
- Project Support—Friday, April 24, 9 a.m. to 5 p.m.
- Local Arts Agency Support—Monday, April 27, 9 a.m. to 5 p.m.

Each advisory panel is comprised of eight or nine persons, including Kansas Arts Commissioners. Each panel is chaired by a commissioner. The other panel members are citizens knowledgeable in the arts and administration from across Kansas.

The panelists evaluate each application upon its merit and determine whether the criteria stated in the grant program guidelines have been met. They review each applicant's record of accomplishment and development, as well as compliance with grant requirements if the applicant previously received funding. The panelists then determine whether the application should be funded and recommend an amount.

The panels' recommendations will be acted upon by the full commission during its next quarterly business meeting, scheduled for Friday, May 15, at the Baker Arts Center, 624 N. Pershing, Liberal.

The deadline for submitting applications to the Major Grants Program was February 3. Funding is provided through appropriations by the Kansas Legislature and grants from the National Endowment for the Arts, a federal agency.

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. 011720

## State of Kansas

## Kansas Arts Commission

Notice of Arts In Education Program  
and Deadlines

Kansas schools and school districts, public or government agencies, and non-profit organizations may apply for funding support from the Kansas Arts Commission through its Arts In Education program, which has been restructured to offer several new programs.

The current grant cycle is for arts programming during Kansas fiscal year 1993—July 1, 1992, through June 30, 1993. Applicants may request an amount up to 50 percent of their proposed budget in one of the Arts In Education categories. The grant request must be matched with cash and in-kind services by the applicant.

The application deadlines are listed by category and program, with applications and materials due in the Kansas Arts Commission office by 5 p.m. on the dates listed:

**Residency Programs**

**Artists in Residency Program:** This component supports residencies by artists in a school or community for a short term (1 week to 4 months), a long term (4 to 9 months), or up to three years (with a declining scale of support, from 50% to 40% to 30%). Deadline: April 1, 1992.

**Visiting Artists:** This component supports residencies by artists in a school or community for a period of 1-5 days. Deadlines: March 30 and November 30, 1992, and March 30, 1993.

**Special Projects**

**Special Projects:** This component encompasses and replaces the existing Arts in Basic Education category. Deadline: April 1, 1992.

**Initiatives**

**Classroom Enrichment:** This component provides grants for teachers. Deadline: April 1, 1992.

**Arts to the Nth Degree:** This component embraces new technological approaches to the arts and education. Deadline: April 1, 1992.

**Planning Education in the Arts in Kansas: PEAK** provides planning grants for long-term development of arts curricula. Deadlines: April 30 and September 30, 1992, and January 30, 1993.

The Kansas Arts Commission has developed these programs in cooperation with the Kansas Board of Education and the Kansas Regents Educational Communications Center.

Guidelines and application forms for the Arts Education Program may be obtained by contacting the Kansas Arts Commission, 700 Jackson, Suite 1004, Topeka 66603-3714, (913) 296-3335; TDD via Kansas Relay Service, 1-800-766-3777.

The Kansas Arts Commission is a state agency funded through appropriations from the Kansas Legislature and grants from the National Endowment for the Arts, a federal agency.

Applicants for Kansas Arts Commission grants are expected to meet federal requirements regarding civil

rights, equality, non-discrimination, education, and access for persons with disabilities. Not-for-profit organizations must be incorporated as such with the Kansas Secretary of State and must have applied for tax-exempt status with the federal Internal Revenue Service.

In the spring of 1992, the commission will convene a funding advisory panel in each category to review and evaluate the applications and to recommend funding amounts. Each panel is comprised of commissioners and persons knowledgeable in the arts and education.

The applications are evaluated on such criteria as adherence to the guidelines, impact on the school system, budget, quality, and evidence that services extend to all constituencies.

The panel recommendations will be submitted to the full commission for action during the quarterly business meeting in May 1992. The amounts of the grants awarded in relation to the amounts requested may vary in relation to such factors as funds available to each category and the number of applicants in each category.

Dorothy L. Ilgen  
Executive Director

Doc. No. 011721

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-AG-92-24

Name and Address of Applicant	Legal Description	Receiving Water
HRC Feedyards #1 Box 186 Scott City, KS 67871	S 1/2 Section 13, Township 18S, Range 34W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UAC-C004 Federal Permit No. KS-0039292  
The feedlot has capacity for approximately 17,000 cattle with expansion planned for an additional 3,000 cattle and a contributing drainage area of approximately 180 acres. This is an expansion of an existing facility.

Runoff control Facilities: Feedlot runoff is impounded for subsequent disposal upon agricultural land. Storage capabilities are provided in excess of 46 acre-feet.

Compliance Schedule: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. The waste management plan shall be based on accepted principles, methodologies and data for waste characteristics and crop utilization. The plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Public Notice No. KS-92-3

Name and Address of Applicant	Waterway	Type of Discharge
Newton City/County Airpark c/o City of Newton City Hall Newton, KS 67114 Harvey County, Kansas Kansas Permit No. M-LA13-N002	Non-discharge	Non-discharge
Description of Facility: This is a two-cell lagoon system. This facility is designed for domestic waste only.		

Public Notice No. KS-92-65/76

Name and Address of Applicant	Waterway	Type of Discharge
Acme Brick-Boggs Mine Kanopolis Facility P.O. Box 582590 Tulsa, OK 67454	Smoky Hill River via Ash Creek via unnamed tributary	Mine pit dewatering and uncontaminated stormwater runoff

Ellsworth County, Kansas  
Kansas Permit No. I-SH19-P005 Fed. Permit No. KS-0088358  
Description of Facility: This facility is a clay mining operation for brick manufacturing. This is a new permit. 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
Acme Brick-Remley Mine Kanopolis Facility P.O. Box 582590 Tulsa, OK 67454	Saline River via East Eckhorn Creek via unnamed tributary	Mine pit dewatering and uncontaminated stormwater runoff

Ellsworth County, Kansas  
Kansas Permit No. I-SA22-P003 Fed. Permit No. KS-0088331  
Description of Facility: This facility is a clay mining operation for brick manufacturing. This is a new permit. 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
Acme Brick-Sparks Mine Kanopolis Facility P.O. Box 582590 Tulsa, OK 67454	Alum Creek	Mine pit dewatering and uncontaminated stormwater runoff

Ellsworth County, Kansas  
Kansas Permit No. I-SH19-P004 Fed. Permit No. KS-0088340  
Description of Facility: This facility is a clay mining operation for brick manufacturing. This is a new permit. 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
Alamo Group-Kansas, Inc. P.O. Box 350 Holton, KS 66436	Lake Perry via Elk Creek via unnamed drainage	Non-contact cooling water (continued)



Jackson County, Kansas

Kansas Permit No. I-KS23-C002 Fed. Permit No. KS-0088307

Description of Facility: This facility manufactures mowing equipment. Well water is used for non-contact, machine cooling and is discharged with no additives. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Century Lubricating Oils, Inc. 2140 S. 88th Kansas City, KS 66111 Wyandotte County, Kansas	Kansas River via storm sewer	Non-contact cooling water

Kansas Permit No. I-KS27-C009 Fed. Permit No. KS-0086665

Description of Facility: This facility blends oils and produces greases for lubricants. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Dedde Web Press Corporation Box 1088 Emporia, KS 66801 Lyon County, Kansas	Cottonwood River via unnamed drainage	Non-contact cooling water

Kansas Permit No. I-NE24-C005 Fed. Permit No. KS-0088544

Description of Facility: This facility fabricates metal parts for graphic arts/printing equipment. City water is used in two closed-loop, non-contact heat exchangers, to cool distilled water used to cool electronic controls and water used to quench gears. There is no chemical additives in the cooling water discharge. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Hillsdale Improvement District Box 147 Hillsdale, KS 66036 Miami County, Kansas	Ten Mile Creek	Secondary wastewater treatment facility

Kansas Permit No. M-MC60-0001 Fed. Permit No. KS-0081396

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.

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Inland Quarries-Americold Corp. Kansas City Facility 1515 S.W. 5th Ave., Suite 700 Portland, OR 97201 Wyandotte County, Kansas	Kansas River via Drainage ditch and unnamed tributary	Mine dewatering and uncontaminated stormwater runoff

Kansas Permit No. I-KS27-P029 Fed. Permit No. KS-0088447

Description of Facility: This facility is an underground limestone quarry performing mining, crushing and screening. No washing is done at this facility. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Leavenworth County Public Works Easton Facility 4th and Walnut Leavenworth, KS 66048 Leavenworth County, Kansas	Kansas River via Stranger Creek via unnamed tributary	Uncontaminated stormwater runoff

Kansas Permit No. I-KS13-P003 Fed. Permit No. KS-0088421

Description of Facility: This facility is primarily a construction dem-

olition landfill. A quantity of "shot rock" is stockpiled at this facility and removed for use as riprap on an as-needed basis. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Leavenworth County Public Works Tonganoxie Facility 4th and Walnut Leavenworth, KS 66048 Leavenworth County, Kansas	Kansas River via Stranger Creek via Nine Mile Creek via unnamed tributary	Quarry pit dewatering and uncontaminated stormwater runoff

Kansas Permit No. I-KS71-P003 Fed. Permit No. KS-0088439

Description of Facility: This facility is a limestone quarry operation. Mining, crushing and screening occur intermittently on an as-needed basis for road rock. No washing is performed at this facility. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
Micro-Lite, Inc. P.O. Box 45 Buffalo, KS 66717	Verdigris River via Big Sandy Creek via Little Sandy Creek	Intermittent stormwater runoff from side-hill mineral mining operation

Woodson County, Kansas

Kansas Permit No. I-VE03-P001 Fed. Permit No. KS-0088374

Description of Facility: This facility performs surface mining of trace minerals used in feed ingredients for livestock. This is a new permit. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

<b>Name and Address of Applicant</b>	<b>Waterway</b>	<b>Type of Discharge</b>
City of Topeka North Plant c/o Water Pollution Control City Hall, 215 SE 7th Topeka, KS 66603 Shawnee County, Kansas	Kansas River	Secondary wastewater treatment facility

Kansas Permit No. M-KS72-I002 Fed. Permit No. KS-0042714

Description of Facility: This permit is both for the current plant and the plant expansion to 12MGD. 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.

Public Notice No. KS-EG-92-18/27

Tentative permits have been prepared for the re-permitting of ten salt-solution mining wells to be operated as two salt-solution mining galleries, within state of Kansas, for the applicants described below. One gallery consists of Wells J46, J47, J48, J49, and J50, and another consists of Wells J51, J52, J53, J54, and J55.

Description: The wells listed below are designed for the production of salt by solution mining activities. All wells are located in Sedgwick County, Kansas, and are operated by Vulcan Chemicals Company, P.O. Box 12283, Wichita 67277-2283.

<b>Well Number and Kansas Permit Number</b>	<b>Well Location</b>
Well Number J46 Kansas Permit No. KS-03-173-088 fel of SE/4	NW SW NE 25-29-3W 3613' fsl and 2265'
Well Number J47 Kansas Permit No. KS-03-173-089	NW SW NE 25-29-3W 3788' fsl and 2090' fel of SE/4



Well Number J48 Kansas Permit No. KS-03-173-090	NW SW NE 25-29-3W 3438' fsl and 2090' fel of SE/4
Well Number J49 Kansas Permit No. KS-03-173-091	NW SW NE 25-29-3W 3438' fsl and 2440' fel of SE/4
Well Number J50 Kansas Permit No. KS-03-173-092	NW SW NE 25-29-3W 3788' fsl and 2440' fel of SE/4
Well Number J51 Kansas Permit No. KS-03-173-093	NW SE NE 25-29-3W 3565' fsl and 1250' fel of SE/4
Well Number J52 Kansas Permit No. KS-03-173-094	NW SE NE 25-29-3W 3740' fsl and 1075' fel of SE/4
Well Number J53 Kansas Permit No. KS-03-173-095	NW SE NE 25-29-3W 3390' fsl and 1075' fel of SE/4
Well Number J54 Kansas Permit No. KS-03-173-096	NE SW NE 25-29-3W 3390' fsl and 1425' fel of SE/4
Well Number J55 Kansas Permit No. KS-03-173-097	NE SW NE 25-29-3W 3740' fsl and 1425' fel of SE/4

**Public Notice No. KS-PT-92-3**

Name and Address of Applicant	POTW	Type of Discharge
Harmon, Inc. Avenue Neodesha, KS 66757 Wilson County, Kansas Kansas Permit No. P-VE29-0001	Neodesha MWWTP	Process 1250 Tank

Description of Facility: This facility manufactures carpenter levels and squares, cement finishing and other hand tools. Regulated processes include copper electroplating, chemical etching and milling and conversion coating of aluminum. This permit was modified to reflect a name change and other minor modifications discovered during a recent on-site inspection.

