

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of Negotiations
for Architectural Services**

Notice is hereby given of the commencement of negotiations for architectural services for the Budig Hall Level 980 Library Finishes project at the University of Kansas, Lawrence. This project will include the necessary architectural and engineering work to complete this level, which was shelled in as part of the original Budig Hall reconstruction. Estimated construction cost is \$1,655,000.

For information regarding the scope of services, contact Jim Modig, University of Kansas, Director of Design and Construction Management, (785) 864-3431.

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, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. 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. December 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 023219

State of Kansas

**Department of Administration
Division of Architectural Services**

**Notice of Commencement of Negotiations
for Technical Services**

Notice is hereby given of the commencement of negotiations for surveying and soil testing services for state construction projects for the six-month period from January 1, 1999 to June 30, 1999. Soil testing services would include testing and reporting prior to construction and inspection services during construction. Firms that provide concrete, welding, asphalt, steel, lead paint and hazardous material testing also are being sought.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gary Grimes, Deputy Director of Planning and Project Management, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899, ext. 204. An original of the SF 254 form (plus attachments as required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying surveying and testing firms and award projects on the rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes before 5 p.m. December 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

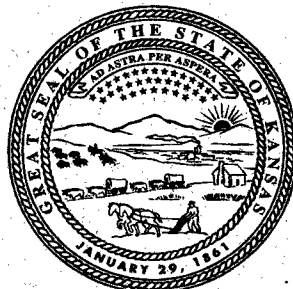
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State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of Negotiations
for Engineering Services

Notice is hereby given of the commencement of negotiations for engineering services for the installation of sprinkler systems at the Docking and Landon State Office Buildings, Topeka. Construction will be phased to coincide with funding availability.

For information regarding the scope of services, contact Myron Reed, Facilities Management, (785) 296-1318.

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, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899. 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. December 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 023218

State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 14 through December 27:

Date	Room	Time	Committee	Agenda
December 14	526-S	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	Committee report and bills.
December 14	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
December 15	123-S	9:00 a.m.		
December 16	514-S	9:00 a.m.		
December 14	514-S	10:00 a.m.	Special Committee on Administrative Rules and Regulations	Review rules and regulations proposed by the Board of Examiners in Optometry; Dept. of Agriculture, SRS and KDHE.
December 14	519-S	10:00 a.m.	Special Committee on Rail Transportation	Agenda not available.
December 15	519-S	9:00 a.m.		
December 15	423-S	10:00 a.m.	Joint Meeting: Special Committee on Information Management and Joint Committee on Information Technology	Agenda not available.
December 16	423-S	9:00 a.m.		
December 16	519-S	9:00 a.m.	Joint Committee on Children's Issues	Agenda not available.
December 16	123-S	10:30 a.m.	Legislative Coordinating Council	Legislative matters.
December 16	531-N	10:00 a.m.	Joint Committee on Special Claims Against the State	Hearings on claims filed to date.
December 16	526-S	1:00 p.m.	Senate Confirmations Oversight Committee	Agenda not available.
December 17	519-S	9:00 a.m.	Joint Meeting: SRS Transition Oversight Committee/Legislative Post Audit Committee	Agenda not available.
December 17	514-S	9:00 a.m.	Legislative Post Audit	Legislative matters.
December 18	514-S	10:00 a.m.	Health Care Reform Legislative Oversight Committee	Agenda not available.

Jeff Russell
Director of Legislative
Administrative Services

Doc. No. 023221

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, December 21, 1998

33383

Kansas Department of Transportation—Maintenance of highway lighting, Wyandotte County

33434

Kansas Department of Transportation—Maintenance of highway lighting, Shawnee County

33433

Kansas Department of Transportation—Maintenance of highway lighting, Johnson County

8492

Kansas State University—Reupholster auditorium seating

8514

Emporia State University—Chillers

Tuesday, December 22, 1998

33436

Department of Administration, Division of Facilities Management—Insulating glass windows

8504

State Board of Technical Professions—AS/400E, software, migration services with trade-in

8506

Kansas Department of Transportation—Truck-mounted vacuum street sweeper, Norton

Wednesday, December 23, 1998

33427

Kansas Department of Transportation—Drum and electrostatic plotter supplies

Monday, December 28, 1998

33425

Statewide—Stock computer forms

Tuesday, January 5, 1999

A-8764

University of Kansas—Partial tuckpoint and masonry repair, Murphy Hall

Thursday, January 7, 1999

33438

Statewide—Office furniture

Thursday, January 14, 1999

A-8599

Topeka Juvenile Correctional Facility—Curb and road repair

Request for Proposals

Tuesday, January 5, 1999

33401

Web database services for the Kansas Department of Commerce and Housing

33403

WAN computer services for the Kansas Bureau of Investigation

33435

Health promotion newsletter for the Department of Administration, Division of Personnel Services

Wednesday, January 20, 1999

8491

Integrated library system for Wichita State University

John T. Houlihan

• Director of Purchases

Doc. No. 023231

State of Kansas

Department of Administration
Division of Architectural Services

Notice of Commencement of Negotiations
for Technical Services

Notice is hereby given of the commencement of negotiations for air and water balancing services and commissioning of mechanical and electrical systems for state construction projects for the six-month period from January 1, 1999 to June 30, 1999. Negotiations also are commencing for infrared testing services and mechanical and electrical troubleshooting.

Interested individuals or firms in the balancing field must be certified by the National Environmental Balancing Bureau or the Associated Air Balance Council. Said individuals or firms must be engaged in balancing work on a full-time basis. Balance agencies that are of the same parent company as the designers or contractors of a particular project will not be considered for that project.

Firms interested in providing these services should submit an SF 254 form indicating their qualifications, fees for their services, and geographical areas of the state in which they are willing to work to Gary Grimes, Division of Architectural Services, 1020 S. Kansas Ave., Topeka, 66612-1311, (785) 296-8899, ext. 204. An original of the SF 254 form (plus attachments are required) should be submitted with letters of interest.

It is the intention of the division to pre-approve a separate group of qualifying balancing, commissioning, troubleshooting and infrared contractors and award projects on a rotational basis. If a firm anticipates being limited to specific-sized projects, by dollar volume or location in the state, that information also should be supplied with the response.

Any questions or expressions of interest should be directed to Gary Grimes before 5 p.m. December 28.

Thaine Hoffman, AIA
Director, Division of
Architectural Services

Doc. No. 023216

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas. Prudential HealthCare—Kansas City has notified the Insurance Department of the following additions to its pharmacy network:

Pharmacy Name	City	State	Effective Date
Dillon Pharmacy #14	Hays	Kansas	10/01/98
Foxhill PBA Medical Pharmacy	Overland Park	Kansas	10/15/98
K-Mart Pharmacy #9374	Shawnee	Kansas	10/29/98
K-Mart Pharmacy #3991	Kansas City	Kansas	10/29/98
Dillon Pharmacy #75	Andover	Kansas	11/01/98

Prudential HealthCare—Kansas City also has notified the department of the following termination from its pharmacy network:

Pharmacy Name	City	State	Effective Date
Eckerd Drug #8171	Leavenworth	Kansas	08/12/98

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023205

State of Kansas

Social and Rehabilitation Services

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 11 a.m. Friday, February 12, in the SRS board room, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of amended changes to existing rules and regulations on a permanent basis effective April 1, 1999. 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, Docking State Office Building, Room 603-N, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and 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 10:30 a.m. Monday, February 22, in the SRS executive conference room, 603-N, Docking State Office Building. Telephone conference will not be available.

Copies of the regulations and the economic impact statement may be obtained by contacting Hope Burns, (785) 296-3969. A summary of the proposed regulations and the economic impact follows.

Article 2.—GENERAL

30-2-12. Fee for providing copies of agency documents and records to non-agency personnel. This regulation is being amended to update the fees for providing copies of agency documents to persons or organizations outside of the agency, so they more closely reflect the current costs of such services. The changes included in the amendment also will make the process of determining the amounts to be charged more efficient.

Economic Impact: Under the amended K.A.R. 30-2-12, the estimated annual costs of providing copies of agency documents to those from outside the agency who request them are shown on the following table:

Services	Estimated Units>	Unit Cost	Estimated Totals
Document copies	1,500 pages	\$.25 per page	\$375.00
Staff time	50 hrs.	\$10.50 per hour	\$525.00
Computer time	50 hrs.	\$50.00 per hour	\$2,150.00
			\$2,150.00

Bearer of Cost: These costs will be paid by the persons or organizations who request copies of agency documents.

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-64. Work program requirements. This regulation is being amended to eliminate the exemption for any person who is ill or incapacitated.

Economic Impact: This change is expected to increase Temporary Assistance for Families (TAF) and child care expenditures by approximately \$2,273,332 on a yearly 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 a significant impact on SRS staff and will result in an increase of persons required to meet work related requirements.

2. This change will benefit approximately 1,018 adults who would have otherwise utilized a month of TAF assistance without receiving services directed toward employment.

This regulation also is being amended to clarify who can claim an exemption as a caretaker of a child under age one. This wording change clarifies the number of persons in two adult households who are required to participate in work related requirements.

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

Rochelle Chronister
Secretary of Social and Rehabilitation Services

Doc. No. 023207

State of Kansas

Department of Revenue

Revenue Ruling 12-1998-03

Issue: Must a business reinstate employees to the numbers originally qualifying them for a previously claimed business and job development credit before claiming a new business and job development credit?

Relevant statutes: K.S.A. 79-32,153 and 79-32,154

The purpose of this revenue ruling is to clarify that taxpayers are not required to reinstate employees to an original level of employment before claiming a new business and job development credit. This ruling addresses the job expansion aspect of the business and job development credit. It references the investment portion only where it will help explain the situation.

K.S.A. 79-32,153 allows for a business and job development credit to be claimed for a period of 10 years. A taxpayer who invests in a "qualified business facility," and hires at least two "qualified business facility employees" over and above the base period, for work at such facility as a direct result of its investment in such facility, is entitled to claim a credit in the year in which the investment is made. In order to continue to claim the credit in each of the following nine years, at least two of these qualified business facility employees must be maintained at such facility.

To illustrate the application of this ruling it is best to walk through a scenario:

In 1995, a taxpayer begins business by making an investment in a qualified business facility and hiring 10 employees as a result of that investment to work at the facility. The taxpayer is entitled to claim a business and job development credit. The credit for employees is computed by taking the difference between the average number of qualified business facility employees in 1995, 10 employees, and the average number of qualified business facility employees in the base year (base year = tax year prior to when the investment was made), 1994 = 0 employees. The base is zero, as the business began operations in 1995. The 1995 qualified business facility employee credit is computed using 10 employees.

The level of employment drops in 1996 to eight employees. The taxpayer remains eligible to claim the 1995 credit, because at least two employees have been maintained at the facility. However, because there has been a decrease in employment from the previous tax year, the 1995 credit must be recomputed by taking the difference between the average number of qualified business facility employees in 1996, 8 employees, and the average number of qualified business facility employees in the base year, 1994 = 0 employees. (Once a base has been established, as it was in 1995, that same base number must be used when computing qualified business facility employees for that specific credit.) The 1995

qualified business facility employee credit is computed for 1996 using 8 employees.

The taxpayer is not eligible to claim a new credit in 1996 as additional investment has not been made nor have employees increased by at least two as a result of an investment.

Additional investment is made in 1997 and employment at the facility increases by two as a result of this investment. The taxpayer is entitled to claim a new business and job development credit with the increase in investment and employees in 1997. The taxpayer remains eligible to claim the 1995 credit in 1997 because at least two employees have been maintained. The old credit must be computed first. When a new credit is allowed and a prior year credit also is claimed in the same year, the computation for the prior year credit (1995) "freezes" at the level of employment from the year immediately preceding the year the additional investment is made, or in this scenario, the 1996 tax year. So the 1995 qualified business facility employee credit is computed using the 1996 figures, or 8 employees, as compared to the base, which again in 1994 was 0 employees. The 1995 qualified business facility employee credit is computed using 8 employees.

The 1997 credit for employees is computed by taking the difference between the average number of qualified business facility employees in 1997, 10 employees, and the average number of qualified business facility employees in the base year, 1996 = 8 employees. The 1997 qualified business facility employee credit is computed using 2 employees.

Upon review, you can see that this taxpayer has received credit for all 10 employees employed in 1997. The taxpayer has received credit for eight of those employees in the 1995 credit and the remaining two employees in the 1997 credit.

In 1998, the business decreases its employment to three. The oldest credit must be computed first. The taxpayer remains eligible to claim the 1995 credit, because at least two employees have been maintained. Because of the decrease in employment, the 1995 credit must be recomputed by taking the difference between the average number of qualified business facility employees in 1998, 3 employees, and the average number of qualified business facility employees in the base year, 1994 = 0 employees. The 1995 qualified business facility employee credit is computed using 3 employees.

The taxpayer is no longer eligible for the credit that began in 1997, as at least two employees have not been maintained as a result of the investment made in 1997. Thus, the 1997 business and job development credit ends.

In 1999, an additional investment is made and employment at the facility increases by two as a result of this investment. The taxpayer is entitled to claim a new business and job development credit with the increase in investment and employees in 1999. The taxpayer remains eligible to claim the 1995 credit in 1999 because at least two employees have been maintained. The oldest credit must be com-

puted first. When a new credit is allowed and a prior year credit also is claimed in the same year, the computation for the prior year credit (1995) "freezes" at the level of employment from the year immediately preceding the year the additional investment is made, or in this scenario, the 1998 tax year. So the 1995 qualified business facility employee credit is computed based on the 1998 figures, or 3 employees, as compared to the average number of qualified business facility employees in the base year, which again in 1994 was 0 employees. The 1995 qualified business facility employee credit is computed using 3 employees.

The 1999 credit for employees is computed by taking the difference between the average number of qualified business facility employees in 1999, 5 employees, and the average number of qualified business facility employees in the base year, 1998 = 3 employees. The 1999 qualified business facility employee credit is computed using 2 employees.

Upon review, you can see that this taxpayer has received credit for all five employees employed in 1999. The taxpayer has received credit for three of those employees in the 1995 credit and the remaining two employees in the 1999 credit.

In 2000, two additional employees are hired to work at the facility, but there is no increase in investment. The taxpayer is not eligible to claim a new business and job development credit as there must be an overall increase of at least two employees as a result of an increase in investment. The taxpayer remains eligible to claim the 1995 credit in 2000 because at least two employees have been maintained. The level of employment for the 1995 credit was last frozen at the 1998 level. Therefore, the 1995 qualified business facility employee credit is computed based on the 1998 figures, or 3 employees, as compared to the average number of qualified business facility employees in the base year, which again in 1994 was 0 employees. The 1995 qualified business facility employee credit is computed using 3 employees.

The taxpayer remains eligible to claim the 1999 credit in 2000 because at least two employees have been maintained. The 1999 credit for employees is computed by taking the difference between the average number of qualified business facility employees in 2000, 5 employees (the two additional employees hired in 2000 do not qualify as there has been no increase in investment), and the average number of qualified business facility employees in the base year, 1998 = 3 employees. The 1999 qualified business facility employee credit is computed using 2 employees.

A taxpayer who invests in a qualified business facility and hires at least two qualified business facility employees over and above the base period for work at such facility as a direct result of the investment in such facility is entitled to claim a business and job development credit. Two employees must be maintained at such facility to enable the taxpayer to continue to claim the credit in the

following nine years. The credit must be recomputed each year the credit is claimed. Once a taxpayer does not maintain at least two of the qualified business facility employees at such facility for that specific credit, that credit stops.

Taxpayers may file an amended return within three years from the date the original return was due and actually filed. If the original return was filed after the due date, a refund claim must be filed not later than three years from the time the return was actually filed, or two years from the date the tax was paid, whichever of the period expires later.

Karla Pierce
Acting Secretary of Revenue

Doc. No. 023212

State of Kansas

Department of Agriculture

Request for Comments

Notice is hereby given that Boettcher Enterprises has requested on behalf of Kansas farmers and Kansas seed customers a special local need (SLN) registration to allow use of Apron-MAXX for treatment of soybean seed to control certain seed-borne, soil-borne and seedling diseases. Similar requests are likely to be received in the near future for the same purpose. Apron-MAXX is a new, yet not registered, pesticide product that consists of the same active ingredients and formulation components that exist in the two federal Environmental Protection Agency (EPA) registered products Apron XL and Maxim®. The registrant, Novartis Crop Protection, Inc., is making application to the EPA for a full Section 3 registration of the new Apron-MAXX formulation, but no projected completion date by the EPA is available. All food tolerances needed to permit the use of this combination product have been issued and supportive documentation has been provided. The registrant also has provided a summary of the "Product Chemistry Data Package" and a "Toxicology Data" summary along with an efficacy data report.

The SLN criteria for this action is defined by the apparent lack of a seed treatment product registered for use in the control of seed-borne *Sclerotinia*. Pursuant to 7 U.S.C. 136v, Novartis Crop Protection, Inc. has filed with the Kansas Department of Agriculture (KDA) an application for the requested registration. This proposed SLN registration is economically and environmentally beneficial by providing greater efficacy and more flexibility to growers and commercial applicators who struggle with weather and time constraints during the planting season. Effective and complete seed treatment is increasingly more important as growers increase the use of expensive improved and genetically altered seed.

Information submitted by the applicant is on file with the KDA and anyone wanting to present written comments, data or other evidence in support of or in opposition to the proposed SLN registration may do so on or before December 20. Prepared documents or data should be addressed to John K. Stamer, Manager, Pesticide Program, 901 S. Kansas Ave., 7th Floor, Topeka, 66612-1281.

Alice A. Devine
Secretary of Agriculture

Doc. No. 023213

State of Kansas

Commission on Veterans' Affairs

Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, December 18, in the Aviator Lounge at Riley's Restaurant, Building 446, Seitz Drive, Fort Riley. The public is invited to attend.

Don A. Myer
Executive Director

Doc. No. 023210

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. Wilko Paint, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of hazardous air pollutants (HAPs) 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.

Wilko Paint, Inc. owns and operates a paint manufacturing facility located at 2727 Ohio St., Wichita.

A copy of the proposed permit, permit application, all supporting 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 Wichita-Sedgwick County Department of Community Health, 1900 E. 9th, Wichita. To obtain or review the proposed permit and supporting documentation, contact Rasha Allen, (785) 296-1693, at the KDHE central office, or Randy Owen, (316) 268-8448, at the Wichita-Sedgwick County Department of Community Health. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rasha Allen, 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 January 11.

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 January 11 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023224

State of Kansas

Kansas Sentencing Commission

Notice of Meeting

The Kansas Sentencing Commission will meet from 9 a.m. to noon Tuesday, December 29, in the Senate Room of the Jayhawk Tower, lobby level, 700 S.W. Jackson, Topeka.

Barbara S. Tombs
Executive Director

Doc. No. 023223

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. KN Gas Gathering, Inc. has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Emissions of oxides of nitrogen 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.

KN Gas Gathering, Inc., Lakewood, Colorado, owns and operates two natural gas compressor stations along with catalytic converters and air/fuel ratio controllers located at S23-T31S-R34W, Liberal, Kansas.

A copy of the proposed permit, permit application, all supporting 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 southwest district office, 302 W. McArtor Road, Dodge City. To obtain or review the proposed permit and supporting documentation, contact Daizy Dandass, (785) 296-6427, at the KDHE central office, or Wayne Neese, (316) 225-0596, at the KDHE southwest district office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Daizy Dandass, 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 January 11.

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 January 11 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023226

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with state regulations 28-61-57 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-98-154

Name and Address of Applicant	Legal Description	Receiving Water
Frantz Betschart Betschart Livestock, Inc. Route 1, Box 306 Ashland, KS 67831	SE/4 of Section 35, T33S, R24W, Clark County	Cimarron River Basin

Kansas Permit No. A-CICA-B002

This is a new facility for 960 head (480 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: 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 of application of all wastes. A plan shall be submitted to the department within six months following permit issuance. The approved plan will become part of this permit. Within six months after the lagoon has been completed, permeability tests must be conducted. Copies of soil permeability tests shall be provided to KDHE, 302 W. McArtor, Dodge City, KS 67801. Should the lagoon not meet the permeability requirements, additional sealing will be necessary.

