

Kansas Register

Bill Graves, Secretary of State

Vol. 12, No. 11 March 18, 1993 Pages 369-412

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State of Kansas

Kansas Insurance Department

Notice of Hearing

A formal hearing will be conducted at 10 a.m. Monday, March 29, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed merger of consolidated Farmers Mutual Insurance Company, Inc., Colwich, with and into Farmers Alliance Mutual Insurance Company, McPherson, should be approved by the Commissioner of Insurance.

Farmers Alliance Mutual Insurance Company and Consolidated Farmers Mutual Insurance Company, Inc. have requested that the Commissioner of Insurance approve the merger of the two companies pursuant to K.S.A. 40-1216 *et seq.*

All interested parties may attend and will be given the opportunity to hear the details of the proposed merger, to present either oral or written testimony in favor of or in opposition to the proposed merger, and to ask any questions relative to the merger.

Ron Todd
Commissioner of Insurance

Doc. No. 013179

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210 as amended per 1992 Session Laws of Kansas, Chapter 146. These rates and their uses are defined in K.S.A. 75-4201(l), 12-1675(b)(c)(d) and K.S.A. 75-4209(a)(1)(B), as amended by the 1992 Legislature.

Effective 3-22-93 through 3-28-93

Term	Rate
0-90 days	2.99%
3 months	3.01%
6 months	3.16%
12 months	3.47%
24 months	4.06%
36 months	4.64%
48 months	5.08%

Sally Thompson
State Treasurer

Doc. No. 013184

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Secretary of State
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Topeka, KS 66612-1594
(913) 296-2236



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

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.

Monday, March 29, 1993

RFQ 93 0806

Portable automated water samplers

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

Doc. No. 013182

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1993 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 March 4-10:

House Bills

HB 2522, by Committee on Appropriations: An act concerning catchment areas for state mental health institutions; authorizing certain rules and regulations; amending K.S.A. 1992 Supp. 39-1602 and 59-2902 and repealing the existing sections.

HB 2523, by Committee on Appropriations: An act enacting the developmental disabilities reform act; prescribing the powers, duties and functions of the secretary of social and rehabilitation services.

HB 2524, by Committee on Appropriations: An act concerning the Kansas animal health department; relating to fees; amending K.S.A. 1992 Supp. 47-1001a, 47-1001e, 47-1008, 47-1203, 47-1207 and 47-1503 and repealing the existing sections.

HB 2525, by Committee on Taxation: An act relating to sales taxation; exempting certain sales of propane gas therefrom; amending K.S.A. 1992 Supp. 79-3606 and repealing the existing section; also repealing K.S.A. 1992 Supp. 79-3606a and 79-3606b.

HB 2526, by Committee on Appropriations: An act concerning medical nursing facilities; limitations on new and converted uses.

HB 2527, by Committee on Appropriations: An act concerning the income withholding act; relating to enforcement of support; medical support orders for children; health benefit plans; amending K.S.A. 23-4,105 and K.S.A. 1992 Supp. 23-4,106, 23-4,108, 23-4,109 and 23-4,111 and repealing the existing sections.

HB 2528, by Committee on Appropriations: An act concerning key deposit funds for state institutions; prescribing guidelines, limitations and procedures therefor; rules and regulations.

House Concurrent Resolutions

HCR 5019, A concurrent resolution confirming support of the legislature for the implementation of programs at Kansas post-secondary education institutions concerning rape and sexual assault.

HCR 5020, A concurrent resolution urging Congress to extend the effective dates for the minimum federal criteria for municipal solid waste landfills.

House Resolutions

HR 6006, A resolution in memory of Marvin A. Harder.

Senate Bills

SB 408, by Committee on Ways and Means: An act relating to the pooled money investment board; concerning the payment of interest on certain funds; amending K.S.A. 65-3415a and 74-5086a and repealing the existing sections.

SB 409, by Committee on Ways and Means: An act relating to property taxation; requiring cities and counties to report information in regard to certain property exempt therefrom; providing sanctions for failure to comply; imposing duties on the director of property valuation; repealing K.S.A. 12-1744a, 12-1744b, 12-1744c and 12-1744d.

SB 410, by Committee on Ways and Means: An act concerning drug utilization review; creating a medicaid drug utilization review board; providing for membership, appointment, powers and duties thereof; concerning the confidentiality of certain information; amending K.S.A. 1992 Supp. 39-7,118 and repealing the existing section.

SB 411, by Committee on Federal and State Affairs: An act amending the Kansas parimutuel racing act; relating to parimutuel tellers; amending K.S.A. 74-8819 and repealing the existing section.

SB 412, by Committee on Federal and State Affairs: An act amending the Kansas parimutuel racing act; amending K.S.A. 74-8801, 74-8802, 74-8810, 74-8818, 74-8837 and 74-8838 and repealing the existing sections.

SB 413, by Committee on Federal and State Affairs: An act concerning the Kansas animal dealers act; amending K.S.A. 47-1711 and 47-1713 and K.S.A. 1992 Supp. 47-1701, 47-1702, 47-1703, 47-1704, 47-1712, 47-1721, 47-1725 and 47-1726 and repealing the existing sections; also repealing K.S.A. 1992 Supp. 47-1722.

SB 414, by Committee on Federal and State Affairs: An act creating a nonprofit state workers compensation liability insurance fund as a public corporation; relating to the availability and affordability of workers compensation insurance and prompt payment of benefits to injured workers; prescribing certain powers, duties and functions; authorizing a loan by the pooled money investment board; prescribing certain reports.

SB 415, by Committee on Ways and Means: An act concerning the department of revenue; authorizing the acquisition of automated tax systems; amending K.S.A. 75-5147 and repealing the existing section.

SB 416, by Committee on Ways and Means: An act concerning the sale of certain property in Shawnee county; authorizing the secretary of social and rehabilitation services to make such sale.

SB 417, by Committee on Ways and Means: An act concerning the state educational institutions; relating to the phased-retirement program developed and implemented by the board of regents for certain unclassified employees; amending K.S.A. 76-746 and repealing the existing section.

Senate Concurrent Resolutions

SCR 1615, A concurrent resolution urging the United States Congress, the United States Secretary of Transportation, the United States Secretary of Energy and the United States Secretary of Agriculture to reject efforts to impose unrealistic government-mandated fuel economy standards on motor vehicles.

Senate Resolutions

SR 1827, A resolution congratulating and commending the city of McPherson for being nationally recognized as one of the 100 Best Small Towns in America.

SR 1828, A resolution congratulating and commending the Dodge City High School boys' basketball team and Coach Dennis Hamilton for winning first place in the 1993 Annual Tournament of Champions.

SR 1829, A resolution in memory of Kenneth Darrell Caywood.

SR 1830, A resolution congratulating and commending The Grey Wolves Rugby Club on its commitment to work with young people.

SR 1831, A resolution congratulating and commending Carl Gene Ortner, Jr. on being recognized as 1993 Kansas Outstanding Post-secondary Vocational Student and current finalist for National Student of the Year.

Doc. No. 013184

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

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

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka 66604-4027, (913) 271-3196 or 271-3146.

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

Applications set for April 6, 1993

Application for Certificate of Convenience and Necessity:

Lyle H. Kimminau, dba) Docket No. 185,725 M
Lyle's Trucking)
108 N. Caldwell)
Goodland, KS 67735) MC ID No. 147476

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

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

JGS Trucking, Inc.) Docket No. 185,723 M
757 E. 87th St. South)
Wichita, KS 67233) MC ID No. 146446

Applicant's Attorney: Brad Murphree, 400 N. Woodlawn, Suite 1, Wichita, KS 67208-4395

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

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

R.E. Griffith, dba) Docket No. 185,724 M
R.E.G. Trucking Co.)
1304 Maple)
Liberal, KS 67905) MC ID No. 120332

Applicant's Attorney: None

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

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

"Bud" Roat Standard, Inc.) Docket No. 185,726 M
4807 E. Kellogg)
Wichita, KS 67218) MC ID No. 120761

Applicant's Attorney: Paul Dugan, 940 N. Tyler, #206, Wichita, KS 67212

Disabled passenger vehicles,

Between all points and places in the state of Kansas.

Application for Certificate of Convenience and Necessity:

William Brad Post, dba) Docket No. 185,727 M
Brad's Wrecker Service)
618 W. Mulberry)
Hill City, KS 67642) MC ID No. 146447

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement vehicles,

Between all points and places in Graham, Rooks, Norton, Trego, Sheridan, Decatur, Phillips and Ellis counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

Application for Abandonment of Contract Permit:

Charles E. Mayhood, dba) Docket No. 124,182 M
Little Bear Oil Company)
301 Main)
Neodesha, KS 66757-1734) MC ID No. 114411

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

Application for Certificate of Convenience and Necessity:

David Reynolds, dba) Docket No. 185,728 M
Reynolds Cartage Service)
P.O. Box 413)
Wellsville, KS 66092) MC ID No. 147622

Applicant's Attorney: None

General commodities (except hazardous materials, household goods and commodities in bulk),

Between all points and places in Kansas.

Application for Certificate of Convenience and Necessity:

Barnes Mobile Home Sales,) Docket No. 185,729 M
Inc.)
8915 E. 40 Highway)
Kansas City, MO 64129) MC ID No. 146448

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

Mobile homes, buildings in sections on their own removable undercarriages, prefabricated buildings in sections, boats and houseboats and recreational vehicles,

Between all points and places in the state of Kansas.

Don Carlile
Administrator
Transportation Division

Doc. No. 013187

State of Kansas

Board of Healing Arts

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 8:45 a.m. Saturday, April 17, at the office of the Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka, to consider establishment of a proposed rule and regulation of the Kansas State Board of Healing Arts on a permanent basis. The following is a brief summary of the purpose of the proposed rule and regulation and the anticipated fiscal impact.

K.A.R. 100-46-6, Expiration date. This would establish that the registration of each physical therapist and the certification of each physical therapist assistant shall expire on December 31 of each year.

Economic Impact: This regulation relates to physical therapists and physical therapist assistants. The change would align rules and regulations with Kansas statutes. No economic impact is expected.

Copies of the proposed regulation may be obtained by contacting Lawrence T. Buening, Jr., Executive Director, Kansas State Board of Healing Arts, 235 S. Topeka Blvd., Topeka 66603.

The time period between the publication of this notice and the scheduled hearing constitutes a public comment period for the purpose of receiving written public comments on the proposed regulation. All interested parties may submit such comments prior to the hearing to the address above. All interested parties also will be given a reasonable opportunity at the hearing to present their views, orally or in writing, concerning the adoption of the proposed regulation. In order to give all persons an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered as the basis for making changes in this proposal.

Lawrence T. Buening, Jr.
Executive Director

Doc. No. 013176

State of Kansas

Department of Administration Division of Purchases

Notice to Bidders

Sealed bids for items hereinafter listed will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. local time on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

Monday, March 29, 1993

29524

Department of Administration—Air charter service

29532

University of Kansas—Natural gas services

29543

University of Kansas—Microfilm reader printer services

95356

University of Kansas Medical Center—Storage devices for single density disks Hitachi 7380 BE4

95357

Emporia State University—DASD IBM 3380-BK4

95376

Hutchinson Correctional Facility—Asbestos removal services

95383

Larned Correctional Mental Health Facility—Furnish and install a security system

95429

Kansas State University—SunSparc workstations

Tuesday, March 30, 1993

A-6669

Osawatomie State Hospital—Remodel Biddle cafeteria, Biddle Building

29534

Statewide—May (1993) meat products

95358

University of Kansas—Terminal upgrade

95374

Topeka Correctional Facility—Furnish and install heating and cooling units

95375

Kansas State University—Fiberglass shingles

Wednesday, March 31, 1993

A-6918, 6919

Department of Transportation—Reroof sub-area shop/area shop buildings, various locations

A-6920, 6921, 6922, 6923

Department of Transportation—Roof replacement, sub-area shop buildings, various locations

A-7045

Department of Transportation—Reroof area shop building, Ellsworth

(continued)

A-7091

Kansas State University—Standby generator,
Veterinary Clinical Science Building

29535

University of Kansas—May (1993) meat products

29539

University of Kansas Medical Center—May (1993)
meat products

95384

Fort Hays State University—Dishmachine

95385

Department of Transportation—Distance measuring
instruments, various locations

95386

Fort Hays State University—Cooling tower
replacement parts

Thursday, April 1, 1993

A-6823(b)

Department of Wildlife and Parks—Utility
improvements, Hillsdale State Park

A-7069

Department of Human Resources—Handicapped
Accessibility, Garden City

A-7070

Department of Human Resources—Handicapped
accessibility, Emporia job service center

95399

Kansas State University—Grain drill

Friday, April 2, 1993

A-6291(c)

Department of Corrections—Asbestos abatement—
tunnels, Lansing

A-6401(a)

University of Kansas—Landscape sprinkler system

A-6844(a)

University of Kansas—Reroof Stouffer Place

A-7051

Emporia State University—Chiller replacement

29540

Kansas State University—Floor care products

95408

University of Kansas—Paper, printing and binding

95415

Department of Wildlife and Parks—Rip rap
aggregate, Osage State Fishing Lake

95416

Department of Wildlife and Parks—Rip rap
aggregate, Butler State Fishing Lake

Monday, April 5, 1993

A-6739

University of Kansas—Naismith storm sewer

Tuesday, April 6, 1993

A-7031

Hutchinson Correctional Facility—Asbestos
abatement in tunnels

A-7097

University of Kansas—Swarthout Recital Hall
lighting system

Thursday, April 8, 1993

A-6650

University of Kansas—Lewis Hall apartment
remodel

Tuesday, April 13, 1993

29457

Statewide—Plastic and rubber goods (Class 10)

Thursday, April 15, 1993

95400

University of Kansas—Aircraft engine repair

Monday, April 19, 1993

29544

Osawatomie State Hospital—Lease of farm land

Monday, May 3, 1993

29533

Department of Corrections—Property insurance,
Ellsworth Correctional Facility and Wichita Work
Release

Tuesday, May 4, 1993

A-7046(b)

Kansas State Historical Society—Building
construction, Research Center

29542

Kansas Highway Patrol—Aircraft insurance

Request for Proposals

Tuesday, May 4, 1993

29541

Property insurance for statewide agencies

Jack R. Shipman
Director of Purchases

Doc. No. 013188

State of Kansas

Department of Health and Environment

Notice of Proposed Permit Action

The Secretary of Health and Environment is proposing to issue an air emission source construction/conditional operating permit in accordance with K.A.R. 28-19-14 (permits required) and K.A.R. 28-19-17 (prevention of significant deterioration of air quality) to the city of Pratt to install and operate two additional reciprocating engine driven electric generators at the Pratt power plant.

Written materials, including the permit application and information relating to the application submitted by the city of Pratt, 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 15 by contacting David Butler, Air Quality District Representative,

South Central District KDHE Office, 1919 N. Amidon, Wichita, (316) 838-1071. This material also can be reviewed at the KDHE office in Building 740, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L. C. Hinthier, KDHE, (913) 296-1576.

K.S.A. 65-3008 provides that any person affected by the issuance of a permit can request a public hearing prior to its issuance. The request must be in writing and addressed to the secretary. If the secretary determines there is sufficient reason in the request, a public hearing will be conducted—the place, date and time of the hearing will be announced in this publication. A request for a hearing or written comments on the proposed permit must be submitted to the Secretary, Kansas Department of Health and Environment, Landon State Office Building, 900 S.W. Jackson, Topeka 66612, before April 15.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013181

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, 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-93-34/35

Name and Address of Applicant	Legal Description	Receiving Water
Ralph Rindt Route 2, Box 135 Herington, KS 67449	SE/4, Sec. 3, T16S, R5E, Morris County	Neosho River Basin

Kansas Permit No. A-NEMR-H001 Fed. Permit No. KS-0089745
The proposed facility will have capacity for approximately 19,080 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule:

1. The waste management plan developed by Muetting Engineering and approved by the department shall be adhered to as a condition of the permit. The plan calls for nutrient analysis of both extracted solids, liquid waste and sludges with application to meet

crop nutrient needs. If testing of waste is not conducted extracted solids shall be applied at rates not to exceed 15 tons per acres per year. Settled sludges shall be applied to at least 277 acres per year at a rate not to exceed 4,000 gallons per acre and wastewater shall be applied to at least 324 acres per year at a rate not to exceed 2.0 acre-inch per acres.

2. Dewatering equipment shall be obtained within six months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 800 gallons per minutes and dispersing the wastewater over 324 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.
3. Solids extracted from wastewater flowing from the swine confinement facilities shall be stored under roof, fed to cattle, applied to agricultural land under the prescribed provisions of this permit or allowed to enter the settling basins.

Name and Address of Applicant	Legal Description	Receiving Water
3MK Pork, L.L.C. Dale Keesecker Route 2 Washington, KS 66968	SW/4, Sec. 17, T2S, R3E, Washington County	Big Blue River Basin

Kansas Permit No. A-BBWS-H002 Fed. Permit No. KS-0089681
The proposed facility will have capacity for approximately 8,000 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of minimum requirements.

Compliance Schedule: None, existing controls adequate.

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, or Dorothy Geisler (agricultural permits), Kansas Department of Health and Environment, Division of Environment, Bureau of Water, Forbes Field, Topeka 66620. All comments postmarked or received on or before April 17 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-93-34/35) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, the Secretary of Health and Environment will issue the final determinations. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61. Media coordination (newspapers, radio) for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the 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.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 013189

State of Kansas

State Corporation Commission

Permanent Administrative
RegulationsArticle 3.—PRODUCTION AND CONSERVATION
OF OIL AND GAS

82-3-401. Injection or disposal well; application, content, notice, objection, hearing and approval. (a) Fluid shall not be injected into a well for enhanced recovery or disposal purposes until approved by the commission, following the required application and notice procedures.

