

Kansas Register

Ron Thornburgh, Secretary of State

Vol. 17, No. 24 June 11, 1998 Pages 919-972

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State of Kansas

Juvenile Justice Authority

Notice of Kansas Advisory Group Meetings

The Kansas Advisory Group will meet at 12:30 p.m. Friday, June 12, in the Senate Room of the Jayhawk Tower, 700 S.W. Jackson, Topeka. Future meetings of the group have been scheduled for July 10, August 14 and September 11. For more information, contact the Juvenile Justice Authority at (785) 296-4213.

Albert R. Murray
Commissioner of Juvenile Justice

Doc. No. 022538

State of Kansas

Department of Administration

Public Notice

Under the requirements of K.S.A. 65-34,117(c), as amended, records of the Division of Accounts and Reports show the unobligated balances are \$1,534,495.55 in the underground petroleum storage tank release trust fund and \$1,064,749.75 in the aboveground petroleum storage tank release trust fund at May 31, 1998.

Daniel R. Stanley
Secretary of Administration

Doc. No. 022531

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of June 15 through June 28:

Date	Room	Time	Committee	Agenda
June 16		9:00 a.m.	Legislative Coordinating Council	Legislative matters.
June 16 June 17		10:00 a.m. 10:00 a.m.	Joint Committee on Special Claims	Visit El Dorado Correctional Facility. Visit Lansing Correctional Facility.
June 17	522-S	10:00 a.m.	Joint Committee on Information Technology	Implementation of SB 5; review of state IT projects.
June 25	531-N	8:00 a.m.	Joint Committee on Arts and Cultural Resources	Agenda not available.

Jeffrey M. Russell
Director of Legislative
Administrative Services

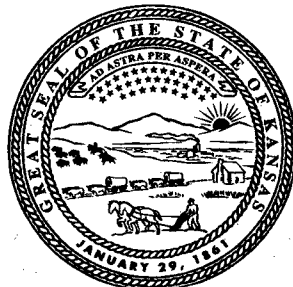
Doc. No. 022537

The Kansas Register (ISSN No. 0662-190) is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The Kansas Register is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$70 (Kansas residents must include \$4.31 state and local sales tax). Single copies may be purchased, if available, for \$2 each. Periodicals postage paid at Topeka, KS.

Postmaster: Send change of address form to Kansas Register, Secretary of State, State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594.

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PUBLISHED BY
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State of Kansas

Commission on Veterans' Affairs**Notice of Meeting**

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, June 19, in the State Banking Department's conference room, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The public is invited to attend.

Don A. Myer
Executive Director

Doc. No. 022535

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 design and construction administration services for the repair and renovation of Bourbon State Fishing Lake Dam located on Wolfpen Creek in Bourbon County. The dam is a 1,200-foot-long earthen structure, with a maximum height of 47 feet, and was built in 1957. The lake created by the dam has 103 surface acres with an average depth of 14.8 feet. The watershed is 10.9 square miles in size. An uncontrolled spillway 10 feet deep and 75 feet wide located on the right abutment in weathered limestone and shale controls the normal water level. The dam has an inadequate spillway, spillway erosion, blockage in the outlet channel, a steep downstream embankment slope, and settlement around the drawdown valve well. The objectives of the repair and renovation are to correct the structural problems, upgrade the dam to meet current Division of Water Resources criteria, install a fish barrier across the spillway, and repair other items as needed for the purpose of extending and enhancing the life of this public fishing resource. Original plans and plans for the fish barrier are on file.

For information regarding the scope of services, contact Russell LaForce, Project Engineer, Department of Wildlife and Parks, (785) 296-2281.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. June 26.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 022533

State of Kansas

Criminal Justice Coordinating Council**Notice of Meeting**

The Kansas Criminal Justice Coordinating Council will meet from 8 a.m. to noon Thursday, June 11, in the Fatzer Courtroom, second floor, Kansas Judicial Center, 301 S.W. 10th Ave., Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 022540

State of Kansas

State Conservation Commission**Notice to Contractors**

Sealed bids for the construction of a 23,000-cubic-yard detention dam, Site 1-5A in Marshall County, will be received by the Vermillion Creek Watershed District No. 70 at King Engineering, Inc., 307 Montana Ave., Holton, 66436-1127, until 5 p.m. June 29, or hand carried and submitted prior to bid opening at 9:30 a.m. June 30 at the Rural Water District office, 707 Main, Beattie (no telephone available). A copy of the invitation for bids and the plans and specifications can be reviewed and/or obtained from the King Engineering, Inc. office, (785) 364-4312. A \$25 deposit will be required for each set of plans.

Tracy D. Streeter
Executive Director

Doc. No. 022532

(Published in the Kansas Register June 11, 1998.)

Heartland Works, Inc.**Request for Proposals**

Proposals are being requested from technical/vocational schools, colleges, universities, proprietary institutions and similar training organizations to be placed on an approved vendors list for Heartland Works, Inc.

Heartland Works provides Job Training Partnership Act (JTPA) funds and Welfare-to-Work funds (when appropriate) through individual contracts for eligible youth and adults in Service Delivery Area II (17 counties of northeast Kansas) to receive occupational training needed to prepare them for entry, re-entry or advancement in the labor market.

Proposals are welcome from all interested parties and may be submitted at any time, but after September 30, 1998, Heartland Works will only do business with organizations on the approved vendors list.

To receive a copy of the "Request for Proposals," contact Phyllis McCune or David Brennan, Heartland Works, Inc., 117 S.W. 10th, Topeka, 66612-2215, (785) 234-0500.

Kris Kitchen
Executive Director

Doc. No. 022525

State of Kansas

Department of Human Resources

Notice of Maximum and Minimum Weekly
Unemployment Benefit Amounts

The maximum and minimum weekly unemployment benefit amounts payable with respect to new claims filed on or after July 1, 1998 and before July 1, 1999, are respectively \$292 and \$73. I hereby certify these maximum and minimum weekly benefit amounts have been computed in accordance with K.S.A. 44-704 of the Kansas Employment Security Law, pursuant to which this announcement is published.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 022543

State of Kansas

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

Notice is hereby given of the commencement of negotiations for "on-call" fire protection consulting services for small projects for the Division of Architectural Services. Consulting services shall include:

- Code plan review
- Design of services for fire alarm and detection systems, fire sprinkler systems and other building life safety systems
- Building evaluations for life safety and code compliance
- Consulting for individual life safety questions

The successful firm must have certified fire protection engineers and licensed professional engineers in the State of Kansas. The successful firm must demonstrate a minimum of five years' experience in fire protection engineering.

For information regarding the scope of services, contact Gary Grimes, Deputy Director of Planning and Project Management, Division of Architectural Services, 625 Polk, Topeka, 66603, (785) 233-9367, ext. 204.

If interested, an original and six copies (seven total) of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes before 5 p.m. June 26.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 022534

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board will meet by conference call at 8 a.m. Tuesday, June 16. For further information contact Deana Novak at (316) 669-3612.

Brad Rayl
President

Doc. No. 022546

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Armour Swift-Eckrich has applied for a Class II operating modification permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of sulfur oxides (SOx), nitrogen oxides (NOx), carbon monoxide (CO) and particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process. The purpose of a Class II permit is to limit the potential-to-emit for these pollutants to below major source thresholds.

Armour Swift-Eckrich, Downers Grove, Illinois, owns and operates a meat processing plant located at I-70 and US-77 Industrial Park, Junction City, Kansas.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE north central district office, 2501 Market Place, Salina. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Scott Murrison, (785) 827-9639, at the KDHE north central district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 13.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 13 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022543

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding issuance of authorizations to operate under the general Class I air quality operating permit for natural gas compressor stations. Authorizations to operate under the general Class I operating permit have been issued in accordance with the provisions of K.A.R. 28-19-400 *et seq.*

A copy of each permit application, authorization and all supporting nonconfidential documentation is available for public review during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka. Information also is available at the KDHE district office indicated for each facility. To obtain or review the permit, authorization and supporting documentation, contact Connie Carreno, (785) 296-6422, at the KDHE central office, or the indicated district representative. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding an authorization to Connie Carreno, Bureau of Air and Radiation, KDHE, Building 283, Forbes Field, Topeka, 66620.

A list of all major sources within the state authorized to operate under the terms of the general Class I operating permit will be maintained at the Topeka KDHE offices.

Authorizations issued during the week of
April 27, 1998:

Company: ANR Pipeline Company
Compressor Station: Buttermilk Compressor Station
Source ID No.: 0330001
Location: S04, T35S, R19W, Comanche County
KDHE District Rep.: Wayne Neese, (316) 225-0596
Rep. Location: Southwest District Office, Dodge City

Company: ANR Pipeline Company
Compressor Station: Meade Compressor Station
Source ID No.: 1190014
Location: S21, T34S, R29W, Meade County
KDHE District Rep.: Wayne Neese, (316) 225-0596
Rep. Location: Southwest District Office, Dodge City

Company: ANR Pipeline Company
Compressor Station: Greensburg Compressor Station
Source ID No.: 0970009
Location: S16, T28S, R19W, Kiowa County
KDHE District Rep.: Wayne Neese, (316) 225-0596
Rep. Location: Southwest District Office, Dodge City

Company: ANR Pipeline Company
Compressor Station: Alden Compressor Station
Source ID No.: 1590008
Location: S15, T21S, R09W, Rice County
KDHE District Rep.: Scott Murrison, (785) 827-9639
Rep. Location: North Central Office, Salina

Company: ANR Pipeline Company
Compressor Station: Enterprise Compressor Station
Source ID No.: 0410008
Location: S16, T14S, R03E, Dickinson County
KDHE District Rep.: Scott Murrison, (785) 827-9639
Rep. Location: North Central Office, Salina

Company: ANR Pipeline Company
Compressor Station: Havensville Compressor Station
Source ID No.: 1490016
Location: S35, T06S, R12E, Pottawatomie County
KDHE District Rep.: Pat Simpson, (785) 842-4600
Rep. Location: Northeast Office, Lawrence

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022542

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Clarkson Construction Company has applied for an air quality construction permit in accordance with the provisions of K.A.R. 28-19-300 to operate a portable concrete batch plant. Emissions of particulate matter (PM) and particulate matter less than 10 micrometers (PM-10) were evaluated during the permit review process.

Clarkson Construction Company, Kansas City, Missouri, owns and operates a portable concrete batch plant.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during review of the permit application is available for public inspection during normal business hours at the KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, and at the KDHE northeast district office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Cheryl Evans, (785) 296-6438, at the KDHE central office, or Pat Simpson, (785) 842-4600, at the KDHE northeast district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Cheryl Evans, KDHE, Bureau of Air and Radiation, Building 283, Forbes Field, Topeka, 66620. In order to be considered in formulating a final permit decision, written comments must be received by the close of business July 13.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business July 13 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022541

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on 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 subject to certain conditions.

Public Notice No. KS-AG-98-77/82

Name and Address of Applicant	Legal Location	Type of Discharge
Husky Hogs, LLC (Terry Nelson) P.O. Box 38 Long Island, KS 67647	S/2, NW-N/2, SW/4, Sec. 34 T1S, R20W, Phillips County	Prairie Dog Creek

Kansas Permit No. A-URPL-H007 Federal Permit No. KS-0094501
This is a new facility for 13,280 head (3,128 animal units) of swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: 1) All provisions of this permit shall comply with 1998 House Bill 2950 within 90 days of the issuance of this permit. 2) The livestock waste management plan developed by Reh and Associates and approved by this department shall be adhered to as a condition of this permit. The plan shall cover 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. 3) A groundwater monitoring system shall be installed within 30 days of the issuance of this permit as described in the groundwater monitoring plan approved by this department and shall be adhered to as a condition of this permit. Copies of the reports shall be submitted to the department within 30 days of sample collection. 4) An annual soil testing and effluent analysis report shall be developed identifying land areas receiving waste for department review and monitoring waste management practices. Copies of the report shall be submitted to the department within 30 days of sample collection.

Name and Address of Applicant	Legal Location	Type of Discharge
Nelson Farms, Inc. Terry Nelson P.O. Box 38 Long Island, KS 67647	NE/4 & SW/4 of Sec. 33, SW/4 of Sec. 34, T1S, R20W, Phillips County	Prairie Dog Creek

Kansas Permit No. A-URPL-C001 Federal Permit No. KS-0093211
This is an existing facility for 14,443 head (11,165 animal units) of cattle and swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: 1) A livestock waste management plan for all the permitted livestock facilities 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. 2) A groundwater monitoring system shall be installed within 30 days of the issuance of this permit as described in the groundwater monitoring plan approved by this department and shall be adhered to as a condition of this permit. Copies of the reports shall be submitted to the department within 30 days of sample collection. 3) An annual soil testing and effluent analysis report shall be developed identifying land areas receiving waste for department review and monitoring waste management practices. Copies of the report shall be submitted to the department within 30 days of sample collection.

Name and Address of Applicant	Legal Location	Type of Discharge
Old Santa Fe Feeders, Inc. HCR1, Box 14 Sublette, KS 67877	Sec. 26, T28S, R33W, Haskell County	Upper Cimarron River Basin

Kansas Permit No. A-CIHS-C004 Federal Permit No. KS-0115291
This is an expansion facility for 50,000 head (50,000 animal units) of beef cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Location	Type of Discharge
Roth Farms (Ron Roth) 1924 Valleyview Road Green, KS 67447	W/2 of Sec. 34, T7S, R4E, Clay County	Republican River

Kansas Permit No. A-LRCY-5031
This is an existing facility for 1,720 head (500 animal units) of swine and cattle.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE 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 Location	Type of Discharge
Lee Springer Elk City Facility Route 4, Box 262 Independence, KS 67301	SW/4 of Sec. 16, T32S, R13E, Montgomery County	Verdigris River

Kansas Permit No. A-VEMG-S037
This is an expansion of an existing facility. The facility was permitted for 400 head of swine (160 animal units) and is expanding to 2,148 head above 55 pounds and 750 head below 55 pounds for a total animal unit capacity of 934 swine.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Location	Type of Discharge
Lee Springer No. 2 SOW Farm Route 4, Box 262 Independence, KS 67301	SE/4 of Sec. 21, T31S, R15E, Montgomery County	Verdigris River

Kansas Permit No. A-VEMG-S040

This is an expansion of an existing facility from 300 animal units of swine to 1,250 head over 55 pounds and 1,320 head under 55 pounds to equal 632 animal units.

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: Existing controls meet KDHE requirements.

Public Notice No. KS-98-056/057

Name and Address of Applicant	Waterway	Type of Discharge
Nelson Quarries Neodesha Quarry P.O. Box 124 LaHarpe, KS 66751	Verdigris River via Fall River via unnamed tributary	Quarry dewatering and stormwater

Kansas Permit No. I-VE29-PO04 Federal Permit No. KS0094293

Legal: SW¼, S25 & SE¼, S26, T30S, R15E, Wilson County

Facility Description: The proposed action is to issue a new permit for control of wastewater during operation of a new quarry. This is a limestone quarrying and crushing operation with no washing. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28 (b-f), and federal surface water criteria.

Name and Address of Applicant	Waterway	Type of Discharge
Lybarger Oil Co. Country Corner Grdwtr. Remed. P.O. Box 99 Garnett, KS 66032	Rock Creek via unnamed tributary	Treated groundwater

Kansas Permit No. I-MC47-PO04 Federal Permit No. KS0089877

Legal: 1st and Pearson, Waverly, Kansas

Facility Description: The proposed action is to reissue an existing permit for operation of an existing groundwater remediation project. Hydrocarbon-contaminated groundwater is treated in an air stripper prior to discharge. Design flow is 43,200 gpd. The permit requirements 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-ND-98-018

Name and Address of Applicant	Legal Location	Type of Discharge
J. H. Shears' Sons, Inc. Newton Plant #912 1600 N. Lorraine Hutchinson, KS 67501-1605	NE¼, S30, T23S, R1E, Harvey County	Nonoverflowing

Kansas Permit No. I-LA13-NO08

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment/retention system.

This facility is an asphalt plant which utilizes two concrete-lined settling basins for collection of wet washer water from the air pollution control system. The wet washer water is recycled as makeup water for the wet washer or sprayed on roads for dust control. A truck wash also is utilized at the facility. Truck washwater is collected and treated in a recycle system. The washwater drains into a concrete mud trap and a three-compartment settling box. The washwater is then pumped into a WRS 32 water recycle unit where physical/chemical treatment is conducted and the water is stored for reuse as washwater. Prior to being pumped into the pressure washer, it is directed through a final polishing filter. Sludge/solids are collected in disposable fabric socks and the final cartridge filter. Chemicals are used for pH adjustment, coagulation and oxidation.

Public Notice No. KS-PT-98-007

Name and Address of Applicant	Receiving Facility	Type of Discharge
Liberty Inc. P.O. Box H 451 Highway 9 Waterville, KS 66589	Waterville WWTF	Process water

Kansas Permit No. P-BB22-0002

Facility Description: The proposed action is to issue a new pretreatment permit for the above named facility. This facility manufactures agricultural trailers. Steel parts are welded, phosphated and painted to produce the final product. The phosphating operation is a pressure spray gun system. The permit limits are pursuant to state and federal pretreatment requirements.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments post-marked or received on or before July 11 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-77/82, KS-98-056/057, KS-ND-98-018, KS-PT-98-007) 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 determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 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.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022544

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 6-8-98 through 6-14-98

Term	Rate
1-89 days	5.52%
3 months	5.31%
6 months	5.52%
9 months	5.50%
12 months	5.53%
18 months	5.62%
24 months	5.63%

Clyde Graeber
Acting Chairman

Doc. No. 022524

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 May 1998 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 & L Investments, Inc., Olathe, KS.
 Allen Construction, Inc., Lawrence, KS.
 Allen Pork Production, Inc., Haddam, KS.
 American Adjusting Company, Inc., Phoenix, AZ.
 Architecture and Interiors Plus, Inc., Topeka, KS.
 Berean Bible Broadcasting Association, Salina, KS.
 Billiard & Games Etc., Inc., Wichita, KS.
 Callaway, Douglass & Associates, Inc., Augusta, KS.
 Camelot Realty Co., Inc., Wichita, KS.
 Cazal Productions, Inc., Wichita, KS.
 Central Milling Co., Inc., Dodge City, KS.
 Century Enterprises of Kansas, Inc., Augusta, KS.
 Chance Management, Inc., Colby, KS.
 Communications Insurance Consultants, Inc.,
 Prairie Village, KS.
 Communications Today, L.L.C., Overland Park, KS.
 D & R Transportation, Inc., Fort Scott, KS.
 Deer Creek Realty, Inc., Overland Park, KS.
 Earnshaw Remodelers, Inc., Leawood, KS.
 Fresh Start Financial Management, L.L.C., Kansas City, MO.
 Frontline Ministries, Inc., Ottawa, KS.
 Groves Farm, Inc., Ensign, KS.
 Gutzman Haerni Broome, Inc., Overland Park, KS.
 Hardwood Floor Professionals, Inc., Shawnee, KS.
 Hollisfund III, L.P., Wichita, KS.
 Investments Limited, Inc., Shawnee, KS.
 J. and P. Asbury, Inc., Sterling, KS.
 Jay Shartran Company, Inc., Prairie Village, KS.

Kansas Advocacy Center, Inc., Topeka, KS.
 Kansas Export Beef, Inc., Junction City, KS.
 Ken E. Stowell, Jr., C.L.U., Ltd., Wichita, KS.
 Landmark Construction Corporation of Kansas, Wichita, KS.
 Look, Inc., Topeka, KS.
 Midland Development, Inc., Rogers, AR.
 New Star Roofing and Remodeling, Inc., Olathe, KS.
 Nostalgic Auto Works, Inc., Valley Center, KS.
 Old Town Marketing, Inc., Wichita, KS.
 Orth Rentals, Inc., Wichita, KS.
 Phi XI House Corporation of Delta Delta Delta, Wichita, KS.
 R C S, Inc., Lenexa, KS.
 R. C. Pork, Inc., Munden, KS.
 Resven, Inc., Waterloo, IA.
 Robert R. Robins Enterprises, Inc., Minneapolis, KS.
 RPM Enterprises, Inc., Kansas City, KS.
 St. John Business Association, Inc., St. John, KS.
 Stanton County Foods, Inc., Johnson, KS.
 Sunflower Philatelics, Inc., Olathe, KS.
 The Gaslight Square Association, Kansas City, KS.
 The Source Organization, Inc., McPherson, KS.
 Topeka Anesthesiologists, Inc., Topeka, KS.
 Topeka Collegiate School, Inc., Topeka, KS.
 University Child Development, Inc., Topeka, KS.
 Western Xpress, Inc., Cheney, KS.
 Windholz Heating and Air Conditioning, Inc., Ellis, KS.
 7 A Farms, Inc., Montezuma, KS.

Foreign Corporations

Acquion, Inc., Irvine, CA.
 Amer-I-Net Services, Corp., Farmingdale, NJ.
 American Mortgage & Financial Services, Inc., Atlanta, GA.
 American Security Council, Boston, VA.
 Atlas Lumber Corporation, Guymon, OK.
 C. E. Snodgrass Construction, Inc., Portland, OR.
 Ciena Corporation, Savage, MD.
 Container Packaging, Inc., K. C., Kansas City, KS.
 Dandy Lawn, Inc., Belton, MO.
 Drexel Noble Construction Co., Inc., Kansas City, MO.
 Education Unlimited, Inc., St. Louis, MO.
 Electronic Intel, Inc., Scottsdale, AZ.
 Eleven Western Builders, Inc., Vista, CA.
 Graber Ministries, Inc., Hutchinson, KS.
 Harley Equipment Corporation, Oklahoma City, OK.
 Heartland Chicken, Inc., Kansas City, MO.
 KTM Drilling, Inc., Guymon, OK.
 McCrary Industrial Sales, Inc., Stilwell, KS.
 Mike Kugler, Inc., Kansas City, KS.
 National Employers Safety Association, Oklahoma City, OK.
 National Plumbing Corp., The Woodlands, TX.
 Oppenheimer & Co., Inc., New York, NY.
 Quick Electric, Inc., Lee's Summit, MO.
 Rebar, Inc., A Missouri Corporation, St. Joseph, MO.
 Rod Kopsa, Inc., Paradise, CA.
 S-G Metals Industries, Inc., Kansas City, KS.
 Sheldon Good & Company, Chicago, IL.
 Steel Benders, Inc., Lenexa, KS.
 Stoger Construction Co., Inc., Peculiar, MO.
 The Sales Force Companies, Inc., Wood Dale, IL.
 The Toto Company, Bloomington, MN.
 Video Service of America, Inc., Lincoln, NE.
 Woodcraft Supply Corp., Parkersburg, WV.

Ron Thornburgh
Secretary of State

Doc. No. 022539

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, June 22, 1998
33108

Atchison Juvenile Correctional Facility—Natural gas services

7752

Emporia State University—Furnish all labor and materials for track resurfacing

Tuesday, June 23, 1998
7778

El Dorado Correctional Facility—Furnish and install carpet

Wednesday, June 24, 1998
33153

Department of Administration, Division of Facilities Management—Aircraft inspection

Thursday, June 25, 1998
A-8503

Kansas Bureau of Investigation—Reroof building, auditorium

Tuesday, June 30, 1998
A-6378(G)

Department of Wildlife and Parks—Renovation and enhancement, Phase II, Cheyenne Bottoms, Great Bend

A-8208

Wichita State University—Renovation, Corbin Education Center

A-8533

Wichita State University—Shower remodel, Heskett Center

Wednesday, July 1, 1998
A-8008

Wichita State University—McKnight Art Center

Thursday, July 2, 1998
A-8473

Kansas State Historical Society—Rehabilitation of Hollenberg Station, Hanover

A-8554

Kansas State University—Roof replacement, All Faiths Chapel

Monday, July 6, 1998
33146

Statewide—Syringes, needles and blood collection tubes (Class 11)

Tuesday, July 7, 1998
A-7627(A)

Wichita State University—Renovation, asbestos abatement and related demolition, Math/Physics Building, McKinley Hall

Monday, July 20, 1998

33151

Kansas Lottery—Single premium immediate annuity

Request for Proposals

Wednesday, July 1, 1998
33155-RFP

Provide financing for certain state facilities' conservation improvements in accordance with this request for proposals for the Department of Administration, Kansas Development Finance Authority

Monday, August 3, 1998
33150-RFP

Privately developed and operated correctional conservation camp (boot camp) facility for female offenders and 100-bed transitional work release facility for the Department of Corrections

John T. Houlihan
Director of Purchases

Doc. No. 022545

(Published in the Kansas Register June 11, 1998.)