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 April 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-92-24, KS-ND-92-3, KS-92-65/76, or KS-PT-92-3) and the name of applicant as listed when preparing comments.

If no objections are received, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (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. 011718

**State of Kansas**

**Kansas Agricultural Value-Added Processing Center**

**Notice of Leadership Council Meeting**

The Leadership Council of the Kansas Agricultural Value-Added Processing Center will meet from 9 a.m. to 3 p.m., Friday, March 13, at the Kansas Technology Enterprise Corporation conference room, 112 W. 6th, Suite 400, Topeka. For further information, contact Richard Hahn at (913) 532-7033.

Richard R. Hahn  
Director

Doc. No. 011702

**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 construction permit in accordance with K.A.R. 28-19-14 (permits required) to Cornejo & Sons, Wichita, to install and operate an asphalt plant at 3050 S. Madison, Wichita.

Written materials, including the permit application and information relating to the application submitted by Cornejo & Sons, 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 April 13 by contacting George Huenergardt, Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita, (316) 268-8449. 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 Eugene Sallee, KDHE, (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 April 13.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011706

## 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.

March 23, 1992

RFQ #92-0912

High- and low-back office chairs

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

Doc. No. 011708

## 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 construction permit in accordance with K.A.R. 28-19-14 (permits required) to National Sun Industries, Inc. to install and operate an oil-seed extraction plant west of Goodland.

Written materials, including the permit application and information relating to the application submitted by National Sun Industries, 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 April 13 by contacting Richard Robinson, KDHE, 2301 E. 13th, Hays 67601, (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 Eugene Saltee, KDHE, 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 April 13.

Azzie Young  
Secretary of Health  
and Environment

Doc. No. 011712

## State of Kansas

## Secretary of State

## Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited February 17, 1992, for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

## Domestic Corporations

A.R.E. Industries, Inc., Wichita, KS.  
Aksarben, Inc., Satanta, KS.  
Alp Farms, Inc., Dodge City, KS.  
American Legion, Beloit Post No. 57, Beloit, KS.  
Asbestos Removal Contractors, Inc., Wichita, KS.  
Back Cattle Corp., Sublette, KS.  
Cade Electric, Inc., Wichita, KS.  
Carl Otten and Sons, Inc., Neosho, MO.  
Central Kansas Irrigation, Inc., Iuka, KS.  
Chisholm Trail Aerie No. 3251, Fraternal Order of Eagles, Wichita, KS.  
CMX, Inc., Wichita, KS.  
Collins Commodity Brokerage Co., Inc., Wichita, KS.  
Computacations of Kansas City, Inc., Shawnee Mission, KS.  
Constructive Computing Company, Inc., Kansas City, KS.  
Cornerstone, Inc., Wichita, KS.  
D & D Swine, Inc., Menlo, KS.  
Dart-In Superettes, Inc., Garden City, KS.  
Denton Fence Corporation, Shawnee, KS.  
Derrol D. Hubbard, Inc., Smith Center, KS.  
DLM, Inc., Olathe, KS.  
Durr Engineering, Inc., Hutchinson, KS.  
Flatlanders Ski, Inc., Mission, KS.  
Florence Manor, Ltd., Topeka, KS.  
Food Marketing Communicators, An Association, Lenexa, KS.  
Gatewood Associates, Inc., Wichita, KS.  
Ginny T-Shirt Co., Lenexa, KS.  
Homestead Woods Homeowners Association, Inc., Overland Park, KS.  
Hopkins Oil, Inc., Arkansas City, KS.  
Hunam Restaurant, Inc., Topeka, KS.  
Ideal, Inc., Wellington, KS.  
J.L.F. Enterprises, Incorporated, Topeka, KS.  
Jay's Realtors, Inc., Prairie Village, KS.  
JB Bowers & Associates, Inc., Overland Park, KS.  
Johnson County Cab Inc., Roeland Park, KS.  
Kansas Development Corp. ( A Close Corporation), Overland Park, KS.  
Kansas Medical Assistants Society, Topeka, KS.  
Kansas Science Suppliers, Inc., Wichita, KS.  
Ladco, Inc., Russell, KS.  
Landmark of Emporia, Inc., Emporia, KS.  
Life Christian Center, Inc., Burlington, KS.  
Marvin D. Orsborn Agency, Inc., St. Francis, KS.  
McGovern Sales Agency, Inc., Kansas City, MO.

Neosho Juco Club, Inc., Chanute, KS.  
 New York Original Delicatessen, Inc., Ottawa, KS.  
 Norris-Carter, Post # 116, St. Paul, KS.  
 Odette Abstract & Title Services, Inc.,  
 Junction City, KS.  
 Oxford Middle School PTO, Inc.,  
 Overland Park, KS.  
 Papon Roofing & Construction, Inc. (A Close Corp),  
 Hardtner, KS.  
 Paris Gourmet Ltd., Overland Park, KS.  
 Peoples Insurance of Kansas, Inc., Pratt, KS.  
 Portrait's By Shane, Inc., Great Bend, KS.  
 Ramoka, Inc., Wichita, KS.  
 Reisbig's, Inc., Great Bend, KS.  
 Simpson Farm Enterprises, Inc., Ransom, KS.  
 Steven D. Epler, D.D.S., P.A., Yates Center, KS.  
 Stilwell Elementary Parent Teacher Organization,  
 Inc., Stilwell, KS.  
 Sunflower Kennel Club of Olathe, Kansas, Inc.,  
 Olathe, KS.  
 Tan Fix-Up Service Inc., Topeka, KS.  
 The Eclectic Company, Olathe, KS.  
 The Heartland Chapter of the National Association  
 of American Business, Salina, KS.  
 The Kansas City Soccer Investment Group Inc. (A  
 Close Corporation), Overland Park, KS.  
 The Red Baron Chapter of the National Association  
 of American Business, Salina, KS.  
 The Topeka High Trojan Booster Club, Inc.,  
 Topeka, KS.  
 Tri-Energy, Inc., Merriam, KS.  
 Venice Foods, Inc., Kansas City, KS.  
 Westchester Homes Association, Inc.,  
 Overland Park, KS.  
 Wittmer Farm Realty, Inc., Topeka, KS.  
 Xenon Int'l. School of Hair Design, The,  
 Hutchinson, KS.

**Foreign Corporations**

Babbage's Inc., Dallas, TX.  
 Bogert Oil Company, Oklahoma City, OK.  
 Capital Realty Group Management, Inc., Dallas, TX.  
 Coastal Plains, Inc., Dublin, GA.  
 Encore Retirement Centers, Inc., White Plains, NY.  
 Enterprise Oil Marketing, Corp., Little Rock, AR.  
 Independent Automotive Damage Appraisers Assoc.,  
 Elmhurst, IL.  
 Liberty Military Sales, Inc., Houston, TX.  
 Massey-Ferguson Inc., Des Moines, IA.  
 Payline Systems, Inc., Portland, OR.  
 Plasma Alliance, Inc., Collegeville, PA.  
 Rax Restaurants, Inc., Columbus, OH.  
 Rice-Cleveland Construction Corporation,  
 Greenville, SC.  
 Robert B. Somerville Co., Inc., Paris, TX.  
 Rofan Services, Inc., Midland, MI.  
 Schlosser Incorporated, Burlington, CO.  
 Sooner Enterprises of Oklahoma, Inc., Perry, OK.  
 Tesink, Phoenix, AZ.  
 TFC International, Inc., Overland Park, KS.  
 The Millgard Corporation, Livonia, MI.  
 Time Services Corporation, Parkville, MO.  
 TS Note Company, Overland Park, KS.

Twenco Financial Corporation, Overland Park, KS.  
 Universal Exploration Operating Co., Inc.,  
 Costa Mesa, CA.

Bill Graves  
 Secretary of State

Doc. No. 011701

**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 \$5,752,979.45 at February 29, 1992.

Roger C. Rooker  
 Chief, Accounting Control  
 and Services

Doc. No. 011695

**State of Kansas  
 Department of Administration  
 Division of Architectural Services**

**Notice of Commencement of Negotiations  
 for Engineering Services**

Notice is hereby given of the commencement of negotiations for engineering services for dam evaluation and repair at the Miami State Fishing Lake. The lake is located eight miles east and five miles south of Osawatomie.

An engineering evaluation and repair recommendations, with cost estimates, are required. Phase II of the project will consist of design plans and specifications to repair the dam. The lake is located next to the Marais des Cygnes River and has had slope failure on the river side. The river is within 15 feet of the dike in one location. There is suspected seepage through the dike. The lake side of the dike has eroded due to wave action.

Any questions or expressions of interest should be directed to Gerald R. Carter, AIA, Deputy Director of Planning & Project Management, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, on or before March 27. An original and four copies of the SF 255 form (plus attachments as required) should be submitted with letters of interest.

J. David DeBusman  
 Director, Division of  
 Architectural Services

Doc. No. 011707

## 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, March 23, 1992**

**28802**

Kansas Correctional Industries—Steel posts and brackets

**28804**

Kansas State University—Herbicides and insecticides

**28805**

Kansas State University—Fertilizer

**91431**

Lansing Correctional Facility—Plumbing materials

**91432**

Pittsburg State University—Asphalt paving

**91433**

Department of Transportation—Aggregate, Riley County

**91516**

Department of Commerce—Printing of travel guide

**Tuesday, March 24, 1992**

**A-6353(b)**

University of Kansas—Regents Center, landscape construction, Overland Park

**A-6674**

Osawatomie State Hospital—Mechanical projects, various buildings

**28730 Rebid**

Statewide—Software, microcomputer

**28773**

Statewide—Patient-controlled analgesia (PCA) pumps and sets

**28809**

Kansas Highway Patrol and Department of Commerce—Janitorial and/or snow removal and lawn care services, Sumner County Port of Entry

**91459**

University of Kansas Medical Center—Luminometer

**91460**

Department of Administration, Central Motor Pool—Automobiles

**91469**

Lansing Correctional Facility—Solenoid valves

**Wednesday, March 25, 1992**

**A-6789**

Fort Hays State University—Malloy Hall roof repairs, Phase II

**28812**

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

**28813**

University of Kansas—May (1992) meat products

**91389**

Kansas State University—X window terminals and boot/font tape

**91390**

Wichita State University—Sun Sparc workstation and peripherals

**91477**

Department of Wildlife and Parks—Boats, Pratt

**Thursday, March 26, 1992**

**28811**

Adjutant General's Department—Natural gas, Wichita

**91491**

Kansas State University—Office furniture

**91492**

Department of Transportation—Bituminous plant mix, Hutchinson

**91493**

Kansas State University—Tractor

**91494**

University of Kansas—Unix workstation

**91495**

Wichita State University—Lawn equipment

**91496**

Winfield Correctional Facility—Floor tile

**91503**

Lansing Correctional Facility—Heating and air conditioning materials

**91504**

University of Kansas—Circuit board workstation

**91505**

Kansas State University—Offset press

**91506**

Fort Hays State University—Carpet

**Friday, March 27, 1992**

**91511**

Hutchinson Correctional Facility—Plumbing materials

**91512**

Wichita State University—Carpet

**91517**

Kansas State University—Truck

**Monday, March 30, 1992**

**91487**

Department of Health and Environment—Abandoned Mine Land Program, Litchfield Reclamation, Crawford County

**Tuesday, March 31, 1992**

**A-6799**

Kansas State Fair—Dairy milking parlor

**28787**

Various state agencies—Air charter service

Tuesday, April 7, 1992

28780

Statewide—X-ray film and supplies (Class 13)

Monday, April 13, 1992

91434

Department of Wildlife and Parks—Agriculture  
lease, Norton

Jack R. Shipman  
Director of Purchases

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**Request for Proposals**

Friday, March 27, 1992

28800

Health risk appraisal for the Department of  
Administration, Division of Personnel Services

Friday, April 3, 1992

28799

Adolescent day treatment services for the  
Department of Social and Rehabilitation Services

Jack R. Shipman  
Director of Purchases

Doc. No. 011713

(Published in the Kansas Register, March 12, 1992.)