(b) The original and two copies of each application shall be verified and filed with the conservation division and shall show:

(1) The name, location, surface elevation, total depth, and plug back depth of each injection or disposal well;

(2) the location of all oil and gas wells, including abandoned wells, drilling wells and dry holes within a 1/2 mile radius of the injection or disposal well;

(3) the name and address of each operator of a producing or drilling well within a 1/2 mile radius of the injection or disposal well;

(4) the name, description, and depth of each injection interval. The application shall indicate whether the injection is through perforations, an open-hole, or both;

(5) the depths of the tops and bottoms of all casing and cement used or to be used in the injection or disposal well;

(6) a plat showing all producing wells within a 1/2 mile radius and indicating producing formations and the subsea top of the producing formations;

(7) the size of the casing and tubing and the depth of the tubing packer;

(8) an electric log run to the surface or a log showing lithology or porosity of geological formations encountered in the injection or disposal well, including an elevation reference. If such a log is unavailable, an electric log to surface or a log showing lithology or porosity of geological formations encountered in wells located within a one-mile radius of the subject well;

(9) a description of the fluid to be injected, the source of injected fluid, and the estimated maximum and average daily rate of injection in barrels per day;

(10) the names and addresses of the operators shown in paragraph (b)(3) above who were notified of the application, and evidence that the notice was given;

(11) information showing that injection or disposal into the proposed zone will be contained within the zone and will not initiate fractures through the overlying strata which could enable the fluid or formation fluid to enter fresh and usable water strata. Fracture gradients shall be computed and furnished to the commission by the applicant, if requested by the commission;

(12) the applicant's license number; and

(13) any other information that the commission requires.

(c) If the application is for disposal into a formation producing within a 1/2 mile radius of the applicant's well, the disposal zone shall be below the oil-water contact or 50 feet below the base of the producing zone. For the purposes of this subsection, "disposal zone" means that stratigraphic interval which contains little or no commercially productive hydrocarbons and which is salt-water bearing and "producing zone" means that stratigraphic interval which contains, or appears to contain, a common accumulation of commercially productive hydrocarbons.

(d) In addition to the requirements set out in subsection (b), applications for dually completed injection and production or disposal and production wells shall show that the producing interval lies above the injection or disposal interval. Before a well is dually completed the applicant shall demonstrate that the well has mechanical integrity pursuant to K.A.R. 82-3-405 from a point immediately above the producing interval to the surface.

(e) Upon cessation of commercial production from the producing interval of a dually completed injection or disposal well, the injection or disposal authority shall be cancelled by the commission unless the operator, through the filing of an amendment shows:

(1) The perforations at the producing interval are sealed;

(2) the casing above the injection or disposal packer has mechanical integrity pursuant to K.A.R. 82-3-405; and

(3) the tubing-casing annulus is filled with a corrosion-inhibiting fluid.

(f) Approval of the design of any proposed well may be obtained prior to actual construction of the well. Each applicant desiring design approval shall place the words "design approval" at the top of the application for enhanced recovery or disposal operations. The design approval application shall be subject to the requirements set forth in subsections (b), (g) and (j) of this regulation.

(1) Each applicant shall be notified by the commission of its approval of the well design if:

(A) All requirements set forth in subsections (b), (g) and (j) of this regulation have been met; and

(B) the design of the proposed well will protect fresh and usable water.

(2) Upon completion of each well construction, a copy of the well completion report, on the form prescribed and furnished by the commission, shall be submitted to the commission. The application for the injection of fluid into the proposed well for enhanced recovery or disposal purposes shall be approved, if there are not significant differences between actual construction and the approved designed construction of the proposed well and the mechanical integrity of the well has been tested pursuant to K.A.R. 82-3-405.

(g) When issuing an order approving injection or disposal, the following factors shall be considered by the commission:

(1) Maximum injection or disposal rate;

(2) maximum surface pressure, formation pressure, pressure at the formation face or all of the above;

(3) the type of injection or disposal fluid and the rock characteristics of the injection or disposal zone and the overlying strata;

(4) the adequacy and thickness of the confining zone or zones between the injection interval and the base of the lowest fresh or usable water; and

(5) the construction of all oil and gas wells within a 1/4 mile radius of the proposed injection or disposal well, including all abandoned, plugged, producing, and other injection or disposal wells, to ensure that fluids introduced into the proposed injection or disposal zone will be confined to that zone. If deemed necessary by the conservation division to ensure protection of fresh and usable water, this radius may be determined pursuant to 40 C.F.R. Section 146.6(a)(2) promulgated under part C of the safe water drinking act, 42 U.S.C. Section 300(f) *et seq.*, effective June 24, 1980, which is hereby adopted by reference.

(h) Applications may be filed for more than one injection or disposal well on the same lease or on more than one lease. The applicant shall provide the requested information for each well included in the application.

(i) Each application shall be executed by the operator of the proposed injection plan or disposal well.

(j) Each applicant shall give notice of the application pursuant to the provisions of K.A.R. 82-3-135a(c), or in the alternative, pursuant to the provisions of K.A.R. 82-3-401(a). Notice shall be mailed or delivered on or before the date the application is filed with the commission. Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the lands involved are located.

(k) Objections or complaints shall be filed within 15 days after the notice is published. The complaint or objection shall state the reasons why the proposed plan, as contained in the application, may cause damage to oil, gas, or fresh and usable water resources. (Authorized by K.S.A. 1991 Supp. 55-901, 55-152; implementing K.S.A. 1991 Supp. 55-605, 55-706, 55-152, 55-1003; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-46, Dec. 19, 1986; amended May 1, 1987; amended May 1, 1988; amended May 8, 1989; amended April 23, 1990; amended May 3, 1993.)

82-3-401a. Area notice for enhanced recovery projects. Operators applying for enhanced recovery projects shall provide notice utilizing the following procedure.

(a) The application shall state that area notice in accordance with this regulation is being utilized and shall state the approximate maximum number of injection wells that will ultimately be utilized within the project boundaries.

(b) The operator shall notify the following parties, whose acreage lies partially or fully within a one-half mile radius of the project boundaries, by mailing or delivering a copy of the application and notice to:

(1) Each operator or lessee of record;

(2) each owner of record of the mineral rights of unleased acreage; and

(3) each landowner within the project boundaries.

(c) Notice of the application shall be published in at least one issue of the official county newspaper of each county in which the affected acreage (one-half mile radius around the project boundary) is located and shall contain the following:

(1) The name of the operator of the enhanced recovery project;

(2) the legal description of the project acreage;

(3) the proposed maximum injection rate and pressure;

(4) the proposed injection formation(s) and approximate depth;

(5) statement indicating that no wells will be used for injection which are closer to lease or unit boundary lines than allowed by field or general state spacing rules unless further notice is given; and

(6) the approximate maximum number of injection wells that will ultimately be utilized in the project.

(d) A memorandum of notification shall be filed with the Register of Deeds in the counties where the project is located setting out the information contained in the published notice and the commission docket number. Proof of such filing shall be provided to the commission before the application may be approved.

(e) Notice of application for additional injection wells added to a project shall be published in at least one issue of the official county newspaper of the county in which the well is located, provided the well is the proper distance from lease or unit boundary lines as provided by field or general state spacing rules.

(f) Notice of application for additional injection wells which are less than the required distance from the lease or unit boundary lines, under the field or general state spacing rules, shall be provided by mailing a copy of the application to all offsetting operators or unleased mineral owners whose acreage is adjacent to the subject well and is at a distance which is less than that required under the field or general state spacing rule. Notice of the application shall be published in at least one issue of the official county newspaper of the county in which the well is located.

(g) The publication notice provided for in sections (e) and (f) of this regulation shall contain the following information:

(1) The name of the operator;

(2) the location of proposed injection wells;

(3) proposed injection formations and approximate depth; and

(4) the commission docket number.

(h) Applications for significant amendments to the injection permit, including but not limited to increasing pressure or rate and changing or adding injection formations, shall require the notice set out in sections (b), (c), and (d) of this regulation. (Authorized by and implementing K.S.A. 1991 Supp. 55-152 and 55-901; effective May 3, 1993.)

Judith McConnell
Executive Director

Doc. No. 013180

State of Kansas

Kansas Racing Commission

Permanent Administrative
Regulations

Article 9.—PARIMUTUEL WAGERING

112-9-18a. Trifecta pools. (a) The trifecta requires selection of the first three finishers, in their exact order, for a single contest.

(b) Each net trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire pool shall be refunded on trifecta wagers for that contest.

(c) If fewer than three betting interests finish and the contest is declared official, payoffs shall be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving contestants representing three or more betting interests, all of the wagering combinations selecting three betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(e) If there is a dead heat for first involving contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, regardless of order, shall share in a profit split along with the third-place betting interest.

(f) If there is a dead heat for second, all of the combinations correctly selecting the winner combined with any of the betting interests involved in the dead heat for second shall share in a profit split.

(g) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers, in correct sequence, shall share in a profit split along with any of the betting interests involved in the dead heat for third. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-39a. Superfecta pools. (a) The superfecta requires selection of the first four finishers, in their exact order, for a single contest.

(b) The net superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish and disregarding all

coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) the entire pool shall be refunded on superfecta wagers for that contest.

(c) If fewer than four betting interests finish and the contest is declared official, payoffs will be made based upon the order of finish of those betting interests completing the contest. The balance of any selection beyond the number of betting interests completing the contest shall be ignored.

(d) If there is a dead heat for first involving contestants representing four or more betting interests, all of the wagering combinations selecting four betting interests which correspond with any of the betting interests involved in the dead heat shall share in a profit split.

(e) If there is a dead heat for first involving contestants representing three betting interests, all of the wagering combinations selecting the three dead-heated betting interests, regardless of order, along with the fourth-place betting interest shall share in a profit split.

(f) If there is a dead heat for first involving contestants representing two betting interests, both of the wagering combinations selecting the two dead-heated betting interests, regardless of order, along with the third-place and fourth-place betting interests shall share in a profit split.

(g) If there is a dead heat for second involving contestants representing three or more betting interests, all of the wagering combinations correctly selecting the winner combined with any of the three betting interests involved in the dead heat for second shall share in a profit split.

(h) If there is a dead heat for second involving contestants representing two betting interests, all of the wagering combinations correctly selecting the winner, the two dead-heated betting interests, regardless of order, and the fourth-place betting interest shall share in a profit split.

(i) If there is a dead heat for third, all wagering combinations correctly selecting the first two finishers in correct sequence shall share in a profit split along with any two of the betting interests involved in the dead heat for third.

(j) If there is a dead heat for fourth, all wagering combinations correctly selecting the first three finishers in correct sequence shall share in a profit split along with any of the betting interests involved in the dead heat for fourth. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1992 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended,

T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-40a. Tri-superfecta pools. (a) The tri-superfecta requires selection of the first three finishers, in their exact order, in the first of two designated contests and the first four finishers, in exact order, in the second of the two designated contests. Each winning ticket for the first tri-superfecta contest must be exchanged for a free ticket on the second tri-superfecta contest in order to remain eligible for the second-half tri-superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second tri-superfecta contest. Winning first-half tri-superfecta tickets shall receive both an exchange and a monetary payoff. Both of the designated tri-superfecta contests shall be included in only one tri-superfecta pool.

(b) After wagering closes for the first-half of the tri-superfecta and the takeout has been deducted from the pool, the net pool then shall be divided into two separate pools: the first-half tri-superfecta pool and the second-half tri-superfecta pool.

(c) In the first tri-superfecta contest only, winning tickets shall be determined using the following precedence, based upon the official order of finish for the first tri-superfecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that contest, and the second-half shall be canceled.

(d) If no first-half tri-superfecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half tri-superfecta pool. In such case, the second-half tri-superfecta pool shall be retained and added to any existing tri-superfecta carryover pool.

(e) Winning tickets from the first-half of the tri-superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the tri-superfecta. The second-half tri-superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second tri-superfecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such tickets, then

(2) the entire second-half tri-superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half tri-superfecta pool of the next performance.

(f) If a winning first-half tri-superfecta ticket is not presented for cashing and exchange prior to the second-half tri-superfecta contest, the ticket holder may still collect the monetary value associated with the first-half tri-superfecta pool, but forfeits all rights to any distribution of the second-half tri-superfecta pool.

(g) If a betting interest in the first-half of the tri-superfecta is scratched, those tri-superfecta tickets including the scratched betting interest shall be refunded.

(h) If a betting interest in the second-half of the tri-superfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second tri-superfecta contest, the ticket holder forfeits all rights to the second-half tri-superfecta pool.

(i) If, due to a late scratch, the number of betting interests in the second-half of the tri-superfecta is reduced to a fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half tri-superfecta pool for that contest as a single price pool, but not the tri-superfecta carryover.

(j) If there is a dead heat or multiple dead heats in either the first- or second-half of the tri-superfecta, all tri-superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the tri-superfecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the tri-superfecta, the payoff shall be calculated as a single price pool.

(k) If either of the tri-superfecta contests is canceled prior to the first tri-superfecta contest, or the first tri-superfecta contest is declared "no contest," the entire tri-superfecta pool shall be refunded on tri-superfecta wagers for that contest, and the second-half shall be canceled.

(l) If the second-half tri-superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning tri-superfecta tickets shall be entitled to the net tri-superfecta pool for that contest as a single price pool, but not the tri-superfecta carryover. If there are no such tickets, the net tri-superfecta pool shall be distributed as described in subparagraph (c) of this regulation.

(m) The tri-superfecta carryover may be capped at a designated level as provided in these racing regulations.

(n) An organization licensee may request permission to distribute the tri-superfecta carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(o) If the tri-superfecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining

(continued)

winning tickets for the second-half of the tri-superfecta after completion of the first-half of the tri-superfecta:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination includes, in correct sequence, the first-place betting interest only; but if there are no such wagers, then

(5) as a single price pool to holders of valid exchange tickets; but if there are no valid exchange tickets, then

(6) as a single price pool to holders of outstanding first-half winning tickets.

(p) Notwithstanding the provisions of this regulation, during a performance designated to distribute the tri-superfecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the tri-superfecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the tri-superfecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net tri-superfecta pool and any existing tri-superfecta carryover as a single price pool.

(q) The tri-superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (n) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the tri-superfecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(r) If, for any reason, the tri-superfecta carryover must be carried over to the corresponding tri-superfecta pool of a subsequent meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The tri-superfecta carryover plus accrued interest shall then be added to the second-half tri-superfecta pool of the following meeting on a date and performance designated by the commission.

(s) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(t) At the beginning of each meeting each organization licensee shall obtain written approval from the

commission concerning the scheduling of tri-superfecta contests, the percentages of the net pool added to the first-half pool and the second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved tri-superfecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-41a. Twin trifecta. (a) The twin trifecta requires selection of the first three finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin trifecta contest must be exchanged for a free ticket for the second twin trifecta contest in order to remain eligible for the second-half twin trifecta pool. These tickets may be exchanged only at attended ticket windows prior to the second twin trifecta contest. Winning first-half twin trifecta wagers will receive both an exchange and a monetary payoff. Both of the designated twin trifecta contests shall be included in only one twin trifecta pool.

(b) After wagering closes for the first-half of the twin trifecta and the commissions have been deducted from the pool, the net pool then shall be divided into separate pools: the first-half twin trifecta pool and the second-half twin trifecta pool.

(c) In the first twin trifecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin trifecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest and the second-half shall be canceled.

(d) If no first-half twin trifecta ticket selects the first three finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin trifecta pool. In such case, the second-half twin trifecta pool shall be retained and added to any existing twin trifecta carryover pool.

(e) Winning tickets from the first-half of the twin trifecta shall be exchanged for tickets selecting the first three finishers of the second-half of the twin trifecta. The second-half twin trifecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such tickets, then

(2) the entire second-half twin trifecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half twin trifecta pool of the next consecutive performance.

(f) If a winning first-half twin trifecta ticket is not presented for cashing and exchange prior to the second-half twin trifecta contest, the ticket holder may collect the monetary value associated with the first-half twin trifecta pool, but forfeits all rights to any distribution of the second-half twin trifecta pool.

(g) If a betting interest in the first-half of the twin trifecta is scratched, those twin trifecta wagers, including the scratched betting interest, shall be refunded.

(h) If a betting interest in the second-half of the twin trifecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for the exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin trifecta contest, the ticket holder forfeits all rights to the second-half twin trifecta pool.

(i) If, due to a late scratch, the number of betting interests in the second-half of the twin trifecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin trifecta pool for that contest as a single price pool, but not the twin-trifecta carryover.

(j) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin trifecta, all twin trifecta wagers selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the twin trifecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the twin trifecta, the payoff shall be calculated as a single price pool.

(k) If either of the twin trifecta contests is canceled prior to the first twin trifecta contest or if the first twin trifecta contest is declared a "no contest," the entire twin trifecta pool shall be refunded on twin trifecta wagers for that contest, and the second-half of the twin trifecta shall be canceled.

(l) If the second-half twin trifecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin trifecta tickets shall be entitled to the net twin trifecta pool for that contest as a single price pool, but not to the twin trifecta carryover. If there are no such tickets, the net twin trifecta pool shall be distributed as described in subparagraph (c) of this regulation.

(m) The twin trifecta carryover may be capped at a designated level as provided in these racing regulations.

(n) An organization licensee may request permission to distribute the twin trifecta jackpot on a specific performance. The request shall be submitted to the commission in writing and shall include justification for

the distribution, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made.

(o) If the twin trifecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the twin trifecta after completion of the first-half of the twin trifecta:

(1) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(4) as a single price pool to holders of valid exchange tickets; but if there are no holders of valid exchange tickets, then

(5) as a single price pool to holders of outstanding first-half winning tickets.

(p) Notwithstanding the provisions of this regulation, during a performance designated to distribute the twin trifecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin trifecta. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the twin trifecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net twin trifecta pool and any existing twin trifecta carryover as a single price pool.

(q) The twin trifecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (n) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the twin trifecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(r) If, for any reason, the twin trifecta carryover must be carried over to the corresponding twin trifecta pool of a subsequent meeting, the jackpot shall be deposited in an interest-bearing account approved by the commission. The twin trifecta carryover and accrued interest then shall be added to the second-half twin trifecta pool of the following meeting on a date and performance designated by the commission.

(s) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication

(continued)

for the processing of pool data between totalisator and parimutuel department employees.