Summary Notice of Bond Sale
City of Sterling

Rice County, Kansas
\$561,230

General Obligation Bonds
Series 1998

(General obligation bonds payable from unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the official notice of bond sale dated as of June 11, 1998, in connection with the bonds hereinafter described, sealed, written bids for the purchase of the General Obligation Bonds, Series 1998, of the city shall be received by the governing body of the City of Sterling, Rice County, Kansas, at the office of the city clerk at City Hall, 114 N. Broadway, Sterling, KS 67579, until 5 p.m. Monday, June 22, 1998, on which date and at which time all bids shall be presented to the governing body of the city at its regular meeting place at City Hall and all bids shall be publicly opened, read aloud, and considered on said date and at said time and shall be immediately thereafter acted upon by the governing body of the city.

The bonds to be sold are in the aggregate principal amount of \$561,230. No oral or auction bid for the bonds shall be considered, and no bid for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail or delivered in person and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank

(continued)

located within the United States, shall be made payable to the order of the city, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, except one bond in the denomination of \$6,230, not exceeding the principal amount of bonds maturing in any year. The bonds shall bear a dated date of July 1, 1998. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 1999, and the bonds shall mature serially on September 1 of each year, commencing March 1, 1999. The bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$46,230	09/01/1999
45,000	09/01/2000
50,000	09/01/2001
50,000	09/01/2002
55,000	09/01/2003
55,000	09/01/2004
60,000	09/01/2005
65,000	09/01/2006
65,000	09/01/2007
70,000	09/01/2008

Redemption of Bonds

Certain of the bonds are subject to redemption as set forth in the official notice of bond sale.

Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The city shall be obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Tuesday, July 7, 1998, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, or New York, New York, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Bonwell, Foster, Borniger & Ellis, Wichita, Kansas, bond

counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The equalized assessed valuation of the city for computation of bonded debt limitations for the year 1997 is \$4,395,108. The total general obligation indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$716,230.

Official Statement

The city has prepared a preliminary official statement relating to the bonds. The preliminary official statement is in a form "deemed final" by the city for the purpose of the Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. Upon the sale of the bonds, the city shall furnish the successful bidder with a reasonable number of copies of the final official statement, without additional cost, upon request. Copies of the final official statement in excess of a reasonable number may be ordered at the successful bidder's expense.

Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

Additional Information

For additional information regarding the city, the bonds and the sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk, 114 N. Broadway, Sterling, KS 67579, (316) 278-3423; or from the city's financial advisors, Stifel, Nicolaus & Company, Inc., 250 N. Water, Suite 100, Wichita, KS 67202, Attention: Steve Randle, (316) 337-8498.

City of Sterling
Rice County, Kansas

Doc. No. 022551

(Published in the Kansas Register June 11, 1998.)

**Summary Notice of Bond Sale
City of Troy
Doniphan County, Kansas
\$175,000
General Obligation Bonds, Series 1998
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sale Particulars

Subject to the terms and conditions of the complete official notice of bond sale dated June 11, 1998, of City of Troy, Kansas, in connection with the issuance of the city's General Obligation Bonds, Series 1998, sealed, written bids will be received at the office of the city clerk at City Hall, P.O. Box 506, Troy, KS, 66087 until 5:30 p.m. Tuesday, June 23, 1998, for the purchase of the bonds. All bids will be publicly opened, read aloud and tabulated on said date and at said time and will thereafter be immediately considered and acted upon by the governing body of the city.

No oral or auction bids for the bonds will be considered, and no bid for less than the entire principal amount of the bonds and accrued interest thereon to date of delivery will be considered.

Bids will be accepted only on the official bid forms that have been prepared for the public bidding on the bonds, all of which may be obtained from the city clerk. Each bid for the bonds must be accompanied by a good faith deposit in the form of a qualified financial surety bond or certified or cashier's check drawn on a bank located within the United States, each made payable to the order of the city in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds in the principal amount of \$175,000 are to be dated June 15, 1998, and will be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds.

Interest on the bonds will be payable semiannually on April 1 and October 1 in each year, commencing April 1, 1999.

The Series 1998 Bonds will mature serially on October 1 as follows:

Maturity	Amount
1999	\$20,000
2000	20,000
2001	20,000
2002	20,000
2003	20,000
2004	15,000
2005	15,000
2006	15,000
2007	15,000
2008	15,000

Certain of the bonds are subject to redemption prior to their maturities as provided in the complete official notice of bond sale.

Security for the Bonds

The bonds and the interest thereon will constitute general obligations of the city and the full faith, credit and resources of the city will be pledged to the payment thereof. The city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

Delivery of the Bonds

The bonds, duly printed, executed and registered, will be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or before July 14, 1998, at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Jonathan P. Small, Chartered, Topeka, Kansas, bond counsel, whose fees will be paid by the city. Bond counsel's approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

Financial Matters

The total equalized assessed valuation of the taxable tangible property within the city for computation of bonded debt limitations for the year 1998 is \$2,235,982.

The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds being sold, is \$425,000.

Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to contact the city clerk at the address and telephone number shown below, or bond counsel, Jonathan P. Small, 800 S.W. Jackson, Suite 808, Topeka, KS 66612, (785) 234-3686.

Dated June 11, 1998.

City of Troy, Kansas
Jane M. Boeh, City Clerk
City Hall
P.O. Box 506
Troy, KS 66087
(785) 985-2265
Fax (785) 985-3871

Doc. No. 022549

(Published in the Kansas Register June 11, 1998.)

Summary Notice of Bond Sale**\$13,855,000*****City of Topeka, Kansas****General Obligation Improvement and
Refunding Bonds****Series 1998-A****(General obligation bonds payable from
unlimited ad valorem taxes)****Sealed Bids**

Subject to the official notice of bond sale and preliminary official statement to be dated on or about June 11, 1998, sealed bids will be received by the city clerk of the City of Topeka, Kansas (the issuer), on behalf of the governing body of the city at City Hall, 215 E. 7th, Topeka, KS 66603, until 11 a.m. Tuesday, June 23, 1998, for the purchase of \$13,855,000* principal amount of General Obligation Improvement and Refunding Bonds, Series 1998-A. No bid of less than 98.50 percent of the aggregate principal amount of the bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated July 1, 1998, and will become due August 15 in the years as follows:

Year	Principal Amount*
2000	\$ 315,000
2001	330,000
2002	345,000
2003	355,000
2004	370,000
2005	915,000
2006	950,000
2007	1,005,000
2008	1,045,000
2009	1,105,000
2010	1,140,000
2011	1,205,000
2012	1,265,000
2013	515,000
2014	540,000
2015	570,000
2016	595,000
2017	630,000
2018	660,000

The bonds will be subject to optional redemption prior to maturity as provided in the official notice of bond sale and preliminary official statement.

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semian-

nually on February 15 and August 15 in each year, beginning February 15, 1999.

Paying Agent and Bond Registrar

The Kansas State Treasurer, Topeka, Kansas, is designated as the paying agent and bond registrar for 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 or a qualified financial surety bond in the amount of \$277,100 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered at such bank or trust company in the contiguous United States as may be specified by the successful bidder without cost to the successful bidder within 45 days after the date of sale.

Assessed Valuation and Indebtedness

The total assessed valuation of taxable tangible property in the city for the year 1997 is \$735,871,107 (exclusive of motor vehicle assessed valuation). The total general obligation indebtedness of the issuer, following the concurrent issuance of the bonds and the city's temporary notes, Series 1998-B in the aggregate principal amount of \$15,100,000 (less the Series 1997-A Notes in the principal amount of \$12,800,000, all of which mature on July 15, 1998, and less \$5,225,000 of the city's General Obligation Bonds, Series 1992-A to be refunded with a portion of the proceeds of the bonds), is \$136,580,000.

Approval of Bonds

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 issuer and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from Randall Bailes, city controller, (785) 368-3970, fax (785) 368-3975; or from the city's financial advisor, MG McMahon & Co., 4310 Madison Ave., Suite 200, Kansas City, MO 64111, (816) 531-1777, fax (816) 531-0503.

Dated June 4, 1998.

City of Topeka, Kansas
Iris E. Walker, City Clerk
City Hall
215 S.E. 7th
Topeka, KS 66603
(785) 368-3940

*Estimated; subject to change

Doc. No. 022547

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 1 p.m. Wednesday, August 19, at Staff Development, Rooms A and B, 300 S.W. Oakley, Topeka, to consider the adoption of amendments to existing rules and regulations on a permanent basis effective October 1, 1998. Telephone conference will not be available. This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views; however, it may be necessary to request each participant to limit any oral presentation to five minutes. The phrase "Federal Mandate" following an item indicates that the change is required by federal policy. Optional changes in regulations related to federal programs are subject to approval by the U.S. Department of Health and Human Services.

Copies of the regulations and the economic impact statements may be obtained by contacting Hope Burns, (785) 296-3969.

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. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns or by calling the Kansas Relay Center at (800) 766-3777.

The adoption of the regulations will take place at 9 a.m. August 24 in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

A summary of the proposed regulations and the economic impact follows.

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-55. Cooperation. This regulation is being amended by adding a requirement that TAF persons who are exempt from work program requirements because of illness or incapacity in accordance with K.A.R. 30-4-64(a)(1) must cooperate with vocational rehabilitation services or other activities as assigned.

Economic Impact: This change is not expected to have any discernible economic impact.

30-4-111. Applicable income. This regulation is being amended to clarify that expenses for child care or for the care of an incapacitated person necessary for employment are deductible in determining countable earnings only when the expenses for care are not otherwise reimbursed.

Economic Impact: This change is not expected to have any discernible economic impact.

This regulation also is being amended by eliminating income deductions when a person fails to timely report earnings and the failure results in an overpayment of assistance.

Economic Impact: This change is not expected to have any discernible economic impact.

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

30-5-78. Scope of and reimbursement for home- and community-based services (HCBS) for persons with head injury. This regulation is being amended to specify that a case manager rather than a licensed social worker or registered nurse shall write an HCBS care plan. Also, services definitions were revised to allow for more flexibility in providing needed services.

Economic Impact: This regulation change will have no fiscal impact.

Bearer of Cost: None.

Affected Parties: Persons with head injury trauma who are receiving HCBS.

Other Methods: No other method was appropriate for the desired outcome.

30-5-70. Payment of medical expenses. This regulation is being amended to clarify the language that disallows payment to providers who are not "lock-in" providers for recipients who are locked in to a designated provider.

Economic Impact: This regulation change will have no fiscal impact.

Bearer of Cost: None.

Affected Parties: Medicaid consumers and medical providers.

Other Methods: No other method was appropriate for the desired outcome.

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

30-6-88. Qualifying working disabled individuals; determined eligibles. This new regulation is being developed to implement a new coverage group consisting of disabled individuals who are working. Medical assistance shall be provided if the applicable income of the individual, and spouse if living together, does not exceed 250 percent of the federal poverty income guidelines and does not exceed the Supplemental Security Income (SSI) program income standard for an individual, excluding the earnings of the disabled individual.

Economic Impact: This change is expected to result in increased expenditures of \$259,380 (\$103,752 in state general funds) on an annual basis.

Bearer of Cost: The taxpayers of the State of Kansas will bear the additional costs of this change through appropriated state and federal funds.

Affected Parties:

1. This change will have minimal impact on SRS staff and will result in only a small increase in caseloads.

2. This change is expected to benefit approximately 50 disabled individuals annually by allowing access to medical assistance for those earning income above the substantial gainful activity limits of the Social Security program.

(continued)

Other Methods: Other methods for achieving the results of this change were reviewed, but this method was chosen as it is based on a federal Medicaid option and allows access to federal funding. Those disabled individuals who currently work do so at a reduced level to be able to retain Medicaid benefits if necessary. By providing this new coverage, an additional incentive is provided to increase employment and increase opportunities for greater self-sufficiency.

30-6-103. Determined eligibles; protected income levels. This regulation is being amended to add the 250 percent of poverty standard for the new qualifying working disabled individuals program as described in K.A.R. 30-6-88.

Economic Impact: See the economic impact statement for K.A.R. 30-6-88.

Article 63.—DEVELOPMENTAL DISABILITIES— LICENSING PROVIDERS OF COMMUNITY SERVICES

Below are proposed changes to portions of the regulations at Article 63 (Developmental Disabilities: Licensing of Providers of Community Services) and Article 64 (Developmental Disabilities: Community Developmental Disability Organizations [CDDOs]). These proposed changes are the result of the work and recommendations of statewide group of stakeholders, comprised of consumers, family members, advocates, providers, provider association staff and MH&DD commission staff.

The proposed regulation changes in this article relate to K.A.R. 30-63-1, 30-63-10, 30-63-13, 30-63-20, 30-63-21, 30-63-22, 30-63-23, 30-63-24, 30-63-25, 30-63-28 and 30-63-30. These regulations provide for the standards of care, health and safety requirements that community agencies providing services to adults with developmental disabilities must meet in order to be licensed. These proposed changes, coming after nearly two years of experience with and use of these regulations, are designed to update some of the requirements to eliminate unnecessary restrictions, clarify some expectations with regard to fulfilling minimum services requirements, increase educational opportunities for consumers and their families, and enhance the person-centered flexibility of some provisions.

Economic Impact: None.

Bearer of Cost: None.

Affected Parties: Adults with developmental disabilities who receive community-based services and their families or other supporters, and licensed community service providers.

Other Methods: These changes and the resulting methods to achieve desired outcomes were the result of the stakeholder work group consensus.

Article 64.—DEVELOPMENTAL DISABILITIES— COMMUNITY DEVELOPMENTAL DISABILITY ORGANIZATIONS (CDDO's)

The proposed regulation changes in this article relate to K.A.R. 30-64-12, 30-64-22, 30-64-23, 30-64-24, 30-64-25, 30-64-27, 30-64-28, 30-64-29, 30-64-31 and 30-64-32. These regulations outline the requirements of an organized network of community services statewide that must be met by local Community Developmental Disability Organi-

zations (CDDOs) pursuant to K.S.A. 39-1801 et seq. The proposed changes, coming after nearly two years of experience with and use of these regulations, are designed to update some of the outcomes expectations for CDDOs, including increased educational opportunities for consumers and their families, increased training of staff with regard to case management and referral duties, enhanced gatekeeping responsibilities for people living in intermediate care facilities for people with mental retardation (ICFs/MR) and state institutions, and clarify other expectations.

Economic Impact: The changes at 30-64-29 (gatekeeping) will increase the administrative costs of two CDDOs. However, it is anticipated that those costs can be addressed as part of service contracts with the CDDOs, and will be funded as a portion of current overall CDDO administrative funding.

Bearer of Cost: None.

Affected parties: Adults with developmental disabilities who receive community-based services and their families or other supporters, and Community Developmental Disabilities Organizations and the affiliated community service providers in their region.

Other Methods: Same as Article 63.

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 022526

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-39. Responsibilities of applicants and recipients. Each applicant or recipient shall meet these requirements: (a) Supply, insofar as the applicant or recipient is able, information essential to the establishment of eligibility;

(b) report changes of circumstances within 10 calendar days if not required to file a monthly status report in accordance with K.A.R. 30-4-55(b);

(c) give written permission for release of information regarding resources, when needed;

(d) cooperate with the agency in establishing the paternity of a child born out of wedlock for whom assistance is claimed, and in obtaining support payments for the applicant or recipient and for any child for whom assistance is claimed, or in obtaining any other payments or property due the applicant or recipient or any child for whom assistance is claimed; and

(e) meet each applicant's or recipient's own needs insofar as that individual is capable.

This regulation shall take effect on and after July 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c, K.S.A. 39-719b; effective May 1, 1981; amended May 1, 1982; amended May 1, 1984; amended May 1, 1986; amended Oct. 1, 1997; amended July 1, 1998.)

30-4-50. Assistance eligibility, general. (a) General requirements. The requirements set forth in K.A.R. 30-4-51 through 30-4-64, inclusive, shall apply to the TAF, foster care, and GA programs except as noted.

(b) Time-limited assistance. When an adult member of a family group has received TAF, including similar assistance received in any other state, for any 60 calendar months beginning on and after October 1, 1996, the family group shall not be provided with further assistance under TAF.

(c) Denial of assistance for fugitive felons and probation and parole violators. Assistance shall not be provided to a fugitive from justice by reason of a felony conviction or charge, or to a person who is violating a condition of probation or parole imposed under federal or state law.

(d) Denial of assistance for felony drug-related convictions. Assistance shall not be provided to a person convicted of a felony offense occurring after August 22, 1996 and involving the possession, use, or distribution of a controlled substance.

(e) Requirements for special projects. Certain eligibility requirements may be waived by the secretary, and additional eligibility requirements for all, or designated areas, of the state may be adopted by the secretary for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.

(f) This regulation shall take effect on and after July 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 39-719b, K.S.A. 1997 Supp. 39-708c, K.S.A. 1997 Supp. 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-10-1-96, Oct. 1, 1996; amended Jan. 17, 1997; amended March 1, 1997; amended July 1, 1998.)

30-4-52. Act in own behalf. (a) Emancipated minor. "Emancipated minor" means a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has acquired the rights of majority through court action.

(b) Ability to act on own behalf. Each applicant or recipient shall be legally capable of acting on that individual's own behalf. Incapacitated persons or minors shall not be eligible to receive assistance unless a caretaker applies for assistance on that person's behalf. Emancipated minors shall be eligible to receive assistance on their own behalf. Unemancipated minors shall not be deemed capable of acting on their own behalf and shall reside with a caretaker in order to be eligible for assistance, except when one of the following conditions exists.

(1) Either the parents of the minor are institutionalized or the minor has no parent who is living or whose whereabouts are known, and there is no other caretaker who is willing to assume parental control of the minor.

(2) The health and safety of the minor has or would be jeopardized by remaining in the household with the minor's parents or other caretakers.

(c) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and K.S.A. 1997 Supp. 39-709; effective

May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993; amended Oct. 1, 1993; amended March 1, 1997; amended Oct. 1, 1997; amended July 1, 1998.)

30-4-54. Citizenship, alienage, and residence. (a) Definition. "Resident" means any person who is living in the state voluntarily, with no intention of presently moving from the state, and who is not living in the state for a temporary purpose.

(1) Any child living in the state shall be considered a resident.

(2) For TAF, any person who has entered the state with a job commitment or who is seeking employment in the state shall be considered a resident.

(3) For GA, any individual who owns an automobile or other motor vehicle that is not registered in this state, but that is required by law to be registered in this state shall not be considered a resident.

(b) Citizenship and alienage. Each applicant or recipient shall be a citizen of the United States or shall be an alien who meets the conditions in either paragraph (1) or (2).

(1) The individual entered the United States before August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is a lawful permanent resident;

(E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(F) is paroled into the United States for at least one year; or

(G) is granted conditional entry.

(2) The individual entered the United States on or after August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(E) is a lawful permanent resident who has resided in the United States at least five years;

(F) is paroled into the United States for at least one year and has resided in the United States at least five years; or

(G) is granted conditional entry and has resided in the United States for at least five years.

(c) Residence. Each applicant or recipient shall be a resident of the state of Kansas. Temporary absence from the state, with subsequent returns to the state, or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be maintained until abandoned or established in another state. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c, K.S.A. 39-719b, and K.S.A. 1997 Supp. 39-709; effective May 1, 1981; amended,

(continued)

T-88-10, May 1, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997; amended June 26, 1998.)

30-4-55. Cooperation. (a) Establishment of eligibility. Each applicant, recipient, or ineligible caretaker shall cooperate with the agency in the establishment of eligibility as provided in K.A.R. 30-4-39. Failure to provide information necessary to determine eligibility shall render the family group ineligible for assistance.

(b) Monthly status report. Each TAF recipient shall file a monthly status report on or before the fifth day of each calendar month. An additional five calendar days shall be allowed as an administrative period, before the report is considered to be untimely, to allow for delays in mail service, weekends, and holidays. This requirement shall not be applicable to families in which all adults meet any of these criteria:

- (1) Are age 60 or older;
- (2) are disabled according to social security administration standards; or
- (3) are nonparental caretakers whose needs are excluded from the assistance plan.

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

(d) Paternity and support.

(1) The caretaker who is applying for or receiving assistance shall cooperate with the agency in establishing the paternity of any child born out of wedlock for whom assistance is claimed, and in obtaining support payments for the caretaker and for any child for whom assistance is claimed. Failure to cooperate in any assistance program administered by the secretary where paternity and support cooperation is required shall render the mandatory filing unit of which the child is a member ineligible for assistance unless the caretaker demonstrates good cause for refusing to cooperate. The period of ineligibility shall be as follows:

(A) For the first failure, until the caretaker cooperates; and

(B) for any subsequent failure, two months or until the person cooperates, whichever is longer.

(2) Cooperation shall include the following actions:

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

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

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

(D) establishing and maintaining an agreement to repay assigned support that was retained by the caretaker; and

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

(e) Potential resources. Each applicant or recipient shall cooperate with the agency in obtaining any resources due the applicant, recipient, or child for whom assistance is claimed and shall cooperate with the group health plan enrollment process in accordance with K.A.R. 30-6-55(f). Failure to cooperate without good cause shall render ineligible for assistance the mandatory filing unit of which the applicant, recipient, or child for whom assistance is claimed is a member.

(f) Third party resources. Each applicant or recipient shall cooperate with the agency in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program. Failure to cooperate without good cause shall render the applicant or recipient ineligible for assistance.

(g) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and K.S.A. 39-719b; effective May 1, 1981; amended May 1, 1982; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended Jan. 4, 1993; amended March 1, 1997; amended July 1, 1998.)

30-4-64. Work program requirements. Each applicant or recipient of TAF, unless exempted, shall be required to seek and retain employment and, if assigned, participate in one or more components of the work program. Any exempt applicant or recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which work program requirements are to be enforced shall be designated by the secretary. The administration of the work program shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the work requirements:

(1) Any person who is ill or incapacitated, when determined by a physician or psychiatrist that the condition prevents the individual from engaging in employment for at least 30 days;

(2) any person who is age 17 or younger or who is age 18 and working toward attainment of a high school diploma or its equivalent. This exemption shall not be claimed by a person who is pregnant or a parent of a child in the home and who has not yet attained a high school diploma or its equivalent;

(3) any person who is 60 years of age or older;

(4) any person who is needed in the household because another member of the household requires the person's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care;

(5) any parent or other caretaker who is personally providing care for a child under age one. Only one person in a case may be exempt on the basis of providing care for a child under age one. This exemption shall not be claimed under any of the following circumstances:

(A) When a custodial parent or pregnant woman under age 20 does not possess a high school diploma or its equivalent;

(B) when the other parent, stepparent, or caretaker in the home is exempt from the work program requirements for another reason and is available and capable of providing child care; or

(C) when both parents of the child are present, except as noted in paragraph (a)(5)(B) of this regulation.

(b) Participation requirements. Each applicant or recipient shall seek and retain employment and, if assigned, shall participate in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The work program may include the following components.

(1) Job search. Each assigned person shall participate in job search activities, which may include agency-approved job clubs and supervised and unsupervised job search activities.

(2) Work experience. Each assigned person shall participate in work experience activities, which may include the opportunity to regain work skills, learn new skills, test interests and skills on the job, gain a work history, and obtain a work reference.

(3) Education and training. Each assigned person shall participate in education and training activities that are aimed at facilitating a person's movement toward self-sufficiency and employment retention. Education and training activities may include vocational training, adult basic education, literacy training, general educational development, and postsecondary education and training.

(4) Work supplementation. Each assigned person shall participate in a work supplementation program in which an employer receives a wage subsidy from money diverted from public assistance grants for employing participants.

(5) Job readiness. Each assigned person shall participate in job readiness activities, which may include employment counseling and life skills.

(6) Community service. Each assigned person shall participate in community service activities.

(c) Support costs. Payment of support costs shall be provided to participants. Support costs may include the following:

(1) Transportation expenses for each person participating in a work program activity in accordance with an agency-approved plan;

(2) day care expenses, as necessary for the person to participate in a work program activity in accordance with an agency-approved plan; and

(3) education and training costs for each participant based on an agency-approved plan, which may include tuition, books, and fees.