**Summary Notice of Bond Sale**

City of Derby, Kansas

\$3,250,000

General Obligation Bonds

Series II, 1992

(general obligation bonds payable from  
unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated March 3, 1992, sealed bids will be received by the city clerk of Derby, Kansas (the issuer), on behalf of the governing body at City Hall, 611 Mulberry, Derby, KS 67037, until 11 a.m. C.S.T. on March 24, 1992, for the purchase of \$3,250,000 principal amount of General Obligation Bonds, Series II, 1992. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1992, and will become due on December 1 in the years as follows:

Year	Principal Amount
1993	\$ 25,000
1994	105,000
1995	110,000
1996	115,000
1997	120,000
1998	125,000
1999	140,000

2000	145,000
2001	150,000
2002	155,000
2003	160,000
2004	170,000
2005	180,000
2006	190,000
2007	200,000
2008	210,000
2009	220,000
2010	230,000
2011	240,000
2012	260,000

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

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$65,000 (2 percent of the principal amount of the bonds).

**Delivery**

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before April 17, 1992, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1991 is \$64,376,658. The total general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold, is \$17,307,750.

**Approval of Bonds**

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

**Additional Information**

Additional information regarding the bonds may be obtained from the clerk, (316) 788-1519, or from the financial advisor, First Securities Company of Kansas, Inc., 200 Hardage Center, 100 S. Main, Wichita, KS 67202, Attention: Theron L. Froggatte, (316) 262-4411.

Dated March 3, 1992.

City of Derby, Kansas

Doc. No. 011711

State of Kansas

**Kansas Technology Enterprise Corporation**

**Notice of Meeting**

The Kansas Technology Enterprise Corporation Board of Directors will meet at 11 a.m. Thursday, March 19, in Suite 400, 112 S.W. 6th, Topeka.

Carol Wiebe  
Chairman

Doc. No. 011724

(Published in the Kansas Register, March 12, 1992.)

**Notice of Bond Sale**

**\$595,000**

**City of Oberlin**

**Decatur County, Kansas**

**General Obligation Public Building Bonds**

**Series 1992**

(general obligation bonds payable from unlimited ad valorem taxes)

**Sealed Bids**

Subject to the notice of bond sale dated March 2, 1992, sealed bids will be received by the city clerk of the city of Oberlin, Decatur County, Kansas, on behalf of the city council of said city at the city clerk's office, City Hall, 107 W. Commercial, Oberlin, KS 67749, until 6 p.m. C.D.T. on Monday, April 6, 1992, for the purchase of \$595,000 principal amount of General Obligation Public Building Bonds, Series 1992. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 each or any integral multiple thereof. The bonds will be dated April 1, 1992, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1993	40,000
1994	40,000
1995	40,000
1996	45,000
1997	45,000
1998	45,000
1999	45,000
2000	45,000
2001	50,000
2002	50,000
2003	50,000
2004	50,000
2005	50,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 1993.

**Place of Payment and Bond Registration**

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day (whether or not a business day) of the calendar month next preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the city and the Kansas Attorney General.

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

**Redemption of Bonds Prior to Maturity**

At the option of the city, bonds maturing on October 1, 2000, and thereafter, will be subject to redemption and payment prior to maturity on October 1, 1999, and thereafter in whole or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, without premium, plus accrued interest to the redemption date.

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

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

**Authority, Purpose and Security**

The bonds are being issued pursuant to K.S.A. 12-1736 et seq. for the purpose of paying the cost of certain municipal auditorium-office building (public building) improvements. The bonds and the interest thereon will constitute general obligations of the city,

payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property, real and personal, within the territorial limits of the city.

#### Condition of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate may exceed a rate equal to the index of treasury bonds published by the weekly *MuniWeek*, f/k/a *Credit Markets*, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be considered. Each bid must specify the total interest cost to the city during the term of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid, all certified by the bidder to be correct, and the city will be entitled to rely on the certificate of correctness of the bidder. Each bid must also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

#### Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$11,900 (2 percent of the principal amount of the bonds) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. Good faith checks submitted by unsuccessful bidders will be returned. If a bid is accepted, said check or the proceeds thereof will be held by the city until the bidder has complied with all of the terms and conditions of this notice. If a bid is accepted but the city fails to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the city as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

#### Basis of Award

The award of the bonds will be made on the basis of the lowest net interest cost to the city, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the city. If there is any discrepancy between the net interest cost and the average annual net interest rate

specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the city council will determine which bid, if any, shall be accepted, and its determination shall be final. The city reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bid received after 6 p.m. on the date of sale will be returned to the bidder unopened.

#### Bid Forms

All bids must be made on forms which may be procured from the city clerk or bond counsel. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid.

#### Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned Oberlin city clerk and marked "Proposal for General Obligation Public Building Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the city's office in the city hall and must be received by the undersigned prior to 6 p.m. C.D.T. on April 6, 1992.

#### CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on or assigned to the bonds, but neither the failure to print such number on or assign such number to any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city. The successful bidder shall make the application for said CUSIP numbers.

#### Delivery and Payment

The city will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before May 15, 1992, at such bank or trust company in the state of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be at the expense of the successful bidder. The successful bidder will be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity.

Payment for the bonds shall be made in Federal Reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and Social Security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 10 a.m. C.D.T. on April 30, 1992. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

(continued)



The successful bidder shall furnish the city by 10 a.m. C.D.T. on May 4, 1992, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

#### Official Statement

The city has prepared an informational statement dated April 1, 1992, copies of which may be obtained from the city clerk or from bond counsel. Upon the sale of the bonds, the city will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

#### Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city for the year 1992 is as follows:

Equalized assessed valuation of taxable, tangible property including the valuation of motor vehicles computed pursuant to K.S.A. 10-310, for computation of bond debt limitation.....	\$7,222,480
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The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$705,000. The city currently has outstanding temporary notes in the amount of \$595,000.

#### Approval of Bonds

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

#### Opinion of Bond Counsel and Internal Revenue Code of 1986

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

In the opinion of bond counsel, assuming continued compliance by the city with the terms of the bond ordinance, under existing law, the interest on the bonds (a) is excludable from gross income for federal

income tax purposes, and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

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

Certain recipients of Social Security benefits are required to include a portion of such benefits within gross income by reason of receipt of interest on tax-exempt obligations, including the bonds.

The bonds are "qualified tax-exempt obligations" within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds. The city does not intend to issue bonds in excess of \$10,000,000 during 1992.

Prospective purchasers of the bonds should be aware that: (i) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code); (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986, and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing

business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain Railroad Retirement benefits to take into account in determining gross income, receipts or accruals of interest on the bonds. These categories of bondowners should consult their own tax advisers as to the applicability of these consequences.

Bond counsel expresses no opinion regarding other federal tax consequences arising with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships. Interest on the bonds is excluded from the computation of Kansas adjusted gross income for taxable years commencing after December 31, 1987.

#### Bonds Not to be Rated

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

#### Additional Information

Additional information regarding the bonds may be obtained from the City Clerk, 107 W. Commercial, Oberlin, KS 67749, (913) 475-2217; or from bond counsel, Fred W. Rausch, Jr., Suite 201, 220 S.W. 33rd, Topeka, KS 66611, (913) 267-3470.

Dated March 2, 1992.

The City Council of  
The City of Oberlin  
Decatur County, Kansas  
By Martha Nemeth  
Oberlin City Clerk  
107 W. Commercial  
Oberlin, KS 67749  
(913) 475-2217

Doc. No. 011705

State of Kansas

### Kansas Human Rights Commission

#### Permanent Administrative Regulations

#### Article 34.—GUIDELINES ON DISCRIMINATION BECAUSE OF DISABILITY

**21-34-1. Definitions.** (a) "Covered entity" means an employer, labor organization, employment agency, or joint labor-management committee.

(b) "Direct threat" means a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

(c) "Essential function" means the fundamental job

duties of the employment position the individual with a disability holds or desires. The term "essential function" does not include the marginal functions of the position.

(d) "Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(e) "Is regarded as having such an impairment" means:

(1) Has a physical or mental impairment that does not substantially limit major life activities but is treated by a covered entity as constituting a limitation;

(2) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward the impairment; or

(3) Has none of the impairments defined in subsections (h)(1) or (2) of this section but is treated by a covered entity as having an impairment.

(f) "Illegal use of drugs" means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act (21 U.S.C. 812). This term does not include the use of a drug taken under the supervision of a licensed health care professional, or other uses authorized by Controlled Substances Act or other provisions of Federal or Kansas law.

(g) "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(h) "Physical or mental impairment" means:

(1) any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine; or

(2) any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(i) "Qualified individual with a disability" means an individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position the person holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of the position.

(j) "Qualification standards" means the personal and professional attributes including the skill, experience, education, physical, medical, safety and other requirements established by a covered entity as requirements which an individual must meet in order to be eligible for the position held or desired.

(k) "Substantially limits" means:

(1) unable to perform a major life activity that the average person in the general population can perform; or

(2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the con-

(continued)

dition, manner, or duration under which the average person in the general population can perform the same major life activity. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1991.)

**21-34-2. Medical examinations and inquiries; general prohibition.** The prohibition against discrimination as referred to in K.S.A. 44-1009(a)(1) and 44-1009(a)(8) shall include medical examinations and inquiries. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-3. Preemployment medical examinations and inquiries.** (a) Prohibited examination or inquiry. A covered entity shall not conduct a medical examination or make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of the applicant's disability, except as provided in 21-34-4.

(b) Acceptable inquiry. A covered entity may make preemployment inquiries into the ability of an applicant to perform job-related functions. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-4. Employment entrance examinations and inquiries; exception.** A covered entity may require a medical examination, inquiry, or both after an offer of employment has been made to a job applicant and prior to the commencement of the employment duties of the applicant, and may condition an offer of employment on the results of the examination, inquiry, or both if:

(a) all entering employees in the same job category are subjected to an examination, inquiry, or both regardless of disability;

(b) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

(1) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(2) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(3) government officials investigating compliance with this act shall be provided relevant information on request; and

(c) the results of such physical examination, inquiry, or both are used only in accordance with these regulations. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-5. Prohibited medical examinations and inquiries.** A covered entity shall not require a medical examination and shall not make inquiries of an em-

ployee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-6. Acceptable medical examinations and inquiries.** (a) A covered entity may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at the work site. A covered entity may make inquiries into the ability of an employee to perform job-related functions.

(b) Information obtained under subsection (a) regarding the medical condition or history of any employee is subject to the requirements of subsections (b) and (c) of 21-34-4. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-7. Regulation of alcohol and drugs.** These regulations do not prohibit a covered entity from:

(a) prohibiting the illegal use of drugs and the use of alcohol at the workplace by all employees;

(b) requiring that employees not be under the influence of alcohol or drugs at the workplace;

(c) requiring that employees behave in conformance with the requirements established pursuant to the Drug-Free Workplace Act of 1988 (41 U.S.C. 701 et seq.);

(d) holding an employee who engages in the illegal use of drugs or who is an alcoholic to the same qualification standards for employment or job performance and behavior that the entity holds other employees, even if any unsatisfactory performance or behavior is related to the employee's drug use or alcoholism;

(e) requiring that its employees employed in an industry subject to federal regulations comply with the standards established in those regulations, if any, regarding alcohol and the illegal use of drugs; and

(f) requiring that employees employed in sensitive positions in an industry subject to federal regulations comply with those regulations, if any, that apply to employment in sensitive positions. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-8. Drug testing.** (a) A test to determine the illegal use of drugs shall not be considered a medical examination.