(t) The organization licensee shall obtain written approval from the commission concerning the scheduling of twin trifecta contests, the percentages of the net pool added to the first-half pool and second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved twin trifecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective, T-112-9-26-91, Sept. 26, 1991; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-42. Twin superfecta pools. (a) The twin superfecta requires selection of the first four finishers, in their exact order, in each of two designated contests. Each winning ticket for the first twin superfecta contest must be exchanged for a free ticket on the second twin superfecta contest in order to remain eligible for the second-half twin superfecta pool. Such tickets may be exchanged only at attended ticket windows prior to the second twin superfecta contest. Winning first-half twin superfecta tickets shall receive both an exchange and a monetary payoff. Both of the designated twin superfecta contests shall be included in only one twin superfecta pool.

(b) After wagering closes for the first-half of the twin superfecta and the takeout has been deducted from the pool, the net pool shall then be divided into two separate pools: the first-half twin superfecta pool and the second-half twin superfecta pool.

(c) In the first twin superfecta contest only, winning wagers shall be determined using the following precedence, based upon the official order of finish for the first twin superfecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) the entire twin superfecta pool shall be refunded on twin superfecta wagers for that contest, and the second-half shall be canceled.

(d) If no first-half twin superfecta ticket selects the first four finishers of that contest in exact order, winning ticket holders shall not receive any exchange tickets for the second-half twin superfecta pool. In such case, the second-half twin superfecta pool shall be retained and added to any existing twin superfecta carryover pool.

(e) Winning tickets from the first-half of the twin superfecta shall be exchanged for tickets selecting the first four finishers of the second-half of the twin superfecta. The second-half twin superfecta pool shall be distributed to winning wagers in the following precedence, based upon the official order of finish for the second twin trifecta contest and disregarding all coupled or field entries other than the first contestant of a coupled or field entry to finish:

(1) as a single price pool, including any existing carryover monies, to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such tickets, then

(2) the entire second-half twin superfecta pool for that contest shall be added to any existing carryover monies and retained for the corresponding second-half twin superfecta pool of the next performance.

(f) If a winning first-half twin superfecta ticket is not presented for cashing and exchange prior to the second-half twin superfecta contest, the ticket holder may still collect the monetary value associated with the first-half twin superfecta pool but forfeits all rights to any distribution of the second-half twin superfecta pool.

(g) If a betting interest in the first-half of the twin superfecta is scratched, those twin superfecta tickets including the scratched betting interest shall be refunded.

(h) If a betting interest in the second-half of the twin superfecta is scratched, an announcement concerning the scratch shall be made and a reasonable amount of time shall be provided for exchange of tickets that include the scratched betting interest. If tickets have not been exchanged prior to the close of betting for the second twin superfecta contest, the ticket holder forfeits all rights to the second-half twin superfecta pool.

(i) If, due to a late scratch, the number of betting interests in the second-half of the twin superfecta is reduced to fewer than the minimum, all exchange tickets and outstanding first-half winning tickets shall be entitled to the second-half twin superfecta pool for that contest as a single price pool, but not the twin superfecta carryover.

(j) If there is a dead heat or multiple dead heats in either the first- or second-half of the twin superfecta, all twin superfecta tickets selecting the correct order of finish, counting a betting interest involved in a dead heat as finishing in any dead-heated position, shall be a winner. In the case of a dead heat occurring in the first-half of the twin superfecta, the payoff shall be calculated as a profit split. In the case of a dead heat occurring in the second-half of the twin superfecta, the payoff shall be calculated as a single price pool.

(k) If either of the twin superfecta contests is canceled prior to the first twin superfecta contest, or the first twin superfecta contest is declared "no contest," the entire twin superfecta pool shall be refunded on twin superfecta wagers for that contest, and the second-half shall be canceled.

(l) If the second-half twin superfecta contest is canceled or declared "no contest," all exchange tickets and outstanding first-half winning twin superfecta tickets shall be entitled to the net twin superfecta pool for that contest as a single price pool, but not the twin

superfecta carryover. If there are no such tickets, the net twin superfecta pool shall be distributed as described in subparagraph (c) of this regulation.

(m) The twin superfecta carryover may be capped at a designated level as provided in these racing regulations.

(n) An organization licensee may request permission to distribute the twin superfecta carryover on a specific performance. The request shall be submitted to the commission in writing and shall include justification for the distribution, including how the distribution will serve the best interests of the wagering public, an explanation of the benefit to be derived and the intended date and performance when the distribution will be made. The benefit to both the public and the state shall be weighed in determining whether to approve such a request.

(o) If the twin superfecta carryover is designated for distribution on a specified date and performance, the following precedence shall be followed in determining winning tickets for the second-half of the twin superfecta after completion of the first-half of the twin superfecta:

(1) as a single price pool to those whose combination finishes in correct sequence as the first four betting interests; but if there are no such wagers, then

(2) as a single price pool to those whose combination includes, in correct sequence, the first three betting interests; but if there are no such wagers, then

(3) as a single price pool to those whose combination includes, in correct sequence, the first two betting interests; but if there are no such wagers, then

(4) as a single price pool to those whose combination correctly selects the first-place betting interest only; but if there are no such wagers, then

(5) as a single price pool to holders of valid exchange tickets; but if there are no valid exchange tickets, then

(6) as a single price pool to holders of outstanding first-half winning tickets.

(p) Notwithstanding the provisions of this regulation, during a performance designated to distribute the twin superfecta carryover, exchange tickets shall be issued for those combinations selecting the greatest number of betting interests in their correct order of finish for the first-half of the twin superfecta. If there are no wagers correctly selecting the first-, second-, third-, and fourth-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-, second-, and third-place betting interests. If there are no wagers correctly selecting the first-, second-, and third-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first- and second-place betting interests. If there are no wagers correctly selecting the first- and second-place finishers, in their exact order, then exchange tickets shall be issued for combinations correctly selecting the first-place betting interest only. If there are no wagers selecting the first-place betting interest only in the first-half of the twin superfecta, all first-half tickets shall become winners and shall receive 100 percent of that day's net twin superfecta pool and any existing twin superfecta carryover as a single price pool.

(q) The twin superfecta carryover shall be designated for distribution on a specified date and performance only under the following circumstances:

(1) upon written approval from the commission as provided in subparagraph (n) of this regulation; or

(2) upon written approval from the commission when there is a change in the carryover cap or when the twin superfecta is discontinued; or

(3) on the closing performance of the meeting or split meeting.

(r) If, for any reason, the twin superfecta carryover must be carried over to the corresponding twin superfecta pool of a subsequent meeting, the carryover shall be deposited in an interest-bearing account approved by the commission. The twin superfecta carryover plus accrued interest then shall be added to the second-half twin superfecta pool of the following meeting on a date and performance designated by the commission.

(s) Providing information to any person regarding covered combinations, amounts wagered on specific combinations or number of tickets sold is prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(t) At the beginning of each race meeting each organization licensee shall obtain written approval from the commission concerning the scheduling of twin superfecta contests, the percentages of the net pool added to the first-half pool and second-half pool and the designated amount of any cap to be set on the carryover. Any modification of the approved twin superfecta procedures requires prior approval from the commission. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992, Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-43. Capping carryover pools. The pick (N), the twin trifecta, the tri-superfecta, and the twin superfecta carryover pools may be capped at a designated level or on a designated performance as approved by the commission. When the commission authorizes the capping of a carryover it shall select one of the following methods to govern subsequent contributions to the carryover pool:

(a) When the amount in the wager's carryover pool equals or exceeds the designated cap at the close of any performance, the carryover pool shall be frozen, and 100 percent of the designated contributions to the carryover pool shall be paid out to the wager's regular pool until the carryover pool is paid out.

(b) Within three working days of the date when the designated cap is reached, each organization licensee shall notify the commission or its designee of the occurrence and specify the date it intends to force a payout of the carryover pool, provided the capped carryover pool is not paid out prior to the specified date. Each forced payout shall be made within ten race days after the date when the designated cap is reached. After the designated cap is reached the carryover pool

(continued)

shall continue to receive its regular contribution from all wagers.

(c) When the designated cap on the carryover pool is reached the organization licensee shall freeze the carryover pool at the designated cap amount and create a new seed pool. The seed pool shall receive and hold all contributions that would normally flow to the carryover pool until the capped carryover pool is paid out. The carryover pool shall be paid out under the regular procedures, or, if the organization licensee so elects, under the forced payout procedures stated in subparagraph (b) of this regulation. Once the capped carryover pool is paid out, the seed pool shall become the carryover pool. If the seed pool's balance ever equals or exceeds the designated cap the seed pool shall be frozen the same as the carryover pool, and another seed pool shall be created.

(d) When a carryover pool is capped on a designated performance and the designated performance date is reached, the organization licensee shall pay out 100 percent of the contributions to the carryover pool using one of the following methods, as directed by the commission:

(1) to holders of tickets in accordance with the procedures stated in K.A.R. 112-9-41a(o) for twin trifecta wagers, K.A.R. 112-9-40a(o) for tri-superfecta wagers and K.A.R. 112-9-42(o) for twin superfecta wagers; or,

(2) to holders of second-half winning tickets using the following precedence:

(A) as a single price pool to those whose combination finishes in the same sequence as the first three betting interests for twin trifecta wagers or in the same sequence as the first four betting interests for twin superfecta and tri-superfecta wagers; then,

(B) as a single price pool to holders of valid exchange tickets; then,

(C) as a single price pool to holders of outstanding first-half winning tickets. (Authorized by K.S.A. 1991 Supp. 74-8804, as amended by L. 1992, Ch. 27, Sec. 3; implementing K.S.A. 1991 Supp. 74-8819, as amended by L. 1992; Ch. 27, Sec. 6; effective June 1, 1992; amended, T-112-11-9-92, Nov. 9, 1992; amended, T-112-3-1-93, March 1, 1993; amended May 3, 1993.)

112-9-44. Place pick (N) pools. (a) The place pick (N) requires selection of the first or second-place finisher in each of a designated number of contests. Each licensee shall secure written approval from the commission concerning the scheduling of place pick (N) contests, the designation of one of the methods stated in paragraph (b) of this regulation, the distinctive name identifying the pool and the amount of any cap to be set on the carryover pool. Each change to the approved place pick (N) format shall be approved by the commission before it is implemented.

(b) Each place pick (N) pool shall be apportioned using one of the following methods:

(1) for a place pick (N) with carryover pool, each net place pick (N) pool and carryover pool, if any, shall be distributed as a single price pool to those who select the first or second-place finisher in each of the place pick (N) contests, based upon the official order of finish. If there are no such wagers, then a designated percentage of the net pool shall be distributed

as a single price pool to those who select the first or second-place finisher in the greatest number of place pick (N) contests; and the remainder shall be added to the carryover pool;

(2) for a place pick (N) with minor pool and carryover pool, the major share of the net place pick (N) pool and the carryover pool, if any, shall be distributed to those who select the first or second-place finisher in each of the place pick (N) contests, based upon the official order of finish. The minor share of the net place pick (N) pool shall be distributed to those who select the first or second-place finisher in the second greatest number of place pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first or second-place finisher of all place pick (N) contests, the minor share of the net place pick (N) pool shall be distributed as a single price pool to those who select the first or second-place finisher in the greatest number of place pick (N) contests, and the major share shall be added to the carryover pool;

(3) for the place pick (N) with no minor pool and no carryover pool, each net place pick (N) pool shall be distributed as a single price pool to those who select the first or second-place finisher in the greatest number of place pick (N) contests, based upon the official order of finish. If there are no winning wagers, the pool shall be refunded;

(4) for a place pick (N) with minor pool and no carryover pool, the major share of the net place pick (N) pool shall be distributed to those who select the first or second-place finisher in the greatest number of place pick (N) contests, based upon the official order of finish. The minor share of the net place pick (N) pool shall be distributed to those who select the first or second-place finisher in the second greatest number of place pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first or second-place finisher in a second greatest number of place pick (N) contests, the minor share of the net place pick (N) pool shall be combined with the major share for distribution as a single price pool to those who select the first or second-place finisher in the greatest number of place pick (N) contests. If the greatest number of first or second-place finishers selected is one, the major and minor shares shall be combined for distribution as a single price pool. If there are no winning wagers, the pool shall be refunded; or,

(5) for a place pick (N) with minor pool and no carryover pool, the major share of net place pick (N) pool shall be distributed to those who select the first or second-place finisher in each of the place pick (N) contests, based upon the official order of finish. The minor share of the net place pick (N) pool shall be distributed to those who select the first or second-place finisher in the second greatest number of place pick (N) contests, based upon the official order of finish. If there are no wagers selecting the first or second-place finisher in all place pick (N) contests, the entire net place pick (N) pool shall be distributed as a single price pool to those who select the first or second-place finisher in the greatest number of place pick (N) contests. If there are no wagers selecting the first or second-place finisher in a second greatest number of place pick (N) contests, the minor share of the net place pick

(N) pool shall be combined with the major share for distribution as a single price pool to those who select the first or second-place finisher in each of the place pick (N) contests. If there are no winning wagers, the pool shall be refunded.

(c) If there is a dead heat for first in any of the place pick (N) contests involving:

(1) contestants representing the same betting interest, the place pick (N) pool shall be distributed as if no dead heat occurred.

(2) contestants representing two or more betting interests, the place pick (N) pool shall be distributed as a single price pool with a winning wager including each betting interest participating in the dead heat.

(d) If there is a dead heat for second in any of the place pick (N) contests involving:

(1) contestants representing the same betting interest, the place pick (N) pool shall be distributed as if no dead heat occurred.

(2) contestants representing two or more betting interests, the place pick (N) pool shall be distributed as a single price pool with a winning wager including the betting interest which finished first or any betting interest involved in the dead heat for second.

(e) If a betting interest in any of the place pick (N) contests is scratched, the actual favorite, as determined by total amounts wagered in the win pool at the host track for the contest at the close of wagering on the contest, shall be substituted for the scratched betting interest for all purposes, including pool calculations. If the win pool total for two or more favorites is identical, the substitute selection shall be the betting interest with the lowest program number. The totalisator shall produce reports showing each of the wagering combinations with substituted betting interests which become winners as a result of the substitution, in addition to the normal winning combination.

(f) The place pick (N) pool shall be canceled and all place pick (N) wagers for the individual performance shall be refunded if:

(1) at least two contests included as part of a place pick 3 are canceled or declared "no contest."

(2) at least three contests included as part of a place pick 4, place pick 5 or place pick 6 are canceled or declared "no contest."

(3) at least four contests included as part of a place pick 7 or greater number are canceled or declared "no contest."

(4) at least five contests included as part of a place pick 10 are canceled or declared "no contest."

(g) If at least one contest included as part of a place pick (N) is canceled or declared "no contest," but not more than the number specified in paragraph (f) of this regulation, the net pool shall be distributed as a single price pool to those whose selections finish first or second in the greatest number of place pick (N) contests for the performance. Each distribution shall include the portion ordinarily retained for the place pick (N) carryover pool but not the carryover pool from previous performances.

(h) The place pick (N) carryover may be capped at a designated level approved by the commission so that if, at the close of any performance, the amount in the place pick (N) carryover pool equals or exceeds the

designated cap, the place pick (N) carryover shall be frozen until it is won or distributed in accordance with this regulation. After the place pick (N) carryover pool is frozen, 100 percent of the net pool, part of which ordinarily would be added to the place pick (N) carryover pool, shall be distributed to those whose selection finishes first or second in the greatest number of place pick (N) contests for the performance.

(i) A written request for permission to distribute the place pick (N) carryover pool on a specific performance may be submitted to the commission. Each request shall contain a statement of justification for the distribution, the benefit to be derived and the intended date and performance for the distribution.

(j) If the place pick (N) carryover pool is designated for distribution on a specified date and performance in which there are no wagers selecting the first or second-place finisher in each of the place pick (N) contests, the entire pool shall be distributed as a single price pool to those whose selection finishes first or second in the greatest number of place pick (N) contests. The place pick (N) carryover pool shall be designated for distribution on a specified date and performance in the event of any of the following:

(1) upon written approval from the commission as provided in paragraph (i) of this regulation;

(2) upon written approval from the commission when there is a change in the carryover pool cap, a change from one type of place pick (N) wagering to another or when the place pick (N) is discontinued; or

(3) on the closing performance of the race meeting or split meeting.

(k) If the place pick (N) carryover pool is carried over to the corresponding place pick (N) pool of a subsequent race meeting, the carryover pool shall be deposited in an interest-bearing account approved by the commission. Each place pick (N) carryover pool plus accrued interest then shall be added to the net pick (N) pool on the date and performance designated by the commission.

(l) With the written approval of the commission, the licensee may contribute to the place pick (N) carryover a sum of money up to the amount of any designated cap.

(m) Providing information to any person regarding covered combinations, amounts wagered on specific combinations, number of tickets sold or number of live tickets remaining is strictly prohibited. This shall not prohibit any necessary communication for the processing of pool data between totalisator and parimutuel department employees.

(n) Any organization licensee may suspend previously approved place pick (N) wagering with the prior approval of the commission. Any carryover pool shall be maintained until the suspended place pick (N) wagering is reinstated. Any organization licensee may request approval of a place pick (N) wager or separate wagering pool for specific performances. (Authorized by K.S.A. 1992 Supp. 74-8804; implementing K.S.A. 1992 Supp. 74-8819; effective, T-112-11-9-92, Nov. 9, 1992)

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1992; effective, T-112-3-1-93, March 1, 1993; effective May 3, 1993.)

Janet A. Chubb
Executive Director

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State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-73. Deprivation in ADC. (a) Each child, to be eligible for ADC, shall be deprived of parental support or care by reasons of the death, continued absence from the home, physical or mental incapacity of a parent, or unemployment of the parent.

(b) Continued absence from the home. Continued absence from the home of either or both natural or adoptive parents shall be a basis for eligibility when the parent is physically absent from the home and the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child. Absence of a parent based solely on active military service shall not constitute deprivation under this provision.

(c) Physical or mental incapacity of a parent.