(d) Transitional expenses. Payment for transitional expenses may be provided to each participant who loses eligibility for TAF due to the participant's employment. Transitional expenses may include the following:

(1) Transportation expenses necessary for the participant to continue employment in accordance with an agency-approved plan; and

(2) child care expenses necessary for the participant to continue employment in accordance with an agency-approved plan.

(e) Penalty.

(1) A person who is required to participate in the work program shall be ineligible for assistance if one of the following circumstances occurs in any assistance program administered by the secretary in which work program participation is required:

(A) If the person fails without good cause to participate in the program;

(B) if the person refuses without good cause a bona fide referral for or offer of employment;

(C) if the person terminates employment without good cause;

(D) if the person is terminated from employment by voluntarily making oneself unacceptable without good cause; or

(E) if the person reduces earnings without good cause.

(2) The period of ineligibility shall be as follows:

(A) For the first instance, until the person cooperates; and

(B) for any subsequent instance, two months or until the person cooperates, whichever is longer.

If the person is an adult, the mandatory filing unit of which the person is a member shall also be ineligible.

(f) Good cause. Each individual who presents verification that the individual meets one or more of the following criteria shall be determined to have good cause for failing to participate in the work program.

(1) The individual is exempt from participation in the program.

(2) The individual was incapable of performing the activity.

(3) Performance of the activity was so dangerous or hazardous according to occupational safety and health administration (OSHA) standards as to make a refusal to perform the activity or termination of the activity a reasonable one.

(4) Child care or day care for an incapacitated individual living in the same home is necessary for an individual to participate or continue to participate in the program, and the care is not available.

(5) The total daily commuting time to and from home to the activity to which the individual is assigned exceeds two hours, not including the transporting of a child to and from a child care facility. If a longer commuting distance is generally accepted in the community, the round trip commuting time shall not exceed the generally accepted community standards.

(6) The failure occurred in the month the individual's pregnancy was terminated or the two following months.

(g) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c, K.S.A. 39-7,103; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996; amended March 1, 1997; amended July 1, 1998.)

30-4-70. Eligibility factors specific to the TAF program. To be eligible for TAF, 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.

(a)(1) Child in family. To be eligible for TAF, the applicant's or recipient's family group shall include at least

(continued)

one eligible child. If the only child in the family group is an SSI recipient, the family group may qualify for assistance.

(2) For purposes of this regulation, "child" means a child who meets either of these requirements:

(A) is under the age of 18, including an unborn child; or

(B) is age 18 and in secondary school or working towards the attainment of a GED.

(b) Living with a caretaker. For the family group to be eligible for TAF, the eligible child or children shall be residing with one or more of these individuals:

(1) Any blood relative who is within the fifth degree of kinship to the child, including any of the following relatives:

(A) Parents;

(B) siblings;

(C) nephews;

(D) nieces;

(E) aunts;

(F) uncles; and

(G) persons of preceding generations who may be denoted by prefixes of grand, great, great-great, or great-great-great;

(2) a stepfather, stepmother, stepbrother, or stepsister;

(3) a legally adoptive parent or parents or another relative or relatives of adoptive parents as noted in paragraphs (1) or (2) above;

(4) a guardian or conservator or a legal custodian when based on an approved social service plan; or

(5) a spouse of any of those persons named in the above groups or a former spouse of any of those persons if marriage is terminated by death or divorce.

(c) Temporary absence. Any person who is out of the home temporarily for a period of 90 days or less or for employment shall remain eligible.

(d) Assignments of support. Each caretaker who is applying for or receiving TAF on his or her own behalf or on behalf of any other family member shall assign to the secretary any accrued, present, or future rights to support from any other person that the caretaker may have on his or her own behalf, or on behalf of any other family member for whom the caretaker is applying for or receiving TAF.

(e) Persons in the family group whose needs shall be considered.

(1) The needs of each child who meets the criteria of subsection (a) of this regulation and the needs of the child's parent, stepparent, or both shall be included in the determination of assistance.

(2) The needs of an eligible child's caretaker, other than a parent or stepparent, shall be considered in the determination of assistance if requested. If the caretaker's needs are included, the caretaker's spouse and any children of the caretaker who meet the criteria of subsection (a) of this regulation shall also be considered.

(3) In determining eligibility, the needs of each of the following caretakers and children shall be excluded, while the resources of these caretakers and children shall be included, unless the resources are specifically exempt:

(A) Any SSI recipient;

(B) any person who is ineligible due to a sanction;

(C) any child whose needs are met through foster care payments;

(D) any alien who is ineligible because of the citizenship and alienage requirements or sponsorship provisions;

(E) unborn children;

(F) a teen parent, as defined in subsection (f) of this regulation; and

(G) any person denied assistance based on the provisions of K.A.R. 30-4-50(c) or (d).

(f) Teen parents under age 18. A parent under age 18 of a child at least 12 weeks of age shall not be eligible for assistance when both of these circumstances are met:

(1) The parent is unmarried.

(2) The parent has not obtained a high school diploma or its equivalent, or is not working toward attainment of a high school diploma or its equivalent.

(g) The effective date of this regulation shall be July 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c, K.S.A. 39-719b, K.S.A. 1997 Supp. 39-709; effective May 1, 1981; amended July 1, 1989; amended March 1, 1997; amended Oct. 1, 1997; amended July 1, 1998.)

30-4-110. Income. (a) Definitions.

(1) "Earned income" means income, in cash or in kind, that an applicant or recipient currently earns, through the receipt of wages, salary, or profit, from activities in which the individual engages as an employer or as an employee with responsibilities that necessitate continuing activity on the individual's part.

(2) "Unearned income" means all income not earned.

(3) "Lump sum" means a nonrecurring payment.

(b)(1) The following types of income shall be excluded from total income:

(A) Income-producing costs of the self-employed listed in K.A.R. 30-4-111(d);

(B) the income of a child received from a youth program funded by the job training partnership act of 1982, as specified in K.A.R. 30-4-113(i); and

(C) the earned income of a child as defined in K.A.R. 30-4-70(a)(2) who is a student in elementary or secondary school or who is working towards attainment of a G.E.D.

(2) For purposes of this regulation, total income shall be regarded as the sum of all earned income, or adjusted gross income of the self-employed, with no exemptions, all nonexempt, unearned income and nonexempt, current support payments received and reported by the child support enforcement office.

(c) Treatment of income.

(1) A prospective, retrospective, or income-average budgetary method shall be used to determine eligibility and the amount of the assistance payment for persons with income.

(2) Prospective budgeting shall be used to determine initial eligibility and the amount of the assistance payment for the first two consecutive months. The budget estimate shall reflect the income received and the income expected to be received. For persons required to file a monthly status report in accordance with K.A.R. 30-4-55(b), prospective budgeting shall also be used until the time retrospective or income-average budgeting is insti-

tuted. For persons not required to file a monthly status report in accordance with K.A.R. 30-4-55(b), prospective budgeting shall continue to be used to determine eligibility and the amount of the assistance payment in each calendar month.

(3) For persons who are required to file a monthly status report in accordance with K.A.R. 30-4-55(b), retrospective budgeting shall be used to determine the amount of the assistance payment and ongoing eligibility beginning with the third consecutive month. Retrospective budgeting utilizes actual income received in a second prior month, as reported in the first prior month, to determine eligibility and the amount of the assistance for the payment month. When income is received on a twice-a-month or monthly basis, the income shall be viewed as being received by the client on the day that the assistance payment is ordinarily scheduled. The following provisions shall also be applicable.

(A) When a recipient is ineligible on a retrospective basis, the assistance payment shall be suspended. If the recipient is eligible for the month following the month of suspension, retrospective budgeting shall be reinstated.

(B) When assistance is reinstated for the month following termination or suspension, retrospective budgeting shall be reinstated.

(4) Intermittent income or income from self-employment shall be considered and averaged. Intermittent income shall be divided by the proper number of months to establish the monthly amount. For self-employed persons with monthly income, the income average shall be based on the income earned during two or more representative months.

(d) This regulation shall take effect on and after July 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c and 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, 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 March 1, 1997; amended July 1, 1997; amended July 1, 1998.)

30-4-111. Applicable income. (a) "Applicable income" means the amount of earned and unearned income to be subtracted from the budgetary requirements in determining the budgetary deficit.

(b) Applicable earned income for persons included in the assistance plan shall equal gross earned income or the adjusted gross earned income from self-employment, less the following items:

- (1) Ninety dollars for each employed person;
- (2) the earned income disregard of 40 percent of the remaining income, for the following persons in a TAF or foster care assistance plan:
 - (A) Each applicant who had received assistance in one of the four preceding months; and
 - (B) each recipient; and
 - (3) reasonable expenses for child care or expenses for the care of an incapacitated person. The amount of de-

ductible 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 family group before the deduction is allowed.

(c) For self-employed persons, adjusted gross earned income shall equal gross earned income less costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. The following guidelines shall be used by the agency in calculating the cost of the production of the income.

(1) The public assistance program shall not be used to pay debts, set up an individual in business, subsidize a nonprofit activity, or treat income on the basis of internal revenue service (IRS) policies.

(2) If losses are suffered from self-employment, the losses shall not be deducted from other income, nor may a net loss of a business be considered an income-producing cost.

(3) If a business is being conducted from a location other than the applicant's or recipient's home, the expenses for business space and utilities shall be considered income-producing costs.

(4) If a business is being conducted from a person's own home, shelter and utility costs shall not be considered income-producing costs unless they are clearly distinguishable from the operation of the home.

(5) If payments increase the equity in equipment, vehicles, or other property, the payments shall not be considered income-producing costs.

(6) If equipment, vehicles, or other property are being purchased on an installment plan, the actual interest paid may be considered an income-producing cost.

(7) Depreciation on equipment, vehicles, or other property shall not be considered an income-producing cost.

(8) Insurance payments on equipment, vehicles, or other property shall be allowed if the payments directly relate to the business.

(9) Expenses for inventories and supplies that are reasonable and required for the business shall be considered income-producing costs.

(10) Wages and other mandated costs related to wages paid by the applicant or recipient shall be considered income-producing costs.

(d) The applicable income for a person in the home whose income is required to be considered and who is not included in the assistance plan shall equal all nonexempt, unearned income and gross earnings, or adjusted gross earnings of the self-employed, without the application of any income disregards, unless otherwise prohibited by law.

(e) The income of an alien's sponsor and the sponsor's spouse shall be considered in determining eligibility and the amount of the assistance payment for the alien.

(f) All net unearned income of persons included in the assistance plan shall be applicable unless exempted. Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs shall include only those expenses directly

(continued)

related to the actual production of income. The principles set forth in subsection (c) of this regulation regarding the calculation of income-producing costs shall be applicable.

(g) This regulation shall take effect on and after July 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c and 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended May 1, 1991; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended March 1, 1997; amended July 1, 1997; amended July 1, 1998.)

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

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

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

(b) Underpayments. Underpayments shall be promptly corrected.

(c) Overpayments. Overpayments shall be promptly corrected. Recovery procedures shall not be initiated by the agency, pending the disposition of a welfare fraud referral. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. The assistance payment shall be reduced for recoupment as follows:

(1) For fraud claims, by the greater of 20% of the applicable need standard or \$10.00 per month; and

(2) for non-fraud claims, by the greater of 10% of the applicable need standard or \$10.00 per month.

(d) Disqualification penalties.

(1) Each individual who is found to have committed fraud, either through an administrative disqualification hearing or by a court of appropriate jurisdiction, or who has signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in any case referred for prosecution, shall be ineligible for assistance as set forth below.

(A) If the individual is found to have made a fraudulent statement or representative with respect to the identity or place of residence of the individual in order to receive multiple benefits simultaneously, the individual shall be ineligible for a period of 10 years.

(B) For all other fraudulent acts, the individual shall be ineligible for one of the following periods of time:

(i) 12 months for the first violation;

(ii) 24 months for the second violation; and

(iii) permanently for the third violation.

A court may impose an additional 18-month disqualification period for the first and second convictions on

criminal cases only. If a court fails to impose a disqualification period, the disqualification periods outlined above shall be imposed unless they are contrary to the court order.

(2) Upon determination of fraud, an applicant shall be denied assistance. A recipient shall be terminated from assistance no later than the first day of the second month following the month the notice of disqualification is sent.

(e) Discontinuance of assistance payments. Assistance payments shall be discontinued when the recipient no longer meets one or more of the appropriate eligibility factors.

(f) This regulation shall take effect on and after July 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 39-719b, K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended May 1, 1992; amended March 1, 1997; amended July 1, 1998.)

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

30-5-88. Scope of physician services. (a) Except as set forth in subsection (b), the program shall cover medically necessary services recognized under Kansas law provided to program recipients by physicians who are licensed to practice medicine and surgery in the jurisdiction in which the service is provided.

(b) The following services shall be excluded from coverage under the program as follows:

(1) Visits. The following types of visits shall be excluded:

(A) Office visits when the only service provided is an injection or some other service for which a charge is not usually made;

(B) psychotherapy services when provided concurrently by the same provider with both targeted case management services and partial hospitalization services;

(C) psychotherapy services exceeding an average of 32 hours of individual therapy or 32 hours of group therapy or any combination of these per calendar year per recipient, unless the recipient is a Kan Be Healthy program participant and either of these conditions is met:

(i) Psychotherapy services do not exceed 40 hours per calendar year per Kan Be Healthy program participant.

(ii) Psychotherapy services are being rendered pursuant to a plan approved by the agency. The provider of psychotherapy services shall obtain prior authorization for the plan. The plan shall not exceed a two-year period and shall be subject to a reimbursement limit established by the secretary. Quarterly progress reports shall be submitted to the division of medical programs;

(D) inpatient hospital visits in excess of those allowable days for which the hospital is paid or would be paid if there were no spenddown requirements; and

(E) nursing home visits in excess of one per month, unless the service provider documents medical necessity.

(2) Consultations. The following types of consultations shall be excluded:

- (A) Consultations for which there is no written report;
- (B) inpatient hospital consultations in excess of one per condition per 10-day period, unless written documentation confirming medical necessity is attached to the claim; and

(C) other consultations in excess of one per condition per 60-day period, unless written documentation confirming medical necessity is attached to the claim.

(3) Surgical procedures. The following surgical procedures shall be excluded:

(A) Procedures that are experimental, pioneering, cosmetic, or designated as non-covered;

(B) all transplant surgery except for the following:

(i) Liver transplants, which shall be performed only at a hospital designated by the secretary, unless the medical staff of that hospital recommends another location; and

(ii) corneal, heart, kidney, and bone marrow transplants and related services;

(C) services of a surgical assistant when the surgeon determines that an assistant is not required for a particular surgery; and

(D) elective surgery, except for sterilization operations, or for Kan Be Healthy program participants.

(4) Miscellaneous procedures. The following types of miscellaneous procedures shall be excluded:

(A) Diagnostic radiological and laboratory services, unless the services are medically necessary to diagnose or treat injury, illness, or disease;

(B) physical therapy, unless these conditions are met:

(i) The therapy is performed by a physician or registered physical therapist under the direction of a physician; and

(ii) The therapy is prescribed by the attending physician;

(C) medical services of medical technicians, unless the technicians are under the direct supervision of a physician; and

(D) inpatient services that were provided on days of a hospital stay and that are determined to not be medically necessary.

(5) Family planning services and materials.

(A) Family planning services and materials shall be excluded, unless these conditions are met:

(i) The services are provided by a physician, family planning clinic, or county health department.

(ii) Written informed consent from the consumer is obtained as required by federal law and regulation.

(iii) The scope of services provided is in compliance with applicable federal and state statutes and regulations.

(B) Reverse sterilizations shall be excluded.

(6) Concurrent care. Concurrent care shall be excluded, unless these conditions are met:

(A) The patient has two or more diagnoses involving two or more systems.

(B) the special skills of two or more physicians are essential in rendering quality medical care. The occasional participation of two or more physicians in the performance of one procedure shall be recognized. Each physician involved shall submit that physician's usual charge

for only that portion of the procedure for which the physician is actually responsible.

(7) Psychological services for an individual entitled to receive these services as a part of care or treatment from a facility already being reimbursed by the program or by a third party payor shall be excluded.

(c) Services provided by physician extenders shall be covered.

(d) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-9, April 11, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended, T-89-24, May 27, 1988; amended Sept. 26, 1988; amended, T-30-10-28-88, Oct. 28, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-7-29-89, July 29, 1989; amended Nov. 24, 1989; amended Aug. 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1991; amended July 1, 1996; amended July 1, 1998.)

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

30-6-52. Act on own behalf. (a) Emancipated minor. "Emancipated minor" means a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has been given or acquired the rights of majority through court action.

(b) Ability to act on own behalf. Each applicant or recipient shall be legally capable of acting on his or her own behalf.

(1) Incapacitated persons shall not be eligible for medical assistance unless a caretaker, medical representative, representative payee for social security benefits, or a responsible adult with whom a child resides as a result of an approved social service plan applies for assistance on the person's behalf.

(2) Emancipated minors shall be eligible to receive medical assistance on their own behalf.

(3) Unemancipated minors shall not be deemed capable of acting on their own behalf and must reside with a caretaker, representative payee for social security benefits, or a responsible adult with whom the child resides as a result of an approved social service plan in order to be eligible for assistance, except when one of the following conditions exists.

(A) Either the parents of the minor are institutionalized or the minor has no parent who is living or whose whereabouts are known, and there is no other caretaker who is willing to assume parental control of the minor.

(B) The health and safety of the minor has or would be jeopardized by remaining in the household with the minor's parents or other caretakers.

(c) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and 39-709; effective May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993; amended Sept. 30, 1994; amended March 1, 1997; amended October 1, 1997; amended July 1, 1998.)

(continued)

30-6-54. Citizenship, alienage, and residence. (a) Definition. "Resident" means any person who is living in the state voluntarily, with no intention of presently moving from the state, and who is not living in the state for a temporary purpose.

(1) Any child who is living in the state shall be considered a resident.

(2) Any person who is otherwise eligible for medicaid and who has entered the state with a job commitment or who is seeking employment shall be considered a resident.

(3) For institutionalized individuals, the following criteria shall be used to determine residency.

(A) Any person placed by a state agency in an out-of-state institution shall be considered to retain residence in the state making the placement.

(B) Any person who is under age 21 or who became incapable of intent before age 21 shall be considered to have the same residence as the parent or legal guardian.

(C) Any person who became incapable of intent on or after age 21 shall remain a resident of the state in which the person is physically residing.

(D) Any other person shall be regarded as a resident of the state in which the person is living with the intention to remain there permanently or for an indefinite period.

(b) Citizenship and alienage. Each applicant or recipient shall be a citizen of the United States or shall be an alien who meets the conditions in either paragraph (1) or (2):

(1) The individual entered the United States before August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is a lawful permanent resident;

(E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(F) is paroled into the United States for at least one year; or

(G) is granted conditional entry.

(2) The individual entered the United States on or after August 22, 1996 and meets one of these conditions:

(A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;

(B) is granted asylum;

(C) has deportation withheld;

(D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;

(E) is a lawful permanent resident who has resided in the United States for at least five years;

(F) is paroled into the United States for at least one year and has resided in the United States for at least five years; or

(G) is granted conditional entry and has resided in the United States for at least five years.

An otherwise eligible alien who does not qualify under the above provisions shall be eligible for emergency medical care.

(c) Residence. Each applicant or recipient shall be a resident of Kansas. The individual shall be living in the state and shall not be receiving assistance from another state. Temporary absence from the state with subsequent returns to the state, or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be retained until abandoned or established in another state. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and 39-709; effective May 1, 1981; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997; amended June 26, 1998.)

30-6-65. Automatic eligibles. (a) To be automatically eligible for medical assistance, a person shall meet the general eligibility requirements of K.A.R. 30-6-50 and K.A.R. 30-6-106(c)(2) and shall be within one of the following categories:

(1) A person who is legally entitled to and receiving SSI benefits and who is in compliance with the general eligibility requirements regarding residence;

(2) a person who is legally entitled to and receiving state supplemental payments from Kansas related to SSI;

(3) a person who is determined by the SSA to retain recipient status, although not currently receiving an SSI benefit;

(4) a person who is receiving public assistance, pursuant to article 4 of this chapter;

(5) a person who is not receiving public assistance for one of the following reasons:

(A) The person is eligible for less than \$10.00 of public assistance;

(B) the amount of recovery of an overpayment is greater than the budget deficit;

(C) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income; or

(D) the person is eligible for TAF but does not wish to receive cash assistance;

(6) a person who is included in the assistance plan of a family that was receiving TAF, foster care assistance, or medical assistance based on the criteria of subsection (a)(5)(D) in at least three of the six months immediately before the month in which the family became ineligible for TAF, foster care, or medical assistance based on the criteria of subsection (a)(5)(D) as a result, in whole or in part, of collection or increased collection of support. Automatic eligibility for the medical assistance program shall continue for the four months immediately after the last month in which the family was eligible and legally entitled to receive TAF, foster care assistance, or medical assistance based on the criteria of subsection (a)(5)(D) as long as the family remains ineligible for TAF, foster care, or medical assistance based on the criteria of subsection (a)(5)(D) due to collection or increased collection of support;

(7) a person who is mandated to receive inpatient treatment for tuberculosis;

(8) a person who is not a public assistance recipient but is receiving maintenance payments from youth services;

(9) a child who is under 18 years of age and who meets the TAF income and resource requirements pursuant to article 4 of this chapter;

(10) a child born to a mother who is eligible for and receiving medicaid at the time of birth, for a period of up to one year, if both of the following requirements are met:

(A) The child shall remain eligible as long as the mother remains eligible for medicaid or would be eligible for medicaid if still pregnant; and

(B) the child shall remain in the same household with the mother;

(11) a child receiving foster care payments under title IV-E, regardless of the state making payment;

(12) a child for whom an adoption assistance agreement under title IV-E is in effect, even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility shall begin when the child is placed for adoption, even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued;

(13) a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care; or

(14) a person who is included in the assistance plan of a family that meets the following conditions for transitional medical services:

(A) The family has received TAF or medical assistance based on the criteria of subsection (a)(5)(D) in three of the six months immediately before the first month of transitional medical services; and

(B) the family has lost eligibility for TAF or medical assistance based on the criteria of subsection (a)(5)(D) due solely to one of the following factors:

(i) Increased earned income or hours of employment of the caretaker; or

(ii) termination of the earned income disregards as provided in K.A.R. 30-4-111(b)(1)(B)(ii). Assistance under this provision shall be provided for a period not to exceed 12 months.

(b) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c, K.S.A. 1997 Supp. 39-709, and K.S.A. 39-7,103; effective May 1, 1981; amended, E-82-19, Oct. 21, 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-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 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, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended

Jan. 2, 1992; amended July 1, 1996; amended March 1, 1997; amended July 1, 1998.)

30-6-70. Medicaid determined eligibles; eligibility factors specific to temporary assistance for families (TAF). (a) A child shall meet the applicable general eligibility requirements of K.A.R. 30-6-50 and shall be under 18 years of age or age 18 and in secondary school or working towards the attainment of a GED to be eligible for the medical assistance program related to TAF.

(b) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended March 1, 1997; amended July 1, 1998.)

30-6-103. Determined eligibles; protected income levels. (a) Independent living and home- and community-based services arrangements.

(1) The protected income level for any person in an independent living arrangement or in the home- and community-based services program shall be based on the total number of persons in the assistance plan and any other persons in the family group whose income is being considered.

(2) The protected income levels for independent living may also be used when an applicant or recipient meets either of these conditions:

(A) Enters a medicaid-approved facility, except that this provision shall not apply in situations in which only one spouse of a married couple enters an institutional living arrangement; or

(B) is absent from the home for medical care for a period not to exceed two months to allow for maintaining the applicant's or recipient's independent living arrangements.

(3) Except as provided in paragraphs (4), (5), (6), (7), and (8) below, the following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING
(Per Month)

1	2	3
\$475.00	\$475.00	\$480.00

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard.

(4) In determining eligibility for pregnant women and for infants under the provisions of K.A.R. 30-6-77(a) and (b), 150 percent of the official federal poverty income guidelines shall serve as the protected income level.

(5) In determining eligibility for other young children under the provisions of K.A.R. 30-6-77(c), 133 percent of the official federal poverty income guidelines shall serve as the protected income level.

(6) In determining eligibility for older children under the provisions of K.A.R. 30-6-77(d), 100 percent of the official federal poverty income guidelines shall serve as the protected income level.

