



Kansas Register

Bill Graves, Secretary of State

Vol. 13, No. 19

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State of Kansas

Board of Accountancy

Notice of Meeting

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

Glenda Moore
Executive Director

Doc. No. 014839

State of Kansas

State Employees Health Care Commission

Notice of Pre-bid Conference

The State Employees Health Care Commission issued a request for proposals May 4 for HMO plans. The deadline for receipt of proposals is 2 p.m. Wednesday, June 15.

A pre-bid conference will be at 10 a.m. Tuesday, May 17, in Room 108-S, Landon State Office Building, 900 S.W. Jackson, Topeka. All potential bidders for Health Maintenance Organizations are invited to attend.

This conference will offer potential bidders the opportunity to discuss any questions regarding the RFP with representatives of the state system.

Dave Charay
Health Benefits Administrator

Doc. No. 014828

State of Kansas

Kansas Insurance Department

Notice of Hearing

A formal hearing will be conducted at 9 a.m. Friday, May 27, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed merger of Louisiana National Life Insurance Company, Metairie, Louisiana, with and into The Kansas Life Insurance Company, Topeka, Kansas, should be approved by the Commissioner of Insurance.

Louisiana National Life Insurance Company, Inc. and The Kansas Life Insurance Company have requested that the Commissioner of Insurance approve the merger of the two companies pursuant to K.S.A. 40-309.

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. 014848

State of Kansas

Kansas Water Office

Notice of Hearings

The Kansas Water Office will conduct four public hearings on the working draft of proposed additions to the *Kansas Water Plan*. The working draft contains a proposed new policy subsection entitled "State Role in Weather Modification" and revisions to five basin plan sections including the Upper Arkansas Basin, Cimarron Basin, Missouri Basin, Neosho Basin, and the Walnut Basin. The working draft was developed following a series of public meetings in March during which a preliminary draft of proposed additions to the *Kansas Water Plan* was reviewed and discussed.

The proposed policy subsection addressing the state role in weather modification recommends the establishment of a state-local cost share program if an evaluation of historic weather modification activities in western Kansas shows positive results. The basin section proposals include an Arkansas River Corridor plan in the Upper Arkansas River Basin addressing water quantity and quality issues; a Sandhills Research Facility addressing water use efficiency and water conservation in the Upper Arkansas and Cimarron River Basins; a revised subsection addressing fish, wildlife and recreation issues in the Missouri River Basin; a revised subsection addressing flooding issues in the Neosho River Basin; and a new fish, wildlife and recreation subsection in the Walnut River Basin.

The public hearings will be held as follows:

- June 1, 1 p.m., Old Supreme Court Room, Room 315-S, State Capitol, Topeka
- June 2, 7 p.m., State Building Complex, 1500 W. 7th, Kansas Room, Chanute
- June 6, 7 p.m., Colby Community College, Student Union, Room 108, 1255 S. Range, Colby
- June 7, 7 p.m., Finney County Public Library, 605 E. Walnut, Garden City

Interested persons are encouraged to attend the public hearings and to present written testimony to the Kansas Water Office on the proposed additions to the *Kansas Water Plan* or any water resource issues of concern. Written comments may also be sent to the Director, Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka 66612-1249. The deadline for receipt of written comments on the working draft is June 10. For a copy of the working draft or for additional information, contact the Kansas Water Office at (913) 296-3185.

If accommodations are needed for persons with disabilities to participate in the hearings, please notify the Kansas Water Office at least two days in advance of the meeting (TTY 913/296-6604).

Stephen A. Hurst
Director

Doc. No. 014824

State of Kansas

Kansas Advocacy and Protective Services**Notice of Meeting**

The Kansas Advocacy and Protective Services will conduct a meeting of the Protection and Advocacy for Individuals with Mental Illness Advisory Council at 3 p.m. Wednesday, May 18, at the Washburn University Law School, Room 119, 17th and MacVicar, Topeka. Opportunity is provided for oral or written public comment on the priorities established by and activities of the protection and advocacy system. For more information, call (913) 776-1541.

Joan Strickler
Executive Director

Doc. No. 014838

State of Kansas

Kansas Arts Commission**Notice of Advisory Panel Meetings**

The Kansas Arts Commission has scheduled meetings of two advisory panels during May to review applications for funding support of arts-related programs and projects by Kansas arts organizations and communities offered through two grant programs for fiscal year 1995 (July 1, 1994-June 30, 1995).

Each panel is scheduled to meet in a hearing room at the State Corporation Commission, an accessible facility at 1500 S.W. Arrowhead Road, Topeka.

- ◆ The advisory panel for the Design Arts/Capital Aid Program will meet at 9 a.m. Wednesday, May 25.
- ◆ The advisory panel for the Grassroots Cultural Development Program will meet to consider applications for Grassroots Multi-Year Cultural Development Grants at 9 a.m. Thursday, May 26.

Meetings of the Kansas Arts Commission, a state agency, and its advisory panels are open to public observation. Applicants are encouraged to attend the panel meetings and hear the critiques of their applications and programs during the evaluation discussions. Applicants do not make presentations to the panels but may answer questions posed at the request of the panelists.

The panels are comprised of knowledgeable individuals from across the state. Each panel is chaired by a member of the commission and includes at least one other commissioner. The recommendations of the panels will be acted upon by the commission during its next quarterly business meeting June 10 in Garden City.

For more information or to request accommodation for a person with a disability at a meeting, contact the Kansas Arts Commission, 700 S.W. Jackson, Suite 1004, Topeka 66603-3758; (913) 296-3335; TTY via Kansas Relay Service, 1-800-766-3777.

Dorothy L. Ilgen
Executive Director

Doc. No. 014845

State of Kansas

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

Notice is hereby given of the commencement of negotiations for civil engineering services for the Department of Wildlife and Parks for the design of a hiking and biking trail within previously-owned Santa Fe railroad right of way. The trail will run from Welda, in Anderson County, to Richmond, in Franklin County, going through Garnett. The first phase will develop 18 miles of trail in Anderson County. Services will include bridge railings, parking, restroom facilities and signage. Construction cost is expected to exceed \$1,000,000.

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

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 014862

State of Kansas

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

Notice is hereby given of the commencement of negotiations for technical services for a comprehensive traffic study and transportation plan for the University of Kansas, Lawrence. The study will evaluate major campus streets, campus entry points, parking facilities and alternative transportation systems such as bikes and buses. The study will evaluate normal daily traffic, peak hour traffic and projected traffic 10 years into the future. The study must recognize the university as a pedestrian environment and include evaluation of environmental issues. Cost estimates for alternatives and plans shall also be submitted. The study shall also include evaluation of existing traffic data and may require additional data collection. Safety and traffic effects on adjacent neighborhoods shall also be evaluated.

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

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 014863

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117(b), records of the Division of Accounts and Reports show the unobligated balances are \$4,448,815.68 in the underground petroleum storage tank release trust fund and \$7,477,750.63 in the aboveground petroleum storage tank release trust fund at April 30, 1994.

Gloria Timmer
Secretary of Administration

Doc. No. 014849

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, May 23, 1994

RFQ 94 0770

CD-recordable drive with multi-disc changer

RFQ 94 0778

Confocal laser scanning imaging system

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

Doc. No. 014851

State of Kansas

Department of Administration
Division of Architectural ServicesNotice of Commencement of Negotiations
for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for a new sub-area shop for the Kansas Department of Transportation in the Kansas City, Kansas, area. The location of the new facility is 5110 Speaker Road, Kansas City. Estimated construction cost is \$650,000.

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

J. David DeBusman
Director, Division of
Architectural Services

Doc. No. 014850

State of Kansas

Social and Rehabilitation Services

Notice of Cancellation of Hearing on Proposed
Administrative Regulations

Because the public comment hearing on the proposed July 1, 1994 permanent administrative rules and regulations was held on May 3 and continued to May 9, the public hearing on proposed August 1 permanent rules and regulations scheduled for Tuesday, June 7, and the adoption hearing scheduled for Friday, June 10, have been cancelled. The regular SRS open meeting will still be held at 9 a.m. Tuesday, June 7.

Donna L. Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 014843

State of Kansas

Real Estate Appraisal Board

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 10 a.m. Monday, June 13, in Room 108, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the adoption of an amendment to regulations 117-5-1 and 117-1-1.

This 30-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to the Kansas Real Estate Appraisal Board, Columbian Title Building, 820 S. Quincy, Suite 314, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

The regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows.

K.A.R. 117-5-1 and 117-1-1 are being adopted to make it available for people just beginning in the appraisal profession to get a provisional license before completing the experience requirements. The regulations are not mandated by federal law. There is no anticipated fiscal impact on the appraisers, other governmental units, private citizens or consumers, and no anticipated costs to state agencies as a result of the amendments.

Copies of the regulations and their economic impact statement may be obtained from the Kansas Real Estate Appraisal Board, (913) 296-0706.

Michael K. Haynes
Director

Doc. No. 014837

State of Kansas

Board of Indigents' Defense Services

Notice of Meeting

The State Board of Indigents' Defense Services will meet at 1:30 p.m. Monday, June 13, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka. For additional information contact Ron Miles, Director, Room 304-N of the Landon Building, (913) 296-4505.

Ronald E. Miles
Director

Doc. No. 014846

State of Kansas

Board of Indigents' Defense Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, June 13, in Room 106 of the Landon State Office Building, 900 S.W. Jackson, Topeka, to consider the emergency adoption of proposed changes in existing rules and regulations and new rules and regulations of the State Board of Indigents' Defense Services.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Director, State Board of Indigents' Defense Services, Room 304, Landon State Office Building, 900 S.W. Jackson, Topeka 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

All of the following 16 regulations are being proposed for adoption as temporary and permanent regulations to be effective July 1, 1994. A summary of the proposed regulations and their economic impact follows:

K.A.R. 105-1-1. Changes to this regulation, which prescribes when legal representation shall be provided, include an amendment to include under the agency's scope of representation those persons who have been arrested on suspicion of felony charges but not yet formally charged and those upon whom an affidavit of probable cause has been presented to a judge of the district court. Another change to this regulation is one which exempts capital cases from the prohibition on services related to certiorari to federal courts.

K.A.R. 105-2-1. Definitions. Amendments add definitions related to the creation of a capital defender office, including the terms "prequalified death penalty attorney," "capital felony case primary counsel," "assistant capital felony case counsel," "capital resource center," and "chief capital defender."

K.A.R. 105-3-2. Eligibility to serve. This regulation is amended to include the requirements for eligibility to serve as counsel in a capital case. This requirement may

not be waived by the court, according to the amended regulation.

K.A.R. 105-3-8. Continued representation by trial counsel. Two amendments to this regulation have the effect of (1) bringing the regulation into line with the sentencing guidelines grid, and (2) providing for continued representation after a capital conviction.

K.A.R. 105-3-12. Appointments in capital cases. This is a new regulation which sets out the requirements for appointment of counsel in capital cases, appointment of counsel for conflict capital cases, and appointment of counsel for appellate representation in capital cases.

K.A.R. 105-5-2. Rates of compensation. This amendment provides for compensation of \$125 per hour for capital case representation and a rate of \$75 per hour for serving as assistant capital felony case counsel.

K.A.R. 105-5-3. Appellate courts; compensation. This regulation is amended to require the appellate defender to compile a list of attorneys certified competent to serve as appellate counsel in capital cases. Only attorneys on the list are eligible for appointment and compensation for capital case appeals.

K.A.R. 105-5-4. Multiple attorneys. Amends the current regulation to require appointment of two attorneys to each capital case. Exemption from the previous language restricting appointment to one attorney is amended into the regulation.

K.A.R. 105-5-6. Reasonable compensation; non-tried cases. Amendments to this regulation include a \$200 reasonable level of compensation for sentencing guideline retroactivity hearings. The amendment also exempts capital casework from the "non-tried" levels of compensation.

K.A.R. 105-5-7. Reasonable compensation; tried cases. The regulation is amended to exempt capital casework from the reasonable levels of compensation for tried cases.

K.A.R. 105-5-8. Compensation; exceptional cases. This regulation is amended to include capital case compensation guidelines. Capital case vouchers will be reviewed and approved by the court subject to final approval by the board. The \$5,000 level for exceptional cases does not apply to capital cases according to this amendment.

K.A.R. 105-8-1. Generally. Attorneys appointed to capital cases are not required to receive approval of the court or the director when ordering transcripts of a pre-trial hearing or trial.

K.A.R. 105-9-6. Claims for capital casework. This is a new regulation which sets out the procedures and guidelines for submitting claims for compensation for capital cases. The claims for capital cases must be paid out of a specific line-item appropriation, as required by statute.

K.A.R. 105-10-1a. Public defender systems at the trial level. The regulation is amended to provide for an exception to the rule requiring appointment of the regional defender or panel attorney. The trial court is required

to appoint the capital defender in all capital cases except those in which the capital defender has a conflict of interest.

K.A.R. 105-10-1b. Public defender system for capital cases. This new regulation provides for the creation of the "capital defender office" system for capital cases.

K.A.R. 105-10-5. Assigned counsel contracts. The amended regulation includes the addition of the capital defender, along with the regional public defender, state appellate defender and the designated conflicts office, to the list of officials who may, with approval of the director, contract out a portion of their workload.

Summary of Economic Impact

All of the regulations being considered for adoption are related to the passage of capital punishment legislation and are intended to comply with the ABA Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases (February 1989). The 1994 Kansas Legislature appropriated approximately \$900,000 for capital defense for FY 1995. The costs associated with the adoption of these regulations is estimated to be \$113,000 per capital case.

Copies of these regulations and their economic impact statements may be obtained from the director at the address above, (913) 296-4505.

Ronald E. Miles
Director

Doc. No. 014847

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of April 1994, for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

A. Nagaraju, M.D., P.A., Emporia, KS.
Acme Radiator & Air Conditioning, Inc.,
Kansas City, KS.
All That Jazz, Inc., Overland Park, KS.
Alliance Marketing, Inc., Wichita, KS.
Allied Associates, Inc., Lees' Summit, MO.
American Realty, Inc., Salina, KS.
Arpeda Corporation, Silver Lake, KS.
Barco, Inc., Overland Park, KS.
BHI, Inc., Wichita, KS.
Bilco Service, Inc., Abilene, KS.
Bilco, Etc., Inc., Abilene, KS.
Bit & Spur Saddle Club, Inc., Valley Center, KS.
Bracken-Spurlack Corporation, Overland Park, KS.
Bub Lyman Construction, Inc., Shawnee, KS.
C.L. Fairley Construction Company, Inc.,
Kansas City, KS.

Carla's Type, Inc., Topeka, KS.
Carter Construction, Inc., Merriam, KS.
Centralia Manufacturing & Sales, Inc., Cody, WY.
Challenger International, Inc., Pomona, CA.
Christian Challenge Schools, Incorporated,
Wichita, KS.
Columbian Energy Company Limited Partnership,
Topeka, KS.
Columbian Energy Operating Company Limited
Partnership, Topeka, KS.
Columbian Investment Corporation, Topeka, KS.
Columbian Investors Corporation, Topeka, KS.
Columbian Petroleum Corporation, Topeka, KS.
Columbian Production Corporation, Topeka, KS.
Columbian Services Corporation, Topeka, KS.
Computit, Corp., Wichita, KS.
Copp, Inc. of Kansas City, Kansas City, KS.
Corie Oil Company, Inc., Russell, KS.
Cornerstone Christian Academy, Inc., El Dorado, KS.
Custom Farming, Inc., Fredonia, KS.
D & W, Inc., Newton, KS.
Day Appraisals, Inc., Overland Park, KS.
Day Night, Inc., Agra, KS.
DBR, Inc., Wichita, KS.
Dean & Associates, Inc., Roeland Park, KS.
Dodge City Truck Stop, Inc., Dodge City, KS.
Electronic Business Systems of K.C., Inc.,
Kansas City, KS.
Ernest A. Cattaneo, M.D., Inc., Shawnee Mission, KS.
Financial Securities Investment Group, Inc.,
Yates Center, KS.
Glaze Investments, Inc., Hutchinson, KS.
H.E.S. International, Inc., Kansas City, KS.
Haddam Elevator Company, Inc., Haddam, KS.
Health Works, Inc., Wichita, KS.
Henry Roofing Company & Sons, Inc.,
Prairie Village, KS.
Hewitt Hose, Inc. USA, Kansas City, KS.
Hivk, Inc., Pittsburg, KS.
Holyrood Lease Service, Inc., Holyrood, KS.
HW Development Corp., Ottawa, KS.
I.M.S., Inc., Lawrence, KS.
International Minerals Corporation,
Overland Park, KS.
J.W. Cattle Corporation, Arkansas City, KS.
Jayhawk Kennels, Inc., Chanute, KS.
Jeweler Extraordinaire, Inc., Overland Park, KS.
John Murrell Optician, Inc., Overland Park, KS.
JR's Handi-Serv, Inc., Hoisington, KS.
Kee-Ell-Co Distributors Incorporated, Belleville, KS.
Kleiner Companies, Inc., Liberal, KS.
Leigh Investments, Inc., Leawood, KS.
Lilja Company, Inc., Lake Quivira, KS.
M & A Enterprises, Inc., Concordia, KS.
Magnus Resources, Inc., Chanute, KS.
McPherson Lions Club, Inc., McPherson, KS.
Mechniarts International, Inc., Overland Park, KS.
Midland Mud, Inc., Edmond, OK.
Midwest Flatwork, Inc., Olathe, KS.
Munden Elevator, Inc., Munden, KS.
Myers-Argetsinger Painting, Inc., Derby, KS.
Neely & Pierce Construction Company, Wichita, KS.

(continued)

- Nu-Way Foodliner, Inc., Coffeyville, KS.
 Optima Engineers and Associates, Inc.,
 Overland Park, KS.
 Orbit Tool & Supply Company, Inc., Liberal, KS.
 Overland Park Inn, Inc., Overland Park, KS.
 Overland Park Printing Company, Lenexa, KS.
 Path-Mark Group, Inc., Johnson, KS.
 Pet Stop, Inc., Shawnee, KS.
 Phi Gamma Delta Chapter House Association,
 Pittsburg, KS.
 Porterfield's, Inc., Topeka, KS.
 Premier Housekeeping Systems, Inc., Stilwell, KS.
 R. M. Fisher Plumbing & Heating Inc., Lenexa, KS.
 Ray L. Clark, Inc., Belleville, KS.
 Recreation Ventures Management Incorporated,
 Overland Park, KS.
 Reuben Saunders Inc., Wichita, KS.
 Rhino Linings, Inc., Overland Park, KS.
 Richard J. Robinson, Inc., Wichita, KS.
 Silk Scapes Manufacturing, Inc., Mulvane, KS.
 Small Enterprises, Inc., Mulvane, KS.
 Space Oil, Inc., Denver, CO.
 Stanberry - Zeiner and Associates, Inc.,
 Manhattan, KS.
 Straight Talk Counseling Service Inc., Wichita, KS.
 Stucky's Sports A-Float, Inc., South Hutchinson, KS.
 Super Oilwell Servicing, Inc., Russell, KS.
 Systems 3 Personnel Services, Incorporated,
 Garnett, KS.
 Tascosa Petroleum Corporation, Amarillo, TX.
 Tele-Craft Video Productions, Inc., Shawnee, KS.
 Terry Bivins Construction Co., Merriam, KS.
 The Columbian Securities Corporation, Topeka, KS.
 The Cruise and Yacht Shop, Inc.,
 Overland Park, KS.
 The Great Wave Company, Inc., Ashland, OH.
 The Schottler's Inc., Wichita, KS.
 The Village Service Area, Inc., South Haven, KS.
 Thomason, Inc., Hays, KS.
 Top Development, Inc., Mission Hills, KS.
 Top Drawer Furniture Restoration, Inc.,
 Hutchinson, KS.
 Topeka Commodore Computer Users Group, Inc.,
 Topeka, KS.
 Trio Leasing Corporation, Marysville, KS.
 Urology, Chartered, Shawnee Mission, KS.
 Venetian Club, Inc., Topeka, KS.
 Veterans Vending, Inc., Mission, KS.
 W.M.F., Inc., Shawnee Mission, KS.
 Walls True Value, Inc., Scott City, KS.
 Warburton Services Group, Inc., Shawnee, KS.
 Warehouse Furniture Outlet, Inc., Lawrence, KS.
 Westhoff Sand Company, Inc., Great Bend, KS.
 Wichita Mall Restaurants, Inc., Tarzana, CA.
 Wichita Rental Service, Inc., Wichita, KS.
 Widman Brothers, Inc., Overland Park, KS.
 WMT Enterprises Ltd., Leawood, KS.
 World Industries, Inc., Anthony, KS.
 WWM Incorporated - Galleria, Shawnee Mission, KS.
- Andrew Systems Inc., Orland Park, IL.
 Appraisal Consultants, Inc., Overland Park, KS.
 Associated Business Services, Inc., Kansas City, MO.
 Bar D Financial Services, Inc., Colorado Springs, CO.
 Bennett Steel Erector's, Inc., Sapulpa, OK.
 Bonded Auctioneers, Inc., Fairfield, NJ.
 British American Bingo, Inc., Phoenix, AZ.
 C.F.S. Air Cargo, Inc., Seekonk, MA.
 Cannon Air Service Co., Raytown, MO.
 Coates Roofing Company, Inc., Oklahoma City, OK.
 Compressor Systems, Inc., Midland, TX.
 Cooperative Oil Company, Alma, NE.
 Defender Services, Inc., Columbia, SC.
 Financial West Investment Group,
 Thousand Oaks, CA.
 Flying J Cattle Company, Inc., Medicine Lodge, KS.
 Franklin Ophthalmic Instruments Co., Inc.,
 Hayward, CA.
 Games America Corporation, St. Louis, MO.
 Golf Equipment Professionals of America, Inc.,
 Topeka, KS.
 Hastings Construction Co., Inc., Kanas City, MO.
 Heller's Carbonic West, Inc., Webster City, IA.
 Howard Moore Group, Inc., Springfield, MO.
 Hurt Construction, Inc., Missoula, MT.
 Industrial Molasses Company, Inc., Minneapolis, MN.
 Infinity Research & Development, Inc.,
 Shawnee Mission, KS.
 IT Corporation, Torrance, CA.
 J.W. Cattle Company, Arkansas City, KS.
 James E. Frick, Inc., St. Louis, MO.
 Lazy EH Cattle Feeders, Inc., El Reno, OK.
 Lefebure Corporation, Wilmington, DE.
 Link-Osborn Company, New Hope, MN.
 Maruka U.S.A. Inc., Pine Brook, NJ.
 Medical Arts Laboratory, Inc., Oklahoma City, OK.
 Microserv, Inc., Kirkland, WA.
 Mid-South Partitions, Inc., Little Rock, AR.
 Pax Company of Utah, Salt Lake City, UT.
 Pediatric Services of America, Inc., Norcross, GA.
 Plancapital U.S.A., Inc., Cupertino, CA.
 Professional Credit Control, Inc., Lincoln, NE.
 Retail Systems, Inc., Tulsa, OK.
 Roger L. Wayman, C.P.A., P.C., Roland Park, KS.
 Selco Drilling, Inc., Moore, OK.
 Sentinel Care, Inc., Springfield, MO.
 Skinner Marble and Tile, Inc., Dallas, TX.
 Sterling Software (U.S.), Inc., Palo Alto, CA.
 Sterling-Graham, Inc., Oklahoma City, OK.
 Stewart, White & Associates, Inc., Tulsa, OK.
 Sunrise Packaging Inc., Oak Creek, WI.
 Surface Wallcoverings Internationale, Inc., Lenexa, KS.
 Taylor Bus Sales, Incorporated, Murray, KY.
 Techlaw, Inc., Chantilly, VA.
 The B.L. Weber Group, Inc., Chandler, AZ.
 The Concrete Doctor, Inc., Prairie View, IL.
 The Walt Disney Catalog, Inc., Burbank, CA.
 Tree System Holdings 1, Inc., Miami Beach, FL.
 Waste Processor Industries, Inc., Friendswood, TX.
 Yuasa-Exide, Inc., Reading, PA.

Foreign Corporation

- Advacare, Inc., Wilmington, DE.
 Advance Cover Company III, Independence, MO.

Bill Graves
 Secretary of State

Doc. No. 014840

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board will meet at 2 p.m. Thursday, May 19, at Kansas, Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren
President, Kansas Inc.

Doc. No. 014833

State of Kansas

Legislature

Legislative Bills Introduced

The following numbers and titles of bills and resolutions have been recently introduced by the 1994 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 April 27-May 3:

House Bills

HB 3087, by Committee on Appropriations: An act concerning children; relating to the age of eligibility for school attendance; amending K.S.A. 72-1107, as amended by 1994 House Bill No. 2975, and repealing the existing section.

HB 3088, by Committee on Appropriations: An act relating to income taxation; concerning credits for making certain property accessible to individuals with a disability; amending K.S.A. 1993 Supp. 79-32,176, as amended by section 1 of 1994 House Bill No. 2687, and repealing the existing section; also repealing K.S.A. 1993 Supp. 79-32,176, as amended by section 12 of 1994 House Bill No. 3028.

HB 3089, by Committee on Appropriations: An act concerning automobiles and other vehicles; relating to the operation thereof; amending K.S.A. 8-253, 8-292, 8-1006, 8-1016 and 8-1019 and repealing the existing sections.

HB 3090, by Committee on Appropriations: An act relating to motor vehicles; concerning the registration thereof; amending K.S.A. 8-134a, as amended by section 10 of 1994 House Substitute for Senate Bill No. 191, and repealing the existing section; also repealing K.S.A. 8-134a, as amended by section 1 of 1994 House Bill No. 2694.