(1) Physical or mental incapacity of a parent shall be a basis for eligibility when either parent is physically or mentally incapacitated, when the incapacity is expected to last at least 30 days and when the incapacity:

(A) Limits the parent's ability to support and care for the child. "Limits" means that, as a result of the incapacity, the parent is capable of only earning an applicable income, excluding the earned income disregard, which is less than public assistance standards;

(B) reduces substantially the parent's ability to support or care for the child. "Substantial" means a 30 percent reduction of gross earned income or adjusted gross income for self-employment; or

(C) eliminates the parent's ability to support or care for the child.

(2) To be considered physically or mentally incapacitated under the above provision, a parent shall be:

(A) Eligible for OASDI or SSI benefits based on disability or incapacity; or

(B) established as incapacitated by a written or oral statement of a psychologist, an optometrist or a person licensed by the board of healing arts, within the scope of that person's professional competence, or by a written team diagnostic evaluation from the veteran's administration, vocational rehabilitation, a mental health clinic, or a related type of agency.

(d) Unemployment. The unemployment of a parent determined to be the principal wage earner shall be a basis for eligibility when the parent has been unemployed for at least 30 days before receipt of assistance and the child is not otherwise deprived of support because of the death, absence or incapacity of a parent. The principal wage earner shall be the parent who earned the greater amount of income in the 24-month

period immediately preceding the month of application.

(1) To be considered unemployed under this provision, a parent shall:

(A) Not have been fully employed for at least 30 days before receipt of assistance. A "fully employed" person is one who works 100 hours or more a month. If the parent's work is intermittent and is in excess of 100 hours for only a temporary period, or if the parent has worked less than 100 hours for each of the two prior months and is expected to be under the 100-hour standard during the next month, then the parent shall not be considered fully employed;

(B) not have refused a bona fide offer of employment or training for employment without good cause within the last 30 days;

(C) have had six or more quarters of work in any 13 calendar quarter period ending within one year before the application for assistance, or have received unemployment compensation under the state's unemployment compensation law or under the United States law, or have qualified for unemployment compensation under the unemployment compensation law of the state within one year before the application for assistance. An individual shall be deemed qualified under the state's unemployment compensation law if the individual would have been eligible to receive benefits upon filing applications, or if the individual performed work not covered by law which, if it had been covered, would (together with any covered work the individual performed) have made the individual eligible to receive benefits upon filing application. A quarter of work shall be a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31 in which the parent:

(i) Earned not less than \$50.00. All quarters within a calendar year shall be deemed to meet this requirement if the individual's earnings for the calendar year are equal to or greater than the earnings standard set for coverage by the Social Security Administration;

(ii) participated in the KanWork or work program as an ADC recipient;

(iii) attended full-time an elementary or secondary school, or a vocational or technical course which is designed to prepare the individual for gainful employment; or

(iv) participated in an education or training program established under the Job Training Partnership Act. No more than four quarters of work as defined in subparagraphs (C) and (D) may be considered;

(D) is required to participate in the KanWork or work program or exempted from it; and

(E) has applied for, and if eligible has not refused, unemployment compensation benefits.

(2) The principal wage earner, if exempted from the KanWork or work program due to remoteness, must register for employment with the division of employment, state department of human resources, job services center. Failure to meet this requirement shall render the principal wage earner ineligible. The spouse of the individual or the other parent in the household shall also be ineligible unless the spouse or the other parent is registered with the division of employment or is a participant for the KanWork or work program.

(e) Continued eligibility. After the deprivation ceases, eligibility may continue for a period not to exceed six months following the month in which deprivation ceased to exist to allow for a satisfactory reconstruction of normal family life. The effective date of this regulation shall be May 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990; amended Oct. 1, 1990; amended Oct. 1, 1992; amended May 3, 1993.)

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.

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

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

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

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

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

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

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

(11) "Change of ownership" means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(continued)

(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 revocable statement signed by a recipient which is filed with a particular hospice and which consists of:

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

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

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

(D) effective date of the election period; and

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

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

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

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

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

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

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

(44) "General hospital inpatient beds" means the number of beds as reported by the general hospital on the hospital and hospital health care complex cost re-

port 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.

(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 (HCBS)" means services provided in accordance with a federally-approved waiver to the Kansas medicaid state plan which are designed to prevent unnecessary utilization and to reduce health costs.

(63) "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.

(64) "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.

(65) "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.

(66) "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.

(67) "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.

(68) "Medical supplies" means supplies not generally useful to a person in the absence of illness or injury

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which are prescribed by a physician and used in the home and certain institutional settings.

(69) "Mental retardation" means significantly sub-average 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.

(70) "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.

(71) "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.

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

(73) "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.

(74) "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.

(75) "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.

(76) "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.

(77) "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.

(78) "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.

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

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

(81) "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.

(82) "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.

(83) "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.

(84) "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.

(85) "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.

(86) "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.

(87) "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.

(88) "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.

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

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

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

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

(93) "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.

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

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

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

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

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

(99) "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.

(100) "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.

(101) "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.

(102) "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 nego-

tations. Transactions or agreements that are illusory or a sham shall not be recognized.

(103) "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.

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

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

(106) "Sampling" means the review process of obtaining a stratified random sample of a subset of cases for the universe of claims submitted by a specific provider for use in projecting the review results across the entire universe of claims for that provider to determine an overpayment.

(107) "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.

(108) "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.

(109) "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.

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

(111) "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.

(112) "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.

(113) "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

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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.

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

(115) "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.

(116) "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.

(117) "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.

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

(119) "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.

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

(b) The effective date of this regulation shall be May 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; 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; amended July 31, 1992; amended May 3, 1993.)

30-5-59. Provider participation requirements. The following shall be prerequisites for participation in and payment from the medicaid/medikan program. Provid-

ers 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 a 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. This exception applies to reimbursement for the intravenous blood fraction products only.

(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; and

(4) agree to repay overpayment determinations resulting from the use of sampling techniques.

(e) Payment. Each participating provider shall:

(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 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; 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; amended May 3, 1993.)

30-5-60. Provider termination/suspension. (a) Any provider's participation in the medicaid/medikan program may be terminated for one or more of the following reasons:

(1) Voluntary withdrawal of the provider from participation in the program;

(2) non-compliance with applicable state laws, administrative regulations, or program issuances concerning medical providers;

(3) non-compliance with the terms of a provider agreement;

(4) non-compliance with the terms and certification set forth on claims submitted to the agency for reimbursement;

(5) assignment, granting a power of attorney over, or otherwise transferring right to payment of program claims except as set forth in 42 U.S.C. 1396a (32), revised July 18, 1984, which is adopted by reference;

(6) pattern of submitting inaccurate billings or cost reports;

(7) pattern of submitting billings for services not covered under the program;

(8) pattern of unnecessary utilization;

(9) unethical or unprofessional conduct;

(10) suspension or termination of license, registration, or certification;

(11) provision of goods, services, or supplies harmful to individuals or of an inferior quality;

(12) civil or criminal fraud against medicare, the Kansas medicaid/medikan or social service programs, or any other state's medicaid or social service programs;

(13) suspension or exclusion by the secretary of health and human services from the title XVIII or title XIX programs;

(14) direct or indirect ownership or controlling interest of five percent or more in a provider institution, organization or agency by a person who has been found guilty of civil or criminal fraud against the medicare program or the Kansas medicaid/medikan or social service programs or any other state's medicaid or social service programs;

(15) employment or appointment by a provider of a person in a managerial capacity or as an agent if the person has been found guilty of civil or criminal fraud against the medicare program or the Kansas medicaid/

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medikan or social service programs or any other state's medicaid or social service programs;

(16) insolvency; or

(17) other good cause.

(b) Termination, unless based upon civil or criminal fraud against the program, suspension or exclusion by the secretary of health and human services, shall remain in effect until the agency determines that the reason for the termination has been removed and that there is a reasonable assurance that it shall not recur. Terminations based upon civil or criminal fraud shall remain in effect for such time period as deemed appropriate by the agency. Termination based upon suspension or exclusion by the secretary of health and human services (HHS) shall remain in effect no less than the time period specified in HHS' notice of suspension.

(c) Prior to the termination of a provider from the program, the provider shall be sent a written notification by the agency of the proposed termination and the reasons. The notice shall state whether payment liability to the provider has been suspended pending further proceedings. The notice shall further advise the provider that an appearance before the section may be permitted at a specified time, not less than five days nor more than 15 days from the date the notice is mailed to or served upon the provider. At the appearance the provider may present any relevant evidence and have an opportunity to be heard on the question of continuing eligibility in the program. All evidence presented, including that of the provider, shall be considered by the agency. If the decision is to terminate, a written order of termination shall be issued, setting forth the effective date of the termination and the basic underlying facts supporting the order.

(d) Any provider found not to be in compliance with one or more requirements set forth in K.A.R. 30-5-59 may be subject to suspension of payment or other remedies in lieu of termination. The effective date of this regulation shall be May 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended May 1, 1986; amended July 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 May 3, 1993.)

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 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 or premiums of group health plans offered by the recipient's employer where the agency has determined that such a plan is cost effective;

(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) payment for 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 participation in a primary care network. This limitation shall not apply to emergency services or services not provided by the primary care network;

(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; or

(J) the service exceeds the limitations defined by the program policies.

(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) Reimbursement for medical services shall be restricted to designated lock-in providers when the agency has confirmed that the recipient is abusing or misusing medicaid/medikan services and has placed the recipient on the lock-in program.

(e) 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 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c; as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; 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; amended Nov. 2, 1992; amended May 3, 1993.)

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

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

(1) "Transfer of property" means any act, contract, or lease, which partially or totally passes the use, control, or ownership of property of an applicant or recipient 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 the individual transferred property for less than fair market value 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. Transfers occurring over several months which effectively reduce the period of ineligibility had the transfers been accomplished in one month shall be treated as a single transfer. The following transfers shall not affect eligibility under this provision:

(1) Transfers of property with an uncompensated value of less than the average monthly 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 fair market value 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

(continued)

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) a transfer of property 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 for less than fair market value; 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 for less than fair market value 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 reason for the transfer shall be examined by the agency. In examining the reason for the transfer, a determination first shall be made as to whether fair market value was received. If the agency determines that fair market value 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 individual'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 removal of the individual's name from the title or restricting access to the property if the indi-

vidual 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 for less than fair market value, or for the purpose of establishing medical assistance eligibility, the period of ineligibility shall be determined by the agency.

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 monthly 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 for less than fair market value and later the property is reconveyed to the individual, or if there is an adjustment in the transfer through which the individual receives fair market value, 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 3, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; 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; amended Jan. 4, 1993; amended May 3, 1993.)

30-6-113. Income exempt as applicable income. The following income shall be exempt as applicable income in the determination of eligibility: (a) Unearned income-in-kind;

(b) shelter cost participation payments. In shared living arrangements in which two families contribute toward the shelter obligations, any cash paid toward the

shared shelter obligation by one family to the second family in the shared arrangement shall not be considered as income to the second family. This exemption shall not be applicable in a bona fide, commercial landlord-tenant arrangement;

(c) assistance payments in the month received;

(d) home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, non-profit organization, by a supplier of home heating oil or gas, or by a municipal utility company which provides home energy, if the assistance provided is based on need;

(e) income of a child received from a youth program funded by the job training partnership act of 1982, except that earned income received under the program shall only be exempt for a period of six months;

(f) incentive payments received by renal dialysis patients;

(g) irregular, occasional, or unpredictable monetary gifts not to exceed \$30.00 per person in any calendar quarter, except that this subsection shall not be applicable to gifts in excess of \$30.00;

(h) tax refunds and rebates, except for earned income tax credits for non-SSI in accordance with K.A.R. 30-6-112 (y);

(i) for non-SSI, earned income of a recipient child if the child is under the age of 18 years and a full-time student or if the child is a part-time student and is not a full-time employee;

(j) for non-SSI, earned income of a recipient child who is 18 years of age and a full-time student;

(k) for non-SSI, support payments covered by an assignment of support rights related to ADC and ADC-FC and forwarded to the agency. However, a support refund, disbursed by the agency to the client, shall not be exempt;

(l) for non-SSI, housing assistance from federal housing programs;

(m) for non-SSI, the first \$50.00 of child support or child support in combination with spousal support received in a month;

(n) for SSI, refund of taxes paid on real property or on food purchases;

(o) for SSI, $\frac{1}{3}$ of child support payments received by an eligible child from an absent parent;

(p) for SSI, earnings of an unmarried child who is a student under 22 years of age up to \$400.00 a month. This exemption shall not exceed \$1,620.00 a year;

(q) for SSI, work expenses of a blind recipient;

(r) for SSI, impairment-related work expenses of a disabled recipient;

(s) for SSI, incentive allowances and reimbursements for individuals in training to provide support services under the jobs training partnership act (JTPA) program administered by state and local subdivisions;

(t) for SSI, the difference between the social security benefit entitlement in August, 1972, and the entitlement in September, 1972, for persons who were receiving cash assistance through the programs of AABD or ADC in September, 1972 and who were entitled to a social security benefit in September, 1972. This ex-

emption shall apply only if the exemption establishes eligibility without a spenddown;

(u) for SSI, the amount of all social security cost of living adjustments for a person who was concurrently receiving SSI and social security after April, 1977 and who would be eligible for SSI if the cost of living adjustments received since that person was last eligible for SSI were not considered as income;

(v) for SSI, income allocated and expended by an adult in an institutional living arrangement for the support of the adult's minor children if the adult does not have a spouse who continues to live in the community. The income allocation shall not exceed the amount necessary to bring their income up to the protected income level appropriate to their living arrangement;

(w) for SSI, SSI payments to which the person is not legally entitled that are subject to SSI recovery;

(x) for SSI, child support collected by the agency and paid as a \$50.00 or less pass-through of child support;

(y) for SSI, the amount of the December, 1983 increase in social security disabled widow or widower benefits resulting from the changes in the actuarial reduction formula and all subsequent cost of living adjustments for a person who was concurrently receiving SSI and social security disabled widow and widower benefits under section 202(e) or 202(f) of the social security act, provided that:

(1) The person became ineligible for SSI due solely to the 1983 actuarial increase;

(2) the person has continuously received social security disabled widow or widower benefits since the 1983 actuarial increase was first received;

(3) the person would be currently eligible for SSI if it were not for the 1983 actuarial increase and all subsequent cost of living adjustments; and

(4) the person applied for medical assistance under this provision prior to July 1, 1988;

(z) for SSI, reparation payments made under the Republic of Germany's federal law for compensation of nationalist socialist persecution;

(aa) for SSI, the amount of the social security adult disabled child benefit for an otherwise eligible SSI person age 18 or older who:

(1) Was receiving SSI benefits that began prior to age 22; and

(2) lost SSI eligibility due solely to the person becoming eligible for the adult disabled child benefits or an increase in the adult disabled child benefits;

(bb) for SSI, the amount of social security early or disabled widow or widower benefits under section 202(e) or (f) of the social security act, provided that:

(1) The person became ineligible for SSI because of the receipt of such benefits;

(2) the person would be currently eligible for SSI in the absence of such benefits; and

(3) the person is not entitled to hospital insurance benefits under Part A of title XVIII of the social security act;

(cc) for SSI, the income of an SSI recipient which exceeds the protected income level for institutionalized

(continued)

persons for three months following the month of admission when the social security administration determines that the stay in the institution is temporary and the person needs to continue to maintain and provide for the expenses of the home or other living arrangement to which the person may return;

(dd) for SSI, the income of an applicant's or recipient's spouse or parent which was counted or excluded in determining the amount of a public assistance payment, if such spouse or parent is not an applicant for or recipient of SSI;

(ee) for SSI, the income of an applicant's or recipient's spouse or parent which is used to make support payments under a court order or title IV-D support order, if such spouse or parent is not an applicant for or recipient of SSI;

(ff) for SSI, the amount of VA pension received by a single veteran with no dependents or a surviving spouse with no children, if the pension has been reduced to \$90.00 or less because the veteran or spouse resides in a medicaid-approved nursing facility;

(gg) for SSI, foster care and adoption support payments; and

(hh) for SSI, Austrian social insurance payments based, in whole or in part, on wage credits granted under the Austrian general social insurance act. The effective date of this regulation shall be May 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993; amended May 3, 1993.)

30-6-150. Estate recovery. (a) A claim against the property and estate of a deceased recipient shall be established for the amount of any medical assistance paid after June 30, 1992 on that person's behalf if the recipient:

(1) Was 65 years of age or older or was institutionalized while receiving such assistance; and

(2) has no surviving spouse or no surviving child who is under 21 years of age or meets the disability criteria of K.A.R. 30-6-85(c).

(b) If there is no estate, a claim shall be filed against the estate of the surviving spouse, if any.

(c) No recovery of medical assistance correctly paid shall occur until the death of the surviving spouse, if any, and at the time when the deceased individual has no surviving child under 21 years of age or who is disabled as specified in subsection (a).

(d) The amount of medical assistance paid shall be a claim against the estate in any guardianship or conservator proceeding.

(e) The secretary shall not be required to pursue every claim but shall have discretion in determining which claims to pursue.

(f) The monetary value of any benefits paid on behalf of a recipient under long-term care insurance, as defined by K.S.A. 1991 Supp. 40-2227 and amendments thereto, shall be a credit against the estate claim under this provision.

(g) Transfers of real or personal property by a recipient for less than fair market value shall be voidable and may be set aside. Fair market value shall be based on the percentage of ownership of the property. For real or personal property which is jointly owned, the value of the property shall be prorated to determine percentage of ownership unless otherwise specified in deed or title. The effective date of this regulation shall be May 3, 1993. (Authorized by K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5, and 39-709, as amended by L. 1992, Chapter 150, Sec. 7; effective, T-30-6-10-92, July 1, 1992; effective Oct. 1, 1992; amended Jan. 4, 1993; amended May 3, 1993.)

Article 7.—APPEALS, FAIR HEARINGS AND AFDC/GA DISQUALIFICATION HEARINGS

30-7-100. Definition of intentional AFDC or GA program violation. An intentional program violation is an action by an individual for the purpose of establishment or maintenance of a family's eligibility for aid to families with dependent children (AFDC) or general assistance (GA), or an increase in or maintenance of the amount of the family's AFDC or GA grant, which is intentionally: (a) A false or misleading statement, misrepresentation, concealment, or withholding of facts; or

(b) any act intended to mislead, misrepresent, conceal, withhold facts, or propound a falsity. The effective date of this regulation shall be May 3, 1993. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective July 31, 1992; amended May 3, 1993.)