Public Notice No. 98-155/162

Name and Address of Applicant	Waterway	Type of Discharge
City of Augusta 113 E. 6th Augusta, KS 67010-1297	Walnut River	Treated domestic wastewater

Kansas Permit No. M-WA03-0002 Federal Permit No. KS009461
Legal: SE¼, S27, T27S, R4E, Butler County

Facility Description: The proposed action is to issue a new permit for operation of a new 1.5 million gallon per day wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes water quality limits for ammonia and fecal coliform. Monitoring of effluent flow on a weekday basis is required. Also, whole effluent toxicity testing, heavy metals testing, and a priority pollutant scan will be required. 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.

Name and Address of Applicant	Waterway	Type of Discharge
BOC Gases P.O. Box 312 Otis, KS 67565	Walnut Creek via drainage ditch	Treated process wastewater

Facility name: Kansas Ref. Helium Co.
Kansas Permit No. I-UA31-PO01 Federal Permit No. KS0093157
Legal: SW¼, S26, T17S, R16W, Rush County

Facility Description: The proposed action is to issue a new permit for the operation of an existing facility receiving semi-refined helium gas. Gas is refined and liquified by cryogenic process techniques, using compression, heat exchangers, turbo-expanders and cooling towers. Cooling tower blowdown and boiler blowdown are discharged through an earthen retention pond and to a drainage ditch. Domestic waste is discharged to a sanitary sewer. The proposed permit requires the permittee to monitor for flow, total residual chlorine, chlorides, sulfates, molybdenum and pH. 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
Excel Corporation 151 N. Main Wichita, KS 67801	Arkansas River	Treated process wastewater

Kansas Permit No. I-UA-11-PO10 Federal Permit No. KS0092029
Legal: SW¼, S4, T27S, R24W, Ford County

Facility Description: The proposed action is to issue a new permit for the operation of a new beef complex slaughterhouse with associated by-product processing. The current process rate is about 5,700 head per day and the design capacity is 6,000 head per day. Wastewater is treated by a pretreatment system, a chemical feed system, three anaerobic lagoons, four sequential batch reactors, two ultra-violet channels for disinfection, a rotary drum screen for sludge dewatering and two aerobic sludge storage tanks. The facility will route the treated wastewater to holding ponds for irrigation during the growing season and discharge to the Arkansas River during the winter-time. The proposed permit has water quality based limits for biochemical oxygen demand, ammonia and whole effluent toxicity; effluent guidelines limits for fecal coliform and pH; and monitoring for dissolved oxygen, chlorides, sulfates, total chromium, total dissolved solids, nitrogen compounds and heavy metals. This permit contains a schedule of compliance to meet the final limitations on ammonia and chlorides. 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.

Name and Address of Applicant	Waterway	Type of Discharge
City of Lansing 800 First Terrace Lansing, KS 66043	Missouri River via Seven Mile Creek via Nine Mile Creek	Treated domestic wastewater

Kansas Permit No. M-MO11-0002 Federal Permit No. KS0081647
Legal: NE¼, S19, T9S, R23E, Leavenworth County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. New water quality based limitations will be established for ammonia. This permit requires the permittee to monitor for fecal coliform as well as weekday flow. Additionally, the permittee is required to conduct chronic whole effluent toxicity and heavy metals testing annually. A priority pollutant scan will be required to be performed at least once during the life of the permit. The permit requirements are pursuant to the Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are water quality based.

Name and Address of Applicant	Waterway	Type of Discharge
City of Lyons 217 E. Ave. South Lyons, KS 67554	Cow Creek via Little Cow Creek via unnamed tributary	Treated domestic wastewater

Kansas Permit No. M-AR56-0001 Federal Permit No. KS0022730
(continued)

Legal: SW¼, S9, T20S, R8W, Rice County

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine and pH. In addition, monitoring requirements for chlorides and weekday flow were included. The proposed permit contains a schedule of compliance to upgrade the facility to meet final fecal coliform limits. 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.

Name and Address of Applicant	Waterway	Type of Discharge
City of DeSoto 33150 W. 83rd P.O. Box C DeSoto, KS 66018	Kansas River via Kill Creek	Treated process wastewater

Facility name: DeSoto (SAAP) WWTP
 Kansas Permit No. I-KS 12-PO07 Federal Permit No. KS0094536
 Legal: NW¼, S17, T13S, R22E, Johnson County

Facility Description: The proposed action is to issue a new permit for the operation of an existing two-cell wastewater treatment lagoon treating filter backwash and lime softening slurry. 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 technology based.

Name and Address of Applicant	Waterway	Type of Discharge
City of DeSoto 33150 W. 83rd P.O. Box C DeSoto, KS 66018	Kansas River via Kill Creek	Treated process wastewater

Facility name: DeSoto (SAAP) WWTP
 Kansas Permit No. M-KS 12-PO02 Federal Permit No. KS0094633
 Legal: NW¼, S17, T13S, R22E, Johnson County

Facility Description: The proposed action is to reissue a new permit for the operation of an existing wastewater treatment facility treating primarily domestic wastewater. This facility formerly operated as part of the Sunflower Army Ammunition Plant. The biochemical oxygen demand, total suspended solids, and pH limits are identical to those in the current permit. The proposed permit includes water quality limits for ammonia and fecal coliform. Monitoring of effluent flow on a weekday basis is required. 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.

Name and Address of Applicant	Waterway	Type of Discharge
N. R. Hamm Quarry, Inc. P.O. Box 17 Perry, KS 66073	Kansas River via Halfday Creek	Quarry dewatering stormwater

Facility name: Rollin Meadows Quarry #11
 Kansas Permit No. I-KS72-PO20 Federal Permit No. KS0088978
 Legal: NE¼, S14, T10S, R15E, Shawnee County

Facility Description: The proposed action is to reissue a permit for the discharge of wastewater from an existing quarry operation. This is a limestone quarrying operation with some washing. All wash water and stormwater runoff is treated with a settling pond. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

Public Notice No. KS-PT-98-016/017

Name and Address of Applicant	Receiving Facility	Type of Discharge
Landoll Corporation 1900 North St. Marysville, KS 66508 Kansas Permit No. P-BB13-0001	Marysville MWWTF	Processed wastewater

Facility Address: 20th Street Ext., Marysville, KS 67508

Facility Description: The proposed action is to reissue a pretreatment permit for a new facility. This facility manufactures centerfold trucks, fork lift trucks, agricultural tillage implements, and lowboy trailers. Outfall 001 consists of two conversion coating operations are used to prepare fabricated steel for paint. Outfall 002 consists of a five-stage washer followed by a powder coating operation. Outfall 003 consists of chemical etching operation. The permit limits are pursuant to state and federal pretreatment requirements.

Name and Address of Applicant	Receiving Facility	Type of Discharge
Golden Plains Agricultural Tech. P.O. Box 307 650 E. Pine St. Colby, KS 67701	Colby MWWTP	Processed wastewater

Kansas Permit No. P-UR06-0001

Facility Description: The proposed action is to reissue an existing pretreatment permit for a new facility. This facility manufactures steel parts for agricultural implements. A manually operated conversion coating operation is used to clean steel parts prior to painting. The permit limits are pursuant to state and federal pretreatment requirements.

Public Notice No. KS-EG-98-020/022

In accordance with K.A.R. 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 the use of the wells described below within the State of Kansas.

Name and Address of Applicant	Well Location
IMC Salt Inc. P.O. Box 498 Lyons, KS 67554	SW¼, SE¼, SW¼, S14, T20S, R8W, Rice County 693' fsl and 3588' fel from SE corner of Section
Well Identification #C-84 KS Permit No. KS-03-159-077	
Well Identification #C-85 KS Permit No. KS-03-159-078	SW¼, SE¼, SW¼, S14, T20S, R8W, Rice County 434' fsl and 3436' fel from SE corner of Section
Well Identification #C-86 KS Permit No. KS-03-159-079	SE¼, SE¼, SW¼, S14, T20S, R8W, Rice County 171' fsl and 3288' fel from SE corner of Section

Description: The facility is a salt production plant. Only one well (C-84) will be used for salt solution mining with injection and withdrawal taking place out of the well. The injection fluids into C-84 consists of fresh water and weak brine. The other two wells (C-85 and C-86) will be used only for monitoring purposes.

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 January 9 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-154, KS-98-155/162, KS-PT-98-016/017, KS-EG-98-020/022) 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. 023228

State of Kansas

**Department of Health
and Environment**

**Notice Concerning Proposed Waste Tire
Processing Facility Permit**

The Kansas Department of Health and Environment has drafted a permit for the Southwest Tire Recycling, L.L.C. waste tire processing facility, located in the Northwest ¼ of Section 1, Township 28S, Range 1W, 2700 S. West St., Wichita. KDHE is providing public notice of its intent to issue a waste tire processing facility permit to Southwest Tire Recycling, L.L.C., which recently made submittals that place this waste tire processing facility in compliance with state regulations for waste tire processing facilities. KDHE has drafted a permit to reflect these submittals.

A copy of the administrative record, which includes the draft permit and all information regarding this permit action, is available for public review until January 11 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Permits Section
Bureau of Waste Management
Forbes Field, Building 740
Topeka, 66620
Contact: Ken Powell
(785) 296-1121

Wichita-Sedgwick County
Department of Community Health
Environmental Health Division
1900 E. 9th
Wichita, 67214
Contact: John Davis
(316) 268-8351

Anyone wishing to comment on the draft permit information should submit written statements postmarked not later than January 4 to Ken Powell (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final decision on whether to issue the permit. Notice of the decision will be given to anyone who submitted written comments during the comment period and to those who requested notice of the final permit decision.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023227

State of Kansas

**Department of Health
and Environment**

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding draft surface water quality standards. Chapter 65, Article 1, Part 177 of the Kansas Statutes Annotated requires the department to publish proposed rules and regulations on or before December 31, 1998, and to adopt final rules and regulations. The department is currently taking comments on the proposed water quality standards prior to a formal public notice period. Final draft regulations will be placed on public notice in early 1999. Comments also will be received during the public notice period.

The department also is requesting comments on water quality standards issues under consideration by the department for future initiatives in the surface water quality standards. An information sheet explaining these future initiatives will be attached to the draft surface water quality standards. Comments concerning these issues may be combined with comments concerning the current draft standards.

KDHE will be holding an informal informational meeting concerning the draft standards from 10 a.m. to 5 p.m. Wednesday, December 30, at the Metropolitan Topeka Transit Authority meeting room, Forbes Field airport terminal, Topeka. All interested parties are invited to attend.

Draft water quality standards are available upon request from Jeanne Woodard, Bureau of Water, (785) 296-5500. The draft regulations are available on KDHE's homepage at www.kdhe.state.ks.us/water in a PDF format. The draft regulations also are available via e-mail in a WordPerfect format. E-mail requests should be sent to: sswaffar@kdhe.state.ks.us.

Written comments or questions regarding the draft surface water quality standards should be submitted to Steve M. Swaffar, Bureau of Water, Building 283, Forbes Field, Topeka, 66620. Written comments must be received by the close of business December 31.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023225

State of Kansas

Advisory Committee on Hispanic Affairs

Notice of Meeting

The Kansas Advisory Committee on Hispanic Affairs, an entity within the Kansas Department of Human Resources, will conduct a board meeting from 9 a.m. to noon Saturday, December 12, at the Old Roosevelt Building, 1519 Williams, Great Bend. The primary purpose of the meeting is to introduce newly-appointed board members and to propose new ideas for the upcoming year. The public is invited to attend.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 023234

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, December 24, in the conference room of the Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, on the proposal for the Kansas Development Finance Authority to issue approximately \$1,000,000 principal amount of Private Activity Revenue Bonds for Farmland Foods, Inc. (the corporation). The bonds will be issued, pursuant to K.S.A. 78-8901 *et seq.*, to finance costs of expansion of plant capacity and installation of new equipment for a meat processing facility to be operated as Farmland Foods, Inc. in Wichita, Sedgwick County, Kansas (the project).

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will the bonds constitute an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received from the corporation, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purpose of financing the project, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Kenneth Frahm
President

Doc. No. 023232

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 1997 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$5,149,987.50 in the underground petroleum storage tank release trust fund and \$220,576.40 in the aboveground petroleum storage tank release trust fund at November 30, 1998.

Daniel R. Stanley
Secretary of Administration

Doc. No. 023214

State of Kansas

Department of Transportation

Notice to Contractors

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the Bureau of Construction and Maintenance, KDOT, Topeka, or at the Wichita Airport Hilton, Wichita, until 2 p.m. December 16, and then publicly opened:

District One—Northeast

Lyon—56 C-2800-01—County road 1.8 miles (2.9 kilometers) east of Emporia, then east 0.15 mile (0.25 kilometer), grading, bridge and surfacing. (Federal Funds)

Marshall—58 C-3482-01—County road 2.8 miles (4.5 kilometers) south and 2 miles (3.2 kilometers) west of Marysville, 0.24 mile (0.4 kilometer), grading and bridge. (Federal Funds)

Douglas—23 K-1313-07—Clinton State Park, road improvements. (State Funds)

Douglas—40-23 K-6958-01—U.S. 40 from the Shawnee-Douglas county line east to Wakarusa Lane, 11.8 miles (19.1 kilometers), overlay. (State Funds)

Douglas—59-23 K-6962-01—U.S. 59 from the Franklin-Douglas county line north to the south city limits of Lawrence, 12.7 miles (20.5 kilometers), overlay. (State Funds)

Douglas—10-23 K-7353-01—K-10 0.062 mile (0.1 kilometer) west of the Wakarusa River Bridge, east 0.062 mile (0.1 kilometer), slide repair. (State Funds)

Jefferson—44 K-1429-05—Perry State Park, road improvements. (State Funds)

Jefferson—24-44 K-6951-01—U.S. 24, 2 miles (3.2 kilometers) east of the Shawnee-Jefferson county line east 5.3 miles (8.5 kilometers), joint repair. (State Funds)

Jefferson—44 K-7227-01—From the junction of K-4 north to the junction of U.S. 159 at Nortonville; U.S. 59 from the junction of U.S. 24 north to the south junction of K-4; U.S. 159 from the junction of U.S. 59 west and north to the Jefferson-Atchison county line, 26.1 miles (42 kilometers), overlay. (State Funds)

Riley—24-81 K-5647-01—U.S. 24 Phiel Creek Bridge 0.6 mile (1 kilometer) southeast of the north junction of K-13, bridge replacement. (State Funds)

Osage—170-70 K-5651-01—K-170, Mute Creek Bridge 063, 9.5 miles (15.4 kilometers) east of the Osage-Lyon county line, bridge replacement. (Federal Funds)

Wyandotte—7-105 K-6943-01—K-7 from the Kansas River Bridge north to the junction of U.S. 24, 4.3 miles (6.9 kilometers), sealing. (State Funds)

Wyandotte—32-105 K-6953-01—K-32 from the junction of K-7 east to 78th Street, 6.5 miles (10.5 kilometers), overlay. (State Funds)

Shawnee—24-89 K-6950-01—U.S. 24 east of the junction of U.S. 75, west 1.3 miles (2 kilometers), overlay. (State Funds)

Doniphan—120-22 K-6967-01—K-120 from the junction of K-20 north to the south city limits of Highland, 8.9 miles (14.4 kilometers), overlay. (State Funds)

Doniphan—36-22 K-7231-01—U.S. 36, 0.7 mile (1.1 kilometers) east of the Brown-Doniphan county line east to 1.2 miles (2 kilometers) east of K-7; U.S. 36 from the two-lane/four-lane divided highway east to the Kansas-Missouri state line, 18.8 miles, (30.3 kilometers), pavement patching. (State Funds)

Doniphan—36-22 K-7331-01—U.S. 36 from the west city limits of Wathena southeast 1.9 miles (3.1 kilometers), sealing. (State Funds)

Johnson—169-46 K-6969-01—U.S. 169 from 175th Street north to 153rd Street, 3 miles (4.9 kilometers), pavement patching. (State Funds)

Johnson—7-46 K-7362-01—K-7 0.3 mile (0.6 kilometer) north of the junction of K-10 north to the Kansas River Bridge, 7.9 miles (12.6 kilometers), pavement patching. (State Funds)

Johnson—46 N-0109-01—151st Street and Lindenwood in Olathe, intersection improvement. (Federal Funds)

Atchison-Doniphan—7-106 K-7229-01—K-7 from the north city limits in Atchison north to the Atchison-Doniphan county line; K-7 from the Atchison-Doniphan county line north to the junction of K-20, 11.1 miles (18 kilometers), overlay. (State Funds)

District Two—Northcentral

Geary—31 K-1316-07—Various locations in Milford State Park, road improvements. (State Funds)

Geary—31 K-1316-08—Milford Fish Hatchery Complex, road improvements. (State Funds)

Geary—31 K-7240-01—K-244 from the junction of County Route 270 east to the junction of K-57; K-244S from the junction of K-57 south to the junction of K-244; K-57 from the south junction of U.S. 77 east to the four-lane divided highway, 6.7 miles (10.7 kilometers), overlay. (State Funds)

Dickinson—15-21 K-6974-01—K-15 from the Marion-Dickinson county line north to the west junction of K-18, 26.7 miles, (42.9 kilometers), overlay. (State Funds)

Dickinson-Ottawa—18-106 K-7237-01—K-18 from the Ottawa-Dickinson county line east to the west junction of K-15; K-18 from the south junction of Old U.S. 81 north and east to the Ottawa-Dickinson county line, 23.6 miles (40 kilometers), overlay. (State Funds)

Dickinson-Morris-Marion—106 K-7233-01—K-4 from the junction of K-43 east to the junction of U.S. 77; K-43 from the junction of K-4 north to I-70; U.S. 56 from the Marion-Dickinson county line north to the junction of U.S. 77; K-218 from the junction of K-4 south to the west city limits of Herington; U.S. 56b from the south junction of U.S. 56 north to the south city limits of Herington; K-149 from the junction of U.S. 56 north to the junction of K-4; U.S. 77 from the junction of U.S. 56 north to the junction of K-209, 50 miles (80.8 kilometers), overlay. (State Funds)

Marion—57 K-7236-01—K-15 from the east junction of U.S. 56 north to the Marion-Dickinson county line; U.S. 56 from McPherson-Marion county line east to the east junction of K-15, 25.5 miles (41.1 kilometers), overlay. (State Funds)

Clay-Cloud—106 K-7238-01—U.S. 24 from the Cloud-Clay county line east to the west city limits of Clay Center; U.S. 24 from the junction of K-189 east to the Cloud-Clay county line; K-189 from the east city limits of Miltonvale north to the junction of U.S. 24, 17.1 miles (27.5 kilometers), overlay. (State Funds)

Ottawa—106-72 K-7241-01—K-106 from the junction of K-18 north to the south city limits of Minneapolis; K-106 from the east city limits of Minneapolis east to state park, 14.8 miles (23.8 kilometers), overlay. (State Funds)

Ottawa—18-72 M-1907-01—K-18, 9 miles (14.5 kilometers) east of Bennington, stockpile bituminous material. (State Funds)

Ottawa—18-72 M-1908-01—K-18, 2 miles (3.2 kilometers) southwest of Bennington, stockpile bituminous material. (State Funds)

Clay—15-14 M-1903-01—KDOT mixing strip 5 miles (8 kilometers) south of Clay Center, stockpile bituminous material. (State Funds)

Clay—15-14 M-1904-01—K-15 KDOT mixing strip at the Clay-Dickinson county line, stockpile bituminous material. (State Funds)

Dickinson—15-21 M-1905-01—K-15 KDOT mixing strip at the north city limits of Abilene, stockpile bituminous material. (State Funds)

Marion—15-57 M-1909-01—K-15, KDOT mixing strip 2 miles (3.2 kilometers) north of Durham, stockpile bituminous material. (State Funds)

McPherson—56-59 M-1910-01—KDOT mixing strip 4 miles (6.4 kilometers) west of Galva, stockpile bituminous material. (State Funds)

McPherson—56-59 U-1695-01—U.S. 56 at Maple, Centennial and Champlain Streets in McPherson, traffic signals. (Federal Funds)

District Three—Northwest

Rooks—24-82 K-5646-01—U.S. 24 south fork Solomon River drainage bridge 7, 0.3 mile (0.5 kilometer) east of K-258, bridge replacement. (Federal Funds)