(b) Nothing in this paragraph shall be construed to encourage, prohibit, or authorize the conducting of drug tests for the illegal use of drugs by job applicants or employees or making employment decisions based on the test results. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-9. Transportation employees.** Nothing in

these regulations should be construed to encourage, prohibit, restrict or authorize the otherwise lawful exercise by entities subject to the jurisdiction of the United States Department of Transportation of authority to:

(a) test employees of entities in, and applicants for, positions involving safety sensitive duties for the illegal use of drugs and/or for on-duty impairment by alcohol; and

(b) remove persons who test positive for illegal use of drugs or on-duty impairment by alcohol pursuant to subsection (b)(1) of this regulation from safety-sensitive positions. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-10. Information from a drug test.** Any information regarding the medical condition or history of any employee or applicant obtained from a drug test, except information regarding illegal use of drugs, is subject to the requirements of subsections (b) and (c) of 21-34-4. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-11. Illegal use of drugs and alcohol; exception to the definition of "qualified individuals with a disability"; policies and procedures.** (a) The term "qualified individual with a disability" shall not include any employee or applicant who is engaging in the illegal use of drugs, when the covered entity acts on the basis of the illegal use of drugs.

(b) Nothing in subsection (a) of this regulation shall be construed to exclude as a "qualified individual with a disability" an individual who:

(1) has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of drugs; or

(2) is participating in a supervised rehabilitation program and is no longer engaging in the illegal use of drugs; or

(3) is erroneously regarded as engaging in the illegal use of drugs, but is not engaging in the illegal use of drugs.

(c) It shall not be a violation of this act for a covered entity to adopt or administer reasonable policies or procedures, including but not limited to drug testing, designed to ensure that an individual described in paragraph (b)(1) or (2) of this section is no longer engaging in the illegal use of drugs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-12. Regulation of smoking.** A covered entity may prohibit or impose restrictions on smoking in places of employment. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-13. Direct threat; criteria for determination.**

(a) The determination that an individual with a disability poses a "direct threat" shall be based on an individualized assessment of the individual's present ability to safely perform the essential functions of the job. This assessment shall be based on a reasonable medical judgment that relies on the most current medical knowledge, on the best available objective evidence, or both.

(b) In determining whether an individual would pose a direct threat, the factors to be considered include:

(1) the duration of the risk;

(2) the nature and severity of the potential harm;

(3) the likelihood that the potential harm will occur; and

(4) the imminence of the potential harm. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-14. Essential function; criteria for determination.** (a) A job function may be considered essential for any of several reasons, including but not limited to the following:

(1) the function may be essential because the reason the position exists is to perform that function;

(2) the function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed; and

(3) the function may be highly specialized so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(b) Evidence of whether a particular function is essential includes, but is not limited to:

(1) the employer's judgment as to which functions are essential;

(2) written job descriptions prepared before advertising or interviewing applicants for the job;

(3) the amount of time spent on the job performing the function;

(4) the consequences of not requiring the incumbent to perform the function;

(5) the terms of a collective bargaining agreement;

(6) the work experience of past incumbents in the job; and

(7) the current work experience of incumbents in similar jobs. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-15. Direct threat as qualification standard.** The term "qualification standards" may include a requirement that an individual shall not pose a direct threat to the health or safety of that individual or others in the workplace. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-16. Infectious and communicable diseases; food handling jobs.** (a) If an individual with a disa-

(continued)

bility is disabled by an infectious or communicable disease and if the risk of transmitting the disease associated with the handling of food cannot be eliminated by reasonable accommodation, a covered entity may refuse to assign or continue to assign the individual to a job involving food handling. However, if the individual with a disability is a current employee, the employer must consider whether he or she can be accommodated by reassignment to a vacant position not involving food handling.

(b) This regulation does not preempt, modify, or amend any State, county, or local law, ordinance or regulation applicable to food handling which:

(1) provide greater or equal protection for the rights of individuals with disabilities disabled by an infectious or communicable disease that are afforded by the Americans with Disabilities Act of 1990; and

(2) is designed to protect the public from individuals who pose a significant health risk to the health and safety of others, where that risk cannot be eliminated by reasonable accommodation. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-17. Substantially limit; criteria for determination.** (a) The following factors should be considered in determining whether an individual is substantially limited in a major life activity:

(1) the nature and severity of the impairment;

(2) the duration or expected duration of the impairment; and

(3) the permanent or long term impact of the impairment, or the expected permanent or long term impact of the impairment. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-18. Substantially limit; definition with respect to the major life activity of "working"; criteria for determination.** (a) With respect to the major life activity of "working," the term "substantially limits" means significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes as compared to the average person having comparable training, skills and abilities. The inability to perform a single, particular job does not constitute a substantial limitation in the major life activity of working.

(b) In addition to the factors listed in paragraph (a) of 21-34-17, the following factors may be considered in determining whether an individual is substantially limited in the major life activity of "working";

(1) the geographical area to which the individual has reasonable access;

(2) the job from which the individual has been disqualified because of an impairment, and the number and types of jobs utilizing similar training, knowledge, skills or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (class of jobs); and

(3) the job from which the individual has been dis-

qualified because of an impairment, and the number and types of other jobs not utilizing similar training, knowledge, skill or abilities, within that geographical area, from which the individual is also disqualified because of the impairment (broad range of jobs in various classes). (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-19. Undue hardship; definition; criteria for determination.** (a) "Undue hardship" means an action requiring significant difficulty or expense.

(b) Criteria for determination. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

(1) the nature and net cost of the accommodation needed under this act, taking into consideration the availability of tax credits and deductions, outside funding, or both;

(2)(A) the overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation;

(B) the number of persons employed at the facility;

(C) the effect on expenses and resources, or any other impact of the accommodation upon the operation, of the facility;

(3)(A) the overall financial resources of the covered entity;

(B) the overall size of the business of a covered entity with respect to the number of its employees;

(C) the number, type, and location of its facilities; and

(4)(A) the type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of the entity;

(B) the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the covered entity. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-20. Exceptions to the definitions of "disability."** (a) The term "disability" does not include:

(1) transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(2) compulsive gambling, kleptomania, or pyromania; or

(3) psychoactive substance use disorders resulting from current illegal use of drugs.

(b) Homosexuality and bisexuality are not impairments and so are not disabilities as defined in this act. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

**21-34-21. Health insurance, life insurance, and other benefit plans.** (a) An insurer, hospital, or medical service company, health maintenance organization, or any agent or entity that administers benefit plans,



or similar organizations, may underwrite risks, classify risks, or administer risks that are based on or not inconsistent with State law.

(b) A covered entity may establish, sponsor, observe or administer the terms of a bona fide benefit plan that are based on underwriting risks, classifying risks, or administering such risks that are based on or not inconsistent with State law.

(c) A covered entity may establish, sponsor, observe, or administer the terms of a bona fide benefit plan that is not subject to State laws that regulate insurance.

(d) The activities described in paragraphs (a), (b), and (c) are permitted unless these activities are a subterfuge to evade the purposes of this act. (Authorized by K.S.A. 44-1004; implementing K.S.A. 44-1009, as amended by L. 1991, Chapter 147, Section 6; effective T-\_\_\_\_, \_\_\_\_; effective April 27, 1992.)

Michael Brungardt  
Executive Director

Doc. No. 011697

## State of Kansas

### Board of Agriculture Division of Water Resources

#### Permanent Administrative Regulations

#### Article 42.—DESIGN OF STREAM OBSTRUCTIONS

**5-42-1. Stream obstruction; plans and specifications.** Plans for a stream obstruction shall include: (a) A general location map or aerial photograph showing the stream, location of the proposed obstruction, section lines, a bar scale, a north arrow, property lines with names and addresses of adjoining landowners, and any other landowners who may be hydraulically affected by the proposed stream obstruction, drainage area and any other prominent features;

(b) a detailed plan view fully describing the obstruction and the site;

(c) a profile showing the present elevation of the stream bed and both banks, extending upstream to the point where the stream bed elevation is equal to or higher than the top of the obstruction and extending downstream an equivalent distance from the project site;

(d) an elevation view showing the obstruction on a cross section of the stream and the valley up to the post project design flood elevation at the site;

(e) at least one permanent bench mark shall be conveniently located for use after construction. The location, description and elevation of the permanent bench mark, to which all elevations are referred, shall be shown on the plans. Reference to the national geodetic vertical datum of 1988, or other acceptable national vertical datum, to a tolerance of plus or minus one half foot is required for all stream obstructions on perennial streams and where detailed floodplain data

are available. Project datum is acceptable on all other stream obstruction projects;

(f) details of the manner in which the obstruction is to be tied into the bed and banks of the stream; and

(g) the land for which easements or rights-of-way are to be acquired if the proposed obstruction affects land other than that owned by the applicant; and

(h) unless it is clear that the impacts of the proposed project will be contained within the channel or limited to property under the control of the applicant, a hydraulic analysis determining the pre-project and post-project water surface elevations for the two-year flood and the 100-year flood shall be prepared and submitted to the chief engineer. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-302; effective May 1, 1987; amended, T-5-12-30-91, Dec. 30, 1991; amended April 27, 1992.)

#### **5-42-3. Stream obstruction; pipeline crossings.** (a)

All pipeline and buried cable crossings of streams having 50 or more square miles of drainage area above the proposed project site require a permit from the chief engineer. The chief engineer reserves the right to require a permit for a pipeline or buried cable crossing on a stream having less than 50 square miles of drainage area, if necessary, to protect the public interest, public safety or the environment.

(b) Underground pipelines and cables shall be buried at a sufficient depth below stream bed to prevent exposure. On navigable streams underground pipelines and cables shall be buried at a minimum depth of seven feet beneath the stream bed. On all other streams, underground pipelines and cables shall be buried at a minimum depth of five feet beneath the stream bed. Pipelines and cables shall be buried sufficiently into the banks to allow for a moderate amount of stream meander without exposure. The minimum depth may be waived if it can be shown by the applicant that the underground pipeline or cables are adequately protected against erosion.

(c) After installation, the channel and banks shall be restored to the natural elevations and configurations as nearly as possible. Armoring devices shall be installed when necessary to ensure bank stability. Surplus excavated material shall be disposed of in a manner which will not obstruct the channel or act as a levee. (Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective May 1, 1987; amended April 27, 1992.)

#### Article 45.—DESIGN OF LEVEES

**5-45-1. Levees and floodplain fills; definitions.** As used in these rules and regulations, K.S.A. 24-126, and by the division of water resources in administering K.S.A. 24-126, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section: (a) "Approval" means the written approval of plans and specifications by the chief engineer authorizing the applicant to proceed with the construction and maintenance of a levee or floodplain fill project.

(b) "Authorized representative" means any staff em-

(continued)

ployee designated by the chief engineer to perform duties and functions on behalf of the chief engineer.

(c) "Base flood" means a flood having a one percent chance of being equaled or exceeded in any one year.

(d) "Chief engineer" means the chief engineer, division of water resources, Kansas state board of agriculture.

(e) "Design flood" means a flood having a selected probability of being equaled or exceeded in any one year for the degree of protection required.

(f) "Environmental mitigation" means:

- (1) site specific modification of a project.
- (2) implementation of a practice or management, or
- (3) the reservation of a part of the project or replace environmental values destroyed or adversely affected by the project.

(g) "Equal and opposite conveyance" means the location of development offsets from stream banks so that floodplain lands on each side of a stream outside the stream channel convey a share of the flood flows proportionate to the total conveyance available on each respective side of the stream.

(h) "Floodplain fill" means material, usually soil, rock, or rubble, placed in a floodplain to an average height of greater than one foot above the existing ground and which has the effect of diverting, restricting or raising the level of floodwaters on a stream.