Donna Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 013177

State of Kansas

Secretary of State

I, Bill Graves, Secretary of State of the State of Kansas, do hereby certify that each of the following bills 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 18, 1993.)

HOUSE BILL No. 2022

AN ACT concerning the legislative post audit act; relating to procedures for conducting certain audits; amending K.S.A. 74-4921 and 74-8707 and K.S.A. 1992 Supp. 75-627 and repealing the existing sections.

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

Section 1. K.S.A. 74-4921 is hereby amended to read as follows: 74-4921. (1) There is hereby created in the state treasury the Kansas public employees retirement fund. All employee and employer contributions shall be deposited in the state treasury to be credited to the Kansas public employees retirement fund. The fund is a trust fund and shall be used solely for the exclusive purpose of providing benefits to members and member beneficiaries and defraying reasonable expenses of administering the fund. Investment income of the fund shall be added or credited to the fund as provided by law. All benefits payable under the system, refund of contributions and overpayments, purchases or investments under the law and expenses in connection with the system unless otherwise provided by law shall be paid from the fund. The director of accounts and reports is authorized to draw warrants on the state treasurer and against such fund upon the filing in the director's office of proper vouchers executed by the chairperson or the executive secretary of the board. As an alternative, payments from the fund may be made by credits to the accounts of recipients of payments in banks, savings and loan associations and credit unions. A payment shall be so made only upon the written authorization and direction of the recipient of payment and upon receipt of such authorization such payments shall be made in accordance therewith. Orders for payment of such claims may be contained on (a) a letter, memorandum, telegram, computer printout or similar writing, or (b) any form of communication, other than voice, which is registered upon magnetic tape, disc or any other medium designed to capture and contain in durable form conventional signals used for the electronic communication of messages.

(2) The board shall have the responsibility for the management of the fund and shall discharge the board's duties with respect to the fund solely in the interests of the members and beneficiaries of the system for the exclusive purpose of providing benefits to members and such member's beneficiaries and defraying reasonable expenses of administering the fund and shall invest and reinvest moneys in the fund and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of the fund within the limitations and according to the powers, duties and purposes as prescribed by this section.

(3) Moneys in the fund shall be invested and reinvested to achieve the investment objective which is preservation of the fund to provide benefits to members and member beneficiaries, as provided by law and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this act. No moneys in the fund shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(4) In investing and reinvesting moneys in the fund and in acquiring, retaining, managing and disposing of investments of the fund, the board shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and

familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the fund so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar funds, considering the probable income as well as the probable safety of their capital.

(5) Notwithstanding subsection (4): (A) Total investments in common stock may be made in the amount of up to 60% of the total book value of the fund;

(B) the board may invest or reinvest moneys of the fund in alternative investments if the following conditions are satisfied:

(1) (i) The total of such alternative investments does not exceed more than 10% of the total investment assets of the fund. If the total of such alternative investments exceeds more than 10% of the total investment assets of the fund on the effective date of this act, the board shall not invest or reinvest any moneys of the fund in alternative investments until the total of such alternative investments is less than 10% of the total investment assets of the fund subject to the 10% limitation, contained in this subsection. Nothing in this subsection requires the board to liquidate or sell the system's holdings in any alternative investment held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 10% limitation contained in this section shall not have been violated if the total of such alternative investments exceeds 10% of the total investment assets of the fund as a result of market forces acting to increase the value of such alternative investments relative to the rest of the system's investments; however, the board shall not invest or reinvest any moneys of the fund in alternative investments until the total of such alternative investments is less than 10% of the total investment assets of the fund subject to the 10% limitation contained in this subsection;

(2) (ii) if in addition to the system, there are at least two other sophisticated investors, as defined by section 301 of the securities and exchange act of 1933;

(3) (iii) the system's share in any individual alternative investment is limited to an investment representing not more than 20% of any such individual alternative investment;

(4) (iv) the system has received a favorable and appropriate recommendation from a qualified, independent expert in investment management or analysis in that particular type of alternative investment;

(5) (v) the alternative investment is consistent with the system's investment policies and objectives as provided in subsection (6);

(6) (vi) the individual alternative investment does not exceed more than 2.5% of the total alternative investments made under this subsection. If the alternative investment is made pursuant to participation by the system in a multi-investor pool, the 2.5% limitation contained in this subsection is applied to the underlying individual assets of such pool and not to investment in the pool itself. The total of such alternative investments made pursuant to participation by the system in any one individual multi-investor pool shall not exceed more than 20% of the total of alternative investments made by the system pursuant to this subsection. Nothing in this subsection requires the board to liquidate or sell the system's holdings in any alternative investments made pursuant to participation by the system in any one individual multi-investor pool held by the system on the effective date of this act, unless such liquidation or sale would be in the best interest of the members and beneficiaries of the system and be prudent under the standards contained in this section. The 20% limitation contained in this subsection shall not have been violated if the total of such investment in any one individual multi-investor pool exceeds 20% of the total alternative investments of the fund as a result of market forces acting to increase the value of such a multi-investor pool relative to the rest of the system's alternative investments; however, the board shall not invest or reinvest any moneys of the fund in any such individual multi-investor pool until the value of such individual multi-investor pool is less than 20% of the total alternative investments of the fund;

(7) (vii) the board has received and considered the investment manager's due diligence findings submitted to the board as required by subsection (6)(e) (6)(C); and

(continued)

(8) (viii) prior to the time the alternative investment is made, the system has in place procedures and systems to ensure that the investment is properly monitored and investment performance is accurately measured.

For purposes of this act, "alternative investment" means nontraditional investments outside the established nationally recognized public stock exchanges and government securities market. Alternative investments shall include, but not be limited to, private placements, venture capital, real estate investment, partnerships, limited partnerships and leveraged buyout partnerships; and

(a) (C) the board shall not invest or reinvest moneys of the fund in any banking institution, savings and loan association or credit union which positions the system as a shareholder or owner of such banking institution, savings and loan association or credit union.

(6) Subject to the objective set forth in subsection (3) and the standards set forth in subsections (4) and (5) the board shall formulate policies and objectives for the investment and reinvestment of moneys in the fund and the acquisition, retention, management and disposition of investments of the fund. Such policies and objectives shall include:

(a) (A) Specific asset allocation standards and objectives;

(b) (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment;

(c) (C) a requirement that all investment managers submit such manager's due diligence findings on each investment to the board or investment advisory committee for approval or rejection prior to making any alternative investment;

(d) (D) a requirement that all investment managers shall immediately report all instances of default on investments to the board and provide the board with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment; and

(e) (E) establishment of criteria that would be used as a guideline for determining when no additional add-on investments or reinvestments would be made and when the investment would be liquidated.

The board shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(7) The board may enter into contracts with one or more persons whom the board determines to be qualified, whereby the persons undertake to perform the functions specified in subsection (2) to the extent provided in the contract. Performance of functions under contract so entered into shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts and shall be based on specific contractual fee arrangements. The system shall not pay or reimburse any expenses of persons contracted with pursuant to this subsection, except that after approval of the board, the system may pay approved investment related expenses subject to provisions of appropriation acts. The board shall require that a person contracted with to obtain commercial insurance which provides for errors and omissions coverage for such person in an amount to be specified by the board, provided that such coverage shall be at least the greater of \$500,000 or 1% of the funds entrusted to such person up to a maximum of \$10,000,000. The board shall require a person contracted with to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board, with corporate surety authorized to do business in this state. Such persons contracted with the board pursuant to this subsection and any persons contracted with such persons to perform the functions specified in subsection (2) shall be deemed to be agents of the board and the system in the performance of contractual obligations.

(8) (a) (A) In the acquisition or disposition of securities, the board may rely on the written legal opinion of a reputable bond attorney or attorneys, the written opinion of the attorney of the investment counselor or managers, or the written opinion of the attorney general certifying the legality of the securities.

(b) (B) The board shall employ or retain qualified investment counsel or counselors or may negotiate with a trust company to assist and advise in the judicious investment of funds as herein provided.

(9) (a) (A) Except as provided in subsection (7) and this subsection, the custody of money and securities of the fund shall remain in the custody of the state treasurer, except that the board may arrange for the custody of such money and securities as it considers

advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. The services provided by the banks or trust companies shall be paid pursuant to rates fixed by the board subject to provisions of appropriation acts.

(b) (B) The state treasurer and the board shall collect the principal and interest or other income of investments or the proceeds of sale of securities in the custody of the state treasurer and pay same when so collected into the fund.

(c) (C) The principal and interest or other income or the proceeds of sale of securities as provided in clause (a) (A) of this subsection (9) shall be reported to the state treasurer and the board and credited to the fund.

(10) The board shall with the advice of the director of accounts and reports establish the requirements and procedure for reporting any and all activity relating to investment functions provided for in this act in order to prepare a record monthly of the investment income and changes made during the preceding month. The record will reflect a detailed summary of investment, reinvestment, purchase, sale and exchange transactions and such other information as the board may consider advisable to reflect a true accounting of the investment activity of the fund.

(11) The board shall provide for an examination of the investment program annually. The examination shall include an evaluation of current investment policies and practices and of specific investments of the fund in relation to the objective set forth in subsection (3), the standard set forth in subsection (4) and other criteria as may be appropriate, and recommendations relating to the fund investment policies and practices and to specific investments of the fund as are considered necessary or desirable. The board shall include in its annual report to the governor as provided in K.S.A. 74-4907 and amendments thereto a report or a summary thereof covering the investments of the fund.

(12) (a) (A) The legislative post auditor shall conduct an annual financial-compliance audit and an annual performance audit of the system, and such other audits as directed by the legislative post audit committee under the Kansas legislative post audit act. The annual financial-compliance audit shall include, but not be limited to, a review of alternative investments of the system with any estimates of permanent impairments to the value of such alternative investments reported by the system pursuant to K.S.A. 74-4907 and amendments thereto. The annual performance audit shall include, but not be limited to, an evaluation of the performance of investment managers, the rates of return of investments reported by the system and total compensation received for the planned year by investment managers by individual investment classification. Such annual performance audit also shall include a comparison of the system's investment practices and performance with the investment practices and performance of other state pension programs by asset type, including all asset types described as alternative investments in subsection (5)(b) (5)(B) and such other factors as directed by the legislative post audit committee. ~~The post auditor may contract with a private auditing organization to perform all or part of the audits.~~ *The auditor to conduct any audit required pursuant to this subsection shall be specified in accordance with K.S.A. 46-1122 and amendments thereto. If the legislative post audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112 and amendments thereto, is to perform all or part of the audit work of such audit, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123 and amendments thereto and K.S.A. 46-1125 through 46-1127 and amendments thereto.* The audits required pursuant to this subsection shall be conducted in accordance with generally accepted governmental auditing standards. The annual audits shall be conducted as soon after the close of the fiscal year as practicable, but shall be completed no later than six months after the close of the fiscal year. The post auditor shall annually compute the reasonably anticipated cost of providing the financial-compliance audit pursuant to this section, subject to review and approval by the contract audit committee established by K.S.A. 46-1120 and amendments thereto. Upon such approval, the system shall reimburse the division of post audit for the amount approved by the contract audit committee. The furnishing of the financial-compliance

audit pursuant to this section shall be a transaction between the post auditor and the system and shall be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto.

(b) (B) Any internal assessment or examination of alternative investments of the system performed by any person or entity employed or retained by the board which evaluates or monitors the performance of alternative investments shall be reported to the legislative post auditor so that such report may be reviewed in accordance with the annual audits provided in subsection ~~(12)(a)~~ (12)(A).

Sec. 2. K.S.A. 74-8707 is hereby amended to read as follows: 74-8707. The accounts and transactions of the Kansas lottery and the Kansas lottery commission shall be subject to an annual financial-compliance audit, and such other audits as directed by the legislative post audit committee, under the legislative post audit act. The annual audit shall be conducted as soon after the close of the fiscal year as practicable. *The auditor to conduct this audit work shall be specified in accordance with K.S.A. 46-1122 and amendments thereto. If the legislative post audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112 and amendments thereto, is to perform all or part of such audit work, such firm shall be selected and shall perform such audit work as provided in K.S.A. 46-1123 and amendments thereto and K.S.A. 46-1125 through 46-1127 and amendments thereto.* The post auditor shall annually compute the reasonably anticipated cost of providing audits pursuant to this section, subject to review and approval by the contract audit committee established by K.S.A. 46-1120 and amendments thereto. Upon such approval, the Kansas lottery shall reimburse the division of post audit for the amount approved by the contract audit committee. The furnishing of audit services pursuant to this section shall be a transaction between the post auditor and the Kansas lottery and shall be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto.

Sec. 3. K.S.A. 1992 Supp. 75-627 is hereby amended to read as follows: 75-627. The office of the state treasurer shall prepare annual financial statements of the moneys in the state treasury. Such statements shall be prepared in accordance with generally accepted accounting principles. A financial-compliance audit shall be conducted each year of those financial statements. Such audit shall be conducted in accordance with generally accepted governmental auditing standards. Such audit shall include a review of the pooled money investment board's compliance with legal requirements applicable to the board's responsibilities for the moneys reported in the state treasury. The resulting written audit report shall be issued as soon after the end of the fiscal year as is practicable. Copies of this report shall be furnished to the governor, director of accounts and reports, director of the budget and the legislative post audit committee. A copy of the report shall be filed with the chief clerk of the house of representatives and with the secretary of the senate no later than the 10th calendar day of each regular session of the legislature. The auditor to conduct this audit work shall be specified in accordance with K.S.A. 46-1122, and amendments thereto. *If the legislative post audit committee specifies under such statute that a firm, as defined by K.S.A. 46-1112 and amendments thereto, is to perform such audit, such firm shall be selected and shall perform such audit as provided in K.S.A. 46-1123 and amendments thereto and K.S.A. 46-1125 through 46-1127 and amendments thereto.* The cost of such audit work over and above the audit work done as part of the audit specified by subsection (a) of K.S.A. 46-1106, and amendments thereto, shall be borne by the office of the state treasurer as specified by K.S.A. 46-1118, and amendments thereto.

Sec. 4. K.S.A. 74-4921 and 74-8707 and K.S.A. 1992 Supp. 75-627 are hereby repealed.

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

(Published in the Kansas Register, March 18, 1993.)

HOUSE BILL No. 2021

AN ACT concerning the legislative post audit act; relating to additional audit work requested by state agencies; amending K.S.A. 1992 Supp. 46-1118 and repealing the existing section.

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

Section 1. K.S.A. 1992 Supp. 46-1118 is hereby amended to read as follows: 46-1118. (a) (1) *Except as otherwise provided by statute, whenever the post auditor performs any additional audit work for any state agency either to satisfy federal government requirements or to satisfy financial-compliance audit requirements prescribed by or pursuant to any statute other than K.S.A. 46-1106 through 46-1117 and amendments thereto, and incurs costs in addition to those attributable to the operations of the division of post audit in performance of other duties and responsibilities, the post auditor shall make charges for such additional costs.*

(2) *The legislative post audit committee may authorize the post auditor to perform additional financial-related audit work at the request of a state agency. Upon the authorization and in accordance with the direction of the legislative post audit committee, the post auditor may make charges for costs incurred for the performance of such financial-related audit work.*

(3) *The furnishing of any such audit services by the division of post audit shall be a transaction between the post auditor and the state agency receiving such services and such transaction shall be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto.*

(b) *All moneys received for reimbursement of the division of post audit under this section shall be made deposited to the credit of the audit services fund, which fund is hereby created in the state treasury. All expenditures from the audit services fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the post auditor or a person or persons designated by the post auditor.*

Sec. 2. K.S.A. 1992 Supp. 46-1118 is hereby repealed.

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

(Published in the Kansas Register, March 18, 1993.)

SENATE BILL No. 31

AN ACT concerning banks and trust companies; critically undercapitalized; receiver for financial institutions; amending K.S.A. 9-1801, 9-1903, 9-1904, 9-1905, 9-1906 and 9-1907 and repealing the existing sections.

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

New Section 1. A bank or trust company is critically undercapitalized when the ratio of its capital to total assets is equal to or less than 2.0%. For the purposes of this section, capital shall be the sum total of the institution's common stock, surplus, undivided profits, capital reserves, noncumulative perpetual preferred stock and outstanding cumulative perpetual preferred stock (including related surplus).

Sec. 2. K.S.A. 9-1801 is hereby amended to read as follows: 9-1801. (a) No bank or trust company hereafter shall be organized or incorporated under the laws of this state, nor shall any such institution transact either a banking business or a trust company business in this state, until the application for its incorporation and application for authority to do business has been submitted to and approved by the board. The board shall approve or disapprove the organization and establishment of any such institution in the city or town in which the same is sought to be located. The form for making any such application shall be prescribed by the board and any application made to the board shall contain such information as it shall require. The board shall not approve any such application until it first investigates and examines such application and the applicants.

(b) *If upon the dissolution or insolvency, insolvency or appointment of a receiver of any bank, trust company, national bank association, savings and loan association, savings bank or credit union, it is the opinion of the commissioner that by reason of the loss of*

(continued)

services in the community, an emergency exists which may result in serious inconvenience or losses to the depositors or the public interest in the community, the commissioner may accept and approve an application for incorporation and application for authority to do business from applicants for the organization and establishment of a successor bank or trust company, subject to confirmation and subsequent approval by the board. Upon approval of an application for the organization and establishment of any such successor bank or trust company, the commissioner shall no later than the next regular meeting of the board submit such application to the board for its confirmation and approval.

