

Kansas Register

Ron Thornburgh, Secretary of State

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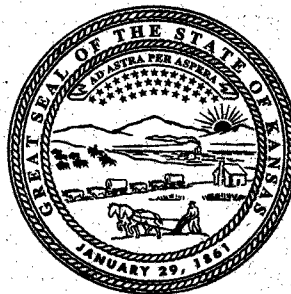
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Heartland Works, Inc.

Request for Proposals

Heartland Works, Inc. is accepting bids for the purchase of a Commercial Insurance Package Policy including general liability, property, inland marine, commercial crime, non-owned auto, special risk accident and commercial umbrella insurance. It is not required that all policies be provided by one carrier. To receive a request for proposal including all specifications, contact the Heartland Works office at 610 S.W. 10th, Suite 210, Topeka, 66612-1616, (785) 234-0500. Bids must be received not later than 3 p.m. Thursday, June 13. Heartland Works welcomes all interested companies to bid.

Kris Kitchen
Executive Director

Doc. No. 027832

State of Kansas

Kansas Arts Commission

Request for Proposals

The Kansas Arts Commission is issuing a request for proposals to contract with six Kansas organizations to develop early education programs for children within the age range of birth to five years.

Deadline for Submission of Proposals

The completed RFP must be received in the Kansas Arts Commission office, or have a U.S. postmark, not later than May 30.

Objective

The objective of this RFP is to develop six arts-based Early Education programs for children in the age range of birth to five years in different parts of the State of Kansas. The early education programs will use the arts as a primary learning medium to achieve optimum child development.

Each early education program will hire an artist or artists to:

1. Work directly with children in hands-on arts experiences.
2. Work with teacher and staff of the early education program to learn arts methods.
3. Where possible and appropriate, work with parents of children enrolled in these programs, such as in Parents as Teachers programs.
4. Help develop an arts-based early education curriculum for the program.

Staff from each early education program (at a minimum the director, selected artist(s) and program teacher(s)) must attend an initial workshop, to be scheduled in the summer. This workshop will be conducted by a professional education evaluator and used to develop a child-focused assessment. The assessment will measure the degree of change of enrolled children at the beginning of the project and at the end. Areas of testable outcomes measurement will be learning in the arts, behavioral change, social change and material change.

There will be a follow-up workshop, scheduled at the end of the school year, to assess the evaluation findings and implications of the arts-based early education programs.

The purpose of this workshop is to:

1. Coordinate the statewide development of the curricula in the six arts-based early education programs with state and national standards for arts education.
2. Coordinate statewide evaluation protocols to measure the short-term and long-term success of children enrolled in arts-based early education programs.

Who May Apply

Existing not-for-profit early education programs or new not-for-profit early education programs may apply. Programs may either be part of a larger organization, such as an arts center or school, or a totally independent program.

Instructions for Applying

The request amount for each of the six proposals is \$7,500. This must be matched one-to-one by each recipient. The \$7,500 match may be cash or a combination of cash and in-kind services.

It is anticipated that each early education program will hire a resident artist or artists. Any artist hired must be paid a minimum of \$100 per six contact-hour workday. Artist pay may be prorated to the number of contact-hours worked per day. No proposal will be considered that proposes to pay an artist less than that based upon a \$100 per six contact-hour workday.

The commission requires that the bulk of its \$7,500 award be spent to employ artistic personnel. Additional funds may be used for transportation, per diem, supplies, meeting expenses and other operating expenses. Funds may not be used for capital expenditures.

Adjudication of Proposals

Proposals will be adjudicated and funded through the process described below:

Each proposal will be reviewed by a selected evaluation panel. The adjudicating panel will be comprised of education professionals, artists, commissioners and other Kansas citizens. The panel will be balanced to the best of the commission's ability to represent geographic, cultural, economic and gender distribution within the state.

Applicants will be notified of the panel meeting date and time and are allowed to attend. Applicants must not lobby the panelists and commission staff for their applications, but they may answer specific questions from the panelists only for points of clarification during the meeting. All commission panel meetings are open to public observation and may be tape-recorded for the record.

The adjudicating panel will make a final recommendation to the commission for action at its quarterly business meeting in June. The commission reserves the right to accept or reject any or all of the proposals.

Following approval by the commission, service contracts will be issued to successful applicants to begin on or after July 1, 2002, and to end on or before June 30, 2003.

Collating the Proposal

Collate the following in this order:
Grant request form.

(continued)

Compliance statement form (signed in ink).
 Project summary (one-half page, no form included).
 Project narrative (no more than two pages, no form included).
 Schedule of activities (no more than one page, no form included).
 Budget forms, expenses and income.

Support Documents

All support documents must be formatted to 8.5 by 11 inches.

Board of directors list.

Financial statement for last completed fiscal year.

Resumes or biographies (no more than one page each).

Support Documents for First-Time Applicants

Americans with Disabilities Act audit or checklist.

Kansas not-for-profit incorporation papers.

Federal tax-exempt status papers.

State Contact

Requests for Arts in Early Education Curriculum proposal materials or questions about submitting a proposal should be directed to Thomas L. Klocke, Arts In Education Program Consultant, Kansas Arts Commission, Suite 1004, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603-3761, (785) 368-6544, or e-mail thomas@arts.state.ks.us.

For more information about the Kansas Arts Commission, e-mail KAC@arts.state.ks.us, call (785) 296-3335, fax (785) 296-4989 or see the commission's Web site at <http://arts.state.ks.us>. Persons with special communication needs may utilize the Kansas Relay Service: 1-800-766-3777.

David M. Wilson
 Executive Director

Doc. No. 027846

State of Kansas

Social and Rehabilitation Services

Request for Comments

The Department of Mental Health, Substance Abuse, Prevention, Treatment and Recovery (MHSAPTR), of the Department of Social and Rehabilitation Services, as the state mental health authority, annually receives \$300,000 in federal funds from the Center for Mental Health Services to provide Projects for Assistance in Transition from Homelessness (PATH). MHSAPTR announces that its intended use of the grant is to effectively outreach, engage and serve those individuals who are severely and persistently mentally ill and homeless (or at imminent risk of homelessness).

Direct written comments or questions regarding the intended use of the PATH funds to Kimberly E. Reynolds, M.Ed., MHSAPTR, Social and Rehabilitation Services, 10th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1570. To be considered in formulating award decisions, written comments must be received by the close of business June 14.