(7) In determining eligibility for poverty-level medicare beneficiaries under the provisions of K.A.R. 30-6-86,

(continued)

100 percent of the official federal poverty income guidelines shall serve as the protected income level.

(8) In determining eligibility for working disabled individuals under the provisions of K.A.R. 30-6-87, 200 percent of the official federal poverty income guidelines shall serve as the protected income level.

(9) In determining eligibility for low income medicare beneficiaries under the provisions of K.A.R. 30-6-86, 120 percent of the official federal poverty income guidelines shall serve as the protected income level.

(10) In determining eligibility for low income medicare beneficiaries under the provisions of K.A.R. 30-6-86, 120 to 135 percent of the official federal poverty income guidelines shall serve as the protected income level subject to available federal funding.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$30.00, except as noted in paragraph (2) of subsection (a).

(c) Home- and community-based services arrangements. For persons in the home- and community-based services program, the protected income level shall be 100 percent of the official federal poverty income guidelines as of January 1 of each year.

(d) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; 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, T-84-11, July 1, 1983; amended, T-84-36, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; 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, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993; amended Jan. 3, 1994; amended Dec. 30, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; amended July 1, 1998.)

30-6-111. Applicable income. "Applicable income" means the amount of earned and unearned income that is compared with the appropriate protected income level to establish financial eligibility. (a) Non-SSI. All earned income shall be considered applicable income 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 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) \$90.00 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 family group before the deduction is allowed.

(2) 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. The self-employed person shall verify these costs. 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 treat income on the basis of internal revenue services (IRS) policies and shall not be used to either subsidize the payment of debts, or set up an individual in a business or a non-profit activity.

(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 location other than the applicant's or recipient's home, the expenses for business space and utilities shall 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 the person can verify that those costs are clearly distinguishable from operation of the home.

(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 shall 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.

(b) SSI. Applicable earned income shall be determined as follows:

(1) Wages. All earned income shall be considered applicable income except that the provisions of K.A.R. 30-6-112 and K.A.R. 30-6-113 shall apply to persons in an independent living arrangement or in the home- and community-based service program. The applicable

earned income shall be gross income less income disregards, if applicable.

(2) Self-employment. The applicable earned income for a self-employed person shall equal the adjusted gross earned income less income disregards, if applicable. The principles set forth in paragraph (a)(2) of this regulation regarding adjusted gross earned income shall apply to calculations made pursuant to this paragraph.

(c) SSI income disregards.

(1) For persons in an independent living arrangement or in the home- and community-based service program, the following disregards shall apply:

(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 ½ of the remainder of the monthly earned income.

(2) For persons in long-term care who are employed, an applicable earned income disregard shall be calculated as follows: gross earned income minus \$65 of monthly earned income plus ½ of the remainder of the monthly earned income.

(d) Applicable unearned income.

(1) All net unearned income shall be considered to be applicable income except that the provisions of K.A.R. 30-6-112 and K.A.R. 30-6-113 shall apply to persons in an independent living arrangement or in the home- and community-based service program.

(2) The provisions of K.A.R. 30-6-113 (a), (i), (j), (z), (cc), (ff), and (kk) shall apply to persons in long-term care.

(3) Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs shall 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 apply.

(e) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and 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; amended Dec. 30, 1994; amended Aug. 1, 1995; amended March 1, 1997; amended July 1, 1998.)

30-6-112. Income exempt from consideration as income and as a cash asset. Exempted income shall be the following: (a) Grants and scholarships provided for educational purposes;

(b) the value of benefits provided under the food stamp program;

(c) the value of the U.S. department of agriculture-donated foods;

(d) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for children under the national school lunch act, as amended;

(e) benefits received under title V, community services employment program, or title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(f) Indian funds distributed or held in trust, including interest and investment income accrued on these funds while held in trust and initial purchases made with these funds;

(g) distributions to natives under the Alaska native claims settlement act;

(h) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of the domestic service act of 1973;

(i) payments to individual volunteers under title I of public law, sec. 404(g) of public law 93-113 when the director of ACTION determines that the value of these payments, adjusted to reflect the number of hours these volunteers are serving, is less than the federal minimum wage;

(j) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(k) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefits are used toward the cost of burial;

(l) money held in trust by VA for a child that VA determines may not be used for subsistence needs;

(m) retroactive corrective assistance payments in the month received or in the following month;

(n) income directly provided by vocational rehabilitation;

(o) benefits from special government programs at the discretion of the secretary, including energy assistance programs;

(p) reimbursements for out-of-pocket expenses in the month received and the following month;

(q) proceeds from any bona fide loan requiring repayment;

(r) payments granted to certain U.S. citizens of Japanese ancestry and resident Japanese aliens under title I of public law 100-383;

(s) payments granted to certain eligible Aleuts under title II of public law 100-383;

(t) agent orange settlement payments;

(u) federal major disaster and emergency assistance and comparable disaster assistance provided by state or local government or by disaster assistance organizations in conjunction with a presidentially declared disaster;

(v) payments granted to the Aroostook Band of Micmac Indians under public law 102-171;

(w) payments from the radiation exposure compensation trust fund made by the department of justice;

(x) special federal allowances paid monthly to children of Vietnam veterans who are born with spina bifida;

(y) payments made from any fund established pursuant to a class settlement in the case of Susan Walker v.

(continued)

Bayer corporation, except for interest or other investment income earned on such payments;

(z) for non-SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs, or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(aa) for non-SSI, cash donations that are based on need, do not exceed \$300 in any calendar quarter, and are received from one or more private, nonprofit, charitable organizations;

(bb) for non-SSI, foster care and adoption support payments;

(cc) for non-SSI, the amount of any earned income tax credit received. This credit shall not be regarded as a cash asset in the month of receipt and in the following month;

(dd) for SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs, or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within nine months of its receipt. This time period may be extended for good cause;

(ee) for SSI, in-kind support, vouchers, or cash assistance for food, clothing, or shelter provided by public or private organizations or agencies, if the assistance is based on need;

(ff) for SSI, income necessary for fulfillment of an approved plan to achieve self-support established for a blind or disabled person;

(gg) for SSI, interest that is paid on excluded burial funds and left to accumulate;

(hh) for SSI, housing assistance from federal housing programs operated by state and local subdivisions;

(ii) for SSI, any portion of any financial assistance funded under title IV of the higher education act of 1965, as amended, or under bureau of Indian affairs student assistance programs that is made available for tuition, fees, books, supplies, transportation, and miscellaneous personal supplies;

(jj) for SSI, payments occasioned by the death of another person to the extent that the payments have been expended or committed to be expended for purposes of the deceased person's last illness and burial;

(kk) for SSI, payments received from a state-administered victims' compensation fund. These payments shall not be regarded as a cash asset for the nine months following the month of receipt; and

(ll) for SSI, relocation assistance provided by a state or local government that is comparable to assistance provided under title II of the uniform relocation assistance and real property acquisitions act of 1970. This assistance shall not be regarded as a cash asset for the nine months following the month of receipt.

This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and 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 May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended

May 1, 1988; amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended May 1, 1991; amended July 1, 1991; amended Jan. 2, 1992; amended Oct. 1, 1992; amended Oct. 1, 1993; amended Dec. 30, 1994; amended Oct. 1, 1997; amended July 1, 1998.)

Article 10.—ADULT CARE HOME PROGRAM

30-10-2. Standards for participation; nursing facilities and nursing facilities for mental health. (a) As a prerequisite for participation in the medicaid/medikan program as a provider of nursing facility services, each nursing facility shall perform the following:

(1) Provide nursing services;

(2) 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;

(3) 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;

(4) have been operating under a provider agreement with the agency on June 30, 1994 if the certification is for a nursing facility for mental health;

(5) submit an application for participation in the program on forms prescribed by the secretary;

(6) update provided information as required by the application forms;

(7) 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;

(8) 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;

(9) inform all new residents of the availability of a potential eligibility assessment under the federal spousal impoverishment law. This assessment shall be completed by the agency or a local agency office;

(10) ensure that before a non-emergency admission of each resident, state-mandated preadmission and referral services have been completed by the Kansas department on aging;

(11) submit to the agency a copy of the resident assessment form for each resident in accordance with subsection (b); and

(12) provide non-emergency transportation.

(b)(1) Each nursing facility shall ensure that each initial resident assessment is conducted during the first seven days of admission, completed by the eighth day of admission, and submitted to the agency within 22 days of admission.

(2) Each nursing facility shall ensure that a full quarterly reassessment is completed at least every 90 days after the previous or an initial resident assessment has been completed. The nursing facility shall submit the quarterly assessment to the agency within seven days of comple-

tion. The annual reassessment shall substitute for a quarterly assessment. The annual and quarterly assessments shall be used to monitor the appropriate level of care.

(3) Each nursing facility shall ensure that a significant change reassessment is completed within 14 days after the determination that the change has occurred and shall submit the reassessment to the agency within seven days of completion.

(4) Any nursing facility may use a significant change reassessment to meet the requirement for the quarterly reassessment.

(5) Each nursing facility shall submit resident assessment forms on computer disc or through electronic transmission. A resident assessment form shall be considered timely submitted upon the receipt of a computer disc or electronic transmission.

(6) Any nursing facility may obtain an extension of no more than one month for good cause, if approved by the agency. The request for an extension shall be in writing and shall be received by the agency before the submission date. Requests for an extension received after the due date shall not be approved.

(7) Penalty for non-submission of accurate and timely assessment and correction forms.

(A) If 10 percent or more of a nursing facility's assessments are not completed and submitted as required, all further payments to the provider shall be suspended until the forms have been completed and submitted electronically or on a computer disc. Before suspending payment to a provider, 30 days' written notice stating the agency's intent to suspend payments shall be sent by the agency to the provider. The notice shall explain the basis for the agency's determination and shall explain the necessary corrective action that shall be taken before payments are reinstated.

(B) Incorrectly completed assessments shall be returned to the nursing facility for correction through an edit check letter. The nursing facility shall return this letter and the correctly completed assessment to the agency within 14 days of the date of notification.

(8) Any assessment that cannot be classified shall be assigned to the lowest classification group.

(9) Each nursing facility shall notify the agency on the prescribed form within 30 days of a resident's discharge or death.

(c) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective, E-74-43, 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; amended Sept. 30, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; amended July 1, 1998.)

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

State of Kansas

Department of Administration

Permanent Administrative
Regulations

Article 16.—TRAVEL REIMBURSEMENT

1-16-18. Subsistence allowance; rates. (a) General provisions.

(1) Except as otherwise specifically provided by law, subsistence allowances for in-state and out-of-state travel shall be paid on the basis of a quarter-day rate for meal expenses and the actual cost of lodging expenses incurred, within the lodging expense limits set forth in this regulation. The subsistence rates for meal expenses shall be paid on a per diem basis at the appropriate rate for any fraction of a quarter-day in which the official travel begins and for each full quarter-day thereafter. For purposes of this regulation, a day shall commence at 12:01 a.m. No quarter-day allowance shall be paid for any fractional quarter-day in which the traveler returns to the traveler's official station or domicile. As used in this regulation, "international travel" means travel outside the 50 states and the District of Columbia.

(2) Reimbursement for lodging, or direct payment of lodging expenses to the lodging establishment, shall be made on the basis of actual single-rate lodging expenses incurred and shall be supported by the original official receipt of the lodging place or other suitable documentation. Reimbursement for lodging expenses, or direct payment of lodging expenses to the lodging establishment, shall be limited to the lodging place's lowest available rate for normal single occupancy on the day or days the lodging expense was incurred.

(3) Subject to the approval of the secretary of administration, any city in a state bordering or near Kansas may be designated as a "border city" by the director of accounts and reports. For travel by state personnel to a border city, all meals allowances and lodging expense limitations shall be applied at the appropriate in-state rate.

(b) Meals allowance. The quarter-day meals allowance shall be as follows:

(1) In-state	\$7.00
(2) In-state, high-cost	\$7.25
(3) Out-of-state	\$7.25
(4) Out-of-state, designated high-cost geographic areas	\$7.50
(5) Out-of-state, special designated high-cost geographic areas	\$10.50
(6) International travel	\$10.50

An exception to the quarter-day meal allowance for international travel may be made at the option of each agency by claiming actual expenses, subject to a daily limitation of \$76 for meals.

(c) Lodging expense limitations. The lodging expense limitations shall be:

(1) In-state, exclusive of designated high-cost geographic areas	\$ 54.00
(2) In-state, designated high-cost geographic areas	\$ 68.00
(3) Out-of-state, exclusive of designated high-cost geographic areas	\$ 81.00
(4) Out-of-state, designated high cost geographic areas	\$118.00

(continued)

- (5) Out-of-state, special designated high-cost geographic areas \$129.00
 (6) International travel actual
 (7) Conference lodging qualified under K.A.R. 1-16-18a(e) actual

Specific exceptions to the dollar limitation on lodging expenses may be made pursuant to provisions in K.S.A. 75-3207a and its amendments.

(d) If the cost of meals is included within the cost of registration fees or other fees and charges paid by the agency or supplied without cost by another party, the meal expenses shall be reduced as follows:

(1) In-state travel:	Amount
(A) For each breakfast provided	\$ 6.50
(B) For each lunch provided	\$ 7.50
(C) For each dinner provided	\$14.00
(2) Travel to in-state, designated high-cost geographic areas:	
(A) For each breakfast provided	\$ 7.00
(B) For each lunch provided	\$ 8.00
(C) For each dinner provided	\$14.00
(3) Out-of-state travel:	
(A) For each breakfast provided	\$7.00
(B) For each lunch provided	\$8.00
(C) For each dinner provided	\$14.00
(4) Travel to out-of-state, designated high-cost geographic areas:	
(A) For each breakfast provided	\$ 7.00
(B) For each lunch provided	\$ 8.00
(C) For each dinner provided	\$15.00
(5) Travel to out-of-state, special designated high-cost geographic areas and for international travel:	
(A) For each breakfast provided	\$ 10.00
(B) For each lunch provided	\$11.00
(C) For each dinner provided	\$21.00

This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-8-14-90, May 1, 1990; amended Oct. 8, 1990; amended, T-1-9-26-91, Oct. 1, 1991; amended Nov. 18, 1991; amended, T-1-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended, T-1-6-28-95, July 1, 1995; amended Oct. 27, 1995; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998.)

1-16-18a. Designated high-cost geographic areas.

(a) For official travel to and from, or within, any high-cost geographic area designated in subsection (c) in which the traveler is required to sleep away from home, the applicable subsistence allowance rate for that designated high-cost geographic area may be paid. However, reimbursement on this basis shall not be allowable when such an area is only an intermediate stopover at which no official duty is performed, or when the subsistence expenses incurred relate to relocation, to travel to seek residence quarters, or to travel to report to a new permanent duty station or to temporary quarters.

(b) Reimbursement for travel in high-cost geographic areas shall be at the prescribed high-cost geographic rate, unless the agency establishes a reduced rate as provided in K.A.R. 1-16-15. When an out-of-state trip is to two or more destination cities, and when one of these cities is

designated as a high-cost geographic area, the subsistence allowance rate shall change from the high-cost geographic area rate to the regular rate, or from the regular rate to the high-cost geographic area rate, subject to and on application of the appropriate quarter-day allowance as determined by the time of arrival at the second destination city.

(c) The boundaries of designated high-cost geographic areas shall include all locations within the corporate limits of the cities listed, unless otherwise specified. The designated high-cost geographic areas shall be as follows:

- (1) In-state high-cost geographic areas:
- (A) Kansas City, including all locations within Johnson and Wyandotte Counties;
- (B) Manhattan, including all locations within Riley County;
- (C) Topeka, including all locations within Shawnee County; and
- (D) Wichita, including all locations within Sedgwick County;
- (2) Out-of-state, high-cost geographic areas:
- (A) Afton, Oklahoma, including Shangri-La Resort;
- (B) Anchorage, Alaska;
- (C) Aspen, Colorado, including all locations within Pitkin County;
- (D) Atlanta, Georgia;
- (E) Atlantic City, New Jersey, including all locations within Atlantic County;
- (F) Austin, Texas;
- (G) Avon and Beaver Creek, Colorado;
- (H) Baltimore, Maryland;
- (I) Barrow, Alaska;
- (J) Boca Raton, Florida;
- (K) Boston, Massachusetts, including all locations within Suffolk County;
- (L) Cambridge, Massachusetts;
- (M) Carmel, California;
- (N) Chicago, Illinois, including all locations within Du Page, Lake, and Cook Counties;
- (O) Cleveland, Ohio;
- (P) Dallas/Fort Worth, Texas;
- (Q) Denver, Colorado;
- (R) Edison, New Jersey, including all locations within Middlesex County;
- (S) Fairbanks, Alaska;
- (T) Fort Meyers and Sanibel Island, Florida, including all locations within Lee County;
- (U) Hershey, Pennsylvania;
- (V) Hilton Head Island, South Carolina, including all locations within Beaufort County;
- (W) Honolulu, Oahu, Hawaii, including all locations on the Island of Oahu;
- (X) Houston, Texas;
- (Y) Indianapolis, Indiana;
- (Z) Juneau, Alaska;
- (AA) Kaanapali Beach, Maui, Hawaii;
- (BB) Kailau-Kona, Hawaii;
- (CC) Kaunakakai, Molokai, Hawaii;
- (DD) Keystone, Colorado, including all locations within Summit County;
- (EE) King of Prussia, Pennsylvania;
- (FF) Kodiak, Alaska;
- (GG) Lake Buena Vista, Florida;

- (HH) Los Angeles, California, including all locations within Los Angeles, Kern, Orange, and Ventura Counties;
- (II) Miami, Florida;
- (JJ) Minneapolis and St. Paul, Minnesota, including all locations within Hennepin, Ramsey, and Anoka Counties;
- (KK) Monterey, California, including all locations within Monterey County;
- (LL) Nashville, Tennessee;
- (MM) Newark, New Jersey, including all locations within Bergen, Essex, Hudson, Passaic, and Union Counties;
- (NN) New Orleans, Louisiana, including all locations within Jefferson, Orleans, Plaquemines, and St. Bernard Parishes;
- (OO) Newport, Rhode Island, including all locations within Newport County;
- (PP) Nome, Alaska;
- (QQ) Oakland, California, including all locations within Alameda, Contra Costa, and Marin Counties;
- (RR) Ocean City, Maryland, including all locations within Worcester County;
- (SS) Philadelphia, Pennsylvania, including all locations within Montgomery and Philadelphia Counties;
- (TT) Phoenix, Arizona;
- (UU) Pittsburgh, Pennsylvania;
- (VV) Portland, Oregon;
- (WW) Princeton, New Jersey, including all locations within Mercer County;
- (XX) Salt Lake City, Utah;
- (YY) San Antonio, Texas;
- (ZZ) San Diego, California, including all locations within San Diego County;
- (AAA) San Francisco, California, including all locations within San Francisco County;
- (BBB) San Mateo, California, including all locations within San Mateo County;
- (CCC) Santa Barbara, California, including all locations within Santa Barbara County;
- (DDD) Santa Cruz, California, including all locations within Santa Cruz County;
- (EEE) Seattle, Washington, including all locations within King County;
- (FFF) South Padre Island, Texas;
- (GGG) Stamford, Connecticut;
- (HHH) St. Louis, Missouri;
- (III) Sun Valley, Idaho, including all locations within Blaine County;
- (JJJ) Tampa, Florida;
- (KKK) Tom's River, New Jersey, including all locations within Ocean County;
- (LLL) Tucson, Arizona;
- (MMM) Vail, Colorado, including all locations within Eagle County;
- (NNN) Wailea, Maui, Hawaii;
- (OOO) White Plains, New York, including all locations within Westchester County;
- (PPP) all cities in countries located outside the borders of the United States; and
- (QQQ) all areas approved as high-cost areas pursuant to subsection (d); and
- (3) Out-of-state, special designated high-cost geographic areas:
- (A) Washington D.C., including the cities of Alexan-

dria, Fairfax, and Falls Church; the counties of Arlington, Fairfax and Loudon in Virginia; and the counties of Montgomery and Prince Georges in Maryland; and

(B) New York, New York, including all locations within the counties of Nassau and Suffolk.

(d) State agencies may request the director of accounts and reports to conduct a study of subsistence costs in any area not designated as a high-cost area in subsection (c). If the study findings of an area justify such an action, the director of accounts and reports may recommend to the secretary of administration that the area be added to the list of high-cost geographic areas. If the secretary approves the addition of that area, subsistence payments for travel to the area may be made at the rate designated for high-cost geographic areas.

(e)(1) If an employee is required or authorized to attend a conference, reimbursement or direct payment of lodging expenses may be approved by the secretary or the secretary's designee when both of the following conditions are met.

(A) The agency head is provided with conference materials indicating that the conference will be held at or in connection with a lodging establishment with rates exceeding both the applicable lodging expense limitation established under K.A.R. 1-16-18 and the exception provided in K.S.A. 75-3207a(e), and amendments thereto.

(B) Before the date of travel, the agency head submits to the secretary of administration or the secretary's designee a request for reimbursement or direct payment of actual lodging expenses. The request shall include the title, dates, and location of the conference, the name or names of the employees traveling to the conference, and a verification that the lodging establishment rates exceed the applicable lodging expense limitation.

(2) The reimbursement or direct payment of actual lodging expenses shall be effective for the approved conference and shall be applicable only to the state employee or employees attending the conference.

(3) For purposes of this subsection, the term "conference" means any seminar, association meeting, clinic, colloquium, convention, symposium, or similar gathering that is attended by a state employee in pursuit of a goal, obligation, function, or duty imposed upon a state agency or performed on behalf of a state agency.

(f) This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 75-3207a; effective, E-80-10, July 11, 1979; effective May 1, 1980; amended May 1, 1981; amended, E-82-14, July 1, 1981; amended May 1, 1982; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-87-26, Oct. 1, 1986; amended May 1, 1987; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended July 1, 1990; amended, T-1-1-93, Jan. 1, 1993; amended Feb. 22, 1993; amended April 1, 1996; amended July 1, 1998.)

Article 18.—MAXIMUM ALLOWANCE FOR MILEAGE FOR USE OF A PRIVATELY OWNED CONVEYANCE FOR PUBLIC PURPOSES

1-18-1a. Mileage rates. (a) Subject to the provisions of subsection (d), each employee who has been authorized to use a privately owned conveyance to engage in official business for an agency shall be entitled to reim-

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bursment for use of that conveyance at the following rates:

- (1) 16¢ per mile for the use of a privately owned motorcycle;
- (2) 32¢ per mile for the use of a privately owned automobile;
- (3) 44¢ per mile for the use of a privately owned airplane; or
- (4) 44¢ per mile for the use of a specially equipped vehicle for the physically disabled.

(b) In addition to the mileage allowance authorized under subsection (a) of this regulation, the employee may be reimbursed for the following expenses:

- (1) parking fees when on an official trip;
- (2) toll road and toll bridge costs; and
- (3) airplane landing and tie-down fees.

(c) When an employee travels by privately owned airplane, reimbursement may be made for one round trip in a privately owned automobile or for a taxi fare charged in travel under these conditions:

(1) between the official station or domicile and the airport in the city in which the official station or domicile is located; and

(2) between the airport in the destination city and the place of official business.

(d) Exceptions to the mileage rates prescribed in subsection (a) shall be as follows.

(1) When a mode of transportation is available and is less costly than transportation by privately owned conveyance, mileage payments for use of a privately owned conveyance shall be limited to the cost of that other mode of transportation.

(2) An agency may pay a specified mileage rate that is lower than prescribed by subsection (a) when an employee's travel is not required by the agency and the employee is informed of the specified rate in advance of the travel.

(3) For employees of the state of Kansas only, any state employee choosing to use a privately owned automobile when a state-owned or leased vehicle, as defined by K.A.R. 1-17-1, is available for use shall be reimbursed at the central motor pool rate for compact cars, except under either of the following conditions:

(A) The employee's agency head or the agency head's designee determines that the use of a state-owned or leased vehicle would be more expensive than the use of the employee's privately owned automobile.