Sec. 3. K.S.A. 9-1903 is hereby amended to read as follows: 9-1903. If it shall appear upon the examination of any bank or trust company or from any report made to the commissioner that any bank or trust company is ~~insolvent, then it shall be the duty of the commissioner forthwith to critically undercapitalized~~, the commissioner may take charge of such bank or trust company and all of its property and assets. ~~If from such examination or reports it shall appear any bank or trust company is insolvent the commissioner shall take charge of such bank or trust company and all of its property and assets.~~ In so doing the commissioner may appoint a special deputy commissioner to take charge temporarily of the affairs of such insolvent or ~~critically undercapitalized~~ bank or trust company until a receiver is appointed. Such deputy shall qualify, give bond and receive compensation ~~the same as the regular examiner as determined by the commissioner~~, but such compensation shall be paid by the insolvent or ~~critically undercapitalized~~ bank or trust company or in case of the appointment of a receiver allowed by the court as costs in the case. ~~Provided, That in no case shall any bank or trust company continue in charge of a special deputy for a longer period than six months. After appointment, the special deputy shall continue to serve under the direction of the commissioner for such period of time as deemed reasonable and necessary by the commissioner before returning charge of the bank or trust company back to the board of directors of the institution or appointing a receiver. In no case shall any bank or trust company continue in the charge of a special deputy for a period exceeding nine months.~~

Sec. 4. K.S.A. 9-1904 is hereby amended to read as follows: 9-1904. The stockholders of any insolvent or ~~critically undercapitalized~~ bank or trust company and its depositors and creditors may formulate a plan for the reorganization of such bank or trust company while the same is in charge of the commissioner or a special deputy commissioner or a receiver, at any time before a dividend has been paid. The depositors and creditors of such insolvent or ~~critically undercapitalized~~ bank or trust company may formulate a plan for the reorganization thereof, and if such plan is subscribed to in writing by creditors and depositors having not less than ~~eighty percent~~ 80% in amount of the known claims against ~~said~~ such bank or trust company, and such plan shall be approved by the board, and a copy thereof filed with the commissioner, the same shall be held to be legal, valid and binding upon all depositors and creditors of such insolvent or ~~critically undercapitalized~~ bank or trust company to the same extent and with the same effect as if all of the depositors and creditors had joined in the execution thereof.

As used in this section "depositors" and "creditors" shall mean and include the pooled money investment board acting for and on behalf of the state of Kansas and the governing body of any county, township, city, drainage district, school district, sewer district or other governmental subdivision and as such they are hereby authorized to join in the execution of any plan for the reorganization of any ~~insolvent bank insolvent or critically undercapitalized~~ bank or trust company with the same legal effect and validity as any individual depositor or creditor.

Sec. 5. K.S.A. 9-1905 is hereby amended to read as follows: 9-1905. When the commissioner shall take charge of any ~~insolvent or critically undercapitalized~~ bank or trust company ~~he or she pursuant to article 19 of chapter 9 of the Kansas Statutes Annotated and amendments thereto~~, the commissioner shall ascertain its actual condition as soon as possible by making a thorough investigation into its affairs and condition, and if the commissioner shall be satisfied that such bank or trust company cannot ~~sufficiently recapitalize~~,

resume business or liquidate its indebtedness to the satisfaction of its depositors and creditors, then the commissioner forthwith shall appoint a receiver therefor and require the receiver to give such bond as the commissioner deems proper. The commissioner also shall fix reasonable compensation for the receiver but the same shall be subject to the approval of the district court of the county wherein such bank or trust company is located upon the application of any party in interest.

Any receiver shall be a resident of the state of Kansas and shall have had at least five years credit experience. ~~Provided, That~~ Upon written application made within ~~thirty~~ 30 days after the finding of insolvency the commissioner shall appoint as receiver any person whom the holders of more than ~~sixty percent~~ 60% in amount of the claims against such bank or trust company shall agree upon in writing; ~~and~~. The creditors so agreeing may also agree upon the compensation and charges to be paid such receiver. Each receiver so appointed shall make a complete report to the commissioner covering the receiver's acts and proceedings as such. The commissioner may remove for cause any receiver and appoint the receiver's successor.

Sec. 6. K.S.A. 9-1906 is hereby amended to read as follows: 9-1906. (a) ~~The A~~ receiver appointed pursuant to K.S.A. 9-1905 and ~~amendments thereto~~, under the direction of the commissioner, shall take charge of any insolvent or ~~critically undercapitalized~~ bank or trust company and all of its assets and property, and liquidate the affairs and business thereof for the benefit of its depositors, creditors and stockholders. The receiver may sell or compound all bad and doubtful debts and sell all the property of the bank or trust company upon such terms as the district court of the county where the bank or trust company is located shall approve. The receiver shall pay over all moneys received to the creditors and depositors of such bank or trust company as ordered by the commissioner.

(b) In distributing assets of an ~~insolvent the insolvent or critically undercapitalized~~ bank or trust company in payment of its liabilities, the order of payment, in the event its assets are insufficient to pay in full all of its liabilities, shall be by category as follows:

- (1) The costs and expenses of the receivership and real and personal property taxes assessed against the bank pursuant to applicable law;
- (2) claims which are secured or given priority by applicable law;
- (3) claims of unsecured depositors;
- (4) all other claims exclusive of claims on capital notes and debentures;
- (5) claims on capital notes and debentures.

Should the assets be insufficient for the payment in full of all claims within a category, such claims shall be paid in the order provided by other applicable law or, in the absence of such applicable law, pro rata.

Sec. 7. K.S.A. 9-1907 is hereby amended to read as follows: 9-1907. The federal deposit insurance corporation or its successor, hereby, is authorized and empowered to be and act without bond as receiver or liquidator of any insolvent or ~~critically undercapitalized~~ bank, the deposits in which are to any extent insured by such corporation, and which bank shall have been closed. In the event of any such closing of any bank the commissioner may tender to the insurance corporation the appointment as receiver or liquidator of such bank, and if the insurance corporation accepts the appointment then such insurance corporation shall have and possess all the powers and privileges and shall assume all the duties and requirements provided by the laws of this state with respect to a state receiver or liquidator, respectively, of a bank, its depositors and other creditors, and shall be subject to the jurisdiction of the district courts and supreme court of Kansas.

Sec. 8. K.S.A. 9-1801, 9-1903, 9-1904, 9-1905, 9-1906 and 9-1907 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register, March 18, 1993.)

Notice of Bond Sale
\$4,610,000
City of Pittsburg, Kansas
Water and Sewage System Revenue Bonds
Series 1993-A

Sealed Bids

Sealed bids for the purchase of \$4,610,000 principal amount of Water and Sewage System Revenue Bonds, Series 1993-A, of the city hereinafter described, will be received by the undersigned, city clerk of the city of Pittsburg, Kansas, on behalf of the governing body of the city at City Hall, 201 W. 4th, P.O. Box 688, Pittsburg, KS 66762, until 11 a.m. C.S.T. on Tuesday, March 30, 1993. All bids will be publicly opened and read at said time and place and will be acted upon by the city's governing body at its meeting to be held at 5 p.m. C.S.T. on Tuesday March 30, 1993, at Pittsburg City Hall. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated April 1, 1993, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
1994	\$145,000
1995	150,000
1996	160,000
1997	170,000
1998	175,000
1999	185,000
2000	190,000
2001	195,000
2002	205,000
2003	215,000
2004	225,000
2005	235,000
2006	245,000
2007	260,000
2008	270,000
2009	285,000
2010	300,000
2011	315,000
2012	335,000
2013	350,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning on September 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). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the

office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

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

Redemption of Bonds Prior to Maturity

At the option of the city, bonds maturing on September 1, 2001, and thereafter will be subject to redemption and payment prior to maturity, in inverse order of maturity on September 1, 2000, and thereafter in whole at any time or in part on any interest payment date (bonds of less than a single maturity to be selected by lot in multiples of \$5,000 principal amount by the paying agent and bond registrar in such equitable manner as it shall designate), at the principal amount thereof, plus accrued interest to the redemption date, without premium.

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

If the city shall elect to call any bond for redemption and payment prior to the maturity thereof, the city shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States 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, at least 30 days prior to the redemption date. Upon its receipt of such notice, the paying agent shall give notice of such call by first class mail, postage prepaid, to the registered owners of said bonds. 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.

Municipal Bond Insurance

AMBAC Indemnity has made a commitment to issue a municipal bond insurance policy relating to the bonds effective as of the date of issuance of the bonds. Under the terms of the municipal bond insurance policy, AMBAC Indemnity will pay to the United States Trust Company of New York, in New York, New York, or any successor thereto (the insurance trustee) that portion of the principal of and interest on the bonds

(continued)

which shall become due for payment but shall be unpaid by reason of "nonpayment" (as such term is defined in the municipal bond insurance policy) by the city. AMBAC Indemnity will make such payments to the insurance trustee on the later of the date on which such principal and interest becomes due for payment or within one business day following the date on which AMBAC Indemnity shall have received notice of nonpayment from the paying agent for the bonds. The insurance will extend for the term of the bonds and, once issued, cannot be canceled by AMBAC Indemnity.

The municipal bond insurance policy will insure payment only on stated maturity dates and on mandatory sinking fund installment dates, in the case of principal, and on stated dates for payment, in the case of interest. If the bonds become subject to mandatory redemption and insufficient funds are available for redemption of all outstanding bonds, AMBAC Indemnity will remain obligated to pay principal of and interest on outstanding bonds on the originally scheduled interest and principal payment dates including mandatory sinking fund redemption dates. In the event of any acceleration of the principal of the bonds, the insured payments will be made at such times and in such amounts as would have been made had there not been an acceleration.

In the event the paying agent has notice that any payment of principal of or interest on a bond which has become due for payment and which is made to a bondholder by or on behalf of the issuer has been deemed a preferential transfer and theretofore recovered from its registered owner pursuant to the United States Bankruptcy Code in accordance with a final, nonappealable order of a court of competent jurisdiction, such registered owner will be entitled to payment from AMBAC Indemnity to the extent of such recovery if sufficient funds are not otherwise available.

The municipal bond insurance policy does not insure any risk other than nonpayment, as defined in the policy. Specifically, the municipal bond insurance policy does not cover:

1. Payment on acceleration, as a result of a call for redemption (other than mandatory sinking fund redemption) or as a result of any other advancement of maturity.
2. Payment of any redemption, prepayment or acceleration premium.
3. Nonpayment of principal or interest caused by the insolvency or negligence of the paying agent.

If it becomes necessary to call upon the municipal bond insurance policy, payment of principal requires surrender of bonds to the insurance trustee together with an appropriate instrument of assignment so as to permit ownership of such bonds to be registered in the name of AMBAC Indemnity to the extent of the payment under the municipal bond insurance policy. Payment of interest pursuant to the municipal bond insurance policy requires proof of bondholder entitlement to interest payments and an appropriate assignment of the bondholder's right to payment to AMBAC Indemnity.

Upon payment of the insurance benefits, AMBAC Indemnity will become the owner of the bond, appurtenant coupon, if any, or right to payment of principal or interest on such bond and will be fully subrogated to the surrendering bondholder's rights to payment.

Conditions of Bids

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

Basis of Award

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

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various improvements to the water and sewage system of the city. The bonds are payable solely from and secured as to the payment of principal and interest by a pledge of the revenues derived by the city from the operation of the water and sewage system, including revenues derived from extensions and improvements to the water and sewage system hereafter constructed or acquired by the city. The bonds do not constitute a general obligation of the city, nor do they constitute an indebtedness of the city within the meaning of any constitutional, statutory or charter provisions, limitations or restrictions.

In the ordinance authorizing the issuance of the bonds, the city covenants to fix, establish, maintain and collect such rates, fees and charges for the use and services furnished by or through the water and sewage system, including all extensions and improvements thereto hereafter constructed or acquired by the city, as will produce revenues sufficient to enable the city to have in each fiscal year net operating revenues from the water and sewage system in an amount that will be not less than 125 percent of maximum annual debt service on all water and sewage system revenue bonds of the city at the time outstanding.

In addition, the bonds will be secured by a bond reserve account to be fully funded in the amount of \$461,000 from bond proceeds.

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 nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

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

The code also requires property and casualty insurance companies to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations. With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds. The city does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by

the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds, without cost to the successful bidder, properly prepared, executed and registered, on or about April 15, 1993, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity and a certificate regarding the completeness and accuracy of the official statement. 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 4 p.m. C.S.T. on April 6, 1993. 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.

The successful bidder shall furnish the city by 4 p.m. C.S.T. on April 6, 1993, a certificate acceptable to the city's bond counsel to the effect that: (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that: (1) it is made on the best knowledge, information and belief of the successful bidder, and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$92,200, payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with

(continued)

all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check shall be forfeited to the city, with the city reserving the right to pursue any consequential damages arising from such default.

CUSIP Numbers

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

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of Water and Sewage System Revenue Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 11 a.m. C.S.T. on Tuesday, March 30, 1993.

Date and Delivery of Preliminary and Final Official Statement

The city has authorized the preparation and disbursement of a preliminary official statement containing information relating to the bonds. The preliminary official statement comprises the final official statement required by Rule 15c2-12 of the Securities and Exchange Commission.

The preliminary official statement, when amended to include the interest rates specified by the underwriter(s) and the price or yield at which the underwriter(s) will re-offer the bonds to the public, together with any other information required by law, will constitute a "Final Official Statement" with respect to the bonds as that term is defined in Rule 15c2-12. No more than seven business days after the date of the sale, the city will provide without cost to the purchaser(s) a reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the underwriter(s) expense. If the sale of the bonds are awarded to a syndicate, the city will designate the senior managing underwriter of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating underwriter. Any underwriter executing and delivering

a bid form with respect to the bonds agrees thereby that if the bid is accepted it shall accept such designation and shall enter into a contractual relationship with all participating underwriters for the purpose of assuring the receipt and distribution by each such participating underwriter of the final official statement.

The city will deliver to the underwriter(s) on the date of delivery of the bonds a certificate executed by the mayor and the city clerk to the effect that the final official statement, as of the date of delivery of the bonds, does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in the light of the circumstances in which they are made, not misleading.

Copies of the city's preliminary official statement relating to the bonds may be obtained from the city clerk or the city's financial advisor, Investment Bankers of Kansas City, a division of Mark Twain Bank, 1101 Walnut, Suite 900, Kansas City, MO 64106, (816) 421-4440.

Dated March 11, 1993.

City of Pittsburg, Kansas
Karen K. Garman
City Clerk
City Hall
201 W. 4th
Pittsburg, KS 66762
(316) 231-4100

Doc. No. 013190

State of Kansas

Kansas Commission on Governmental Standards and Conduct

Advisory Opinion No. 93-6

Written March 11, 1993, to Ron Adams, Hays.

This opinion is in response to your letter of February 2, 1993, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state level conflict of interest law (K.S.A. 46-215 *et seq.*).

We note at the outset that this commission's jurisdiction is limited to the application of the above law. Thus, whether some other statutory system, common law or agency rule or policy relates to your question is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as an Environmental Technician IV with the Kansas Department of Health and Environment. You advise us that you are considering the purchase of a building in Hays, Kansas, which is currently leased to the Kansas Corporation Commission and the Kansas Department of Health and Environment.

Question

You ask whether an employee of the Kansas Department of Health and Environment can contract with KDHE and KCC for the lease of a building to those agencies.

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety, and it is our opinion so long as you do not participate in your capacity as a state employee in the making of any lease agreement between the state and yourself, and do not in your capacity as an Environmental Technician IV participate in the licensing, inspecting or regulating of the leasehold premise, that the situation you describe is not prohibited by this act. Please note, if your agency has any reason to license, regulate or inspect the leasehold premise, you must abstain totally from any such action.

Advisory Opinion No. 93-7

Written March 11, 1993, to William R. Garrison, Ness City.

This opinion is in response to your letter of December 22, 1992, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning a conflict of interest situation involving K.S.A. 46-215 *et seq.* and K.S.A. 75-4301 *et seq.*

We note at the outset that this commission's jurisdiction is limited to the application of the above laws. Thus, whether some other statutory system, common law or agency rule or policy relates to your question is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as a driver license field officer for the state of Kansas. You indicate you are considering taking a part-time position as a reserve police officer for Ness City.

Question

You ask if you may serve as a part-time reserve police officer for Ness City during your tenure as a state employee employed as a driver license field officer.

Opinion

We have reviewed both acts in their entirety, and it is our opinion so long as you do not participate in the making of any contracts between the two agencies by which you are employed and do not in your capacity as a state officer, license, regulate or inspect Ness City, that the situation you have described is not prohibited by the above laws.

Advisory Opinion No. 93-8

Written March 11, 1993, to all interested persons:

Pursuant to K.S.A. 25-4159, the Kansas Commission on Governmental Standards and Conduct takes this opportunity to render its opinion concerning the interpretation of K.S.A. 25-4157(a).

K.S.A. 25-4157(a) states:

No moneys received by any candidate or candidate committee of any candidate as a contribution under this act shall be used or be made available for the personal use of the candidate and no such moneys shall be used by such candidate or candidate committee of such candidate except for legitimate campaign purposes or for expenses of holding political office.

For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses for the candidate or the candidate's family and expenditures for the personal benefit of the candidate having no direct connection with or effect upon the campaign of the candidate or the holding of public office.

Question

May a candidate who received money from a state party committee or a recognized political committee later return the money to such committee without violating the above section?

Opinion

We first note that in Opinion No. 92-18 this commission opined that a donation by a candidate from candidate funds to a party committee was impermissible under the above section as a personal use of the fund.

The above section clearly states, "no moneys received" . . . shall be available for personal use. . ." Moneys are clearly received when the recipient exercises dominion and control over the conveyance. Thus, unless a donation is not accepted contemporaneously with the offer, the moneys are received and become the funds of the recipient. The act simply does not allow for the return of those funds to be considered anything other than a new contribution when returned to the original donor.

Advisory Opinion No. 93-9

Written March 11, 1993, to Eugene Anderson, Director, Division of Aviation, Kansas Department of Transportation, Topeka.

This opinion is in response to your letter of March 3, 1993, in which you request an opinion from the Kansas Commission on Governmental Standards and Conduct concerning the state conflict of interest law.

Statement of Fact

We understand you request this opinion in your capacity as Director of Aviation for the Kansas Department of Transportation. You advise us that the division has been consulting with the Boeing Company for the use of some video footage produced by Boeing for the production of an educational video focusing on the economic impact of aviation in the state of Kansas. The division does not license, regulate or inspect Boeing.

Question

Is it permissible for the division to contract with or accept as a gift from Boeing the video footage described?

Opinion

We have reviewed K.S.A. 46-215 *et seq.* in its entirety, and nothing in the act prohibits the situation you have described.