Janet Schalansky
 Secretary of Social and
 Rehabilitation Services

Doc. No. 027827

State of Kansas

Department of Health and Environment

Notice of Hearing

A public hearing will be conducted at 3 p.m. Wednesday, May 29, in the Cottonwood Conference Room, Kansas Department of Health and Environment, Bureau of Water, Suite 420, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to discuss an amendment to the Kansas Public Water Supply Loan Fund (KPWSLF) federal fiscal year 2001 Intended Use Plan (IUP). The Kansas Department of Health and Environment is proposing to use the project list developed for the 2001 IUP to draw against the FY 2002 capitalization grant from the EPA. KDHE is proposing to reserve 4 percent of the grant for administration of the loan program, 2 percent of the grant for technical assistance to small water systems, and \$485,00 to supplement the EPA grant for implementation of the drinking water program. No other changes to the IUP are proposed. Copies of the proposed amendment may be obtained by calling Linda White at (785) 296-5514, fax (785) 296-5509.

Any individual with a disability may request accommodation in order to participate in the public hearing. Requests for accommodation should be made at least five working days before the hearing by contacting Linda White.

Comments can be presented at the hearing or in writing prior to the hearing. Written comments should be addressed to Linda White, Kansas Department of Health and Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

Clyde D. Graeber
 Secretary of Health
 and Environment

Doc. No. 027839

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 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 and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges 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.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

**Public Notice No. KS-AG-02-116/117
Pending Permits for Confined Feeding Facilities**

| Name and Address of Applicant | Legal Description | Receiving Water |
|--|--|----------------------------|
| Poky Feeders, Inc. 600 E. Road 30 Scott City, KS 67871 | NE/4 and S/2 of Section 18, NE/4 of Section 19 and SW/4 of Section 8, T20S, R32W, Scott County | Upper Arkansas River Basin |

Kansas Permit No. A-UASC-C017 Federal Permit No. KS0086576

This is a new permit for an expanding facility for 52,450 head (52,450 animal units) of beef cattle, 8,980 head (1,960 animal units) of swine and 9,000 head (900 animal units) of sheep. Expansion is an increase in beef cattle from 32,450 head (32,450 a.u.) to 52,450 head (52,450 a.u.). This is construction of an evaporative lagoon and a swine weaning barn with no increase in swine head count.

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

Soil sampling and analysis shall be conducted on soils from fields as listed in the current manure/waste management plan and that have received manure or wastewater within the previous five years. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Compliance Schedule: Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service. An emergency dewatering plan shall be developed and submitted within three months of the permit issuance date as part of the manure/waste management plan.

| Name and Address of Applicant | Legal Description | Receiving Water |
|---|--|-----------------|
| Randy White 320 2350 Ave. Solomon, KS 67480 | SW/4 of Section 9, T13S, R1E, Dickinson County | Smoky Hill |

Kansas Permit No. A-SHDK-B013

This is a permit modification for changes during construction for an existing facility for 950 head (475 animal units) of cattle. The facility is eliminating two pens at the north of the site and adding a pen at the south end of the site, reducing the total drainage area from 10.9 acres to 10.25 acres.

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

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the previous five years. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit. The permit also requires groundwater monitoring.

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s) within three months after issuance of the permit. Dewatering equipment shall be obtained within three months after issuance of the permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the at-

tention of Shonda Domme for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before May 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-02-116/117) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 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.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (620) 225-0596
- South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th, Chanute, 66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

For all other proposed permits, the draft permit(s), 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 offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These 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.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027838

State of Kansas

Department of Transportation

Request for Comments

The Kansas Department of Transportation requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 02-04 by adding the following project:

Project K-8766-02 - Conduct an availability study of KDOT contractors and determine what percentage of Disadvantaged Business Enterprises could be obtained statewide.

The amendment of the STIP requires a 30-day public comment period. To receive more information on any of these projects or to make comments on the STIP amendment, contact the Kansas Department of Transportation, Office of Engineering Support, 7th Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1568, (785) 296-7916, fax (785) 296-0723.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Bureau of Transportation Information, (785) 296-3585 (Voice/TTY).

The comment period regarding the STIP amendment will conclude May 28.

E. Dean Carlson
Secretary of Transportation

Doc. No. 027817

State of Kansas

Department of Transportation

Notice to Consulting Engineers

The Kansas Department of Transportation is seeking qualified consulting engineering firms for the project listed below. A response may be submitted by e-mail to Neil@ksdot.org or seven signed copies of the response can 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. Responses must be received in Room 1084-West by 5 p.m. June 13 for the consulting engineering firm to be considered.

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.

U.S. 54 Corridor

U.S. 54, from west of Pratt east to the existing four-lane section east of Kingman

The scope of services is to provide for the preliminary engineering, environmental documentation, public involvement, access concept and a corridor management plan for the corridor. The actual design will be developed in several segments.

K-8243-01 is from west of Pratt, east through the proposed interchange with existing U.S. 54 east of Pratt. The design will be to freeway standards. Plans will be developed through the right-of-way acquisition stage. Plan completion is scheduled for fiscal year 2004.

K-8243-02 is from the proposed interchange with existing U.S. 54 east of Pratt east to the Pratt-Kingman county line. The design will be a four-lane upgradeable expressway. Construction plans will be developed for the entire project length; however, actual construction will be limited within funding constraints. Construction is scheduled for fiscal year 2009.

K-8244-01 is from the Pratt-Kingman county line, east 5.8 miles to west of the Byron Walker Wildlife Area. The design will be a four-lane upgradeable expressway. Construction plans will be developed for the entire project length. Construction is scheduled for fiscal year 2008.

K-8244-02 is from west of the Byron Walker Wildlife Area, east to west of the west junction of K-14. The design will be a four-lane upgradeable expressway, except through the Byron Walker Wildlife Area. Plans will be developed through the right-of-way acquisition stage. Plan completion is scheduled for 2004.

K-8245-01 is from west of the west junction of K-14, east to the existing four-lane section east of Kingman. The design will be a four-lane upgradeable expressway. Plans will be developed through the right-of-way acquisition stage. Plan completion is scheduled for 2004.

KDOT will provide all required surveys and geotechnical work for the corridor. The selected consultant will be required to subcontract a minimum of 30 percent of this project.

KDOT recently completed the U.S.54/U.S. 400 Location Design Concept Study from Mullinville to Kingman. A copy of this report is available upon request.

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

- Size and professional qualifications;
- Experience of staff;
- Location of firm with respect to proposed project;
- Work load of firm; and
- Firm's performance record.