Rooks—183-82 K-5751-01—U.S. 183 4.4 miles (7.1 kilometers) north of County Route 912 north to the north city limits of Stockton, 2.8 miles (4.5 kilometers), grading, bridge and surfacing. (Federal Funds)

(continued)

Trego—70-98 K-6467-01—I-70 from the Gove/Trego county line east to the east junction of U.S. 283, 16 miles (25.8 kilometers), surfacing and bridge. (State Funds)

Osborne-Rooks-Russell—106 K-7244-01—K-18 from the Rooks-Osborne county line east to the Osborne-Russell county line; U.S. 183 from the Ellis-Rooks county line north to 5th Street in Plainville; K-18 from the junction of U.S. 183 east to the Rooks-Osborne county line; K-18 from the Osborne-Russell county line east to the west junction of U.S. 281, 34.2 miles (55.1 kilometers), overlay. (State Funds)

Trego—283-98 K-7360-01—U.S. 283, 0.06 mile (0.1 kilometer) north of I-70 north to Barclay Avenue in Wakeney, 0.3 mile (0.6 kilometer), overlay. (State Funds)

District Four—Southeast

Wilson—103 C-3433-01—County road 2.0 miles (3.2 kilometers) south and 1.2 miles (1.9 kilometers) west of Fredonia, 0.2 mile (0.32 kilometer), grading, bridge and surfacing. (Federal Funds)

Allen—169-1 K-4419-02—U.S. 169 .5 mile (0.8 kilometer) south of U.S. 54 north 8.5 miles (13.7 kilometers), surfacing. (State Funds)

Allen—1 K-7253-01—U.S. 169 from the Neosho-Allen county line north to K-269; K-269 from the junction of U.S. 169 north to the junction of U.S. 54, 14.9 miles (24 kilometers), pavement patching. (State Funds)

Anderson—169-2 K-4420-02—U.S. 169 from the Allen-Anderson county line north to 1 mile (1.6 kilometers) north of Colony, 3 miles (4.8 kilometers), surfacing. (State Funds)

Anderson—57-2 K-4421-02—K57, 1 mile (1.6 kilometers) north of Colony, west 2.2 miles (3.5 kilometers), surfacing and bridge. (State Funds)

Chautauqua—166b-10 K-5660-01—U.S. 166b Middle Caney Creek bridge 1 mile (1.7 kilometers) west of the north junction of K-99, bridge replacement. (Federal Funds)

Labette—96-50 K-7025-01—K-96, Oregon Street in Oswego east to the Labette-Cherokee county line, 1.2 miles (2 kilometers), pavement patching. (State Funds)

Cherokee—96-11 K-7026-01—K-96, from the Labette-Cherokee county line east to the junction of K-7, 13.6 miles (21.9 kilometers), overlay. (State Funds)

Miami—68-61 K-7203-01—K-68 from the Franklin-Miami county line east to the junction of U.S. 169, 12.4 miles (20 kilometers), overlay. (State Funds)

Bourbon—6 K-7249-01—U.S. 69 from 22nd Street in Fort Scott north to the north junction of U.S. 54; U.S. 54 from the junction of Old U.S. 69, east 0.4 mile (0.6 kilometer); U.S. 54 from the east city limits of Fort Scott north to the junction of U.S. 54, 30 miles (40.2 kilometers), overlay. (State Funds)

Anderson-Franklin-Miami—106 K-7251-01—U.S. 59 from the north junction of U.S. 169 north to the north city limits of Garnett; U.S. 169 from the north junction of U.S. 59 northeast to the Anderson-Franklin county line; U.S. 169 from the Anderson-Franklin county line northeast to the Franklin-Miami county line; U.S. 169 from the Franklin-Miami County line northeast to the south junction of K-7, 25 miles (40.2 kilometers), overlay. (State Funds)

District Five—Southcentral

Sedgwick—54-87 K-7043-01—U.S. 54 from Ridge Road to K-42 in Wichita, 1.9 miles (3 kilometers), overlay. (State Funds)

Sedgwick—42-87 K-7048-01—K-42 from Ridge Road northeast to Hoover Road in Wichita, 1.2 miles (2 kilometers), overlay. (State Funds)

Sedgwick—42-87 K-7260-01—K-42 From the junction of K-49, northeast to Clonmel; K-42, from Clonmel northeast to 119th Street, 11.3 miles (18.3 kilometers), slurry seal. (State Funds)

Harvey—89-40 K-7055-01—K-89 from the north city limits of Halstead north to the junction of U.S. 50, 1.5 miles (2.4 kilometers), overlay. (State Funds)

Reno—96-78 K-7059-01—K-96 from the south city limits of South Hutchinson south to the junction of K-17, 2.1 miles (3.4 kilometers), overlay. (State Funds)

Reno—78 K-7259-01—K-96 from the junction of K-24 east to the east city limits of Nickerson; K-96 from the east city limits of Nickerson southeast 4.7 miles (7.5 kilometers); K-18 from the junction of K-96 west 1 mile (1.6 kilometers), 11.3 miles (18.3 kilometers), overlay. (State Funds)

Butler—177-8 K-7067-01—U.S. 177, 9 miles (14.5 kilometers) north of the junction of U.S. 54 northeast to the Butler-Chase county line, 13.3 miles (21.5 kilometers), overlay. (State Funds)

Butler—196-8 K-7069-01—K-196 from the Harvey-Butler county line east 9.4 miles (15.2 kilometers), overlay. (State Funds)

Harper-Sumner—106 K-7255-01—K-2 from the junction of U.S. 281 east and northeast to the Barber-Harper county line; K-8 from the Oklahoma-Kansas state line north to the junction of K-2; K-2 from the Barber-Harper county line east to the west city limits of Anthony; K-44 from the east city limits of Anthony east to the Harper-Sumner county line; K-44 from the Harper-Sumner county line east to the junction of K-49, 58.8 miles (93.9 kilometers), overlay. (State Funds)

Harper-Kingman-Pratt-Sumner—106 K-7256-01—K-2 from the north city limits of Harper northeast to the Harper-Kingman county line; K-2 from the Harper-Kingman county line northeast to the Kingman-Sumner county line; K-42 from the east city limits of Nashville east to the Kingman-Sumner county line; K-42 from the junction of U.S. 281 east and south to the Pratt-Barber county line; K-2 from the Kingman-Sumner county line northeast to the junction of K-42; K-42 from the Kingman-Sumner county line east to the junction of K-2, 61.6 miles (99.2 kilometers), overlay. (State Funds)

Sumner—96 K-7261-01—K-49 from the north city limits of Caldwell north to the east junction of U.S. 160; K-49 from the west junction of U.S. 160 north to the south city limits of Conway Springs; U.S. 177 from the Oklahoma-Kansas state line north to the junction of U.S. 81, 28 miles (45 kilometers), overlay. (State Funds)

Barber—4 U-1654-01—Kansas Avenue west of Oak Street in Medicine Lodge, 0.03 mile (0.05 kilometer), grading, bridge and surfacing. (Federal Funds)

E. Dean Carlson
Secretary of Transportation

Doc. No. 023176

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the projects listed below. Responses must be received by 5 p.m. December 23 for the consulting engineering firm to be considered. Seven signed copies of the response should be mailed to Neil Rusch, P.E., Assistant to the Director, Division of Engineering and Design, KDOT, Room 1084-West, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568. Responses shall be limited to four pages.

From the firms expressing interest, the Consultant Selection Committee will select a list of the most highly qualified (not less than three, not more than five) and invite them to attend an individual interview conference. At this time, the consulting firms can more thoroughly discuss their experience related to the type of project at hand and will be expected to discuss, in some detail, their approach to this project and the personnel to be assigned to the project. Firms not selected to be short listed will be notified by letter.

The Consultant Negotiating Committee, appointed by the Secretary of Transportation, will conduct the discussions with the firms invited to the individual interview conferences. The committee will select the firm to perform the professional services required for completing the advertised project. After the selection of this firm, the remaining firms will be notified by letter of the outcome.

The scope of services includes providing for the discovery phase on the following project. The discovery phase is intended to provide information about the project that might impact its cost, scope or schedule. At the completion of the discovery phase, KDOT will determine whether to proceed with the design services.

**Project No. 36-22 K-7394-01
Doniphan County**

The scope of services is to provide for the addition of two new lanes and the rehabilitation of the existing two lanes on US-36, from 0.3 miles east of Wathena east to the Missouri River Bridge. The project is scheduled for letting in fiscal year 2004. The estimated construction cost is \$7,640,000.

**Project No. 50-78 K-7395-01
Reno County**

The scope of services is to provide for the rehabilitation of US-50 from K-14, east 6.6 miles. The project is scheduled for plan completion in fiscal year 2004. The construction estimate is \$2,600,000.

**Project No. 169-67 K-7399-01
Neosho County**

The scope of services is to provide for the rehabilitation of US-169 from the end of the four-lane divided, north to the Neosho-Allen county line. The project is scheduled for plan completion in fiscal year 2004. The estimated construction cost is \$2,100,000.

**Project No. 27-91 K-7406-01
Sherman County**

The scope of services is to provide for the reconstruction of K-27 from RS-1905, north to Goodland. The project is scheduled for plan completion in fiscal year 2005. The construction estimate is \$6,200,000.

**Project No. 69-6 K-7412-01
Project No. 9-54 K-7413-01
Bourbon and Linn Counties**

The scope of services is to provide for the addition of two new lanes and the rehabilitation of the existing two lanes from US-54, north to south of K-239. The project is scheduled for plan completion in fiscal year 2005. The construction estimate is \$47,750,000.

**Project No. 99-25 K-7418-01
Project No. 99-37 K-7419-01
Elk and Greenwood Counties**

The scope of services is to provide for the reconstruction of K-99 from 0.1 mile north of RS-229 to 0.8 mile north of the Elk-Greenwood county line. The project is scheduled for plan completion in fiscal year 2005. The construction estimate is \$15,300,000.

It is KDOT's policy to use the following criteria as the basis for selection of the consulting engineering firms:

1. Size and professional qualifications;
2. Experience of staff;
3. Location of firm with respect to proposed project;
4. Work load of firm; and
5. Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 023191

(Published in the Kansas Register December 10, 1998.)

Revised

**Summary Notice of Bond Sale
City of Winfield Kansas
\$2,455,000**

**General Obligation Bonds, Series 1998-A
(General obligation bonds payable from
unlimited ad valorem taxes)**

Sealed Bids

Subject to the notice of bond sale dated November 16, 1998, sealed bids will be received by the district clerk of the City of Winfield, Kansas (the issuer), on behalf of the governing body at 200 E. 9th, Winfield, KS 67156-0646, until 11 a.m. December 21, 1998, for the purchase of \$2,455,000 principal amount of General Obligation Bonds, Series 1998-A. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof.

(continued)

The bonds will be dated December 1, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
1999	\$250,000
2000	245,000
2001	245,000
2002	245,000
2003	245,000
2004	245,000
2005	245,000
2006	245,000
2007	245,000
2008	245,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 1999.

Book-Entry-Only System

The bonds will be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of 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 \$49,100 (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 without cost to the successful bidder on or about December 30, 1998, at DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$55,302,988. The general obligation indebtedness of the issuer as of the date of the bonds, including the bonds being sold and a general obligation water pollution control revolving fund loan, is \$14,639,091.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 221-5500, or from the financial advisor, George K. Baum and Company, 120 W. 12th, Kansas City, MO 64105, Attention: David G. Artberry, (800) 821-7195.

Dated November 16, 1998.

City of Winfield, Kansas

Doc. No. 023230

State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 1 p.m. Thursday, December 17, at the office of Kansas, Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

The board will consider matters related to the network manager's contract, scheduled to expire December 31, 1999. Interested parties should attend the meeting for discussion.

Leroy Gattin
Chairman

Doc. No. 023222

(Published in the Kansas Register December 10, 1998.)

Summary Notice of Bond Sale

City of Lewis, Kansas

\$150,000

General Obligation Bonds

(General obligation bonds payable from unlimited ad valorem taxes)

Details of the Sale

Subject to the terms and conditions of the complete official notice of bond sale dated as of November 23, 1998, of the City of Lewis, Kansas, in connection with the city's General Obligation Bonds, Series 1999, hereinafter described, sealed, written bids shall be received at the office of the city clerk at 301 Lewis St., Lewis, KS 67552, until 6 p.m. Monday, December 21, 1998, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids 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 from 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 located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements therefor as set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds to be sold are in the aggregate principal amount of \$150,000, and shall bear a dated date of January 1, 1999. The bonds shall be issued as fully registered bonds in the denomination of \$5,000 or any integral multiple thereof not exceeding the principal amount of the bonds maturing in any year. The bonds shall bear inter-

est, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. Certain of the bonds are subject to redemption prior to their respective maturities as set forth in the official notice of bond sale.

Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 2000, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$10,000	2000
15,000	2001
15,000	2002
15,000	2003
15,000	2004
15,000	2005
15,000	2006
15,000	2007
15,000	2008
20,000	2009

Redemption of Bonds

Certain of the bonds are subject to optional redemption prior to their maturities 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 paid 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 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, shall be furnished and delivered at the expense of the city to the successful bidder, or at its direction, on or about Thursday, January 14, 1999, 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 shall be made at the expense of the successful bidder.

Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle, Eberhart & Elkouri, L.L.C., 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 city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable	
Tangible Property	\$1,484,258
Motor Vehicle Valuation	\$ 335,687
Assessed Tangible Valuation for	
Computation of Bonded	
Debt Limitations	\$1,819,945

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. The city's outstanding general obligation bonded indebtedness on January 1, 1999, including the bonds described herein, will be \$150,000.

Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's financial advisor. 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 by the successful bidder at its 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 public sale, interested parties are invited to request copies of the complete official notice of bond sale and the official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below, or from the city's financial advisor, J.O. Davidson & Associates, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

By F.B. O'Brien
 City Clerk
 301 Lewis St.
 Lewis, KS 67552
 (316) 324-5693

Doc. No. 023215

(Published in the Kansas Register December 10, 1998.)

Revised
Summary Notice of Bond Sale
City of Winfield, Kansas
\$600,000
General Obligation Sales Tax Bonds
Series 1998-B

(General obligation sales tax bonds payable
 from unlimited ad valorem taxes)

Sealed Bids

Subject to the notice of bond sale dated November 16, 1998, sealed bids will be received by the clerk of the City of Winfield, Kansas (the issuer), on behalf of the governing body at 200 E. 9th, Winfield, KS 67156-0646, until 11 a.m. December 21, 1998, for the purchase of \$600,000 principal amount of General Obligation Sales Tax Bonds, Series 1998-B. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 1998, and will become due on September 1 in the years as follows:

Year	Principal Amount
1999	\$55,000
2000	50,000
2001	55,000
2002	55,000
2003	55,000
2004	60,000
2005	65,000
2006	65,000
2007	70,000
2008	70,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning September 1, 1999.

Book-Entry-Only System

Bonds will be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of 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 \$12,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 30, 1998, at DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1998 is \$55,302,988. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold and a general obligation water pollution control revolving fund loan, is \$14,639,091.

Approval of Bonds

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

Additional Information

Additional information regarding the bonds may be obtained from the clerk, (316) 221-5500, fax (316) 221-5593, or from the financial advisor, George K. Baum & Company, 120 W. 12th, Kansas City, MO 64105, Attention: David G. Arteberry, (800) 821-7195.

Dated November 16, 1998.

City of Winfield, Kansas

Doc. No. 023229

State of Kansas**Secretary of State****Certificate of the
State Board of Canvassers****General Election, November 3, 1998**

We the undersigned, constituting the State Board of Canvassers of the State of Kansas, do hereby certify that we have examined the certified abstract of votes on file in the office of the Secretary of State, as prescribed by law, and we find the statement given therein of the whole number of votes cast at the General Election held on November 3, 1998 for the several candidates for the various National and State offices therein named, the votes for retention in the office of Justice of the Supreme Court, Court of Appeals Judges, District Judges and District Magistrate Judges, is true and correct as shown by such abstract.

We further certify that the following named persons were duly elected, or retained, to the respective offices at the General Election held on November 3, 1998.

United States Senate

Sam Brownback, Topeka, Republican

United States House of Representatives, District 1

Jerry Moran, Hays, Republican

United States House of Representatives, District 2

Jim Ryun, Lawrence, Republican

United States House of Representatives, District 3

Dennis Moore, Lenexa, Democratic

United States House of Representatives, District 4

Todd Tiaht, Goddard, Republican

Governor, Lt. Governor

Bill Graves, Salina, Republican

Gary Sherrer, Wichita

Secretary of State

Ron Thornburgh, Topeka, Republican

Attorney General

Carla J. Stovall, Topeka, Republican

Commissioner of Insurance

Kathleen Sebelius, Topeka, Democratic

State Treasurer

Tim Shallenburger, Baxter Springs, Republican

Kansas Senate, District 1

Edward W. Pugh, Wamego, Republican

Kansas Senate, District 27

Leslie D. Donovan, Sr., Wichita, Republican

Kansas House of Representatives, District 1

Doug Gatewood, Columbus, Democratic

Kansas House of Representatives, District 2

Robert "Bob" Grant, Cherokee, Democratic

Kansas House of Representatives, District 3

Ed McKechnie, Pittsburg, Democratic

Kansas House of Representatives, District 4

Andrew Howell, Fort Scott, Republican

Kansas House of Representatives, District 5

Bill Feuerborn, Garnett, Democratic

Kansas House of Representatives, District 6

Jene Vickrey, Louisburg, Republican

Kansas House of Representatives, District 7

Eugene E. "Gene" O'Brien, Parsons, Democratic

Kansas House of Representatives, District 8

Richard R. Reinhardt, Erie, Democratic

Kansas House of Representatives, District 9

Stanley Dreher, Jr., Iola, Republican

Kansas House of Representatives, District 10

Ralph M. Tanner, Baldwin City, Republican

Kansas House of Representatives, District 11

Jim Garner, Coffeyville, Democratic

Kansas House of Representatives, District 12

Cindy Empson, Independence, Republican

Kansas House of Representatives, District 13

Mary Compton, Fredonia, Republican

Kansas House of Representatives, District 14

Kay O'Connor, Olathe, Republican

Kansas House of Representatives, District 15

John M. Toplikar, Olathe, Republican

Kansas House of Representatives, District 16

Tim Carmody, Overland Park, Republican

Kansas House of Representatives, District 17

Lisa L. Benlon, Shawnee, Republican

Kansas House of Representatives, District 18

Phill Kline, Shawnee, Republican

Kansas House of Representatives, District 19

Phil Kline, Overland Park, Republican

Kansas House of Representatives, District 20

Gerry Ray, Overland Park, Republican

Kansas House of Representatives, District 21

Barbara P. Allen, Prairie Village, Republican

Kansas House of Representatives, District 22

Sue Storm, Overland Park, Democratic

Kansas House of Representatives, District 23

Cliff Franklin, Merriam, Republican

Kansas House of Representatives, District 24

Robert "Bob" Tomlinson, Roeland Park, Republican

Kansas House of Representatives, District 25

Al Lane, Mission Hills, Republican

Kansas House of Representatives, District 26

Larry L. Campbell, Olathe, Republican

Kansas House of Representatives, District 27

Phyllis Gilmore, Stanley, Republican

Kansas House of Representatives, District 28

David Adkins, Leawood, Republican

Kansas House of Representatives, District 29

Patricia Lightner, Overland Park, Republican

Kansas House of Representatives, District 30

David Huff, Lenexa, Republican

Kansas House of Representatives, District 31

Bonnie Sharp, Kansas City, Democratic

Kansas House of Representatives, District 32

Rick Rehorn, Kansas City, Democratic

Kansas House of Representatives, District 33

Tom Burroughs, Kansas City, Democratic

Kansas House of Representatives, District 34

David Haley, Kansas City, Democratic

Kansas House of Representatives, District 35

Broderick T. Henderson, Kansas City, Democratic

Kansas House of Representatives, District 36

Doug Spangler, Kansas City, Democratic

Kansas House of Representatives, District 37

Bill Reardon, Kansas City, Democratic

Kansas House of Representatives, District 38

Margaret E. Long, Kansas City, Democratic

Kansas House of Representatives, District 39

Ray L. Cox, Bonner Springs, Republican

Kansas House of Representatives, District 40

L. Candy Ruff, Leavenworth, Democratic

Kansas House of Representatives, District 41

Marti Crow, Leavenworth, Democratic

Kansas House of Representatives, District 42

Kenny A. Wilk, Lansing, Republican

Kansas House of Representatives, District 43

John Ballou, Gardner, Republican

Kansas House of Representatives, District 44

Barbara W. Ballard, Lawrence, Democratic

Kansas House of Representatives, District 45

Tom Sloan, Lawrence, Republican

Kansas House of Representatives, District 46

Troy Findley, Lawrence, Democratic

(continued)