Richard C. "Pete" Loux
Chairman

Doc. No. 013192

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1992 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-2-30	New	V. 11, p. 278
1-2-34	New	V. 11, p. 1016
1-2-81	Revoked	V. 11, p. 278
1-6-2	Amended	V. 11, p. 278
1-6-31	Amended	V. 11, p. 1016
1-6-32	Amended	V. 11, p. 278
1-8-7	Amended	V. 11, p. 1017
1-9-4	Amended	V. 11, p. 1017
1-9-5	Amended	V. 11, p. 1019
1-9-13	Amended	V. 11, p. 1020
1-9-18	Amended	V. 11, p. 1020
1-9-19a	Amended	V. 11, p. 279
1-9-23	New	V. 11, p. 1194, 1257
1-16-18	Amended	V. 12, p. 6, 54
1-16-18a	Amended	V. 12, p. 7, 55
1-45-14	Amended	V. 11, p. 1195
1-46-1	Amended	V. 11, p. 1195
1-46-3	Amended	V. 11, p. 1195

AGENCY 4: BOARD OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 11, p. 1895
4-4-923	Amended	V. 11, p. 1895
4-4-924	Amended	V. 11, p. 1895
4-4-931	Amended	V. 11, p. 1896
4-4-932	Amended	V. 11, p. 1896
4-4-933	Amended	V. 11, p. 1896
4-4-934	Amended	V. 11, p. 1897
4-4-935	Amended	V. 11, p. 1897
4-4-956	New	V. 11, p. 1897
4-7-716	Amended	V. 11, p. 555
4-7-719	Amended	V. 11, p. 63
4-8-14a	Amended	V. 11, p. 1898
4-8-27	Amended	V. 11, p. 555
4-8-28	New	V. 11, p. 1898
4-8-33	New	V. 11, p. 1898
4-8-40	Amended	V. 11, p. 1898
4-8-41	New	V. 11, p. 555
4-10-1	Amended	V. 11, p. 1898
4-13-36	Amended	V. 11, p. 1899
4-13-38	Amended	V. 11, p. 1899
4-13-41	Amended	V. 11, p. 1900
4-13-42	Amended	V. 11, p. 1900
4-13-62	Amended	V. 11, p. 1900
4-13-63	Amended	V. 11, p. 1901
4-15-2	Amended	V. 11, p. 555
4-16-1a	Amended	V. 11, p. 1901
4-16-1c	Amended	V. 11, p. 1901
4-16-7a	Amended	V. 11, p. 1901
4-16-300	through	
4-16-305	New	V. 11, p. 556, 557
4-17-1a	Amended	V. 11, p. 1901
4-17-1c	Amended	V. 11, p. 1902
4-17-5a	Amended	V. 11, p. 1902
4-17-300	through	
4-17-305	New	V. 11, p. 557, 558

AGENCY 5: BOARD OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-42-1	Amended	V. 11, p. 361
5-42-3	Amended	V. 11, p. 361

5-45-1	through	
5-45-4	Amended	V. 11, p. 361-363
5-45-6	Amended	V. 11, p. 363
5-45-7	Amended	V. 11, p. 363
5-45-12	Amended	V. 11, p. 363
5-45-13	Amended	V. 11, p. 364
5-45-14	through	
5-45-17	New	V. 11, p. 364, 365

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-23-8	New	V. 11, p. 1257, 1296
7-29-1	Amended	V. 11, p. 1369, 1423
7-32-1	Amended	V. 11, p. 1117, 1143

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

Reg. No.	Action	Register
14-10-5	Amended	V. 11, p. 1929
14-10-10	Amended	V. 11, p. 1930
14-10-11	Amended	V. 11, p. 1930
14-10-12	Amended	V. 11, p. 1931
14-13-1	Amended	V. 11, p. 1931
14-13-2	Amended	V. 11, p. 1932
14-13-13	Amended	V. 11, p. 1933
14-14-1	Amended	V. 11, p. 1934
14-14-11	Amended	V. 11, p. 1711
14-16-20	Revoked	V. 11, p. 1041
14-19-14	Amended	V. 11, p. 1935
14-19-15	Amended	V. 11, p. 1936
14-20-14	Amended	V. 11, p. 1937
14-20-15	Amended	V. 11, p. 1938
14-20-16	Amended	V. 11, p. 1938
14-21-1	Amended	V. 11, p. 1939
14-21-2	Amended	V. 11, p. 1940
14-21-3	Amended	V. 11, p. 1941
14-22-1	Amended	V. 11, p. 1941
14-22-2	Amended	V. 11, p. 1942
14-22-3	Amended	V. 11, p. 1943

AGENCY 17: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
17-11-21	Amended	V. 11, p. 1903
17-15-1	Amended	V. 12, p. 311
17-16-8	Amended	V. 12, p. 314
17-21-1	through	
17-21-8	New	V. 11, 1040
17-21-1	Amended	V. 12, p. 314
17-21-2	Amended	V. 12, p. 314
17-22-1	New	V. 11, p. 1371

AGENCY 19: KANSAS COMMISSION ON GOVERNMENTAL STANDARDS AND CONDUCT

Reg. No.	Action	Register
19-1-1	Amended	V. 11, p. 714
19-1-11	Amended	V. 11, p. 714
19-3-2	Amended	V. 11, p. 714
19-4-2	Amended	V. 11, p. 715
19-20-2	Amended	V. 11, p. 715
19-27-2	Amended	V. 11, p. 715
19-29-2	Amended	V. 11, p. 716
19-29-4	Amended	V. 11, p. 717
19-29-5	New	V. 11, p. 717
19-30-4	Amended	V. 11, p. 717
19-40-3a	Amended	V. 11, p. 718
19-40-4	New	V. 11, p. 1369
19-40-5	New	V. 11, p. 718
19-41-1	Amended	V. 11, p. 718
19-60-3	Amended	V. 11, p. 719
19-61-1	Amended	V. 11, p. 720
19-61-2	Amended	V. 11, p. 720
19-61-3	Revoked	V. 11, p. 720
19-62-1	Amended	V. 11, p. 721
19-62-2	Amended	V. 11, p. 721
19-63-2	Amended	V. 11, p. 721
19-63-3	Amended	V. 11, p. 721
19-63-4	Amended	V. 11, p. 722
19-63-6	New	V. 11, p. 722

AGENCY 21: KANSAS HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-34-1	through	
21-34-21	New	V. 11, p. 357-360
21-34-1	through	
21-34-21	New	V. 11, p. 504-507
21-60-1	through	
21-60-23	New	V. 11, p. 1084-1091, 1153-1160
21-80-1	through	
21-80-10	New	V. 11, p. 1764-1766

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT

Reg. No.	Action	Register
25-2-2	Revoked	V. 11, p. 1742
25-2-5	Revoked	V. 11, p. 1742
25-4-1	Amended	V. 11, p. 1643, 1702
25-4-4	Amended	V. 11, p. 164

AGENCY 26: DEPARTMENT ON AGING

Reg. No.	Action	Register
26-8-1	through	
26-8-14	New	V. 11, p. 1041-1043

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-2	Amended	V. 12, p. 315
28-14-2	Amended	V. 11, p. 1797
28-15-11	Amended	V. 11, p. 1231
28-15-12	New	V. 12, p. 57
28-15-13	Amended	V. 11, p. 1232
28-15-14	Amended	V. 11, p. 1233
28-15-15	Revoked	V. 11, p. 1236
28-15-15a	New	V. 11, p. 1236
28-15-20	Amended	V. 11, p. 1237
28-16-29	Revoked	V. 11, p. 1260
28-16-30	through	
28-16-36	New	V. 11, p. 1260, 1261
28-17-6	Amended	V. 11, p. 1543, 1584
28-17-12	Amended	V. 11, p. 1543, 1584
28-17-20	Amended	V. 11, p. 1543, 1584
28-19-17	Amended	V. 11, p. 608
28-19-17a	through	
28-19-171	Amended	V. 11, p. 608, 609
28-19-17m	through	
28-19-17q	New	V. 11, p. 609, 610
28-19-19	Amended	V. 11, p. 610
28-19-73	Amended	V. 11, p. 612
28-24-1	New	V. 11, p. 1798
28-24-2	New	V. 11, p. 1798
28-24-4	through	
28-24-16	New	V. 11, p. 1798-1800
28-29-28	through	
28-29-36	New	V. 11, p. 614-620, 758-764
28-31-8a	Revoked	V. 11, p. 232
28-31-10a	New	V. 11, p. 232
28-35-147	Amended	V. 11, p. 130
28-53-1	Amended	V. 11, p. 846
28-53-2	Amended	V. 11, p. 846
28-59-7	Amended	V. 11, p. 1643
28-61-1	through	
28-61-10	New	V. 11, p. 1743-1748

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-2-16	Amended	V. 11, p. 1295
30-4-52	Amended	V. 11, p. 1749
30-4-55	Amended	V. 11, p. 1750
30-4-72	Amended	V. 11, p. 1010, 1044
30-4-73	Amended	V. 11, p. 1262
30-4-90	Amended	V. 12, p. 264

30-4-101	Amended	V. 11, p. 1011, 1045
30-4-109	Amended	V. 11, p. 1263
30-4-112	Amended	V. 11, p. 1263
30-4-140	Amended	V. 11, p. 365
30-5-58	Amended	V. 11, p. 984
30-5-59	Amended	V. 11, p. 371
30-5-64	Amended	V. 11, p. 372
30-5-65	Amended	V. 11, p. 372
30-5-70	Amended	V. 11, p. 1480
30-5-71	Amended	V. 11, p. 1751
30-5-80	New	V. 11, p. 989
30-5-86	Amended	V. 11, p. 1752
30-5-95	Amended	V. 11, p. 205
30-5-100	Amended	V. 11, p. 1752
30-5-100a	Amended	V. 11, p. 1752
30-5-110	Amended	V. 11, p. 373
30-5-114	Amended	V. 11, p. 1265
30-5-151	Amended	V. 12, p. 266
30-5-159	Amended	V. 11, p. 1753
30-5-160	Amended	V. 11, p. 1753
30-5-161	Amended	V. 11, p. 1753
30-5-169	Amended	V. 11, p. 1753
30-5-171	Revoked	V. 11, p. 1753
30-5-173	New	V. 11, p. 1753
30-5-173a	New	V. 11, p. 1753
30-6-52	Amended	V. 11, p. 1753
30-6-53	Amended	V. 11, p. 1754
30-6-55	Amended	V. 11, p. 374
30-6-56	Amended	V. 11, p. 1755
30-6-72	Amended	V. 11, p. 1012, 1046
30-6-73	Amended	V. 11, p. 1265
30-6-86	Amended	V. 11, p. 1756
30-6-103	Amended	V. 11, p. 1757
30-6-106	Amended	V. 11, p. 1757
30-6-109	Amended	V. 11, p. 1268
30-6-112	Amended	V. 11, p. 1269
30-6-113	Amended	V. 11, p. 1760
30-6-150	Amended	V. 11, p. 1761
30-7-100	through	
30-7-104	New	V. 11, p. 990-992
30-9-13	Revoked	V. 11, p. 992
30-9-18	through	
30-9-22	Revoked	V. 11, p. 992
30-10-1a	Amended	V. 11, p. 1481
30-10-1b	Amended	V. 11, p. 1483
30-10-1c	Amended	V. 11, p. 1484
30-10-2	Amended	V. 11, p. 1484
30-10-3	Revoked	V. 11, p. 1485
30-10-4	Revoked	V. 11, p. 1485
30-10-6	Amended	V. 11, p. 1761
30-10-7	Amended	V. 11, p. 1761
30-10-8	Revoked	V. 11, p. 1485
30-10-11	Amended	V. 11, p. 1762
30-10-15a	Amended	V. 11, p. 1485
30-10-15b	Amended	V. 11, p. 1486
30-10-17	Amended	V. 11, p. 1487
30-10-18	Amended	V. 11, p. 1488
30-10-19	Amended	V. 11, p. 1490
30-10-20	Amended	V. 11, p. 1490
30-10-23a	Amended	V. 11, p. 1490
30-10-23b	Amended	V. 11, p. 1491
30-10-23c	Amended	V. 11, p. 1491
30-10-25	Amended	V. 11, p. 1492
30-10-28	Amended	V. 11, p. 1493
30-10-29	Amended	V. 11, p. 1493
30-10-200	Amended	V. 11, p. 207
30-10-210	Amended	V. 11, p. 209
30-10-212	Amended	V. 11, p. 210
30-10-214	Amended	V. 11, p. 1270
30-10-217	Amended	V. 11, p. 210
30-10-219	Amended	V. 11, p. 211

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-13-30	through	
36-13-34	Amended	V. 11, p. 657-662
36-13-36	Revoked	V. 11, p. 663
36-13-37	Amended	V. 11, p. 663
36-13-38	New	V. 11, p. 664
36-13-39	New	V. 11, p. 664

36-37-1	through	
36-37-6	New	V. 12, p. 309, 310
36-38-1	New	V. 12, p. 310
36-38-2	New	V. 12, p. 310

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-37	Amended	V. 11, p. 1801
40-2-12	Amended	V. 11, p. 1801
40-3-47	Amended	V. 11, p. 1967
40-3-49	New	V. 11, p. 1803
40-4-35	Amended	V. 11, p. 82
40-4-37	Amended	V. 11, p. 1803
40-4-37a	New	V. 11, p. 1804
40-4-37b	New	V. 11, p. 1804
40-4-37c	New	V. 11, p. 1804
40-4-37d	New	V. 11, p. 1968
40-4-37e	New	V. 11, p. 1804
40-4-37f	New	V. 11, p. 1805
40-4-37g	New	V. 11, p. 1805
40-4-37h	New	V. 11, p. 1805
40-4-37i	New	V. 11, p. 1806
40-4-37j	New	V. 11, p. 1807
40-4-37k	New	V. 11, p. 1808
40-4-37l	New	V. 11, p. 1809
40-4-37m	New	V. 11, p. 1810
40-4-37n	New	V. 11, p. 1810
40-4-37o	New	V. 11, p. 1810
40-4-37p	New	V. 11, p. 1810
40-4-37r	New	V. 11, p. 1811
40-4-40	New	V. 11, p. 1811
40-7-7	Amended	V. 11, p. 1968
40-7-7a	New	V. 11, p. 1812
40-7-13	Amended	V. 11, p. 1969
40-7-19	Amended	V. 11, p. 1812
40-7-20a	Amended	V. 11, p. 1969
40-8-7	Amended	V. 11, p. 1971
40-9-118	Amended	V. 11, p. 1812
40-14-10	New	V. 11, p. 1971

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-6-120	Amended	V. 11, p. 230
44-6-124	Amended	V. 11, p. 230
44-6-125	Amended	V. 11, p. 231
44-6-135	Amended	V. 11, p. 231
44-7-104	Amended	V. 11, p. 1830
44-7-113	Amended	V. 11, p. 316
44-7-115	New	V. 11, p. 316
44-12-101	Amended	V. 11, p. 316
44-12-102	Amended	V. 11, p. 316
44-12-104	Amended	V. 11, p. 316
44-12-105	Amended	V. 11, p. 317
44-12-201	Amended	V. 11, p. 317
44-12-202	Amended	V. 11, p. 317
44-12-204	Amended	V. 11, p. 317
44-12-205	Amended	V. 11, p. 317
44-12-208	Amended	V. 11, p. 317
44-12-209	Amended	V. 11, p. 317
44-12-301	Amended	V. 11, p. 317
44-12-307	Amended	V. 11, p. 317
44-12-308	Amended	V. 11, p. 317
44-12-309	Amended	V. 11, p. 317
44-12-312	Amended	V. 11, p. 317
44-12-313	Amended	V. 11, p. 318
44-12-314	Amended	V. 11, p. 318
44-12-315	Amended	V. 11, p. 318
44-12-316	Revoked	V. 11, p. 318
44-12-317	Amended	V. 11, p. 318
44-12-319	Amended	V. 11, p. 318
44-12-321	Amended	V. 11, p. 318
44-12-323	Amended	V. 11, p. 318
44-12-324	Amended	V. 11, p. 319
44-12-325	Amended	V. 11, p. 319
44-12-326	Amended	V. 11, p. 319
44-12-328	New	V. 11, p. 319
44-12-401	Amended	V. 11, p. 319
44-12-501	Amended	V. 11, p. 319
44-12-502	Amended	V. 11, p. 319
44-12-503	Amended	V. 11, p. 319
44-12-505b	New	V. 11, p. 320
44-12-601	Amended	V. 11, p. 320
44-12-602	Amended	V. 11, p. 321

44-12-701	Revoked	V. 11, p. 321
44-12-901	Amended	V. 11, p. 321
44-12-902	Amended	V. 11, p. 322
44-12-1001	Amended	V. 11, p. 322
44-12-1002	Amended	V. 11, p. 322
44-12-1101	Amended	V. 11, p. 322
44-12-1201	Amended	V. 11, p. 322
44-12-1202	Amended	V. 11, p. 322
44-12-1301	Amended	V. 11, p. 323
44-12-1302	Amended	V. 11, p. 323
44-12-1303	Amended	V. 11, p. 323
44-12-1304	Revoked	V. 11, p. 323
44-12-1306	Amended	V. 11, p. 323
44-12-1307	Amended	V. 11, p. 324
44-13-101	Amended	V. 11, p. 324
44-13-101a	Amended	V. 11, p. 325
44-13-103	Amended	V. 11, p. 325
44-13-104	Amended	V. 11, p. 325
44-13-106	Amended	V. 11, p. 325
44-13-115	Revoked	V. 11, p. 325
44-13-201	Amended	V. 11, p. 325
44-13-201b	New	V. 11, p. 326
44-13-202	Amended	V. 11, p. 327
44-13-203	Amended	V. 11, p. 327
44-13-301	Revoked	V. 11, p. 327
44-13-302	Revoked	V. 11, p. 327
44-13-302a	New	V. 11, p. 327
44-13-303	Revoked	V. 11, p. 328
44-13-304	Amended	V. 11, p. 328
44-13-401	Amended	V. 11, p. 328
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 54: KANSAS STATE LIBRARY