E. Dean Carlson
Secretary of Transportation

Doc. No. 027816

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 Capitol Plaza Hotel, Topeka, until 2 p.m. May 15, and then publicly opened:

District One - Northeast

District—106 K-5925-02 - Various locations in District 1, 300.9 miles (484.384 kilometers), signing. (State Funds)

Johnson—56-46 K-8677-01 - U.S. 56 and Cedar Niles Road in Gardner, traffic signals. (State Funds)

Marshall—9-58 K-7719-01 - K-9 from 2nd Street to the north city limits in Frankfort, 0.6 mile (1 kilometer), curb and gutter. (State Funds)

Marshall—9-58 K-8682-01 - K-9 from the south junction of K-99 east and north to 10th Street in Frankfort, 0.7 mile (1.1 kilometers), overlay. (State Funds)

Osage—70 8780-01 - K-268 from the junction of U.S. 75 east to the junction of K-68; K-68 from the junction of K-268 east to the Osage-Franklin county line; K-368 from the junction of K-268 north to East 229th Street, 11.5 miles (18.5 kilometers), crack repair. (State Funds)

Riley—81 C-3495-01 - 0.4 mile (0.6 kilometer) north of Kimball Avenue north to Marlatt Avenue, 0.6 mile (1 kilometer), grading, bridge and surfacing. (Federal Funds)

Shawnee—75-89 K-6680-01 - U.S. 75/46th Street north of Topeka, interchange construction. (Federal Funds)

District Two - Northcentral

Clay-Dickinson—15-106 K-8792-01 - K-15 from the Dickinson-Clay county line north to the south limits of Clay Center; K-15 from the west junction of K-18 east and north to the Dickinson-Clay county line, 27.1 miles (43.6 kilometers), crack repair. (State Funds)

Geary—40B-31 K-8789-01 - U.S. 40B from the east city limits of Junction City east to the west city limits of Grandview Plaza, 0.5 mile (0.8 kilometer), crack repair. (State Funds)

Jewell—45 C-3602-01 - County road 2 miles (3.2 kilometers) east and 1.5 miles (2.4 kilometers) south of Montrose, 0.5 mile (0.8 kilometer), grading, bridge and surfacing. (Federal Funds)

McPherson—56-59 K-8793-01 - U.S. 56 from the Junction of Eby Street in McPherson east to the junction of county route 319, 1.6 miles (2.7 kilometers), pavement patching. (State Funds)

District Three - Northwest

Osborne—281-71 K-7177-01 - U.S. 281 from Massachusetts Street north to Jefferson Street in Osborne, 0.6 mile (1.1 kilometers), grading and surfacing. (State Funds)

Rooks—82 C-3722-01 - County route 230 from the county line north 5 miles (8 kilometers), surfacing. (Federal Funds)

District Four - Southeast

Cherokee—7-11 K-7718-01 - K-7 and Bethlehem Road intersection in Columbus, 0.23 mile (0.37 kilometer), intersection improvement. (State Funds)

Comanche—17 C-3614-01 - County road 10.3 miles (16.6 kilometers) east of Coldwater at Indian Creek, 0.2 mile (0.4 kilometer), grading and bridge. (Federal Funds)

Elk—25 C-3783-01 - County road 2.1 miles (3.4 kilometers) south of Fall River, 0.2 mile (0.3 kilometer), grading and bridge. (Federal Funds)

Montgomery—75-63 K-7881-01 - U.S. 75 from the Oklahoma-Kansas state line north to the junction of county route 471, guard fence. (Federal Funds)

Wilson—75-103 K-5748-01 - U.S. 75, 0.9 mile (1.5 kilometers) north of county route 494, northwest to the Wilson-Woodson county line, 10.9 miles (17.5 kilometers), grading, bridge and surfacing. (Federal Funds)

District Five - Southcentral

Barton—56-5 K-7985-01 - U.S. 56 culverts 0.6 mile (1 kilometer) and 3.9 miles (6.2 kilometers) west of the Barton-Rice county line, culvert construction. (State Funds)

Cowley—77-18 K-8771-01 - U.S. 77 from the north city limits of Winfield north to the Cowley-Butler county line, 15.7 miles (25.3 kilometers), crack repair. (State Funds)

Harper-Sumner—106 K-8775-01 - 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-44/K-49; U.S. 81, 3 miles (4.8 kilometers) south of Wellington north to the south city limits of Wellington; U.S. 81 from the north city limits of Wellington north 15.9 miles (25.7 kilometers) to the Sedgwick-Sumner county line, 42.2 miles (68 kilometers), crack repair. (State Funds)

District Six - Southwest

Finney—28 U-1642-01 - Mary Street from Campus Drive to K-156 in Garden City, 0.9 mile (1.5 kilometers), grading and surfacing. (Federal Funds)

Finney—50-28 K-7845-01 - U.S. 50/U.S. 83 and Mary Street in Garden City, interchange. (State Funds)

Kearny—25-47 K-8781-01 - K-25 from the junction of U.S. 50 north to the Kearny-Wichita county line, 22.1 miles (35.6 kilometers), crack repair. (State Funds)

Lane-Ness-Scott—4-106 K-8788-01 - K-4 from the Scott-Lane county line east to the Lane-Ness county line; K-4 from Lane-Ness county line east to the junction of U.S. 283; K-4 from the junction of U.S. 83 east to the Scott-Lane county line, 55 miles (88.7 kilometers), crack repair. (State Funds)

Morton—65 K-8784-01 - K-27 from the south junction of K-51 north and east to the north junction of K-51; K-51 from the north junction of K-27 east and south to the junction of U.S. 56, 31.9 miles (51.3 kilometers), crack repair. (State Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file sworn statement executed by or on behalf of the person, firm, association or corpora-

(continued)

tion submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the KDOT district office responsible for the work.

E. Dean Carlson
Secretary of Transportation

Doc. No. 027808

State of Kansas

State Corporation Commission

Notice of Motor Carrier Hearings

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. May 14 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases that have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Paula Lentz, Assistant General Counsel, (785) 271-3279. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Applications for Abandonment of Certificate of Public Service:

Donald V. Boos, dba Boos Trucking, 1028 Hwy. 120, Severance, KS 66087; MC ID No. 150095

John O. Chaffin, dba John O. Chaffin Transport, North Hwy. 83, Sublette, KS 67877; MC ID No. 157029

Maurice L. Roberts, dba Roberts Seeds, 5641 E. Mariposa Road, New Cambria, KS 67470; MC ID No. 155637

Mike J. Hoeme, Director
Transportation Division

Doc. No. 027842

State of Kansas

Secretary of State

Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. A complete listing of Kansas state agencies, boards and commissions, and county officials are included in the Kansas Directory, published by the Secretary of State. The directory also is available on the Secretary of State's Web site at www.kssos.org. The following appointments were recently filed with the Secretary of State:

Haskell County Attorney

James C. Dodge, Haskell County Courthouse, 300 Inman, Sublette, 67877. Term expires when a successor is elected and qualifies according to law. Succeeds Nels P. Noel, resigned.