(i) "Floodway" means the channel of a stream and adjacent land areas that are required to discharge the base flood without increasing the water surface elevation at a height greater than that designated by the federal emergency management agency (FEMA) in areas where FEMA has designated a floodway. Outside areas designated by FEMA, the base flood water surface elevation shall not be increased greater than a height designated by the chief engineer calculated by using FEMA standards or at a greater height.

(j) "Floodway fill" means floodplain fills other than a levee placed wholly or partially within the boundaries of the floodway at locations where the floodway has been identified.

(k) "Floodway fringe" means those portions of a floodplain outside of the boundaries of a regulatory floodway within reaches of a stream where such a floodway has been established.

(l) "Floodway fringe fill" means floodplain fills other than a levee placed wholly outside the floodway boundaries at locations where the floodway has been identified.

(m) "Levee" means any floodplain fill with an average height of more than one foot above the surrounding terrain constructed generally parallel to a water course and whose purpose is to repel flood waters.

(n) "Perennial stream" means a stream, or a part of a stream, that flows continuously during all of the calendar year, except during an extended drought.

(o) "Stream" means any watercourse which has a well-defined bed and banks. The stream need not flow continuously and may flow only briefly after a rain in the watershed. The drainage area above the point in question must exceed 160 acres or a greater acreage designated in writing by the chief engineer, except that

the chief engineer reserves the right to regulate levees or floodplain fills regardless of the size of the drainage area if the chief engineer determines it to be necessary to protect the public interest, public safety or environmental interests. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-2. Levees and floodplain fills; plans and specifications.** Plans for a levee or a floodplain fill must be submitted on clearly legible prints (maximum size 24 inches by 36 inches) of the original tracings which are capable of reproduction. Plans for a levee or a floodplain fill shall include: (a) A general location map or aerial photograph showing:

- (1) the stream;
  - (2) location of the proposed levee or floodplain fill;
  - (3) floodway limits where available;
  - (4) floodplain limits where available;
  - (5) section lines;
  - (6) property lines with names and addresses of adjoining landowners and any other landowners whose land may be hydraulically affected by the proposed levee or floodplain fill;
  - (7) drainage area;
  - (8) a bar scale;
  - (9) a north arrow;
  - (10) existing and proposed surface drainage flow patterns; and
  - (11) any other prominent features;
- (b) a detailed plan view fully describing the levee or floodplain fill and the site, including:
- (1) the design flood elevation and frequency;
  - (2) the base flood or floodplain limits where available;
  - (3) floodway limits where available;
  - (4) two-foot ground contours of the levee or floodplain fill and areas with local drainage problems; and
  - (5) the area reserved for environmental mitigation with a description of any necessary environmental mitigation measures to be implemented, if those measures may affect the hydraulics used to evaluate the project;
- (c) a profile showing the proposed elevation of the top and base of the levee or floodplain fill, the design flood, the base flood, the stream bed and both banks;
- (d) an elevation view at the most hydraulically restrictive location in the valley affected by the project, showing the levee or floodplain fill on a cross section of the stream and the valley up to the post project base flood elevation at the site. This cross section shall show:

- (1) the stream;
- (2) floodway limits where available;
- (3) floodplain limits where available;
- (4) base flood elevation; and
- (5) design flood elevation;

(e) at least one permanent bench mark conveniently located for use after construction. The benchmark shall be placed where it is not likely to be destroyed. A three foot minimum length of pipe or steel driven flush with the ground in an area which is unlikely to be disturbed may be used. Wood or plastic stakes, nails or marks in trees shall not be considered as permanent



benchmarks. The location and description of the benchmark shall be shown on the plans. They shall be properly referenced so they can be easily found in the field. The location, description and elevation of the permanent benchmark shall be shown on the plans. The benchmark may be a benchmark identified in the community's flood insurance rate map if the benchmark is less than 500 feet from the fill. Reference to the national geodetic vertical datum of 1988, or other acceptable national vertical datum, to a tolerance of plus or minus one half foot is required for all levees and floodplain fills on perennial streams. Reference to a tolerance of 0.05 foot is required where detailed floodplain data are available. Project datum is acceptable on all other levee and floodplain fill projects; and

(f) the land for which easements or rights-of-way are to be acquired when the proposed levee or floodplain fill will affect land other than that owned by the applicant. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective May 1, 1987; amended, T-5-12-39-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-3. Levees and floodplain fills; specifications.**

The specifications for levees and floodplain fills shall be prepared on 8½ by 11 inch sheets of a good grade of white bond paper. The specification shall be in sufficient detail to assure that the works will be properly executed and shall comply with currently accepted engineering practices. The specifications shall include provisions for: (a) adequate supervision during the period of construction by a person qualified to design the levee or floodplain fill;

(b) notification of the division of water resources of the status of construction; and

(c) inspection by a representative of the division of water resources. (Authorized by and implementing K.S.A. 24-126 as amended by L. 1991, ch. 56, sec. 27; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-4. Levees and floodplain fills; preparer of maps, plans, profiles and specifications.** (a) Except as provided in subsection (b), each map, plan, profile and specification submitted to the chief engineer shall be prepared by a licensed professional engineer who is competent in levee or floodplain fill design and construction. These details may be prepared by someone working under the direct supervision of a licensed professional engineer, if that engineer approves and places the engineer's seal upon the plans and specifications prior to submission to the chief engineer.

(b) The following described levees and floodplain fills may be designed by any person competent to design a levee or floodplain fill of this size and classification:

(1) Floodplain fills other than levees located wholly in identified floodway fringe areas;

(2) floodplain fills other than levees located wholly in areas without a designated floodway which are less than 3200 cubic yards in volume, less than 4 feet in height and more than 100 feet from other floodplain fills;

(3) Class A levees; and

(4) Class B levees. (Authorized by and implementing

K.S.A. 24-126 as amended by L. 1991, ch. 56; Sec. 27; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-6. Levees and floodplain fills; other maps, plans, profiles, data and specifications.** The applicant shall also submit any other maps, plans, profiles and specifications of the levee or floodplain fill project and any other data which the chief engineer may require. (Authorized by and implementing K.S.A. 24-126 as amended by L. 1991, ch. 56, sec. 27; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-7. Levees and floodplain fills; application.** (a) The application for approval of plans to construct a levee or floodplain fill shall be filed on the form(s) prescribed by the chief engineer, including application supplements, and shall be completed in proper form according to the instructions. To be complete, the application shall include:

(1) application DWR No. 3-100-1;

(2) the application supplement, DWR Form No. 2-102;

(3) specification fully complying with requirements of K.A.R. 5-45-2;

(4) specifications fully complying with requirements of K.A.R. 5-45-3; and

(5) a copy of an application to the governing body for a floodplain development permit, if the proposed levee or floodplain fill will change the limits of the floodplain or floodway boundaries, or both.

(b) The statutory time limit on the chief engineer's deliberation for approval for floodway fringe fills shall not begin until the application is complete. When such a floodway fringe fill application is received by the chief engineer, it will be reviewed to determine whether or not it is complete. If the application is complete, the chief engineer will notify the applicant when the 90-day review period began and will end. If the application is not complete, the additional information will be requested and the applicant informed that the 90-day statutory review has not yet begun. For a floodway fringe fill application, when comments are received as a result of the water projects environmental coordination act review under K.S.A. 82a-325, et seq., which require modification of the plans, the 90-day statutory time limit shall be suspended from the time the modifications are requested by the chief engineer until satisfactory modifications of the plans are received by the division of water resources. When the appropriate modifications have been received, the 90-day time limit will begin again with the same number of days remaining as were remaining at the time of the suspension. The applicant shall be notified in writing as to the dates of the suspension and restart of the 90-day time limit. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-12. Levees and floodplain fills; setback.** Except for highway and road crossings of streams, the minimum setback distance from the top of the stream

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bank to the nearest toe of the levee or the edge of the floodplain fill shall be 100 feet, or twice the width of the stream measured from the top of one bank to the top of the opposite bank, whichever distance is less, unless the applicant demonstrates adequate bank protection will be utilized. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-13. Levees; unreasonable effect.** (a) The chief engineer shall not approve plans for any levee which is deemed to have an unreasonable effect on another. Levees shall not cause an increase in the elevation of the flood profile more than one foot at any location outside floodways designated by the chief engineer. Levees shall not cause any increase in the elevation of the base flood profile within floodways designated by the chief engineer.

(b) For a class A or class B levee, the effect of the proposed levee on the design flood profile shall be evaluated with the assumption that an equal setback levee is in place on the opposite side of the stream.

(c) For a class C levee, the effect of the proposed levee on the design flood profile shall be calculated by the technique of equal conveyance reduction from the outer floodplain limits outside the channel, unless the applicant demonstrates that the applicant has obtained legal authorization from all landowners whose land would be unreasonably hydraulically affected by a greater encroachment toward the channel. (Authorized by and implementing K.S.A. 24-126; effective May 1, 1987; amended, T-5-12-30-91, Jan. 1, 1992; amended April 27, 1992.)

**5-45-14. Levees and floodplain fills; hydrologic and hydraulic analysis.**(a) The applicant shall submit a hydrologic and hydraulic analysis for every levee and floodplain fill project except floodway fringe fill projects and those projects identified in K.A.R. 5-45-4 (b). The hydrologic and hydraulic analysis shall include the design and base floods for main streams, tributary streams and local drainage describing the existing and proposed conditions with the application and plans. Floodplain fills located outside identified floodways shall not cumulatively cause an increase in the elevation of the design and base flood profiles of more than one foot. Floodway fills shall not cause any increase in the elevation of the design and base flood profile.

(b) The effect of a proposed floodplain fill shall be calculated by the technique of equal conveyance reduction, except as provided in K.A.R. 5-45-13(b), unless in areas outside a FEMA designated floodplain:

(1) the applicant demonstrates that the applicant has obtained legal authorization from any landowner whose land is unreasonably hydraulically affected by a greater encroachment toward the channel; or

(2) the owner of the undeveloped, unplatted land which will be hydraulically affected by an increase in the elevation of the base flood profile of more than one foot by a federal or state cost-shared roadfill, bridge or culvert project has been notified of the proposed hydraulic effects by the chief engineer, the

owner has failed to object within the time limit set forth in the notice and the chief engineer determines that the increase will not be likely to materially damage the private or public property. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992.)

**5-45-15. Floodplain fills; design criteria.** Floodplain fills shall meet or exceed the following design criteria: (a) the sideslopes shall not be steeper than one vertical to three horizontal, unless the applicant submits data and analysis to show that a steeper slope will be stable.

(b) Floodplain fills shall be adequately protected from erosion and undermining from floods up to the level of the base flood elevation and surface drainage by the use of vegetative cover, riprap or other means.

(c) Floodplain fills shall not unreasonably obstruct or divert the flow of surface water and other waters from the main stream and tributaries to the main stream to the detriment of adjacent or hydraulically affected property owners.

(d) Floodplain fills shall not obstruct utility or other easements without proper authorization.

(e) Floodplain fills shall not unreasonably affect the environment without adequate environmental mitigation.

(f) Floodplain fills, other than levees, for residential buildings, including manufactured housing, are required to be of adequate height to raise the lowest floor, including the basement, at least one foot above the base flood elevation, unless:

(1) an exception has been granted by the flood insurance administrator of the flood insurance administration within the FEMA for the allowance of a basement; or

(2) the chief engineer has approved a community standard at or above base flood elevation.

(g) Floodplain fills other than levees for sewage lagoons and sanitary landfills are required to have at least one foot of freeboard above the base flood.

(h) Except for fills for highways and roads, all other floodplain fills other than levees are required to have at least one foot of freeboard above the design flood.

(i) If subsequent to approval of the floodplain fill by the chief engineer, a letter of map revision or letter of amendment is obtained from FEMA removing an area of the approved or permitted fill from the floodplain, then any permit or approval issued by the chief engineer no longer applies to that area removed from the floodplain. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992.)

**5-45-16. Floodplain fills; disapproval.** (a) A levee or floodplain fill should not have an unreasonable effect on adjacent landowners, be adverse to the public interest and environmental concerns or lack required environmental mitigation.