- Kansas House of Representatives, District 47**
Joann Flower, Oskaloosa, Republican
- Kansas House of Representatives, District 48**
Jerry Henry, Cummings, Democratic
- Kansas House of Representatives, District 49**
Galen Weiland, Bendena, Democratic
- Kansas House of Representatives, District 50**
Becky J. Hutchins, Holton, Republican
- Kansas House of Representatives, District 51**
Cindy Hermes, Topeka, Republican
- Kansas House of Representatives, District 52**
Lynn Jenkins, Topeka, Republican
- Kansas House of Representatives, District 53**
Dixie E. Toelkes, Topeka, Democratic
- Kansas House of Representatives, District 54**
Doug Mays, Topeka, Republican
- Kansas House of Representatives, District 55**
Annie Kuether, Topeka, Democratic
- Kansas House of Representatives, District 56**
Nancy Kirk, Topeka, Democratic
- Kansas House of Representatives, District 57**
Vaughn Flora, Topeka, Democratic
- Kansas House of Representatives, District 58**
Rocky Nichols, Topeka, Democratic
- Kansas House of Representatives, District 59**
Joe D. Humerickhouse, Osage City, Republican
- Kansas House of Representatives, District 60**
Lloyd A. Stone, Emporia, Republican
- Kansas House of Representatives, District 61**
Vern Osborne, St. George, Republican
- Kansas House of Representatives, District 62**
Kent Glasscock, Manhattan, Republican
- Kansas House of Representatives, District 63**
Bruce F. Larkin, Baileyville, Democratic
- Kansas House of Representatives, District 64**
Kathe Lloyd, Clay Center, Republican
- Kansas House of Representatives, District 65**
Gerald G. Geringer, Junction City, Republican
- Kansas House of Representatives, District 66**
Jeff Peterson, Manhattan, Republican
- Kansas House of Representatives, District 67**
Jerry Aday, Ellsworth, Republican
- Kansas House of Representatives, District 68**
Shari Weber, Herington, Republican
- Kansas House of Representatives, District 69**
Deena L. Horst, Salina, Republican
- Kansas House of Representatives, District 70**
Donald L. Dahl, Hillsboro, Republican
- Kansas House of Representatives, District 71**
Carol Edward Beggs, Salina, Republican
- Kansas House of Representatives, District 72**
Garry G. Boston, Newton, Republican
- Kansas House of Representatives, District 73**
Clark Shultz, Lindsborg, Republican
- Kansas House of Representatives, District 74**
Carl Krehbiel, Moundridge, Republican
- Kansas House of Representatives, District 75**
William G. Mason, El Dorado, Republican
- Kansas House of Representatives, District 76**
Peggy L. Long, Hamilton, Republican
- Kansas House of Representatives, District 77**
Peggy Palmer, Augusta, Republican
- Kansas House of Representatives, District 78**
Judy Showalter, Winfield, Democratic
- Kansas House of Representatives, District 79**
Joe D. Shriver, Arkansas City, Democratic
- Kansas House of Representatives, District 80**
Bill McCreary, Wellington, Republican
- Kansas House of Representatives, District 81**
Ted Powers, Mulvane, Republican
- Kansas House of Representatives, District 82**
Don V. Myers, Derby, Republican
- Kansas House of Representatives, District 83**
Jo Ann Pottorff, Wichita, Republican
- Kansas House of Representatives, District 84**
Jonathan "Joe" Wells, Wichita, Democratic
- Kansas House of Representatives, District 85**
Tony Powell, Wichita, Republican
- Kansas House of Representatives, District 86**
Henry M. Helgeson, Jr., Wichita, Democratic
- Kansas House of Representatives, District 87**
Mike Farmer, Wichita, Republican
- Kansas House of Representatives, District 88**
Gwen Welshimer, Wichita, Democratic
- Kansas House of Representatives, District 89**
Ruby Gilbert, Wichita, Democratic
- Kansas House of Representatives, District 90**
Billie Vining, Wichita, Republican
- Kansas House of Representatives, District 91**
Brenda Landwehr, Wichita, Republican
- Kansas House of Representatives, District 92**
Douglas Johnston, Wichita, Democratic
- Kansas House of Representatives, District 93**
Daniel J. Thimesch, Cheney, Democratic
- Kansas House of Representatives, District 94**
Dave Gregory, Wichita, Republican
- Kansas House of Representatives, District 95**
Melany Barnes, Wichita, Democratic
- Kansas House of Representatives, District 96**
George R. Dean, Wichita, Democratic
- Kansas House of Representatives, District 97**
Dale A. Swenson, Wichita, Republican
- Kansas House of Representatives, District 98**
Geraldine Flaharty, Wichita, Democratic

Kansas House of Representatives, District 99
Susan Wagle, Wichita, Republican

Kansas House of Representatives, District 100
Carlos Mayans, Wichita, Republican

Kansas House of Representatives, District 101
Tim Tedder, South Hutchinson, Democratic

Kansas House of Representatives, District 102
Janice L. Pauls, Hutchinson, Democratic

Kansas House of Representatives, District 103
Thomas Klein, Wichita, Democratic

Kansas House of Representatives, District 104
Michael R. ("Mike") O'Neal, Hutchinson, Republican

Kansas House of Representatives, District 105
Richard Alldritt, Harper, Democratic

Kansas House of Representatives, District 106
Sharon Schwartz, Washington, Republican

Kansas House of Representatives, District 107
Joann Lee Freeborn, Concordia, Republican

Kansas House of Representatives, District 108
Dennis McKinney, Greensburg, Democratic

Kansas House of Representatives, District 109
Clay Aurand, Courtland, Republican

Kansas House of Representatives, District 110
Dan Johnson, Hays, Republican

Kansas House of Representatives, District 111
Eber E. Phelps, Hays, Democratic

Kansas House of Representatives, District 112
John Edmonds, Great Bend, Republican

Kansas House of Representatives, District 113
Bob Bethell, Alden, Republican

Kansas House of Representatives, District 114
Melvin G. Minor, Stafford, Democratic

Kansas House of Representatives, District 115
Melvin J. Neufeld, Ingalls, Republican

Kansas House of Representatives, District 116
Ethel M. Peterson, Dodge City, Democratic

Kansas House of Representatives, District 117
Robin L. Jennison, Healy, Republican

Kansas House of Representatives, District 118
Gayle Mollenkamp, Quinter, Republican

Kansas House of Representatives, District 119
Laura McClure, Osborne, Democratic

Kansas House of Representatives, District 120
John M. Faber, Atwood, Republican

Kansas House of Representatives, District 121
Jim Morrison, Colby, Republican

Kansas House of Representatives, District 122
Gary K. Hayzlett, Lakin, Republican

Kansas House of Representatives, District 123
Ward Loyd, Garden City, Republican

Kansas House of Representatives, District 124
Bill Light, Rolla, Republican

Kansas House of Representatives, District 125
Carl D. Holmes, Liberal, Republican

State Board of Education, District 1
Janet Waugh, Kansas City, Republican

State Board of Education, District 3
John W. Bacon, Olathe, Republican

State Board of Education, District 5
I.B. Sonny Rundell, Syracuse, Republican

State Board of Education, District 7
Harold L. Voth, Haven, Republican

State Board of Education, District 9
Val DeFever, Independence, Republican

Kansas Supreme Court, Position 1
Bob Abbott, Junction City

Kansas Court of Appeals, Position 1
David S. Knudson, Salina

Kansas Court of Appeals, Position 4
Kay Royse, Wichita

Kansas Court of Appeals, Position 6
Robert J. Lewis, Jr., Atwood

Kansas Court of Appeals, Position 7
Henry W. Green, Jr., Leavenworth

Kansas Court of Appeals, Position 8
Jerry G. Elliott, Wichita

Kansas Court of Appeals, Position 9
Gary W. Rulon, Emporia

Kansas Court of Appeals, Position 10
Robert L. Gernon, Hiawatha

District Court Judge, District 1, Division 4
David J. King, Leavenworth

District Court Judge, District 1, Division 5
Philip C. Lacey, Atchison

District Court Judge, District 3, Division 3
Marla J. Luckert, Topeka

District Court Judge, District 3, Division 4
Eric S. Rosen, Topeka

District Court Judge, District 3, Division 5
James M. Macnish, Jr., Topeka

District Court Judge, District 3, Division 6
Terry L. Bullock, Topeka

District Court Judge, District 3, Division 10
Daniel L. Mitchell, Silver Lake

District Court Judge, District 3, Division 12
James P. Buchele, Topeka

District Court Judge, District 4, Division 1
Phillip M. Fromme, Burlington

District Court Judge, District 5, Division 1
John O. Sanderson, Emporia

District Court Judge, District 5, Division 2
W. Lee Fowler, Cottonwood Falls

District Court Judge, District 6, Division 1
Stephen Douglas Hill, Paola

(continued)

- District Court Judge, District 6, Division 2
Richard M. Smith, Mound City
- District Court Judge, District 6, Division 3
Gerald W. Hart, Fort Scott
- District Court Judge, District 7, Division 1
Robert W. Fairchild, Lawrence
- District Court Judge, District 7, Division 3
Jean F. Shepherd, Lawrence
- District Court Judge, District 8, Division 2
Larry E. Bengtson, Junction City
- District Court Judge, District 8, Division 5
David R. Platt, Junction City
- District Court Judge, District 9, Division 2
Richard B. Walker, Newton
- District Court Judge, District 10, Division 1
Peter V. Ruddick, Olathe
- District Court Judge, District 10, Division 2
Sam K. Bruner, Overland Park
- District Court Judge, District 10, Division 7
Janice D. Russell, Olathe
- District Court Judge, District 10, Division 8
Steve Leben, Fairway
- District Court Judge, District 10, Division 9
Allen R. Slater, Olathe
- District Court Judge, District 10, Division 10
Larry McClain, Overland Park
- District Court Judge, District 10, Division 11
Thomas H. Bornholdt, Olathe
- District Court Judge, District 11, Division 3
Robert J. Fleming, Pittsburg
- District Court Judge, District 12, Division 1
Thomas M. Tuggle, Concordia
- District Court Judge, District 13, Division 1
John E. Sanders, Eureka, Republican
- District Court Judge, District 13, Division 4
Mike Ward, El Dorado, Republican
- District Court Judge, District 14, Division 1
Rawley J. (Judd) Dent, Independence, Republican
- District Court Judge, District 14, Division 2
Jack L. Lively, Coffeyville, Republican
- District Court Judge, District 16, Division 1
Daniel L. Love, Dodge City, Democratic
- District Court Judge, District 18, Division 4
David W. Kennedy, Wichita, Republican
- District Court Judge, District 18, Division 5
Greg Waller, Wichita, Democratic
- District Court Judge, District 18, Division 7
David W. Dewey, Wichita, Republican
- District Court Judge, District 18, Division 8
Tim Lahey, Wichita, Republican
- District Court Judge, District 18, Division 15
Paul Buchanan, Wichita, Republican
- District Court Judge, District 18, Division 17
Tom Malone, Wichita, Democratic
- District Court Judge, District 18, Division 18
James G. Beasley, Wichita, Republican
- District Court Judge, District 18, Division 19
Mark A. Vining, Wichita, Republican
- District Court Judge, District 19, Division 3
J. Michael Smith, Arkansas City, Republican
- District Court Judge, District 20, Division 1
Barry A. Bennington, St. John, Democratic
- District Court Judge, District 21, Division 2
Meryl D. Wilson, Manhattan
- District Court Judge, District 21, Division 3
David L. Stutzman, Manhattan
- District Court Judge, District 22, Division 1
James A. Patton, Hiawatha, Republican
- District Court Judge, District 24
J. Byron Meeks, Kinsley, Republican
- District Court Judge, District 25, Division 1
J. Stephen Nyswonger, Garden City
- District Court Judge, District 26, Division 1
Tom R. Smith, Liberal, Republican
- District Court Judge, District 26, Division 3
Kim R. Schroeder, Hugoton, Republican
- District Court Judge, District 27, Division 1
Richard J. Rome, Hutchinson, Democratic
- District Court Judge, District 27, Division 3
Steven R. Becker, Buhler, Republican
- District Court Judge, District 28, Division 1
Daniel L. Hebert, Salina
- District Court Judge, District 28, Division 2
Jerome P. Hellmer, Salina
- District Court Judge, District 29, Division 3
John J. McNally, Kansas City, Democratic
- District Court Judge, District 29, Division 4
George A. Groneman, Kansas City, Democratic
- District Court Judge, District 29, Division 5
J. Dexter Burdette, Kansas City, Democratic
- District Court Judge, District 29, Division 6
Cordell D. Meeks, Jr., Kansas City, Democratic
- District Court Judge, District 29, Division 10
Jan Way, Kansas City, Democratic
- District Court Judge, District 29, Division 11
Bill D. Robinson, Jr., Kansas City, Democratic
- District Court Judge, District 29, Division 12
Philip L. Sieve, Kansas City, Democratic
- District Court Judge, District 29, Division 15
Ernest L. Johnson, Kansas City, Democratic
- District Court Judge, District 30, Division 3
R. Scott McQuin, Wellington
- District Court Judge, District 30, Division 4
Larry T. Solomon, Kingman

- District Court Judge, District 31, Division 2
C. Fred Lorentz, Fredonia
- District Magistrate Judge, District 2, Position 2
Steven M. Roth, Westmoreland
- District Magistrate Judge, District 4, Position 2
Edwin R. Smith, Ottawa
- District Magistrate Judge, District 5, Position 1
John R. Conklin, Cottonwood Falls
- District Magistrate Judge, District 6, Position 1
Rebecca R. Stephan, Fort Scott
- District Magistrate Judge, District 8, Position 2
Thomas H. Ball, Council Grove
- District Magistrate Judge, District 12, Position 3
Ardith I. VonFange, Lincoln
- District Magistrate Judge, District 12, Position 4
Bonnie J. Wilson, Beloit
- District Magistrate Judge, District 12, Position 6
Terry N. Taylor, Washington
- District Magistrate Judge, District 17, Position 3
Wilda June Brown, Norton, Republican
- District Magistrate Judge, District 20, Position 3
Marty K. Clark, Russell, Republican
- District Magistrate Judge, District 21, Position 1
Paul Wright, Clay Center
- District Magistrate Judge, District 22, Position 1
Don Sallee, Troy, Republican
- District Magistrate Judge, District 22, Position 3
James B. (Jim) O'Connor, Seneca, Democratic
- District Magistrate Judge, District 23, Position 1
Lois B. Werner, Gove, Republican
- District Magistrate Judge, District 25, Position 2
Donna L. J. Blake, Syracuse
- District Magistrate Judge, District 30, Position 1
Scott L. McGuire, Medicine Lodge
- District Magistrate Judge, District 30, Position 3
James D. Mathis, Kingman
- District Magistrate Judge, District 31, Position 1
Thomas M. Saxton, Jr., Iola
- District Magistrate Judge, District 31, Position 2
Ronald L. Call, Yates Center

IN TESTIMONY WHEREOF, we have hereunto subscribed our names this 30th day of November, A.D. 1998.

Bill Graves
Governor

Ron Thornburgh
Secretary of State

Carla J. Stovall
Attorney General

Doc. No. 023208

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 12-7-98 through 12-13-98	
Term	Rate
1-89 days	4.74%
3 months	4.42%
6 months	4.56%
9 months	4.56%
12 months	4.53%
18 months	4.54%
24 months	4.52%

Derl S. Treff
Director of Investments

Doc. No. 023206

State of Kansas
Kansas Insurance Department

**Permanent Administrative
Regulations**

Article 1.—GENERAL

40-1-35. (Authorized by K.S.A. 40-103, 40-2404a; implementing K.S.A. 40-2404; effective May 1, 1981; amended May 1, 1986; revoked Dec. 28, 1998.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 023233

State of Kansas
Social and Rehabilitation Services

**Permanent Administrative
Regulations**

Article 4.—PUBLIC ASSISTANCE PROGRAM

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-

(continued)

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. A standard deduction of 25% of gross earned income shall be allowed for these costs. If the person wishes to claim actual costs incurred, 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-pro-

ducing costs shall include only those expenses directly 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 January 1, 1999. (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; amended Jan. 1, 1999.)

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

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

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

(2) to assure that services that may be subject to overuse are monitored for appropriateness in each case; and

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

(b) Administration of covered pharmaceuticals in the following classes shall require prior authorization. A cross-reference of generic and trade names is available upon request:

(1) Acne products:

(A) isotretinoin;

(B) tretinoin;

(2) amphetamines, amphetamine mixtures, and methamphetamine:

(A) Amphetamine;

(B) dextroamphetamine; and

(C) methamphetamine; and

(3) anorexiant:

(A) Dextroamphetamine;

(B) diethylpropion;

(C) fenfluramine;

(D) mazindol;

(E) phendimetrazine; and

(F) phentermine;

(4) anticonvulsants:

(A) Clorazepate dipotassium;

(B) Depekene®; and

(C) Tegretol®;

(5) antiplatelet products, including dipyridamole;

(6) antituberculosis products:

(A) Aminosalicylate sodium;

(B) capreomycin;

(C) ethambutol;

(D) ethionamide;

(E) isoniazid;

- (F) pyrazinamide; and
 - (G) rifampin and rifampin/isoniazid combinations;
 - (7) anxiolytics, including alprazolam;
 - (8) benzodiazepines:
 - (A) Alprazolam;
 - (B) clorazepate dipotassium; and
 - (C) diazepam;
 - (9) all decubitus and wound care products;
 - (10) all intravenous and oral dietary and nutritional products, including the following:
 - (A) amino acids, injectable;
 - (B) 1-carnitine;
 - (C) 1-cysteine;
 - (D) lipids, injectable;
 - (E) medium chain triglyceride oil; and
 - (F) sodium phenylbutyrate;
 - (11) all growth hormones, including the following:
 - (A) Somatrem; and
 - (B) somatropin;
 - (12) all hematinics, iron, multivitamin, and vitamin preparations, including the following:
 - (A) Ferrous fumarate plus vitamins;
 - (B) ferrous gluconate plus vitamins;
 - (C) multivitamins;
 - (D) multivitamins plus folate; and
 - (E) multivitamins plus iron;
 - (13) histamine (H₂) antagonists at full therapeutic dose for longer than 60 days:
 - (A) Cimetidine 1200 mg per day;
 - (B) famotidine 40 mg per day;
 - (C) nizatidine 300 mg per day; and
 - (D) ranitidine 300 mg per day;
 - (14) all lactulose-containing laxatives:
 - (A) Lactulose; and
 - (B) sorbitol;
 - (15) proton pump inhibitors at full therapeutic dose for longer than 60 days:
 - (A) Lansoprazole 30 mg per day; and
 - (B) omeprazole 40 mg per day;
 - (16) psoralens; and
 - (17) drugs for the treatment of impotence:
 - (A) Alprostadil; and
 - (B) sildenafil.
- (c) Failure to obtain prior authorization, if required, shall negate reimbursement for the service and any other service resulting from the unauthorized or noncertified treatment. The prior authorization shall affect reimbursement to all providers associated with the service.
- (d) The only exceptions to prior authorization shall be the following:
- (1) Emergencies. If certain surgeries and procedures that require prior authorization are performed in an emergency situation, the request for authorization shall be made within two working days after the service is provided; and
 - (2) Situations in which services requiring prior authorization are provided and retroactive eligibility is later established. When an emergency occurs or when retroactive eligibility is established, prior authorization for that service shall be waived, and if medical necessity is documented, payment shall be made.