Advisory Council on Aging

Harley Keeton, 4 W. Kaskaskia St., Paola, 66071. Term expires June 30, 2003. Succeeds LaVerne Epp, resigned.

Marty J. Yost, 8631 S.W. 27th St., Topeka, 66614. Term expires June 30, 2005. Reappointed.

State Banking Board

Nancy A. Taylor, 14808 Conser, Overland Park, 66223. Term expires March 15, 2005. Reappointed.

Advisory Commission for Children With Special Health Care Needs

Debra A. Whited-Burnham, 1274 E. 2200 Road, Eudora, 66025. Term expires February 27, 2006. Reappointed.

State Corporation Commission

Brian J. Moline, 2532 Granthurst, Topeka, 66611. Term expires March 15, 2006. Reappointed.

Kansas Planning Council on Developmental Disabilities Services

Dr. Michael Wehmeyer, 12517 Slater St., Overland Park, 66213. Serves at the pleasure of the Governor. Succeeds Stephen Schroeder.

State Board of Pharmacy

Jeffrey D. Thompson, 902 S. Gretchen Ave., Chanute, 66720. Term expires April 30, 2005. Succeeds Vicki Schmidt.

Frank A. Whitchurch, 11127 Winchester, Kansas City, KS 66109. Term expires April 30, 2005. Succeeds Lori Moore.

Council on Travel and Tourism

Rebecca J. Blake, 3020 Tamarak Drive, Manhattan, 66503. Term expires September 30, 2004. Succeeds Jana Jordan.

Sabrina Collins, 2524 Vine St., Hays, 67601. Term expires September 30, 2004. Succeeds Van Salyer.

Mary P. Shepherd, 1979 Burlingame Road, Emporia, 66801. Term expires September 30, 2004. Succeeds Jim Strader.

Ben E. Vidricksen, 1314 Sunrise Drive, Salina, 67401. Term expires September 30, 2004. Succeeds Randy Duncan.

Francis G. Walters, 2850 Rio Vista Drive, Emporia, 66801. Term expires September 30, 2004. Reappointed.

Ron Thornburgh
Secretary of State

Doc. No. 027831

State of Kansas

State Corporation Commission

Notice of Motor Carrier Applications

The following motor carriers have filed various applications. All applications listed herein are for statewide authority, unless otherwise stated.

Requests to inspect and copy the notices provided to the parties and questions in regard to these applications should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. For general inquiries, contact Vickie Berg at (785) 271-3225. To lodge an official complaint, submit your protest in writing, supported by relevant facts, to Mike J. Hoeme, Director of Transportation, at the address above within 10 days of the date of publication of this notice.

Applications for Certificate of Public Service:

Laura Brannan, dba Shaylea Trucking, 5420 S. Broadway, Lot 23, Wichita, KS 67216; MC ID No. 159841; General commodities (except household goods and hazardous materials)

D.D. Trucking, Inc., 310 2nd St., Edison, NE 68936-0151; MC ID No. 102125; William Barker, Attorney; General commodities (except household goods and hazardous materials)

Farr Construction, LLC, 1154 S. Highway 99, Emporia, KS 66801; MC ID No. 159838; General commodities (except household goods and hazardous materials)

Girton Transportation, Inc., 1156 Bridge St., Clay Center, KS 67432; MC ID No. 159843; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials)

Hogan Transports, Inc., 1000 N. 14th St., St. Louis, MO 63106; MC ID No. 159847; Mike Morgan, Attorney; General commodities (except household goods and hazardous materials)

Joe L. Maris, dba Maris Trucking, HC1, Box 172, Stratton, NE 69043; MC ID No. 159848; General commodities (except household goods and hazardous materials)

Nathanael Martin, dba N.R. Martin Trucking, 623 Bluff Road, Conway Springs, KS 67031; MC ID No. 159844; General commodities (except household goods)

Monarch Transportation, Inc., HC1, Box 150, St. Francis, KS 67756; MC ID No. 260133; General commodities (except household goods and hazardous materials)

Joseph W. Ormond, dba Joe's Towing, 4641 S. Ida, Wichita, KS 67216; MC ID No. 159850; Wrecked, disabled, repossessed and replacement vehicles

Perfection Auto Body, Inc., 403 S. 13th St., Clay Center, KS 67432; MC ID No. 159845; Wrecked, disabled, repossessed and replacement vehicles

Eldon Price, dba Price Oilfield Services, 208 W. Walnut, Protection, KS 67127; MC ID No. 161240; General commodities (except household goods and hazardous materials)

R & L Transfer, Inc., 4949 S. Victoria St., Wichita, KS 67216; MC ID No. 159842; General commodities (except household goods)

Thomas Rumford, dba Rumford Rodeo Company, 1 N. Sego, Abbyville, KS 67510; MC ID No. 159849; General commodities (except household goods and hazardous materials)

Tow All, Inc., 6731 Glenwood, Overland Park, KS 66204; MC ID No. 159840; General commodities (except household goods and hazardous materials)

Phil Wertenberger, dba Wertenberger Bros., Route 3, Box 123A, Sabetha, KS 66534; MC ID No. 157441; General commodities (except household goods and hazardous materials)

Phil Wertenberger, dba Wertenberger Transportation, Route 3, Box 123A, Sabetha, KS 66534; MC ID No. 159846; General commodities (except household goods and hazardous materials)

Applications for Amendment of Contract Carrier Permit:

Famous Brands Distributors, Inc., 2910 S.W. Topeka Blvd., Topeka, KS 66611-2121; MC ID No. 100991; William Barker, Attorney; Alcoholic beverages, except in bulk, but including beer in kegs and advertising materials relating to alcoholic beverages

Standard Liquor Corporation, 2416 E. 37th St. North, Wichita, KS 67219; MC ID No. 111813; William Barker, Attorney; Alcoholic beverages, except in bulk, but including beer in kegs and advertising materials relating to alcoholic beverages

Application for Contract Carrier Permit:

Premier Beverage, Inc., 14320 W. 101st Terrace, Lenexa, KS 66215; MC ID No. 160517; William Barker, Attorney; Alcoholic beverages, except in bulk, but including beer in kegs and advertising materials relating to alcoholic beverages

Application for Extension of Certificate of Public Service:

T Bone Trucking, Inc., 410 W. First St., Ingalls, KS 67853; MC ID No. 106345; General commodities (except household goods)

Applications for Transfer of Certificate of Public Service:

Lonzo F. Chaffin, dba James A. O'Grady, dba Jim O'Grady Trucking, 1852 W. 2nd St. Road, Liberal, KS 67901, MC ID No. 152368, to: Jim O'Grady Trucking, Inc., 1852 W. 2nd St. Road, Liberal, KS 67901; Clinton, Peterson, Attorney; General commodities (except household goods and hazardous materials)

Dave William and Alice William, dba William Truck & Auto, 200 Main, Maple Hill, KS 66507, MC ID No. 144082, to: William Truck & Auto, Inc., 200 Main, Maple Hill, KS 66507; Wrecked, disabled, repossessed and replacement vehicles and trailers

Application for Name Change of Certificate of Public Service:

Yellow Freight System, Inc., 10990 Roe Ave., Overland Park, KS 66211, MC ID No. 106975, Daniel Hornbeck, Attorney, to: Yellow Transportation, Inc., 10990 Roe Ave., Overland Park, KS 66211; General commodities (except Classes A and B explosives and household goods)

Mike J. Hoeme, Director
Transportation Division

Doc. No. 027841

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of March 2002 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

- Accent Dental Labs, Inc., Marion, KS.
 Acorn Mortgage Company, Inc., Overland Park, KS.
 Adams Investments, Inc., Andover, KS.
 Agape Christian Church, Inc., Wichita, KS.
 Al's Overhead Door Service, Inc., Topeka, KS.
 Aleph-Bet Preschool, Inc., Wichita, KS.
 Alliance Francaise de Wichita, Inc., Wichita, KS.
 Allied Exterminators, Incorporated, Shawnee Mission, KS.
 Alumni Corporation of Kansas Beta Chapter of Sigma Phi Epsilon, Manhattan, KS.
 American Construction & Energy, Inc., Shawnee Mission, KS.
 American Legion Auxiliary Unit 62, Inc., Salina, KS.
 Angel Flight Ministries Inc., Towanda, KS.
 Apics Wichita Chapter 71, American Production and Inventory Control Society, Valley Center, KS.
 Arma International Educational Foundation, Prairie Village, KS.
 Arts Council of Topeka, Inc., Topeka, KS.
 Aspen Properties, Olathe, KS.
 Association for Healthcare Philanthropy, Falls Church, VA.
 Association of Government Accountants, Topeka Chapter, Topeka, KS.
 Basehor Linwood Assistance Services, Inc., Basehor, KS.
 Benedictine College, Atchison, KS.
 Bethel Friends Church, Inc., Hugoton, KS.
 Bio-G.T. Central States, Inc., Wichita, KS.
 Birthright of Dodge City, Inc., Dodge City, KS.
 Bishop Seabury Academy, Lawrence, KS.
 Blue Valley Band Stand Club, Inc., Stilwell, KS.
 Brotherhood Presbyterian Church, Wichita, KS.
 Buhler Investment, Inc., Buhler, KS.
 Business Education Clubs of Kansas, Topeka, KS.
 Byers Land and Cattle Company, St. Marys, KS.
 C & L Sales, Inc., Lenexa, KS.
 C. I. Holding, L.L.C., Dallas, TX.
 Calvary Chapel Christian School of Wichita, Inc., Wichita, KS.
 Calvary Chapel of Wichita, Inc., Wichita, KS.
 Center for Financial Training - Great Plains Region, Inc., Wichita, KS.
 Central Christian Church of Liberal, Kansas, Liberal, KS.
 Central Kansas Medical Center, Great Bend, KS.
 Central Kansas Youth for Christ, Inc., Manhattan, KS.
 Central Park Christian Church of Topeka, Kansas, Topeka, KS.
 Cheyenne Country, Inc., Ottawa, KS.
 Chi Omega Fraternity, Inc. - Lambda Chapter, Lawrence, KS.
 Children's House Montessori School, Inc., Topeka, KS.
 Christ Evangelical Lutheran Church, Inc., Overland Park, KS.
 Christmas in April * Emporia, Inc., Emporia, KS.
 Church of the Nazarene, Palco, KS.
 Church of the Nazarene of Cimarron, Kansas, Cimarron, KS.
 Coffey County Council for the Arts, Inc., Burlington, KS.
 Coffeyville Transportation Service, Inc., Coffeyville, KS.
 Columbian Theater Foundation, Inc., Wamego, KS.
 Congregation Beth Torah, Inc., Shawnee Mission, KS.
 Connie's Home Health Agency, Inc., Goodland, KS.
 Construct Company, Inc., Paola, KS.
 Cornerstone Christian Church, Wichita, KS.
 Cougar Booster Club, Inc., Great Bend, KS.
 Covington Greens Condominium Owners Association, Newton, KS.
 Cross-Lines Towers, Inc., Kansas City, KS.
 Delta Tau Delta Society, Lenexa, KS.
 District Advisory Board of the Church of the Nazarene, Kansas District, Wichita, KS.
 Don's Body Shop, Inc., Olathe, KS.
 Ecumenical Christian Ministries at the University of Kansas, Inc., Lawrence, KS.
 Elm Acres Foundation, Inc., Pittsburg, KS.
 Emporia Christian School, Inc., Emporia, KS.
 Emporia Lions Club, Emporia, KS.
 Emporia Main Street, Inc., Emporia, KS.
 Erie Memorial Post, Incorporated, Erie, KS.
 First Christian Church of Emporia, Kansas, Inc., Emporia, KS.
 First Church of the Nazarene of El Dorado, Kansas, El Dorado, KS.
 Fishers Transmission, Inc., Wichita, KS.
 Flint Hills Catholic School Association, Maple Hill, KS.
 Flint Hills Enterprises, Inc., Lincolnville, KS.
 Focus Holding, Inc., Salina, KS.
 Fontana Place Homes Association, Inc., Prairie Village, KS.
 Franklin County Chronicle, Inc., Ottawa, KS.
 Free State Cross Country & Track Backers, Inc., Lawrence, KS.
 Friends Church of Hutchinson Society, Hutchinson, KS.
 Friesen's, Inc., Hutchinson, KS.
 Gamma Theta Chapter of Delta Tau Delta, Inc., Leawood, KS.
 Gamma Upsilon House Corporation of Delta Gamma Fraternity, Wichita, KS.
 Garden City Christian School of Garden City, Inc., Garden City, KS.
 Garnett, Kansas, Council #1368, Knights of Columbus, Inc., Garnett, KS.
 German-American Association of Geary County, Junction City, KS.
 Girard Lions Club, Girard, KS.
 Goodland Church of the Nazarene, Goodland, KS.
 Grant County Community Theatre Company, Ulysses, KS.
 Greater Faith Missionary Baptist Church Center, Manhattan, KS.
 Halford Cattle Company, Inc., Colby, KS.
 Hannah's House Foundation, Lawrence, KS.
 Hay'did (The Friend) Ministries, Inc., Independence, KS.
 Hays Medical Center, Inc., Hays, KS.
 Health Partnership of Johnson County, Inc., Overland Park, KS.
 Heartspring Foundation, Wichita, KS.
 Heiser Truck Line, Inc., Herington, KS.
 High Plains Independence, Inc., Hays, KS.
 Independent Insurance Agents of Hutchinson, Inc., Hutchinson, KS.
 International Brotherhood of Boilermakers Archives, Inc., Kansas City, KS.
 International Relocation Consultants, Inc., Roseville, MN.
 J.T. Marsh Ranch, Inc., Sun City, KS.
 JJ, & K, Inc., Lenexa, KS.
 Jayhawk Audubon Society, Inc., Lawrence, KS.
 Joan Cawley Licensing, Ltd., Tempe, AZ.
 John Russell Koger Foundation, Horton, KS.
 Johnson County Community College Foundation, Inc., Overland Park, KS.
 Juan Padilla Academy, Inc., Wichita, KS.
 Junction City Arts Council, Inc., Junction City, KS.