HB 3091, by Committee on Appropriations: An act relating to insurance; concerning the applicability of certain sections to nonprofit medical and hospital service corporations; amending K.S.A. 40-19c09, as amended by section 4 of 1994 House Bill No. 2632, and repealing the existing section; also repealing K.S.A. 40-19c09, as amended by section 2 of 1994 Substitute for Senate Bill No. 84.

HB 3092, by Committee on Appropriations: An act relating to drivers' licenses; concerning the content thereof; amending K.S.A. 8-243, as amended by section 1 of 1994 House Bill No. 2645, and repealing the existing sections; also repealing K.S.A. 8-243, as amended by section 1 of 1994 Senate Substitute for Substitute for House Bill No. 2490.

HB 3093, by Committee on Appropriations: An act relating to exemptions from property taxation for economic development purposes; amending K.S.A. 1993 Supp. 79-201a, as amended by section 1 of 1994 House Bill No. 2774, and repealing the existing section.

HB 3094, by Committee on Appropriations: An act relating to the taxation of motor vehicles; amending K.S.A. 1993 Supp. 79-5101, as amended by section 1 of 1994 Senate Bill No. 483, and repealing the existing section; also repealing K.S.A. 1993 Supp. 79-5101, as amended by section 9 of 1994 House Substitute for Senate Bill No. 191.

HB 3095, by Committee on Appropriations: An act repealing K.S.A. 1993 Supp. 48-924, as amended by section 1 of 1994 Senate Bill No. 827, and K.S.A. 48-1204, as amended by section 2 of 1994 Senate Bill No. 827, relating to successors to the office of governor.

HB 3096, by Committee on Appropriations: An act concerning business entities; amending K.S.A. 1993 Supp. 17-5903, as amended by Section 3 of 1994 Senate Bill No. 554, 17-5904, as amended by Section 4

of 1994 Senate Bill No. 554, and 17-7515, as amended by Section 7 of 1994 Senate Bill No. 581, and repealing the existing sections; also repealing K.S.A. 1993 Supp. 17-5903, as amended by Section 2 of 1994 House Bill No. 2584, 17-5904, as amended by Section 3 of 1994 House Bill No. 2584, and 17-7515, as amended by Section 1 of 1994 House Bill No. 3045.

HB 3097, by Committee on Appropriations: An act concerning racing with parimutuel wagering; amending K.S.A. 74-8802, as amended by section 1 of 1994 House Bill No. 2836, K.S.A. 1993 Supp. 74-8810, as amended by section 1 of 1994 House Bill No. 2984, and K.S.A. 74-8836, as amended by section 4 of 1994 House Bill No. 2836, and repealing the existing sections; also repealing K.S.A. 74-8802, as amended by section 2 of 1994 House Bill No. 2577, K.S.A. 1993 Supp. 74-8810, as amended by section 4 of 1994 House Bill No. 2577, and K.S.A. 74-8836, as amended by section 9 of 1994 House Bill No. 2577.

HB 3098, An act concerning liability of settling parties in certain actions brought by the Kansas public employees retirement system.

HB 3099, An act concerning social welfare; relating to aid to families with dependent children; amending Section 17 of 1994 House Bill No. 2929 and repealing the existing section.

House Concurrent Resolutions

HCR 5044, A concurrent resolution relating to the 1994 regular session of the legislature; and providing for the adjournment thereof.

House Resolutions

HR 6012, A resolution in memory of Kenneth J. Winters.

HR 6013, A resolution in memory of Bill H. Fribley.

HR 6014, A resolution approving a gaming compact among the Iowa Tribe of Kansas and Nebraska, Kickapoo Tribe of Indians in Kansas, Sac and Fox Nation of Missouri in Kansas and Nebraska and Prairie Band of Potawatomi Indians and the State of Kansas.

Senate Bills

SB 848, by Committee on Ways and Means: An act authorizing certain cities to impose a retailers' sales tax for economic development initiative purposes; amending K.S.A. 1993 Supp. 12-187 and 12-188 and repealing the existing sections.

SB 849, by Committee on Ways and Means: An act concerning state officers and employees; relating to salaries and compensation; authorizing and providing for certain increases; making appropriations for the fiscal year ending June 30, 1995, and authorizing certain transfers and adjustments in expenditure limitations therefor; amending K.S.A. 46-137a and 46-137b and K.S.A. 1993 Supp. 75-3111a and repealing the existing sections.

SB 850, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1994, June 30, 1995, June 30, 1996, and June 30, 1997; authorizing certain transfers and fees, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements, capital improvements and acts incidental to the foregoing; amending section 2 of 1994 Senate Bill No. 511, section 14 of 1994 Senate Bill No. 585, section 4 of 1994 House Bill No. 2652, section 2 of 1994 House Bill No. 2653 and section 5 of 1994 House Bill No. 2731 and repealing the existing sections.

SB 851, An act concerning crimes and punishment; amending K.S.A. 21-3914, as amended by section 4 of 1994 House Bill No. 2592, and repealing the existing section; also repealing K.S.A. 21-3914, as amended by section 1 of 1994 Senate Bill No. 753.

SB 852, An act concerning contempt orders; amending K.S.A. 20-1204a, as amended by Section 17 of 1994 Substitute for House Bill No. 2583 and repealing the existing section; also repealing K.S.A. 20-1204a, as amended by Section 1 of 1994 House Bill No. 2779.

SB 853, An act concerning children; amending New Section 6 of 1994 Senate Bill No. 657 and New Section 7 of 1994 Senate Bill No. 657 and K.S.A. 38-1502, as amended by Section 3 of 1994 Senate Bill No. 500, 38-1602, as amended by Section 4 of 1994 Senate Bill No. 500, and 38-1663, as amended by Section 5 of 1994 Senate Bill No. 500 and repealing the existing sections; also repealing K.S.A. 38-1502, as amended by Section 3 of 1994 House Bill No. 2852, 38-1602, as amended by Section 8 of 1994 Senate Bill No. 657, 38-1663, as amended by Section 5 of 1994 Senate Bill No. 657, 38-1673, as amended by Section 69 of 1994 Senate Substitute for House Bill No. 2332, 38-1675, as amended by Section 70 of 1994 Senate Substitute for House Bill No. 2332, and 38-1676, as amended by Section 71 of 1994 Senate Substitute for House Bill No. 2332.

(continued)

SB 854, An act amending the health care provider insurance availability act; concerning the health care stabilization fund; amending K.S.A. 40-3403, as amended by section 2 of 1994 House Bill No. 2730, and 40-3411, as amended by section 4 of 1994 Senate bill No. 474, and repealing the existing sections; and also repealing K.S.A. 40-3403, as amended by section 1 of 1994 Senate Bill No. 474 and 40-3411, as amended by section 8 of 1994 House Bill No. 2730.

SB 855, An act concerning telecommunications public utilities; relating to access charges.

SB 856, An act concerning controlled substances; amending K.S.A. 65-4127c, as amended by section 78 of 1994 Senate Substitute for House Bill No. 2332 and K.S.A. 1993 Supp. 21-4214, as amended by section 41 of 1994 Senate Substitute for House Bill No. 2332, 21-4215, 21-4705, as amended by section 51 of 1994 Senate Substitute for House Bill No. 2332, 21-4708, as amended by section 53 of 1994 Senate Substitute for House Bill No. 2332, 21-4713, as amended by section 56 of 1994 Senate Substitute for House Bill No. 2332, 65-4141 and 65-4159, as amended by section 79 of 1994 Senate Substitute for House Bill No. 2332 and section 85 of 1994 Senate Substitute for House Bill No. 2332, section 86 of 1994 Senate Substitute for House Bill No. 2332, section 87 of 1994 Senate Substitute for House Bill No. 2332, section 88 of 1994 Senate Substitute for House Bill No. 2332 and section 89 of 1994 Senate Substitute for House Bill No. 2332; also repealing K.S.A. 1993 Supp. 65-4127a, as amended by section 3 of 1994 House Bill No. 2858, 65-4127b, as amended by section 4 of 1994 House Bill No. 2858 and 65-4159, as amended by section 6 of 1994 House Bill No. 2858.

SB 857, An act concerning alcoholic liquor; relating to days of sale; amending K.S.A. 41-712 and repealing the existing section; also repealing K.S.A. 41-712, as amended by section 1 of 1994 Senate Bill No. 544.

SB 858, by Committee on Federal and State Affairs: An act concerning gaming devices; relating to legality thereof for certain purposes.

Senate Concurrent Resolutions

SCR 1630, A concurrent resolution requesting the Legislative Coordinating Council to appoint a Joint Interim Committee to study repeal of the Kansas Sentencing Guidelines Act and abolition of the Kansas Sentencing Commission.

SCR 1631, A concurrent resolution supporting continuation of a strong, equitable and reciprocal commercial relationship with the Republic of China on Taiwan.

Senate Resolutions

SR 1860, A resolution congratulating and commending the Norton Jaycees BB Gun Team for winning the 1994 state championship in Kansas.

SR 1861, A resolution designating April 24-30, 1994, as Kansas Crime Victims' Week.

SR 1862, A resolution designating May 1-7, 1994, as National Tourism Week.

SR 1863, A resolution congratulating and commending the Lawrence High School Scholar's Bowl Team for winning the 1994 Class 5A-6A Scholar's Bowl state championship in Kansas.

SR 1864, A resolution congratulating and commending Nancy M. Echols for her distinguished public service career with the State of Kansas.

SR 1865, A resolution congratulating and commending Harold Kane on being awarded a Bronze Star Medal 48 years after his military service in World War II.

SR 1866, A resolution congratulating and commending James W. (Jim) McBride for his years of dedicated interest in and service to the Kansas Legislature.

SR 1867, A resolution approving a gaming compact among the Iowa Tribe of Kansas and Nebraska, Kickapoo Tribe of Indians in Kansas, Sac and Fox Nation of Missouri in Kansas and Nebraska and Prairie Band of Potawatomi Indians and the State of Kansas.

SR 1868, A resolution commemorating the 50th Anniversary of D-Day on June 6, 1994.

SR 1869, A resolution supporting continuation of a strong, equitable and reciprocal commercial relationship with the Republic of China on Taiwan.

Doc. No. 014830

State of Kansas

Kansas Dental Board

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 3 p.m. Friday, June 24, in the conference room, 3601 S.W. 29th, Topeka, to consider the adoption of proposed amendments to existing rules and regulations of the Kansas Dental Board.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to the Kansas Dental Board, 3601 S.W. 29th, Suite 134, Topeka 66614. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed amendments during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These amendments are proposed for adoption on a permanent basis. A summary of proposed amendments and their economic impact follows.

K.A.R. 71-1-3. Authorized dental hygienist duties; courses of instruction. This amendment follows a suggestion by the Joint Committee on Administrative Rules and Regulations of the Kansas Legislature that the regulation, adopted in 1993, contain a more specific statement of the required courses of instruction to permit dental hygienists to administer local anesthesia and nitrous oxide.

Since the amendment only sets out existing instructional requirements of the Dental Board, it does not have any added economic impact on governmental units, dentists or consumers.

K.A.R. 71-1-16. Definition of certain terms. This amendment to a 1993 regulation was also suggested by the joint committee in order to clarify the definition of K.S.A. 65-1423(g)(2) having to do with certain proscribed services by nonlicensed dental office personnel.

The amendment will not have any added economic impact on governmental units, dentists or consumers.

K.A.R. 71-1-17. Nitrous oxide/oxygen; unlicensed assistant; course of instruction. At the suggestion of the joint committee, this 1993 regulation is amended to state more specifically the course of instruction which must be completed by an unlicensed assistant who administers and monitors nitrous oxide/oxygen.

Since the amendment only sets out existing instructional requirements of the dental board, it will have no added economic impact on governmental units, dentists or consumers.

Copies of the amended regulations and their economic impact statements may be obtained from the Dental Board office, (913) 273-0780.

Carol L. Macdonald
Administrative Secretary

Doc. No. 014836

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Office of the Chief of Construction and Maintenance, KDOT, Topeka, until 10 a.m. May 19, and then publicly opened.

District One—Northeast

Riley—81 C-3263-01—County road, 2 miles north of Manhattan over the Big Blue River, grading, bridge and surfacing. (Federal Funds)

Note: This is the corrected location for project C-3262-01 that was previously advertised for the May letting.

District Two—Northcentral

Mitchell—62 K-1315-05—Flood damaged roads in Glen Elder State Park, patching. (State Funds)

Note: This is the corrected project number and location for project K-1315-01 that was previously advertised for the May letting.

Michael L. Johnston
Secretary of Transportation

Doc. No. 014818

State of Kansas

Wildlife and Parks Commission

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Wildlife and Parks Commission at 7 p.m. Thursday, June 16, at the Ernie Miller Nature Center, 909 N. K-7 Highway, Olathe, to consider the approval and adoption of several department regulations. There will be a public comment period at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items.

A workshop meeting on business of the Wildlife and Parks Commission will begin at 1:30 p.m. June 16 at the location listed above. The public will also be given the opportunity to comment on any nonagenda items at the beginning, and on agenda items during the afternoon meeting. The meeting will recess at 5 p.m., then resume at 7 p.m. at the same location for the regulatory hearing. Old and new business may also be discussed at this time. If necessary to complete the hearing or other business matters, the commission will reconvene at 9 a.m. June 17 at the location listed above.

If notified in advance, the department will have an interpreter available for the hard of hearing. To contact the department for this or any other reason, members of the public with a hearing impairment may call the TDD service at 1-800-766-3777. All public meeting areas are accessible to those who are physically disabled.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic

impact statements in an accessible format. Request for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Brenda Dean at (316) 672-5911.

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

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

The regulations to be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-2-1. Amount of fees. This permanent regulation is proposed for amendment. It establishes fees for wildlife-related licenses, permits and stamps. Proposed amendments address special hunt-your-own-land-permit costs, permit transfer cost and nonresident application fee for deer permits.

Economic Impact Summary: The setting of these fees will not have a direct economic impact on the public or the department. The impact is noted when seasons are established under separate regulations.

K.A.R. 115-9-5. Hunting, fishing and furharvesting licenses; effective dates. This permanent regulation is proposed for amendment. The amendments provide that a fishing or furharvester license purchased on and after an annually determined date in December would be valid through the next year.

Economic Impact Summary: These amendments are designed primarily to assist license buyers. Slight decreases in department revenue may occur during the first year with no effect in subsequent years.

K.A.R. 115-14-1. Falconry, federal regulations. This permanent regulation is proposed for amendment. The amendments specify that falconry provisions not otherwise provided for by state regulation shall be as provided for by federal regulations. Those federal regulations are adopted by reference.

Economic Impact Summary: No impact would occur, as falconry in Kansas is currently governed by state and federal regulations.

K.A.R. 115-14-2. Falconry permits. This permanent regulation is proposed for amendment. The amendment would require a falconer moving to Kansas to apply for a Kansas falconry permit prior to establishment of residency.

Economic Impact Summary: No impact is expected, as it does not change the requirement for a Kansas falconry permit. Only the time frame for obtaining the permit is altered.

(continued)

K.A.R. 115-14-8. Reports. This permanent regulation is proposed for amendment. The amendment clarifies that a copy of any report required by the U.S. Fish and Wildlife Service is to be submitted to the department at the time it is sent to the service.

Economic Impact Summary: No impact is anticipated, as reports are currently required; the amendment clarifies when.

K.A.R. 115-14-9. Acquisition of raptors. This permanent regulation is proposed for amendment. The amendments specify a requirement of a hunting license to take raptors; add a December 15 through January 16 time period for taking raptors; provide for the take of red-tailed and red-shouldered hawks in the eyess stage if authorized by the service; and establish a tagging requirement for equipment used in capturing raptors.

Economic Impact Summary: No economic impact is anticipated, as most falconers already have licenses. The primary impact will be to allow falconers to better enjoy their practice.

K.A.R. 115-14-10. Other provisions. This permanent regulation is proposed for amendment. The amendment would establish a season for hunting by falconry of September 1 through March 31.

Economic Impact Summary: No economic impact is anticipated. The amendment is intended to allow falconers more time to pursue their pasttime.

K.A.R. 115-18-13. Dark geese; management units, permits and restrictions. This is a new permanent regulation defining dark geese, establishing management units and requiring a permit for dark goose hunting in a unit. Permit restrictions involve signing and affixing the permit and non-transfer of permits.

Economic Impact Summary: No economic impact is anticipated, as this procedure is a continuation of the same procedure previously established by federal regulation. The procedure is being placed under state regulation.

K.A.R. 115-25-20. Sandhill crane; management unit, hunting season, shooting hours, bag and possession limit and permit validation. This exempt regulation establishes the 1994 sandhill crane hunting season attending provisions and restrictions. No change from the 1993 season is recommended.

Economic Impact Summary: It is established that 600 permits will be validated generating \$3,000 in revenue to the department. Approximately 2,100 recreational days would occur, thus providing benefit to certain businesses.

Copies of the complete text of the regulations and the economic impact statement may be obtained by contacting the chairman of the commission at the address above, (913) 296-2281.

James Holderman
Chairman

Doc. No. 014841

State of Kansas

Kansas State University

Notice to Bidders

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

Tuesday, May 24, 1994

40153

High performance liquid chromatograph

William H. Sesler
Director of Purchasing

Doc. No. 014844

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

Monday, May 23, 1994

30423

Kansas State University—Satellite transponder time

30439

University of Kansas—Elevator maintenance services

30440

Adjutant General's Department—Janitorial services, Fort Riley

30447

University of Kansas—Small animal feed

30450

Statewide—Microcomputers, desktop

98875

Kansas Highway Patrol—LCD video projector

98917

Emporia State University—Optical disk imaging system

Tuesday, May 24, 1994

30442

Department of Transportation—Temporary pavement marking tape, various locations

30448

Department of Transportation—Blank media (12") for optical video drives

98821

Department of Health and Environment—Mobile equipment shelter

98822

Department of Transportation—Hot air lance, various locations

98823

Department of Transportation—Air hammers, various locations

98824

Department of Transportation—Heated high pressure washers, various locations

98825

Kansas Insurance Department—Furnish and install a vault security alarm system

98829

Department of Transportation—Pavement saws, various locations

98830

Kansas Highway Patrol—Semi-auto pistols and leather

98832

University of Kansas—Graphics workstation

98855

Kansas State University—Salina—Microcomputers

98868

Kansas State University—Microcomputers, Pentium

98873

Department of Social and Rehabilitation Services—Furnish and install vending facility equipment, Overland Park

98879

Department of Social and Rehabilitation Services—Microcomputers, IBM

98891

Kansas State University—Corn

98893

Kansas State University—Notebook computers, color

Wednesday, May 25, 1994

A-7238 Rev.

Department of Human Resources—Entry modifications, Job Service Center, Chanute

A-7360

Department of Administration, Division of Facilities Management—Replace PCB capacitors, Capitol Complex

30444

Statewide—1995 calendars

98838

Department of Transportation—Brush chippers, various locations

98839

Department of Transportation—Portable air compressors, various locations

98840

Youth Center at Topeka—Floor machines

98841

Department of Administration, Division of Information Systems and Communications—CICS dump analysis software

98842

Department of Administration, Division of Information Systems and Communications—Cleaning of mainframe computer room

98843

University of Kansas—Engineering workstation

98846

University of Kansas—Laser flow cytometry system

98847

Kansas State University—Tektronix color printer

98848

Department of Transportation—Aggregate, Winfield

98849

Department of Transportation—Aggregate, Atchison

98850

Department of Transportation—Aggregate (Jct. US-56/75), Osage County

98851

Kansas State University—Tractor, Chetopa

98852

University of Kansas—Paper, printing and binding: Black San Francisco

98853

Department of Administration, Division of Information Systems and Communications—Mainframe TCP/IP software and controller

98854

Kansas State University—8 GB tape back-up unit

98856

Department of Transportation—Promotional items

98876

El Dorado Correctional Facility—Chainlink fence and accessories

Thursday, May 26, 1994

98831

Kansas State University—Dual purpose ovens

98861

University of Kansas Medical Center—Microplate reader

98864

Board of Agriculture—X-terminals

98865

University of Kansas Medical Center—HDS disk storage devices and trade-in

98866

University of Kansas—RISC SPARC workstations

98867

Kansas State University—Unix based computers

98874

Kansas Highway Patrol—Evidential breath test devices

98878

Kansas State University—Electrochemical analyzer

Friday, May 27, 1994

30443

Statewide—July (1994) meat products

30445

University of Kansas—July (1994) meat products

30446

University of Kansas Medical Center—July (1994) meat products

(continued)

98862
Department of Transportation—15-foot rotary mowers, various locations

98863
Department of Transportation—Wood signposts, Salina

98877
Kansas School for the Deaf—Exterior window painting

98889
University of Kansas—Passenger van

98890
Kansas State University—Front deck mower

98892
University of Kansas—Paper, printing and binding: Soul in the Stone

98899
University of Kansas—Microscope, spectrophotometer and incubator

98900
Kansas State University—NIR reflectance spectrophotometer

98901
University of Kansas—Parking hangtags and decals

98902
University of Kansas—Paper, printing and binding: Colony and Empire

98903
Kansas Public Employees Retirement System—Upgrade AS/400 B50 to F50

98907
University of Kansas Medical Center—Ultracentrifuge

98908
University of Kansas Medical Center—FTIR spectrometer

98909
Department of Transportation—Aggregate, Marquette

98910
Wichita State University—Collating system

98912
University of Kansas—Resurface tennis courts

98913
University of Kansas—Unix workstation, 8mm tape drive and color printer

98914
University of Kansas Medical Center—Help desk system software

98915
Kansas State University—Camile TG software and conversion peripherals

98916
Youth Center at Topeka—Lounge sofas and chairs

98918
University of Kansas Medical Center—Olympus B-Max40 clinical and laboratory microscope

98922
University of Kansas—Printing of undergraduate viewbook

98923
Emporia State University—Card dispenser and attachments

98924
University of Kansas—Plain paper copiers

98925
Kansas State University—Mail handling equipment

98926
Larned State Hospital—Furnish and install fiber optic cable

98927
University of Kansas—Installation only of UPS

98928
University of Kansas Medical Center—Furnish and install UPS system

98929
Department of Transportation—Light fixtures, Salina

Tuesday, May 31, 1994
30449
Department of Health and Environment—Software consulting/programming statistics database transfer

Thursday, June 2, 1994
98827
Department of Revenue—County appraiser eligibility exams and answer key consulting services

98911
University of Kansas Medical Center—Furnish and install superdata multiscan projection system

Tuesday, June 7, 1994
A-7219 Rev.
Department of Wildlife and Parks—RV campground boat ramp, Hillsdale State Park

Thursday, June 9, 1994
30451
University of Kansas Medical Center—Property insurance

Thursday, June 16, 1994
30441
University of Kansas—Sale and disposal of scrap metal

Request for Proposals

Wednesday, June 15, 1994

30397

State Health Care Benefits Program health maintenance organizations (HMOS) for the Kansas State Health Care Commission

Jack R. Shipman
Director of Purchases

Doc. No. 014859

State of Kansas

**Department of Health
and Environment**

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 9 a.m. Monday, June 27, in the main conference room, Building 283, Forbes Field, Topeka, to receive comment on proposed changes to public water supply regulations necessary to implement the lead and copper corrosion control rule.

K.A.R. 28-15-11, 28-15-13 and 28-15-20 are existing permanent regulations and are proposed to be revised. K.A.R. 28-15-22 is a new regulation. These regulations are authorized by K.S.A. 65-171m and are proposed for adoption on a permanent basis. A summary of proposed regulations and the economic impact follows.

Background of New Regulations

The federal Safe Drinking Water Act (SDWA) establishes a national program to regulate the quality of public drinking water. This act requires the Environmental Protection Agency to adopt national primary drinking water regulations to regulate the quality of public drinking water and to specify monitoring requirements to determine if those standards are met. The SDWA also provides for state implementation of the national primary drinking water standards (primacy). The KDHE has primacy for implementation of the national program to regulate Kansas public water suppliers.

The 1986 amendments to the SDWA require the EPA to promulgate a number of new primary drinking water regulations. This set of proposed administrative regulations will update the Kansas public water supply program to comply with federal requirements for lead and copper both in the consumers tap and in the source water. This set of regulations is commonly known as the "Lead and Copper Rule" and is contained within 40 CFR 141.80 (Subpart I) labeled "Control of lead and copper."

K.A.R. 28-15-11. Definitions. This regulation changes one existing definition and adds 11 new definitions to clarify terms used in the revised regulations. There is no economic impact from this regulation.

K.A.R. 28-15-13. Standards for bacteriological, chemical, physical and radiological quality. This regulation strikes the "Maximum Contaminant Level" (MCL) for lead. Lead will now be regulated by a treatment technique contained in K.A.R. 28-15-22. There is no economic impact from this regulation.

K.A.R. 28-15-20. Exemptions and variances. This regulation expands the regulations which are eligible for exemptions and variances by allowing both the surface water treatment rule and the lead and copper rule to have exemptions and variances issued for appropriate portions of the regulations as allowed in the federal regulations. There is no economic impact from this regulation.