(B) The employee has a disability that requires the use of a privately owned vehicle that is specially equipped. This regulation shall take effect on and after July 1, 1998. (Authorized by and implementing K.S.A. 75-3203 and 75-3203a; effective May 1, 1979; amended, E-80-10, July 11, 1979; amended May 1, 1980; amended, E-81-14, June 12, 1980; amended May 1, 1981; amended, T-83-19, July 1, 1982; amended May 1, 1983; amended, T-84-20, July 26, 1983; amended May 1, 1984; amended, T-85-46, Dec. 19, 1984; amended, T-86-7, April 1, 1985; amended May 1, 1985; amended, T-86-7, May 1, 1985; amended, T-86-17, June 17, 1985; amended May 1, 1986; amended, T-89-1, Jan. 7, 1988; amended Oct. 1, 1988; amended, T-1-2-28-90, March 1, 1990; amended April 23, 1990; amended, T-1-11-14-90, Nov. 14, 1990; amended Jan. 7, 1991; amended July

12, 1993; amended, T-1-6-28-95, June 28, 1995; amended Aug. 4, 1995; amended, T-1-7-1-96, July 1, 1996; amended Oct. 18, 1996; amended, T-1-7-1-97, July 1, 1997; amended Aug. 8, 1997; amended July 1, 1998.)

Daniel R. Stanley
Secretary of Administration

Doc. No. 022550

State of Kansas

Department of Revenue Division of Property Valuation

Permanent Administrative Regulations

Article 3.—CERTIFICATES OF VALUE

93-3-1 to 93-3-4. (Authorized by K.S.A. 1973 Supp. 79-1435, 79-1436, 79-1437, 79-1441, 79-1442 as amended; K.S.A. 1973 Supp. 58-2223a, 58-2223b, 58-2223c, 58-2223d, 58-2223e; effective, E-74-48, Sept. 1, 1974; effective May 1, 1975; revoked June 26, 1998.)

Article 4.—REAL ESTATE RATIO STUDY

93-4-1. (Authorized by K.S.A. 79-1441; implementing K.S.A. 79-1437; effective, T-85-13, May 3, 1984; effective May 1, 1985; revoked June 26, 1998.)

93-4-2. Annotation and disposition of real estate sales validation questionnaires; duties of county officials. (a) Not later than three business days after the receipt of a real estate sales validation questionnaire, the register of deeds shall annotate each copy with the following information:

- (1) the volume and page entry from the general index, indicating where the deed, instrument, or affidavit of equitable interest that accompanies it is recorded;
- (2) the county official validation number; and
- (3) the recording date.

The register of deeds shall then forward the county appraiser's copy and the director of property valuation's copy to the county appraiser. The register of deeds shall retain the original copy, but an electronic copy may be retained instead when the register of deeds has been authorized by the director of property valuation to process real estate sales validation questionnaires by electronic imaging.

(b) Not later than three business days after the receipt of the county appraiser's and the director's copies, the county appraiser shall enter the parcel identification number on both copies. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-3. Split real estate parcel sales; duties of county officials. Not later than 10 business days after the receipt of a real estate sales validation questionnaire concerning a split real estate parcel sale, the county appraiser shall perform one of the following:

(a) Enter the sales information on the parent parcel record in the county's computer-assisted mass appraisal system; or

(b) enter the sales information on the split parcel record in the county's computer-assisted mass appraisal system after the transmission of the real property appraisals has been completed pursuant to K.S.A. 79-1466, and

amendments thereto. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-4. Assemblage and entering of sales data; accounting for real estate sales validation questionnaires; duties of county officials. Not later than the 10th day of each month, the county appraiser shall assemble and enter into the county's computer-assisted mass appraisal system the sales data pertaining to sales that occurred on or before the last day of the preceding month, as obtained from the real estate sales validation questionnaires received from the register of deeds.

The county appraiser shall account for all real estate sales validation questionnaires by entering sales information from all questionnaires into the data base fields in the county's computer-assisted mass appraisal system. The county appraiser shall maintain in a void file those questionnaires that cannot be matched with a parcel of real estate, those that contain information that cannot be entered in the county's computer-assisted mass appraisal system, and those that were not required by K.S.A. 79-1437e, and amendments thereto. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-5. Access to county records by the director of property valuation; duties of county officials. (a) The county shall make its computer-assisted mass appraisal system available to the director of property valuation and the director's agents, to generate and print reports and to prepare data files to enable the electronic extraction of sale information on a monthly basis.

(b) Upon written request by the director of property valuation, the county appraiser shall prepare and transmit the electronic assessment administration file to the director not later than 10 business days after the receipt of the request.

(c) The county appraiser shall maintain extracted sales files in the county's computer file library for at least 15 business days before being deleted or erased. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1487; effective June 26, 1998.)

93-4-6. Standards. The "standard on ratio studies," adopted by the executive board of the international association of assessing officers in July 1990, shall constitute the minimum standard for the design, preparation, and use of the ratio study. The performance standards, summarized in table 5 of the "standard on ratio studies," shall be used to evaluate the appraisal of residential and commercial and industrial real estate, except that the coefficient of dispersion shall be 20 or less, with a confidence interval of 95 percent. (Authorized by K.S.A. 79-1491; implementing K.S.A. 79-1485, 79-1486, 79-1487, 79-1488, 79-1489, 79-1490, 79-1492, 79-1493; effective June 26, 1998.)

John D. LaFaver
Secretary of Revenue

Doc. No. 022527

State of Kansas

Department of Revenue

Permanent Administrative
Regulations

Article 19.—KANSAS RETAILERS'
SALES TAX

92-19-1a. (Authorized by K.S.A. 79-3618, 79-3619; implementing K.S.A. 79-3619, K.S.A. 79-3603, as amended by L. 1986, Ch. 386, Sec. 1; effective May 1, 1987; revoked June 26, 1998.)

92-19-1b. Collection schedules for state and local sales tax. (a) Except as provided in K.S.A. 12-189a, and amendments thereto, Kansas retailers shall charge and collect sales tax on each taxable retail sale at a combined tax rate equal to the sum of the state tax rate established by K.S.A. 79-3603, and amendments thereto, plus any applicable local tax rate established under K.S.A. 12-187, and amendments thereto.

(b) Tax collection schedules for each of the combined sales tax rates shall be published by the department and given to retailers upon request.

(c) The state and local sales tax to be charged to a consumer shall be computed by multiplying the selling price by the applicable combined tax rate in effect. Each retailer using machine or computer billings shall use a straight percentage basis for calculating the tax on its billings. If the calculation of the sales tax to be charged results in a fraction of a cent, the tax liability shall be rounded up or down to the nearest whole cent. If the fraction is an even one-half cent, the liability shall be rounded to the next highest whole cent. No tax shall be charged to a consumer when the calculation of the tax to be charged totals less than one-half cent.

(d) The sales tax payable to the department by a retailer shall be the product of the applicable combined state and local tax rate multiplied by the retailer's taxable gross receipts, regardless of the amount that is collected from consumers by use of the authorized method for computing taxes. (Authorized by K.S.A. 1997 Supp. 12-189, K.S.A. 79-3618 and 79-3619; implementing K.S.A. 1997 Supp. 12-187 and 12-189, K.S.A. 12-189a, 79-3603, and 79-3619; effective June 26, 1998.)

92-19-3. Credit, conditional, and installment sales. (a) When a retailer makes credit, conditional, or installment sales, the retailer may pay tax on the total amount of collections made during each reporting period or, if the retailer's books are regularly kept on an accrual basis, on the total amount of sales accrued for each reporting period. When the retailer adopts one basis of reporting for sales tax purposes, the retailer shall not change from that basis without first obtaining the permission of the director of taxation.

(b) If the retailer adopts the accrual basis for reporting taxable sales, the retailer shall account for all periodic adjustments to reported bad debts, including the final adjustment when debts are charged off the retailer's books for federal income tax purposes. If any portion of the bad debts is recovered after the final adjustment, the retailer

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shall include the recovery and tax in the next sales tax return.

(c) When tangible personal property or taxable services are sold on deferred payments and the deferred payments are covered by a negotiable note or notes or an assignable conditional sales contract, the retailer shall remit the tax on the total selling price of the property or service at the time the sale is made and report it in the retailer's next sales tax return.

(d) Interest, finance, or carrying charges on installment sales shall not be taxable when these charges are separately made and shown by the retailer on bills rendered to the consumer. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3602, 79-3607, 79-3609; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1988; amended June 26, 1998.)

92-19-8. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3602, 79-3608, K.S.A. 1986 Supp. 79-3603 as amended by L. 1987, Ch. 182, Sec. 108; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; revoked June 26, 1998.)

92-19-13. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1985 Supp. 79-3602, 79-3603 as amended by L. 1986, Ch. 386, Sec. 1, K.S.A. 1985 Supp. 79-3606 as amended by L. 1986, Ch. 384, Sec. 1; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; revoked June 26, 1998.)

92-19-13a. Florists. (a) For purposes of this regulation, "florist" means someone who is engaged in the business of selling flowers, potted plants, nursery stock, bouquets, wreaths, and other similar items at retail. Each florist shall collect sales tax on its sales of tangible personal property and on its charges for creating and fabricating flower and ornamental plant arrangements. A florist's delivery charges, whether or not separately stated, shall be included in the selling price that is subject to sales tax.

(b) In accordance with K.S.A. 79-3619, and amendments thereto, each retailer shall comply with the following special rules when sales are made through a floral telegraphic delivery association or a similar florist association or organization.

(1) Sales tax shall be collected on orders taken by a Kansas florist to be telegraphed to a second florist, whether the delivery is to be made within or without the state. Any handling charges in connection with these sales shall be included in the selling price that is subject to sales tax.

(2) A Kansas florist making deliveries pursuant to a telegraph order received from another florist shall not collect the tax, whether the florist forwarding the order is located within or without the state of Kansas.

For purposes of this subsection, "telegraph" means telegraph, telephone, or any other electronic means of long distance communication used by a florist organization. (Authorized by K.S.A. 79-3618, 79-3619; implementing K.S.A. 79-3603, K.S.A. 79-3619; effective June 26, 1998.)

92-19-16. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3602, 79-3603 as amended

by L. 1987, Ch. 182, Sec. 108; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; amended May 1, 1988; revoked June 26, 1998.)

92-19-18. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3602, 79-3603 as amended by L. 1987, Ch. 182, Sec. 108; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; amended May 1, 1988; revoked June 26, 1998.)

92-19-18a. Signs and billboards. (a) Signs.

(1) The custom fabrication, sale, and installation of a sign shall be a retail sale. The sale shall be subject to sales tax on the full selling price charged to the consumer.

(2) The custom painting, lettering, maintenance, and repair of signs shall be retail sales of taxable services. These sales shall be subject to sales tax on the full selling price charged to the consumer, whether the sign is on a door, window, building, motor vehicle, trailer, or other real or personal property.

(3) Materials that are used to fabricate, paint, maintain, or repair signs of others shall be exempt from sales tax when purchased by a sign dealer or custom painter since sales tax is required to be collected by the dealer or painter on the full selling price charged to the consumer. Sales to sign dealers and sign painters of tools, equipment, and machinery shall be subject to sales tax at the time of sale.

(b) Billboards.

(1) Sales tax shall not apply to charges for the rental or lease of billboard space, for advertising messages on electronic billboards, or for other advertising exposure time on other types of signs and billboards.

(2) When a billboard advertising company fabricates and erects a billboard, the billboard company's subsequent rental or lease of space on the billboard shall be considered to be a nontaxable advertising service. A billboard advertising company that erects its own billboards and leases billboard space shall be responsible for paying or accruing tax on the materials used to fabricate, erect, and alter the billboard.

(3) When a sign company fabricates and erects a billboard for a third party billboard advertising company that is buying the billboard, the sign company shall collect sales tax on the full selling price. Any subsequent rental or lease of space on the billboard by the billboard advertising company shall be considered to be a nontaxable service.

(c) Portable sign rentals. Sales tax shall apply to rental or lease charges for the use of portable advertising signs. Sales tax shall be collected on the lease and rental charges in the same manner as for other leases and rentals of tangible personal property. (Authorized by K.S.A. 79-3618 and 79-3619; implementing K.S.A. 79-3602, 79-3603, and K.S.A. 79-3619; effective June 26, 1998.)

92-19-19. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3602, 79-3603 as amended by L. 1987, Ch. 182, Sec. 108, 79-3608, K.S.A. 1986 Supp. 79-3606 as amended by L. 1987, Ch. 64, Sec. 1; as further amended by L. 1987, Ch. 292, Sec. 32; effective, E-70-33,

July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; amended May 1, 1988; revoked June 26, 1998.)

92-19-25a. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3609, 79-3610, 79-3611, K.S.A. 1985 Supp. 79-3602, 79-3603 as amended by L. 1986, Ch. 386, Sec. 1; effective May 1, 1987; revoked June 26, 1998.)

92-19-25b. Exemption certificates. (a) All retail sales shall be presumed to be taxable. The burden of proving that a sale is exempt from tax shall be on the vendor, unless the vendor takes an exemption certificate from the purchaser in good faith.

(b) A vendor shall be deemed to have accepted an exemption certificate in good faith when the vendor maintains the completed certificate as part of its records, has ascertained the identity of the person or entity who presents the certificate, and has not been shown by the department by a preponderance of evidence to have had knowledge that the presentation of the certificate was improper.

(c) Exemption certificates shall substantially comply with the following format:

KANSAS EXEMPTION CERTIFICATE

I certify that the sale of tangible personal property or service by:

(Vendor's name)

of _____, Kansas, to me or to the entity that I represent is exempt from the tax levied by the Kansas retailers' sales and compensating tax act for the following reasons:

As purchaser, I understand and agree that if the property or service is used in any manner that is not exempt from tax under the act, the entity that I represent becomes liable for the tax, as do I personally.

Date: _____

Purchaser: _____
(Signature and SSN or FEIN)

Name of the entity: _____

Address: _____

(d) Each exemption certificate issued by a nonprofit entity claiming an exemption shall contain the name and address of the entity; identify the subsection of K.S.A. 79-3606, and amendments thereto, under which the exemption is claimed; be signed by an officer, office manager, or other administrator of the entity; and contain the driver's license number of the signer. As a condition of honoring these exemption claims, a vendor may require that payment be made on the entity's check, warrant, or voucher, or be charged to the entity's account.

(e) A resale exemption certificate may be issued by a registered retailer to claim exemption from tax for purchases of property or services that the retailer intends to resell on the normal course of business or that the retailer is unable to determine will be resold or used by the re-

tailer for some other purpose. Resale exemption certificates shall substantially comply with the following format:

KANSAS RESALE EXEMPTION CERTIFICATE

(Name of purchaser)

(Address of purchaser)

I hereby certify that: I hold valid retailer registration No. _____ issued pursuant to the Kansas sales and compensating tax law;
I am engaged in the business of selling:

The tangible personal property described herein which I shall purchase from:

(Vendor's name)

will be resold by me in the form of tangible personal property;

I further agree that, if any of the property is used for any purpose other than retention, demonstration, or display while holding it for resale in the regular course of business, I will report and pay Kansas state and local sales tax to the Kansas Department of Revenue, based on the amount that I paid for the property.

Description of property to be purchased: _____

Date: _____

(Signature of purchaser or authorized agent and SSN or FEIN)

(f) Each purchaser claiming a resale exemption shall complete the certificate either by listing the particular property claimed to be for resale or by describing the types of property that are resold in the normal course of the purchaser's business. When a purchaser buys property for resale that is not of the type normally resold in the purchaser's line of business, the vendor may require the purchaser to issue a separate resale exemption certificate that lists the property and states that it is being purchased for resale. A vendor may require a purchaser to provide a copy of its registration certificate as a condition for honoring a resale exemption certificate.

(g) Vendors shall keep a record of each exempt sale of property or services made, showing the date, amount, consumer's name and address, item or service sold, and other pertinent information needed to support each deduction taken on a return. Each vendor shall make such records and exemption certificates available to the department for inspection. Each exemption certificate shall be retained by the vendor for at least three years after the end of the year in which the certificate was last honored or until the final determination of any audit or assessment that includes a period during which the certificate was honored. (Authorized by K.S.A. 79-3606, 79-3618; imple-

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menting K.S.A. 79-3602, 79-3603, 79-3610, 79-3611; effective June 26, 1998.)

92-19-27a. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3608, K.S.A. 1985 Supp. 79-3602; effective May 1, 1987; revoked June 26, 1998.)

92-19-30. Motor vehicles or trailers; isolated or occasional sale. (a)(1) An isolated or occasional sale of motor vehicle or trailer is a sale made between private individuals or other entities who, at the time of the sale, are not retailers registered to collect and remit sales or use tax on the sale of such a vehicle or trailer.

(2) Kansas motor vehicle dealers and trailer dealers are retailers and cannot make isolated or occasional sales of vehicles or trailers. These dealers shall collect sales tax at the time of the sale on each taxable retail sale of a motor vehicle or trailer.

(b)(1) Unless a sale is one that is excepted from the imposition of sales tax by K.S.A. 79-3603(o) or exempted from tax under K.S.A. 79-3606, and amendments thereto, sales tax shall be levied on the isolated or occasional sale of a motor vehicle or trailer. Tax on the isolated or occasional sale of a motor vehicle or trailer shall be paid to the county treasurer when the purchaser or other transferee applies for a certificate of title or a certificate of title and registration or to the director of taxation, as provided in paragraph (c)(3).

(2) When a person who has acquired a vehicle in an isolated or occasional sales transaction applies for a certificate of title or certificate of title and registration, the county treasurer shall collect the sales tax that is due along with a service fee of 50 cents, and give the applicant a receipt for the tax and fee paid. A certificate of title or certificate of title and registration shall not be issued until the transferee pays the tax and applicable fee or proves to the satisfaction of the county treasurer or the director of taxation that the transfer is not taxable.

(c)(1) County treasurers shall be assisted by the director of taxation or director of vehicles in determining whether or not a transaction is taxable or exempt. Refusal to issue a certificate of title or certificate of title and registration for a vehicle may be requested by the director of taxation or director of vehicles until sales tax is paid. Sales tax shall be collected by a county treasurer if any doubt exists as to an applicant's exemption claim. An applicant who pays sales tax may file a refund claim with the director of taxation if the applicant believes the tax has been erroneously collected by county treasurer or department of revenue.

(2) Each determination made by a county treasurer to exempt an isolated or occasional sale may be reviewed by the director of taxation. Following this review, a sales tax assessment may be issued to the vehicle registrant for any sales tax that is unpaid or underpaid because of clerical error, misinformation, or other cause.

(3) Any sales tax that is finally determined to be due under an assessment shall be paid to the director of taxation. Payment of sales or use tax on isolated or occasional sales of motor vehicles or trailers may be made to the director of taxation instead of the county treasurer, as provided in paragraph (b)(1), to correct any other underpayment or as an accommodation to the taxpayer.

(d) As a general rule, the base for computing the tax shall be the actual selling price of the vehicle. However, the tax shall be computed on the fair market value of the vehicle by the county treasurer or the director of taxation under either of the following circumstances:

(1) The selling price of the vehicle is unknown; or

(2) the stated selling price is not indicative of, and bears no reasonable relationship to, the fair market value of the vehicle or the average retail value as shown in the latest publication of the national automobile dealers' association official used car guide book.

(e) The actual selling price shall be the base for computing the tax on the sale of wrecked or damaged vehicles.

(f)(1) "Sale" or "sales" means the exchange of property, a sale for money, and every other transaction in which consideration is given, whether conditional or otherwise.

(2) "Vehicle" means motor vehicle or trailer.

(3) "Transferor" means the seller, donor, or other person who sells, gives away, or otherwise parts with the vehicle.

(4) "Transferee" means the purchaser, donee, or other person who purchases, is given, or otherwise acquires ownership of the vehicle.

(g) K.S.A. 79-3603(o), and amendments thereto, which imposes sales tax on isolated or occasional sale of trailers and motor vehicles, excepts the following transfers or sales from the tax imposition on these isolated or occasional sales:

(1) Transfers by an individual to a corporation solely in exchange for stock in the corporation;

(2) transfers from one corporation to another corporation when done as part of the transfer of all the corporate assets; and

(3) sales of automobiles, light trucks, trailers or motorcycles between immediate family members.

(h) "Immediate family member" is any person in a class that is defined by statute to mean lineal ascendants and descendants and their spouses. Since a person may have lineal ascendants and descendants and may also be the spouse of someone who has lineal ascendants and descendants, this class includes the grandfather, grandmother, father, mother, son, daughter, and adopted child of the person; the spouses of these ascendants and descendants; the grandfather, grandmother, father, mother, son, daughter, and adopted child of the person's spouse; and any other ascendants and descendants that are further removed, including great-grandparents and great-grandchildren. The sale or transfer of an automobile, light truck, trailer or motorcycle between members of this class shall be exempt from sales tax.

(i) Certain transfers of motor vehicles or trailers are not sales, as defined in paragraph (f)(1), and shall not be taxed. These include name changes, transfers by gift, and certain transfers made by operation of law. The following rules shall apply to these transfers.

(1) A transfer shall be presumed to be a gift when the transferee is the spouse, mother, father, brother, sister, child, grandmother or grandfather, aunt, uncle, niece, or nephew of the transferor and money is not exchanged for the vehicle. A gift shall also be presumed when these rel-

atives trade or exchange vehicles and money is not exchanged as part of the trade or exchange. However, if money is exchanged for the vehicle, the transfer shall be taxable, unless the sale is exempted as set forth in subsection (h).

(2) A vehicle transfer by gift is not a sale and shall not be taxed. To qualify as a gift, the vehicle shall be given without any consideration and with an intention on the part of the donor that the transfer is a gift. When the relationship of the parties is not one of the relationships set forth above in paragraph (i)(1), the transferee claiming the transfer is a gift shall submit proof of this claim to the satisfaction of the county treasurer or director of taxation.

(3) The change of an owner's name on the title when there is no actual transfer of vehicle ownership to a different person or entity is not a sale and shall not be taxed. However, the transfer of a motor vehicle or trailer from a corporation to an individual shall be taxed since there is a change of ownership from one legal entity to another. The vehicle transfer shall be presumed to be the corporation's payment of a wage, dividend, bonus, or other benefit to the officer, employee, shareholder, or other transferee.

(4) A transfer to an heir or legatee by will or pursuant to the inheritance or intestacy laws of a state is not a sale and shall not be taxed. A certified copy of the probate court order making the distribution shall be filed with the county treasurer.

(5) The sale to a person who takes title to a vehicle with the intention of transferring to the winner of a drawing or raffle shall be taxed. The subsequent transfer of the vehicle to the winner of a drawing or raffle is a gift from the donor to the winner and shall not be taxed. When a donor pays a motor vehicle dealer for a vehicle and the vehicle is transferred from the dealer directly to the winner of a drawing or raffle, the gift is considered to be the payment made for the automobile rather than the automobile itself, and the winner shall be liable for the sales tax that is charged by the dealer on the vehicle sale. Whenever a vehicle is won as a prize and sales tax has not been paid by either the vehicle donor or vehicle winner to this state or another state, the winner shall pay Kansas sales or use tax when the vehicle is registered with the county treasurer.

(6) When the title to a vehicle is transferred to the holder of an encumbrance as a result of repossession under the terms of a written agreement entered into at the time of original purchase by the purchaser and encumbrance holder, the transfer is not a sale and shall not be taxed. However, any registration or subsequent sale of the vehicle by the encumbrance holder shall be taxed.

(7) When a lender grants a debtor permission to redeem a vehicle pursuant to K.S.A. 84-9-506, and amendments thereto, the redemption of the vehicle by the debtor is not a sale and shall not be taxed.

(8) When a lien holder acquires title to a vehicle through a court-ordered foreclosure of a mechanic's lien, landlord's lien, storage lien, or other statutory lien, the transfer of title to the lien holder shall be exempt if the lien holder does not register the vehicle. However, any registration or subsequent sale of the vehicle by the lienholder shall be taxed. The redemption of a vehicle from

a lien holder by a debtor who satisfies the underlying debt is not a sale and shall not be taxed.

(j) The following transfers shall be considered sales, and shall be subject to sales tax.

(1) K.S.A. 79-3602(h)(2), and amendments thereto, allows a credit or discount for a vehicle that is traded for another vehicle. When vehicles of different value are traded by private individuals, the person who pays cash or tenders some other consideration in addition to the vehicle being traded or exchanged shall pay sales tax on the amount of the cash payment or on the fair market value of the consideration. In this trade, sales tax shall not be due from the person who traded or exchanged a vehicle but did not pay any additional cash or provide any additional consideration. Each person claiming a sales tax credit or discount for a vehicle that is traded shall file an affidavit with the county treasurer on a form furnished by the department of revenue that contains information necessary to support the credit or discount being claimed.