- K S Flying Club, Inc., Manhattan, KS.
 Kanco Super 8 Inc., Colby, KS.
 Kansas Alpha Alumni Association, Overland Park, KS.
 Kansas Association of Future Farmers of America,
 Manhattan, KS.
 Kansas Association of School Psychologists, Topeka, KS.
 Kansas City Amateur Hockey Association, Kansas City, MO.
 Kansas Counseling Association, Burlingame, KS.
 Kansas Delta Alumni Corporation of Sigma Phi Epsilon,
 Topeka, KS.
 Kansas Head Start Association, Shawnee, KS.
 KC Blind All-Stars Foundation, Kansas City, KS.
 KHCA Service Corporation, Valley Falls, KS.
 Kiddi Kollege Overland Park, Inc., Overland Park, KS.
 Kiddi Kollege, Inc., Olathe, KS.
 Kountry Tyme Sports Foundation, Wichita, KS.
 Krigel's, Inc., Overland Park, KS.
 Krohe Electronics Corporation, Topeka, KS.
 Lakewood Elementary Parent Teacher Organization, Inc.,
 Overland Park, KS.
 Landscape Architecture & Construction Management, Inc.,
 Derby, KS.
 Lansing Lions Club, Inc., Lansing, KS.
 Lawrence Rotary Foundation, Lawrence, KS.
 Learned Investments, Inc., Bella Vista, AR.
 Learning Resources Network, Inc., Manhattan, KS.
 Leawood Middle School P.T.O., Inc., Leawood, KS.
 Lee Gifts Inc., Wichita, KS.
 Lions Club of Altamont, Kansas, Inc., Altamont, KS.
 Lions Club of Goff, Kansas, Goff, KS.
 Little Theater Foundation, Inc., Junction City, KS.
 Long Ball, Inc., Wichita, KS.
 Lutheran School Association, Topeka, KS.
 Lyric Opera of Kansas City, Inc., Kansas City, MO.
 Mahaska Cemetery Association, Mahaska, KS.
 McCune Lions Club Inc., McCune, KS.
 Meade District Recreation Commission, Inc., Meade, KS.
 Metcalf 56 Homes Association, Inc., Olathe, KS.
 Midway Co-op Association, Osborne, KS.
 Mo-Kan Pallet & Lumber, Inc., Wathena, KS.
 Multi-County Domestic Violence Program, Inc., Hiawatha, KS.
 Mulvane Historical Society, Mulvane, KS.
 Museum of the Kansas National Guard, Inc., Topeka, KS.
 N.G., Inc., McPherson, KS.
 National Association of Insurance and Financial Advisors of the
 Heartland, Salina, KS.
 National Education Association of Shawnee Mission,
 Shawnee, KS.
 National Silver Haired Congress, Inc., Olathe, KS.
 Norris Services, Inc., Wichita, KS.
 Northwest High School Booster Club, Inc., Wichita, KS.
 Northwest Kansas Association of Insurance and Financial
 Advisors, Hays, KS.
 Northwest Kansas Fibromyalgia/Arthritis Support Group, Inc.,
 Hays, KS.
 Olathe National Education Association, Shawnee Mission, KS.
 ORS, Inc., Overland Park, KS.
 Ottawa Investment Corporation, Ottawa, KS.
 Ottawa Teens, Inc., Ottawa, KS.
 Ottawa University, Ottawa, KS.
 Overland Trail Elementary School Parent Teacher Association,
 Overland Park, KS.
 Oxford Park Academy, Inc., Shawnee Mission, KS.
 Parents in Control Political Action Committee, Inc., Olathe, KS.
 Parents in Control, Inc., Olathe, KS.
 Park City Chamber of Commerce, Inc., Wichita, KS.
 Park City Festivals, Inc., Park City, KS.
 Pawnee, Inc., Hiawatha, KS.
 PHS Renaissance Booster Club, Parsons, KS.
 Pilot Club of Clay Center, Inc., Clay Center, KS.
 Piper Community Education Association, Kansas City, KS.
 Pleasant Hill Church of the Nazarene, Sylvia, KS.
 Pleasant Valley Lions Club, Inc., Wichita, KS.
 Prairie Pilot Club of Wichita, Wichita, KS.
 Prairie Village Lions Club, Prairie Village, KS.
 R & L Corporation, Wichita, KS.
 Rawlins County Hospital, Inc., Atwood, KS.
 Recovery Cove, Inc., Salina, KS.
 Rotary Club of Topeka South, Inc., Topeka, KS.
 Runyan Heating & Cooling Services, Inc., Kansas City, MO.
 Salina Sunflower Lions Club, Inc., Salina, KS.
 Schmidt Farms, Inc., Oberlin, KS.
 Shamrock Chapter of the Irish American Cultural Institute,
 Topeka, KS.
 Shawnee County Main Stream Coalition, Inc., Topeka, KS.
 Shawnee Mission South High School Band Boosters Club, Inc.,
 Overland Park, KS.
 Siena Home Care, Inc., Wichita, KS.
 Sigma Phi Delta Fraternity, Manhattan, KS.
 Sigma Sigma Sigma Alumnae for Alpha Gamma Chapter,
 Hays, KS.
 Silvers Veneer & Lumber Co., Cameron, MO.
 Sisters of the Immaculate Heart of Mary of Wichita, Inc.,
 Wichita, KS.
 Smith County Arts Council, Incorporated, Smith Center, KS.
 South Central Kansas Economic Development District, Inc.,
 Wichita, KS.
 South Central Kansas Education Service Center Foundation,
 Clearwater, KS.
 South Central Kansas - NEA Uniserv District 12, Inc.,
 Wichita, KS.
 Southeast Kansas Higher Education College System,
 Chanute, KS.
 Spring Hill Church of the Nazarene, Spring Hill, KS.
 SSA of Wichita Inc., Wichita, KS.
 St. Benedict's College, Atchison, KS.
 St. Thomas Aquinas High School, Inc., Overland Park, KS.
 Steps to Life, Inc. (Institute of Ministry), Wichita, KS.
 Student Loan Funds, Inc., Wichita, KS.
 Studies in Twentieth Century Literature, Incorporated,
 Manhattan, KS.
 Syracuse Church of the Nazarene, Inc., Syracuse, KS.
 The American Legion Auxiliary, Unit No. 66 of Homer White
 Post, Inc., Hiawatha, KS.
 The Boston Foundation, Leavenworth, KS.
 The Catholic Foundation of Northeast Kansas, Kansas City, KS.
 The Church of Gods Kingdom, Kansas City, KS.
 The Church of the Nazarene, Ottawa, KS.
 The Church of the Nazarene of Larned, Kansas, Larned, KS.
 The Cover-Up, Inc., Lenexa, KS.
 The Dive Shop, Inc., Merriam, KS.
 The First Christian Church of Fort Scott, Kansas, Fort Scott, KS.
 The First Church of the Nazarene, Augusta, Kansas,
 Augusta, KS.
 The Gold Dust, Inc., Fredonia, KS.
 The Greater Kansas City Shetland Sheepdog Club, Inc.,
 Overland Park, KS.
 The Hays Medical Center Foundation, Hays, KS.
 The Kansas Association of Christian Schools, Inc., Abilene, KS.
 The Kansas City Manufacturing Network, Inc.,
 Overland Park, KS.
 The Lions Club of Osage City, Kansas, Osage City, KS.
 The Lions Club of Park City, Park City, KS.
 The Lyndon Lions Club of Lyndon, Kansas, Inc., Lyndon, KS.