(b) Within six months of the disapproval, the applicant may make a written request to the chief engineer to rescind the disapproval by providing information or modification of the plans requested by the chief engineer. (Authorized by and implementing

K.S.A. 24-126 as amended by L. 1991, ch. 56, sec. 27; effective, T-5-12-3091, Jan. 1, 1992; effective April 27, 1992.)

**5-45-17. Exemption—floodway fringe fills.** Floodway fringe fills are exempt from applying for and obtaining approval from the chief engineer if: (a) they are:

- (1) up to 1600 cubic yards in size;
- (2) with a maximum height of two feet;
- (3) more than 100 feet away from any other floodplain fills; and
- (4) constructed according to the design criteria in K.A.R. 5-45-15; or

(b) they are located in communities which have adopted local standards for floodway fringe fills approved by the chief engineer which meet or exceed the standards adopted by the chief engineer for individual floodway fringe fills. The standards shall include an appeal process, an environmental assessment and a review of local drainage. (Authorized by and implementing K.S.A. 1991 Supp. 24-126; effective, T-5-12-30-91, Jan. 1, 1992; effective April 27, 1992.)

Sam Brownback  
Secretary of Agriculture

Doc. No. 011698

State of Kansas

## Social and Rehabilitation Services

### Permanent Administrative Regulations

#### Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-140. Payments.** (a) Payment amounts. Payments shall equal the budgetary deficit, which shall be rounded down to the nearest dollar, except as set forth below:

(1) Payments for the month of application shall equal the budgetary deficit which shall be prorated beginning with the date of application through the end of the month. This amount shall be rounded down to the nearest dollar.

(2) Payment shall not be made if the amount of the budgetary deficit is less than \$10.00. When a payment is not made under this provision, recipient status shall continue.

(b) Underpayments. Underpayments shall be promptly corrected.

(c) Overpayments. Overpayments shall be promptly corrected. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. The assistance payment shall not be reduced below an amount which, when added to liquid resources, total earned income with no disregards or exemptions and nonexempt unearned income, is less than 90 percent in ADC or 80 percent in GA of the budgetary requirement for the number of persons in the assistance plan. The agency shall not initiate recovery procedures pending the disposition of a welfare fraud referral.

(d) Disqualification penalties.

(1) Individuals found to have committed fraud, either through an administrative disqualification hearing or by a court of appropriate jurisdiction, or who have signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in cases referred for prosecution, shall be ineligible for assistance for:

- (A) Six months for the first violation;
- (B) twelve months for the second violation; and
- (C) permanently for the third violation.

A court may impose an additional 18 months disqualification period for the first and second convictions on criminal cases only. If a court fails to impose a disqualification period, the disqualification periods outlined above shall be imposed unless it is contrary to the court order.

(2) Upon determination of fraud, an otherwise eligible applicant shall be denied assistance. An otherwise eligible recipient shall be terminated from assistance following the determination of fraud no later than the first day of the second month following the month the notice of disqualification is sent. If the individual is not eligible for and not receiving assistance at the time of the fraud determination, the disqualification period shall be deferred until the individual applies for and is determined otherwise eligible for benefits, except as noted in a court order.

(e) Discontinuance of assistance payments. Assistance payments shall be discontinued when the recipient no longer meets one or more of the appropriate factors of eligibility. The effective date of this regulation shall be May 1, 1992. (Authorized by K.S.A. 1991 Supp. 39-708c; implementing K.S.A. 39-719b, K.S.A. 1991 Supp. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended May 1, 1992.)

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

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

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

(2) "Accrual basis accounting" means 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.

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(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 re-

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

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

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

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

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

(A) A medicaid/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 percent; 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, includ-

ing 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 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.

(continued)



(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 percent 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.

(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 or precertification" 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

(continued)



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 permanent facilities that include inpatient beds, with medical services, including physician services and continuous registered professional nursing services for not less than 24 hours of every day, and which provides diagnosis and treatment for nonrelated patients who have specified medical conditions, 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 May 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 Jan. 2, 1990; 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; amended May 1, 1992.)

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

(1) Submit an application for participation in the medicaid/medikan program on forms as prescribed by the secretary of the Kansas department of social and rehabilitation services;

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

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

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

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

(6) locate a provider service representative and an outlet accessible to the general public in Kansas if applying to be an out-of-state durable medical equipment or medical supply provider; and

(7) be located in Kansas or a border city if applying to be a pharmacy unless the pharmacy is providing services to children in the custody of the secretary of the Kansas department of social and rehabilitation

services or to program recipients in emergency situations. The only exception to this shall be if the pharmacy is an approved contractor with the Kansas department of health and environment as a supplier of intravenous blood fraction products.

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

(c) Continuing participation. Each participating provider shall:

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

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

(3) submit accurate claims or cost reports;

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

(5) engage in ethical and professional conduct;

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

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

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

(d) Recordkeeping. Each participating provider shall:

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

(A) Fiscal, medical and other recordkeeping systems;

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

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

(D) franchise or management arrangements;

(E) matters pertaining to costs of operation;

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

(G) a statement of changes in financial position.

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

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

(e) Payment. Each participating provider shall:

(continued)

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

(2) not assign medicaid/medikan program claims or grant a power of attorney over or otherwise transfer right to payment for such claims except as set forth in 42 CFR 447.10, revised October 1, 1988, which is adopted by reference;

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

(4) not charge medicaid/medikan program recipients for noncovered services unless the recipient has been informed of the noncoverage prior to the rendering of the service;

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

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

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

(f) Provider participation in the medicaid/medikan program may be disallowed for any of the reasons set forth in K.A.R. 30-5-60. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended May 1, 1992.)

**30-5-64. Prior authorization or precertification.** (a) Failure to obtain prior authorization or precertification, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified treatment. The prior authorization or precertification shall affect reimbursement to all providers associated with the service.

(b) The only exceptions to prior authorization shall be:

(1) Emergencies; and

(2) situations in which services requiring prior authorization are provided and retroactive eligibility is later established. When an emergency occurs or when retroactive eligibility is established, authorization for that service shall be waived, and, if medical necessity is documented, payment shall be made.

(c) The only exceptions to precertification shall be:

(1) Emergencies. In the event of an emergency for a service which requires precertification, the request for certification must be made within two working days after the service is provided; or

(2) Retroactive eligibility. If the provider is aware of an individual pending application for eligibility, precertification must be requested and received for those services requiring precertification. If an individual applies for medicaid eligibility after receiving the service which required precertification and the service requiring precertification may be covered for payment under retroactive eligibility, the certification for the service must be requested before the claim is billed.

(d) Services requiring prior authorization or precertification shall be considered covered services within the scope of the program unless the request for prior authorization or precertification is denied. Reimbursement for the services shall be contingent on approval by the proper authorities prior to the provision of the services. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1992.)

**30-5-65. Filing limitations for medical claims.**

Each claim for payment shall be received by the Kansas department of social and rehabilitation services or its fiscal agent within six months of the date of service. Each medical claim which has been denied for payment shall be resubmitted to and received by the department or its fiscal agent within 12 months of the date of service and in conformance with all billing requirements of the medicaid/medikan program or payment shall not be made. The only exceptions shall be: Claims for services provided to a child who at the time of service was in the custody of the secretary or a child for whom the agency has entered into an adoptive support agreement if the medical provider did not have knowledge of the custody or the agreement;

(b) Claims submitted to Medicare within six months after the date of service, paid or denied for payment by Medicare, and subsequently received by the Kansas medical assistance program within 30 days after the Medicare payment or denial date;

(c) claims determined payable by reason of administrative appeals, court action or agency error;

(d) claims for emergency services rendered by out-of-state providers who are not already enrolled as program providers; or

(e) claims arising out of circumstances described under subsections (a), (b), (c) or (d) and determined not to be payable under any such item, but the secretary determines that such claims were the result of extraordinary circumstances. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended May 1, 1992.)

**30-5-70. Payment of medical expenses for eligible recipients.** (a) Payment for covered services shall be made only to those providers participating in the program pursuant to K.A.R. 30-5-59. The only exceptions shall be pursuant to K.A.R. 30-5-65.

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

(1) Payment of medicare (title XVIII) premiums and deductibles and co-insurance amounts for services covered in the medicaid program. Recipients who are ineligible for program coverage because they have a spenddown shall be eligible for the payment of the medicare (title XVIII) premium expense. For cash re-

recipients, including SSI recipients, age 65 or older, payment of the medicare (title XVIII) premium shall begin with the month of approval for medicaid, excluding any months of prior eligibility. For recipients under age 65 who are eligible for medicare after receiving retirement and survivor's disability insurance for 24 consecutive months, payment of the medicare (title XVIII) premium shall begin with the 25th month. For all other recipients, payment of the medicare (title XVIII) premium shall begin with the second month following the month of approval for medicaid, excluding any months of prior eligibility;

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

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

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

(5) services in excess of medicaid/medikan program limitations for foster care and adoption support recipients, when approved by the agency; and

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

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

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

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

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

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

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

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

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

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

(H) the service was provided by a provider not designated as a lock-in provider for any recipient who is locked into designated providers due to abuse or par-

ticipation in a primary care network. This limitation shall not apply to emergency services or services not provided by the primary care network; or

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

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

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

(B) emergency services rendered outside the state;

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

(D) services provided by independent laboratories; and

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

(3) The scope of services for adult non-medicaid (non-title XIX) program recipients shall be limited as set forth in K.A.R. 30-5-150 through 30-5-172.

(4) Nursing facility and ICF/MR services shall not be covered for individuals who do not meet the financial provisions of K.A.R. 30-6-53(d).

(d) Payment for medical services shall be made when it has been determined and approved by the agency that an agency administrative error has been made. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; modified, L. 1982, ch. 469, May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992.)

**30-5-110. Scope of partial hospitalization programs.** (a) Partial hospitalization services shall be provided in a community mental health center or a facility affiliated with a community mental health center. The only exception to this is Kan Be Healthy program participants who may receive services in either an affiliated or non-affiliated partial hospitalization program.

(b) Supportive partial hospitalization services shall be limited to a maximum of 1560 hours per medicaid recipient per calendar year.

(continued)

(c) Crisis-stabilization partial hospitalization services shall be limited to a maximum of 960 hours per medicaid recipient per calendar year.

(d) Partial hospitalization services provided by state institutions shall be exempt from any limitations of hours per recipient per calendar year. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1983; amended, T-84-7, May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Aug. 1, 1990; amended Oct. 28, 1991; amended May 1, 1992.)

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

**30-6-55. Cooperation.** (a) Establishment of eligibility. Each applicant, recipient, or ineligible caretaker relative shall cooperate with the agency in the establishment of eligibility. Failure to provide information necessary to determine eligibility shall render the assistance family ineligible for medical assistance as provided in K.A.R. 30-6-39.

(b) Potential resources. Each applicant or recipient shall cooperate with the agency in obtaining any resources due the applicant, recipient, or any other person for whom assistance is claimed. Failure to cooperate without good cause shall render the applicant or recipient ineligible for medical assistance.

(c) Social security number. Each applicant or recipient shall provide the agency with the applicant's or recipient's social security number. Failure to provide the number, or failure to apply for a number if the applicant or recipient has not previously been issued a number, shall render the applicant or recipient ineligible for assistance.

(d) Paternity and support. Each applicant or recipient shall cooperate with the agency in establishing the paternity of any child born out-of-wedlock for whom assistance is claimed, and in obtaining support for the applicant or recipient and for any child for whom assistance is claimed. Failure to cooperate shall render the applicant or recipient ineligible for assistance unless the individual demonstrates good cause for refusing to cooperate. Cooperation shall include:

(1) Appearing at the local child support enforcement office, as necessary, to provide information or documentation needed to establish the paternity of a child born out-of-wedlock, to identify and locate the absent parent, and to obtain support;

(2) appearing as a witness at court or at other proceedings necessary to achieve the child support enforcement objectives;

(3) forwarding to the child support enforcement unit any support payments received from the absent parent which are covered by the support assignment; and

(4) providing information, or attesting to the lack of information, under penalty of perjury.