When the stated cash amount or stated value of the other consideration is not indicative of, and bears no reasonable relationship to, the difference between the fair market value of the vehicle traded and the fair market value of the vehicle received by the purchaser, the tax shall be computed by the county treasurer or the director of taxation on the difference between the fair market value of the vehicles or the difference between the average retail value of the vehicles as shown in the latest publication of the national automobile dealers' association official used car guide book.

(2) The purchase of a vehicle that the purchaser intends to give to someone else shall be taxed, even though tax is not due on the subsequent transfer from the purchaser to the donee.

(3) A transfer of a vehicle from a partner to the partnership or from a partnership to a partner shall be presumed to be a taxable transfer. A transfer from the partner to the partnership shall be presumed to be made in consideration of an increased partnership interest. A transfer from the partnership to the partner shall be presumed to be made for services rendered to the partnership or for other value passing between the partner and the partnership.

(4) If a donor gives a donee a gift of cash or other property for the purpose of purchasing a vehicle, the donee shall be liable for the tax, if the vehicle is purchased.

(5) The transfer of a vehicle in exchange for the transferee's assumption of an obligation to pay all or part of an encumbrance on the vehicle is a sale and shall be taxed, unless the sale is between immediate family members or is exempt under K.S.A. 79-3606, and amendments thereto. When the transfer does not involve a gift and is not otherwise exempt, the tax base shall be the sum of any payment made by the buyer to the seller plus the amount of the encumbrance being assumed. Sales tax shall be computed as set forth in subsection (d) of this regulation if this amount is not indicative of, or bears no reasonable relationship to the fair market value of the vehicle. When the transfer represents a gift of part of the value of the vehicle that has been established in accordance with paragraphs (i)(1) or (i)(2) of this regulation and is not oth-

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erwise exempt, the tax base shall be the sum of any payments made by the buyer to the seller plus the amount of the encumbrance being assumed, regardless of the fair market value of the vehicle.

(6) When a vehicle is purchased to replace a vehicle that has been stolen or destroyed by accident, fire, or other adversity, the purchase of the replacement vehicle is not exempt and shall be taxed. Each purchase of a replacement vehicle shall be taxed whether the replacement vehicle is purchased by the owner of the vehicle that was stolen or destroyed or by an insurance company that is obligated to provide a replacement vehicle.

(7) A transfer of a vehicle from a corporation to an officer, shareholder, board member, or employee shall be presumed to be a taxable transfer and shall be presumed to be made in consideration for services rendered to the corporation or for other value passing between the corporation and transferee.

(k)(1) Each transferee claiming exemption shall complete an affidavit form furnished by the department of revenue and file it with the county treasurer when the vehicle is registered. The exemption affidavit shall be completed in its entirety and shall contain the names, addresses, and telephone numbers of the transferor and transferee; the make, year, model and body style of the motor vehicle or trailer; and any additional information that is needed to support the exemption claim. The affidavit shall contain facts in detail sufficient to clearly bring the transferee within the exemption being claimed.

(2) Each transferee claiming a family relationship as the basis for the exemption of a vehicle sale or as the basis for the presumption of a gift may be required to file an additional affidavit that establishes the relationship.

(3) Exemption affidavits that are not correct in both substance and form shall not be accepted by the county treasurer, and the tax shall be collected if any doubt exists as to the validity of the exemption claim.

(4) Any taxpayer may file a refund claim with the director of taxation if the taxpayer believes the tax has been erroneously collected by the county treasurer or the director.

(l)(1) When a motor vehicle or trailer is purchased out of state in an isolated or occasional sale, the purchaser shall pay Kansas state and local use tax to the county treasurer upon application for a certificate of title or certificate of title and registration. When a motor vehicle or trailer is purchased from an out-of-state dealer who is not registered to collect and remit Kansas state and local retailers' use tax and has not collected sales tax on the sale for the state of purchase, the purchaser shall pay Kansas state and local use tax to the county treasurer upon application for a certificate of title or certificate of title and registration.

(2) When the purchaser has paid state and local sales tax to another state at a rate that is less than Kansas state and local use tax rates where the vehicle is registered, the purchaser shall pay Kansas state and local use tax to the county treasurer at a rate that is equal to the difference between the combined state and local tax rates for the Kansas location and the combined state and local tax rates that were used to determine the tax paid to the other state. (Authorized by K.S.A. 8-132, 79-3618; implementing

K.S.A. 8-132, K.S.A. 79-3602, 79-3603, 79-3604; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1987; amended June 26, 1998.)

92-19-32. (Authorized by K.S.A. 79-3618, K.S.A. 79-3606 as amended by L. 1987, Ch. 292, Sec. 32, as further amended by L. 1987, Ch. 64, Sec. 1; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; amended May 1, 1988; revoked June 26, 1998.)

92-19-34. (Authorized by K.S.A. 79-3618; effective, E-80-2, Jan. 18, 1979; effective May 1, 1979; revoked June 26, 1998.)

92-19-35. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3616; effective May 1, 1979; amended May 1, 1986; revoked June 26, 1998.)

92-19-39. (Authorized by K.S.A. 79-3618, K.S.A. 1979 Supp. 79-3606; effective, E-80-26, Dec. 12, 1979; effective May 1, 1980; revoked June 26, 1998.)

92-19-49. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3603 as amended by L. 1987, Ch. 182, Sec. 108, K.S.A. 79-3609, K.S.A. 1986 Supp. 79-3607, K.S.A. 1986 Supp. 79-3610 as amended by L. 1987, Ch. 391, Sec. 1; effective May 1, 1988; revoked June 26, 1998.)

92-19-49a. Refunds and credits. (a) A claim for a refund of sales or compensating tax shall be treated as an application for the adjustment or amendment of a sales or compensating tax return. Refund claims shall be made in writing and shall specify the grounds for the claim. Claims shall be filed within three years of the date on which payment of the tax was due. As used here, a refund claim includes a claim for credit.

(b) When a retailer files a claim for refund, the claim shall include proof that the retailer either credited or repaid the tax to the consumer, entered into a written agreement with the consumer that allows any payment by the department to be made jointly to the retailer and consumer, or did not collect the tax from the consumer that the retailer reported and remitted to the state. Proof that the retailer has credited or repaid the tax to the consumer shall be in the form of a canceled check or an irrevocable credit memo issued to the consumer. Until proof of credit, repayment, agreement or non-collection is submitted, no refund shall be issued to a retailer who collected tax on a nontaxable sale.

(c) Retailers shall be entitled to reimbursement for taxes reported on their returns from sales of goods when goods are later returned to them by a consumer. When a retailer repays a consumer for returned goods, the retailer may claim either a refund or a deduction for taxes that were reported on the initial sale. The retailer's repayment to the consumer may be by credit or by refund and shall include the full selling price of the goods and the associated sales taxes. A retailer may take the deduction during the reporting period in which the consumer is repaid or may apply to the department for a refund for the same period. If a deduction is taken, any credit balance shall be carried forward on subsequent returns until fully used. Returned goods shall not include repossessed goods, which are discussed in K.A.R. 92-19-10.

(d) A consumer shall be eligible to file a refund claim with the department for consumers' compensating tax, or for retailers' sales tax that the consumer reported and paid directly to the department under the provisions of K.S.A. 79-3604, and amendments thereto. Except as provided in subsections (i) and (j), a consumer shall not otherwise be eligible to file a refund claim for retailers' sales tax or retailers' compensating tax since the retailer, not the consumer, is the taxpayer for purposes of these taxes. Each consumer shall request a refund of retailers' sales tax or retailers' compensating tax from the retailer that charged and collected the tax from them at the time of the sale.

(e) Each claim for a refund shall specify the name of the retailer and consumer, the amount of tax claimed to have been overpaid, the date of the sale or sales that generated the refund claim, the reporting period in which the tax was remitted to the state, and the specific grounds for the refund claim. Refund claims shall be submitted with supporting documentation, including copies of canceled checks, paid invoices, contracts, and other billing and payment documents. If the department requests additional documentation to support the refund claim and the documentation is not provided within 30 days of the request, the refund claim may be denied. The department may extend the time for providing additional documentation for a definite period beyond 30 days if a request for extension of time is received within the 30 day period and good cause is shown. All records that support the claim shall be made available to the department for inspection upon request.

(f) Each claim for refund shall be reviewed by the department and its validity determined. Each claimant shall be notified in writing of the determination and, if the claim is denied, shall be provided with a written description of the method by which administrative review may be requested. A denial of a claim for refund shall be final, unless the claimant files a timely request for administrative review. If a claimant does not receive notice of the department's action within six months of filing the claim, the claimant may demand that an informal conference be scheduled or may consider the claim disallowed and bring an action in district court for the refund as provided at K.S.A. 79-3609 and K.S.A. 79-3230(d), and amendments thereto. If a demand is made for an informal conference, a date for the conference shall be scheduled within 30 days of receipt of the demand.

(g) If the department determines that a refund is due, the amount shall first be set off against any state liability of the person to whom the refund is ultimately due. A written notice of the setoff shall be provided to the person. If the person has no outstanding state liability, the refund or credit shall be issued. A retailer shall be considered the person to whom the refund is ultimately due under this subsection if the retailer previously credited or paid the tax to the consumer.

(h) Except for claims involving returned goods, a retailer shall not take credit on a return for a refund claim until the department has approved the claim and notified the retailer of its action in writing. To utilize a refund credit, the retailer shall attach a copy of the notification to a subsequent tax return and use the credit to offset the

amount being reported. Any credit balance shall be carried forward on subsequent returns until fully used.

(i)(1) A refund claim submitted directly by a consumer that is not undergoing a field audit may be reviewed by the department if the claim is accompanied by an affidavit of the consumer verifying any of the following:

(A) the retailer is no longer in business;

(B) the retailer has moved, and the consumer cannot locate the retailer;

(C) the retailer is insolvent and is financially unable to make the refund; or

(D) the consumer has attempted in good faith to obtain a refund from the retailer and can document that the retailer has refused or is unable to refund the tax or did not act on the request in a timely manner.

The affidavit shall identify the date that the consumer first sent the request to the retailer and the materials that were included with the request. Copies of the documentation shall be submitted with the affidavit. The department may contact the retailer to confirm the claims made by the consumer and that the consumer acted in good faith in seeking the refund from the retailer. As used in this subsection, "good faith" means honesty in fact and a reasonable attempt to secure the refund from the retailer.

(2) As used in K.S.A. 79-3650, and amendments thereto, "timely manner" means within three months from the date that the consumer first submitted the refund request to the retailer. As used in K.S.A. 79-3650, and amendments thereto, "proper showing" means the affidavit of the consumer and the materials and documentation needed to support a refund claim, as set forth in subsection (e) of this regulation, except for the reporting period of the retailer. A consumer shall make a request to the department within six months of the date that the consumer mailed the original request to the retailer, in order to have the statute of limitations waived for reporting periods as allowed under this provision.

(3) If the director finds that the affidavit and documentation provided to the retailer are insufficient to support a refund claim, the claim shall be denied and the claimant notified in writing of the determination and the method by which an administrative review may be requested. The statute of limitations shall not be extended for any request sent to a retailer that contained insufficient documentation to support the refund claim.

(4) If the director finds that a consumer submitted a properly documented refund request to a retailer that was not acted upon in a timely manner, the time for filing the request with the department may be extended by the director by the time attributed to the delay caused by the retailer.

(5) Each retailer shall have a continuing duty to correct errors in returns on file with the department, including filing amended returns that reduce reported receipts and allow consumers to secure the refund of taxes that were overpaid to the retailer. If a retailer has refused or delayed refunding a tax that the department has determined should be refunded to a consumer, the retailer may be contacted by the department and directed to file an

(continued)

amended return that correctly reflects the refund due the consumer.

(j)(1) If, during the course of a field audit of a business as a consumer, it is determined that the business paid Kansas sales or compensating tax to a retailer on a transaction that is not subject to tax, the business may apply directly to the department for a setoff or refund of the tax that it overpaid notwithstanding the other provisions of this regulation if the business is currently registered to collect and remit tax and if the business provides the director with an affidavit signed by an owner or corporate officer that assures the business has not and will not request a duplicate refund through the retailer. A business shall not be allowed to claim a setoff or refund of taxes that the business collected from a consumer.

(2) If a business pays a liability or accepts a refund that was determined under an audit assessment that applied a sampling technique to an established population, the population that served as the base for the sampling portion of the assessment shall be closed to all additional assessments and refunds.

(3) In any case in which the department has erroneously refunded or credited sales or compensating tax, a notice of tax assessment may be issued by the department within three years of the date the refund was made or, if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact, within two years of the date of discovery of the fraud or misrepresentation. The amount of the assessment shall be limited to the amount of the erroneous refund, unless fraud is involved. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3609, 79-3650; effective June 26, 1998.)

92-19-66a. (Authorized by 79-3618; implementing K.S.A. 1986 Supp. 79-3606 as amended by L. 1987, Ch. 292, Sec. 32, as further amended by L. 1987, Ch. 64, Sec. 1; effective May 1, 1988; revoked June 26, 1998.)

92-19-66b. Labor services. (a) Each contractor, subcontractor, and repairman shall be responsible for collecting and remitting sales tax on taxable services performed for others, including taxable services performed for other contractors. A contractor, subcontractor, or repairman shall not issue or accept a resale exemption certificate that claims an exemption from sales tax for services being purchased from or sold to another contractor, subcontractor, or repairman.

(b) The taxable base for all contracts involving the application or installation of tangible personal property shall be the difference between the contract price and the cost of material, supplies, and payments to subcontractors, including sales or compensating tax paid by the contractor on the materials, supplies, and subcontractor charges purchased by the contractor to complete the contract.

(c) Each contractor, subcontractor, or repairman who does not separately state the amount of sales tax for services performed in that person's contract, bid estimates, customer billings, or other evidence of the transaction shall state in the document that all applicable sales taxes are included in the selling price. If the statement does not appear in the contract, bid estimate, billing, or other evidence of the transaction, it shall be presumed that the

sales tax was not charged to the consumer. Each retailer shall carry the burden of proving that the sales tax was charged to the consumer and properly remitted to the state.

(d) The service of installing or applying tangible personal property in connection with the original construction, which is the first or initial construction of a new building or facility, shall not be subject to sales tax. The erection of a building or facility on a site previously occupied by a building or facility that has been demolished, razed, or dismantled shall be considered to be original construction if the building or facility is totally new, whether or not the old foundation was also demolished.

(e) The service of installing or applying tangible personal property for the addition of an entire room or floor to the exterior of an existing building or facility shall not be subject to sales tax. Any replacement, remodeling, restoration, repair, renovation, or reconstruction done in the interior of an existing building or facility necessary to the construction of an entire room or floor added to the exterior of an existing building or facility shall be considered to be original construction and not subject to sales tax when any of these conditions is met.

(1) Except for the addition of the entire room or floor to the exterior of the building or facility, the work performed inside the existing building or facility would not be necessary.

(2) The work being done in the existing building or facility is necessary to support the addition of the new room or floor being added to the exterior of the building, facility, or the machinery contained therein.

(3) The support to the entire room or floor being added to the exterior of the existing building or facility is the direct causal factor of the construction being performed to the interior of the existing building or facility.

If none of the three requirements can be met, the services performed to the interior of the existing building or facility shall be subject to sales tax, and the cost of services rendered in connection with the entire project shall be allocated between the addition of the new room or floor and the services performed to the interior of the existing building or facility.

Sales tax shall be collected and remitted for that portion of services allocated to those services performed to the interior of the existing building or facility.

(f) Services of installing or applying tangible personal property to complete unfinished portions of newly constructed buildings, facilities, shopping centers, and malls when space within the building, facility, center, or mall is leased or sold to the first or initial tenant of that space shall not be subject to sales tax. Services performed to install or apply tangible personal property for the completion of an unfinished portion of an existing building or facility shall be presumed not to be taxable when all of the following conditions are met.

(1) The service being rendered was called for in the original blueprint, building plan, or building specification at the time original construction of the building or facility was started, including any change orders issued during the original construction of the building or facility.

(2) The completion of the unfinished portion of the building or facility is within a time that is reasonably

close to the time of the original construction of the building or facility.

(3) The service rendered would have been performed at the time of the original construction of the building or facility, except for circumstances beyond the owner's control. Those circumstances shall not include instances in which the project is essentially completed and usable for the purposes intended, but the owner merely fell short of funds, or when the owner, after taking possession or occupancy of the building or facility, contracts for additional services.

(4) The owner or occupant is the first or initial owner or occupant of the building or facility.

(g) Sales tax shall not be imposed on the service of installing or applying tangible personal property for the purpose of restoring, reconstructing, or replacing a building or facility damaged or destroyed by fire, flood, tornado, lightning, explosion, or earthquake. This exemption shall not apply to restoration, reconstruction, or replacement of a building or facility due to normal deterioration resulting from the continuous exposure to the elements, or the obsolescence of the building or facility. Each retailer performing a service under this exemption shall secure an affidavit from the owner of the building or facility stating that the building or facility was damaged or destroyed by one or more of the above-mentioned causes. Each retailer shall retain the affidavit in the retailer's records for three years. The affidavit shall be in substantially the following form:

State of Kansas, County of _____
 ss. _____
 of lawful age, being first duly sworn, deposes, and states: _____

Subscribed in my presence and duly sworn to before me, this _____
 day of _____, 19____.

(Signature of Notary Public)

(h) Services performed to dismantle, demolish, raze, or destroy a building or facility or a portion of a building or facility shall be subject to sales tax. If the services are performed in connection with the original construction of a building or facility, and the building or facility is constructed on the same site, the service of dismantling, demolishing, razing, or destroying the original building or facility shall not be subject to sales tax. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3603; effective May 1, 1988; amended June 26, 1998.)

92-19-66d. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 79-3603 as amended by L. 1987, Ch. 182, Sec. 108; effective May 1, 1988; revoked June 26, 1998.)

92-19-66e. Project exemptions. (a) "Project exemption" means a type of sales tax exemption that allows a qualifying entity to pass its exempt status through a contractor to supplier when the contractor purchases materials for use in improving the entity's real property. K.S.A. 79-3606(d), K.S.A. 79-3606(e), and K.S.A. 79-3606(cc), and amendments thereto, identify the entities that may qualify for a project exemption.

(b) Project exemptions shall be limited to exempting purchases by contractors for construction projects per-

formed for qualifying entities that have secured a project exemption certificate. Project exemption certificates shall be considered to provide a specific, limited exemption that contractors may claim for a single construction project of limited duration and shall not create an express or implied agency relationship between the exempt entity, the contractor, or the supplier. For purposes of this regulation, "contractor" means the general contractor, subcontractors, and repairment, unless the context clearly indicates otherwise. "Supplier" means retail vendors of construction materials and other building supplies.

(c) Project exemption certificates may be issued by the department of revenue or by an entity that has been designated by the secretary of revenue as an agent of the department for purposes of issuing the certificates. Only entities that are entitled to be granted a project exemption under K.S.A. 79-3606(d) or K.S.A. 79-3606(e), and amendments thereto, may be designated as an agent of the department for this purpose. Businesses that qualify for project exemption because of economic development laws shall not be granted agency status. For purposes of this regulation, "the secretary of revenue" or the "secretary" means the secretary of revenue or that individual's designee.

(d) Entities that have not been designated as agents of the department shall apply to the department for a project exemption certificate for each construction project. Upon approval of the application, a project exemption certificate shall be issued by the department directly to the entity making application.

(e) Each application to the department for a project exemption certificate shall provide the following information:

- (1) The exempt entity's name and address;
- (2) the general contractor's name and address;
- (3) the project location, description, and the job number being assigned to the project by the entity;
- (4) the starting date for construction;
- (5) the estimated completion date of the project; and
- (6) any additional information required on forms approved by the department for use in applying for project exemption.

(f) Requests by an entity for agency status to issue its own project exemption certificates shall be made on forms issued by the department. Each entity's request for agency status shall be approved or denied in writing by the secretary of revenue.

(g) Each entity that is authorized to issue its own project exemption certificates shall meet these requirements:

- (1) Use certificate forms that have been approved by the department;
- (2) issue certificates in a numbered sequence;
- (3) record each project exemption certificate number when the certificate is issued;
- (4) maintain records that contain the information required in subsection (e);
- (5) maintain records in a form that is acceptable to the department; and
- (6) establish procedures for releasing the information in its records to department auditors.

(continued)

(h) All records that concern an entity's issuance of project exemption certificates shall be made available to the department for inspection during normal business hours. Entities that receive authorization to issue their own project exemption certificates may be required to file quarterly reports with the department. Forms for certifying the contents of its records on project exemptions for purposes of the hearsay exception requirements of K.S.A. 60-460(m), K.S.A. 60-460(n), and K.S.A. 60-460(o), and amendments thereto, shall be made available to authorized entities by the department upon request. An entity's authorization to issue project exemption certificates may be revoked if the entity fails to maintain proper records, issues certificates for projects that do not qualify for exemption, refuses to make information available to the department, has backdated a project exemption certificate, or for other good cause.

(i) An entity that is authorized to issue its own project exemption certificates may issue certificates only for wholly owned projects. It shall not issue certificates for joint projects that involve separate entities, including joint projects between a municipality and a school, educational institution, other governmental unit, or a nonprofit corporation. When a project involves two or more entities, the entities shall file a joint application for project exemption with the department.

(j) An entity that issues a project exemption certificate for a project that does not qualify for exemption shall be liable for all taxes that would have otherwise been paid on the project by contractors who worked on the project, together with interest and penalty. Assessments may be issued based on projections of tax liability from material cost records and other records.

(k) When an exempt entity buys construction materials that are billed to and paid for by the exempt entity, the purchases shall be exempt without a project exemption certificate. Only indirect purchases made by an entity's contractor shall require a project exemption certificate for exemption. Project exemption certificates shall not be issued for direct purchases or for projects that do not involve improvements to real property.

(l) Each exempt entity shall maintain the original project exemption certificate as part of its records and provide photostatic copies to the project's general contractor for distribution to subcontractors, repairmen and suppliers. Each subcontractor, repairman, or supplier who is presented with a project exemption certificate or who uses one to exempt purchases shall maintain a copy of the certificate as part of its records. Each supplier shall inscribe the project exemption number on invoices or other billing documents issued to contractors, subcontractors, or repairmen who claim exemption under a certificate. Suppliers may honor a project exemption certificate only when the sales being exempted are consistent with the dates and other information contained in the certificate.

(m) Project exemption certificates shall be considered to operate prospectively. Each certificate shall be issued for a specific project of limited duration and shall contain an expiration date. If an entity qualifies for a project exemption but fails to secure or issue a certificate before purchases for the project are made, contractors shall pay

tax on their purchases. An exempt entity that fails to secure or issue a project exemption certificate in time for a contractor to secure exemption from its suppliers shall seek a refund from the department in accordance with subsection (n) and shall not backdate the certificate or refuse to pay the tax to the contractor.

(n)(1) Any exempt entity that fails to secure a project exemption certificate in time for a contractor to secure exemption for part or all of its purchases may apply to the department for permission to seek from its contractors' suppliers a refund of taxes on sales that would have been exempt had a project exemption certificate been secured in time for its contractors to claim exemption on their purchases. The refund request shall be accompanied by the following documents or shall show the following:

(A) Proof that the project qualified for project exemption; and

(B) affidavits from the contractor, subcontractors, and repairmen verifying the amount of taxes they paid to suppliers on purchases for the project. The affidavit shall be supported by a schedule listing the taxes paid by the contractor, subcontractor, and repairmen; the supplier to whom the taxes were paid; and the date of the sale. Copies of invoices and other documentation that verifies the tax payments listed in the schedule shall accompany the affidavit and schedule. The affidavit shall include a waiver by all contractors, subcontractors, and repairmen that relinquish all claims to the refund.

(2) Each application shall be reviewed by the department. If the department determines that the sales to a contractor, subcontractor, or repairman would have been exempt had a project exemption certificate been obtained before purchases were made, the entity shall be provided with written authorization for the entity to seek a refund from the suppliers for the scheduled taxes paid by the contractors, subcontractors, and repairmen. To secure the refund, the entities shall submit the refund authorization to the supplier under the provisions of K.A.R. 92-19-49a.

(o) Each contractor who makes exempt purchases under a project exemption certificate shall maintain adequate records to show disposition of the materials, supplies, and services that were purchased exempt. Upon completion of an exempt project, each contractor shall furnish a sworn statement to the exempt entity indicating that all purchases made exempt under the project exemption certificate were entitled to exemption under the act. Forms for these affidavits shall be furnished by the department.