(e) Services requiring prior authorization shall be considered covered services within the scope of the program unless the request for prior authorization is denied.

(f) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1992; amended July 1, 1994; amended March 1, 1995; amended March 1, 1996; amended July 1, 1996; amended July 1, 1997; amended Jan. 1, 1999.)

30-5-82. Scope of rural health clinic services. Rural health clinic services and other ambulatory services shall be covered under the Kansas medical assistance program pursuant to 42 CFR 447.371, effective September 30, 1986, when provided by clinics accepted by the health care financing administration as qualified to furnish rural health clinic services for participation under the medicare program. A clinic may be certified as either an independent or a provider-based rural health clinic. Covered rural health clinic services and other ambulatory services shall include the following: (a) Physician services. These are professional services performed by a physician.

(b) Advanced registered nurse practitioner and physician assistant services. These are professional services furnished by an advanced registered nurse practitioner or a physician assistant under both of the following conditions:

(1) Services are in accordance with medical orders prepared by a physician for the care and treatment of a patient.

(2) A physician is available at least once every two weeks to supervise the delivery of services and to perform services that are not in the scope of advanced registered nurse practitioner and physician assistant services as defined in the Kansas statutes.

(c) Services and related medical supplies furnished incident to professional services provided by a physician, advanced registered nurse practitioner, or physician assistant. These are services and supplies commonly furnished in physician offices under the direct supervision of a physician, advanced registered nurse practitioner, or physician assistant.

(d) Visiting nurse services. These are home health nursing services and related medical supplies provided by a registered nurse or a licensed practical nurse under the supervision of a registered nurse at the beneficiary's place of residence, which shall not include a hospital or long-term care facility, under all of the following conditions:

(1) The rural health clinic is located in an area where there is no home health agency.

(2) The services are furnished to a homebound individual who is confined to the individual's place of residence because of a medical condition.

(3) Services are provided under a written plan of treatment established by a physician, advanced registered nurse practitioner, or physician assistant and reviewed at least once every 60 days by a supervising physician.

(e) Other ambulatory services covered by a medicaid state plan.

(continued)

(f) Referral for covered services not provided by the rural health clinic, to other practitioners enrolled as providers in the Kansas medical assistance program shall be covered.

(g) Screening and appropriate referral for the "can be healthy" program shall be covered. This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended Jan. 2, 1989; amended July 1, 1989; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended Dec. 29, 1995; amended Jan. 1, 1999.)

30-5-82a. Reimbursement for rural health clinic services. Reimbursement for rural health clinic services and other ambulatory services covered by the Kansas medical assistance program shall be at reasonable cost pursuant to 42 CFR 447.371, effective September 30, 1986; 42 CFR Part 413, revised as of October 1, 1997; Section 4205 of the balanced budget act of 1997; and the provisions discussed in this regulation. (a) Reimbursement method. An interim rate per visit shall be paid to each rural health clinic, subject to a fiscal year-end retroactive cost settlement.

(b) Interim reimbursement rate per visit.

(1) Rate for independent rural health clinic. Each clinic shall be paid by the agency the all-inclusive reasonable cost rate per visit determined by the medicare carrier.

(A) Initial rate at enrollment. The medicaid payment rate shall be the current medicare rate.

(B) Rate changes. The interim payment rate of an independent rural health clinic shall be changed by the agency each time a rate change notification for that clinic is received from the medicare carrier.

(2) Rate for provider-based rural health clinic.

(A) Initial rate at enrollment. An estimated payment rate per visit that is no more than the medicare payment limit shall be set by the agency.

(B) Rate changes. After the cost settlement of a provider-based clinic, the interim payment rate shall be changed by the agency based on paragraph (d)(2)(B) below.

(c) Visit. A "visit" means a face-to-face encounter between a clinic patient and a health care professional as defined in K.A.R. 30-5-82. Encounters with more than one health professional or multiple encounters with the same health professional that take place on the same day shall constitute a single visit except when, after the first encounter, the patient suffers illness or injury requiring additional diagnosis or treatment.

(d) Retroactive cost settlement. The allowable medicaid cost shall be determined by the agency, and this cost shall be compared by the agency to the total payments to determine the amount overpaid or underpaid for each cost-reporting period. "Total payments" shall include interim reimbursements, health connect Kansas case management payments, third party liability, and any other payment for covered services.

(1) Cost settlement for independent rural health clinic.

(A) Cost report. The audited medicare cost report of the independent rural health clinic received from the medicare carrier shall be used by the agency.

(B) Allowable Kansas medical assistance program cost. The allowable medicaid cost of an independent rural health clinic shall be obtained by applying the audited medicare reimbursement rate per visit to medicaid paid claims data. For independent rural health clinic providers with multiple locations, aggregate medicaid paid claims data for all clinics shall be used.

(2) Cost settlement for provider-based rural health clinic.

(A) Cost report. The audited medicare cost report of the health care organization of which the rural health clinic is a part shall be used by the agency. This cost report is provided by the medicare intermediary.

(B) Allowable Kansas medical assistance program cost. Pursuant to 42 CFR 413.9 (a) and Section 4205 of the balanced budget act of 1997, the allowable medicaid cost shall be the lowest of the following three amounts:

(i) Cost computed by using the cost report;

(ii) cost computed by applying medicare maximum rate; or

(iii) billed charges.

(e) Fiscal and statistical records and audits. The requirements in K.A.R. 30-5-118a(d) shall apply.

(f) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended July 1, 1994; amended Jan. 1, 1999.)

30-5-118. Scope of federally qualified health center services. Federally qualified health center services and other ambulatory services shall be covered under the Kansas medical assistance program when provided by a community health center accepted by the health care financing administration to furnish federally qualified health center services for participation under medicare and medicaid. (a) Services provided by the following health care professionals shall be covered.

(1) Physician and physician assistant pursuant to K.A.R. 30-5-88;

(2) advanced registered nurse practitioner pursuant to K.A.R. 30-5-113;

(3) dentist and dental assistant pursuant to K.A.R. 30-5-100;

(4) clinical psychologist pursuant to K.A.R. 30-5-104;

(5) clinical social worker pursuant to K.A.R. 30-5-86;

(6) visiting nurse pursuant to K.A.R. 30-5-89; and

(7) for can be healthy nursing assessments only, registered nurse pursuant to K.A.R. 30-5-87.

(b) Covered services shall also include the following:

(1) Services and supplies furnished as an incident to the professional services provided by health care professionals set forth above in subsection (a); and

(2) other ambulatory services covered under the medicaid state plan, when provided by the federally qualified health center.

(c) "Visiting" nurse shall include a registered nurse or licensed practical nurse who provides part-time or intermittent nursing care to a homebound patient at the beneficiary's place of residence under a written plan of treatment prepared by a physician. The place of residence shall not include a hospital or long-term care facility. These services shall be covered only when there is no home health agency in the area.

(d) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective, T-30-10-1-90, Oct. 1, 1990; effective Jan. 30, 1991; amended Jan. 1, 1999.)

30-5-118a. Reimbursement for federally qualified health center services. Reimbursement shall not exceed the reasonable cost of federally qualified health center services and other ambulatory services covered under the Kansas medical assistance program. "Reasonable cost" consists of necessary and proper cost incurred by the provider in furnishing covered services to program beneficiaries, subject to the cost principles and limits discussed in K.A.R. 30-5-118b, and paragraphs (b)(2)(C) and (c)(5) of this regulation. (a) Reimbursement method. An interim per visit rate shall be paid to each federally qualified health center provider, with a retroactive cost settlement for each facility fiscal year.

(1) Interim reimbursement rate. The source and the method of determination of interim rate shall depend on whether the federally qualified health center is a new enrollee of the Kansas medical assistance program, or is a previously enrolled provider. Under special circumstances, the interim rate may be negotiated between the agency and the provider.

(A) Newly enrolled facility. The initial payment rate shall be based on the average of the current reimbursement rates for previously enrolled federally qualified health center providers. If the facility is an already-established federally qualified health center with an available medicare cost report, an all-inclusive rate derived from the cost report may be used for setting the initial medicaid interim payment rate.

(B) Previously enrolled facility. After the facility submits a federally qualified health center cost report, the agency shall determine the maximum allowable medicaid rate per visit as discussed in K.A.R. 30-5-118a(c). This rate shall be the new interim payment rate for the facility.

(2) Visit. A "visit" means face-to-face encounter between a center patient and a center health care professional as defined in 30-5-118. Encounters with more than one health professional or multiple encounters with the same health professional that take place on the same day shall constitute a single visit, except when the patient suffers illness or injury requiring additional diagnosis or treatment after the first encounter.

(3) Retroactive cost settlement. For each reporting period, the agency shall compare the total maximum allowable medicaid cost with the total payments to determine the program overpayment or underpayment. Total payments shall include interim payments, healthconnect payments, third party liability, and any other payments for covered federally qualified health center services. The cost report and supplemental data submitted by the provider, medicare cost report, and the medicaid paid claims data obtained from the program fiscal agent shall be used for these calculations.

(b) Cost reporting. Each federally qualified health center shall submit a completed cost report. The form used for cost reporting shall be the most current version of Form HCFA-222-92 (revised July 1994), the medicare financial and statistical report form for independent rural

health clinics and freestanding federally qualified health centers.

(1) Filing requirements. Each provider shall be required to file annual cost reports on a fiscal year basis. In some instances, the report period may be shorter or longer than 12 months including for a newly opened facility.

(A) Cost reports shall be received no later than five months after the end of the facility's fiscal year. An extension in due date may be granted by the agency upon request, if necessary due to circumstances beyond control.

(B) Each provider filing a cost report after the due date without preapproved extension shall be subject to penalties listed below:

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

(ii) Failure to submit the completed financial and statistical report within one year after the end of the cost report period may be cause for termination from the Kansas medical assistance program.

(2) Fiscal and statistical data. The preparation of the cost report shall be based upon the financial and statistical records of the facility, and shall use the accrual basis of accounting. The reported data shall be accurate, sufficient by detailed, and adequately supported to facilitate verification and analysis for the determination of allowable costs.

(A) Non-allowable programs and costs. Expenses not necessary for the efficient delivery of federally qualified health center services and not related to patient care shall not be reported as allowable costs. The provider shall separate non-federally qualified health center programs and non-reimbursable expenses from the allowable direct and indirect federally qualified health center costs, and shall report them in the designated sections of the cost report. Cost principles applicable to federally qualified health center services are discussed in K.A.R. 30-5-118b.

(B) Purchase discounts, allowances, rebates, and expense recoveries. Any expenditure for which the provider received a purchase discount, allowance, rebate, or reimbursement shall be reported net of the cost reduction adjusted on the cost report by subtracting the cost reduction on the appropriate expense line.

(C) Adjusted total visits. The total number of visits shall be reported by health care professional categories and adjusted by applying productivity screens to selected categories as listed below:

(i) Physician visits. A productivity standard of 4,200 hours shall be used for reporting all physician visits, except those attributable to "Physician Services Under Agreement."

(ii) Physician assistant, nurse practitioner, and dental visits. A minimum standard of 2,100 hours shall be used as a productivity screen for adjusting these visits on the cost report.

(3) Supplemental data. The following additional information shall be submitted to support reported data and

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to facilitate cost report review, verifications, and other analysis.

(A) A working trial balance. It shall contain account numbers, descriptions of the accounts, the amount of each account, the cost report expense line on which the account was reported, and fiscal year-end adjusting entries to facilitate reconciliation between the working trial balance and the cost report. The facility shall bear the burden of proof that the reported data accurately represents the cost and revenue as recorded in the accounting records. Any unexplained differences shall be used to reduce the allowable cost.

(B) The financial statements and management letter prepared by the facility's independent auditors. These statements shall also reconcile with the cost report.

(C) An itemized list of revenues received by the provider shall be submitted, if not already included in paragraph (b)(3)(A) or (B) above.

(i) For each grant, gift, donation, or endowment that is designated by the donor for a specific program or operating cost, the designated purpose shall be clearly indicated.

(ii) Both federal share and the state or local match shall be reported for each grant. Otherwise, the cost report shall be considered incomplete.

(iii) Revenue with no indication of their nature or purpose, including "other income" or "miscellaneous revenue," shall be properly explained. Any items without adequate explanation shall be deducted from reported costs as recovery of expense.

(D) Depreciation schedule. This schedule shall support the depreciation expense reported on the cost report.

(E) Any other data deemed necessary by the agency for verification and rate determination shall also be submitted.

(c) Determination of maximum reimbursable medicaid rate per visit.

(1) Allowable facility costs. These are costs derived from reported expenses after making adjustments resulting from cost report review and application of the cost reimbursement principles discussed in K.A.R. 30-5-118b.

(2) Allocation of overhead costs. Total allowable administrative and facility costs shall be distributed to these cost centers: federally qualified health center costs, non-federally qualified health center costs, and non-reimbursable costs excluding bad debt. Accumulated direct cost in each cost center shall be used as the basis for the overhead cost allocation.

(3) Reimbursable rate. The sum of allowable pneumococcal and influenza vaccine cost, other ambulatory services, cost after overhead allocation shall be divided by the total adjusted visits from paragraph (b)(2)(C) of this subsection. The resulting rate shall be added to the medicare maximum rate identified on the cost report.

(4) Average allowable cost per visit. The total allowable facility costs shall be divided by total adjusted visits.

(5) Maximum reimbursable medicaid rate. The lesser of the reimbursement rate from paragraph (c)(3) above and the average allowable cost per visit from paragraph (c)(4) above shall be the maximum reimbursable medicaid rate.

(d) Fiscal and statistical records and audits.

(1) Record-keeping. Each provider shall maintain sufficient financial records and statistical data for proper determination of reasonable costs. Standardized definitions and reporting practices widely accepted among federally qualified health centers and related fields shall be followed, except to the extent that they may conflict with or be superseded by state or federal medicaid requirements.

(2) Audits and reviews.

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

(i) Assure proper payment by the program pursuant to K.A.R. 30-50-118a and K.A.R. 30-5-118b;

(ii) substantiate claims for program payments; and

(iii) complete determination of program overpayment.

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

(i) Matters of the facility ownership, organization, and operation;

(ii) fiscal, statistical, medical, and other record-keeping systems;

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

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

(v) management arrangements;

(vi) matters pertaining to the cost of operation;

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

(viii) a statement of changes in financial position.

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

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

(E) Each provider shall furnish to the agency, upon request, copies of patient service charge schedules and changes thereto as they are put into effect.

(F) The agency shall suspend program payments if it is determined that a provider does not maintain adequate records for the determination of reasonable and adequate rates under the program, or if the provider fails to furnish requested records and documents to the agency.

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

(H) All provider records that support reported costs, charges, revenue, and patient statistics shall be subject to audits by the agency, the United States department of health and human services, and the United States general accounting office and shall be retained for five years after the date of filing the cost report with the agency.

(d) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective, T-30-10-1-90, Oct. 1, 1990; effective Jan. 30, 1991; amended July 1, 1994; amended July 1, 1997; amended Jan. 1, 1999.)

30-5-118b. Cost reimbursement principles for federally qualified health center services and other ambu-

latory services. Medicare cost reimbursement principles contained in 42 CFR Part 413 and the cost principles, standards, and limits discussed in this regulation and in K.A.R. 30-5-118a shall be applicable to the financial and statistical data reported by the federally qualified health center for the determination of reasonable cost of providing covered services. (a) Non-reimbursable costs. Any costs not related to patient care and not necessary for the efficient delivery of covered federally qualified health center services and other ambulatory services shall not be included in medicaid rate determination. In addition, the following expenses shall be considered non-reimbursable:

- (1) Salaries and fees paid to nonworking directors and officers;
 - (2) bad debts;
 - (3) donations and contributions;
 - (4) fund-raising expenses;
 - (5) taxes including the following:
 - (A) Those from which the provider is entitled to obtain exemption;
 - (B) those on property not used in providing covered services; and
 - (C) those levied against a patient and remitted by the provider;
 - (6) life insurance premiums for directors, officers, and owners;
 - (7) imputed value of in-kind services rendered by non-paid workers and volunteers;
 - (8) cost of social, fraternal, civic, and other organizations associated with activities unrelated to patient care;
 - (9) all expenses related to vending machines;
 - (10) board of directors costs;
 - (11) the cost of advertising for promoting the services offered by the facility to attract more patients;
 - (12) public relations and public information expenses;
 - (13) penalties, fines, and late charges, including interest paid on state and federal payroll taxes;
 - (14) the cost of items or services provided only to non-Kansas medical assistance program patients and reimbursed by third party payers;
 - (15) all expenses associated with ownership, lease, or charter of airplanes;
 - (16) bank overdraft charges and other penalties;
 - (17) the cost associated with group health education classes, activities, and mass information programs including media productions, brochures, and other publications;
 - (18) expense items without indication of their nature or purpose, including "other," "miscellaneous," and "consultation";
 - (19) non-arm's-length transactions;
 - (20) legal and other costs associated with litigation between a provider and state or federal agencies, unless litigation is decided in the provider's favor; and
 - (21) legal expenses not related to patient care.
- (b) Costs allowed with limitations and conditions.
- (1) Administrator and co-administrator compensation. Reasonable limits shall be applied by the agency based upon the current civil service salary schedule.
 - (2) Loan acquisition fees and standby fees. These shall be amortized over the life of the loan and shall be allowed only if the loan is related to patient care.

(3) Taxes associated with financing the operations. These shall be allowed only as amortized cost.

(4) Special assessments on land for capital improvements. These shall be amortized over the estimated useful life of the improvements and allowed only if related to patient care.

(5) Start-up costs of a new facility.

(A) Start-up costs may include the following:

- (i) Staff salaries and consultation fees subject to the limitations discussed above in paragraph (b)(1);
- (ii) utilities;
- (iii) taxes;
- (iv) insurance;
- (v) mortgage interest;
- (vi) employee training; and
- (vii) any other allowable cost incidental to the operation of the facility.

(B) A start-up cost shall be recognized only if it meets the following criteria:

- (i) Is incurred prior to the opening of the facility;
- (ii) is related to developing the facility's ability to provide covered services;
- (iii) is amortized over a period of 60 months or more;
- (iv) is consistent with the facility's federal income tax return and financial reports, with the exception of paragraph (b)(5)(B)(iii) above; and
- (v) is identified in the cost report as a start-up cost.

(6) Cost that can be identified as an organization expense or capitalized as a construction expense shall be appropriately classified and excluded from start-up costs.

(7) Payments made to related parties for services, facilities, and supplies. These shall be allowed at the lower of the actual cost to the related party and the market price.

(8) When a provider chooses to pay in excess of market price for supplies or services, the agency shall use the market price to determine the allowable cost in the absence of a clear justification for the premium.

(9) The cost of job-related training shall be allowed net of any reimbursement or discount received by the provider.

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

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

(1) The interest expense shall be allowed only if it is established with either the following:

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

(B) central office and other related parties under following conditions:

(i) The terms and conditions of payment of the loans are on arm's-length basis with a recognized lending institution.

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

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

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(2) Interest expense shall be reduced by investment income from both restricted and unrestricted idle funds and funded reserve accounts, except when the income is from restricted or unrestricted gifts, grants, and endowments held in separate accounts with no commingling with other funds. Income from the provider's qualified pension fund shall not be used to reduce interest expense.

(3) Interest earned on restricted and unrestricted industrial revenue bond reserve accounts and sinking fund accounts shall be offset against interest expense up to the amount of the related interest expense.

(4) Interest expense on that portion of the facility acquisition loan attributable to an excess over historic cost or other cost basis recognized from program purposes shall not be considered a reasonable cost.

(d) Central office cost. This subsection shall be applicable in situations in which the federally qualified health center is one of several programs or departments administered by a central office or organization and the total administrative cost incurred by the central office is allocated to all components.

(1) Allocation of central office cost shall use a logical and equitable basis, and shall conform to generally accepted accounting procedures.

(2) The central office cost allocated to the federally qualified health center shall be allowed only to the extent that the amount is reasonable and if the central office provided a service normally available in similar facilities enrolled in the program.

(3) The provider shall bear the burden of furnishing sufficient evidence to establish the reasonability of the level of allocated cost and the nature of services provided by the central office.