K.A.R. 28-15-22. Lead and copper corrosion control. This regulation specifies methods of monitoring for and achieving minimally corrosive water. The new regulation requires that lead and copper be monitored at the

consumer's tap after a six-hour holding time. This is to allow the water time to leach lead or copper from the consumer's plumbing. In addition, large water supply systems over 50,000 population must prepare a corrosion study outlining ways and methods to make the supplied water minimally corrosive unless they can provide data to demonstrate their water is already minimally corrosive. Water supply systems serving less than 50,000 persons must prepare a corrosion control plan only if they exceed the lead or copper action levels. At present, two of the state's six large water supply systems are preparing corrosion control studies at an estimated cost of \$25,000 each, while the remainder have met the exclusion criteria. Of the 63 medium-size systems which serve between 3,300 and 50,000 persons, 10 have failed the action levels and the treatment upgrades are estimated at \$5,000 each. Monitoring for the 938 small systems which serve less than 3,300 persons is ongoing. To date there are 122 lead or copper action level violations. Additional monitoring will probably reduce this number by one-half, with the remainder installing treatment at an estimated cost of \$2,000 each. Monitoring costs are \$14 per sample with an estimated 31,750 samples being collected for the first-round monitoring, and then dropping to 2,800 samples for subsequent years, for a cost of \$444,500 for first-round sampling and \$39,000 for later years. Implementation costs are \$222,000 for capital costs, \$444,500 for initial monitoring costs and \$39,000 for annual monitoring costs. System costs for sample collection and reporting are highly variable and were not estimated. Annual program administration costs are estimated at \$180,000, which is paid through a water supply fee fund.

Copies of the regulations may be obtained from the Kansas Department of Health and Environment, Bureau of Water, Building 740, Forbes Field, Topeka, 66620-0001, (913) 296-5514. Questions pertaining to these proposed rules should be directed to Ralph Gelvin at (913) 296-5516.

This 30-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to David Waldo, Section Chief, Public Water Supply Section, Kansas Department of Health and Environment, Building 285, Forbes Field, Topeka 66620-0001. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and fiscal impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working day in advance of the hearing by contacting Linda White at (913) 296-5514.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014864

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-94-40

Name and Address of Applicant	Waterway	Type of Discharge
City of Lawrence City Hall Box 708 Lawrence, KS 66044 Douglas County, Kansas	Kansas River	Secondary wastewater treatment facility

Kansas Permit No. M-KS31-1001 Fed Permit No. KS-0038644

Description of Facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Public Notice No. KS-AG-94-34/37

Name and Address of Applicant	Legal Description	Receiving Water
Mayer Ranch Hal M. Mayer Route 1, Box 109 Alta Vista, KS 66834	SW/4, Sec. 7, T13S, R9E, Wabauisee County	Kansas River Basin

Kansas Permit No. A-KSWB-C003 Federal Permit No. KS-0090751

The feedlot has capacity for approximately 4,000 cattle and a contributing drainage area of approximately 36.3 acres. This is a new facility.

Runoff Control Facilities: Feedlot runoff is impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided in excess of 21.5 acre-foot.

Compliance Schedule: Mayer Ranch shall submit proof of purchase or a copy of a lease agreement for dewatering and field distribution equipment to the Kansas Department of Health and Environment, Topeka, KS 66620, within 45 days of final permit issuance. A minimum pump rating of 1,100 gpm is required and the distribution equipment shall be capable of uniformly placing the wastewater on 60 acres.

Name and Address of Applicant	Legal Description	Receiving Water
Clason Transfer Facility Eugene and Ruth Clason Route 1, Box 24X Beaver City, NE 68926	NE/4, Sec. 35, T3S, R18W, Phillips County	Solomon River Basin

Kansas Permit No. A-SOPL-S025

The proposed facility has the capacity for approximately 360 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: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

Name and Address of Applicant	Legal Description	Receiving Water
Metsker Farms Phillip Metsker 796 N. 600 Lawrence, KS 66047	SE/4, Sec. 13, T14S, R18E, Douglas County	Kansas River Basin

Kansas Permit No. A-KSDG-S006

The existing facility has the capacity for approximately 950 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: The open lots must be abandoned by August 1, 1995.

Name and Address of Applicant	Legal Description	Receiving Water
Galen Hammes Route 4, Box 18 Seneca, KS 66538	SE/4, Sec. 21, T2S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S023

The proposed expanded facility will have the capacity for approximately 1,070 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: A livestock waste management plan for the facility shall be developed. The plan shall cover, but not be limited to, the following items: handling and disposal equipment for both solid and liquid wastes, land application practices used to protect against runoff and leaching, waste application rates based on crop nutrient utilization, and identification of adequate land areas for application of all wastes. Detailed guidance and requirements will be provided by the department. A plan shall be submitted to the department within six months following receipt of detailed requirements. The approved plan will become part of this permit.

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 June 10 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-94-40 and KS-AG-94-34/37) 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, Building 283, 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. 014856

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 permit in accordance with K.A.R. 28-19-14 (permits required) to Northern Natural Gas Co. (NNG), Amarillo, Texas, to install and operate new natural gas compressor stations at Section 5, T32S, R35W; Section 1, T32S, R35W; Section 32, T32S, R37W, Stevens County, Kansas; and Section 29, T34S, R39W, Morton County, Kansas.

Written materials, including the permit applications and information relating to the applications submitted by NNG, and the draft permits are available for public inspection during normal business hours through June 13 by contacting Wayne Neese, Air Quality District Representative, Southwest KDHE Office, Dodge City, (316) 225-0596. This material also can be reviewed at the KDHE Office in Building 283, Forbes Field, Topeka. Questions concerning this proposed permit should be directed to L.C. Hinthner, 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 the permit's 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 June 13.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014854

State of Kansas

Office of the State Treasurer

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1992 Supp. 75-4210. These rates and their uses are defined in K.S.A. 75-4201(1), 12-1675(b)(c)(d) and 75-4209(a)(1)(B), as amended.

Effective 5-16-94 through 5-22-94	
Term	Rate
0-90 days	3.78%
3 months	4.42%
6 months	4.88%
9 months	5.27%
12 months	5.48%
18 months	5.81%
24 months	6.12%
36 months	6.52%
48 months	6.80%

Sally Thompson
State Treasurer

Doc. No. 014831

State of Kansas

Department of Health
and Environment

Notice of Meeting

The Department of Health and Environment will meet at 9 a.m. Tuesday, May 24, at the Kansas Historical Society Auditorium, 120 W. 10th, Topeka. The meeting is open to the public. Telephone hook-ups are provided at the KDHE district offices located in Chanute, Wichita, Dodge City, Hays, Salina and Lawrence; and the Pittsburg Office of Surface Mining. Requests for accommodation for any individual with a disability to attend the meeting should be made at least five working days in advance of the meeting by contacting Mary Ann Cummings at (913) 296-0461. The agenda for the meeting includes:

- Report from Division of Health, including 1994 legislation and recap of the year.
- Report from Division of Environment, including 1994 legislation and recap of the year.
- Report from Center for Health & Environmental Statistics, including 1994 legislation and recap of the year.
- FY 1994 budget year-end report and beginning FY 95 budget.
- Other items.

Robert C. Harder
Secretary of Health
and Environment

Doc. No. 014855

State of Kansas

Kansas Sentencing Commission

Notice of Acceptance of Applications
for Research Analyst

An unclassified state position for a research analyst with the Kansas Sentencing Commission will be available May 18. The research analyst will organize research studies; develop questionnaires; collect and analyze criminal justice data; design, implement and maintain databases; perform statistical analysis; and report correlations and conclusions. Requirements include the ability to design, test and maintain database in IBM PC compatible LAN environment; design and use SPSS, dBASE, or Microsoft Excel databases; analyze and interpret statistical data; and communicate concise, accurate technical information.

Applicants must have a bachelor's degree and knowledge of database structures and systems, research design methods and procedures, basic mathematics, standard statistical methods and applications to analysis and evaluation of data; and IBM PC compatible experience. Education and experience in the criminal justice field is extremely helpful.

Send resume, including references and letter of interest, to Lisa Moots, Executive Director, Kansas Sentencing Commission, Suite 501, Jayhawk Tower, 700 S.W. Jackson, Topeka 66603, by May 18.

Lisa Moots
Executive Director

Doc. No. 014767

State of Kansas

Kansas Water Authority

Notice of Meeting

The Kansas Water Authority will conduct a conference call meeting at 10:30 a.m. Thursday, May 26, to discuss and approve three items of business: grant its approval to assign the water supply contract of Public Wholesale Water Supply District No. 12 for water from Melvern Lake to the Farmers Home Administration so that the district may receive the appropriate financial assistance in constructing its water works; approve the sale of a portion of water supply from Marion Lake by the city of Marion to the Marion Improvement District as required by the city's contract with the state; and approve a Memorandum of Agreement between the Soil Conservation Service of the U.S. Department of Agriculture and the Kansas Water Office, outlining the planning support activities of the Soil Conservation Service relative to the Kansas Water Plan during federal fiscal year 1995.

Anyone interested in participating in the conference call can listen to the proceedings at the Kansas Water Office, 109 S.W. 9th, Suite 300, Topeka, or the city of Wichita's Water Department, 455 N. Main, Wichita. If accommodations are needed for persons with disabilities to participate in the meeting, please notify the Kansas Water Office at least two days in advance of the meeting. (TTY 913/296-6604).

John R. Best
Chairman

Doc. No. 014857

State of Kansas

Office of Judicial Administration
Supreme Court Docket

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

Monday, May 23, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,826	Daniel Smith, Appellee, v. Massey-Ferguson, Inc., a Maryland Corporation, <i>et al.</i> , Appellants.	Donald A. McKinney Norman R. Kelly	Sedgwick
70,592	Warren Brown Gillespie, <i>et al.</i> , Appellees, v. Dorothea Wofford Seymour, <i>et al.</i> , Appellants.	Jerry O. Bogle Robert Martin	Sedgwick
69,961	State of Kansas, Appellee, v. Jonathan W. Bafford, Appellant.	Robert T. Stephan, Attorney General Timothy J. Chambers, County Attorney Thomas Jacquinet, Special Appellate Defender	Reno
69,466	State of Kansas, Appellant, v. David L. Ratzlaff, Appellee.	Robert T. Stephan, Attorney General Timothy J. Chambers, County Attorney Kiehl Rathbun	Reno On Petition for Review

1:30 p.m.

70,317	City of Wichita, Kansas, Appellee, v. The Kansas Public Employee Relations Board, <i>et al.</i> , Appellants.	Gary E. Rebenstorf Richard H. Seaton, Jr. Anthony J. Powell Don Doesken	Sedgwick
69,904	State of Kansas, Appellee, v. David R. Pratt, Appellant.	Robert T. Stephan, Attorney General Debra S. Bryd, Assistant District Attorney Edgar Wm. Dwire	Sedgwick

Tuesday, May 24, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
69,242	Lee Dillard, <i>et al.</i> , Appellants, v. The Most Reverend Ignatius J. Strecker, Appellee.	M. Courtney Koger Lori R. Shultz Mark E. Johnson	Johnson On Petition for Review
69,921	State of Kansas, Appellee, v. Michael P. Gallagher, a/k/a Edward R. Bland, Appellant.	Robert T. Stephan, Attorney General Paul J. Morrison, District Attorney Rebecca E. Woodman, Assistant Appellate Defender	Johnson
68,361	State of Kansas, Appellee, v. Faye A. Johnson-Howell, Appellant.	Robert T. Stephan, Attorney General Paul J. Morrison, District Attorney Benjamin C. Wood	Johnson
68,307	State of Kansas, Appellee, v. Don Borthwick, Appellant.	Robert T. Stephan, Attorney General Julie A. McKenna, County Attorney Robert E. Keeshan Richard M. Blackwell	Saline On Petition for Review

1:30 p.m.

69,350	Ronald Bruns, Appellant, v. Kansas State Board of Technical Professions, Appellee.	Ronald C. Bruns Glenda L. Cafer	Shawnee On Petition for Review
70,425	Stephan Scott Corder, M.D., Appellant, v. The Kansas State Board of Healing Arts, <i>et al.</i> , Appellees.	Alan V. Johnson John W. Campbell, Deputy Attorney General	Shawnee

Wednesday, May 25, 1994

9:00 a.m.

Case No.	Case Name	Attorneys	County
70,357	Paula and Ron Williams, Appellees, v. Kansas Department of Social and Rehabilitation Services, <i>et al.</i> , Appellants.	Kevin L. Diehl Marvin Stottlemire Kenneth Smith	Shawnee
69,146	State of Kansas, Appellee, v. Roger O. Smith, Appellant.	Robert T. Stephan, Attorney General Mary A. McDonald, County Attorney Benjamin C. Wood, Special Appellate Defender	Harvey
69,776	State of Kansas, Appellee, v. John E. McDaniel, Appellant.	Robert T. Stephan, Attorney General Nick A. Tomasic, District Attorney J. Patrick Lawless, Jr., Assistant Appellate Defender	Wyandotte
68,937	State of Kansas, Appellee, v. Darryl L. Lewis, Appellant.	Robert T. Stephan, Attorney General Nick A. Tomasic, District Attorney Benjamin C. Wood, Special Appellate Defender	Wyandotte

(continued)

1:30 p.m.

69,147	State of Kansas, Appellee, v. Brian Blockman, a/k/a Roberto Honeycutt, Appellant.	Robert T. Stephan, Attorney General Gerald E. Wells, District Attorney On Petition for Review	Douglas
68,451	State of Kansas, Appellee, v. Tyrone L. Baker, Appellant.	Stephen C. Moss, Assistant Appellate Defender Robert T. Stephan, Attorney General Gerald E. Wells, District Attorney Hazel Haupt, Assistant Appellate Defender	Douglas

Thursday, May 26, 1994

9:00 a.m.

Attorneys

County

70,196	Lee Wright, Appellee, v. Kansas Water Office, Appellant.	Patricia E. Riley David D. Plinsky, Assistant Attorney General	Shawnee
69,949	State of Kansas, Appellee, v. Daniel Ray Royse, Appellant.	Robert T. Stephan, Attorney General Ann Smith, County Attorney Wendy L. Rhyne-Slayton, Special Appellate Defender	Montgomery
70,222	State of Kansas, Appellee, v. Jason C. Linn, Appellant.	Robert T. Stephan, Attorney General Ann Smith, County Attorney Steven R. Zinn, Deputy Appellate Defender	Montgomery
69,821	State of Kansas, Appellee, v. Lawrence C. Stafford, Appellant.	Robert T. Stephan, Attorney General Joan M. Hamilton, District Attorney Steven R. Zinn, Deputy Appellate Defender	Shawnee

1:30 p.m.

70,358	In the Matter of the Application of the City of Wichita, Kansas, for Exemption from Ad Valorem Taxation in Sedgwick County, Kansas.	Joe Allen Lang, Senior Assistant City Attorney Stephen B. Plummer, County Counselor	Shawnee
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Friday, May 27, 1994

9:00 a.m.

Attorneys

County

68,944	Wylie G. Denton, Appellee, v. Gary M. Lazenby, Appellant.	Laurence M. Jarvis On Petition for Review	Leavenworth
69,722	State of Kansas, Appellee, v. Howard Steve Borders, Appellant.	Daniel D. Owen Robert T. Stephan, Attorney General Joan M. Hamilton, District Attorney M. Kristine Savage, Assistant Appellate Defender	Shawnee
70,779	In the Matter of David M. Jancich, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator David M. Jancich, <i>pro se</i>	Original
71,246	In the Matter of Howard L. Jenkins II, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Howard L. Jenkins II, <i>pro se</i>	Original
70,780	In the Matter of Gary W. Long II, Respondent.	Stanton A. Hazlett, Deputy Disciplinary Administrator Gary W. Long II, <i>pro se</i> Jeffrey A. Dehon	Original

Carol G. Green
Clerk of the Appellate Courts

Doc. No. 014832

(Published in the Kansas Register, May 12, 1994.)

Notice of Bond Sale
\$200,000
Washington County, Kansas
General Obligation Bonds
Series 1994A

Sealed Bids

Sealed bids for the purchase of \$200,000 principal amount of General Obligation Bonds, Series 1994A, of the county hereinafter described, will be received by the undersigned, county clerk of Washington County, Kansas, on behalf of the governing body of the county at the Washington County Courthouse, 214 C St., Washington, KS 66968, until 11 a.m. C.D.T. on Monday, May 23, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the County immediately thereafter. 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 June 1, 1994, and will become due serially on October 1 in the years as follows:

Year	Principal Amount
1995	\$20,000
1996	20,000
1997	20,000
1998	20,000
1999	20,000
2000	20,000
2001	20,000
2002	20,000
2003	20,000
2004	20,000

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 April 1 and October 1 in each year, beginning on April 1, 1995.

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 county 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 county, bonds maturing on October 1, 2000, and thereafter will be subject to redemption and payment prior to maturity on October 1, 1999, and thereafter in whole on any date 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 county 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 county shall elect to call any bond for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to redeem and pay said bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the paying agent and bond registrar, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed at least 60 days prior to the redemption date. Thereafter, the paying agent and bond registrar will notify the owners of the bonds of the county's redemption call by United States mail, postage prepaid. If any bond be called for redemption and payment as aforesaid, all interest on such bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of $\frac{1}{8}$ or $\frac{1}{20}$ of 1 percent. No interest rate shall exceed index of treasury bonds published by *The Bond Buyer* 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 county 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 county on the basis of such bid. Each bid shall also specify the average annual net interest rate to the county 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

(continued)

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 county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. 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 county shall determine which bid, if any, shall be accepted, and its determination shall be final.

Security for the Bonds

The bonds will be general obligations of the county payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the county.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the county which must be met subsequent to the issuance of the bonds by the county and, as a result, the county will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The county'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 county'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 an 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 such 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 county 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 county, 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 county 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 excluded from the computation of Kansas adjusted gross income.

Delivery and Payment

The county 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 June 8, 1994, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. 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 county. 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 county and bond registrar not later than 3 p.m. C.D.T. on May 31, 1994. In the absence of such information, the county will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the county by 3 p.m. C.D.T. on May 31, 1994, a certificate acceptable to the county'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 \$4,000, payable to the order of the county to secure the county 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 county until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall, at the option of the county, be returned to the successful bidder or deducted from the purchase price. If a bid is accepted but the county 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 county, and the county reserves the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

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

Bid Forms

All bids must be made on forms which may be procured from the county clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The county 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 county clerk and marked "Proposal for the Purchase of General Obligations Bonds." Bids may be submitted by mail or delivered in person to the undersigned at the Washington County Courthouse and must be received by the undersigned prior to 11 a.m. C.D.T. on Monday, May 23, 1994.

Date and Delivery of Preliminary and Final Official Statement

The county 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 purchaser and the price or yield at which the purchaser 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 county will provide without cost to the purchaser such reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds are awarded to a syndicate, the county will designate the senior managing

purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser 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 purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The county will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the chairman and the county 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 county's preliminary official statement relating to the bonds may be obtained from the county clerk.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the county for the year 1993 is \$42,718,140. The total general obligation bonded indebtedness of the county as of the date of the bonds, including the bonds, is \$1,810,000.

Dated May 5, 1994.

Washington County, Kansas
LaVon Hornbostel
County Clerk
Washington County Courthouse
214 C St.
Washington, KS 66968
(913) 325-2974

Doc. No. 014852

(Published in the Kansas Register, May 12, 1994.)

Notice of Bond Sale \$7,000,000

Unified School District 204
Wyandotte County, Kansas
(Bonner Springs-Edwardsville)
General Obligation School Building Bonds
Series 1994

Sealed Bids

Sealed bids for the purchase of \$7,000,000 principal amount of General Obligation School Building Bonds, Series 1994, of Unified School District 204, Wyandotte County, Kansas (Bonner Springs-Edwardsville), hereinafter described, will be received by the undersigned district clerk of Unified School District 204, Wyandotte County, Kansas, on behalf of the governing body of the district at the district's administrative offices, 2200 S. 138th, Bonner Springs, Kansas, until 11 a.m. C.D.T. on Thursday, May 19, 1994. All bids will be publicly opened and read at said time and place and will be acted upon by the district immediately thereafter. No oral or auction bids will be considered.

(continued)

Bidders may deliver a bid to the district clerk, or they may telephone or telefax it to the district clerk prior to the said time and date. Bidders who transmit their bid by telephone or telefax must undertake the following: (a) send the "good faith" check and a blank copy of the official proposal form for the bonds in time to be received by the district not less than one business day prior to the date of sale; (b) the blank proposal must provide the name and telephone number of the authorized representative of the lead manager of each account signed by such representative and must list the members of the account on the back thereof. On the day of the sale, the authorized representative of the account may transmit to the district, by telephone or telefax, the bid for the bonds. The signed proposal will be completed by the district with such information. Telephone bids must be made to the district clerk at the following telephone number: (913) 422-5600. Telefax transmissions must be sent to (913) 422-4193. The district will not accept responsibility for inaccurate bids submitted through the telephone or telefax, including garbled transmissions, or the inability of a bidder to access the telephone or telefax number prior to the indicated sale time.

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 June 1, 1994, and will become due serially on September 1 in the years as follows:

Year	Principal Amount
2001	\$1,260,000
2002	1,335,000
2003	1,410,000
2004	1,490,000
2005	1,505,000

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 March 1, 1995.

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 district 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 district, bonds maturing on September 1, 2001, and thereafter will be subject to redemption and payment prior to maturity on September 1, 2000, and thereafter in whole on any date 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, together with premiums equal to the following percentages of the principal amount being redeemed, at the times set forth below:

Redemption Date	Premium
September 1, 2000 to March 1, 2002	101.50%
September 1, 2002 and thereafter	100.00

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

Optional Municipal Bond Insurance

AMBAC Indemnity Corporation has issued a commitment for municipal bond insurance relating to the bonds. The bonds may be purchased with or without this insurance at the option of the successful bidder. All expenses associated with the purchase of said insurance (including appropriate rating agency fees) will be the responsibility of the successful bidder. The amounts of such insurance premium and rating agency fees may be obtained from AMBAC. The insurance policy, if purchased, will insure the timely payment of the principal of and the interest on the bonds. Bidders desiring to purchase the optional municipal bond insurance must so indicate on the official bid form. Reference is made to the preliminary official statement for a further discussion of the municipal bond insurance.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bid-

ders, 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 Bond Buyer*, successor to *MuniWeek*, 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 district 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 district on the basis of such bid. Each bid shall also specify the average annual net interest rate to the district 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 district, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the district. 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 district shall determine which bid, if any, shall be accepted, and its determination shall be final.

Security for the Bonds

The bonds will be general obligations of the district payable as to both principal and interest from ad valorem taxes which may be levied, without limitation as to rate or amount on all the taxable tangible property, real and personal, within the territorial limits of the district.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 imposes requirements on the district which must be met subsequent to the issuance of the bonds by the district and, as a result, the district will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The district'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 district'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 an 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 such 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 district 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 district, 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 district with the provisions of the resolution authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is excludable from federal income taxation. Interest on the bonds will also be excludable from the computation of Kansas adjusted gross income.

Delivery and Payment

The district 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 June 13, 1994, at such bank or trust company in the state of Kansas or greater Kansas City, Missouri, metropolitan area as may be specified by the successful bidder. Delivery elsewhere will be at the bidder's expense. 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 district. 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 district and bond registrar not later than 3 p.m. C.D.T. on May 26, 1994. In the absence of such information, the district will deliver bonds in the

(continued)

denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the district by 3 p.m. C.D.T. on May 26, 1994, a certificate acceptable to the district'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 \$140,000, payable to the order of the district to secure the district 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 district until the bidder shall have complied with 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 district. If a bid is accepted but the district 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 district, with the district reserving the right to pursue any consequential damages as a result of such default.

CUSIP Numbers

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

Bid Forms

All bids must be made on forms which may be procured from the district clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The district 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 district clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at P.O. Box 435, 2200 S. 138th, Bonner Springs, KS 66012; or bidders may telephone or telefax bids to

the district prior to 11 a.m. C.D.T. on Thursday, May 19, 1994.

Date and Delivery of Preliminary and Final Official Statement

The district 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 purchaser and the price or yield at which the purchaser 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 district will provide without cost to the purchaser such reasonable number of printed copies of the final official statement and further copies, if desired, will be made available at the purchaser's expense. If the sale of the bonds are awarded to a syndicate, the district will designate the senior managing purchaser of the syndicate as its agent for purposes of distributing copies of the final official statement to each participating purchaser. Any purchaser 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 purchasers for the purpose of assuring the receipt and distribution by each such participating purchaser of the final official statement.

The district will deliver to the purchaser on the date of delivery of the bonds a certificate executed by the president and the district 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 district's preliminary official statement relating to the bonds may be obtained from the district clerk or the district's financial advisor, Cooper, Malone, McClain, Inc., 100 N. Main, Suite 510, Wichita, KS 67202, (316) 264-2400.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the district for the year 1993 is \$57,333,295. The total general obligation bonded indebtedness of the district as of the date of the bonds, including the bonds, is \$12,430,000.

Dated May 2, 1994.

Unified School District 204
Wyandotte County, Kansas
John F. Marxen, Sr.
District Clerk
P.O. Box 435
2200 S. 138th
Bonner Springs, KS 66012

Doc. No. 014853

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, May 12, 1994.)

(Editor's Note: A section of the following bill was line-item vetoed by the Governor and sustained by the Legislature. The Governor's line-item veto message is printed immediately following the bill.)

SENATE BILL No. 556

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1994, for the attorney general, judicial branch, department of wildlife and parks, department of corrections, legislative coordinating council, state treasurer, state corporation commission, adjutant general and department of transportation; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.

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

Section 1. For the fiscal year ending June 30, 1994, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund the following:

Additional operating expenditures for investigation and litigation regarding interstate water rights \$218,378

Sec. 3.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund the following:

Postconviction nonprison sanctions for felony offenders \$50,000
Provided, That expenditures may be made from this account for only those postconviction nonprison sanction costs authorized by the secretary of corrections to be paid from this account.