(p) A project exemption certificate shall not relieve a contractor from liability for taxes on materials and supplies that are not incorporated or consumed on an exempt project. Any material purchased under a project exemption certificate that has not been consumed or incorporated into the project or that has not been returned to the supplier for credit shall be subject to sales tax. Each contractor shall file a return and remit tax on the material directly to the department. This return shall be filed for the reporting period that follows the month in which the contractor determines that the materials or supplies were not used in the exempt project. (Authorized by and implementing K.S.A. 79-3606, 79-3618; effective June 26, 1998.)

92-19-68. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1986 Supp. 3602; effective May 1, 1988; revoked June 26, 1998.)

92-19-78. (Authorized by K.S.A. 79-3618; implementing K.S.A. 79-3615; effective May 1, 1988; revoked June 26, 1998.)

**Article 21.—LOCAL RETAILERS'
SALES TAX**

92-21-18. (Authorized by K.S.A. 79-3618, 79-3619, K.S.A. 1971 Supp. 79-4425, 79-4426; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; revoked June 26, 1998.)

92-21-21. (Authorized by K.S.A. 79-3618, 79-3619, K.S.A. 1985 Supp. 12-189; implementing K.S.A. 79-3603 as amended by L. 1986, Ch. 386, Sec. 1, K.S.A. 1985 Supp. 12-189; effective May 1, 1987; revoked June 26, 1998.)

John D. LaFaver
Secretary of Revenue

Doc. No. 022528

State of Kansas

**Department of Health
and Environment**

**Permanent Administrative
Regulations**

**Article 71.—VOLUNTARY CLEANUP AND
PROPERTY REDEVELOPMENT PROGRAM**

28-71-1. Definitions. For the purposes of these regulations, the following definitions shall apply. (a) "Adjacent property" means property that is impacted by contamination from an off-property source or property that is contiguous to a contaminated property.

(b) "Anthropogenic levels" means concentrations of chemicals or substances that are present in the environment due to human activity.

(c) "Class one contamination (Class I)" means that suspected or confirmed contamination is determined to exist on the eligible property, and the eligible property is not a source of contamination or is located adjacent to a property with a known source of contamination.

(d) "Class two contamination (Class II)" means that suspected or confirmed soil contamination is determined to exist on the eligible property, there is no known or suspected soil contamination emanating off the eligible property, and there is no known or suspected groundwater contamination.

(e) "Class three contamination (Class III)" means that suspected or confirmed soil or groundwater contamination, or both, is determined to exist on the eligible property, and there is no known or suspected soil or groundwater contamination that has migrated off the eligible property.

(f) "Class four contamination (Class IV)" means that suspected or confirmed soil or groundwater contamination, or both, is suspected or is determined to exist on and off the eligible property.

(g) "Days" means calendar days unless otherwise specified. Documents due on the weekend or a holiday

shall be submitted on the first working day after the weekend or holiday.

(h) "Enforcement action" means an administrative or judicial claim made by a governmental agency pursuant to state, federal, or common law against the property described in the application, which enforcement action is based upon the contaminants sought to be cleaned up under this program.

(i) "Environmental site assessment" means an investigation of a property, conducted by a qualified environmental professional, that identifies and defines recognized environmental conditions at the property.

(j) "Hazard index value" means the sum of more than one hazard quotient for multiple substances, multiple exposure pathways, or both.

(k) "Hazard quotient" means the ratio of a single substance exposure level over a specified time period to a reference dose for that substance derived from a similar exposure period.

(l) "Institutional control" means a legal mechanism that limits access to or use of property, or warns of a hazard, the purpose of which is to ensure the protection of human health and the environment.

(m) "Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system as described in K.A.R. 28-15-13, subsections (b) and (c).

(n) "Naturally occurring levels" means ambient concentrations of chemicals or substances present in the environment that are typical of background levels near the eligible property when not affected by the identified contamination source.

(o) "Nonresidential property" means any property that does not exclusively meet the definition of residential property.

(p) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state agency, unit of local government, school district, federal agency, tribal entity, interstate body, or other legal entity.

(q) "Potable water" is as defined in K.A.R. 28-16-28b, paragraph (b)(32).

(r) "Qualified environmental professional" means an individual who demonstrates to the satisfaction of the department that the individual, through academic training, occupational experience, reputation, or other credentials, can objectively conduct one or more aspects of an environmental site assessment.

(s) "Remedial action" means those actions taken to address the effects of a release of a contaminant, so that it does not cause a significant risk to present or future public health or welfare, or to the environment.

(t) "Remediation" means the act of implementing, operating, and maintaining a remedial action.

(u) "Residential property" means any property currently used or proposed for use as one of the following:

- (1) A residence or dwelling, including a house, apartment, mobile home, nursing home, or condominium; or
- (2) a public use area, including a school, educational center, day care center, playground, unrestricted outdoor recreational area, or park.

(continued)

(v) "Voluntary cleanup and property redevelopment program (VCPRP)" means the implementation of the voluntary cleanup and property redevelopment act, as defined in K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto, by the department.

(w) "Voluntary party" means an applicant whose property is determined to be eligible for the voluntary cleanup and property redevelopment program. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,164 through 65-34,172; effective June 26, 1998.)

28-71-2. Applicant. An applicant shall include a person who has title, control, or access to the property and is one of the following:

- (a) A person who owns property;
- (b) a person who operates a facility located on the property;
- (c) a person who previously owned, operated, or otherwise controlled activities on the property;
- (d) a prospective owner of property;
- (e) a prospective operator of a facility located on property;
- (f) a person or generator of hazardous or solid waste who by contract, agreement, or otherwise, directly or indirectly, arranged for the disposal of contaminants at the property;
- (g) a person who legally controls the property; or
- (h) any unit of government that acquired title or control of the property involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,164; effective June 26, 1998.)

28-71-3. Eligibility determination. (a) The property described in the application shall contain an actual, threatened, or suspected release of a contaminant or be impacted or threatened by contaminants from an off-property source.

(b) Properties that may be eligible for application to the voluntary cleanup and property redevelopment program include the following:

- (1) Properties that have been assessed by the United States environmental protection agency, its contractors and agents, and the department, if the property meets the additional criteria defined in K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto, and these regulations;
- (2) contaminated properties that are currently under an existing department order or agreement, upon completion of the actions required by the department order or agreement, if the property meets the additional criteria as defined in K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto, and the determination of completion of the actions required by the order or agreement shall be made by the department;
- (3) portions of a larger property that have or require a resource conservation and recovery act (RCRA) permit, but these portions do not require a permit in accordance with RCRA, which contains a corrective action component, as determined by the department, if the property meets the additional criteria as defined in K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto;

(4) portions of a larger property that includes oil and gas activities regulated by the state corporation commission, but the specific portion is not regulated by the state corporation commission, if the property meets the additional criteria defined in K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto; and

(5) contaminated properties that are not statutorily excluded. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,164; effective June 26, 1998.)

28-71-4. Application process. (a) Each applicant shall submit to the department a complete application consisting of the following:

- (1) An application form, provided by the department;
 - (2) a nonrefundable application fee of \$200.00; and
 - (3) all documentation that supports the application, including environmental assessments, investigation reports, or both.
- (b) Determination of whether or not the property defined in the application is eligible for participation in the program shall be made by the department, pursuant to K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto. The applicant shall be notified by the department in writing of the determination, not more than 60 days after the department receives a complete application or reapplication.

(c) In the event that the initial application is determined by the department to be incomplete, a written notice stating why the application is incomplete shall be returned to the applicant by the department. The applicant shall submit a revised application package to address the concerns of the department.

(d) In the event the department determines that the revised application package is still incomplete, written notice shall be provided by the department to the applicant, who shall submit a second application fee of \$200.00 and a revised application package. (Authorized by and implementing K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,164 and 65-34,165; effective June 26, 1998.)

28-71-5. Classification determination. (a) An initial classification of contamination for eligible properties shall be determined by the department.

(b) For the purposes of this regulation, properties shall be placed into one of four contamination classes, as defined in K.A.R. 28-71-1.

(c) The department's classification determination shall be conveyed to the voluntary party with written notification of eligibility.

(d) The contamination classification of an eligible property shall be determined by the department based on the following criteria:

- (1) The application and associated documentation that supports the voluntary party's application;
- (2) review of available technical bulletins and scientific documents describing the geology and geohydrology of the property and surrounding area; and
- (3) scientific information relating to the toxicity, mobility, persistence, and other characteristics of the contaminants suspected or identified at a property.

(e) For the purposes of selecting an appropriate level of work necessary to achieve the objectives as defined in K.A.R. 28-71-9, determination of which contamination classification an eligible property falls into shall be made by the department.

(f) Throughout the time the eligible property is participating in the program, the contamination classification of an eligible property may be adjusted by the department to a lower contamination classification or a higher contamination classification, depending on additional information obtained. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,165 and 65-34,166; effective June 26, 1998.)

28-71-6. Voluntary agreement. (a) Upon departmental approval of the application for the voluntary cleanup and property redevelopment program, the voluntary party shall enter into a voluntary agreement with the department. The voluntary agreement shall be developed by the department and submitted to the voluntary party for signature. The voluntary agreement shall set forth all of the terms and conditions for implementation of the work anticipated in the program.

(b) Oversight, management, and review activities pertaining to the property shall not be commenced by the department until the voluntary agreement is signed by both the department and the voluntary party.

(c) The voluntary agreement shall require the voluntary party to deposit with the department an initial amount, not to exceed \$5,000.

(d) The voluntary agreement shall require the voluntary party to provide the department access to the property at all reasonable times, upon reasonable notice to the voluntary party during all the activities conducted under K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,165; effective June 26, 1998.)

28-71-7. Initial deposit and reimbursement. (a) The initial deposit made by the voluntary party, based on the contamination classification of the property, shall be one of the following amounts.

(1) Class I contamination shall not exceed \$1,000, based upon actual billing by the department.

(2) Class II contamination shall be \$3,000.

(3) Class III contamination shall be \$4,000.

(4) Class IV contamination shall be \$5,000.

(b) Oversight shall be performed by the department or its consultants or contractors. This oversight shall include the following:

(1) The review of documents, studies, and test results;

(2) any necessary administrative decision making by the department;

(3) collection of split samples, laboratory analysis, and sampling supplies;

(4) travel;

(5) per diem;

(6) verification activities; and

(7) associated indirect costs.

(c) The purpose of oversight of a voluntary party's performance by the department shall be to assure that the work is consistent with, and meets the requirements of,

K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto; applicable guidance, policies and procedures; and these regulations. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,165; effective June 26, 1998.)

28-71-8. Environmental assessments. (a) Environmental assessments as defined in these regulations and prepared by a qualified environmental professional shall be accepted by the department.

(b) An environmental assessment shall include the following information:

(1) The legal description of the site and a map identifying the location, boundaries, and size of the property;

(2) the physical characteristics of the site and areas contiguous to the site, including the location of any surface water bodies and groundwater aquifers;

(3) the location of any water wells located on the property or in an area within a one-half mile radius of the property and a description of the use of the those wells;

(4) the operational history of the property, based upon the best efforts of the applicant and the current use of areas in the vicinity of the property;

(5) the present and proposed uses of the property;

(6) information concerning the nature and extent of any contamination;

(7) information on releases of contaminants that have occurred at the site, including any environmental impact on areas in the vicinity of the property;

(8) any sampling results or other data that characterizes the soil, groundwater, or surface water on the property; and

(9) a description of the human and environmental exposures to contamination at the property, based upon the property's current use and any future use proposed by the property owner as approved by the local zoning authority. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,165, 65-34,166, and 65-34,170; effective June 26, 1998.)

28-71-9. Voluntary cleanup work plans and reports. (a) Upon signature of the voluntary agreement by the voluntary party and the department, each environmental investigation report, assessment report, or both, submitted by the voluntary party shall be reviewed by the department. Determination of whether or not the investigation, assessment, or both, meet all the following objectives shall be made by the department.

(1) Sources for contaminants have been adequately identified and investigated.

(2) The vertical and horizontal extent of contaminants has been determined.

(3) Human health and environmental receptors have been identified.

(4) Potential risks and impacts to receptors have been evaluated.

(5) Quality assurance and quality control have been maintained.

(b) Based on the reports submitted by the voluntary party, a determination as to any required actions shall be made by the department.

(continued)

(c) Determination that further investigation is necessary to meet the objectives as defined in K.A.R. 28-71-9, subsection (a) may be made by the department. If this determination is made, the voluntary party shall submit to the department for review and approval a work plan for investigation. The work plan shall be based on a scope of work provided by the department. The work plan shall be reviewed by the department, and written comments for revisions or approval shall be provided by the department. After approval of the work plan by the department, the following actions shall occur.

(1) The voluntary party shall implement the department-approved work plan for investigation.

(2) The voluntary party shall document and submit the results of the investigation in a report, and the report shall be submitted to the department for review.

(3) The report shall be reviewed by the department, and written comments for revision or approval shall be provided by the department.

(4) A determination as to any further required actions based on the results of the approved investigation report shall be made by the department.

(d) If it is determined that remediation is necessary to address, mitigate, or both, the risks posed by the property, the voluntary party shall submit to the department for review and approval a proposal for remediation. The proposal for remediation shall be based on a scope of work provided by the department. The proposal for remediation shall meet the following objectives:

(1) Be protective of human health and the environment for documented present and future land uses;

(2) meet applicable state standards and guidelines or the results of a risk analysis approved by the department;

(3) evaluate remedial alternatives that are proven reliable and are economically and technically feasible by completing the following activities:

(A) Comparing a minimum of two alternatives, not including the "no action" alternative;

(B) documenting the ability of each remedial alternative to attain a degree of cleanup and control of contaminants established by the department; and

(4) provide a description and evaluation of the voluntary party's proposed remedial alternative.

(e) The proposal for remediation shall be reviewed by the department, and written comments for either revision or approval shall be provided by the department within 45 days of submittal, unless the department extends the time for review to a date certain.

(f) If the department approves the proposal for remediation, then a cleanup plan shall be submitted by the applicant. The cleanup plan shall include the following:

(1) A description of all tasks necessary to implement the preferred remedial alternative;

(2) preliminary or final design plans and specifications of the preferred remedial alternative;

(3) a description of all necessary easements and permits required for implementation of the cleanup;

(4) an implementation schedule;

(5) a plan to monitor the effectiveness of the cleanup during implementation; and

(6) a verification plan to document that cleanup objectives have been achieved.

(g) The cleanup plan shall be reviewed by the department, and written comments for either revision or acceptance shall be provided by the department within 30 days of submittal, unless the department extends the time for review to a date certain. If the department accepts the cleanup plan, a notice of the department's determination shall be published by the department, in accordance with K.A.R. 28-71-12.

(h) The cleanup plan shall be approved by the department if the plan is publicly accepted and if the plan attains a degree of cleanup and control of contaminants that are protective of human health and the environment.

(i) If the cleanup plan is not approved by the department, the voluntary party shall be provided with the reasons for denial, in writing, by the department.

(j) Upon receipt of written assurance that the cleanup plan has been completed, a verification sampling program, approved by the department, shall be conducted by the department and the voluntary party, to confirm that the property has been addressed as described in the cleanup plan. Conducting verification activities, allowing the voluntary party to conduct these activities, or requesting that both the department and voluntary party collectively conduct these activities may be selected by the department. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,166, 65-34,167, and 65-34,168; effective June 26, 1998.)

28-71-10. "No further action" determinations. (a) For the purposes of this regulation, the term "no further action" determination means that the department has determined, pursuant to K.S.A. 1997 Supp. 65-34,161 et seq., and amendments thereto, that no further action is necessary at the property.

(b) The "no further action" determination by the department shall be made on properties where either of the following applies.

(1) Contamination was detected during the environmental assessment, department-approved investigation, or both, but contamination levels present no significant risk to human health and the environment, and those levels are less than applicable federal or state standards.

(2) The property has been remediated, as approved by the department, in a cleanup plan and confirmed with verification sampling as defined in K.A.R. 28-71-9.

(c) "No further action" determinations shall contain the appropriate disclaimers and limitations for the specific circumstances at the property.

(d) A "no further action" determination may be issued by the department with the following conditional terms:

(1) To allow for long-term monitoring of contamination; or

(2) to provide for further action in the event that department-approved cleanup levels are exceeded at property boundaries; or

(3) both paragraphs (d)(1) and (d)(2).

(e) A "no further action" determination may be issued by the department to properties when no contamination is indicated, based on a department-approved application, environmental assessment, or investigation reports submitted by the voluntary party. The environmental assessment or investigation shall document that the past

and current use of the property has not contributed to contamination of soils, surface water or groundwater.

(f) A "no further action" determination may be issued by the department to contaminated, adjacent properties if the property that is the source of the contamination has applied and been accepted into the voluntary cleanup and property redevelopment program or if the property is being addressed by the department or the United States environmental protection agency through another program. The following requirements shall be met for those properties qualifying for a "no further action" determination under this subsection.

(1) The owner or operator, or both, of the adjacent property shall submit a complete application to the department, including environmental assessments and investigations.

(2) Determination that the contamination on the subject property resulted from an off-property source shall be made by the department.

(3) The department determines that there is no on-site source of contamination, including soil contamination.

(4) The department determines that the likely source of contamination exists nearby and its location may allow contamination to migrate onto the subject property.

(5) The owner or operator, or both, of the adjacent property documents that the past and current use of the property would not have contributed to the contamination of soils, surface water or groundwater.

(6) The owner or operator, or both, of the adjacent property agrees to fully cooperate and allow reasonable access for the investigation and cleanup of the contamination for the source property. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,169; effective June 26, 1998.)

28-71-11. Remedial standards and remedial actions. (a) All remedial alternatives performed by the voluntary party and approved by the department shall attain a degree of cleanup, control, or both, of contaminants that ensures protection of human health and the environment.

(b) All cost-effective remedial actions to restore the environment to conditions before its altered state, including innovative technologies and natural processes, shall be considered by the department if the protection of human health and the environment is maintained, the future degradation of the natural source is minimized, and the movement of contaminants is controlled.

(c) Responsibility for reviewing and approving the approach and final selection of cleanup levels shall rest with the department. The voluntary party may select any one of the following three approaches to determine cleanup levels for the property:

(1) Department-approved methods to determine background levels;

(2) department-established risk-based levels; or

(3) a site-specific, risk-based analysis conducted by the voluntary party or the department, based on department-approved formulas, exposure parameters, and department-approved land use scenarios.

(d) The selection of cleanup levels shall be based on the present and proposed future uses of the property and surrounding properties. Land use shall include two general categories: residential and nonresidential.

(e) Multiple media, exposure pathways, and contaminants shall be taken into account during the determination of cleanup levels.

(f) Existing and applicable federal or state standards shall be considered by the department during the determination of cleanup levels.

(g) Institutional controls that restrict the use of a property may be required by the department to ensure continued protection of human health and the environment.

(1) Institutional controls for the property shall not be proposed as a substitute for evaluating remedial actions that would otherwise be technically and economically practicable.

(2) Institutional controls for the property that are approved by the department shall be considered as remedial actions.

(3) Institutional controls for the property shall be described in a restrictive covenant approved by the department, executed by the property owner, and recorded with the register of deeds for the county in which the property is located. These restrictive covenants shall remain in effective and be binding on the owner's successors and assignees until approved otherwise by the department in writing.

(h) Soil cleanup levels and the depths to which the cleanup levels shall apply shall be based on human exposure, the present and proposed uses of the property, the depth of the contamination, and the potential impact to groundwater, surface water, or both, and any other risks posed by the soil contamination to human health and environment. One of the following approaches to soil cleanup shall be selected by the voluntary party and approved by the department.

(1) In the event that naturally occurring levels of an individual contaminant in the soil exceed the cancer risk level of 1×10^{-6} , one in 1,000,000, or a hazard index value of 1.0, then the background level may be the cleanup level.

(2) In the event that anthropogenic levels of a contaminant in soil exceed the cancer risk level of 1×10^{-6} , one in 1,000,000, or a hazard index value of 1.0, then a 1×10^{-5} , one in 100,000 cancer risk level, or a level corresponding to a hazard index value equal to 1.0 may be used as the cleanup levels.

(3) A property-specific risk analysis performed by the voluntary party in accordance with the department's scope of work shall be used to determine a chemical-specific cleanup level of less than the cancer risk level of 1×10^{-4} , one in 10,000, or a hazard index value equal to 1.0.

(i) Property-specific cleanup levels shall be determined by the department for contaminants for which there is insufficient toxicological evidence to support a regulatory standard for risk-based cleanup levels or for nontoxic contaminants for which cleanup is required as a result of other undesirable characteristics of those contaminants. These levels shall be based on the following:

(1) The ability of the impacted soil to support vegetation representative of unimpacted properties in the vicinity of the eligible property; and

(continued)

(2) the potential of the contaminant to impact and degrade groundwater, surface water, or both, through infiltration or runoff.

(j) When there are multiple contaminants in the soil, the cleanup level of each contaminant shall not allow the cumulative risks posed by the contaminants to exceed a cancer risk level of 1×10^{-4} , one in 10,000, or a hazard index value of 1.0.

(k) The department shall approve soil cleanup levels to insure that migration of contaminants in the soil shall not cause the cleanup levels established for groundwater, surface water, or both, to be exceeded.

(l) Groundwater cleanup levels shall be based on the most beneficial use of the groundwater considering present and proposed future uses. The most beneficial use of the groundwater is for a potable water source, unless demonstrated otherwise by the voluntary party and approved by the department. The most beneficial use of the groundwater shall be determined by the department based on available existing documentation, as well as documentation provided by the voluntary party.

(m) Groundwater potentially or actually used as a potable water source shall require maximum protection in determining cleanup levels.

(n) The department shall approve cleanup levels that prevent additional degradation of the groundwater caused by contaminated migration and that encourage remedial actions to restore contaminated groundwater to the groundwater's most beneficial use.

(o) One or a combination of the following approaches to groundwater cleanup shall be selected by the voluntary party and approved by the department.

(1) In the event that natural occurring levels of an individual contaminant in groundwater exceed the cancer risk level of 1×10^{-6} , one in 1,000,000, or a hazard index value of 1.0, then the background level may be the cleanup level.

(2) In the event that anthropogenic levels of an individual contaminant in groundwater exceed the cancer risk level of 1×10^{-6} , one in 1,000,000, or a hazard index value of 1.0, then the maximum contaminant levels (MCLs) established by the federal government or a cancer risk level of 1×10^{-5} , one in 100,000, or a level corresponding to a hazard index value equal to 1.0 shall be the cleanup level.

(3) In the event that the chemical-specific maximum contaminant levels (MCLs) are not applicable, a property-specific risk analysis performed by the voluntary party in accordance with the department's scope of work shall be used to determine a chemical-specific cleanup level of less than the cancer risk level of 1×10^{-4} , one in 10,000, or a hazard index value equal to 1.0.

(p) When the need for cleanup of a contaminant may be predicated on characteristics of that contaminant other than toxicity, including the contribution of an undesirable taste or odor, or both, the site-specific cleanup level as determined by the department or secondary MCLs shall be used as cleanup levels for contaminants for which insufficient toxicological evidence has been gathered to support a regulatory standard for risk-based cleanup levels or nontoxic contaminants. These levels shall be based on the aesthetic quality and usability of the groundwater,

surface water, or both, for the present and proposed future use.

(q) When there are multiple contaminants in the groundwater, the cleanup level of each contaminant shall be such that the cumulative risks posed by the contaminants shall not exceed a cancer risk level of 1×10^{-4} , one in 10,000, or a hazard index value of 1.0.

(r) Surface water cleanup levels shall meet the Kansas surface water quality standards, as defined in K.A.R. 28-16-28b, et seq. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,167 and 65-34,168; effective June 26, 1998.)

28-71-12. Public notification and participation.

(a) When a cleanup plan has been accepted by the department, and after consultation with the applicant, a notice of the department's acceptance shall be published by the department in a local newspaper of general circulation in the area affected. Notice shall be provided by one or more of the following methods:

(1) Display advertisement;

(2) legal notice; or

(3) published notice with direct notice to any other appropriate entities, including appropriate units of local government.

(b) The cleanup plan shall be made available by the department to the public upon request.

(c) All public notices shall indicate the public comment period for the cleanup plan. The comment period shall extend no fewer than 15 days from the date of posting the notice.