(4) All costs incurred by the central office shall be allocated to all components as a central cost pool, and portions of the central office cost shall not be directed to individual facilities operated by the provider or reported on any line of the cost report other than the appropriate line of the central office cost report.

(5) Only patient-related central office costs shall be recognized, which shall include the following:

(A) Cost of ownership or arm's-length rent or lease expense for office space;

(B) utilities, maintenance, housekeeping, property tax, insurance, and other facility costs;

(C) employee salaries and benefits;

(D) office supplies and printing;

(E) management consultant fees;

(F) telephone and other communication;

(G) travel and vehicle expenses;

(H) allowable advertising;

(I) licenses and dues;

(J) legal costs;

(K) accounting and data processing; and

(L) interest expenses.

(6) Cost principles and limits set forth in this regulation shall also apply to central office costs.

(7) Estimates of central office cost shall not be allowed.

(e) Revenue offsets. Certain revenue items shall be deducted from the appropriate expense item or cost center.

(1) Revenue with insufficient explanation of its nature or purpose shall be offset against operating costs.

(2) Expense recoveries credited to expense accounts shall not be reclassified as revenue.

(3) Grants, gifts, donations, and income from endowments which are designated by the donor for the payment of specific operating costs shall be deducted from total operating cost before rate calculation. The amount deducted shall also include the match, if any.

(f) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective Jan. 1, 1999.)

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

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 shall 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 \$200.00 per month for each employed person.

(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. A standard deduction of 25% of gross earned income shall be allowed for these costs. If the person wishes to claim actual costs incurred, 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 January 1, 1999. (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; amended Nov. 1, 1998; amended Jan. 1, 1999.)

Article 10.—ADULT CARE HOME PROGRAM

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

The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise.

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

(2) "Active treatment for individuals with mental retardation or a related condition" means a continuous program for each client, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services that is directed toward the following:

(A) The acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and

(B) the prevention or deceleration of regression or loss of current optimal functional status.

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

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

(5) "Case mix" means a measure of the intensity of care and services used by a group of residents in a facility.

(6) "Case mix index" means a numeric score with a specific range that identifies the relative resources used by a particular group of residents and represents the average resource consumption across a population or sample.

(7) "Change of ownership" means a transfer of rights and interests in real and personal property used for nursing facility services through an arm's-length transaction between unrelated persons or legal entities.

(8) "Change of provider" means a change of ownership or lessee specified in the provider agreement.

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

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

(11) "Cost and other accounting information" means adequate financial data about the nursing facility operation, including source documentation, that is accurate, current, and sufficiently detailed to accomplish the purposes for which it is intended. Source documentation, in-

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cluding petty cash payout memoranda and original invoices, shall be valid only if the documentation originated at the time and near the place of the transaction. In order to provide the required cost data, the provider shall maintain financial and statistical records in a manner that is consistent from one period to another. This requirement shall not preclude a beneficial change in accounting procedures when there is a compelling reason to effect a change of procedures.

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

(13) "Costs not related to resident care" means costs that are not appropriate, necessary, or proper in developing and maintaining the nursing facility operation and activities. These costs shall not be allowed in computing reimbursable costs.

(14) "Costs related to resident care" means all necessary and proper costs, arising from arm's-length transactions in accordance with general accounting rules, that are appropriate and helpful in developing and maintaining the operation of resident care facilities and activities. Specific items of expense shall be limited pursuant to K.A.R. 30-10-23a, K.A.R. 30-10-23b, K.A.R. 30-10-23c, K.A.R. 30-10-24, K.A.R. 30-10-25, K.A.R. 30-10-26, K.A.R. 30-10-27, and K.A.R. 30-10-28.

(15) "Cost report" means the nursing facility financial and statistical report (MS-2004).

(16) "Educational activities" means an approved, formally organized, or planned program of study usually engaged in by providers in order to enhance the quality of resident care in an institution. These activities shall be licensed when required by state law.

(17) "Educational activities—net cost" means the cost of approved educational activities less any grants, specific donations, or reimbursements of tuition.

(18) "Hospital-based nursing facility" means a nursing facility, as defined in K.A.R. 30-10-1a, that is attached to or associated with a hospital.

(19) "Inadequate care" means any act or failure to act that may be physically or emotionally harmful to a recipient.

(20) "Level of care" means the type and intensity of services prescribed in the resident's plan of care as based on the assessment and reassessment process.

(21) "Mental illness" means a clinically significant behavioral or psychological syndrome or pattern that is typically associated with either a distressing symptom or impairment of function. Relevant diagnoses shall be limited to schizophrenia, major affective disorders, atypical psychosis, bipolar disorder, paranoid disorders, or schizoaffective disorder.

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

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

(24) "Nonworking related party or director" means any related party, as defined in K.A.R. 30-10-1a, who does

not perform a resident-related function for the nursing facility.

(25) "Nursing facility (NF)" means a facility that conforms to these criteria:

(A) Meets state licensure standards;

(B) provides health-related care and services, prescribed by a physician; and

(C) provides 24-hour-a-day, seven-day-a-week licensed nursing supervision to residents for ongoing observation, treatment, or care for long-term illness, disease, or injury.

(26) "Nursing facility for mental health" means a nursing facility that meets these criteria:

(A) Meets state licensure standards;

(B) provides structured mental health rehabilitation services, in addition to health-related care, for individuals with a severe and persistent mental illness; and

(C) provides 24-hour-a-day, seven-day-a-week, licensed nursing supervision. The nursing facility shall have been operating in accordance with a provider agreement with the agency on June 30, 1994.

(27) "Ongoing entity" means that a change in the provider has not been recognized for Kansas medical assistance program payment purposes.

(28) "Organization costs" means those costs directly incidental to the creation of the corporation or other form of legal business entity. These costs shall be considered to be intangible assets representing expenditures for rights and privileges that have value to the business.

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

(30) "Owner" means the person or legal entity that has the rights and interests of the real and personal property used to provide the nursing facility services.

(31) "Plan of care for nursing facilities" means a document completed by the nursing facility staff that states the need for care, the estimated length of the program, the methodology to be used, and the expected results for each resident.

(32) "Projected cost report" means a cost report submitted to the agency by a provider prospectively for a 12-month period of time. The projected cost report shall be based on an estimate of the costs, revenues, resident days, and other financial data for that 12-month period of time.

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

(34) "Recipient" means a person determined to be eligible for the Kansas medical assistance program in a nursing facility.

(35) "Related parties" refers to any relationship between two or more parties in which one party has the ability to influence another party to the transaction in the following manner:

(A) When one or more of the transacting parties might fail to pursue the parties' own separate interests fully;

(B) when the transaction is designed to inflate the Kansas medical assistance program costs; or

(C) when any party considered a related party to a previous owner or operator becomes the employee, or otherwise functions in any capacity on behalf of a subsequent owner or operator. Related parties shall include parties related by family, business, or financial association, or by common ownership or control. Transactions between related parties shall not be considered to have arisen through arm's-length negotiations.

(36) "Related to the nursing facility" means that the facility is significantly associated or affiliated with, has control of, or is controlled by the organization furnishing the services, facilities, or supplies.

(37) "Representative" means either of the following:

(A) A legal guardian, conservator, or representative payee as designated by the social security administration; or

(B) any person who is designated in writing by the resident to manage the resident's personal funds and who is willing to accept the designation.

(38) "Resident assessment form" means the document that meets these requirements:

(A) Is jointly specified by the Kansas department of health and environment and the agency;

(B) is approved by the health care finance administration; and

(C) includes the minimum data set.

(39) "Resident assessment instrument" means the resident assessment form, resident assessment protocols, and the plan of care, including reassessments.

(40) "Resident day" means that period of service rendered to a resident between census-taking hours on two successive days and all other days for which the provider receives payment, either full or partial, for any Kansas medical assistance program or non-Kansas medical assistance program resident who was not in the nursing facility. Census-taking hours shall consist of 24 hours beginning at midnight.

(41) "Resident status review" means a reassessment to identify any nursing facility resident who may no longer meet the level of care criteria.

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

(43) "Sale-leaseback" is a transaction in which an owner sells a facility to a related or non-related purchaser and then leases the facility from the new owner to operate as the provider.

(44) "Severe and persistent mental illness" means that an individual conforms to the following requirements:

(A) Meets one of the following criteria:

(i) Has undergone psychiatric treatment more intensive than outpatient care more than once in a lifetime; or

(ii) has experienced a single episode of continuous, structured, supportive residential care other than hospitalization for a duration of at least two months; and

(B) meets at least two of the following criteria, on a continuing or intermittent basis, for at least two years:

(i) Is unemployed, is employed in a sheltered setting, or has markedly limited skills and a poor work history;

(ii) requires public financial assistance for out-of-hospital maintenance and may be unable to procure this assistance without help;

(iii) shows severe inability to establish or maintain a personal social support system;

(iv) requires help in basic living skills; or

(v) exhibits inappropriate social behavior that results in a need for intervention by the mental health or judicial system.

(45) "Specialized mental health rehabilitation services" means one of the specialized rehabilitative services that provide ongoing treatment for mental health problems and which are aimed at attaining or maintaining the highest level of mental and psychosocial well-being. The specialized rehabilitative services shall include the following:

(A) Crisis intervention services;

(B) drug therapy or monitoring of drug therapy;

(C) training in medication management;

(D) structured socialization activities to diminish tendencies toward isolation and withdrawal;

(E) development and maintenance of necessary daily living skills, including grooming, personal hygiene, nutrition, health and mental health education, and money management; and

(F) maintenance and development of appropriate personal support networks.

(46) "Specialized services" means inpatient psychiatric care for the treatment of an acute episode of mental illness.

(47) "Swing bed" means a hospital bed that can be used interchangeably as either a hospital bed or nursing facility bed.

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

(49) "Working trial balance" means a list of the account balances in general ledger order that was used in completing the cost report.

(b) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended April 1, 1992; 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 Jan. 1, 1999.)

30-10-2. Standards for participation; nursing facilities and nursing facilities for mental health. (a) As a prerequisite for participation in the Kansas medical assistance 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

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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 of social and rehabilitation services;

(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 Kansas medical assistance 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 nonemergency admission of each resident, state-mandated preadmission and referral services have been completed by the Kansas department on aging;

(11) provide nonemergency transportation; and

(12) submit to the agency a copy of the resident assessment form for each resident as follows:

(A) Each nursing facility shall complete a resident assessment form no later than 14 days after admission, no later than 14 days after a significant change in the resident's physical or mental condition, and in no case less often than once every 12 months. Each nursing facility shall conduct a review by completing the resident assessment form no less often than once every three months. Assessments shall be used to monitor the appropriate level of care.

(B) Each nursing facility shall submit resident assessment forms, including the tracking documents, within seven days of completion. Each resident assessment form shall be sent to the state data base by electronic transmission. A resident assessment form shall be considered timely submitted upon the receipt of the electronic submission.

(C) Penalty for non-submission of accurate and timely assessment. 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. Thirty days before suspending payment to a provider, written notice stating the agency's intent to suspend payments shall be sent by the agency to the provider. This notice shall explain the basis for the agency's determination and shall explain the necessary corrective action that must be taken before payments are reinstated.

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

(b) This regulation shall take effect on and after January 1, 1999. (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; amended Jan. 1, 1999.)

30-10-15a. Reimbursement. Payment for services.

(a) Providers with a current signed provider agreement shall be paid a per diem rate for services furnished to Kansas medical assistance eligible residents. Payment shall be for the type of medical or health care required by the resident, as determined by the attending physician's or physician extender's certification upon admission, and the individual's level of care needs, as determined through assessment and reassessment. However, payment for services shall not exceed the type of care that the provider is certified to provide under the Kansas medical assistance program. The type of care required by the resident may be verified by the agency before and after payment.

(b) Payment for routine services and supplies, pursuant to K.A.R. 30-10-1a, shall be included in the per diem reimbursement, and these services and supplies shall not be otherwise billed or reimbursed.

(1) The following durable medical equipment, medical supplies, and other items and services shall be considered routine for each resident to attain and maintain the highest practicable physical and psychosocial well-being, in accordance with the comprehensive assessment and plan of care, and shall not be billed or reimbursed separately from the per diem rate:

(A) Alternating pressure pads and pumps;

(B) armboards;

(C) bedpans, urinals, and basins;

(D) bed rails, beds, mattresses, and mattress covers;

(E) blood glucose monitors and supplies;

(F) canes;

(G) commodes;

(H) compressors;

(I) crutches;

(J) denture cups;

(K) dialysis, including supplies and maintenance;

(L) dressing items, including applicators, tongue blades, tape, gauze, bandages, adhesive bandages, pads, compresses, ace bandages, vasoline gauze, cotton balls, slings, triangle bandages, pressure pads, and tracheostomy care kits;

(M) emesis basins and bath basins;

(N) enemas and enema equipment;

(O) extra nursing care and supplies;

(P) facial tissues and toilet paper;

(Q) first-aid ointments and similar ointments;

(R) footboards;
 (S) footcradles;
 (T) gel pads or cushions;
 (U) geri-chairs;
 (V) gloves, rubber or plastic;
 (W) heating pads;
 (X) heat lamps and examination lights;
 (Y) humidifiers;
 (Z) ice bags and hot water bottles;
 (AA) intermittent positive pressure breathing (IPPB) machines;
 (BB) irrigation solution, both water and normal saline;
 (CC) I.V. stands and clamps;
 (DD) laundry, including personal laundry;
 (EE) laxatives;
 (FF) lifts;
 (GG) lotions, creams, and powders, including baby lotion, oil and powders;
 (HH) maintenance care for residents who have head injuries;
 (II) mouthwash;
 (JJ) nebulizers;
 (KK) nonemergency transportation;
 (LL) nutritional supplements;
 (MM) occupational therapy;
 (NN) orthoses and splints to prevent or correct contractures;
 (OO) over-the-counter analgesics and antacids taken for the occasional relief of pain or discomfort as needed;
 (PP) over-the-counter vitamins;
 (QQ) oxygen masks, stands, tubing, regulators, hoses, catheters, cannulae, and humidifiers;
 (RR) parenteral and enteral infusion pumps;
 (SS) patient gowns, pajamas, and bed linens;
 (TT) physical therapy;
 (UU) respiratory therapy;
 (VV) restraints;
 (WW) sheepskins and foam pads;
 (XX) skin antiseptics, including alcohol;
 (YY) speech therapy;
 (ZZ) sphygmomanometers, stethoscopes, and other examination equipment;
 (AAA) stool softeners;
 (BBB) stretchers;
 (CCC) suction pumps and tubing;
 (DDD) syringes and needles, except insulin syringes and needles for diabetics that are covered by the pharmacy program;
 (EEE) thermometers;
 (FFF) traction apparatus and equipment;
 (GGG) underpads and adult diapers, disposable or non-disposable;
 (HHH) walkers;
 (III) water pitchers, glasses, and straws;
 (JJJ) weighing scales; and
 (KKK) wheelchairs.

(2) Urinary supplies. Urinary catheters and accessories shall be covered services in the Kansas medical assistance program when billed through the durable medical equipment or medical supply provider. This expense shall not be reimbursed through the per diem rate derived from the cost report.

(3) Total nutritional replacement therapy. Total nutritional replacement therapy shall be a covered service in the Kansas medical assistance program and billed through the durable medical equipment or medical supply provider. Total nutritional replacement therapy expenses shall not be reimbursed through the per diem rate derived from the cost report.

(4) Each nursing facility shall provide at no cost to residents over-the-counter drugs, supplies, and personal comfort items that meet these criteria:

(A) Are available without a prescription at a commercial pharmacy or medical supply outlet; and

(B) are provided by the facility as a reasonable accommodation for individual needs and preferences. These over-the-counter products shall be included in the nursing facility cost report. A nursing facility shall not be required to stock all products carried by vendors in the nursing facility's community that are viewed as over-the-counter products.

(5) Occupational, physical, respiratory, speech, and other therapies. The Kansas medical assistance program cost of therapies shall be determined as follows:

(A) Compute the ratio of medicaid therapy units to the total therapy units provided to the nursing facility residents during the cost report period;

(B) multiply the ratio of medicaid therapy units by the total reported therapy costs to determine the allowable medicaid portion of therapy costs;

(C) multiply the medicaid portion of the therapy costs by the ratio of total days to medicaid resident days to determine the allowable therapy expenses for the cost report period;

(D) offset the non-medicaid/medikan portion of the therapy cost in the provider adjustment column and on the related therapy expense line in the cost report; and

(E) submit a work paper with the cost report that supports the calculation of the allowable Kansas medical assistance program therapy expenses determined in accordance with paragraphs (b)(5)(A) through (C) above.

(c) Each provider of ancillary services, as defined in K.A.R. 30-10-1a, shall bill separately for each service when the services or supplies are required. Payment for oxygen shall be reimbursed to the oxygen supplier through the agency's fiscal agent, or the fiscal agent may reimburse the nursing facility directly if an oxygen supplier is unavailable.

(d) Payment for specialized rehabilitative services or active treatment programs shall be included in the per diem reimbursement.

(e) Payment shall be limited to providers who accept, as payment in full, the amount paid in accordance with the fee structure established by the Kansas medical assistance program.

(f) Payment shall not be made for allowable, non-routine services and items unless the provider has obtained prior authorization.

(g) Private rooms for recipients shall be provided when medically necessary or, if not medically necessary, at the discretion of the facility. If a private room is not medically necessary or is not occupied at the discretion of the facility, then a family member, guardian, conser-

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vator, or other third party may pay the difference between the usual, customary charge and the medicaid payment rate.

(h) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended July 1, 1991; amended Nov. 2, 1992; amended Jan. 3, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; amended Jan. 1, 1999.)

30-10-15b. Financial data. (a) General. The per diem rate or rates for providers participating in the Kansas medical assistance program shall be based on an audit or desk review of the costs reported to provide resident care in each facility. The basis for conducting these audits or reviews shall be the nursing facility financial and statistical report. Each provider shall maintain sufficient financial records and statistical data for proper determination of reasonable and adequate rates. Standardized definitions, accounting, statistics, and reporting practices that are widely accepted in the nursing facility and related fields shall be followed, except to the extent that they may conflict with or be superseded by state or federal medicaid requirements. Changes in these practices and systems shall not be required in order to determine reasonable and adequate rates.

(b) Pursuant to K.A.R. 30-10-17, cost reports shall be required from providers on an annual basis.

(c) Adequate cost data and cost findings. Each provider shall provide adequate cost data on the cost report. This cost data shall be in accordance with state and federal medicaid requirements and general accounting rules, shall be based on the accrual basis of accounting, and may include a current use value of the provider's fixed assets used in resident care. Estimates of costs shall not be allowable except on projected cost reports submitted pursuant to K.A.R. 30-10-17.

(d) Record-keeping requirements.

(1) Each provider shall furnish any information to the agency that may be necessary to meet these criteria:

(A) To assure proper payment by the program pursuant to paragraph (2) below;

(B) to substantiate claims for program payments; and

(C) to complete determinations of program overpayments.

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

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

(B) fiscal, medical, and other record-keeping systems;

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

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

(E) franchise or management arrangements;

(F) matters pertaining to costs of operations;

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

(H) a statement of changes in financial position.

(3) Other records and documents shall be made available as necessary.

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

(5) Each provider, when requested, shall furnish the agency with copies of resident service charge schedules and changes to them as they are put into effect. The charge schedules shall be evaluated by the agency to determine the extent to which they may be used for determining program payment.

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

(7) Thirty days before suspending payment to the provider, written notice shall be sent by the agency to the provider of the agency's intent to suspend payments, except as provided in K.A.R. 30-10-15b(e)(2). The notice shall explain the basis for the agency's determination with respect to the provider's records and shall identify the provider's record-keeping deficiencies.

(8) All records of each provider that are used in support of costs, charges, and payments for services and supplies shall be subject to inspection and audit by the agency, the United States department of health and human services, and the United States general accounting office. All financial and statistical records used to support cost reports shall be retained for five years after the date of filing the cost report with the agency.

(e) Desk review requirement.

(1) Each provider shall submit all information requested by the agency that shall be necessary to complete the desk review of the cost report.

(2) If a provider does not submit the information deemed necessary by the agency to complete the desk review of the cost report, the provider shall be notified in writing by the agency that it has ten working days from the date of this notice to submit the required information or the Kansas medical assistance program payments shall be suspended.