Sec. 4.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund the following:

Legislative coordinating council—operating expenditures to finance a study to document a rational basis for school district low enrollment weighting \$75,000

Sec. 5.

JUDICIAL BRANCH

(a) On the effective date of this act, of the \$375,000 appropriated for the judicial branch for the fiscal year ending June 30, 1994, by section 12(a) of chapter 292 of the 1993 Session Laws of Kansas from the state general fund in the postconviction nonprison sanctions for felony offenders account, any unencumbered balance is hereby lapsed.

Sec. 6.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures \$190,000
Flood damage repair 500,000
Total \$690,000

Sec. 7.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue funds all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Unclaimed property claims fund No limit
Unclaimed property expense fund No limit
Unclaimed mineral proceeds trust fund No limit

Sec. 8.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the director of accounts and reports shall transfer \$150,000 from the state budget stabilization fund of the department of administration to the conservation fee fund of the state corporation commission and such amount shall be repaid to the state budget stabilization fund during fiscal year 1995 as prescribed by provisions in an appropriation act making and concerning appropriations for fiscal year 1995.

Sec. 9.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures \$243,761

Sec. 10.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the position limitation established pursuant to provisions of K.S.A. 1993 Supp. 75-6801 and amendments thereto is hereby increased to 3,299.0.

(b) On the effective date of this act, the expenditure limitation established by the state finance council on the agency operations account of the state highway fund is hereby increased from \$170,560,169 to \$170,696,753.

Sec. 11. Appeals to exceed limitations. Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the Senate of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return Senate Bill 556 with my signature approving the bill, except for the items enumerated below.

Section 8 is line-item vetoed in its entirety.

I understand and appreciate the desire of the Legislature to provide additional monies for the plugging of abandoned oil wells at a time when the Conservation Fee Fund has experienced a revenue shortfall. However, I believe the Corporation Commission would be better served by managing its way through the current fiscal year and not having a debt to repay in the upcoming fiscal year. With careful management, there should be an adequate balance in the Conservation Fee Fund to address the plugging of wells on an emergency basis this year. Current estimates of revenue to the Conservation Fee Fund for FY 1995 do reflect an increase, but having to pay back \$150,000 could place the fund in the same situation it is experiencing currently. The Corporation Commission has demonstrated its ability to adjust expenditures from the fund without taking drastic measures, and it should be allowed to continue to manage its responsibilities within the resources currently available.

Dated April 14, 1994.

Joan Finney
Governor

(Published in the Kansas Register, May 12, 1994.)

(Editor's Note: The following bill was vetoed in its entirety by the Governor. The Governor's veto was subsequently overridden by the Legislature. The Governor's veto message and the Legislature's certificate overriding the veto are printed immediately following the bill.)

SENATE Substitute for HOUSE BILL No. 2569

AN ACT abolishing the state fair board and establishing the Kansas state fair board, amending K.S.A. 74-520, 74-521, 74-522, 74-523 and 74-524 and repealing the existing sections; also repealing K.S.A. 74-520 as amended by Section 2 of Senate substitute for House Bill No. 2569.

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

New Section 1. (a) On and after March 15, 1995, the Kansas state fair board is hereby established. The Kansas state fair board shall consist of the following members:

(1) The secretary of agriculture or the successor of the secretary of agriculture, or the secretary's designee;

(2) the secretary of commerce and housing, or the secretary's designee;

(3) the director of extension of Kansas state university of agriculture and applied science, or the director's designee;

(4) one person appointed by the governor from three persons nominated by the Kansas chamber of commerce and industry;

(5) one person appointed by the governor from three persons nominated by the travel industry association of Kansas;

(6) one person appointed by the governor from three persons nominated by the Kansas fairs association;

(7) one person appointed by the Kansas technology enterprise corporation from among the board of directors of the Kansas technology enterprise corporation; and

(8) six people from the general public appointed by the governor. Of such people appointed, one shall be from each of the five extension areas, as established in subsection (e), and one shall represent the state at large. Directors of each extension area shall submit three nominations to the governor. Such persons nominated shall be actively involved in agriculture production or agribusiness.

(b) Of the persons initially appointed by the governor under subsection (a), three shall have a term of one year, three shall have a term of two years and three shall have a term of three years and until a successor is appointed and qualified. Thereafter, all members shall have terms of three years and until a successor is appointed and qualified.

(c) Any vacancy occurring on the Kansas state fair board shall be filled as the original appointment was made.

(d) If any of the members able to appoint a designee does so, the designee shall be appointed for a term of not less than one year.

(e) For the purpose of this section the state shall be divided into five extension areas. The northwest extension area shall include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis, Russell, Barton, Rush and Ness. The southwest extension area shall include the following counties: Greeley, Wichita, Scott, Lane, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. The south central extension area shall include the following counties: Lincoln, Ottawa, Dickinson, Ellsworth, Saline, Rice, McPherson, Marion, Reno, Harvey, Butler, Kingman, Sedgwick, Cowley, Sumner, Harper, Barber, Pratt and Stafford. The southeast extension area shall include the following counties: Morris, Chase, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Elk, Wilson, Neosho, Crawford, Chautauqua, Montgomery, Labette and Cherokee. The northeast extension area shall include the following counties: Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee and Geary.

Sec. 2. K.S.A. 74-520 is hereby amended to read as follows: 74-520. (a) *Members of the state board of agriculture who were members of such board on January 12, 1993, the acting secretary of the state*

board of agriculture, one individual appointed for a term of three years by the Kansas chamber of commerce and industry, one individual appointed for a term of three years by the travel industry association of Kansas and one individual appointed for a term of three years by the Kansas technology enterprise corporation from among the board of directors of the Kansas technology enterprise corporation shall constitute the state fair board.

(b) Any vacancy occurring in a position on the state fair board from the individuals appointed by the Kansas chamber of commerce and industry, the travel industry association of Kansas and the Kansas technology enterprise corporation shall be filled in the same manner in which the original appointment was made. Any vacancy occurring in a position on the state fair board from the members of the state board of agriculture shall remain unfilled.

(c) The state fair board established pursuant to this section shall not discharge, demote or change the job responsibilities of any person currently employed by the board.

(d) The provisions of this section shall expire on March 15, 1995.

Sec. 3. K.S.A. 74-524 is hereby amended to read as follows: 74-524. A majority of the current members of the state fair board shall constitute a quorum to transact business.

Sec. 4. On and after March 15, 1995, K.S.A. 74-521 is hereby amended to read as follows: 74-521. The Kansas state fair board shall immediately organize by the election, from their own number, of a president, a vice-president and a treasurer, each of whom shall hold office for a term of one year, and until their successors are elected and qualified. The Kansas state fair board shall select and purchase a seal to authenticate all their such board's acts and proceedings. The board shall have power to meet for the transaction of business under the call of the president whenever it may be when necessary; to fully control and regulate the time and manner of holding a state fair; to appoint all necessary subordinate officers and employees within appropriations therefor; to fix and establish premiums and awards for exhibitors and contestants, and pay the same premiums and awards; to budget and expend funds for necessary printing and advertising for a state fair; and to do and perform all other matters pertinent in connection with the holding of a state fair. The board may shall appoint a secretary, who will be designated the general manager of the state fair, and shall be in the unclassified service of the Kansas civil service act and shall receive an annual salary fixed by the board and approved by the state finance council governor. The board members shall serve on committees which may be established by the board, or its the president, and to which the board members are assigned by the board or its the president. Members of the Kansas state fair board attending meetings of such board, or attending a subcommittee meeting thereof authorized by such the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 5. On and after March 15, 1995, K.S.A. 74-522 is hereby amended to read as follows: 74-522. The members of the Kansas state fair board shall be paid all travel and hotel expenses actually and necessarily incurred by them in the performance of their respective duties when attending meetings authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223 and amendments thereto.

Sec. 6. On and after March 15, 1995, K.S.A. 74-523 is hereby amended to read as follows: 74-523. The Kansas state fair board shall have power to may adopt rules and regulations regarding the holding of the state fair and the control and government thereof, which rules and regulations shall be published for the benefit of the public.

New Sec. 7. On and after March 15, 1995, the state fair board established by K.S.A. 74-520 is hereby abolished.

New Sec. 8. On and after March 15, 1995: (a) All of the powers, duties, functions, records, property and personnel of the existing state fair board are hereby transferred to and conferred and imposed upon the Kansas state fair board.

(b) The Kansas state fair board created by this act shall be the successor in every way to the powers, duties and functions of the state fair board in which the same were vested prior to the effective date of this act. Every act performed under the authority of the Kansas state fair board created by this act shall be deemed to have the same force and effect as if performed by the state fair board in which such functions were vested prior to the effective date of this act.

(c) Whenever the state fair board or words of like effect, is referred to or designated by statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas state fair board created by this act.

(d) All rules and regulations and all orders or directives of the state fair board in existence on the effective date of this act, shall continue to be effective and shall be deemed to be the rules and regulations and orders or directives of the Kansas state fair board created by this act, until revised, amended, repealed or nullified pursuant to law.

(e) The Kansas state fair board created by this act shall be a continuation of the state fair board provided under K.S.A. 74-520 and amendments thereto.

New Sec. 9. On and after March 15, 1995, all officers and employees who were engaged immediately prior to the effective date of this act in the performance of powers, duties and functions of any existing state fair board which is abolished by this act, and who, in the opinion of the Kansas state fair board, are necessary to perform the powers, duties and functions of the Kansas state fair board shall remain officers and employees of the Kansas state fair board, and shall retain all retirement benefits and all rights of civil service which such officer or employee had before such date, and their services shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified service shall be in accordance with civil service laws and rules and regulations.

Sec. 10. K.S.A. 74-520 and 74-524 are hereby repealed.

Sec. 11. On and after March 15, 1995, K.S.A. 74-520, as amended by section 2 of Senate substitute for House Bill No. 2569, 74-521, 74-522 and 74-523 are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing Senate Substitute for House Bill 2569.

This legislation is an example of bad policy, directed solely to prevent the Governor from doing her job which the people elected her to do. It is an obvious attempt to preclude the Chief Executive from having any role in appointments of a new State Fair Board.

Dated April 14, 1994.

Joan Finney
Governor

State of Kansas

Kansas Senate Kansas House of Representatives

Certificate

In accordance with K.S.A. 45-304(e), it is certified that, Senate Substitute for House Bill 2569,

An act abolishing the state fair board and establishing the Kansas state fair board; amending K.S.A. 74-520, 74-521, 74-522, 74-523 and 74-524 and repealing the existing sections; also repealing K.S.A. 74-520 as amended by Section 2 of Senate substitute for House Bill No. 2569,

was not approved by the Governor on April 14, 1994; was returned by her with her objections and approved on April 27, 1994, by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and approved on April 30, 1994, by two-thirds of the members elected to the Senate, notwithstanding the objections of the Governor, the bill did pass and shall become law.

This certificate is made this 1st day of May, 1994, by the Secretary and President of the Senate and the Speaker and Chief Clerk of the House of Representatives.

Pat Saville
Secretary of the Senate
Paul E. Burke, Jr.
President of the Senate

Janet E. Jones
Chief Clerk of the House of Representatives
Robert H. Miller
Speaker of the House of Representatives

(Published in the Kansas Register, May 12, 1994.)

(Editor's Note: The following bill was vetoed in its entirety by the Governor. The Governor's veto was subsequently overridden by the Legislature. The Governor's veto message and the Legislature's certificate overriding the veto are printed immediately following the bill.)

HOUSE BILL No. 2768

AN ACT concerning school districts; relating to pupil suspensions and expulsions from school; affecting the definition of exceptional children for special education purposes; providing financial assistance for the provision of services for uniquely or severely different exceptional children; authorizing grants of state moneys as reimbursement for costs of educational services provided for pupils residing at the Flint Hills job corps center or confined in juvenile detention facilities; affecting the definitions of enrollment and adjusted enrollment as applicable to certain specified school districts; amending K.S.A. 72-962, 72-8901, 72-8902, 72-8903, 72-8904, 72-8905 and 72-8906 and K.S.A. 1993 Supp. 72-6407 and 72-6430 and repealing the existing sections.

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

Section 1. K.S.A. 72-8901 is hereby amended to read as follows: 72-8901. The board of education of any school district may suspend or expel, or by regulation authorize any certificated employee or committee of certificated employees to suspend or expel, any pupil or student guilty of any of the following:

- (a) Willful violation of any published regulation for student conduct adopted or approved by the board of education; or
- (b) conduct which substantially disrupts, impedes or interferes with the operation of any public school; or
- (c) conduct which endangers the safety of others or which substantially impinges upon or invades the rights of others; or at school, on school property, or at a school supervised activity;

(continued)

(d) conduct which has resulted in conviction of, if the pupil or student of any offense specified in chapter 21 of the Kansas Statutes Annotated or any criminal statute of the United States, or is an adult, constitutes the commission of a felony or, if the pupil is a juvenile, would constitute the commission of a felony if committed by an adult;

(e) conduct at school, on school property, or at a school supervised activity which, if the pupil is an adult, constitutes the commission of a misdemeanor or, if the pupil is a juvenile, would constitute the commission of a misdemeanor if committed by an adult; or

(e) (f) disobedience of an order of a teacher, peace officer, school security officer or other school authority, when such disobedience can reasonably be anticipated to result in disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the rights of others.

Sec. 2. K.S.A. 72-8902 is hereby amended to read as follows: 72-8902. (a) No suspension shall extend beyond the current school semester and no expulsion shall extend beyond the current school year. A suspension may be for a short term not exceeding five school days, or for an extended term not exceeding five 90 school days. An expulsion may be for a term not exceeding 186 school days. If a suspension or expulsion is for a term exceeding the number of school days remaining in the school year, any remaining part of the term of the suspension or expulsion may be applied to the succeeding school year.

(b) (1) Except as authorized in subsection (e) provision (2), no suspension for a short term shall be imposed upon a pupil or student without giving the pupil or student notice of the charges and affording the pupil or student a hearing thereon. The notice may be oral or written and the hearing may be held immediately thereafter. The hearing may be conducted informally but shall include the following procedural due process requirements: (1) (A) The right of the student or pupil to be present at the hearing; and; (2) (B) the right of the student or pupil to be informed of the charges; and; (3) (C) the right of the student or pupil to be informed of the basis for the accusation; and (4) (D) the right of the student or pupil to make statements in defense or mitigation of the charges or accusations.

(e) (2) A short-term suspension may be imposed upon a pupil or student forthwith, and without affording the pupil or student or the parents or guardians thereof of the pupil a hearing if the presence of the pupil or student endangers other persons or property or substantially disrupts, impedes or interferes with the operation of the school. A written notice of any short-term suspension and the reason therefor shall be given to the pupil or student involved and to the parents or guardians thereof of the pupil within 24 hours after the suspension has been imposed and, in the event the pupil or student has not been afforded a hearing prior to any short-term suspension, an informal hearing shall be provided as soon thereafter as practicable but in no event later than 72 hours after such short-term suspension has been imposed.

(d) (c) No suspension for an extended term and no expulsion shall be imposed upon a pupil or student until an opportunity for a formal hearing on the suspension or expulsion shall be thereon is afforded to the pupil or student. A written notice of any proposal to suspend for an extended term or to expel from school, and the charges upon which the same proposal is based shall be given to the pupil or student proposed to be suspended or expelled from school, and to the parents or guardians thereof of the pupil. Any notice of a proposal to suspend for an extended term or to expel from school shall state the time, date and place that the pupil or student will be afforded an opportunity for a formal hearing, and that failure of the pupil and the pupil's parents or guardians to attend the hearing will result in a waiver of the pupil's opportunity for the hearing. The hearing shall be held not later than 10 days after the date of the notice. The notice shall be accompanied by a copy of this act and the regulations of the board of education adopted under K.S.A. 72-8903, and amendments thereto.

(e) Upon the conclusion of any formal hearing which results in a suspension for an extended term or an expulsion, the person or committee which conducts the hearing shall make a written report of the findings and results of the hearing. The report shall be directed to the board of education of the school

district and shall be open to the inspection of the pupil or student who is suspended or expelled, and if the pupil or student has not attained 18 years of age, to the parents or guardians and counsel or other advisor of the pupil or student. If the pupil or student has attained 18 years of age, the report shall be open to the inspection of the parents or guardians and counsel or other advisor of the pupil or student only upon written consent of the pupil or student.

(f) Whenever any formal hearing results in suspension for an extended term or expulsion, the person or committee conducting the hearing may make a finding that return to classes by the student or pupil, pending any appeal or during the period allowed for notice of appeal, is not reasonably anticipated to cause continuing repeated material disorder, disruption or interference with the operation of any public school or substantial and material impingement upon or invasion of the rights of others, in which case the student or pupil may return to regular classes until the period for filing a notice of appeal has expired with no notice filed, or until the determination of any appeal if a notice of appeal is filed. Whenever the person or committee conducting a hearing fails to make the findings specified in this subsection, the report of the hearing shall provide that the suspension shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever is the sooner.

(g) (d) Whenever any written notice is required under this act to be given to a pupil or to the parents or guardians of any student or a pupil, it shall be sufficient if the same notice is mailed to the residence of the parents or guardians at the address on file in the school records of the student or pupil. In lieu of mailing the written notice, the same notice may be personally delivered.

(e) A formal hearing on a suspension or expulsion may be conducted by any certificated employee or committee of certificated employees authorized by the board of education to conduct the hearing.

Sec. 3. K.S.A. 72-8903 is hereby amended to read as follows: 72-8903. (a) The formal hearing provided for in K.S.A. 72-8902, and amendments thereto, shall be conducted in accordance with regulations relating thereto adopted by the board of education. Such regulations shall afford procedural due process, including, but not limited to, the following:

(a) (1) The right of the student or pupil to have counsel of his or her the pupil's own choice present and to receive the advice of such counsel or other person whom he or she the pupil may select; and;

(b) (2) the right of the parents or guardians of the student or pupil to be present at the hearing; and;

(e) (3) the right of the student or pupil and his or her the pupil's counsel or advisor to hear or read a full report of testimony of witnesses against him or her, and the pupil;

(d) (4) the right of the student or pupil and his or her the pupil's counsel to confront and cross-examine witnesses who appear in person at the hearing, either voluntarily or as a result of the issuance of a subpoena; and;

(e) (5) the right of the student or pupil to present his or her the pupil's own witnesses in person or their testimony by affidavit; and;

(f) (6) the right of the student or pupil to testify in his or her the pupil's own behalf and give reasons for his or her the pupil's conduct; and;

(g) (7) the right of the student or pupil to have an orderly hearing; and

(h) (8) the right of the student or pupil to a fair and impartial decision based on substantial evidence.

For the purposes of this act and the act of which this section is amendatory "counsel" means any person a student or pupil selects to represent and advise him or her at all proceedings conducted pursuant to the provisions of article 89 of chapter 72 of the Kansas Statutes Annotated.

(b) In all extended-term suspension and expulsion from school cases, there shall be made a record of the hearing of an appeal of the suspension or expulsion, whichever is applicable, by mechanical or electronic recording or by an official court reporter, and the costs thereof shall be paid by the school district.

(c) At the conclusion of a formal hearing which results in a suspension for an extended term or an expulsion, the person or committee conducting the hearing shall make a written report of the findings and results of the hearing. The report shall be directed to the board of education of the school district and shall be open to the inspection of the pupil who is suspended or expelled and, if the pupil is a juvenile, to the parents or guardians and counsel or other advisor of the pupil. If the pupil is an adult, the report shall be open to the inspection of the parents or guardians and counsel or other advisor of the pupil only upon written consent of the pupil. Whenever a formal hearing results in suspension for an extended term or expulsion, the person or committee conducting the hearing may make a finding that return to school by the pupil, pending appeal or during the period allowed for notice of appeal, is not reasonably anticipated to endanger the safety of others, to cause continuing repeated material disorder, disruption or interference with the operation of school, or to substantially or materially impinge upon or invade the rights of others, in which case the pupil may return to school until the period for filing a notice of appeal has expired with no notice filed, or until the determination of any appeal if a notice of appeal is filed. Whenever the person or committee conducting a hearing fails to make the findings specified above, the report of the hearing shall provide that the suspension or expulsion of the pupil shall continue until appeal therefrom is determined or until the period of suspension or expulsion has expired, whichever occurs sooner. Any such pupil shall be provided with information concerning services or programs offered by public and private agencies that work toward improving those aspects of the pupil's attitudes and behavior that contributed to the conduct upon which the suspension or expulsion was based. If the pupil is a juvenile, the information shall also be provided to the parents or guardians of the pupil.

Sec. 4. K.S.A. 72-8904 is hereby amended to read as follows: 72-8904. (a) Written notice of the result of any hearing resulting in a long-term imposing an extended-term suspension or an expulsion from school shall be given to the pupil or student suspended or expelled from school, and to his the parents or guardians of the pupil within twenty-four (24) 24 hours after determination thereof of such result.

(b) Any pupil or student who has been suspended for an extended term or expelled, or one of his the pupil's parents or guardians, may appeal such suspension or expulsion to the board of education of the school district by filing a written notice of appeal with the clerk of the board of education not later than ten (10) 10 calendar days after receiving the written notice specified in this section. Any such appeal shall be heard by the board of education, or by a hearing officer appointed by such board, not later than twenty (20) 20 calendar days after such notice of appeal is filed. The pupil or student and his the pupil's parents or guardians shall be notified in writing of the time and place of the appeal hearing at least five (5) days prior thereto. Such appeal shall be conducted under rules which are consonant with K.S.A. 72-8903, and amendments thereto. In all expulsion or extended term suspension cases, there shall be made a record of the appeal hearing by mechanical or electronic recording or by an official court reporter, and the costs thereof shall be paid by the school district. The board of education shall render its decision on any such appeal shall be rendered not later than five (5) days after the conclusion of the appeal hearing.

(b) (c) For the purpose of hearing any an appeal under this section of an extended-term suspension or an expulsion, the board of education may appoint one or more hearing officers. Any such hearing officer shall be a member of the board of education or, a certificated employee of the school district, or an attorney admitted to the practice of law in this state. Any such appointment shall apply to a particular hearing or to a set or class of hearings as specified by the board of education in making such the appointment. Whenever a hearing officer appointed under authority of this section hears any appeal, he the hearing officer shall, after hearing the same, prepare a written report thereon to the board of education. After receiving any such report, the board of education shall determine the appeal matter with or without additional hearing. Any appeal matter determined by the board of education in accordance with this subsection (b) shall be valid to the same extent as if the matter were

fully heard by the board of education without a hearing officer.

New Sec. 5. A pupil who has been suspended or expelled from school by any school district may be refused admission to school in any other school district, regardless of residency, until such time as the period of suspension or expulsion has expired.

Sec. 6. K.S.A. 72-8905 is hereby amended to read as follows: 72-8905. The provisions of K.S.A. 72-1111, and amendments thereto, shall not apply to any pupil while subject to suspension or expulsion from school pursuant to the provisions of this act.

Sec. 7. K.S.A. 72-8906 is hereby amended to read as follows: 72-8906. (a) Any person, hearing officer or any member of a committee or the board of education holding conducting a hearing under article 89 of chapter 72 of the Kansas Statutes Annotated this act may: (a) (1) Administer oaths for the purpose of taking testimony therein;

(b) (2) call and examine witnesses and receive documentary and other evidence; and

(c) (3) take any other action necessary to make the hearing accord with procedural due process.

(b) Any hearing officer, any member of a committee or the board of education holding a formal hearing or an appeal hearing under article 89 of chapter 72 of the Kansas Statutes Annotated this act may, and, upon the request of any student or pupil for whom any such hearing is held or his or her parent upon the request of the pupil's parents or guardians or counsel, shall, petition the administrative judge of the judicial district in which the school district is located requesting that the clerk of the district court be authorized to issue subpoenas for the attendance and testimony of the principal witness or witnesses and the production of books, records, reports, papers and documents relating to the proposed suspension or expulsion from school in the same manner as provided for the issuance of subpoenas in civil actions pursuant to K.S.A. 60-245, and amendments thereto. For the purposes of this section "principal witness" means any witness whose testimony is of major importance in support of the charges upon which the proposed suspension or expulsion is based or in determination of material questions of fact.

New Sec. 8. As used in this act:

(a) "Juvenile" means a person who is less than 18 years of age;

(b) "adult" means a person who is 18 years of age or older;

(c) "felony" means any crime designated a felony by the laws of Kansas or the United States;

(d) "misdemeanor" means any crime designated a misdemeanor by the laws of Kansas or the United States;

(e) "school day" means any day on which school is maintained;

(f) "school year" has the meaning ascribed thereto in K.S.A. 72-6408, and amendments thereto;

(g) "counsel" means any person a pupil selects to represent and advise the pupil at all proceedings conducted pursuant to the provisions of this act; and

(h) "principal witness" means any witness whose testimony is of major importance in support of the charges upon which a proposed suspension or expulsion from school is based, or in determination of material questions of fact.

Sec. 9. K.S.A. 72-962 is hereby amended to read as follows: 72-962. As used in this act:

(a) "School district" means any public school district.

(b) "Board" means the board of education of any school district.

(c) "State board" means the state board of education.

(d) "Department" means the state department of education.

(e) "State institution" means Topeka state hospital, Osawatimie state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, Winfield state hospital and training center, Kansas neurological institute and any state youth center as defined by K.S.A. 38-1602, and amendments thereto.

(f) "Exceptional children" means persons who: (1) Are school age, to be determined in accordance with rules and regulations adopted by the state board, which age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-1111, and amendments thereto; and (2) differ in physical, mental, social, emotional or educational characteristics to the extent that special

(continued)

education services are necessary to enable them to progress toward the maximum of receive educational benefits in accordance with their abilities or capacities.