(d) The public shall have the opportunity during the public comment period to submit to the department written comments regarding the cleanup plan. Written response shall be made by the department to those written comments from the public that directly concern the cleanup plan.

(e) Following the 15-day public comment period, a public information meeting may be held by the department if, in the department's judgment, the public comments on the voluntary cleanup plan submitted warrant a meeting or the voluntary party requests a meeting.

(f) The public information meeting shall provide the public with information about relevant activities at the property associated with the voluntary cleanup and property redevelopment program. Public information meetings shall be attended by a member of the department and the voluntary party or designated representative, or both.

(g) A notice to the city, the county, or both, of the public information meeting shall be provided by the department.

(h) Upon completion of the public notification and participation process, a determination to approve or disapprove the cleanup plan shall be made by the department. (Authorized by K.S.A. 1997 Supp. 65-34,163; implementing K.S.A. 1997 Supp. 65-34,168; effective June 26, 1998.)

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 022536

INDEX TO ADMINISTRATIVE REGULATIONS

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30-4-35w	Revoked	V. 16, p. 251
30-4-39	Amended	V. 16, p. 1513
30-4-40	Amended	V. 16, p. 1513
30-4-41	Amended	V. 16, p. 251
30-4-41w	Revoked	V. 16, p. 252

(continued)

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-1-22	Revoked	V. 17, p. 628
51-2-4	Amended	V. 17, p. 628
51-2-5	Amended	V. 17, p. 629
51-3-1	Amended	V. 17, p. 629
51-3-5	Amended	V. 17, p. 629
51-3-5a	Amended	V. 17, p. 629
51-3-6	Amended	V. 17, p. 630
51-3-8	Amended	V. 17, p. 630
51-3-17	Revoked	V. 17, p. 631
51-4-1	Revoked	V. 17, p. 631
51-7-5	Revoked	V. 17, p. 631
51-7-6	Revoked	V. 17, p. 631
51-7-8	Amended	V. 17, p. 631
51-8-2		
through		
51-8-7	Revoked	V. 17, p. 631
51-8-9	Revoked	V. 17, p. 631
51-8-10	Revoked	V. 17, p. 631
51-9-5	Amended	V. 17, p. 632
51-9-7	Amended	V. 16, p. 1329
51-9-10	Amended	V. 17, p. 632
51-9-11	Amended	V. 17, p. 632
51-9-12	New	V. 17, p. 632
51-9-13	New	V. 17, p. 633
51-9-14	New	V. 17, p. 634
51-10-6	Amended	V. 17, p. 634
51-12-2	New	V. 17, p. 635
51-13-1	Amended	V. 17, p. 635
51-15-2	Amended	V. 17, p. 635
51-17-2	New	V. 17, p. 635
51-18-2	Amended	V. 17, p. 636
51-18-3		
through		
51-18-6	New	V. 17, p. 637
51-19-1	Amended	V. 17, p. 637
51-21-1	Amended	V. 17, p. 637
51-24-1	Amended	V. 17, p. 637
51-24-2	Revoked	V. 17, p. 637
51-24-7	Revoked	V. 17, p. 637

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-1-104	New	V. 16, p. 436
60-2-101	Amended	V. 16, p. 437
60-2-102		
through		
60-2-108	New	V. 16, p. 437-440
60-3-106	Amended	V. 16, p. 440
60-3-106a	Amended	V. 17, p. 357
60-3-107	Amended	V. 17, p. 357
60-3-112	New	V. 17, p. 357
60-4-101	Amended	V. 17, p. 358
60-7-109	New	V. 17, p. 358
60-7-110	New	V. 17, p. 358
60-8-101	Amended	V. 17, p. 358
60-9-105	Amended	V. 17, p. 358
60-9-106	Amended	V. 17, p. 359
60-9-107	Amended	V. 17, p. 360
60-11-119	Amended	V. 17, p. 361
60-11-120	New	V. 17, p. 361
60-11-121	New	V. 17, p. 361
60-16-101	Amended	V. 17, p. 796
60-16-102	Amended	V. 17, p. 796

AGENCY 63: BOARD OF MORTUARY ARTS

Reg. No.	Action	Register
63-3-10	Amended	V. 16, p. 1250

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 16, p. 300
65-5-9	New	V. 16, p. 249
65-5-10	New	V. 16, p. 250
65-10-1	Amended	V. 16, p. 1176

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 17, p. 102
66-10-1	Amended	V. 17, p. 102

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-1-1f	Amended	V. 16, p. 1176
68-1-2a	New	V. 16, p. 1176

68-2-5	Amended	V. 16, p. 1177
68-2-9	Amended	V. 16, p. 1177
68-7-12	Amended	V. 17, p. 170
68-20-15a	Amended	V. 16, p. 1177

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-15-1		
through		
69-15-30	New	V. 16, p. 1281-1288

AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS

Reg. No.	Action	Register
70-1-1	Amended	V. 16, p. 173
70-1-6	New	V. 16, p. 441
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1		
through		

70-4-7	Revoked	V. 16, p. 173
70-4-8	New	V. 16, p. 441
70-4-9	New	V. 16, p. 443
70-4-10	New	V. 16, p. 443
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-9-1	New	V. 16, p. 1289
70-10-1	New	V. 16, p. 175

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-3	Amended	V. 16, p. 1742
71-1-16	Revoked	V. 16, p. 1742
71-1-17	Revoked	V. 16, p. 1742
71-1-19	New	V. 16, p. 1742
71-3-3	Revoked	V. 16, p. 1742
71-5-3	Amended	V. 16, p. 1742
71-5-4	Amended	V. 16, p. 1742

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-5	Revoked	V. 16, p. 1119
74-1-6	New	V. 16, p. 1119
74-2-1	Amended	V. 16, p. 1119
74-12-1	Amended	V. 16, p. 1120

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-24	Amended	V. 17, p. 738
75-6-26	Amended	V. 16, p. 1912

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
81-2-1	Amended	V. 16, p. 1938
81-3-2	Amended	V. 16, p. 1939
81-5-8	Amended	V. 16, p. 1939
81-5-9	Revoked	V. 16, p. 1939
81-5-13	New	V. 16, p. 1939
81-5-14	New	V. 16, p. 1940

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-103a	Amended	V. 16, p. 1332
82-3-120	Amended	V. 16, p. 1332
82-3-120a	New	V. 16, p. 1332
82-3-123	Amended	V. 16, p. 1333
82-3-129	Revoked	V. 16, p. 1333
82-3-130	Amended	V. 16, p. 1333
82-3-136	Amended	V. 16, p. 1333
82-3-141	Revoked	V. 16, p. 1333
82-3-304	Amended	V. 16, p. 1333
82-3-308	Revoked	V. 16, p. 1334
82-3-309	Revoked	V. 16, p. 1334
82-3-312	Amended	V. 16, p. 1334
82-3-313	Revoked	V. 16, p. 1334
82-3-500		
through		
82-3-504	Revoked	V. 16, p. 1334
82-3-800		
through		
82-3-804	New	V. 17, p. 362, 363

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-3	Amended	V. 16, p. 1669, 1704
86-1-5	Amended	V. 17, p. 246

86-1-11	Amended	V. 16, p. 1669, 1705
86-2-8	Amended	V. 16, p. 1670, 1706
86-3-25	Revoked	V. 16, p. 1670, 1706
86-3-26	New	V. 16, p. 1670, 1706
86-3-27	New	V. 16, p. 1672, 1707
86-3-28	New	V. 16, p. 1672, 1707

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-3-9	Amended	V. 17, p. 208

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-14	Amended	V. 17, p. 35
91-10-2	Amended	V. 16, p. 409

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-6-1		
through		
93-6-6	New	V. 16, p. 1552, 1892

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-1		
through		
94-2-12	Amended	V. 16, p. 1242-1245
94-2-13		
through		
94-2-18	New	V. 16, p. 1245, 1246
94-3-1	Amended	V. 16, p. 1246
94-3-2	Amended	V. 16, p. 1246

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

Reg. No.	Action	Register
99-25-1	Amended	V. 17, p. 209
99-25-2	Revoked	V. 17, p. 209
99-25-4		
through		
99-25-8	New	V. 17, p. 209, 210
99-27-1		
through		
99-27-5	New	V. 17, p. 210-212
99-30-5	Amended	V. 17, p. 212
99-30-6	Amended	V. 17, p. 212
99-31-5	Amended	V. 17, p. 212
99-31-6	Amended	V. 17, p. 213
99-40-7	New	V. 17, p. 213

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-6-2	Amended	V. 16, p. 737
100-11-1	Amended	V. 17, p. 509
100-15-1	Amended	V. 16, p. 1176
100-23-1	Amended	V. 17, p. 299
100-29-1		
through		
100-29-14	New	V. 16, p. 380-384
100-29-7	Amended	V. 17, p. 510
100-34-3	Revoked	V. 16, p. 384
100-34-4	Revoked	V. 16, p. 384
100-35-1	Revoked	V. 16, p. 384
100-35-3	Revoked	V. 16, p. 384
100-35-6	Revoked	V. 16, p. 384
100-35-7	Revoked	V. 16, p. 384
100-36-1	Revoked	V. 16, p. 384
100-37-1	Revoked	V. 16, p. 384
100-37-2	Revoked	V. 16, p. 384
100-38-1	Revoked	V. 16, p. 385
100-39-1	Revoked	V. 16, p. 385
100-40-2	Revoked	V. 16, p. 385
100-42-2	Revoked	V. 16, p. 385
100-46-1	Revoked	V. 16, p. 385
100-46-2	Revoked	V. 16, p. 385
100-46-3	Revoked	V. 16, p. 385
100-46-5	Revoked	V. 16, p. 385
100-46-6	Revoked	V. 16, p. 385
100-47-1	Revoked	V. 16, p. 385
100-49-4	Amended	V. 17, p. 510
100-49-5	Amended	V. 16, p. 1176
100-54-4	Amended	V. 17, p. 510
100-54-7	Amended	V. 16, p. 142
100-55-4	Amended	V. 17, p. 510

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100-55-10	Revoked	V. 17, p. 510
100-60-1	Amended	V. 17, p. 510
100-67-1	New	V. 16, p. 1174, 1549
100-69-5	Amended	V. 17, p. 510
100-69-10	New	V. 16, p. 2061

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-13	Amended	V. 16, p. 1672
102-2-2a	Amended	V. 16, p. 1672
102-2-4a	Amended	V. 16, p. 1673
102-2-4b	Amended	V. 16, p. 1674
102-2-5	Amended	V. 16, p. 1675
102-2-6	Amended	V. 16, p. 1675
102-2-8	Amended	V. 16, p. 1676
102-2-9	Amended	V. 16, p. 1678
102-2-10	Amended	V. 16, p. 1678
102-2-11	Amended	V. 16, p. 1678
102-2-12	Amended	V. 16, p. 1679
102-3-1	Revoked	V. 16, p. 1941
102-3-1a	New	V. 16, p. 1941
102-3-2	Amended	V. 16, p. 1680
102-3-3	Revoked	V. 16, p. 1942
102-3-3a	New	V. 16, p. 1942
102-3-4	Revoked	V. 16, p. 1943
102-3-4a	New	V. 16, p. 1943
102-3-5	Revoked	V. 16, p. 1944
102-3-5a	New	V. 16, p. 1944
102-3-6	Revoked	V. 16, p. 1944
102-3-6a	New	V. 16, p. 1944
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-3-8	Revoked	V. 16, p. 1945
102-3-8a	New	V. 16, p. 1945
102-3-9	Revoked	V. 16, p. 1945
102-3-9a	New	V. 16, p. 1945
102-3-10	Revoked	V. 16, p. 1946
102-3-10a	New	V. 16, p. 1946
102-3-11	Revoked	V. 16, p. 1947
102-3-11a	New	V. 16, p. 1947
102-3-12	Revoked	V. 16, p. 1948
102-3-12a	New	V. 16, p. 1948
102-3-13	Revoked	V. 16, p. 1950
102-4-1	Revoked	V. 16, p. 1950
102-4-1a	New	V. 16, p. 1950
102-4-2	Amended	V. 16, p. 1680
102-4-3	Revoked	V. 16, p. 1951
102-4-3a	New	V. 16, p. 1951
102-4-4	Revoked	V. 16, p. 1953
102-4-4a	New	V. 16, p. 1953
102-4-5	Revoked	V. 16, p. 1954
102-4-5a	New	V. 16, p. 1954
102-4-6	Revoked	V. 16, p. 1954
102-4-6a	New	V. 16, p. 1954
102-4-7a	New	V. 17, p. 318
102-4-8	Revoked	V. 16, p. 1955
102-4-8a	New	V. 16, p. 1955
102-4-9	Revoked	V. 16, p. 1955
102-4-9a	New	V. 16, p. 1955
102-4-10	Revoked	V. 16, p. 1956
102-4-10a	New	V. 16, p. 1956
102-4-11	Revoked	V. 16, p. 1958
102-4-11a	New	V. 16, p. 1958
102-4-12	New	V. 16, p. 1958
102-4-13	New	V. 16, p. 1960
102-5-1	Amended	V. 16, p. 1961
102-5-2	Amended	V. 16, p. 1680
102-5-3	Amended	V. 16, p. 1962
102-5-4	Revoked	V. 16, p. 1963
102-5-4a	New	V. 16, p. 1963
102-5-5	Amended	V. 16, p. 1964
102-5-6	Revoked	V. 16, p. 1964
102-5-6a	New	V. 16, p. 1964
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427
102-5-8	Amended	V. 16, p. 1965
102-5-9	Amended	V. 16, p. 1965
102-5-10	Amended	V. 16, p. 1966
102-5-11	Amended	V. 16, p. 1967
102-5-12	Amended	V. 16, p. 1967

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 16, p. 651
108-1-2	New	V. 17, p. 462

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-2-15	New	V. 16, p. 2063
109-6-2	Amended	V. 16, p. 1708

109-8-1	Amended	V. 16, p. 685
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AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	through	
110-4-4	Amended	V. 16, p. 1329-1331
110-4-5	New	V. 16, p. 1331

AGENCY 111: KANSAS LOTTERY

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-3	Amended	V. 17, p. 386
111-1-5	Amended	V. 15, p. 1304
111-2-1	Amended	V. 17, p. 387
111-2-2	Amended	V. 17, p. 387
111-2-2a	through	
111-2-2e	New	V. 14, p. 1633, 1634
111-2-2b	Amended	V. 17, p. 738
111-2-2d	Amended	V. 17, p. 739
111-2-2e	Amended	V. 17, p. 739
111-2-4	Amended	V. 17, p. 429
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	Amended	V. 14, p. 1634
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	through	
111-2-26	Revoked	V. 13, p. 1401
111-2-27	Revoked	V. 14, p. 972
111-2-28	New	V. 12, p. 1844
111-2-29	Revoked	V. 14, p. 972
111-2-30	Amended	V. 17, p. 429
111-2-31	New	V. 14, p. 170
111-2-32	through	
111-2-42	Revoked	V. 16, p. 448, 449
111-2-43	Amended	V. 16, p. 1807
111-2-44	New	V. 15, p. 288
111-2-45	New	V. 15, p. 288
111-2-46	New	V. 15, p. 624
111-2-47	Amended	V. 16, p. 449
111-2-48	New	V. 15, p. 1055
111-2-49	New	V. 15, p. 1055
111-2-50	New	V. 15, p. 1056
111-2-51	New	V. 15, p. 1440
111-2-52	New	V. 15, p. 1441
111-2-53	New	V. 15, p. 1710
111-2-54	New	V. 15, p. 1920
111-2-55	New	V. 15, p. 1953
111-2-56	New	V. 16, p. 449
111-2-57	New	V. 16, p. 449
111-2-58	New	V. 16, p. 689
111-2-59	New	V. 16, p. 1043
111-2-60	New	V. 16, p. 1209
111-2-61	New	V. 16, p. 1473
111-2-62	Amended	V. 17, p. 739
111-2-63	New	V. 16, p. 1808
111-2-64	New	V. 16, p. 1808
111-2-65	New	V. 16, p. 1883
111-2-66	Amended	V. 17, p. 467
111-2-67	Amended	V. 17, p. 387
111-2-68	New	V. 16, p. 2069
111-2-69	New	V. 16, p. 2070
111-2-70	New	V. 17, p. 388
111-2-71	New	V. 17, p. 389
111-2-72	New	V. 17, p. 430
111-2-73	New	V. 17, p. 467
111-2-74	New	V. 17, p. 739
111-3-1	Amended	V. 17, p. 389
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. 13, p. 1826
111-3-13	Amended	V. 17, p. 390
111-3-14	Amended	V. 17, p. 391
111-3-16	Amended	V. 9, p. 1566
111-3-19	Revoked	V. 13, p. 1827
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. 17, p. 392
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	Amended	V. 17, p. 430
111-3-36	New	V. 13, p. 877
111-3-37	New	V. 13, p. 877
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
111-4-66	through	
111-4-77	New	V. 7, p. 207-209
111-4-96	through	
111-4-114	New	V. 7, p. 1606-1610
111-4-100	Amended	V. 14, p. 972
111-4-101	through	
111-4-106	Revoked	V. 16, p. 450
111-4-106a	Revoked	V. 16, p. 450
111-4-107	through	
111-4-114	Revoked	V. 16, p. 450, 451
111-4-153	through	
111-4-160	Revoked	V. 9, p. 1676, 1677
111-4-177	through	
111-4-212	Revoked	V. 9, p. 1677, 1678
111-4-213	through	
111-4-220	Revoked	V. 10, p. 1213
111-4-221	through	
111-4-224	Revoked	V. 10, p. 1585
111-4-225	through	
111-4-228	Revoked	V. 10, p. 1585
111-4-229	through	
111-4-236	Revoked	V. 10, p. 1585, 1586
111-4-237	through	
111-4-240	Revoked	V. 11, p. 413
111-4-241	through	
111-4-244	Revoked	V. 12, p. 1371
111-4-245	through	
111-4-248	Revoked	V. 12, p. 1371
111-4-249	through	
111-4-256	Revoked	V. 12, p. 113, 114
111-4-257	through	
111-4-286	Revoked	V. 11, p. 413, 414
111-4-287	through	
111-4-290	Revoked	V. 12, p. 1371
111-4-291	through	
111-4-300	Revoked	V. 12, p. 114
111-4-301	through	
111-4-307	Revoked	V. 13, p. 1402
111-4-308	through	
111-4-317	Revoked	V. 16, p. 451
111-4-318	through	
111-4-321	Revoked	V. 12, p. 114
111-4-322	through	
111-4-327	Revoked	V. 12, p. 1371
111-4-328	through	
111-4-335	Revoked	V. 12, p. 114

111-4-336 through			111-4-522 through			111-4-918 Amended		V. 15, p. 1954
111-4-340	Revoked	V. 16, p. 451	111-4-571	Revoked	V. 14, p. 975-977	111-4-919 through		
111-4-341	Revoked	V. 11, p. 1473	111-4-572 through			111-4-941	New	V. 15, p. 1710-1716
111-4-341a	Revoked	V. 12, p. 1372	111-4-585	New	V. 13, p. 878-880	111-4-942 through		
111-4-341b	Revoked	V. 16, p. 451	111-4-572	Amended	V. 16, p. 1044	111-4-965	New	V. 15, p. 1921-1926
111-4-341c	Revoked	V. 16, p. 451	111-4-574	Amended	V. 16, p. 1044	111-4-946	Amended	V. 15, p. 1954
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111-4-345	Revoked	V. 16, p. 451	111-4-576	Amended	V. 16, p. 1044	111-4-963	Amended	V. 16, p. 341
111-4-346 through			111-4-577	Amended	V. 16, p. 1044	111-4-966 through		
111-4-349	Revoked	V. 12, p. 114	111-4-579	Amended	V. 16, p. 1045	111-4-970	New	V. 15, p. 1954, 1955
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111-4-355	Revoked	V. 16, p. 452	111-4-582	Amended	V. 16, p. 1045	111-4-982	New	V. 16, p. 341-344
111-4-356 through			111-4-583	Amended	V. 15, p. 883	111-4-983 through		
111-4-361	Revoked	V. 14, p. 7	111-4-584	Amended	V. 16, p. 1045	111-4-991	New	V. 16, p. 456, 457
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111-4-366 through			111-4-607 through			111-4-995	Amended	V. 16, p. 2016
111-4-369	Revoked	V. 12, p. 1373	111-4-619	New	V. 13, p. 1436-1438	111-4-996a	New	V. 16, p. 1080
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111-4-379	Revoked	V. 14, p. 7, 8	111-4-610	Amended	V. 16, p. 1504	111-4-1016	New	V. 16, p. 1045, 1046
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111-4-383	Revoked	V. 12, p. 1664	111-4-613	Amended	V. 14, p. 1408	111-4-1037	New	V. 16, p. 1081-1085
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111-4-387	Revoked	V. 12, p. 1373	111-4-623	Revoked	V. 14, p. 978	111-4-1038 through		
111-4-388 through			111-4-624 through			111-4-1041	New	V. 16, p. 1209, 1210
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111-4-401 through			111-4-724 through			111-4-1055	Amended	V. 17, p. 430
111-4-404	Revoked	V. 12, p. 1373	111-4-736	New	V. 14, p. 978-981	111-4-1060 through		
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AGENCY 112: KANSAS RACING AND GAMING COMMISSION

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112-4-22	Amended	V. 17, p. 512
112-4-22a	New	V. 17, p. 512
112-4-23	Amended	V. 17, p. 590
112-4-26	New	V. 16, p. 1152
112-7-7	Amended	V. 17, p. 512
112-10-5	Amended	V. 16, p. 1664
112-10-6	Amended	V. 16, p. 379
112-12-1	Amended	V. 16, p. 1889
112-12-2	Amended	V. 16, p. 1889
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112-12-7	Amended	V. 16, p. 1890
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112-12-9	Amended	V. 17, p. 213
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112-16-14	Amended	V. 16, p. 380
112-18-3	Amended	V. 16, p. 1152
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

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115-2-3	Amended	V. 17, p. 462
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115-3-2	Amended	V. 16, p. 1471
115-4-1	Amended	V. 17, p. 463
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115-14-3	Amended	V. 16, p. 1175
115-14-9	Amended	V. 16, p. 1175
115-15-3	Amended	V. 16, p. 1989
115-15-4	New	V. 16, p. 1990
115-18-7	Amended	V. 16, p. 1991
115-18-13	Amended	V. 16, p. 1472
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117-2-2	Amended	V. 16, p. 302
117-3-1	Amended	V. 16, p. 2064
117-3-2	Amended	V. 16, p. 2064
117-4-1	Amended	V. 16, p. 2065
117-4-2	Amended	V. 16, p. 2066
117-5-1	Amended	V. 17, p. 465
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117-5-3	New	V. 17, p. 465
117-6-1	Amended	V. 16, p. 2066
117-6-3	Amended	V. 16, p. 2067
117-8-1	Amended	V. 17, p. 366

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118-3-16	New	V. 17, p. 690-693

AGENCY 121: DEPARTMENT OF CREDIT UNIONS

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121-4-11	New	V. 16, p. 72-77
121-5-1	New	V. 16, p. 1048
121-5-2	New	V. 16, p. 1048
121-6-1	New	V. 16, p. 1773
121-6-2	New	V. 16, p. 1773

AGENCY 122: POOLED MONEY INVESTMENT BOARD

Reg. No.	Action	Register
122-2-2	Amended	V. 17, p. 10

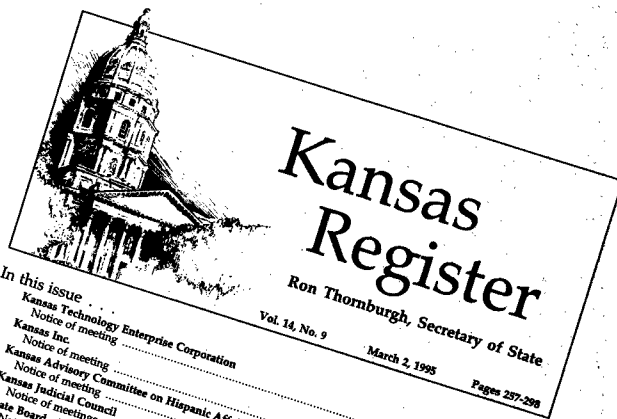
AGENCY 123: JUVENILE JUSTICE AUTHORITY

Reg. No.	Action	Register
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AGENCY 124: CHILD DEATH REVIEW BOARD

Reg. No.	Action	Register
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124-1-4	New	V. 16, p. 1819

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