(f) The effective date of this regulation shall be on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended Nov. 2, 1992; amended Jan. 1, 1999.)

30-10-17. Cost reports. (a) Historical cost data.

(1) For cost reporting purposes, each provider shall submit the nursing facility financial and statistical report in accordance with the "instructions for completing the nursing facility financial and statistical report (MS-2004, revised December 1998)," which is hereby adopted by reference. The MS-2004 cost report shall be submitted on diskette, using software designated by the agency for cost report periods ending on or after December 31, 1999.

(2) Each provider who has operated a facility for 12 or more months as of December 31st shall file the nursing facility financial and statistical report on a calendar year basis.

(3) Each provider who has operated a facility on cost data from the previous provider or a projected cost report shall file an historical cost report.

(A) The historical cost report period shall begin according to either of the following schedules:

(i) On the first day of the month in which the nursing facility was certified if that date is on or before the 15th of the month; or

(ii) on the first day of the month following the date the nursing facility was certified if that date is on or after the 16th of the month.

(B) The historical cost report shall end on the last day of the 12-month period following the date specified in paragraph (A) above, except under any of the following conditions:

(i) The cost report shall end on December 31st when that date is not more than one month before or after the end of the 12-month period.

(ii) The cost report shall end on the provider's normal fiscal year end used for the internal revenue service when that date is not more than one month before or after the end of the 12-month period and the criteria in K.A.R. 30-10-18 for filing the cost report ending on December 31st does not apply.

(iii) The cost report shall end on the last date of service if a provider change occurs before 11 months of operation and the interim rate was based on a projected cost report.

(C) The historical cost report period shall cover a consecutive period of time not less than 11 months and not more than 13 months.

(D) The provider shall file a subsequent overlapping 12-month historical cost report for the calendar year ending December 31st, if the first cost report does not end on that date.

(b) Projected cost data.

(1) Projected cost reports for providers.

(A) If a provider is required to submit a projected cost report under subsection (c) or (g) of K.A.R. 30-10-18, the provider's rate shall be based on a proposed budget with costs projected on a line item basis.

(B) The projected cost report for each provider who is required to file a projected cost report shall begin according to either of the following schedules:

(i) On the first day of the month in which the nursing facility was certified by the department of health and environment if that date is on or before the 15th of the month; or

(ii) on the first day of the following month if the facility is certified by the department of health and environment between the 16th and 31st of the month.

(C) The projected cost report shall end on the last day of the 12-month period following the date specified in paragraph (B) above, except under either of the following conditions:

(i) The projected cost report shall end on December 31st when that date is not more than one month before or after the end of the 12-month period.

(ii) The projected cost report shall end on the provider's normal fiscal year-end used for the internal revenue service when that date is not more than one month before or after the end of the 12-month period and the criteria in K.A.R. 30-10-18 for filing the projected cost report ending on December 31st do not apply.

(D) The projected cost report period shall cover a consecutive period of time not less than 11 months and not more than 13 months.

(E) The projected cost report shall be reviewed for reasonableness and appropriateness by the agency. The projected cost report items that are determined to be unreasonable shall be disallowed before the projected rate is established.

(2) Projected cost reports for each provider with more than one facility.

(A) Each provider required to file a projected cost report in accordance with this subsection and who operates more than one facility, either in state or out of state, shall allocate central office costs to each facility that is paid rates from the projected cost data. The provider shall allocate the central office cost at the end of the provider's fiscal year or the calendar year that ends during the projection period.

(B) The method of allocating central office costs to those facilities filing projected cost reports shall be consistent with the method used to allocate the costs to those facilities in the chain that are filing historical cost reports.

(c) Amended cost reports.

(1) Each provider shall submit an amended cost report revising cost report information previously submitted when an error or omission is identified that is material in amount and results in a change in the provider's rate of \$10 or more per resident day.

(2) An amended cost report shall not be allowed after 13 months have passed since the last day of the year covered by the report.

(d) Due dates of cost reports.

(1) Each calendar year cost report shall be received not later than the close of business on the last working day of February following the year covered by the report.

(2) Each historical cost report covering the first year of operation shall be received by the agency not later than the close of business on the last working day of the second month following the close of the period covered by the report.

(3) Each cost report approved for a filing extension in accordance with K.A.R. 30-10-17(e) shall be received not later than the close of business on the last working day of the month approved for the extension request.

(e) Extension of time for submitting a cost report.

(1) A one-month extension of the due date for the filing of a cost report may be granted by the agency when the cause for delay is beyond the control of the provider. Delays beyond the control of the provider that may be considered by the agency in granting an extension shall include the following:

(A) Disasters that significantly impair the routine operations of the facility or business;

(B) destruction of records as a result of a fire, flood, tornado, or another accident that is not reasonably foreseeable; and

(continued)

(C) computer viruses that impair the accurate completion of cost report information.

(2) The provider shall make the request in writing. The request shall be received by the agency before the due date of the cost report. Requests received after the due date shall not be accepted.

(3) A written request for a second one-month extension may be granted by the Kansas medical assistance program director when the cause for further delay is beyond the control of the provider. The request shall be received by the agency before the due date of the cost report, or it shall not be approved.

(f) Penalty for late filing. Each provider filing a cost report after the due date shall be subject to the following penalties.

(1) If the complete cost report has not been received by the agency by the close of business on the due date, all further payments to the provider shall be suspended until the complete cost report has been received. A complete cost report shall include all the required documents listed in the cost report.

(2) Failure to submit the cost report within one year after the end of the cost report period shall be cause for termination from the Kansas medical assistance program.

(g) Balance sheet requirement. Each provider shall file a balance sheet prepared in accordance with cost report instructions as part of the cost report forms for each provider.

(h) Working trial balance requirement. Each provider shall submit a working trial balance with the cost report. The working trial balance shall contain account numbers, descriptions of the accounts, the amount of each account, and the cost report expense line on which the account was reported. Revenues and expenses shall be grouped separately and totaled on the working trial balance and shall reconcile to the applicable cost report schedules. A schedule that lists all general ledger accounts grouped by cost report line number shall be attached.

(i) An allocation of expenditures between the hospital and the long-term care unit facility shall be submitted through a step-down process prescribed in the cost report instructions.

(j) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended Nov. 2, 1992; amended Jan. 3, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; amended Jan. 1, 1999.)

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

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

(2) Per diem rates shall be limited by cost centers, except where there are special level of care facilities ap-

proved by the United States department of health and human services. The limits shall be determined by the median in each cost center plus a percentage of the median. The percentage factor applied to the median shall be determined by the secretary.

(A) The cost centers shall be as follows:

- (i) Administration;
- (ii) property;
- (iii) room and board; and
- (iv) health care.

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

(C) The base health care cost center limit shall be calculated on the statewide average case mix index determined from the classified resident assessments, using the following criteria:

(i) The health care cost center limit for each facility shall be calculated by adjusting the base limit by that facility's average case mix.

(ii) Resident assessments that cannot be classified shall be assigned to the lowest case mix index.

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

(3) To establish a per diem rate for each provider, a factor for incentive and inflation shall be added to the allowable per diem cost.

(4) Resident days in the rate computation.

(A) Each provider that has been in operation for 12 months or longer and has an occupancy rate of less than 85 percent for the cost report period shall have the resident days calculated at the minimum occupancy of 85 percent.

(B) The 85 percent minimum occupancy rule shall be applied to the resident days and costs reported for the 13th month of operation and after. The 85 percent minimum occupancy requirement shall be applied to the interim rate of a new provider, unless the provider is allowed to file a projected cost report.

(C) The minimum occupancy rate shall be determined by multiplying the total number of licensed beds by 85 percent. In order to participate in the Kansas medical assistance program, each nursing facility provider shall obtain proper certification for all licensed beds.

(D) Each provider with an occupancy rate of 85 percent or greater shall have actual resident days for the cost report period used in the rate computation.

(5) Each provider shall be given a detailed listing of the computation of the rate determined for the provider's facility.

(6) The effective date of the rate for existing providers shall be in accordance with K.A.R. 30-10-19.

(b) Comparable service rate limitations.

(1) For each nursing facility and nursing facility for mental health, the per diem rate for care shall not exceed the rate charged for the same type of service to residents not under the Kansas medical assistance program. Private plan rates reported to the agency on other than a per diem basis shall be converted to a per diem equivalent.

(2) The agency shall maintain a registry of private pay per diem rates submitted by providers.

(A) Providers shall notify the agency of changes in the private pay rate and the effective date of that change so that the registry can be updated.

(i) Private pay rate information submitted with the cost reports shall not constitute notification and shall not be acceptable.

(ii) Providers may send private pay rate notices by certified mail so that there is documentation of receipt by the agency.

(B) The private pay rate registry shall be updated based on the notification from the providers.

(C) The effective date of the private pay rate in the registry shall be the later of the effective date of the private pay rate or the first day of the following month in which complete documentation of the private pay rate is received by the agency.

(i) If the private pay rate effective date is other than the first day of the month, the effective date in the registry shall be the first day of the closest month. If the effective date is after the 15th, the effective date in the register shall be the first day of the following month.

(ii) For new facilities or new providers coming into the medicaid program, the private pay rate effective date shall be the issued certification date.

(3) The average private pay rate for comparable services shall be included in the registry. The average private pay rate may consist of the following variables:

(A) Room rate differentials. The weighted average private pay rate for room differentials shall be determined as follows:

(i) Multiply the number of private pay residents in private rooms, semiprivate rooms, wards, and all other room types by the rate charged for each type of room. Sum the resulting products of each type of room. Divide the sum of the products by the total number of private pay residents in all rooms. The result, or quotient, is the weighted average private pay rate for room differentials.

(ii) Each provider shall submit documentation to show the calculation of the weighted average private pay rate when there are room rate differentials.

(iii) Failure to submit the documentation shall limit the private pay rate in the registry to the semiprivate room rate.

(B) Level of care rate differentials. The weighted average private pay rate for levels of care differentials shall be determined as follows:

(i) Multiply the number of private pay residents in each level of care by the rate they are charged to determine the product for each level of care. Sum the products for all of the levels of care. Divide the sum of the products by the total number of private pay residents in all levels of care. The result, or quotient, is the weighted average private pay rate for the levels of care differentials.

(ii) Each provider shall submit documentation to show the calculation of the weighted average rate when there are levels of care rate differentials.

(iii) Failure to submit the documentation may delay the effective date of the average private pay rate in the registry until the complete documentation is received.

(C) Extra charges to private pay residents for items and services specified in K.A.R. 30-10-15a may be included in the weighted average private pay rate if the same items

and services are allowable in the Kansas medical assistance program rate.

(i) Each provider shall submit documentation to show the calculation of the weighted average extra charges.

(ii) Failure to submit the documentation may delay the effective date of the weighted average private pay rate in the registry until the complete documentation is received.

(4) The weighted average private pay rate shall be based on what the provider receives from the resident. If the private pay charges are consistently higher than what the provider receives from the residents for services, then the average private pay rate for comparable services shall be based on what is actually received from the residents. The weighted average private pay rate shall be reduced by the amount of any discount received by the residents.

(5) The private pay rate for medicare skilled beds shall not be included in the computation of the average private pay rate for nursing facility services.

(6) When providers are notified of the effective date of the Kansas medical assistance program rate, the following procedures shall be followed:

(A) If the private pay rate indicated on the agency register is lower, then the Kansas medical assistance program rate, beginning with its effective date, shall be lowered to the private pay rate reflected on the registry.

(B) Providers who are held to a lower private pay rate and subsequently notify the agency in writing of a different private pay rate shall have the Kansas medical assistance program rate adjusted on the later of the first day of the month following the date upon which complete private pay rate documentation is received or the effective date of a new private pay rate.

(c) Rate for new construction or a new facility to the program.

(1) The per diem rate for newly constructed nursing facilities or a new facility to the Kansas medical assistance program shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17.

(2) No rate shall be paid until a nursing facility financial and statistical report is received and processed to determine a rate.

(d) Change of provider. The payment rate for the first 12 months of operation shall be based on the rate established from the historical cost data of the previous owner or provider. If the 85 percent minimum occupancy requirement was applied to the previous provider's rate, the 85 percent minimum occupancy requirement shall also be applied to the new provider's rate.

(e) Per diem rate errors.

(1) When the per diem rate, whether based upon projected or historical cost data, is audited by the agency and found to contain an error, a direct cash settlement shall be required between the agency and the provider for the amount of money overpaid or underpaid. If a provider no longer operates a facility with an identified overpayment, the settlement shall be recouped from a facility owned or operated by the same provider or provider corporation unless other arrangements have been made to reimburse the agency. A net settlement may occur when a provider has more than one facility involved in settlements.

(continued)

(2) The per diem rate for a provider may be increased or decreased as a result of a desk review or audit on the provider's cost reports. Written notice of this per diem rate change and of the audit findings shall be sent to the provider. Retroactive adjustment of the rate paid from a projected cost report shall apply to the same period of time covered by the projected rate.

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

(4) An interim settlement, based on a desk review of the historical cost report covering the projected cost report period, may be determined after the provider is notified of the new rate determined from the cost report. The final settlement shall be based on the rate after an audit of the historical cost report.

(5) A new provider that is not allowed to submit a projected cost report for an interim rate shall not be entitled to a retroactive settlement for the first year of operation.

(f) Out-of-state providers. The rate for out-of-state providers certified to participate in the Kansas medical assistance program shall be the rate approved by the agency. Out-of-state providers shall obtain prior authorization by the agency.

(g) Determination of the rate for nursing facility providers reentering the medicaid program.

(1) The per diem rate for each provider reentering the medicaid program shall be determined from either of the following:

(A) A projected cost report in those cases in which the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more; or

(B) the last historic cost report filed with the agency, if the provider has actively participated in the program during the most recent 24 months. The appropriate historic and estimated inflation factors shall be applied to the per diem rate determined in accordance with this paragraph.

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

(3) When the per diem rate for a provider reentering the program is determined in accordance with paragraph (1)(B) of this subsection, a settlement shall be made only on those historic cost reports with fiscal years beginning after the date on which the provider re-entered the program.

(h) Approved reserved days as specified in K.A.R. 30-10-21 shall be paid at 67 percent of the Kansas medical assistance program per diem rate.

(i) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1986; amended, T-87-29, Nov. 1, 1986; amended May 1, 1987; amended, T-89-5, Jan. 21, 1988; amended Sept. 26, 1988; amended Jan. 2, 1989; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30,

1991; amended Oct. 28, 1991; amended May 1, 1992; amended Nov. 2, 1992; amended Jan. 3, 1994; amended July 1, 1994; amended Sept. 30, 1994; amended Dec. 29, 1995; amended Jan. 1, 1999.)

30-10-25. Real and personal property fee. (a) A real and personal property fee shall be developed by the agency in lieu of an allowable cost for ownership or lease expense, or both. The real and personal property fee shall equal the sum of the property allowance determined under subsection (b) and the property value factor determined under subsection (c) of this regulation. The fee shall be facility-specific and shall not change as a result of change of ownership or lease by providers on or after July 18, 1984. An inflation factor may be applied to the fee on an annual basis.

(b)(1) The property allowance shall include an appropriate component for the following:

- (A) Rent or lease expense;
- (B) interest expense on a real estate mortgage;
- (C) amortization of leasehold improvements; and
- (D) depreciation on buildings and equipment, calculated pursuant to subsection (d) below.

(2) The property allowance shall be subject to a program maximum. Percentile limitations shall be established, based on an array of the costs on file with the agency as of July 18, 1984.

(3) The property allowance for a real and personal property fee for a newly constructed nursing facility or a nursing facility that enters the Kansas medical assistance program and has not had a fee established previously shall be subject to the overall property cost center limit. If the combination of the plant operating costs and property allowance costs exceeds the property cost center limit in effect at the time the real and personal property fee is being established, the property allowance shall be prorated to the overall property cost center limit based on the percentage of the property allowance cost to the total of the plant operating and property allowance costs.

(c) The property value factor shall be computed as follows.

(1) The sum of the components under paragraph (b)(1) above shall be determined by the agency for each facility, based on costs on file with the agency as of July 18, 1984. These sums shall be placed in an array, and percentile groupings shall be developed from that array.

(2) The average property allowance shall be determined by the agency for each percentile grouping under paragraph (c)(1) above.

(3) The average property allowance for each percentile grouping shall be multiplied by a percentage as established by the secretary.

(d)(1) The depreciation component of the property allowance shall meet these criteria:

- (A) Be identifiable and recorded in the provider's accounting records;
- (B) be based on the historical cost of the asset as established in this regulation; and
- (C) be prorated over the estimated useful life of the asset using the straight-line method.

(2)(A) Appropriate recording of depreciation shall include the following:

- (i) Identification of the depreciable assets in use;
- (ii) the assets' historical costs;
- (iii) the method of depreciation;
- (iv) the assets' estimated useful life; and
- (v) the assets' accumulated depreciation.

(B) Each provider shall report gains and losses on the sale of depreciable personal property on the cost report at the time of the sale. The provider shall record trading of depreciable property in accordance with the income tax method of accounting for the basis of property acquired. Under the income tax method, gains and losses arising from the trading of assets shall not be recognized in the year of trade, but shall be used to adjust the basis of the newly acquired property.

(3) For depreciation purposes, the cost basis for a facility acquired after July 17, 1984 shall be the lesser of the acquisition cost to the holder of record on that date, or the purchase price of the asset. The cost basis shall not include costs attributable to the negotiation or final purchase of the facility, including legal fees, accounting fees, travel costs, and the cost of feasibility studies.

(e)(1) Any provider may request that the agency re-base the property fee if the provider meets the following capital expenditure thresholds:

- (A) \$25,000.00 for facilities with 50 or fewer beds; or
- (B) \$50,000.00 for facilities with 51 or more beds.

(2) The per diem based on the interest or depreciation, amortization, or both, from the capital expenditures, as reported in the ownership cost center of the cost report, shall be added to the property allowance per diem originally established. Interest expense reported in the administrative cost center of the cost report shall not be included in the request for a re-base of the property fee. Interest on loans for real and personal property that is included in a re-base shall be reported with mortgage interest in the ownership cost center.

(3) The resident days used in the denominator of the property allowance calculation shall be based on the total resident days used to compute the rate that is paid at the time the request is made to re-base the property fee. The resident days shall be subject to the 85 percent minimum occupancy requirement, including any new beds documented in the request for a re-base.

(4) The revised property allowance shall be used to determine the property value factor. The revised property value factor shall be based on the existing arrays. The skilled nursing facility array shall be used for medicare skilled nursing facilities. The nursing facility array shall be used for all other facilities.

(5) Effective dates for re-based property fees.

(A) If the number of beds of an existing nursing facility is increased by the construction of a new addition to the existing facility, the property fee established through the re-base shall be effective according to either of the following schedules:

(i) On the first day of the month in which the new beds were certified if the certification date was on or before the 15th of the month; or

(ii) on the first day of the month following the month in which the beds were certified if the certification date is on or after the 16th of the month.

(B) If the capital expenditure that is the basis for the re-base request is not related to an increased number of beds, the effective date of the property fee established through the re-base shall be effective according to either of the following schedules:

(i) On the first day of the month in which the complete documentation is received, if the request is received on or before the 15th of the month; or

(ii) on the first day of the month following the month in which the complete documentation is received, if the request is received on or after the 16th of the month.

(C) Complete documentation shall include the following:

(i) The depreciation/amortization schedule reflecting the expense;

(ii) the loan agreement;

(iii) the amortization schedule for interest;

(iv) invoices;

(v) contractor fees; and

(vi) proof of other costs associated with the capital expenditure, including the construction-in-progress subsidiary ledger.

(6) The request to re-base a property fee shall not be allowed if the request and documentation are submitted more than two years after the property subject to the re-base has been acquired. Property acquired before the two-year period shall not be considered in the request.

(f) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1988; amended Jan. 2, 1990; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Oct. 28, 1991; amended Nov. 2, 1992; amended Jan. 3, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; amended Jan. 1, 1999.)

30-10-26. Interest expense. (a) Only necessary and proper interest on working capital or personal property loans shall be an allowable expense. This shall not include interest on real estate or personal property covered by the real and personal property fee in accordance with K.A.R. 30-10-25.