(g) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined in the state plan.

(h) "Special education services" means programs for which specialized training, instruction, programming techniques, facilities and equipment may be needed for the education of exceptional children.

(i) "Special teacher" means a person employed by a school district or a state institution for special education services who is: (1) A teacher qualified to instruct exceptional children as determined by standards established by the state board and who is so certified by the state board; or (2) a paraprofessional qualified to assist certificated teachers in the instruction of exceptional children as determined by standards established by the state board and who is so approved by the state board.

(j) "State plan" means the state plan for special education services authorized by this act.

(k) "Agency" means boards and the secretary of social and rehabilitation services.

(l) "Lawful custodian" means a parent or a person acting as parent. If none of the above is known or can be found, an agency shall cause proper proceedings to be instituted pursuant to the Kansas code for care of children to determine whether a child is a child in need of care. For a child whose custodian is the secretary of social and rehabilitation services, the term lawful custodian means the secretary except, when used in K.S.A. 72-972 through 72-975, and amendments to such sections, the term means an education advocate.

(m) "Parent" means a natural parent, an adoptive parent, or a stepparent.

(n) "Person acting as parent" means: (1) A guardian or conservator; or (2) a person, other than a parent, who is liable by law to maintain, care for, or support the child, or who has actual care and control of the child and is contributing the major portion of the cost of support of the child, or who has actual care and control of the child with the written consent of a person who has legal custody of the child, or who has been granted custody of the child by a court of competent jurisdiction.

(o) "Education advocate" means a person appointed by the state board in accordance with the provisions of K.S.A. 38-1513a, and amendments thereto. A person appointed as an education advocate for a child shall not be (1) an employee of the agency which is required by law to provide special education services for the child, or (2) an employee of the state board, the department, or any agency which is directly involved in providing educational services for the child, or (3) any person having a professional or personal interest which would conflict with the interests of the child.

New Sec. 10. (a) In each school year, commencing with the 1994-95 school year, to the extent that appropriations are available, each school district which has provided special education services for an exceptional child who uniquely or so severely differs from other exceptional children in physical, mental, social, emotional or educational characteristics that the costs attributable to the provision of special education services for the child are in excess of \$25,000 for the school year is eligible to receive a grant of state moneys in an amount equal to 75% of that portion of the costs, incurred by the district in the provision of special education services for the child, that is in excess of \$25,000.

(b) In order to be eligible for a grant of state moneys provided for by subsection (a), a school district shall submit to the state board of education an application for a grant and a description of the special education services provided and the child or children for whom provided. The application and description shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of applications for grants of state moneys is prerequisite to the award of grants.

(c) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may request.

(d) All moneys received by a school district under authority of this section shall be deposited in the special education fund of the school district. Amounts received under this section and deposited in the special education fund shall be used exclusively to reimburse

the school district, in part, for the excessive amount expended in providing special education services for uniquely or severely different exceptional children.

(e) The state board of education shall:

(1) Prescribe and adopt criteria for identification of uniquely or severely different exceptional children and for determination of excessive costs attributable to the provision of special education services for such children;

(2) approve applications of school districts for grants;

(3) determine the amount of grants and be responsible for payment of such grants to school districts; and

(4) prescribe all forms necessary for reporting under this section.

(f) If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

New Sec. 11. (a) In each school year, commencing with the 1994-95 school year, to the extent that appropriations are available, each school district which has provided educational services for pupils residing at the Flint Hills job corps center or for pupils confined in a juvenile detention facility is eligible to receive a grant of state moneys in an amount to be determined by the state board of education.

(b) In order to be eligible for a grant of state moneys provided for by this section, each school district which has provided educational services for pupils residing at the Flint Hills job corps center or for pupils confined in a juvenile detention facility shall submit to the state board of education an application for a grant and shall certify the amount expended in the school year for the services provided. The application and certification shall be prepared in such form and manner as the state board shall require and shall be submitted at a time to be determined and specified by the state board. Approval by the state board of applications for grants of state moneys is prerequisite to the award of grants.

(c) Each school district which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the state board as it may request.

(d) All moneys received by a school district under authority of this section shall be deposited in the general fund of the school district and shall be considered reimbursement of the district for the purpose of the school district finance and quality performance act.

(e) The state board of education shall approve applications of school districts for grants, determine the amount of grants and be responsible for payment of grants to school districts. In determining the amount of a grant which a school district is eligible to receive, the state board shall compute the amount of state financial aid the district would have received on the basis of enrollment of pupils residing at the Flint Hills job corps center or confined in a juvenile detention facility if such pupils had been counted as two pupils under the school district finance and quality performance act and compare such computed amount to the amount certified by the district under subsection (b). The amount of the grant the district is eligible to receive shall be an amount equal to the lesser of the amount computed under this subsection or the amount certified under subsection (b). If the amount of appropriations for the payment of grants under this section is insufficient to pay in full the amount each school district is determined to be eligible to receive for the school year, the state board shall prorate the amount appropriated among all school districts which are eligible to receive grants of state moneys in proportion to the amount each school district is determined to be eligible to receive.

Sec. 12. On July 1, 1994, K.S.A. 1993 Supp. 72-6407 shall be and is hereby amended to read as follows: 72-6407. (a) "Pupil" means any person who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 maintained by the district or who is regularly enrolled in a district and attending kindergarten or any of the grades one through 12 in another district in accordance with an agreement entered into under authority of K.S.A. 72-8233, and amendments thereto, or who is regularly enrolled in a district and attending special education services provided

for preschool-aged exceptional children by the district. Except as otherwise provided in this subsection, a pupil in attendance full time shall be counted as one pupil. A pupil in attendance part time shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the pupil's attendance bears to full-time attendance. A pupil attending kindergarten shall be counted as $\frac{1}{2}$ pupil. A pupil enrolled in and attending an institution of postsecondary education which is authorized under the laws of this state to award academic degrees shall be counted as one pupil if the pupil's postsecondary education enrollment and attendance together with the pupil's attendance in either of the grades 11 or 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's postsecondary education attendance and attendance in grade 11 or 12, as applicable, bears to full-time attendance. A pupil enrolled in and attending an area vocational school, area vocational-technical school or approved vocational education program shall be counted as one pupil if the pupil's vocational education enrollment and attendance together with the pupil's attendance in any of grades nine through 12 is at least $\frac{5}{6}$ time, otherwise the pupil shall be counted as that proportion of one pupil (to the nearest $\frac{1}{10}$) that the total time of the pupil's vocational education attendance and attendance in any of grades nine through 12 bears to full-time attendance. A pupil enrolled in a district and attending special education services, except special education services for preschool-aged exceptional children, provided for by the district shall be counted as one pupil. A pupil enrolled in a district and attending special education services for preschool-aged exceptional children provided for by the district shall be counted as $\frac{1}{2}$ pupil. A pupil in the custody of the secretary of social and rehabilitation services and enrolled in unified school district No. 259, Sedgwick county, Kansas, but housed, maintained, and receiving educational services at the Judge James V. Riddell Boys Ranch, shall be counted as two pupils. *A pupil residing at the Flint Hills job corps center shall not be counted. A pupil confined in and receiving educational services provided for by a district at a juvenile detention facility shall not be counted.* A pupil enrolled in a district but housed, maintained, and receiving educational services at a state institution shall not be counted.

(b) "Preschool-aged exceptional children" means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten.

(c) "At-risk pupils" means pupils who are eligible for free meals under the national school lunch act and for whom a district maintains an approved at-risk pupil assistance plan.

(d) "Enrollment" means, for districts scheduling the school days or school hours of the school term on a trimestral or quarterly basis, the number of pupils regularly enrolled in the district on September 20 plus the number of pupils regularly enrolled in the district on February 20 less the number of pupils regularly enrolled on February 20 who were counted in the enrollment of the district on September 20; and for districts not hereinbefore specified, the number of pupils regularly enrolled in the district on September 20. Notwithstanding the foregoing, if enrollment in a district in any school year has decreased from enrollment in the preceding school year, enrollment of the district in the current school year may be computed by adding one-half the number of pupils by which enrollment in the current school year has decreased from enrollment in the preceding school year to enrollment in the current school year, except that such computation shall not be applied to decreases in enrollment in the current school year that are in excess of 4% of enrollment in the preceding school year.

(e) "Adjusted enrollment" means enrollment adjusted by adding at-risk pupil weighting, program weighting, low enrollment weighting, if any, school facilities weighting, if any, and transportation weighting to enrollment.

(f) "At-risk pupil weighting" means an addend component assigned to enrollment of districts on the basis of enrollment of at-risk pupils.

(g) "Program weighting" means an addend component assigned to enrollment of districts on the basis of pupil attendance in educational programs which differ in cost from regular educational programs.

(h) "Low enrollment weighting" means an addend component assigned to enrollment of districts having under 1,900 enrollment on the basis of costs attributable to maintenance of educational programs by such districts in comparison with costs attributable to maintenance of educational programs by districts having 1,900 and over enrollment.

(i) "School facilities weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to commencing operation of new school facilities. School facilities weighting may be assigned to enrollment of a district only if the district has adopted a local option budget and budgeted therein the total amount authorized for the school year. School facilities weighting may be assigned to enrollment of the district only in the school year in which operation of a new school facility is commenced and in the next succeeding school year.

(j) "Transportation weighting" means an addend component assigned to enrollment of districts on the basis of costs attributable to the provision or furnishing of transportation.

Sec. 13. On July 1, 1994, K.S.A. 1993 Supp. 72-6430 shall be and is hereby amended to read as follows: 72-6430. Expenditures of a district for the following purposes are not operating expenses:

(a) Payments to another district in an adjustment of rights as provided in K.S.A. 72-6776, and amendments thereto, or upon transfer of territory as provided in K.S.A. 72-7105, 72-7106 or 72-7107, and amendments to such sections, if paid from any fund other than the general fund.

(b) Payments to another district under K.S.A. 72-7105a, and amendments thereto.

(c) The maintenance of student activities which are reimbursed.

(d) Expenditures from any lawfully authorized fund of a district other than its general fund.

(e) *The provision of educational services for pupils residing at the Flint Hills job corps center or for pupils confined in a juvenile detention facility for which the district is reimbursed by a grant of state moneys as provided in section 11.*

(f) Programs financed in part or in whole by federal funds which may be expended although not included in the budget of the district, excepting funds received under the provisions of title I of public law 874 (but not including in such exception amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program), to the extent of the federal funds to be provided.

New Sec. 14. (a) For the purposes of the school district finance and quality performance act in the 1993-94 school year, and notwithstanding any provision of the act to the contrary, the terms "enrollment" and "adjusted enrollment" as applied to U.S.D. No. 321, Pottawatomie county, U.S.D. No. 406, Doniphan county, and U.S.D. No. 486, Doniphan county, shall mean enrollment and adjusted enrollment as determined for each such district, respectively, on September 20, 1992, or as determined for each such district, respectively, on September 20, 1993, whichever of each of such determinations is greater.

(b) The provisions of this section shall expire on July 1, 1994.

Sec. 15. K.S.A. 72-962, 72-8901, 72-8902, 72-8903, 72-8904, 72-8905 and 72-8906 are hereby repealed.

Sec. 16. On July 1, 1994, K.S.A. 1993 Supp. 72-6407 and 72-6430 shall be and are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Office of the Governor

Message to the House of Representatives of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I am vetoing House Bill 2768.

The value of expelling a student from school for an extended period of time is problematical considering the potential alternative use of the student's time.

There is a risk inherent in House Bill 2768 that some school districts would misuse or overuse suspension or expulsion provisions. The bill, unfortunately, does not require districts to provide alternative learning programs for students suspended or expelled for extended periods.

Provisions of additional state aid to districts serving juvenile detention facilities and for catastrophic special education students involve no incentive to keep costs down. Both of these provisions are poorly justified exceptions to the general school finance formula and are capable of establishing "special case" districts that deserve additional aid for some particular reason.

Additional state aid to districts that experienced reduced enrollments due to flooding should be addressed in other legislation.

For these reasons, I veto House Bill 2768.

Dated April 21, 1994.

Joan Finney
Governor

State of Kansas

Kansas Senate
Kansas House of Representatives

Certificate

In accordance with K.S.A. 45-304(e), it is certified that, House Bill 2768,

An act concerning school districts; relating to pupil suspensions and expulsions from school; affecting the definition of exceptional children for special education purposes; providing financial assistance for the provision of services for uniquely or severely different exceptional children; authorizing grants of state moneys as reimbursement for costs of educational services provided for pupils residing at the Flint Hills job corps center or confined in juvenile detention facilities; affecting the definitions of enrollment and adjusted enrollment as applicable to certain specified school districts; amending K.S.A. 72-962, 72-8901, 72-8902, 72-8903, 72-8904, 72-8905 and 72-8906 and K.S.A. 1993 Supp. 72-6407 and 72-6430 and repealing the existing sections,

was not approved by the Governor on April 21, 1994; was returned by her with her objections and approved on April 27, 1994, by two-thirds of the members elected to the House of Representatives notwithstanding the objections of the Governor; was reconsidered by the Senate and approved on April 28, 1994, by two-thirds of the members elected to the Senate, notwithstanding the objections of the Governor, the bill did pass and shall become law.

This certificate is made this 29th day of April, 1994, by the Secretary and President of the Senate and the Speaker and Chief Clerk of the House of Representatives.

Pat Saville
Secretary of the Senate
Paul E. Burke, Jr.
President of the Senate

Janet E. Jones
Chief Clerk of the House of Representatives
Robert H. Miller
Speaker of the House of Representatives

State of Kansas

Department of Administration

Permanent Administrative
RegulationsArticle 17.—USE OF STATE-OWNED
OR OPERATED MOTOR VEHICLES ON
OFFICIAL STATE BUSINESS

1-17-13. Expenses incurred in the operation of state-owned or leased motor vehicles. (a) While on official state business, any operator may purchase operating or maintenance items or services, including gasoline, oil, fire repairs, and lubrication, for a state-owned or leased motor vehicle.

(b) (1) Except as authorized by the agency head, each operator shall purchase all gasoline for state-owned or leased vehicles from self-service gasoline pumps.

(2) If open-end contracts for discount purchase of gasoline, oil or services are entered into by the director of purchases, those contracts shall be used wherever possible.

(3) Except in emergencies, tires shall be purchased under any applicable contract established by the director of purchases for state vehicle tires.

(4) If a special credit card is issued to secure operating or maintenance items or services, the card shall be used whenever possible.

(c) Other expenses, including charges for ferries, bridges, parking or toll roads, if paid by the operator, shall be submitted for reimbursement as permitted and in the manner required by the rules and regulations governing travel expenses. (Authorized by K.S.A. 75-3706, 75-4608; implementing K.S.A. 75-4608; effective, E-74-4, Nov. 2, 1973; effective May 1, 1975; amended May 1, 1979; amended June 27, 1994.)

Article 49.—PERSONAL CONDUCT;
CERTAIN BUILDINGS AND GROUNDS

1-49-1. Stairs, halls, porticos, and fountains, (a) No person shall climb upon or hang over any rotunda, hall or portico, railing or stair railing located in or upon any of the following properties:

(1) the statehouse;

- (2) the Kansas judicial center;
- (3) Docking state office building, 915 Harrison;
- (4) Landon state office building, 900 SW Jackson;
- (5) the memorial building, 120 W 10th;
- (6) Forbes office building #740;
- (7) the division of printing plant, 201 NW MacVicar;

or

(8) the state office building located at 3440 S.E. 10th Street, in Topeka.

(b) No person shall run up or down the halls or stairways, or crowd, push, or shove any other person upon the stairways of any of the buildings listed in subsection (a).

(c) No person shall swim or wade in the fountain of justice located on the grounds of the Kansas judicial center, nor shall any person permit any animal under that person's care to enter the fountain. (Authorized by K.S.A. 75-3706, 75-4505; implementing K.S.A. 75-4505, 75-3762; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1979; amended Nov. 18, 1991; amended June 27, 1994.)

Gloria M. Timmer
Secretary of Administration

Doc. No. 014835

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. (a) To be eligible for GAU, each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50, and the specific eligibility requirements set forth below.

(1) Each applicant or recipient, and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for GAU if the applicant or recipient:

(A) is eligible for a federal program; or

(B) has been rendered ineligible for a federal program due to a voluntary action on the part of the applicant or recipient.

(2) Each applicant or recipient and all persons for whom the applicant or recipient is legally responsible, if living together, shall be within at least one of the following categories to be eligible for GAU:

(A) parents and their minor children who are living together, if the parents are not voluntarily unavailable for employment. A person shall not be considered voluntarily unavailable for employment if the person is attending high school full-time or is participating in an agency-approved, work-related activity. Assistance under this provision shall not be denied solely because a person is participating in post-secondary education or training activities not occurring during normal working hours. Assistance under this provision shall also be granted to non-ADC children who are living with a

guardian, conservator or a personal representative who is not within the degree of relationship for ADC;

(B) a person who has been medically or psychologically determined to be physically or mentally incapacitated based on one of the following conditions:

(i) fractures or soft tissue injuries requiring at least 12 months of surgical management to restore function or preventing full weight-bearing for at least 12 months;

(ii) amputation of a lower extremity: with hip disarticulation; at or above the tarsal region due to peripheral vascular disease or diabetes mellitus; or with inability to use a lower prosthesis for at least 12 months;

(iii) permanent loss of use of any two limbs;

(iv) active inflammatory arthritis, corroborated by laboratory results, persisting at least three months despite prescribed treatment;

(v) arthritis, demonstrated on x-ray, with: inability to stand or walk unassisted; surgical reconstruction or arthrodesis preventing full weight-bearing for at least 12 months; or gross deformity and functional limitation of joints in both arms;

(vi) osteomyelitis or septic arthritis of a major bone or joint persisting at least five months despite prescribed treatment;

(vii) ankylosis or fixation of spine at 30 or more degrees flexion confirmed by x-ray;

(viii) osteoporosis with either multiple vertebral fractures not due to trauma, or at least 50 percent compression of vertebral body not due to trauma;

(ix) marked difficulty standing or walking which is expected to persist for at least 12 months;

(x) blindness with either best corrected central visual acuity of 20/100 in better eye, or constriction of visual fields to 25 degrees or less in each eye;

(xi) best corrected visual efficiency of 26 percent or less in the better eye;

(xii) total bilateral ophthalmoplegia confirmed by ocular motility studies;

(xiii) deafness with aided speech discrimination of 40 percent or less in better ear;

(xiv) permanent inability to produce intelligible, sustainable speech by any means;

(xv) labyrinthine—vestibular dysfunction with frequent vertiginous episodes and hearing loss;

(xvi) chronic skin disorders involving the hands, feet, axillae, perinium or extensive body areas which are resistant to treatment and result in severe functional limitations;

(xvii) chronic pulmonary insufficiency, confirmed on x-ray, due to any cause with: pulmonary function studies showing vital capacity or both one-second forced expiratory volume and maximum voluntary ventilation restricted to 35 percent or less of expected values; diffusing capacity of the lungs for carbon monoxide of 35 percent or less of expected values; severe, chronic impairment of gas exchange confirmed by arterial blood gas studies; cyanosis, dyspnea at rest, chronic wheezing and rhonchi and use of accessory muscles of breathing; or documented need for 24-hour supplemental oxygen;

(xviii) asthma or other episodic pulmonary impairments with severe prolonged attacks requiring intensive

(continued)

treatment which occur at intervals averaging at least every two months and prolonged expiration, wheezing and rhonchi between attacks despite prescribed treatment;

(xix) congestive heart failure with either persistence for three months despite treatment, cor pulmonale, or persistent severe left ventricular hypertrophy;

(xx) ischemic heart disease with ongoing angina resulting in severe functional limitations;

(xxi) cardiac arrhythmias with repeated uncontrolled syncopal episodes;

(xxii) peripheral vascular disease with persistent ulceration despite treatment, or with amputation or other manifestations causing severe functional limitations;

(xxiii) hypertensive end-organ damage resulting in severe functional limitations;

(xxiv) uncompensated cardiomyopathy with left ventricular ejection fraction of 30 percent or less;

(xxv) documented need for a heart transplant;

(xxvi) other congenital or acquired heart disease with severe functional limitations due to cardiac dysfunction;

(xxvii) proven stricture, stenosis or obstruction of the esophagus with weight loss sustained at a level indicative of malnutrition;

(xxviii) proven peptic ulcer disease with: recurrent ulceration which is persistent despite prescribed treatment after definitive surgery; inoperable fistula formation; demonstrated recurrent obstruction; or weight loss sustained at a level indicative of malnutrition;

(xxix) chronic liver disease with: esophageal varices resulting in massive bleeding or requiring a shunt; significantly elevated serum bilirubin persisting for at least three months; recurrent or persistent ascites associated with persistent hypoalbuminemia; proven hepatic cell necrosis or inflammation; or documented need for a liver transplant;

(xxx) chronic inflammatory disease of the digestive system with: persistent or recurrent systemic manifestations resulting in severe functional impairment; obstruction due to intractable abscess, fistula formation or stenosis; or significant and persistent weight loss sustained at a level indicative of malnutrition;

(xxxi) disorders of the pituitary, thyroid, parathyroid or adrenal cortex which are resistant to treatment and result in severe functional impairment;

(xxxii) diabetes mellitus with either severe neuropathy resulting in marked difficulty standing, walking or using the hands, or frequent episodes of ketoacidosis despite treatment;

(xxxiii) impaired renal function persisting for at least five months due to chronic, progressive disease with: elevation of serum creatinine to four mg. per 100 ml. or greater; creatinine clearance of 29 liters per 24 hours or less; or severe complications which require chronic dialysis or renal transplant;

(xxxiv) nephrotic syndrome with the following lasting three or more months; anasarca and serum albumin of 3.0 gm. per 100 ml. and proteinuria of at least 3.5 grams per 24 hours; or anasarca and proteinuria of at least 10 grams per 24 hours;

(xxxv) acute leukemia or acute phase of chronic leukemia;

(xxxvi) documented need for a bone marrow transplant;

(xxxvii) chronic anemia with hematocrit persisting below 30 percent which: requires blood transfusions each two months on average; or is due to a chronic gastrointestinal disorder;

(xxxviii) myeloma or myelofibrosis with radiologically demonstrated bony involvement and intractable bone pain;

(xxxix) myeloma with: severe persistent hypercalcemia; or significant levels of plasma cells in peripheral blood;

(xl) coagulation defects, including chronic thrombocytopenia with persistence of severely decreased platelet count, and hemorrhagic disorders with recent spontaneous hemorrhage or intracranial bleeding;

(xli) chronic polycythemia not controllable by treatment with severe, persistent functional impairment due to hemorrhage or thrombosis;

(xlii) sickle cell disease: with sickle cell crises occurring each three months on average; with chronic anemia with hematocrit persisting below 30 percent; or requiring frequent extended hospitalization;

(xlili) recurrent systemic bacterial infections within the past four months due to: myelofibrosis; chronic leukemia; or chronic granulocytopenia with absolute neutrophil counts persisting below 1000 cells per cubic millimeter;

(xliv) HIV infection with presence of opportunistic disease or severe functional impairment;

(xlv) morbid obesity of at least 100 percent over desired weight with sustained skeletal, cardiovascular or respiratory disease resulting in functional limitations;

(xlvi) systemic lupus erythematosus or progressive systemic sclerosis with recurrent visceral manifestations resulting in severe functional impairment;

(xlvii) polymyositis, polyarteritis or other collagen vascular disease with severe involvement of affected body systems resulting in severe functional impairment;

(xlviii) organic brain syndrome persisting for three or more months with severe functional limitations preventing the performance of employment;

(xlix) mental retardation;

(l) functional psychotic disorders which cause severe functional limitations precluding competitive employment and requiring ongoing psychiatric or psychological treatment;

(li) other severe and persistent mental illness, not controllable by medications or other treatment, causing severe functional limitations that preclude competitive employment and requiring ongoing psychiatric or psychological treatment;

(lii) seizure disorder not controllable by medications with: major motor seizures occurring on an average of one each two months despite at least three months of treatment; or minor motor seizures occurring on an average of one each week despite at least three months of prescribed treatment;

(liii) cerebral palsy with: mental retardation; severe emotional lability or abnormal behavior; severely limited ability to communicate; or severe limitations in motor functioning;

(liv) other chronic neurological disease, not controllable by treatment, or persistent manifestations of central nervous system insult resulting in: severely limited ability to stand, walk or use the hands; persistent severe difficulty swallowing or breathing; severe expressive or receptive aphasia resulting in severely decreased ability to communicate; or frequent acute exacerbations of the disease resulting in severe functional limitations;

(lv) histologically malignant brain tumors proven by pathology report; or other brain tumors causing severe functional limitations despite treatment;

(lvi) lymphoma that is not controlled despite treatment or metastatic disease of a lymph node from an undeterminable primary site;

(lvii) hormone-dependent or isotope-sensitive malignancies or sarcoma of soft parts not currently controlled despite treatment;

(lviii) solid malignancies that are not hormone-dependent or isotope-sensitive, with evidence of active disease, and which are: inoperable, unresectable, or incompletely excised; recurrent after radical surgery; metastatic beyond the regional lymph nodes; not controlled despite treatment; or generally considered uncontrollable by established medical or surgical procedures;

(lvix) permanent residuals of neoplastic disease resulting in severe functional impairment; or

(lx) one or more other medically determinable impairments which: prevent the performance of gainful employment; are expected to last 12 months or longer or result in death in less than 12 months; and are not controllable by medication, surgery, or other treatment within 12 months of onset;

(C) a person whose presence is required at home because of a verified, medically-determined condition of another member of the home whose condition does not permit self-care and who meets the criteria of subparagraph (2) (B) above, and when the care is not available from another person in the home;

(D) a woman who is pregnant and not eligible for APW. The father of the unborn child shall also be included in the same assistance plan if they are living together. Neither the pregnant woman nor the father shall be voluntarily unavailable for employment;

(E) a parent or parents of a child who has been removed from the home and placed in foster care, if there is an agency-approved plan to return the child to the home; or

(F) a child in a family group who is not otherwise eligible for assistance as a result of an established period of ineligibility resulting from the provisions of K.A.R. 30-4-58(d), 30-4-63(e), 30-4-64(d), or 30-4-110(c)(8) if there is an approved social service plan substantiating that the child is facing imminent removal from the home and placement into a foster care arrangement if assistance is not reinstated. Assistance shall be provided in accordance with the social service plan. Assistance shall not exceed the budget deficit for the family group.