(e) Third party resources. Each applicant or recipient shall cooperate with the agency in identifying and providing information to assist the agency in pursuing

any third party who may be liable to pay for medical services under the medical assistance program. Failure to cooperate without good cause shall render the applicant or recipient ineligible for medical assistance.

(f) Group health plan enrollment. Each applicant or recipient who is otherwise eligible shall cooperate with the agency in enrolling in a group health plan offered by the applicant's or recipient's employer where the agency has determined that such plan is cost effective. To be cost effective the amount paid for premiums, co-insurance, deductibles, and other cost-sharing obligations under the group health plan, and any additional administrative costs, shall be less than the amount paid for an equivalent set of medicaid services. Failure to cooperate without good cause shall render the applicant or recipient ineligible for medical assistance. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, T-86-9, May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended Jan. 1, 1990; amended May 1, 1992.)

**30-6-56. Transfer of property.** (a) Definitions.

(1) "Transfer of property" means any act, contract, lease, or share whereby the use, control, or ownership of property of an applicant or recipient passes to another person or corporation.

(2) For purposes of this regulation, "institutionalized individual" means an applicant or recipient who is residing in a nursing facility, in a medical institution that is providing the individual a level of care equivalent to the care provided by a nursing facility, or in a home- and community-based services living arrangement.

(b) Eligibility limitation. An institutionalized individual shall not be eligible for coverage of institutional or home- and community-based services if such individual transferred property without adequate consideration within a 30-month time period prior to or after the date the individual received or was otherwise eligible to receive these services. Multiple transfers that occur within a calendar month shall be treated as a single transfer. The following transfer shall not affect eligibility under this provision:

(1) Transfers of property with an uncompensated value of less than the average private pay rate of all nursing facilities in the state;

(2) transfers of property that occurred more than 30 months prior to or after the date the individual received or was otherwise eligible to receive institutional or home- and community-based services;

(3) transfers of property at or near fair market value. For purposes of this provision, adequate consideration shall be granted if the compensation received for a non-cash asset is equal to or greater than 75 percent of the market value;

(4) transfers of property with an uncompensated value which, when added to the value of other non-exempt resources, does not exceed the allowable resource limits;

(5) transfers of property that have been approved by the agency. The agency shall grant approval if the



transfer is for adequate consideration and is a bona fide transaction;

(6) a transfer of property executed pursuant to the division of assets provisions contained in K.A.R. 30-6-106;

(7) transfer of the institutionalized individual's home to:

(A) The spouse of the institutionalized individual;

(B) a child of the institutionalized individual who is under the age of 21 or who meets the blindness or disability criteria of K.A.R. 30-6-85;

(C) a sibling of the institutionalized individual who has an equity interest in such home and who was residing in the home for a period of at least one year immediately before the date the individual entered the institutional or home- and community-based services arrangement; or

(D) a child of the institutionalized individual other than the child described in item (7)(B) above, who was residing in the home for a period of at least two years immediately before the date the individual entered the institutional or home- and community-based services arrangement and who provided care to the institutionalized individual which permitted the individual to reside at home; and

(8) property transferred to:

(A) The institutionalized individual's spouse or to another for the sole benefit of the individual's spouse if such spouse does not transfer this property to another person other than the institutionalized individual without adequate consideration; or

(B) the institutionalized individual's child who meets the blindness or disability criteria of K.A.R. 30-6-85.

(c) Trust fund transfers. Except for trusts created for burial purposes under K.S.A. 16-303 and K.S.A. 16-321, a transfer of property, real or personal, to an irrevocable trust or similar irrevocable legal device shall be considered a transfer without adequate consideration since the person who created the trust does not retain the right to dissolve or amend the trust for purposes of obtaining the resources.

(d) Procedures. The procedures set forth below shall be used in determining an institutionalized individual's eligibility for medical assistance under the above provisions.

(1) A record shall be assembled in chronological order for each transfer of property.

(2) After securing the information listed above, the agency shall examine the reason for the transfer. In examining the reason for the transfer, the agency shall determine first if adequate consideration was received. If the agency determines that adequate consideration was not received, it shall be presumed that the transfer was for the purpose of establishing eligibility unless the person furnishes convincing evidence that the transfer was exclusively for some other purpose.

(3) The decision of the agency with respect to convincing evidence shall be governed by the following criteria:

(A) Any transfer of property shall be considered in the light of the circumstances at the time the transfer was made.

(B) The weight given to an institutionalized indi-

vidual's statement that the transfer was not connected with that person's application for medical assistance shall be in proportion to the length of the interval between the transfer and the application.

(C) The difference in the equity transferred and the consideration received shall be such that it would be evident to the ordinary individual that full value had not been received.

(D) An institutionalized individual shall not be penalized for name removal from the title or restricting access to the property if the individual can substantiate that the individual has no ownership interest in the property. Factors to be documented and considered shall include the source and use of the property. This provision shall not be applicable to jointly owned resources between legally responsible persons.

(e) Period of ineligibility.

(1) If the agency determines that any institutionalized individual has transferred real or personal property without the approval of the agency and without adequate consideration, or for the purpose of establishing medical assistance eligibility, the agency shall determine the period of ineligibility.

The uncompensated value of the property transferred in excess of the property's resource limit, less the difference between the value of the nonexempt resources of the applicant or recipient and the allowable nonexempt resource limit, shall be divided by the average private pay rate of all nursing facilities in the state to determine the number of months of ineligibility. The period of ineligibility shall commence with the month in which the property was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice.

(2) The period of ineligibility due to the transfer of property shall not in any event exceed 30 months from the month of the transfer of the property in question. The period of ineligibility shall be subject to re-evaluation on the basis of additional evidence or other justification for authorization of assistance.

(3) If there is evidence that a transfer was made for the purpose of making the individual eligible for assistance or without adequate consideration and later the property is reconveyed to the individual, or if there is an adjustment in the transfer through which the individual receives adequate consideration, the loss of the resource no longer exists. The individual shall, if otherwise qualified, be eligible for medical assistance.

(4) The period of ineligibility shall be initially waived or subsequently suspended if it is determined that the action to waive or suspend is necessary to avoid undue hardship. The effective date of this regulation shall be May 1, 1992. (Authorized by K.S.A. 1990 Supp. 39-708c; implementing K.S.A. 1990 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended 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, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended May 1, 1992.)

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

**30-10-1b. Nursing facilities.** (a) The nursing facility program shall include the following types of care facilities: nursing facilities and nursing facilities for mental health.

(b) Change of provider.

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

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

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

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

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

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

(c) Each new provider shall be subject to a certification survey by the department of health and environment, and if certified, the period of certification shall be as established by the Kansas department of health and environment. The effective date of this regulation shall be May 1, 1992. (Authorized by and im-

plementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended May 1, 1992.)

**30-10-11. Personal needs fund.** (a) At the time of admission, nursing facility providers shall furnish that resident and the representative, if any, with a written statement that:

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

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

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

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

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

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

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

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

(6) states that, if the resident becomes incapable of managing the personal needs fund and does not have a representative, the provider is required to arrange for the management of the resident's personal funds as provided in K.A.R. 30-10-11(j).

(b)(1) The provider shall, upon written authorization by the resident, accept responsibility for holding, safeguarding and accounting for the resident's personal needs fund. The provider may make arrangements with a federally or state-insured banking institution to provide these services. However, the responsibility for the quality and accuracy of compliance with the requirements of K.A.R. 30-10-11 shall remain with the provider. The provider may not charge the resident for these services. Routine bank service charges shall be included in the provider's per diem rate and shall not be charged to the resident. Overdraft charges and other bank penalties are not allowable.

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

(A) The resident's name;



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

(C) the admission date;

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

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

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

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

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

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

(B) total deposits and withdrawals;

(C) the interest earned, if any; and

(D) the ending balance.

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

(d) **Types of accounts; distribution of interest.**

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

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

(3) The interest earned on any pooled interest-bearing account shall be distributed without reductions in one of the following ways, at the election of the provider:

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

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

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

(f) When a provider is a resident's representative

payee and directly receives monthly benefits to which the resident is entitled, the provider shall fulfill all of its legal duties as representative payee.

(g) **Duties on change of provider.**

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

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

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

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

(1) The resident's next of kin;

(2) the resident's representative; and

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

(i) The provider shall purchase a surety bond and submit a report on forms designated by the Kansas department of health and environment. The provider shall give assurance of financial security in an amount equal to or greater than all residents' funds managed by the provider at any time during the one year period.

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

(k) **Resident property records.**

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

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

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

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

(continued)

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

(o) The provider shall provide and maintain a system of accounting for expenditures from the resident's personal needs fund. This system shall follow generally accepted accounting principles and shall be subject to audit by representatives of the agency. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective, E-74-43, Aug. 16, 1974; effective, E-74-44, Aug. 28, 1974; effective May 1, 1975; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992.)

**30-10-18. Rates of reimbursement.** (a) Rates for existing nursing facilities.

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

(2) Per diem rates shall be limited by cost centers and percentile maximums, except where there are special level of care facilities approved by the United States department of health and human services.

(A) The cost centers and percentile limits shall be as follows:

- (i) Administration—75th percentile;
- (ii) property—85th percentile;
- (iii) room and board—90th percentile; and
- (iv) health care—90th percentile.

(B) The property cost center maximum shall consist of the plant operating costs and an adjustment for the real and personal property fees.

(C) The percentile limits are determined from an annual array of the most recent historical costs of each provider in the data base.

(3) To establish a per diem rate for each provider, a factor for incentive, historical inflation, and estimated inflation shall be added to the allowable per diem cost. Other factors for the minimum wage adjustment and the federal omnibus budget reconciliation act requirements may be added to the per diem rate, when determined appropriate by the agency. After the rate is established for a provider, a detailed listing of the computation of that rate shall be provided to the provider. The effective date of the rate for existing facilities shall be in accordance with K.A.R. 30-10-19.

(b) Comparable service rate limitations.

(1) Nursing facility. The per diem rate for nursing

facility care shall not exceed the rate or rates charged for the same types of services to residents not under the medicaid/medikan program.

(2) Nursing facilities for mental health. The per diem rate for nursing facilities for mental health shall not exceed the rate or rates charged for the same level of care in the nursing facility for mental health and for the same types of services to residents not under the medicaid/medikan program.

(3) The current private pay rate structure and the effective date shall be reported on the uniform cost report.

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

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

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

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

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

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

(c) Rates for new construction. The per diem rate or rates for newly constructed nursing facilities shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17. No rate shall be paid until an adult care home financial and statistical report is received.

(d) Change of provider.

(1) When a provider makes no change in the facility, number of beds or operations, the payment rate for the first 12 months of operation shall be based on the historical cost data of the previous owner or provider. The new owner or provider shall file an historical cost report within 90 days after the end of the first 12-month fiscal year of operation.

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

(e) Per diem rates with errors.

(1) When per diem rates, whether based upon projected or historical cost data, are audited by the agency and are found to contain errors, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or un-

derpaid. If a provider no longer operates a facility with an identified overpayment, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation unless other arrangements have been made to reimburse the agency. A net settlement may be made when a provider has more than one facility involved in settlements.

(2) Per diem rates for providers may be increased or decreased as a result of a desk review or audit on the provider's cost reports. Written notice of these per diem rate changes and of the audit findings shall be sent to the provider. Retroactive adjustments of rates paid during any projection period shall apply to the same period of time covered by the projected rates.

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

(f) Out-of-state providers. Rates for out-of-state providers certified to participate in the Kansas medicaid/medikan program shall be the rate or rates approved by the agency. Out-of-state providers require prior authorization by the agency.

(g) Determination of rates for nursing facility providers re-entering the medicaid program.

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

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

(i) Has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more; or

(ii) has not participated in the medicaid program for less than 24 months and the per diem rate to be paid is not sufficient reimbursement for providing the economic and efficient care and services required by program laws and regulations; or

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

(2) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(A) of this subsection, a settlement shall be made in accordance with K.A.R. 30-10-18(e).

(3) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(B) of this subsection, a settlement shall be made only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1985; amended May 1, 1986; amended, T-87-29, Nov. 1, 1986; amended May 1, 1987; amended, T-89-5, Jan. 21, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended T-30-10-1-90,

Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992.)