Reg. No.	Action	Register
54-1-23	New	V. 11, p. 1894

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 11, p. 83
60-4-103	Amended	V. 11, p. 1193
60-7-108	New	V. 12, p. 349
60-9-104	Revoked	V. 11, p. 83

(continued)

60-9-105	Amended	V. 12, p. 349
60-9-107	New	V. 11, p. 83
60-11-103	Amended	V. 12, p. 350
60-11-114	New	V. 11, p. 85
60-11-118	Amended	V. 12, p. 350
60-12-105	New	V. 11, p. 85
60-13-113	New	V. 11, p. 85

AGENCY 63: BOARD OF MORTUARY ARTS		
Reg. No.	Action	Register
63-3-20	Amended	V. 11, p. 133
63-3-21	New	V. 11, p. 133

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-1		
through		
65-4-5	New	V. 11, p. 470, 471
65-5-1		
through		
65-5-8	New	V. 11, p. 472, 473
65-6-8	Revoked	V. 11, p. 473
65-6-11	Revoked	V. 11, p. 474
65-6-12	Revoked	V. 11, p. 474
65-6-16	Revoked	V. 11, p. 474
65-6-25	Revoked	V. 11, p. 474
65-6-30	Revoked	V. 11, p. 474
65-6-33	Revoked	V. 11, p. 474
65-6-36	Revoked	V. 11, p. 474
65-6-37	Revoked	V. 11, p. 474
65-7-1	Revoked	V. 11, p. 474
65-7-2	Revoked	V. 11, p. 474
65-7-4	Revoked	V. 11, p. 474
65-7-8	Revoked	V. 11, p. 474
65-7-9	Revoked	V. 11, p. 474
65-7-11	Revoked	V. 11, p. 474
65-7-12	Revoked	V. 11, p. 474
65-7-13	Revoked	V. 11, p. 474
65-7-14	Revoked	V. 11, p. 474
65-8-1		
through		
65-8-4	New	V. 11, p. 474, 475
65-9-1		
through		
65-9-5	New	V. 11, p. 475, 476
65-10-1	New	V. 11, p. 476
65-10-2	New	V. 11, p. 477
65-10-3	New	V. 11, p. 477
65-11-1	New	V. 11, p. 477
65-11-2	New	V. 11, p. 477
65-11-3	New	V. 11, p. 477

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 12, p. 10
66-6-3	Revoked	V. 12, p. 10
66-6-4	Amended	V. 12, p. 10
66-6-6	Amended	V. 12, p. 11
66-6-7	Revoked	V. 12, p. 11
66-6-8	Amended	V. 12, p. 11
66-6-9	Amended	V. 12, p. 11
66-7-1	Amended	V. 11, p. 408
66-7-2	Amended	V. 11, p. 408
66-8-1	Amended	V. 11, p. 409
66-8-2		
through		
66-8-5	Amended	V. 12, p. 11, 12
66-8-6	Amended	V. 11, p. 409
66-9-1	Amended	V. 12, p. 12
66-9-2	Amended	V. 12, p. 12
66-9-3	Revoked	V. 12, p. 12
66-9-4	Amended	V. 12, p. 12
66-9-5	New	V. 12, p. 12
66-10-1	Amended	V. 12, p. 13
66-10-2	Revoked	V. 12, p. 13
66-10-3	Amended	V. 12, p. 13
66-10-4	Amended	V. 12, p. 13
66-10-5	Amended	V. 12, p. 13
66-10-6	Revoked	V. 12, p. 13
66-10-7	Revoked	V. 12, p. 13
66-10-8	Revoked	V. 12, p. 13
66-10-10	Amended	V. 12, p. 13
66-10-10a	New	V. 12, p. 13
66-10-11	Amended	V. 12, p. 14

66-10-12	Amended	V. 12, p. 14
66-11-1	Amended	V. 11, p. 411
66-11-2	Amended	V. 12, p. 14
66-11-3	Amended	V. 12, p. 14
66-12-1	New	V. 11, p. 412
66-13-1	Amended	V. 12, p. 14

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-20	Amended	V. 11, p. 1611
68-7-12	Amended	V. 11, p. 1611
68-7-12a	New	V. 12, p. 186
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 11, p. 1612
68-12-2	Amended	V. 12, p. 187
68-14-1		
through		
68-14-7	New	V. 11, p. 665, 666
68-20-18	Amended	V. 12, p. 187
68-20-19	Amended	V. 12, p. 188

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-3-2	Amended	V. 11, p. 1749
69-3-11	Amended	V. 11, p. 1749
69-6-5	Amended	V. 11, p. 1749
69-7-1	Revoked	V. 11, p. 1800
69-7-2	Revoked	V. 11, p. 1800
69-7-3	Revoked	V. 11, p. 1800
69-7-4	Revoked	V. 11, p. 1800
69-7-5	Revoked	V. 11, p. 1800
69-7-7	Revoked	V. 11, p. 1800
69-7-14	Revoked	V. 11, p. 1800
69-7-16	Revoked	V. 11, p. 1800
69-7-22	Revoked	V. 11, p. 1800
69-7-23	Revoked	V. 11, p. 1800
69-7-25	Revoked	V. 11, p. 1800
69-7-26	Revoked	V. 11, p. 1800
69-7-27	Revoked	V. 11, p. 1800
69-11-1	Amended	V. 11, p. 1749

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-7	Amended	V. 11, p. 847
74-5-2	Amended	V. 12, p. 229
74-5-103	Amended	V. 11, p. 848
74-5-104	Amended	V. 11, p. 848
74-5-202	Amended	V. 11, p. 849
74-5-203	Amended	V. 11, p. 849

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-11	Amended	V. 11, p. 1176
75-6-24	Amended	V. 11, p. 908
75-6-26	Amended	V. 11, p. 1176

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-4-1	Amended	V. 11, p. 810
82-4-3	Amended	V. 11, p. 810
82-4-20	Amended	V. 11, p. 811
82-4-27c	Amended	V. 11, p. 812
82-4-27e	Amended	V. 11, p. 812
82-4-27g	New	V. 11, p. 812

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-13	Amended	V. 11, p. 1230
86-3-23	New	V. 11, p. 1832
86-3-24	New	V. 11, p. 1832

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-8-2	Amended	V. 11, p. 1675
88-8-9	New	V. 11, p. 1675
88-9-3	Amended	V. 11, p. 1675
88-13-4	Amended	V. 11, p. 1675
88-13-11	Amended	V. 11, p. 1675
88-18-3	Amended	V. 11, p. 1676
88-18-8	Amended	V. 11, p. 1676
88-19-2	Amended	V. 11, p. 1676
88-19-4	Amended	V. 11, p. 1676
88-20-3	Amended	V. 11, p. 1676
88-20-9	Amended	V. 11, p. 1677

88-21-3	Amended	V. 11, p. 1677
88-21-8	Amended	V. 11, p. 1677
88-22-1		
through		
88-22-10	New	V. 12, p. 93, 94

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-27d	New	V. 11, p. 765
91-5-2	Amended	V. 11, p. 1144
91-5-7	Amended	V. 11, p. 1584
91-12-23	Amended	V. 11, p. 765
91-12-61	Amended	V. 11, p. 766

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-12-112	New	V. 11, p. 559
92-51-34	Amended	V. 11, p. 559
92-52-9	Amended	V. 11, p. 559
92-52-9a	New	V. 11, p. 560

AGENCY 93: DEPARTMENT OF REVENUE— DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-5-1	New	V. 11, p. 554

AGENCY 98: KANSAS WATER OFFICE

Reg. No.	Action	Register
98-5-2	Amended	V. 12, p. 351
98-5-3	Amended	V. 12, p. 352
98-5-5	Amended	V. 12, p. 353

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-11-1	Amended	V. 11, p. 1039, 1117
100-49-5	New	V. 11, p. 1084
100-60-3	Revoked	V. 11, p. 2007
100-60-4	Amended	V. 11, p. 2007
100-60-5	Amended	V. 11, p. 2007
100-60-6	Amended	V. 11, p. 2007
100-60-8		
through		
100-60-14	Amended	V. 11, p. 2008, 2009

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-5-1		
through		
102-5-12	New	V. 12, p. 189-194

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-3-9	Amended	V. 11, p. 1832
105-5-2	Amended	V. 12, p. 9
105-5-6	Amended	V. 12, p. 9
105-5-7	Amended	V. 12, p. 9
105-5-8	Amended	V. 12, p. 9

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 11, p. 131
109-9-5	New	V. 11, p. 133

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1		
through		
110-4-4	New	V. 11, p. 1176-1178, 1258-1260
110-5-1		
through		
110-5-6	New	V. 11, p. 1370, 1371 1703, 1704

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	111-4-241			111-4-414		
111-2-16	Revoked	V. 10, p. 1210	through			through		
111-2-17	Revoked	V. 10, p. 1210	111-4-244	New	V. 9, p. 1812	111-4-428	New	V. 11, p. 981-983
111-2-18	Revoked	V. 11, p. 413	111-4-245			111-4-414	Amended	V. 11, p. 1150
111-2-19	Revoked	V. 11, p. 413	through			111-4-429		
111-2-20	New	V. 11, p. 199	111-4-248	New	V. 10, p. 200	through		
111-2-21	New	V. 11, p. 1471	111-4-249			111-4-432	New	V. 11, p. 1118
111-2-22	New	V. 11, p. 1972	through			111-4-433		
111-2-23	New	V. 12, p. 113	111-4-256	Revoked	V. 12, p. 113, 114	through		
111-3-1	Amended	V. 10, p. 1210	111-4-257			111-4-436	New	V. 11, p. 1150, 1151
111-3-9	Revoked	V. 11, p. 1793	through			111-4-437		
111-3-10			111-4-286	Revoked	V. 11, p. 413, 414	through		
through			111-4-287			111-4-444	New	V. 11, p. 1475-1477
111-3-31	New	V. 7, p. 201-206	through			111-4-445		
111-3-11	Amended	V. 8, p. 299	111-4-300	New	V. 10, p. 883-886	through		
111-3-12	Amended	V. 10, p. 12	111-4-291			111-4-453	New	V. 11, p. 1794-1796
111-3-13	Amended	V. 11, p. 1148	through			111-4-454		
111-3-14	Amended	V. 10, p. 12	111-4-300	Revoked	V. 12, p. 114	through		
111-3-16	Amended	V. 9, p. 1566	111-4-301			111-4-457	New	V. 11, p. 1944
111-3-19			through			111-4-458		
through			111-4-307	New	V. 10, p. 1015, 1016	through		
111-3-22	Amended	V. 9, p. 30	111-4-301			111-4-461	New	V. 11, p. 1972, 1973
111-3-20	Amended	V. 11, p. 1148	through			111-4-462		
111-3-21	Amended	V. 11, p. 1148	111-4-306	Amended	V. 11, p. 979	through		
111-3-22	Amended	V. 11, p. 1148	111-4-308			111-4-465	New	V. 12, p. 115
111-3-23	Revoked	V. 10, p. 883	through			111-4-466		
111-3-25	Amended	V. 11, p. 1149	111-4-320	New	V. 10, p. 1214, 1215	through		
111-3-26	Amended	V. 11, p. 1149	111-4-308	Amended	V. 10, p. 1472	111-4-473	New	V. 12, p. 316, 317
111-3-27	Amended	V. 11, p. 1149	111-4-311	Amended	V. 10, p. 1472	111-5-1		
111-3-29	Revoked	V. 11, p. 1149	111-4-312	Amended	V. 10, p. 1472	through		
111-3-31	Amended	V. 8, p. 209	111-4-318			111-5-23	New	V. 7, p. 209-213
111-3-32	Amended	V. 10, p. 883	through			111-5-9		
111-3-33	New	V. 7, p. 1434	111-4-321	Revoked	V. 12, p. 114	through		
111-4-1			111-4-322			111-5-15	Amended	V. 8, p. 210, 211
through			through			111-5-11	Amended	V. 9, p. 505
111-4-5	Revoked	V. 12, p. 113	111-4-331	New	V. 10, p. 1411-1413	111-5-12	Amended	V. 11, p. 415
111-4-5a	Revoked	V. 12, p. 113	111-4-328			111-5-17	Amended	V. 8, p. 211
111-4-6			through			111-5-18	Amended	V. 10, p. 13
through			111-4-335	Revoked	V. 12, p. 114	111-5-19	Amended	V. 8, p. 212
111-4-15	Revoked	V. 12, p. 113	111-4-336			111-5-21		
111-4-66			through			through		
111-4-77	New	V. 7, p. 207-209	111-4-345	New	V. 10, p. 1526-1528	111-5-33	New	V. 11, p. 415-418
111-4-96			111-4-336			111-5-22	Amended	V. 11, p. 481
through			through			111-5-23	Amended	V. 11, p. 481
111-4-114	New	V. 7, p. 1606-1610	111-4-340	Amended	V. 11, p. 1472, 1473	111-5-24	Amended	V. 11, p. 983
111-4-100	Amended	V. 11, p. 1472	111-4-339	Amended	V. 11, p. 1793	111-5-25	Amended	V. 11, p. 482
111-4-101	Amended	V. 11, p. 976	111-4-341	Revoked	V. 11, p. 1473	111-5-27	Amended	V. 11, p. 482
111-4-102	Amended	V. 11, p. 976	111-4-341a	New	V. 11, p. 1793	111-5-28	Amended	V. 12, p. 317
111-4-103	Amended	V. 10, p. 1211	111-4-341b	New	V. 11, p. 1794	111-5-34	New	V. 12, p. 318
111-4-104	Amended	V. 11, p. 1793	111-4-344	Amended	V. 11, p. 1473	111-6-1		
111-4-105	Amended	V. 11, p. 977	111-4-346			through		
111-4-106	Amended	V. 11, p. 1472	through			111-6-15	New	V. 7, p. 213-217
111-4-106a	Amended	V. 11, p. 1149	111-4-361	New	V. 10, p. 1586-1589	111-6-1	Amended	V. 11, p. 1477
111-4-107	Amended	V. 11, p. 978	111-4-346			111-6-3	Amended	V. 9, p. 200
111-4-108	Amended	V. 11, p. 978	through			111-6-4	Amended	V. 10, p. 1413
111-4-110	Amended	V. 11, p. 978	111-4-349	Revoked	V. 12, p. 114	111-6-5	Amended	V. 10, p. 14
111-4-111	Amended	V. 9, p. 1366	111-4-362			111-6-6	Amended	V. 11, p. 1973
111-4-112	Amended	V. 11, p. 978	through			111-6-7	Amended	V. 11, p. 1477
111-4-113	Amended	V. 9, p. 1366	111-4-365	Revoked	V. 12, p. 114, 115	111-6-8	Amended	V. 11, p. 1478
111-4-114	Amended	V. 9, p. 1366	111-4-362	Amended	V. 11, p. 13	111-6-9	Amended	V. 10, p. 1217
111-4-153			111-4-366			111-6-12	Amended	V. 8, p. 212
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111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-379	New	V. 11, p. 136-139	111-6-17	Revoked	V. 10, p. 1475
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111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-383	New	V. 11, p. 477, 478	111-7-10	New	V. 7, p. 1192, 1193
111-4-213			111-4-384			111-7-1	Amended	V. 8, p. 212
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111-4-220	Revoked	V. 10, p. 1213	111-4-387	New	V. 11, p. 414	111-7-3a	New	V. 11, p. 1796
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111-4-221			through			111-7-5	Amended	V. 9, p. 986
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111-4-228	Revoked	V. 10, p. 1585	111-4-404	New	V. 11, p. 980, 981	111-7-12		
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			111-4-412	Amended	V. 11, p. 1475	through		
			111-4-413	Amended	V. 11, p. 1475	111-7-54	New	V. 9, p. 1367-1370

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111-7-63	Revoked	V. 10, p. 1217
111-7-60	Amended	V. 10, p. 262
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111-7-75	New	V. 11, p. 13, 14
111-7-66	Amended	V. 11, p. 1797
111-7-66a	New	V. 11, p. 1797
111-7-76		
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111-7-83	New	V. 11, p. 1478-1480
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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
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111-8-13	New	V. 7, p. 1634
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111-9-12	New	V. 7, p. 1714-1716
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111-9-6	Revoked	V. 9, p. 1680
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112-4-18	Amended	V. 11, p. 1977, 2012
112-4-19	Amended	V. 11, p. 1977, 2012
112-4-21a	New	V. 11, p. 1977, 2013
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112-4-23	New	V. 11, p. 1977, 2013
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112-7-10	Amended	V. 11, p. 1978-1979, 2013-2015
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112-7-15	Revoked	V. 11, p. 1980, 2016
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112-7-16	Amended	V. 11, p. 1981, 2017
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112-7-20	Amended	V. 11, p. 1983, 2018
112-7-21	Amended	V. 11, p. 1983, 2018
112-7-22	Amended	V. 11, p. 1983, 2019
112-7-23	New	V. 11, p. 1984, 2020
112-9-2	Amended	V. 12, p. 355
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112-9-21	Revoked	V. 11, p. 560, 561
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112-9-13a	New	V. 11, p. 561
112-9-14a	New	V. 11, p. 561
112-9-15a	New	V. 11, p. 562
112-9-16a	New	V. 11, p. 563
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112-9-17a	New	V. 11, p. 564
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AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

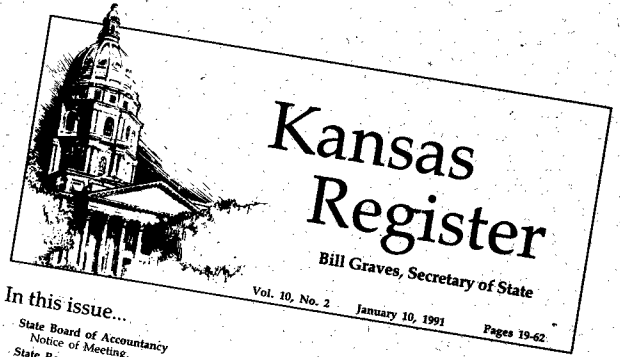
Reg. No.	Action	Register
115-1-1	Amended	V. 11, p. 599
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118-2-1	New	V. 11, p. 554

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