(3) The needs of the applicant or recipient and all persons for whom the applicant or recipient is legally responsible shall be included in the same assistance plan, if living together, except for persons who are not oth-

erwise eligible. The needs of certain persons in the family group who are not otherwise eligible shall be excluded in determining eligibility for GAU. However, the resources of those persons in the family group shall, unless the resources are specifically exempt, be included in determining eligibility for GAU. The following persons shall be excluded:

(A) SSI recipients;

(B) persons who are ineligible due to the receipt of lump sum income;

(C) persons who are ineligible due to a sanction;

(D) minor parents whose needs are met through foster care payments; and

(E) aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions.

(b) A presumptive eligibility determination shall be made for persons who are being released from a medicaid-approved psychiatric hospital or from the Larned correctional mental health facility in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. Assistance provided shall equal 100 percent of the applicable GAU budgetary standards and the provision of subsection (a)(1) of K.A.R. 30-4-140 shall be waived. Assistance under this provision shall not exceed the month of discharge and the two following months. Assistance under this provision may be extended by the department beyond the three-month limitation for good cause.

(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GAU provided the individual pending a determination of eligibility for the supplemental security income program shall be ineligible for GAU. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended 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, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993; amended July 1, 1994.)

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 article, shall have the following meanings, unless the context clearly indicates otherwise:

(continued)

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

(2) "Accrual basis accounting" means that revenue of the provider is reported in the period when it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

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

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

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

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

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

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

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

(10) "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.

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

(12) "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.

(13) "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.

(14) "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.

(15) "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.

(16) "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.

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

(18) "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.

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

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

(21) "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.

(22) "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.

(23) "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.

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

(25) "Costs not related to patient care" means costs which are not appropriate, necessary, or proper in developing and maintaining facility operation and activities. These costs shall not be allowed in computing reimbursable costs under cost-related reimbursement.

(26) "Costs related to patient care" means all necessary and proper costs arising from arms-length transactions in accordance with generally accepted accounting principles which are appropriate and helpful in developing and maintaining the operation of patient care facilities and activities.

(27) "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.

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

(29) "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.

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

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

(32) "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.

(33) "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.

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

(35) "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 hospital shall not be a discharge.

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

(37) "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 nonemergency 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 nonemergency obstetric services as of December 21, 1987.

(38) "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 paragraph (38) (A), (38) (B) or (38) (C).

(39) "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.

(40) "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.

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

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

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

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

(D) the effective date of the election period; and

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

(42) "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.

(43) "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.

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

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

(46) "General hospital" means an establishment which provides an organized medical staff of physicians, permanent facilities that include inpatient beds, and medical services. The medical services provided by the hospital shall include the following:

(A) physician services;

(B) continuous registered professional nursing services for not less than 24 hours of every day; and

(continued)

(C) diagnosis and treatment for nonrelated patients who have a variety of medical conditions.

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

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

(49) "Generally accepted accounting procedures" means generally accepted accounting principles, except as otherwise specifically indicated by medicaid/medikan program policies and regulations. Any adoption of these principles shall not supersede any specific regulation or policy of the medicaid/medikan program.

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

(51) "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 shall be limited.

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

(53) "Home health aide service" means the direct care provided by a person with minimum training to recipients who are unable to care for themselves or who need assistance in accomplishing the activities of daily living. The direct care provider shall be under the supervision of a registered nurse employed by a home health agency.

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

(55) "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, which is adopted by reference.

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

(57) "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.

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

(59) "Kan Be Healthy program participant" means an individual under the age of 21 who is eligible for med-

icaid, and who has undergone a Kan Be Healthy medical screening in accordance with a specified screening schedule. The medical screening shall be performed in order to:

(A) ascertain physical and mental defects; and

(B) provide treatment which corrects or ameliorates defects and chronic conditions which are found.

(60) "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. The dental screening shall be performed in order to:

(A) ascertain dental defects; and

(B) provide treatment which corrects or ameliorates dental defects and chronic dental conditions which are found.

(61) "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. The vision screening shall be performed in order to:

(A) ascertain vision defects; and

(B) provide treatment which corrects or ameliorates vision defects and chronic vision conditions which are found.

(62) "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.

(63) "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.

(64) "Low-income utilization rate for hospitals" means the rate which is defined in accordance with 42 CFR 1396r-4, effective July 1, 1988, which is adopted by reference.

(65) "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.

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

(67) "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.

(68) "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. These services shall be designed as alternatives to services in head injury rehabilitation facilities for individuals with external, traumatic head injuries.

(69) "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. These services shall be designed as 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.

(70) "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.

(71) "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.

(72) "Medical necessity in psychiatric situations" means that there is medical documentation which indicates:

(A) the person could be harmful to himself or herself or others if not under psychiatric treatment; or

(B) the person is disoriented in time, place or person.

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

(74) "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.

(75) "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.

(76) "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.

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

(78) "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.

(79) "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.

(80) "Organization costs" means those costs directly incidental to the creation of the corporation or other form of business. These costs shall be considered intan-

gible assets because they represent expenditures for rights and privileges which have value to the enterprise. Because the services inherent in organization extend over more than one accounting period, the costs shall be amortized over a period of not less than 60 months from the date of incorporation for the purposes of computing reimbursable costs under a cost-related reimbursement system.

(81) "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.

(82) "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.

(83) "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. The following shall be considered out-of-state providers if they are physically located beyond the border of Kansas:

(A) nursing facilities;

(B) intermediate care facilities;

(C) community mental health centers;

(D) partial hospitalization service providers; and

(E) alcohol and drug program providers.

(84) "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.

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

(86) "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.

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

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living skills treatment modalities based upon a treatment plan.

(88) "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.

(89) "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.

(90) "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.

(91) "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.

(92) "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.

(93) "Plan of care" means a document which states:

(A) the need for care;

(B) the estimated length of program;

(C) the prescribed treatment, modalities, and methodology to be used; and

(D) the expected results.

(94) "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.

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

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

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

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

(99) "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.

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

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

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

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

(104) "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.

(105) "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.

(106) "Qualified medicare beneficiary (QMB)" means an individual:

(A) who is entitled to medicare hospital insurance benefits under part A of medicare;

(B) 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

(C) whose resources do not exceed twice the supplemental security income resource limit.

(107) "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.

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

(109) "Related to the community mental health center" means that the agency or facility furnishing services to the community mental health center:

(A) is directly associated or affiliated with the community mental health center by formal agreement;

(B) governs the community mental health center; or

(C) is governed by the community mental health center.

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

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

(112) "Sampling" means the review process of obtaining a stratified random sample of a subset of cases from the universe of claims submitted by a specific provider. The sample shall be used to project the review results across the entire universe of claims for that provider to determine an overpayment.

(113) "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:

- (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.

(114) "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.

(115) "State-operated hospital" means an establishment operated by the state of Kansas 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.

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

(117) "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.

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

(119) "Technology-assisted child" means a chronically ill or medically fragile child younger than 16 years whose illness or disability, in the absence of home care services, would require admission to or prolonged stay in a hospital. The technology-assisted child needs both a medical device to compensate for the loss of a vital body function and substantial continuous care by a nurse or other caretaker under the supervision of a nurse in order to avert death or further disability. A technology-assisted child shall:

- (A) require substantial and ongoing care by a nurse;
- (B) be dependent at least part of each day on mechanical ventilators for survival; and
- (C) require prolonged intravenous administration of nutritional substances or drugs, or require other medical devices to compensate for the loss of a vital body function.

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

(121) "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. The claim for payment shall be submitted no later than six months after the date the claimed services were provided.

(122) "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.

(123) "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.

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

(125) "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.

(126) "Urgent" means a situation requires immediate admission, but not through the emergency room.

(b) The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Jan. 2, 1990; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended, T-30-3-1-91, March 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992; amended May 1, 1992; amended July 31, 1992; amended May 3, 1993; amended Oct. 1, 1993; amended July 1, 1994.)

30-5-64. Prior authorization or precertification. (a) A service may be placed by the secretary on the published list of services requiring prior authorization or precertification for any of the following reasons:

(1) to assure provision of the service is medically necessary;

(2) to assure that services which may be subject to over-use are monitored for appropriateness in each case; and

(3) to assure that services are delivered in a cost effective manner.

(b) Failure to obtain prior authorization or precertification, if required, shall negate reimbursement for the service and any other service resulting from the unau-

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thorized or noncertified treatment. The prior authorization or precertification shall affect reimbursement to all providers associated with the service.

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

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

(d) The only exceptions to precertification shall be:

(1) Emergencies. If an emergency occurs requiring a service which requires precertification, the request for certification shall be made within two working days after the service is provided; or

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

(e) Services requiring prior authorization or precertification shall be considered covered services within the scope of the program unless the request for prior authorization or precertification is denied. Reimbursement for the services shall be contingent on approval by the proper authorities prior to the provision of the services. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1992; amended July 1, 1994.)

30-5-65. Filing limitations for medical claims. Each claim for payment shall be received by the Kansas department of social and rehabilitation services or its fiscal agent within 12 months after the date of service. Each medical claim which has been denied for payment shall be resubmitted to and received by the department or its fiscal agent within 24 months of the date of service and in conformance with all billing requirements of the medicaid/medikan program or payment shall not be made. The only exceptions shall be:

(a) claims for services provided to a child who at the time of service was in the custody of the secretary or a child for whom the agency has entered into an adoptive support agreement if the medical provider did not have knowledge of the custody or the agreement;

(b) claims submitted to Medicare within 12 months after the date of service, paid or denied for payment by Medicare, and subsequently received by the Kansas medical assistance program within 30 days after the Medicare payment or denial date;

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

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

(e) claims arising out of circumstances described under subsections (a), (b), (c) or (d) and determined not to

be payable under any such item, but which the secretary determines that such claims were the result of extraordinary circumstances. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended May 1, 1992; amended July 1, 1994.)

30-5-82a. Reimbursement for rural health clinic services. Reimbursement for rural health clinic services covered by the medicaid program shall be as determined according to 42 CFR 447.371, effective September 30, 1986, which is adopted by reference. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended July 1, 1994.)

30-5-116. Scope of rehabilitation services. Rehabilitation services shall be covered for medicaid and medikan recipients when provided by a rehabilitation service provider enrolled pursuant to K.A.R. 30-5-59. Services may include:

(a) inpatient substance abuse treatment rendered by a facility:

(1) licensed by the alcohol and drug abuse commission within the Kansas department of social and rehabilitation services; and

(2) approved by the division of medical programs. Inpatient substance abuse treatment shall be limited to three treatment admissions per lifetime of a recipient, regardless of the type of provider;

(b) behavior management services including:

(1) family mental health treatment services that have received prior authorization and are rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services;

(2) group mental health treatment services that have received prior authorization and are rendered by a provider recommended by the youth services commission within the Kansas department of social and rehabilitation services;

(3) in-home, family-based mental health services that have received prior authorization and are rendered by a provider approved by the division of medical programs within the department; and

(4) comprehensive evaluation and transition services for children who have special psychological or emotional, developmental, or health needs directed toward placement of the recipient in the least restrictive environment;

(c) psychological services, audiological services, Kan Be Healthy screenings, physical therapy, speech pathology or occupational therapy services provided when medically necessary to recipients for purposes of screening and evaluation, for providing services pursuant to an individualized educational plan or individualized family service plan, and when rendered by providers employed by or under contract with enrolled local ed-

education agencies which have been approved by the division of medical programs; and

(d) long-term head injury rehabilitation rendered by a head injury rehabilitation facility licensed by the department of health and environment and approved by the division of medical services within the Kansas department of social and rehabilitation services. Long-term head injury rehabilitation shall be limited to only those individuals who:

- (1) have sustained a traumatic head injury;
 - (2) continue to show progress in their recovery; and
 - (3) can benefit from transitional living skills training.
- The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective July 1, 1989; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended, T-30-10-2-91, Oct. 2, 1991; amended Jan. 2, 1992; amended July 1, 1994.)

30-5-118a. Reimbursement for federally-qualified health center services. Reimbursement shall not exceed the amount that would be paid by applying Medicare cost reimbursement principles.

(a) For cost reporting purposes, each federally-qualified health center provider shall submit a completed cost report form. The cost report form shall be the financial and statistical report.

(1) Each provider shall be required to file the financial and statistical report on a fiscal year basis.

(2) Cost reports shall be received no later than 90 days after the end of the fiscal year.

(3) Each provider filing a cost report after the due date shall be subject to the following penalties:

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

(B) Failure to submit the completed financial and statistical report within one year after the end of the cost report period shall be cause for termination from the medicaid/medikan program.

(C) A working trial balance shall be submitted with the cost report. It shall contain account numbers, descriptions of the accounts, the amount of each account, and the cost report expense line on which the account was reported. The working trial balance shall reconcile to the cost report schedules.

(b) Reimbursement for established federally-qualified health center services shall be based upon a prospective rate established from costs submitted by the facility on an annual cost report with a year-end settlement.

(c) For newly-opened facilities, an interim rate shall be set for the first year based upon the average of rates set for established facilities. After the completion of the first full fiscal year of operation for the new facility, a cost report shall be submitted to and analyzed by the agency. A rate adjustment, if necessary, shall be effected at that time along with a retroactive pay-out or recoupment.

(d) Non-reimbursable costs. Costs not related to patient care shall not be considered in computing reim-

bursable costs. In addition, the following expenses or costs shall not be allowed:

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

(2) bad debts;

(3) donations and contributions;

(4) fund-raising expenses;

(5) taxes including;

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

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

(C) taxes levied against any patient and collected and remitted by the provider; and

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

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

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

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

(9) vending machine costs and related expenses;

(10) board of director costs;

(11) costs of advertising for patients;

(12) public relations expenses;

(13) penalties, fines, and late charges;

(14) the cost of items or services provided only to non-medicaid/medikan patients and reimbursed by third party payers;

(15) the costs of airplanes owned, leased, or chartered by the provider or related parties and related expenses;

(16) bank overdraft charges or other penalties;

(17) business expenses not directly related to the provision of patient care;

(18) management fees paid to a related organization that are not clearly derived from the actual cost of material, supplies, or services provided directly to the facility;

(19) business expenses not directly related to patient care, business investment activities and public relations activities;

(20) legal and other costs associated with litigation between a provider and state or federal agencies, unless litigation is decided in the provider's favor; and

(21) legal expenses not related to patient care. In addition to these non-allowable expenses, purchase discounts, allowances, and refunds shall be deducted from the cost of items purchased. Refunds of prior years' expenses shall be deducted from the related expense.

(e) Costs allowed with limitations. The following amortized expenses or costs shall be allowed with limitations.

(1) Reasonable limits shall be determined by the agency for administrator compensation based upon the current civil service salary schedule. This limitation shall apply to the salaries of each administrator and co-administrator of that facility.

(continued)

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

(3) Only the taxes specified below shall be allowed as amortized costs:

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

(B) special assessments on land for capital improvements over the estimated useful life of those improvements.

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

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

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

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

(D) identified in the cost report as a start-up cost. Start-up costs shall include:

(i) administrative and nursing salaries, subject to the limitations in paragraph (1) of this subsection;

(ii) utilities;

(iii) taxes;

(iv) insurance;

(v) mortgage interest;

(vi) employee training costs; and

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

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

(6) Costs associated with services, facilities, and supplies furnished to the provider by related parties shall be included in the allowable cost of the facility at the actual cost to the related party, except that the allowable cost to the provider shall not exceed the lower of the actual cost or the market price.

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

(8) The net cost of job-related training and educational activities shall be an allowable cost. These costs include the net cost of "orientation" and "on-the-job training."

(9) Membership dues and costs incurred as a result of membership in professional, technical, or business-related organizations shall be allowable. However, similar expenses as set forth in paragraph (c)(8) above shall not be allowable.

(10) Lease payments shall be reported in accordance with generally accepted accounting principles as appropriate to the reporting period.

(f) Interest expense. Only necessary and proper interest on working capital indebtedness shall be an allowable cost.

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

(A) lenders or lending organizations not related to the borrower; or

(B) central office organizations, or related parties, if the following conditions are met.

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

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

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

(2) When the general fund of a provider "borrows" from a donor-restricted fund, this interest expense shall be an allowable cost.

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

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

(5) Loans made to finance that portion of the cost of acquisition of a facility that exceeds historical cost or the cost basis recognized for program purposes shall not be considered to be reasonably related to patient care.

(g) Central office costs. Allocation of central office costs shall be reasonable, conform to generally accepted accounting procedures, and allowed only to the extent that the central office is providing a service normally available in facilities of this nature. Central office costs shall not be recognized or allowed to the extent that they are unreasonably in excess of similar providers in the program. The burden of furnishing sufficient evidence to establish a reasonable level of costs shall be on the provider. All expenses reported as central office costs shall be limited to the actual patient-related costs of the central office.

(1) The cost of ownership or the arms-length lease expense, utilities, maintenance, property taxes, insurance, and other plant operating costs of the central or regional office space for patient-related activities shall be reported as central office costs.

(2) All administrative expenses incurred by a central office shall be reported as central office costs. These expenses shall include but are not limited to:

(A) salaries;

(B) benefits;

(C) office supplies and printing;

(D) management consultant fees;

(E) telephones and other forms of communications;

(F) travel and vehicle expenses;

(G) allowable advertising;

(H) licenses and dues; and

(l) legal, accounting, data processing, insurance, and interest expenses.

These costs shall not be directed to individual facilities operated by the provider or reported on any other line of the cost report.

(3) Non-reimbursable costs, costs allowed with limitations and revenue offsets as identified in this regulation shall apply to central office costs.

(4) Estimates of central office costs shall not be allowed.

(5) All providers operating more than one facility shall complete and submit detailed schedules of all salaries and expenses incurred for each fiscal year. Failure to submit detailed central office expenses and allocation methods shall result in the cost report being considered incomplete. Methods for allocating costs to all facilities shall be submitted for prior approval.

(h) Revenues. A statement of revenue shall be required as part of the cost report forms. Revenue shall be reported in accordance with generally accepted accounting procedures as recorded in the accounting records of the facility.

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

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

(3) Expense recoveries credited to expense accounts shall not be reclassified as revenue to increase the costs reported in order to qualify for a higher rate. Changes in these methods shall not be permitted without prior approval.

(i) Financial data for federally-qualified health center cost reports.

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

(2) Adequate cost data and cost findings. Each facility shall provide adequate cost data on the cost report. The cost data shall be in accordance with state and federal medicaid requirements and generally accepted accounting procedures and shall be based on the accrual basis of accounting. Estimates of costs shall not be allowable.

(3) Recordkeeping requirements.

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

(i) assure proper payment by the program pursuant to paragraph (2) of this subsection;

(ii) substantiate claims for program payments; and

(iii) complete determination of program overpayment.

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

(i) matters of the facility ownership, organization, and operation, including documentation as to whether transactions occurred between related parties;

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

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

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

(v) franchise or management arrangements;

(vi) matters pertaining to costs of operation;

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

(viii) a statement of changes in financial position.

(C) Other records and documents shall be made available as requested by the agency.

(D) Records and documents shall be made available in Kansas.

(E) Each provider shall furnish the agency, upon request, with copies of patient service charge schedules and changes thereto as they are put into effect. The charge schedules shall be evaluated by the agency to determine the extent to which they shall be used for determining program payment.

(F) Suspension of program payments shall be made if the agency determines that any provider does not maintain or no longer maintains adequate records for the determination of reasonable and adequate rates under the program, or the provider fails to furnish requested records and documents to the agency.

(G) Thirty days before suspending payment to the provider, written notice shall be sent by the agency to the provider of the agency's intent to suspend payment. The notice shall explain the basis for the agency's determination with respect to the provider's records and shall identify the provider's recordkeeping deficiencies.

(H) All records of each provider that are used in support of costs, charges, and payments for services and supplies shall be subject to inspection and audit by the agency, the United States department of health and human services, and the United States general accounting office. All financial statistical records used to support cost reports shall be retained for five years after the date of filing the cost report with the agency. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective, T-30-10-1-90, Oct. 1, 1990; effective Jan. 30, 1991; amended July 1, 1994.)

(continued)

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

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

(1) "Transfer of assets" means any act, contract, or lease, which partially or totally passes the use, control, or ownership of assets of an applicant or recipient to another person or corporation. A disclaimer of an inheritance shall constitute a transfer of assets.

(2) For purposes of this regulation, "institutionalized individual" means an applicant or recipient who is residing in a:

(A) nursing facility;

(B) medical institution that is providing the individual a level of care equivalent to the care provided by a nursing facility; or

(C) home- and community-based services living arrangement.

(3) For purposes of this regulation, "assets" means all income and resources of the individual and of the individual's spouse, including any income or resources which the individual or spouse is entitled to but does not receive, because of action by:

(A) the individual or the individual's spouse;

(B) a person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or

(C) any person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(b) Eligibility limitation. An institutionalized individual shall not be eligible for coverage of institutional or home- and community-based services if the individual or individual's spouse transferred assets for less than fair market value on or after:

(1) sixty months before the date the individual received or was otherwise eligible to receive these services and has applied for medical assistance in the case of payments from a trust or portions of a trust that are treated as assets disposed of by the individual as specified in K.A.R. 30-6-109(c) (1) and (2)(B); or

(2) thirty-six months before the date the individual received or was otherwise eligible to receive these services and has applied for medical assistance in the case of all other transfers.

Multiple transfers that occur within a calendar month shall be treated as a single transfer. The date of application for medical assistance referred to in subparagraphs (b)(1) and (b)(2) above shall be based on the most recent application for assistance.

(c) Exempted transfers. The following transfers shall not affect eligibility under the provisions of subsection (b):

(1) transfers of assets that have been approved by the agency. If the transfer is for fair market value and is a bona fide transaction, approval shall be granted by the agency;

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

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

(A) the spouse of the institutionalized individual;

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

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

(D) a child of the institutionalized individual other than the child described in item (3)(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;

(4) a transfer of assets to:

(A) the institutionalized individual's spouse or to another for the sole benefit of the individual's spouse;

(B) the institutionalized individual's child who meets the blindness or disability criteria of K.A.R. 30-6-85 or to a trust established solely for the benefit of such child; or

(C) a trust established solely for the benefit of an individual under 65 years of age who meets the blindness or disability criteria of K.A.R. 30-6-85; and

(5) a transfer of assets from the institutionalized individual's spouse to another for the sole benefit of the spouse.

(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 assets.

(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 assets 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 assets if the individual can substantiate that the individual has no ownership interest in the assets. Factors to be documented and considered shall include the source and use of the assets. This provision shall not be applicable to jointly-owned assets between legally responsible persons.

(e) Period of ineligibility.

(1) If the agency determines that any institutionalized individual has transferred assets without the approval of the agency and for less than fair market value, the period of ineligibility shall be determined by the agency using the following formula.

(A) The uncompensated value of all resources and lump sum payments transferred on or after the time period specified in subparagraphs (b) (1) and (b) (2) 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. Recurring income transferred on or after the time period specified in subparagraphs (b)(1) and (b)(2) shall continue to be considered as real and available income for purposes of determining patient liability.

(B) The period of ineligibility shall commence with the month in which the asset was transferred for applicants and no later than the second month following the month of transfer for recipients giving timely and adequate notice. In the case of the existence of a previously established period of ineligibility, the new period shall commence no earlier than the month following the month the previous established period ends.

(2) If the spouse of an institutionalized individual transfers an asset that results in a period of ineligibility and the spouse is later institutionalized and otherwise eligible for medical assistance, the remaining period of ineligibility shall be divided between the spouses. If the institutionalized individual is no longer subject to the established period of ineligibility, the remainder of that period shall be served by the spouse if he or she becomes institutionalized during the period.

(3) If there is evidence that a transfer was made for less than fair market value and later the asset 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 asset 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. Undue hardship may be granted if the individual verifies that he or she has exhausted all available legal remedies for reclaiming the property or receiving full compensation, that all otherwise available assets have been expended to meet living and medical expenses, and that the individual's health or life would be endangered if deprived of medical care. The effective date of this regulation shall be July 1, 1994. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988;

amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended May 1, 1992; amended Jan. 4, 1993; amended May 3, 1993; amended Oct. 1, 1993; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended July 1, 1994.)

30-6-109. Personal property. (a) Definitions.

(1) "Personal property" means all property, excluding real property.

(2) "Cash assets" means money, investments, cash surrender or loan values of life insurance policies, trust funds, and similar items on which a determinate amount of money can be realized.

(3) "Other personal property" means personal effects, household equipment and furnishings, home produce, livestock, equipment, vehicles, inventory, contracts from the sale of property, and similar items on which a determinate amount of money can be realized.