(continued)

The Nemaha County Historical Society, Incorporated, Seneca, KS.
 The Patrons Gallery, Inc., Overland Park, KS.
 The Piano Man's Family Music Center, Inc., Mission, KS.
 The Southwest Bowling Association, Inc., Derby, KS.
 The Swanson Food Management of Kansas Corporation, Omaha, NE.
 The Timbers Homes Association, Inc., Lane, KS.
 The Topeka Lions Club of Topeka, Kansas, Topeka, KS.
 The Trinity Holiness Church, Cherokee, KS.
 The Waldorf Association of Greater Kansas City, Gardner, KS.
 The Westside Church of the Nazarene, Inc., Hutchinson, KS.
 The Wichita Center for the Arts, Inc., Wichita, KS.
 The Wichita Downtown Lions Club, Wichita, KS.
 Thomas Hopkins Post No. 4, the American Legion, Wichita, KS.
 Thomas Hopkins Unit #4 American Legion Auxiliary, Wichita, KS.
 Thomas More Prep - Marion High, Inc., Hays, KS.
 Timber Trace Ranch Homes Association, Spring Hill, KS.
 Tom McGraw Real Estate, Inc., Leawood, KS.
 Topeka Lions Foundation, Topeka, KS.
 Topeka Needlework Guild, Inc., Topeka, KS.
 Topeka Rotary Foundation, Topeka, KS.
 Tower, Inc., Dripping Springs, TX.
 Trilobite Testing, L.L.C., Hays, KS.
 U.S.D. #249 Education Foundation Fund, Frontenac, KS.
 U.S.D. 395 Public School Foundation for Educational Excellence, a Non-Profit Corporation, LaCrosse, KS.
 Unified School District #257 Allen County, Kansas, Endowment Association, Iola, KS.
 School District #416 Endowment Association, Louisburg, KS.
 Unity Church of Salina, Incorporated, Salina, KS.
 Updike Paving Corporation, Stilwell, KS.
 Velvet Creme Popcorn Co., Inc., Shawnee Mission, KS.
 Wa-Co Businesses, Inc., Washington, KS.
 Wagoner and Sons, Inc., Colby, KS.
 Walnut View Homes Association, Shawnee Mission, KS.
 Western Bindery Products Co., Inc., Topeka, KS.
 Western Kansas Foundation for Alcohol and Chemical Dependency, Garden City, KS.
 Whitefield Academy Association, Overland Park, KS.
 Wichita Estate Planning Council, Inc., Wichita, KS.
 Wichita Press, Inc., Wichita, KS.
 Wichita Southeast Lions Club, Inc., Wichita, KS.
 Wichita West Lions Club, Wichita, KS.
 Wooten, Inc., Pittsburg, KS.
 Yates Center Church of the Nazarene, Yates Center, KS.

Foreign Corporations

Agriliance LLC, Wilmington, DE.
 Agro Distribution, LLC, St. Paul, MN.
 Alldata Corporation, Elk Grove, CA.
 Allied Bus Sales, Inc., Naperville, IL.
 Amal Express North America LLC, Minneapolis, MN.
 American Board of Transplant Coordinators, Inc., Lenexa, KS.
 American Youth Soccer Organization, Hawthorne, CA.
 Asher Student Foundation, Englewood, CO.
 Atwood Commodities, LLC, Kansas City, MO.
 Belle Meade Acquisition Corporation, Topeka, KS.
 Bob Cummins Enterprises, Inc., Spring Hill, KS.
 Cantrell Sheet Metal and Roofing Company, Inc., Milan, TN.
 Cardio Systems - Kansas City, Inc., Dallas, TX.
 Carondelet Home Care Services, Inc., Leawood, KS.
 Century Computer Consultants, Inc., Overland Park, KS.
 City Wide Chemical Co., Inc., Lenexa, KS.
 Commercial Structures and Interiors, Inc., Lewisville, TX.
 Consolidated Nutrition, L.C., Omaha, NE.
 Council Travel Services, Inc., New York, NY.