**30-10-23a. Non-reimbursable costs.** (a) Costs not related to resident care, as set forth in K.A.R. 30-10-1a, shall not be considered in computing reimbursable costs. In addition, the following expenses or costs shall not be allowed:

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

(2) bad debts;

(3) donations and contributions;

(4) fund-raising expenses;

(5) taxes, as follows:

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

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

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

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

(E) taxes levied against any patient or resident and collected and remitted by the provider;

(F) self-employment taxes applicable to individual proprietors, partners, or members of a joint venture; and

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

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

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

(8) utilization review;

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

(10) oxygen;

(11) vending machine and related supplies;

(12) board of director costs;

(13) resident personal purchases;

(14) barber and beauty shop expenses;

(15) advertising for patient utilization;

(16) public relations expenses;

(17) penalties, fines, and late charges;

(18) prescription drugs;

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

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

(21) provider or related party owned, leased or chartered airplanes and related expenses;

(22) therapeutic beds; and

(23) bank overdraft charges or other penalties.

(b) The following contract cost limitations under the NF-MH day activity program shall not be allowed:

(1) Recipient salaries and FICA match;

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

(3) all costs related to securing contracts; and

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

(continued)

- (A) Cost of equipment lease;
- (B) maintenance of equipment;
- (C) purchase of small tools under \$100.00; and
- (D) depreciation of production equipment. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1985; amended May 1, 1988; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1991; amended Oct. 28, 1991; amended May 1, 1992.)

**30-10-23b. 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 resident 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 with a newly constructed facility shall be recognized if it is:

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

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

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

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

(i) Administrative and nursing salaries;

(ii) utilities;

(iii) taxes;

(iv) insurance;

(v) mortgage interest;

(vi) employee training costs; and

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

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

(6) Organization and other corporate costs, as defined in K.A.R. 30-10-1a, 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. 30-10-23a shall not be allowable.

(8) (A) Costs associated with services, facilities, and supplies furnished to the nursing facility by related

parties, as defined in K.A.R. 30-10-1a, 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 nursing facility 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/Medicaid program in the absence of a clear justification for the premium.

(9) The net cost of job related training and educational activities shall be an allowable cost. This includes the net cost of "orientation" and "on-the-job training."

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

(11) Lease payments. Lease payments shall be reported in accordance with the financial accounting statements of the Financial Accounting Standards Board. The effective date of this regulation shall be May 1, 1992. (Authorized by and implementing K.S.A. 1990 Supp. 39-708c; effective May 1, 1985; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended May 1, 1992.)

Donna Whiteman  
Secretary of Social and  
Rehabilitation Services

Doc. No. 011703

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, March 12, 1992.)

SENATE BILL No. 515

AN ACT amending the state certified and licensed real property appraisers act; amending K.S.A. 1991 Supp. 58-4104, 58-4106 and 58-4107 and repealing the existing sections.

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

Section 1. K.S.A. 1991 Supp. 58-4104 is hereby amended to read as follows: 58-4104. (a) There is hereby established the real estate appraisal board which shall be attached to the commission for purposes of administrative functions.

(b) The board shall consist of seven members appointed by the governor. At least one member of the board shall represent the general public, at least two shall represent financial institutions and at least three shall be real estate appraisers. ~~No two real estate appraiser members shall be members of the same real estate appraisal organization.~~ Upon expiration of the terms of the first members appointed to the board and thereafter: (1) No real estate appraiser member of the board shall be eligible to serve unless such

member is a state certified or licensed appraiser; and (2) at least one appraiser member shall be a certified general real property appraiser. Any member representing the general public shall not be affiliated with any financial institution or in the practice of real estate appraising.

(c) Members of the board shall serve for terms of three years except that, of the members first appointed to the board, two shall serve for terms of two years and two shall serve for terms of one year, as designated by the governor. Upon expiration of a member's term, the member shall continue to hold office until the appointment and qualification of a successor. No person shall serve as a member of the board for more than two consecutive terms.

(d) The governor may remove a member of the board for cause.

(e) The board shall hold meetings and hearings in the city of Topeka or at such times and places as it designates, on call of the chairperson or on request of two or more members.

(f) The members of the board shall select a chairperson from among the members to preside at board meetings.

(g) A quorum of the board shall be four members.

(h) Each member of the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto for attendance at any meeting of the board or any subcommittee meeting authorized by the board.

(i) The provisions of the Kansas sunset law apply to the real estate appraisal board established by this section, and the board is subject to abolition under that law.

Sec. 2. K.S.A. 1991 Supp. 58-4106 is hereby amended to read as follows: 58-4106. (a) The commission shall:

(1) Receive applications for certification and licensure and renewal of certificates and licenses;

(2) issue certificates and licenses after the board has approved applications for certification and licensure and renewal of certificates and licenses;

(3) maintain a registry of the names and addresses of persons certified and licensed under this act and transmit the registry to the appraisal subcommittee of the federal financial institutions examination council on an annual basis in accordance with federal law;

(4) maintain all records submitted to it;

(5) collect fees prescribed pursuant to K.S.A. 1990 1991 Supp. 58-4107 and amendments thereto;

(6) make such expenditures as are necessary to properly carry out the provisions of this act; and

(7) submit the board's annual budget, assisted by the board, to the department of administration.

(b) The commission may assist the board in such other manner as agreed upon by the board and commission.

Sec. 3. K.S.A. 1991 Supp. 58-4107 is hereby amended to read as follows: 58-4107. (a) The board shall adopt rules and regulations prescribing the fees provided for by this act in amounts necessary to administer and enforce this act, subject to the following:

(1) For application for certification or licensure, a fee not to exceed \$50.

(2) For any examination required for certification or licensure, a fee in an amount equal to the actual cost of the examination and administration thereof.

(3) For original certification or licensure, a fee not to exceed \$150.

(4) For renewal of a certificate or license, a fee not to exceed \$100.

(5) original or renewal certification or licensure, a fee not to exceed \$300.

(4) For late renewal of a certificate or license, a late fee not to exceed \$50.

(6) (5) For certification to another jurisdiction that an individual is certified or licensed, an amount not exceeding \$10 \$25.

(7) (6) For approval of a course of instruction approved pursuant to K.S.A. 1990 1991 Supp. 58-4105 and amendments thereto, an amount not to exceed \$100.

(8) (7) For renewal of a course of instruction approved pursuant to K.S.A. 1990 1991 Supp. 58-4105 and amendments thereto, an amount not to exceed \$25.

If a certificate or license is issued or renewed for a period other than one year, the fee shall be prorated to the nearest whole month.

(b) In addition to the certificate or license issued pursuant to this act, the board may offer to provide a wall certificate, which shall bear no expiration date, and may charge a fee not exceeding \$50 to each appraiser requesting the issuance of a wall certificate.

(c) The board may prescribe a fee not to exceed \$50 for registration of an appraiser pursuant to subsection (b) of K.S.A. 1990 1991 Supp. 58-4103 and amendments thereto.

(e) (d) The board may establish different classes of courses of instruction for the purpose of establishing fees pursuant to subsection (a)(7) and (8) subsections (a)(6) and (7) and may establish a different fee for each such class.

(d) (e) In addition to the fees prescribed above, the commission shall collect any registry fee required pursuant to federal law. Such registry fees shall be transmitted by the commission to the appraisal subcommittee of the federal financial institutions examination council in accordance with federal law.

(e) (f) Except as provided in subsection (f) (g), the commission shall collect all fees provided for by this act. No original or renewed certificate or license shall be issued unless all appropriate fees, including any federal registry fee, have been paid.

(f) (g) If a testing service has been designated by the board to administer the examination, each applicant shall pay the examination fee to the testing service.

(g) (h) The director of the commission shall remit to the state treasurer at least monthly all moneys, received pursuant to this act. Upon receipt thereof the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit, other than amounts collected for federal registry fees or for civil fines imposed pursuant to K.S.A. 1990 1991 Supp. 58-4118 and amendments thereto, shall be credited to the state general fund and the balance shall be credited to the appraiser fee fund, which is hereby created in the state treasury. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the commission or by a person or persons designated by the director.

(h) (i) All amounts collected for federal registry fees shall be credited totally to the federal registry clearing fund, which is hereby created in the state treasury. All disbursements from the federal registry clearing fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the commission or by a person or persons designated by the director. Amounts credited to the federal registry clearing fund under this section shall not be subject to any limitations imposed by any appropriations act of the legislature.

Sec. 4. K.S.A. 1991 Supp. 58-4104, 58-4106 and 58-4107 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.

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44-13-401a	Amended	V. 11, p. 328
44-13-402	Amended	V. 11, p. 328
44-13-403	Amended	V. 11, p. 328
44-13-404	Amended	V. 11, p. 330
44-13-405	Revoked	V. 11, p. 331
44-13-405a	Amended	V. 11, p. 331
44-13-406	Amended	V. 11, p. 331
44-13-407	Revoked	V. 11, p. 332
44-13-408	Amended	V. 11, p. 332
44-13-501	Amended	V. 11, p. 332
44-13-502	Revoked	V. 11, p. 332
44-13-502a	New	V. 11, p. 332
44-13-503	Revoked	V. 11, p. 332
44-13-504	Revoked	V. 11, p. 333
44-13-506	Amended	V. 11, p. 333
44-13-507	Amended	V. 11, p. 333
44-13-601	Amended	V. 11, p. 333
44-13-603	Amended	V. 11, p. 333
44-13-610	Amended	V. 11, p. 333
44-13-701	Amended	V. 11, p. 333
44-13-702	Amended	V. 11, p. 334
44-13-703	Amended	V. 11, p. 334
44-13-704	Amended	V. 11, p. 334
44-13-705	Amended	V. 11, p. 334
44-13-706	Amended	V. 11, p. 334
44-13-707	Amended	V. 11, p. 335
44-15-101	Amended	V. 11, p. 335
44-15-102	Amended	V. 11, p. 335
44-15-105a	New	V. 11, p. 336
44-16-104	Amended	V. 11, p. 337

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—

DIVISION OF WORKERS' COMPENSATION

Reg. No.	Action	Register
51-24-1	Amended	V. 11, p. 212
51-24-4	Amended	V. 11, p. 212
51-24-8	New	V. 11, p. 213
51-24-9	New	V. 11, p. 213
51-24-10	New	V. 11, p. 214

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

(continued)

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
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
111-2-20	New	V. 11, p. 199
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
115-4-7	Amended	V. 10, p. 460
115-4-11	Amended	V. 10, p. 461
115-4-12	New	V. 10, p. 461
115-7-1	Amended	V. 10, p. 1820
115-8-9	Amended	V. 10, p. 1820
115-12-3	New	V. 10, p. 1821
115-13-1 through		
115-13-5	New	V. 10, p. 917-919
115-14-1 through		
115-14-10	New	V. 10, p. 1441-1443
115-17-10 through		
115-17-13	New	V. 10, p. 461, 462
115-20-3	Amended	V. 10, p. 1821
115-20-4	New	V. 10, p. 1821

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-1-1	Amended	V. 10, p. 911, 951
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
117-2-4	New	V. 10, p. 912, 952
117-3-1	Amended	V. 10, p. 912, 953
117-3-2	Amended	V. 10, p. 913, 953
117-3-3	New	V. 10, p. 913, 953
117-3-4	New	V. 10, p. 913, 953
117-4-1 through		
117-4-4	New	V. 10, p. 913, 914, 954
117-6-1	Amended	V. 10, p. 914, 954
117-6-2	Amended	V. 10, p. 915, 955
117-6-3	Amended	V. 10, p. 915, 955
117-7-1	Amended	V. 10, p. 916, 956
117-8-1	New	V. 10, p. 916, 956
117-9-1	New	V. 10, p. 916, 956

AGENCY 119: KANSAS DEVELOPMENT FINANCE AUTHORITY

Reg. No.	Action	Register
119-1-1	New	V. 10, p. 263
119-1-2	New	V. 10, p. 264
119-1-3	New	V. 10, p. 264

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