(b) Treatment of personal property. Personal property, unless exempted, shall be considered a resource. Trust funds shall be considered in accordance with subsection (c).

(c) Treatment of trust funds. For purposes of determining an individual's eligibility for or amount of assistance, the following rules shall apply. The term "trust" includes any legal instrument or device that is similar to a trust, including an annuity. The term "assets" shall be defined as specified in K.A.R. 30-6-56(a)(3).

(1) In the case of a revocable trust, the value of the trust shall be considered resources available to the individual. Payments from the trust to or for the benefit of the individual shall be considered as income. Any other payments made from the trust shall be considered under the property transfer provisions of K.A.R. 30-6-56.

(2) In the case of an irrevocable trust:

(A) If there are any circumstances under which payment from the trust could be made to, or for the benefit of, the individual, the portion of the trust from which payment could be made shall be considered resources available to the individual. Payments made from the trust to or for the benefit of the individual shall be considered as income. Any other payments made from the trust shall be considered under the property transfer provisions of K.A.R. 30-6-56; or

(B) any portion of the trust from which no payment could be made under any circumstances to the individual shall be considered as of the date of establishment of the trust, or if later, the date on which payment to the individual was restricted or foreclosed, under the provisions of K.A.R. 30-6-56.

(3) An individual shall be considered to have established a trust if assets of the individual were used to form all or part of the trust and if any of the following individuals established such trust other than by will:

(A) the individual or the individual's spouse;

(B) a person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or

(C) a person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(continued)

(4) If the corpus of the trust includes assets of any other person or persons, the provisions of this subsection shall apply to the portion of the trust attributable to the assets of the individual.

(5) These provisions shall apply without regard to the purposes for which the trust was established, whether the trustees have or exercise any discretion under the trust, any restrictions on when or whether distributions may be made from the trust, or any restrictions on the use of distributions from the trust.

(6) these provisions shall not apply to any of the following trusts:

(A) a trust containing the assets of an individual under age 65 who meets the blindness or disability criteria of K.A.R. 30-6-85 and which is established for the benefit of such individual by a parent, grandparent, legal guardian of the individual, or a court. The state shall receive all amounts remaining in the trust upon the death of such individual up to an amount equal to the total medical assistance paid on behalf of the individual;

(B) a trust established for the benefit of an individual in a nursing facility if the trust is composed only of pension, social security, and other income to the individual. The state shall receive all amounts remaining in the trust upon the death of such individual up to an amount equal to the total medical assistance paid on behalf of the individual; or

(C) a trust containing the assets of an individual who meets the blindness or disability criteria of K.A.R. 30-6-85 if such trust is established by a non-profit association, a separate account is maintained for each beneficiary of the trust, and accounts in the trust are established solely for the benefit of individuals who meet the blindness or disability criteria of K.A.R. 30-6-85, by that individual, the parent, grandparent, or legal guardian of such individuals, or by a court. The state shall receive all amounts remaining in the individual's account upon the death of such individual up to an amount equal to the total medical assistance paid on behalf of the individual.

(7) These provisions shall be waived if it is determined that the action is necessary to avoid undue hardship on the individual. Undue hardship may be granted if the individual verifies that he or she has exhausted all legal remedies for gaining access to the principal or income of the trust, that all otherwise available assets have been expended to meet living and medical expenses, and that his or her health or life would be endangered if deprived of medical care.

(d) Exempted personal property. The resource value of the following classifications of personal property shall be exempt:

- (1) personal effects;
- (2) household equipment and furnishings in use or only temporarily not in use;
- (3) tools in use and necessary for the maintenance of house or garden;
- (4) stock and inventory of self-employed persons that are reasonable and necessary in the production of goods and services;
- (5) items for home consumption. These items shall consist of produce from a small garden consumed from day to day and any excess which may be canned or

stored, and a small flock of fowl or livestock which is used to meet the food requirements of the family;

(6) cash assets which are traceable to income exempted as income and as a cash asset;

(7) any contract from the sale of property, if the proceeds from the contract are considered as income;

(8) for non-SSI, proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended in the month received or in the following month;

(9) for non-SSI, income-producing property, other than cash assets, if essential for employment or self-employment. Income-producing property shall include items such as tools, equipment, machinery and livestock;

(10) for non-SSI, one vehicle for each assistance family with a value in an amount not to exceed \$1,500.00;

(11) for non-SSI, burial plots and funeral agreements as established by the secretary of health and human services and as approved by the secretary of social and rehabilitation services;

(12) for non-SSI, escrow accounts established for families participating in the family self-sufficiency program through the department of housing and urban development. Interest earned on the accounts shall also be exempted as income;

(13) for SSI, insurance not exceeding \$1,500.00 face value, owned by any applicant or recipient family member. Face value shall not include and shall not be increased by accumulated dividends, but shall be decreased by an outstanding policy loan. If the total face value of insurance policies owned by any one individual exceeds \$1,500.00, the total cash surrender value of those policies shall be a nonexempt resource;

(14) for SSI, one vehicle for each assistance family. Additional vehicles shall be exempt if shown to be essential for employment, for self-support, for medical treatment of a specific medical problem, or if specially equipped for use by a handicapped person;

(15) for SSI, any personal property of a blind or disabled person which is covered by an approved plan of self-support;

(16) for SSI, the equity value of income-producing personal property, other than cash assets, that is used in an applicant's or recipient's trade or business;

(17) for SSI, the equity value of non-business income-producing personal property, other than cash assets, if:

(A) the equity value of income-producing personal property plus the equity value of income-producing real property does not exceed \$6,000.00; and

(B) a net annual return of at least six percent of the total equity is produced;

(18) for SSI, burial plots as established by the secretary of health and human services for the SSI program;

(19) for SSI, any burial contract as established by the secretary of health and human services for the SSI program and as approved by the secretary of social and rehabilitation services;

(20) for SSI, proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within three months of the sale;

(21) for SSI, a retroactive social security payment received by the applicant or recipient or an ineligible legally responsible person for the nine months following the month of receipt; and

(22) for SSI, pension funds owned by an applicant's or recipient's spouse or parent if such spouse or parent is not an applicant for or recipient of SSI. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 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 May 1, 1988; amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-5-1-90, May 1, 1990; amended, T-30-7-2-90, Aug. 30, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Oct. 1, 1992; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended July 1, 1994.)

30-6-111. Applicable income. Applicable income means the amount of earned and unearned income which is compared with the appropriate protected income level to establish financial eligibility.

(a) Non-SSI. All earned income shall be applicable unless exempted in accordance with K.A.R. 30-6-112 and K.A.R. 30-6-113. Applicable earned income shall be determined as follows:

(1) applicable earned income for persons included in the assistance plan, and except as noted in subparagraph (a)(4) of this regulation, for all persons in the home whose earned income must be considered and who are excluded from the assistance plan, shall equal gross earned income, or the adjusted gross earned income from self-employment, less the following items:

(A) ninety dollars per month for each employed person; and

(B) reasonable and not excessive expenses for child care or expenses for the care of an incapacitated person. The amount of deductible dependent care shall not exceed \$200.00 per month per person for persons under age two or \$175.00 per month per person for persons age two or older. The dependent shall be included in the assistance plan before the deduction is allowed.

(2) Gross earned income, or the adjusted gross income from self-employment, shall not be reduced when the applicant or recipient:

(A) has terminated employment or reduced earnings without good cause within 30 days preceding the month of eligibility; or

(B) has refused without good cause to accept a bona fide offer of employment within the 30-day period preceding the month of eligibility.

(3) For self-employed persons, adjusted gross earned income shall equal gross earned income less cost of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. These costs shall be verified. The

following guidelines shall be used by the agency in calculating the cost of the production of the income.

(A) The medical assistance program shall not be used to subsidize the payment of debts, set up an individual in a business or a nonprofit activity, nor treat income on the basis of IRS policies.

(B) If losses are suffered from self-employment, the losses shall not be deducted from other income nor shall the net loss of a business be considered as an income-producing cost.

(C) If a business is being conducted from a non-home location, business space and utilities may be considered as income-producing costs.

(D) If a business is being conducted from a person's own home, shelter and utility costs shall not be considered as income-producing costs unless it is verifiable that they are clearly distinguishable from the home operation.

(E) If payments increase the equity in equipment, vehicles, or other property, the payments shall not be considered as an income-producing cost.

(F) If equipment, vehicles, or other property are being purchased on an installment plan, the actual interest paid may be considered as an income-producing cost.

(G) Depreciation on equipment, vehicles, or other property shall not be considered as an income-producing cost.

(H) Insurance payments on equipment, vehicles, or other property shall be allowed if the payments directly relate to the business.

(I) Expenses for inventories and supplies that are reasonable and required for the business may be considered as income-producing costs.

(J) Wages and other mandated costs related to wages paid by the applicant or recipient may be considered as income-producing costs.

(4) In determining eligibility and the amount of payment, the applicable earned and unearned income of an alien who is a parent of an ADC child and who is excluded from the assistance plan due to the provisions of the immigration reform and control act of 1986, P.L. 99-603, effective May 1, 1987, which is hereby adopted by reference, shall equal gross income less the following items:

(A) ninety dollars of earned income;

(B) the protected income level for the parent and dependents in the same household who are claimed by the parent for internal revenue service purposes and who are not in the assistance plan;

(C) amounts paid by the parent to persons not living in the same household who are claimed as dependents for internal revenue service purposes; and

(D) alimony or child support payments to individuals not living in the household which are made by the parent.

(b) SSI. Applicable earned income shall be determined as follows:

(1) Wages. All earned income shall be applicable except that the provisions of K.A.R. 30-6-112 and K.A.R. 30-6-113 shall be applicable to persons in independent living or in the home- and community-based service pro-

(continued)

gram. The applicable earned income shall be gross income less income disregards, if applicable.

(2) Self-employment. The applicable earned income shall be the adjusted gross income less income disregards, if applicable. The principles set forth in paragraph (a)(2) of this regulation in regard to adjusted gross income shall be applicable to calculations made pursuant to this paragraph.

(c) SSI income disregards.

(1) The following disregards shall apply to persons in independent living or in the home- and community-based service program:

(A) the first \$20.00 of any nonexempt, unearned income; and

(B) an applicable earned income disregard calculated as follows: gross earned income minus any portion of the unearned income disregard that exceeds monthly earned income, plus \$65.00 of monthly earned income, plus $\frac{1}{2}$ times the remainder of the monthly earned income.

(2) The following disregards shall apply to persons in long term care who are employed:

(A) seventy-five dollars, if employed full time; and

(B) fifty dollars, if employed part time.

(d) Applicable unearned income. All net, unearned income, except as noted in paragraph (a)(4) of this regulation, shall be applicable except that the provisions of K.A.R. 30-6-112 and K.A.R. 30-6-113 shall be applicable to persons in independent living or in the home- and community-based service program. The provisions of K.A.R. 30-6-113 (a), (v), (w), (z), and (cc) shall be applicable to persons in long-term care. Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs include only those expenses directly related to the actual production of income. The principles set forth in paragraph (a)(2) of this regulation regarding the calculation of income-producing costs shall be applicable. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-86-9, May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990; amended May 1, 1991; amended July 1, 1994.)

Article 10.—ADULT CARE HOME PROGRAM

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

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

(1) "Accrual basis of accounting" means that revenue of the provider is reported in the period when it is earned, regardless of when it is collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) "Active treatment for individuals with mental retardation or related condition" means a continuous pro-

gram for each client, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services and related services that is directed towards:

(A) The acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and

(B) the prevention or deceleration of regression or loss of current optimal functional status.

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

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

(5) "Case mix" means a measure of the intensity of care and services used by a group of residents in a facility.

(6) "Case mix index" means a numeric score with a specific range that identifies the relative resources used by a particular group of residents and represents the average resource consumption across a population or sample.

(7) "Change of ownership" means a transfer of rights and interests in real and personal property used for nursing facility services through an arms-length transaction between unrelated persons or legal entities.

(8) "Change of provider" means a change of ownership or lessee specified in the provider agreement.

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

(10) "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.

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

(12) "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.

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

(14) "Costs related to resident care" means all necessary and proper costs, arising from arms-length transactions in accordance with general accounting rules, which are appropriate and helpful in developing and

maintaining the operation of resident care facilities and activities. Specific items of expense shall be limited pursuant to K.A.R. 30-10-23a, K.A.R. 30-10-23b, K.A.R. 30-10-23c, K.A.R. 30-10-24, K.A.R. 30-10-25, K.A.R. 30-10-26, K.A.R. 30-10-27 and K.A.R. 30-10-28.

(15) "Cost report" means the form MS-2004, nursing facility financial and statistical report.

(16) "Educational activities" means an approved, formally organized or planned program of study usually engaged in by providers in order to enhance the quality of resident care in an institution. These activities shall be licensed when required by state law.

(17) "Educational activities—net cost" means the cost of approved educational activities less any grants, specific donations or reimbursements of tuition.

(18) "General accounting rules" means the generally accepted accounting principles as established by the American institute of certified public accountants, except as otherwise specifically indicated by nursing facility program policies and regulations. Any adoption of these principles shall not supersede any specific regulations and policies of the nursing facility program.

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

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

(21) "Mental illness" means a clinically significant behavioral or psychological syndrome or pattern that is typically associated with either a distressing symptom or impairment of function. Relevant diagnoses are limited to schizophrenia, major affective disorders, atypical psychosis, Bipolar disorder, paranoid disorders or schizoaffective disorder.

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

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

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

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

(26) "Nursing facility for mental health" means a nursing facility which meets state licensure standards and provides structured mental health rehabilitation services, in addition to health-related care, for individuals with a severe and persistent mental illness who require 24-hours-per-day, seven-days-per-week, licensed

nursing supervision and which was operating in accordance with a provider agreement with social and rehabilitation services on June 30, 1994.

(27) "On-going entity" means a change in the provider has not been recognized.

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

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

(30) "Ownership" means the person or legal entity that has the rights and interests of the real and personal property used to provide the nursing facility services.

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

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

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

(34) "Recipient" means a person determined to be eligible for medicaid/medikan services in a nursing facility.

(35) "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 or is designed to inflate medicaid/medikan costs. Related parties include parties related by family, business or financial association, or by common ownership or control. Transactions between related parties shall not be considered to have arisen through arms-length negotiations.

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

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

(38) "Resident assessment form" means the document jointly specified by the Kansas department of health and

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environment and the agency and approved by the health care finance administration which includes the minimum data set.

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

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

(41) "Severe and persistent mental illness" means that an individual:

(A) Meets one of the following criteria:

(i) The individual has undergone psychiatric treatment more intensive than outpatient care more than once in a lifetime;

(ii) the individual has experienced a single episode of continuous, structured supportive residential care other than hospitalization for a duration of at least two months; and

(B) meets at least two of the following criteria, on a continuing or intermittent basis, for at least two years:

(i) The individual is unemployed, is employed in a sheltered setting, or has markedly limited skills and a poor work history;

(ii) the individual requires public financial assistance for out-of-hospital maintenance and may be unable to procure such assistance without help;

(iii) the individual shows severe inability to establish or maintain a personal social support system;

(iv) the individual requires help in basic living skills; or

(v) the individual exhibits inappropriate social behavior which results in demand for intervention by the mental health or judicial system.

(42) "Specialized mental health rehabilitation services" means one of the specialized rehabilitative services which provides ongoing treatment for mental health problems aimed at attaining or maintaining the highest level of mental and psychosocial well-being. This includes but is not limited to:

(A) Crisis intervention services;

(B) drug therapy or monitoring of drug therapy;

(C) training in medication management;

(D) structured socialization activities to diminish tendencies toward isolation and withdrawal;

(E) development and maintenance of necessary daily living skills, including grooming, personal hygiene, nutrition, health and mental health education, and money management; and

(F) maintenance and development of appropriate personal support networks.

(43) "Specialized services" means inpatient psychiatric care for the treatment of an acute episode of mental illness.

(44) "Swing bed" means a hospital bed that can be used interchangeably as either a hospital or nursing fa-

cility with reimbursement based on the specific type of care provided.

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

(46) "Working trial balance" means the summary from the provider's general ledger that was used in completing the cost report.

(b) The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994.)

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

(1) Nursing facilities; and

(2) nursing facilities for mental health which had a provider agreement with the agency on June 30, 1994.

(b) Change of provider.

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

(2) Before the dissolution of the provider business entity, or a transaction involving a change of ownership of the nursing facility or the change of lessee of the nursing facility, the provider shall notify the agency in writing at least 60 days before the change. Failure to submit a timely notification shall result in the new provider assuming responsibility for any overpayment made to the previous provider before the transfer. This shall not release the previous provider of responsibility for such overpayment. Other overpayment recovery terms may be expressly agreed to in writing by the secretary.

(3) The provider shall submit an application to be a provider of services to the agency for any addition or substitution to a partnership or any change of provider resulting in a completely new partnership. No application shall be required when a partnership is dissolved and at least one member of the partnership remains as the provider of services.

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

(5) A transfer of participating provider corporate stock shall not constitute a change of provider.

(6) A merger of one or more corporations with the participating provider corporation surviving shall not constitute a change of provider.

(7) A consolidation of two or more unrelated corporations which creates a new corporate entity through an arms-length transaction shall constitute a change of provider. The new corporate entity resulting from a consolidation shall submit an application to be a provider of services to the agency.

(8) The change or creation of a new lessee, acting as a provider of services, shall constitute a change of provider. The new lessee shall submit an application to be a provider of services to the agency. If the lessee of the facility purchases the facility, the purchase shall not constitute a change of provider. The change or creation of a sublessee, acting as the provider of services, shall not constitute a change of provider.

(9) The change or creation of a management firm, acting as the provider of services, shall not constitute a change of provider.

(10) Only changes or creations of a provider of service through bona fide transactions or agreements shall be recognized.

(11) An owner of the real and personal property shall not be considered a change of provider when the owner takes over the operations from a lessee. In this situation, the facility shall be treated as an on-going entity.

(c) Each new provider shall be subject to a certification survey by the department of health and environment. If certified, the period of certification shall be as established by the Kansas department of health and environment. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended May 1, 1992; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994.)

30-10-2. Standards for participation; nursing facilities and nursing facilities for mental health. As a prerequisite for participation in the medicaid/medikan program as a provider of nursing facility services, each nursing facility shall:

- (a) provide nursing services;
- (b) meet the requirements of Title IV, subtitle C, part 2, pp 190-230, of the federal omnibus budget reconciliation act of 1987, effective October 1, 1990; which is adopted by reference;
- (c) be certified for participation in the program for all licensed beds by the Kansas department of health and environment or the federal department of health and human services;
- (d) have been operating with a provider agreement with the agency on June 30, 1994 if the certification is for a nursing facility for mental health;
- (e) submit an application for participation in the program on forms prescribed by the secretary;
- (f) update provided information as required by the application forms;
- (g) within 30 days of any request, furnish full and complete ownership information concerning any subcontractor with whom the provider has had business transactions in an aggregate amount exceeding \$25,000.00 during the previous 12 months;

(h) furnish and allow inspection of any information that the agency, its designee, or the department of health and human services may request in order to assure proper payment by the medicaid/medikan program;

(i) inform all new residents of the availability of potential eligibility assessment under the federal spousal impoverishment law. The assessment is completed by the area or local agency offices; and

(j) for each resident, submit to the agency a copy of the resident assessment form.

(1) The initial assessment shall be conducted during the first seven days of admission, completed by the eighth day of admission, and submitted to the agency within 14 days of admission.

(2) A second assessment shall be completed between day 30 and day 44 of admission, and submitted to the agency within 51 days of admission.

(3) A full quarterly reassessment shall be completed at least every 90 days and submitted to the agency within seven days of completion. An annual reassessment shall substitute for a quarterly assessment.

(4) A significant change reassessment shall be completed within 14 days after determination that such a change has occurred and shall be submitted to the agency within seven days of completion.

(5) A reassessment upon return from a hospital stay of more than 72 hours shall be performed within 14 days of the return and submitted within 21 days of return.

(6) A significant change reassessment, or reassessment on return from a hospital may be used to meet the requirement for the quarterly reassessment.

(7) Resident assessment forms may be submitted on paper, computer disc or by electronic transmission. A resident assessment form will be considered timely submitted by mailing paper or computer disc or through electronic transmission.

(8) An extension of no more than one month may be obtained for good cause, if approved by the agency. The requests shall be in writing and shall be received by the agency prior to the submission date. Requests received after the due date shall not be approved.

(9) Penalty for non-submission of assessment forms.

(A) If assessments are not completed and submitted as required, all further payments to the provider shall be suspended until the forms have been submitted. Thirty days before suspending payment to a provider, written notice shall be sent by the agency to the provider which states the agency's intent to suspend payments. The notice shall explain the basis for the agency's determination and shall explain the necessary corrective action that must be completed before payments are released.

(B) Assessments found to be incorrectly completed shall be returned to the facility for correction through an edit check letter. This letter and request for correction shall be returned to the agency within 14 days from date of notification.

(10) Any assessment that cannot be classified shall be assigned to the lowest classification group. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective, E-74-43,

(continued)

Aug. 16, 1974; effective, E-74-63, Dec. 4, 1974; effective May 1, 1975; amended, E-76-34, July 1, 1975; amended May 1, 1976; amended Feb. 15, 1977; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983; amended May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994.)

30-10-7. Screening, evaluation, and referral for nursing facilities. (a) Each individual seeking admission to a nursing facility or nursing facility for mental health providing care under title XIX of the federal social security act, or referral to home- and community-based services (HCBS) shall receive a preadmission assessment, evaluation, and referral to all available community resources, including nursing facilities, prior to admission, with the following exceptions:

(1) a patient who has entered an acute care facility from a nursing facility and is returning to a nursing facility;

(2) a resident transferred from another adult care home other than from a boarding care home, an intermediate personal care home or a one-to-five-bed adult care home;

(3) individuals whose length of stay is expected to be 30 days or less based on a physician's certification, if the nursing facility must arrange for a complete assessment from an authorized provider of assessment if the length of stay exceeds 30 days from the date of admission;

(4) individuals who are admitted to a nursing facility on an emergency basis based on a physician's certification of the emergency, if an assessment occurs within 10 days subsequent to such an admission. Emergency situations include medical, financial or social emergencies. A nursing facility which admits a medicaid eligible individual on an emergency basis may be reimbursed for a maximum of 13 days if the preadmission assessment determines the individual to be inappropriate for nursing facility level of care. Reimbursement shall be based upon the facility's applicable medicaid daily rate;

(5) individuals entering a nursing facility conducted by and for the adherents of a recognized church or religious denomination for the purpose of providing care and services for those who depend upon spiritual means, through prayer alone, for healing; or

(6) individuals who have made written request for assessment and referral services from an authorized provider of assessment and who do not receive those services within 10 calendar days, if the assessment occurs within 10 days following admission.

(b) The preadmission assessment shall be valid for one year from the date of the assessment. Reimbursement for the assessment shall be limited to one assessment annually per individual, unless in the judgment of a qualified professional, the person's physical, emotional, social, or cognitive status has changed to the extent that another assessment is warranted.

(c) Each individual choosing to enter a nursing facility following a preadmission assessment identifying no need for nursing facility placement shall do so as a pri-

vate-paying resident. Medicaid/medikan shall not participate in the cost of care unless and until a preadmission assessment determines there is a need for nursing facility placement with the exception noted in K.A.R. 30-10-7(a)(4) above. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c, 39-785; effective, E-74-59, Oct. 24, 1974; effective May 1, 1975; amended May 1, 1976; amended, E-78-35, Dec. 30, 1977; amended May 1, 1978; amended, E-80-13, Aug. 8, 1979; amended May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-28, Nov. 14, 1984; amended May 1, 1985; amended May 1, 1986; amended Jan. 2, 1989; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended May 1, 1991; amended Jan. 4, 1993; amended July 1, 1994.)

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

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

(2) Per diem rates shall be limited by cost centers, except where there are special level of care facilities approved by the United States department of health and human services. The limits shall be determined by the median in each cost center plus a percentage of the median. The percentage factor applied to the median shall be determined by the secretary.

(A) The cost centers shall be as follows:

- (i) Administration;
- (ii) property;
- (iii) room and board; and
- (iv) health care.

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

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

(3) To establish a per diem rate for each provider, a factor for incentive, historical inflation, and estimated inflation shall be added to the allowable per diem cost.

(4) Resident days in the rate computation.

(A) Each provider which has been in operation for 12 months or longer and has an occupancy rate of less than 85 percent for the cost report period shall have the resident days calculated at the minimum occupancy of 85 percent.

(B) The 85 percent minimum occupancy rule shall be applied to the resident days and costs reported for the 13th month of operation and after. The 85 percent minimum occupancy requirement shall be applied to the interim rate of a new provider unless the provider is allowed to file a projected cost report.

(C) The minimum occupancy rate shall be determined by multiplying the total licensed beds by 85 percent. In order to participate in the medicaid/medikan program, each nursing facility provider shall obtain proper certification for all licensed beds.

(D) Each provider with an occupancy rate of 85 percent or greater shall have actual resident days for the cost report period used in the rate computation.

(5) Each provider shall be given a detailed listing of the computation of the rate determined for the provider's facility.

(6) The effective date of the rate for existing providers shall be in accordance with K.A.R. 30-10-19.

(7) Effective January 1, 1994, the case mix payment rate shall be phased in for dates of service through June 30, 1994.

(A) Each provider will receive 50 percent of the rate under the previous system and 50 percent of the rate under the case mix methodology.

(B) Under the case mix methodology, all features of the reimbursement system shall remain with the exception of the health care cost center. The allowance in the health care cost center shall be adjusted by the average case mix index for each facility and based on the resident assessment and classification.