(b) The interest expense shall be incurred on indebtedness established with either of the following:

(1) Lenders or lending organizations not related to the borrower; or

(2) partners, stockholders, home office organizations, or related parties, if the following conditions are met:

(A) The terms and conditions of payment of the loans shall resemble terms and conditions of an arm's-length transaction by a prudent borrower with a recognized, local lending institution with the capability of entering into a transaction of the required magnitude. A signed promissory note and loan amortization schedule shall be submitted with the cost report. Allowable interest expense shall be limited to the annual expense submitted on the loan amortization schedule, unless the loan principal is retired before the end of the amortization period.

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

(continued)

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

(c) When the general fund of a nursing facility "borrows" from a donor-restricted fund, this interest expense shall be an allowable cost. In addition, if a nursing facility operated by members of a religious order borrows from the order, interest paid to the order shall be an allowable cost.

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

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

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

(g) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-30-10-1-90, Oct. 1, 1990; amended Jan. 30, 1991; amended Jan. 1, 1999.)

30-10-28. Resident days. (a) Calculation of resident days.

(1) "Resident" day shall have the meaning set forth in K.A.R. 30-10-1a.

(2) If both admission and discharge occur on the same day, that day shall be considered to be a day of admission and shall count as one resident day.

(3) If the provider does not make refunds on behalf of a resident for unused days in case of death or discharge, and if the bed is available and actually used by another resident, these unused days shall not be counted as a resident day.

(4) Any bed days paid for by the resident, or any other party on behalf of the resident, before an admission date shall not be counted as a resident day.

(5) The total resident days for the cost report period shall be precise and documented; an estimate of the days of care provided shall not be acceptable.

(6) In order to facilitate accurate and uniform reporting of resident days, the accumulated method format set forth in data specifications in diskettes furnished by the agency shall be used for all residents beginning January 1, 1999. The monthly reporting, using the diskette, shall be submitted to the agency as supportive documentation for the resident days shown on the cost report forms and shall be submitted at the time the cost report and required documents are submitted to the agency. Monthly census summaries shall include reporting for nursing facility or nursing facility-mental health, other residential days with shared nursing facility or nursing facility-mental health costs, and day care hours. Each provider shall keep these monthly records for each resident, whether a Kansas medical assistance program recipient or a non-recipient. If the provider fails to keep accurate records of resident days in accordance with the accumulated method format, the assumed occupancy rate shall be 100 percent.

(7) The provider shall report the total number of Kansas medical assistance program resident days in addition to the total resident days on the uniform cost report form.

(8) The provider shall report the total number of other residential days with shared nursing facility or nursing facility-mental health costs on the uniform cost report form.

(b) Respite care days shall be counted as resident days and reported on the monthly census forms.

(c) Day care and day treatment shall be counted as one resident day for 18 hours of service. The total hours of service provided for all residents during the cost reporting year shall be divided by 18 hours to convert to resident days.

(d) This regulation shall take effect on and after January 1, 1999. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1985; amended May 1, 1987; amended Jan. 2, 1989; 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 Jan. 1, 1999.)

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 023204

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68-11-1	Amended	V. 17, p. 1107
68-20-15a	Amended	V. 16, p. 1177
68-20-16	Amended	V. 17, p. 1107

AGENCY 69: BOARD OF COSMETOLOGY

Reg. No.	Action	Register
69-11-1	Amended	V. 17, p. 1622

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-2-7	Amended	V. 17, p. 1415
74-4-1	Amended	V. 17, p. 1415
74-4-4	Amended	V. 17, p. 1415

(continued)

74-4-7	Amended	V. 17, p. 1415
74-4-8	Amended	V. 17, p. 1416
74-4-9	Amended	V. 17, p. 1416
74-4-10	Amended	V. 17, p. 1416
74-5-202	Amended	V. 17, p. 1417
74-5-203	Amended	V. 17, p. 1417
74-5-301	Amended	V. 17, p. 1417
74-5-406	Amended	V. 17, p. 1417
74-5-407	Amended	V. 17, p. 1418
74-6-2	Amended	V. 17, p. 1418
74-11-6		
through		
74-11-14	Amended	V. 17, p. 1418-142

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Reg. No.	Action	Register
75-6-24	Amended	V. 17, p. 738

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-3-800		
through		
82-3-804	New	V. 17, p. 362, 363

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-2-1	Amended	V. 17, p. 1087
88-3-1	Amended	V. 17, p. 1087
88-3-2	Amended	V. 17, p. 1087
88-3-5	Revoked	V. 17, p. 1088
88-3-9	Amended	V. 17, p. 208
88-3-11	Amended	V. 17, p. 1088
88-3-13	New	V. 17, p. 1088

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-1	Amended	V. 17, p. 1802
91-5-1a	Amended	V. 17, p. 1802
91-5-2	Revoked	V. 17, p. 1803
91-5-4	Amended	V. 17, p. 1803
91-5-8	Revoked	V. 17, p. 1803
91-5-9	Amended	V. 17, p. 1803
91-5-10	Revoked	V. 17, p. 1803
91-5-11	Revoked	V. 17, p. 1803
91-5-13	Amended	V. 17, p. 1803

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-1a	Revoked	V. 17, p. 949
92-19-1b	New	V. 17, p. 949
92-19-3	Amended	V. 17, p. 949
92-19-8	Revoked	V. 17, p. 950
92-19-13	Revoked	V. 17, p. 950
92-19-13a	New	V. 17, p. 950
92-19-16	Revoked	V. 17, p. 950
92-19-18	Revoked	V. 17, p. 950
92-19-18a	New	V. 17, p. 950
92-19-19	Revoked	V. 17, p. 950
92-19-25a	Revoked	V. 17, p. 951
92-19-25b	New	V. 17, p. 951
92-19-27a	Revoked	V. 17, p. 952
92-19-30	Amended	V. 17, p. 952
92-19-32	Revoked	V. 17, p. 954
92-19-34	Revoked	V. 17, p. 954
92-19-35	Revoked	V. 17, p. 954
92-19-39	Revoked	V. 17, p. 954
92-19-49	Revoked	V. 17, p. 954
92-19-49a	New	V. 17, p. 954
92-19-66a	Revoked	V. 17, p. 956
92-19-66b	Amended	V. 17, p. 956
92-19-66d	Revoked	V. 17, p. 957
92-19-66e	New	V. 17, p. 957
92-19-68	Revoked	V. 17, p. 959
92-19-78	Revoked	V. 17, p. 959
92-21-18	Revoked	V. 17, p. 959
92-21-21	Revoked	V. 17, p. 959

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-3-1		
through		
93-3-4	Revoked	V. 17, p. 948
93-4-1	Revoked	V. 17, p. 948

93-4-2		
through		
93-4-6	New	V. 17, p. 948, 949

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		
99-27-1	New	V. 17, p. 209, 210
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
100-11-1	Amended	V. 17, p. 509
100-15-1	Amended	V. 16, p. 1176
100-22-1	Amended	V. 17, p. 1644
100-23-1	Amended	V. 17, p. 299
100-24-1	Amended	V. 17, p. 1644
100-24-2	New	V. 17, p. 1644
100-29-3a	New	V. 17, p. 1323
100-29-7	Amended	V. 17, p. 510
100-49-4	Amended	V. 17, p. 510
100-54-4	Amended	V. 17, p. 510
100-55-4	Amended	V. 17, p. 510
100-55-10	Revoked	V. 17, p. 510
100-60-1	Amended	V. 17, p. 510
100-69-5	Amended	V. 17, p. 510

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-1	Amended	V. 17, p. 1799
102-1-8	Amended	V. 17, p. 1800
102-1-12	Amended	V. 17, p. 1800
102-3-7	Revoked	V. 17, p. 426
102-3-7a	New	V. 17, p. 426
102-4-7a	New	V. 17, p. 318
102-5-7	Revoked	V. 17, p. 427
102-5-7a	New	V. 17, p. 427

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-2	New	V. 17, p. 462

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. 1710
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. 991
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
111-2-75	New	V. 17, p. 991
111-2-76	New	V. 17, p. 1168
111-2-77	New	V. 17, p. 1553
111-2-78	New	V. 17, p. 1710
111-2-79	New	V. 17, p. 1710
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. 1323
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		
though		
111-4-106	Revoked	V. 16, p. 450

111-4-106a	Revoked	V. 16, p. 450	111-4-370			111-4-607		
111-4-107			through			through		
111-4-114	Revoked	V. 16, p. 450, 451	111-4-379	Revoked	V. 14, p. 7, 8	111-4-611	Amended	V. 17, p. 1506, 1507
111-4-153			111-4-380			111-4-607	Amended	V. 17, p. 1711
through			through			111-4-610	Amended	V. 17, p. 1711
111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-383	Revoked	V. 12, p. 1664	111-4-613	Amended	V. 17, p. 1507
111-4-177			111-4-384			111-4-614	Amended	V. 17, p. 1508
through			through			111-4-615	Amended	V. 17, p. 1508
111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-387	Revoked	V. 12, p. 1373	111-4-616		
111-4-213			111-4-388			through		
through			through			111-4-623	Revoked	V. 14, p. 978
111-4-220	Revoked	V. 10, p. 1213	111-4-391	Revoked	V. 12, p. 1373	111-4-624		
111-4-221			111-4-392			through		
through			through			111-4-702	Revoked	V. 16, p. 453-455
111-4-224	Revoked	V. 10, p. 1585	111-4-400	Revoked	V. 16, p. 252	111-4-703		
111-4-225			111-4-401			through		
through			111-4-404	Revoked	V. 12, p. 1373	111-4-723	New	V. 14, p. 909-914
111-4-228	Revoked	V. 10, p. 1585	111-4-405			111-4-724		
111-4-229			through			through		
through			111-4-413	Revoked	V. 16, p. 452	111-4-736	New	V. 14, p. 978-981
111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-414			111-4-737		
111-4-237			through			through		
111-4-240	Revoked	V. 11, p. 413	111-4-428	Revoked	V. 14, p. 8	111-4-749	New	V. 14, p. 1095-1098
111-4-241			111-4-429			111-4-750		
111-4-244	Revoked	V. 12, p. 1371	through			through		
111-4-245			111-4-432	Revoked	V. 12, p. 1373	111-4-757	New	V. 14, p. 1408, 1409
through			111-4-433			111-4-758		
111-4-248	Revoked	V. 12, p. 1371	through			through		
111-4-249			111-4-436	Revoked	V. 12, p. 1374	111-4-761	New	V. 14, p. 1502, 1503
111-4-256	Revoked	V. 12, p. 113, 114	111-4-437			111-4-762		
111-4-257			through			through		
through			111-4-440	Revoked	V. 12, p. 1374	111-4-778	New	V. 14, p. 1410-1414
111-4-286	Revoked	V. 11, p. 413, 414	111-4-441			111-4-769	Amended	V. 14, p. 1503
111-4-287			through			111-4-779		
111-4-290	Revoked	V. 12, p. 1371	111-4-444	Revoked	V. 14, p. 8	through		
111-4-291			111-4-445			111-4-791	New	V. 14, p. 1504-1507
through			through			111-4-792		
111-4-300	Revoked	V. 12, p. 114	111-4-448	Revoked	V. 12, p. 1374	through		
111-4-301			111-4-449			111-4-803	New	V. 14, p. 1635-1638
through			through			111-4-804		
111-4-307	Revoked	V. 13, p. 1402	111-4-453	Revoked	V. 14, p. 8	through		
111-4-308			111-4-454			111-4-816	New	V. 15, p. 116-119
through			through			111-4-817		
111-4-317	Revoked	V. 16, p. 451	111-4-465	Revoked	V. 12, p. 1664, 1665	111-4-824	New	V. 15, p. 289, 290
111-4-318			111-4-466			111-4-825		
through			through			through		
111-4-321	Revoked	V. 12, p. 114	111-4-469	Revoked	V. 12, p. 1665	111-4-838	New	V. 15, p. 449-452
111-4-322			111-4-470			111-4-839		
through			through			through		
111-4-327	Revoked	V. 12, p. 1371	111-4-477	Revoked	V. 16, p. 452, 453	111-4-854	New	V. 15, p. 624-627
111-4-328			111-4-478			111-4-855		
through			through			through		
111-4-335	Revoked	V. 12, p. 114	111-4-492	Revoked	V. 14, p. 974, 975	111-4-859	New	V. 15, p. 884, 885
111-4-336			111-4-493			111-4-855	Amended	V. 15, p. 1181
through			through			111-4-860		
111-4-340	Revoked	V. 16, p. 451	111-4-496	Revoked	V. 16, p. 453	through		
111-4-341	Revoked	V. 11, p. 1473	111-4-497			111-4-872	New	V. 15, p. 1056-1059
111-4-341a	Revoked	V. 12, p. 1372	through			111-4-871	Amended	V. 15, p. 1181
111-4-341b	Revoked	V. 16, p. 451	111-4-512	Revoked	V. 14, p. 975	111-4-873		
111-4-341c	Revoked	V. 16, p. 451	111-4-513			through		
111-4-342			through			111-4-892	New	V. 15, p. 1181-1186
through			111-4-521	Revoked	V. 16, p. 453	111-4-881	Amended	V. 16, p. 1505
111-4-345	Revoked	V. 16, p. 451	111-4-522			111-4-893		
111-4-346			through			through		
111-4-349	Revoked	V. 12, p. 114	111-4-571	Revoked	V. 14, p. 975-977	111-4-910	New	V. 15, p. 1441-1445
111-4-350			111-4-572			111-4-911		
through			through			through		
111-4-355	Revoked	V. 16, p. 452	111-4-585	New	V. 13, p. 878-880	111-4-918	New	V. 15, p. 1475, 1476
111-4-356			111-4-572	Amended	V. 17, p. 991	111-4-915	Amended	V. 15, p. 1954
through			111-4-574	Amended	V. 17, p. 992	111-4-918	Amended	V. 15, p. 1954
111-4-361	Revoked	V. 14, p. 7	111-4-575	Amended	V. 17, p. 992	111-4-919		
111-4-362			111-4-576	Amended	V. 16, p. 1044	through		
through			111-4-577	Amended	V. 17, p. 992	111-4-941	New	V. 15, p. 1710-1716
111-4-365	Revoked	V. 12, p. 114, 115	111-4-579	Amended	V. 17, p. 992	111-4-942		
111-4-366			111-4-581	Amended	V. 17, p. 992	through		
through			111-4-582	Amended	V. 17, p. 992	111-4-965	New	V. 15, p. 1921-1926
111-4-369	Revoked	V. 12, p. 1373	111-4-583	Amended	V. 15, p. 883	111-4-946	Amended	V. 15, p. 1954
			111-4-584	Amended	V. 17, p. 992	111-4-962	Amended	V. 16, p. 341
			111-4-586			111-4-963	Amended	V. 16, p. 341
			through			111-4-966		
			111-4-606	Revoked	V. 14, p. 977, 978	through		
			111-4-607			111-4-970	New	V. 15, p. 1954, 1955
			through					(continued)
			111-4-619	New	V. 13, p. 1436-1438			

111-4-971 through			111-4-1351 through			111-7-12 through		
111-4-982 New	V. 16, p. 341-344		111-4-1363 New	V. 17, p. 1747-1750		111-7-32 New	V. 7, p. 1194-1196	
111-4-983 through			111-5-1 through			111-7-33 through		
111-4-991 New	V. 16, p. 456, 457		111-5-23 New	V. 7, p. 209-213		111-7-43 New	V. 7, p. 1197, 1198	
111-4-992 through			111-5-9 through			111-7-33a New	V. 8, p. 300	
111-4-1012 New	V. 16, p. 689-694		111-5-19 Revoked	V. 15, p. 291		111-7-44 through		
111-4-995 Amended	V. 16, p. 2016		111-5-21 through			111-7-54 Revoked	V. 13, p. 340	
111-4-996a New	V. 16, p. 1080		111-5-33 New	V. 11, p. 415-418		111-7-46 Amended	V. 11, p. 1152	
111-4-1013 through			111-5-21 Revoked	V. 15, p. 291		111-7-54 Amended	V. 11, p. 1511	
111-4-1016 New	V. 16, p. 1045, 1046		111-5-22 Amended	V. 13, p. 1438		111-7-63 through		
111-4-1017 through			111-5-23 Amended	V. 16, p. 1814		111-7-60 Revoked	V. 10, p. 1217	
111-4-1037 New	V. 16, p. 1081-1085		111-5-24 Amended	V. 16, p. 1815		111-7-60 Amended	V. 10, p. 262	
111-4-1031 Amended	V. 16, p. 1473		111-5-25 Amended	V. 16, p. 1815		111-7-64 through		
111-4-1038 through			111-5-26 Amended	V. 16, p. 1815		111-7-75 New	V. 11, p. 13, 14	
111-4-1041 New	V. 16, p. 1209, 1210		111-5-27 Amended	V. 16, p. 1816		111-7-66 Amended	V. 15, p. 1304	
111-4-1041 Amended	V. 16, p. 1473		111-5-28 Amended	V. 16, p. 1816		111-7-66a Revoked	V. 13, p. 340	
111-4-1042 through			111-5-29 Amended	V. 15, p. 1060		111-7-75 through		
111-4-1059 New	V. 16, p. 1474-1478		111-5-30 Amended	V. 16, p. 1817		111-7-78 Amended	V. 15, p. 1188	
111-4-1048 Amended	V. 16, p. 1505		111-5-31 Amended	V. 16, p. 1817		111-7-75 Amended	V. 16, p. 1479	
111-4-1055 Amended	V. 17, p. 430		111-5-33 Amended	V. 16, p. 1817		111-7-78 Amended	V. 16, p. 1479	
111-4-1060 through			111-5-34 New	V. 12, p. 318		111-7-78 Revoked	V. 13, p. 340	
111-4-1083 New	V. 16, p. 1506-1511		111-5-34a Amended	V. 14, p. 1098		111-7-80 through		
111-4-1065 Amended	V. 16, p. 1849		111-5-38 Revoked	V. 13, p. 1439		111-7-83 through		
111-4-1084 through			111-5-39 through			111-7-81 New	V. 11, p. 1478-1480	
111-4-1108 New	V. 16, p. 1809-1814		111-5-44 New	V. 15, p. 1022, 1023		111-7-81 Amended	V. 15, p. 1189	
111-4-1091 Amended	V. 17, p. 430		111-5-45 through			111-7-83 Amended	V. 15, p. 1189	
111-4-1092 Amended	V. 17, p. 431		111-5-50 New	V. 15, p. 1060-1062		111-7-84 through		
111-4-1109 through			111-5-46 Amended	V. 15, p. 1186		111-7-93 Revoked	V. 15, p. 291	
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111-4-1141 Amended	V. 17, p. 431		111-5-58 through			111-7-119 through		
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111-4-1266 through			111-6-12 Amended	V. 8, p. 212		111-8-14 New	V. 13, p. 881	
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AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
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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

112-7-7	Amended	V. 17, p. 512
112-12-9	Amended	V. 17, p. 213
112-16-11	Amended	V. 17, p. 590
112-18-21	Amended	V. 17, p. 60

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-3	Amended	V. 17, p. 462
115-2-6	New	V. 17, p. 462
115-4-1	Amended	V. 17, p. 463
115-4-7	Amended	V. 17, p. 464
115-17-1	Amended	V. 17, p. 1707
115-17-2	Amended	V. 17, p. 1707
115-17-4	Amended	V. 17, p. 1708
115-17-5	Amended	V. 17, p. 1708
115-17-6	Amended	V. 17, p. 1708
115-17-14	Amended	V. 17, p. 1709
115-18-12	Amended	V. 17, p. 1086
115-18-13	Amended	V. 17, p. 1414
115-20-2	Amended	V. 17, p. 1709
115-35-1	New	V. 17, p. 1710

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-5-1	Amended	V. 17, p. 465
117-5-2	New	V. 17, p. 465
117-5-3	New	V. 17, p. 465
117-6-3	Amended	V. 17, p. 1706
117-8-1	Amended	V. 17, p. 1167
117-8-2	New	V. 17, p. 1707

AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-1-1 through 118-1-4	Amended	V. 17, p. 1547, 1548
118-3-1 through 118-3-16	New	V. 17, p. 1549-1553

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