(C) There shall be a "hold harmless" provision for each provider who experiences a rate reduction based on the case mix adjustment for the period for January 1 through June 30, 1994. The rate from the previous payment methodology shall continue if the case mix adjusted rate is less.

(D) Rates shall be adjusted quarterly by the average case mix index for each facility.

(E) Each provider shall be given a detailed listing of the computation of the rate determined for the provider's facility.

(8) Effective July 1, 1994, each provider shall receive rates based strictly on the case mix methodology.

(A) There shall be no "hold harmless" provision.

(B) New limits and rates shall be determined on the basis of cost information submitted by the provider and retained for cost auditing.

(C) Rates shall continue to be adjusted quarterly by the case mix index and applied to the health care cost center for each facility.

(D) Detailed computations of the rate for each facility shall be given.

(9) Effective January 1, 1994, resident assessments that cannot be classified shall be assigned the lowest case-mix index.

(b) Comparable service rate limitations.

(1) For each nursing facility and nursing facility for mental health, the per diem rate for care shall not exceed the rate charged for the same type of service to residents not under the medicaid/medikan program.

(2) The agency shall maintain a registry of private pay rates submitted by providers.

(A) Providers shall notify the agency by certified mail of any private pay rate change and the effective date of that change.

(B) The private pay rate registry shall be updated based on the notification from the providers.

(C) The registry shall become effective on the first day of the third month after the regulation is adopted. The providers shall have the same length of time to notify the agency of the provider's private pay rate or the registry shall reflect the last private pay rate on file.

(3) The average private pay rate for comparable services shall be included in the registry. The average private pay rate may consist of the following variables.

(A) A differential for a private room can be included in the average private pay rate when medicaid/medikan residents are placed in a private room at no extra charge and the private room is not medically necessary.

(B) Extra charges for ancillaries, routine supplies and other items included in the medicaid/medikan rate or payment outside of the rate, such as oxygen, can be included in the average private pay rate.

(C) If a level of care system is used to determine the average private pay rate, it shall be based on the level of care that best characterizes the overall medicaid/medikan population in the facility. For example, if the overall medicaid/medikan characteristics reflect moderate care, the private pay rate shall be based on the moderate level of care for comparable services.

(4) The average private pay rate shall be based on what the provider reasonably expects to receive from the resident. If the private pay charges are consistently higher than what the provider receives from the residents for services, then the average private pay rate for comparable services shall be based on what is actually received from the residents.

(5) When providers are notified of the effective date of the medicaid/medikan rate, the following procedures shall be followed.

(A) If the private pay rate indicated on the agency register is lower, then the medicaid/medikan rate, beginning with its effective date, shall be lowered to the private pay rate reflected on the registry.

(B) Providers who subsequently notify the agency by certified mail of the private pay rate shall have the medicaid/medikan rate adjusted the first day of the month following the date of the certified letter.

(c) Rate for new construction or new facility to the program.

(1) The per diem rate for newly constructed nursing facilities or a new facility to the medicaid/medikan program shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17.

(2) No rate shall be paid until a nursing facility financial and statistical report is received and processed for a rate.

(d) Change of provider.

(1) The payment rate for the first 12 months of operation shall be based on the rate established from the historical cost data of the previous owner or provider. If the 85 percent minimum occupancy requirement was applied to the previous provider's rate, it shall also be applied to the new provider's rate.

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

(e) Per diem rate errors.

(1) When the per diem rate, whether based upon projected or historical cost data, is audited by the agency and found to contain an error, a direct cash settlement

(continued)

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

(2) The per diem rate for a provider may be increased or decreased as a result of a desk review or audit on the provider's cost reports. Written notice of this per diem rate change and of the audit findings shall be sent to the provider. Retroactive adjustment of the rate paid from a projected cost report shall apply to the same period of time covered by the projected rate.

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

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

(5) A new provider that is not allowed to submit a projected cost report for an interim rate shall not be entitled to a retroactive settlement for the first year of operation.

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

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

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

(A) A projected cost report in those cases where the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more; or

(B) the last historic cost report filed with the agency, if the provider has actively participated in the program during the most recent 24 months. The appropriate historic and estimated inflation factors shall be applied to the per diem rate determined in accordance with this paragraph.

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

(3) Where the per diem rate for a provider re-entering the program is determined in accordance with paragraph (1)(B) of this subsection, a settlement shall be made only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program. The effective date of this regulation shall be July 1, 1994. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1985; amended May 1, 1986; amended, T-87-29, Nov. 1, 1986; amended May 1, 1987; amended, T-89-5, Jan. 21, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended May 1, 1992; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994.)

Donna L. Whiteman
Secretary of Social and
Rehabilitation Services

Doc. No. 014856

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 1993 Supplement to the *Kansas Administrative Regulations*.

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1-7-4	Amended	V. 12, p. 1707
1-9-5	Amended	V. 12, p. 902
1-9-6	Amended	V. 12, p. 1708
1-9-13	Amended	V. 12, p. 1709
1-9-21	Amended	V. 12, p. 903
1-9-23	Amended	V. 12, p. 903
1-9-24	New	V. 12, p. 1709, 1779
1-10-6	Amended	V. 12, p. 1709
1-13-1a	Amended	V. 12, p. 1709
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1-14-10	Amended	V. 12, p. 1818
1-14-12	New	V. 12, p. 1711
1-16-2	Amended	V. 12, p. 721, 864
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1-16-2d	Amended	V. 12, p. 721, 864
1-16-2f	Revoked	V. 12, p. 722, 865
1-16-2k	Amended	V. 12, p. 722, 865
1-16-22	Amended	V. 12, p. 865
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1-21-12	Amended	V. 12, p. 866
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1-28-1	Revoked	V. 12, p. 867
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AGENCY 2: MUNICIPAL ACCOUNTING BOARD

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2-3-3	Revoked	V. 12, p. 887

AGENCY 4: BOARD OF AGRICULTURE

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4-8-14a	Amended	V. 12, p. 1212
4-8-28	Amended	V. 12, p. 1212

4-8-32	Amended	V. 12, p. 1213
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5-3-5e	New	V. 13, p. 493
5-4-4	New	V. 13, p. 493
5-7-1	Amended	V. 13, p. 494
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7-29-1	Revoked	V. 12, p. 1336
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17-16-8	Amended	V. 12, p. 314
17-21-1	Amended	V. 12, p. 314
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22-6-10	Revoked	V. 12, p. 445
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28-4-360	Amended	V. 12, p. 1057
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30-5-73	Amended	V. 12, p. 1224
30-5-81b	Amended	V. 12, p. 1225
30-5-100	Amended	V. 12, p. 1225
30-5-105	Amended	V. 12, p. 1226
30-5-109a	Amended	V. 12, p. 1226
30-5-116a	Amended	V. 12, p. 1226
30-5-151	Amended	V. 12, p. 266, 579
30-6-56	Amended	V. 12, p. 1738, 1783
30-6-103	Amended	V. 12, p. 1739
30-6-106	Amended	V. 12, p. 1740, 1784
30-6-109	Amended	V. 12, p. 1742, 1786
30-6-112	Amended	V. 12, p. 1230
30-6-113	Amended	V. 12, p. 1744, 1788
30-6-150	Amended	V. 12, p. 1745, 1789
30-7-100	Amended	V. 12, p. 398
30-10-1a	Amended	V. 12, p. 1745
30-10-1b	Amended	V. 12, p. 1748
30-10-1c	Amended	V. 12, p. 1748
30-10-1d	Amended	V. 12, p. 1748
30-10-2	Amended	V. 12, p. 1749
30-10-11	Amended	V. 12, p. 1749
30-10-15a	Amended	V. 12, p. 1751
30-10-17	Amended	V. 12, p. 1753
30-10-18	Amended	V. 12, p. 1754
30-10-19	Amended	V. 12, p. 1756
30-10-23a	Amended	V. 12, p. 1756
30-10-25	Amended	V. 12, p. 1757
30-10-28	Amended	V. 12, p. 1758
30-31-7	Amended	V. 12, p. 901, 975
30-46-10	Amended	V. 12, p. 1231
30-65-1	New	V. 12, p. 1592, 1632
30-65-2	New	V. 12, p. 1593, 1633
30-65-3	New	V. 12, p. 1593, 1633

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-27-11	Revoked	V. 13, p. 91
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
36-39-1		
through		
36-39-6	New	V. 12, p. 1088-1090

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-22	Amended	V. 13, p. 185
40-1-39	New	V. 12, p. 1563
40-1-41	New	V. 12, p. 1563
40-2-23	New	V. 12, p. 1564
40-3-10	Revoked	V. 12, p. 1564
40-3-32	Amended	V. 12, p. 1564
40-3-33	Amended	V. 12, p. 1565
40-3-47	Amended	V. 13, p. 185
40-3-50	New	V. 12, p. 1568
40-4-2	Amended	V. 12, p. 1568
40-5-12	New	V. 12, p. 1568

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-2-103	New	V. 12, p. 822
44-6-124	Amended	V. 12, p. 1154
44-6-146	New	V. 12, p. 1154
44-7-116	New	V. 12, p. 1155
44-14-101	Amended	V. 12, p. 1593
44-14-102	Amended	V. 12, p. 1594
44-14-201	Amended	V. 12, p. 1594
44-14-301	Amended	V. 12, p. 1594
44-14-302	Amended	V. 12, p. 1594
44-14-303	Amended	V. 12, p. 1596
44-14-305	Amended	V. 12, p. 1596
44-14-305a	Revoked	V. 12, p. 1596
44-14-306	Amended	V. 12, p. 1596
44-14-307	Amended	V. 12, p. 1597
44-14-309	Amended	V. 12, p. 1597
44-14-310	Amended	V. 12, p. 1597
44-14-311	Amended	V. 12, p. 1597
44-14-314	Amended	V. 12, p. 1597
44-14-316	Amended	V. 12, p. 1597
44-14-318	New	V. 12, p. 1597

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES— DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 12, p. 1399

AGENCY 56: OFFICE OF THE ADJUTANT GENERAL

Reg. No.	Action	Register
56-2-1	New	V. 12, p. 1736
56-2-2	New	V. 12, p. 1736
56-3-1		
through		
56-3-6	New	V. 13, p. 89-91, 111-112

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-101	Revoked	V. 12, p. 1205
60-1-102	Amended	V. 12, p. 348
60-1-103	Amended	V. 12, p. 348
60-3-101	Amended	V. 12, p. 348
60-3-104	Revoked	V. 13, p. 365
60-3-105	Amended	V. 13, p. 365
60-3-106	Amended	V. 13, p. 365
60-3-106a	New	V. 13, p. 365
60-3-110	Amended	V. 12, p. 1205
60-3-111	New	V. 12, p. 349
60-4-101	Amended	V. 13, p. 365
60-4-103	Amended	V. 13, p. 365
60-7-104	Amended	V. 13, p. 366
60-7-106	New	V. 12, p. 1206
60-7-108	New	V. 12, p. 349
60-8-101	Amended	V. 13, p. 366
60-9-105	Amended	V. 12, p. 349
60-9-107	Amended	V. 12, p. 1206
60-11-103	Amended	V. 12, p. 350
60-11-108	Amended	V. 12, p. 1208
60-11-113	Amended	V. 13, p. 366
60-11-118	Amended	V. 12, p. 350
60-11-119	Amended	V. 12, p. 489
60-12-104	Amended	V. 12, p. 1208
60-12-105	Amended	V. 12, p. 1208
60-13-101	Amended	V. 12, p. 489
60-13-110	Amended	V. 13, p. 366

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-1-3	Amended	V. 12, p. 1598
63-1-4	Amended	V. 12, p. 632
63-3-10	Amended	V. 12, p. 632
63-3-11	Amended	V. 12, p. 632
63-3-19	Amended	V. 12, p. 633

63-4-1	Amended	V. 12, p. 1598
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AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-4-3	Amended	V. 12, p. 630
65-4-4	Amended	V. 12, p. 630

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-6	Amended	V. 12, p. 1926
66-6-8	Amended	V. 12, p. 1926
66-6-9	Amended	V. 12, p. 1926
66-8-2		
through		
66-8-5	Amended	V. 12, p. 1926, 1927
66-9-1	Amended	V. 12, p. 1927
66-9-2	Amended	V. 12, p. 1927
66-9-4	Amended	V. 12, p. 1927
66-9-5	Amended	V. 12, p. 1928
66-10-1	Amended	V. 12, p. 1928
66-10-3	Amended	V. 12, p. 1928
66-10-4	Amended	V. 12, p. 1928
66-10-9	Amended	V. 12, p. 1928
66-11-1	Amended	V. 12, p. 1929
66-11-2	Amended	V. 12, p. 1929
66-12-1	Amended	V. 12, p. 1929

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1a	Amended	V. 13, p. 533
68-1-1f	Amended	V. 13, p. 534
68-7-12a	New	V. 12, p. 186
68-7-14	Amended	V. 13, p. 534
68-7-19	New	V. 12, p. 187
68-11-1	Amended	V. 13, p. 534
68-11-2	Amended	V. 13, p. 535
68-12-2	Amended	V. 12, p. 187
68-20-9	Amended	V. 13, p. 535
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
69-1-4	Amended	V. 13, p. 4
69-11-1	Amended	V. 12, p. 1633
69-12-1		
through		
69-12-17	New	V. 12, p. 1633-1635

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 13, p. 445

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-16	New	V. 12, p. 439
71-1-17	New	V. 12, p. 439
71-1-18	New	V. 12, p. 1700
71-3-3	Amended	V. 12, p. 532

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-8	Amended	V. 12, p. 1922
74-5-2	Amended	V. 12, p. 1039
74-5-202	Amended	V. 12, p. 1039
74-5-203	Amended	V. 12, p. 1040
74-5-405	Amended	V. 12, p. 1040
74-5-406	Amended	V. 12, p. 1040
74-6-1	Amended	V. 12, p. 1040
74-6-2	Amended	V. 12, p. 1041
74-8-2	Amended	V. 12, p. 1041
74-8-5	Amended	V. 12, p. 1041
74-11-1		
through		
74-11-5	Revoked	V. 12, p. 1922
74-11-6		
through		
74-11-14	New	V. 12, p. 1922-1926
74-14-1	New	V. 12, p. 1041
74-14-2	New	V. 12, p. 1041

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-6	Amended	V. 13, p. 276

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-8-1 through 80-8-7	New	V. 12, p. 980, 981

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-3-1	Amended	V. 12, p. 788
81-3-3	Amended	V. 12, p. 790
81-3-4	New	V. 12, p. 790
81-5-3	Amended	V. 12, p. 790
81-5-8	Amended	V. 12, p. 791
81-5-9	Amended	V. 12, p. 791
81-5-10	New	V. 12, p. 791
81-5-11	New	V. 12, p. 1873
81-7-1	Amended	V. 12, p. 791
81-7-2	New	V. 12, p. 794
81-11-11	Amended	V. 12, p. 794

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-228	Amended	V. 12, p. 147
82-1-232	Amended	V. 12, p. 148
82-3-107	Amended	V. 13, p. 531
82-3-138	Amended	V. 13, p. 532
82-3-200	Amended	V. 13, p. 532
82-3-203	Amended	V. 13, p. 532
82-3-206	Amended	V. 12, p. 1592
82-3-307	Amended	V. 12, p. 1592
82-3-401	Amended	V. 12, p. 376
82-3-401a	New	V. 12, p. 377
82-3-604	Amended	V. 13, p. 532
82-3-605	Amended	V. 13, p. 533
82-4-1	Amended	V. 12, p. 439
82-4-3	Amended	V. 12, p. 440
82-4-6d	Amended	V. 12, p. 441
82-4-8a	Amended	V. 12, p. 441
82-4-20	Amended	V. 12, p. 442
82-4-27a	Amended	V. 12, p. 442
82-4-29	Amended	V. 12, p. 443
82-4-34	Revoked	V. 12, p. 443
82-4-35a	Amended	V. 12, p. 443
82-4-37	Amended	V. 12, p. 443
82-4-38	Revoked	V. 12, p. 443
82-4-39	Amended	V. 12, p. 443

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-5	Amended	V. 12, p. 1662
86-1-11	Amended	V. 12, p. 1662
86-3-7	Amended	V. 12, p. 1663
86-3-22	Amended	V. 12, p. 1663
86-3-24	Revoked	V. 12, p. 980

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-10-4	Amended	V. 12, p. 631
88-11-5	Amended	V. 12, p. 631
88-22-1 through 88-22-10	New	V. 12, p. 93, 94

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-30	Amended	V. 12, p. 579
91-1-56	Amended	V. 13, p. 308
91-1-80	Amended	V. 12, p. 580
91-1-102	Revoked	V. 13, p. 367
91-1-102a	Amended	V. 13, p. 308
91-1-104	Revoked	V. 13, p. 367
91-1-104a	Revoked	V. 13, p. 367
91-1-104b	Amended	V. 13, p. 309
91-1-104c	Amended	V. 13, p. 309
91-1-110a	Amended	V. 12, p. 582
91-1-110b	Revoked	V. 13, p. 367
91-1-110c	Amended	V. 13, p. 310
91-1-112a	Revoked	V. 13, p. 367
91-1-112b	Revoked	V. 13, p. 367
91-1-112c	Amended	V. 13, p. 310
91-1-112d	Amended	V. 13, p. 311
91-1-113a	Revoked	V. 13, p. 367
91-1-113b	Amended	V. 13, p. 311
91-12-22	Amended	V. 12, p. 1929
91-12-23	Amended	V. 12, p. 1933
91-12-24a	Amended	V. 12, p. 590
91-12-27	Amended	V. 12, p. 590

91-12-28	Amended	V. 12, p. 590
91-12-30	Amended	V. 12, p. 591
91-12-33	Amended	V. 12, p. 591
91-12-37	Amended	V. 12, p. 591
91-12-40	Amended	V. 12, p. 592
91-12-41	Amended	V. 12, p. 593
91-12-44	Amended	V. 12, p. 594
91-12-45	Amended	V. 12, p. 1934
91-12-46	Amended	V. 12, p. 1935
91-12-47	Amended	V. 12, p. 595
91-12-51	Amended	V. 12, p. 596
91-12-53	Amended	V. 12, p. 596
91-12-54	Amended	V. 12, p. 597
91-12-55	Amended	V. 12, p. 598
91-12-59	Amended	V. 12, p. 598
91-12-61	Amended	V. 12, p. 598
91-12-64	Amended	V. 12, p. 599
91-12-65	Amended	V. 12, p. 600
91-12-71	Amended	V. 12, p. 1935

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
100-10a-1	Amended	V. 13, p. 637
100-11-1	Amended	V. 12, p. 1704
100-24-1	Amended	V. 13, p. 638
100-26-1	New	V. 13, p. 638
100-35-7	Amended	V. 13, p. 638
100-38-1	Amended	V. 12, p. 1704
100-46-3	Amended	V. 13, p. 638
100-46-5	Amended	V. 13, p. 638
100-46-6	New	V. 12, p. 679
100-47-1	Amended	V. 12, p. 679
100-49-4	Amended	V. 12, p. 1704
100-54-6	Amended	V. 12, p. 1704
100-55-6	Amended	V. 12, p. 1704
100-60-13	Amended	V. 13, p. 638

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 12, p. 1038
102-5-1 through 102-5-12	New	V. 12, p. 189-194
102-5-2	Amended	V. 12, p. 1038

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Reg. No.	Action	Register
105-2-1	Amended	V. 13, p. 183
105-3-2	Amended	V. 12, p. 976, 1013
105-3-11	New	V. 13, p. 184
105-5-2	Amended	V. 13, p. 184
105-5-6	Amended	V. 12, p. 977, 1013
105-5-7	Amended	V. 12, p. 977, 1014
105-5-8	Amended	V. 12, p. 977, 1014
105-5-9	New	V. 12, p. 1014
105-9-5	New	V. 12, p. 1014
105-10-1	Revoked	V. 13, p. 184
105-10-1a	New	V. 13, p. 184
105-10-3	New	V. 13, p. 184
105-10-4	New	V. 13, p. 185
105-10-5	New	V. 13, p. 185

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-1-1	Amended	V. 12, p. 1873
109-2-5	Amended	V. 12, p. 1015
109-2-8	Amended	V. 12, p. 1016
109-5-1	Amended	V. 12, p. 1018
109-9-4	Amended	V. 12, p. 1874
109-9-5	Amended	V. 12, p. 1875
109-10-2	New	V. 12, p. 1091
109-10-3	New	V. 12, p. 1875
109-10-4	New	V. 12, p. 1876
109-11-1	Amended	V. 12, p. 1876
109-11-4	Amended	V. 12, p. 1019
109-11-8	Amended	V. 12, p. 1876
109-13-1	New	V. 12, p. 1877
109-13-3	New	V. 12, p. 1877

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-6-1 through 110-6-6	New	V. 12, p. 1294, 1295-1489, 1490
110-6-7	New	V. 12, p. 1490

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. 12, p. 1261
111-2-2a	Revoked	V. 9, p. 1675
111-2-6	Revoked	V. 13, p. 149
111-2-7	Revoked	V. 10, p. 1210
111-2-13	Revoked	V. 10, p. 881
111-2-14	New	V. 9, p. 30
111-2-15	Revoked	V. 10, p. 881
111-2-16	Revoked	V. 10, p. 1210
111-2-17	Revoked	V. 10, p. 1210
111-2-18	Revoked	V. 11, p. 413
111-2-19	Revoked	V. 11, p. 413
111-2-20	New	V. 11, p. 199
111-2-21	New	V. 11, p. 1471
111-2-22	New	V. 11, p. 1972
111-2-23	New	V. 12, p. 113
111-2-24	Amended	V. 12, p. 912
111-2-25	New	V. 12, p. 677
111-2-26	New	V. 12, p. 1113
111-2-27	New	V. 12, p. 1370
111-2-28	New	V. 12, p. 1844
111-2-29	New	V. 12, p. 1844
111-3-1	Amended	V. 13, p. 34
111-3-6	Amended	V. 12, p. 677
111-3-9	Revoked	V. 11, p. 1793
111-3-10 through 111-3-31	New	V. 7, p. 201-206
111-3-11	Amended	V. 13, p. 35
111-3-12	Amended	V. 10, p. 12
111-3-13	Amended	V. 11, p. 1148
111-3-14	Amended	V. 10, p. 12
111-3-16	Amended	V. 9, p. 1566
111-3-19 through 111-3-22	Amended	V. 9, p. 30
111-3-20	Amended	V. 11, p. 1148
111-3-21	Amended	V. 11, p. 1148
111-3-22	Amended	V. 11, p. 1148
111-3-23	Revoked	V. 10, p. 883
111-3-25	Amended	V. 11, p. 1149
111-3-26	Amended	V. 11, p. 1149
111-3-27	Amended	V. 11, p. 1149
111-3-29	Revoked	V. 11, p. 1149
111-3-31	Amended	V. 8, p. 209
111-3-32	Amended	V. 10, p. 883
111-3-33	New	V. 7, p. 1434
111-3-34	New	V. 13, p. 149
111-3-35	New	V. 13, p. 337
111-4-1 through 111-4-5	Revoked	V. 12, p. 113
111-4-5a	Revoked	V. 12, p. 113
111-4-6 through 111-4-15	Revoked	V. 12, p. 113
111-4-16 through 111-4-77	New	V. 7, p. 207-209
111-4-96 through 111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 12, p. 1113
111-4-101	Amended	V. 12, p. 1113
111-4-102	Amended	V. 12, p. 1114
111-4-103	Amended	V. 10, p. 1211
111-4-104	Amended	V. 12, p. 1114
111-4-105	Amended	V. 12, p. 1114
111-4-106	Amended	V. 11, p. 1472
111-4-106a	Amended	V. 11, p. 1149
111-4-107	Amended	V. 11, p. 978
111-4-108	Amended	V. 12, p. 1114
111-4-110	Amended	V. 11, p. 978
111-4-111	Amended	V. 9, p. 1366
111-4-112	Amended	V. 12, p. 1114
111-4-113	Amended	V. 9, p. 1366
111-4-114	Amended	V. 9, p. 1366

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111-4-153 through 111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-366 through 111-4-369	Revoked	V. 12, p. 1373	111-4-543 through 111-4-546	New	V. 13, p. 150
111-4-177 through 111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-380 through 111-4-383	Revoked	V. 12, p. 1664	111-4-547 through 111-4-554	New	V. 13, p. 337-339
111-4-213 through 111-4-220	Revoked	V. 10, p. 1213	111-4-384 through 111-4-387	Revoked	V. 12, p. 1373	111-4-555 through 111-4-563	New	V. 13, p. 396-398
111-4-217	Amended	V. 9, p. 986	111-4-388 through 111-4-400	New	V. 11, p. 478-481	111-4-564 through 111-4-571	New	V. 13, p. 635-637
111-4-221 through 111-4-224	Revoked	V. 10, p. 1585	111-4-388 through 111-4-391	Revoked	V. 12, p. 1373	111-5-1 through 111-5-23	New	V. 7, p. 209-213
111-4-225 through 111-4-228	Revoked	V. 10, p. 1585	111-4-392	Amended	V. 12, p. 520	111-5-9 through 111-5-15	Amended	V. 8, p. 210, 211
111-4-229 through 111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-394 through 111-4-400	Amended	V. 12, p. 521, 522	111-5-11	Amended	V. 9, p. 505
111-4-237 through 111-4-240	Revoked	V. 11, p. 413	111-4-401 through 111-4-404	Revoked	V. 12, p. 1373	111-5-12	Amended	V. 11, p. 415
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