Cricket Communications, Inc., San Diego, CA.
 Cricket Kansas Property Company, San Diego, CA.
 EMC Residential Mortgage Corporation, Irving, TX.
 Epilepsy Foundation of America, Landover, MD.
 Family Dollar, Inc., Charlotte, NC.
 Farmchem Corp., Floyd, IA.
 Farmland-Atwood Company LLC, Kansas City, MO.
 Farner-Bocken Company, Carroll, IA.
 First Guarantee Credit Corp., Sterling, VA.
 Gateway Foundation-Texas, Houston, TX.
 Growmark, Inc., Bloomington, IL.
 Hawkins Construction Company, Omaha, NE.
 ILM II Holding, Inc., Boston, MA.
 KCI Compression Company, L.P., Tulsa, OK.
 Keeman Petroleum Company, Inc., Valdosta, GA.
 Kem-Weed, Ltd., Enid, OK.
 Laidlaw Transit Services, Inc., Overland Park, KS.
 Laidlaw Transit, Inc., Naperville, IL.
 Ledcor Industries (USA) Inc., Mercer Island, WA.
 LEMC, Inc., Columbia, SC.
 M C Players Theatrical Company, Kansas City, MO.
 M.E. Collins Contracting Company, Inc., Wahoo, NE.
 Maupin Enterprises, Inc., Overland Park, KS.
 Micron Semiconductor Products, Inc., Boise, ID.
 Midwest Surveys, Inc., Osawatomie, KS.
 Missouri-Kansas-Texas Railroad Employees' Hospital Association, Denison, TX.
 Molded Fiber Glass Construction Products Company, Independence, KS.
 National Humane Education Society, Leesburg, VA.
 National Law Enforcement Officers Memorial Fund, Inc., Washington, DC.
 Nationwide Residential Capital, L.L.C., Topeka, KS.
 Networks Telephony Corporation, El Segundo, CA.
 North American Transplant Coordinators Organization, Lenexa, KS.
 Northwestern Foundation, St. Paul, MN.
 Pan American Electric, Inc., Nashville, TN.
 Plaza Respiratory & Oxygen Services, Inc., North Kansas City, MO.
 Project Hope—The People-to-People Health Foundation, Inc., Millwood, VA.
 Rick Scott Construction, Inc., Ponca City, OK.
 Rise, Inc., Mesa, AZ.
 Saf-T-Glove, Inc., Tulsa, OK.
 Safe Ride Services, Inc., Overland Park, KS.
 Safety-Kleen (Aragonite), Inc., Columbia, SC.
 Safety-Kleen (PPM), Inc., Columbia, SC.
 Sherwood Center for the Exceptional Child, Kansas City, MO.
 Shiloh Enterprises, Inc., Edmond, OK.
 Shoe Carnival, Inc., Evansville, IN.
 Sid Tool Co. Inc., Melville, NY.
 Sonic Restaurants, Inc., Oklahoma City, OK.
 Stone & Webster, Inc., Baton Rouge, LA.
 Success for All Foundation, Inc., Baltimore, MD.
 Sugarberry Oil & Gas Corporation, Dallas, TX.
 Supervalu Holdings, Inc., Eden Prairie, MN.
 Sweet Factory, Inc., Chicago, IL.
 System Realty Six, Inc., Richmond, VA.
 The Heart of America United Way, Inc., Kansas City, MO.
 The Helstrom Foundation, Lacey, WA.
 The Kansas City Chorale, Leawood, KS.
 The Kansas City Regional Council for Higher Education, Parkville, MO.
 The Learning Exchange, Inc., Kansas City, MO.
 The Moody Bible Institute of Chicago, Chicago, IL.
 Tobacco Country, Inc., Trenton, MO.
 Unitarian Universalist Service Committee, Inc., Cambridge, MA.
 Western Industrial Contractors, Inc., Denver, CO.

Ron Thornburgh
 Secretary of State

Doc. No. 027793

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. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 4-22-02 through 4-28-02

| Term | Rate |
|-----------|-------|
| 1-89 days | 1.71% |
| 3 months | 1.65% |
| 6 months | 1.87% |
| 1 year | 2.34% |
| 18 months | 2.89% |
| 2 years | 3.31% |

Derl S. Treff
Director of Investments

Doc. No. 027812

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, Room 102, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, 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, May 6, 2002

04849

State Corporation Commission—Abandoned Well Plugging, Harris

04880

Statewide—Upholstery Materials and Foam

04882

Department of Health and Environment—Laboratory Tables

04886

Kansas State University—Genetic Analyzer

04887

Kansas Correctional Industries—Institutional Mattress Fabric

Tuesday, May 7, 2002

04854

Kansas Correctional Industries—Chemicals

04856

Kansas Correctional Industries—Organic Yellow Pigment

04858

Kansas Correctional Industries—Polymer Emulsion

04862

Wichita State University—Off Road Utility Vehicles

04873

Department of Wildlife and Parks—Construct Boat Ramps, Pittsburg

04879

Adjutant General's Department—Construct Wash Rack Facility

Wednesday, May 8, 2002

04868

Department of Wildlife and Parks—Aggregate (Mined Land Wildlife Area—Motor Boat Access Projects)

04872

Department of Wildlife and Parks—Aggregate Transporting Services (Mined Land Wildlife Area)

04883

Department of Health and Environment—Dual Data Entry Services

Wednesday, May 15, 2002

A-8870

Wichita State University—Improve Drainage Around Corbin Education Center, Phase 1

A-8873

Wichita State University—Fire/Smoke Damper Replacement, Lindquist Hall

A-9006(B)

Wichita State University—Ablah Library Sprinkler Remodel

A-9444

Wichita State University—Fire Alarm, Morrison Hall

Thursday, May 16, 2002

04867

Kansas State University—Sterilizer

Thursday, May 23, 2002

A-9253

Osawatomie State Hospital—Generator Replacement Installation, Power Plant

A-9268

Kansas Neurological Institute—Wheatland Building Electrical Modifications

Request for Proposals

Tuesday, May 28, 2002

04837

Vital Statistics Integrated Information System for the Department of Health and Environment

Friday, June 7, 2002

04838

Electronic Benefits Transfer Services for the Department of Social and Rehabilitation Services

04859

WIC Banking Services for the Department of Health and Environment

John T. Houlihan
Director of Purchases

Doc. No. 027843

State of Kansas

Kansas Water Office

Notice of Hearing

The Kansas Water Office will conduct public hearings on the annual update of the Kansas Water Plan. Formal public comments will be accepted. Presentations by the Kansas Water Office will not be provided. A copy of the updated Kansas Water Plan is available for review on the agency's Web site (www.kwo.org), at all county clerk's offices or by calling the Kansas Water Office at 1-888-KAN-WATER. Listed below are the date, time and location of the first hearing:

| Date | Time | Location | Basin |
|--------|--------|--|----------|
| May 15 | 7 p.m. | Liberal City Library 519 N. Kansas, Liberal | Cimarron |

For anyone unable to attend this public hearing, written comments may be submitted to the Kansas Water Office, 901 S. Kansas Ave., Topeka, 66612-1249, or e-mail at mfast@kwo.ks.us. Comments must be received not later than June 17.

Accommodations for persons with disabilities may be arranged by contacting the Kansas Water Office at (785) 296-3185 or toll free at 1-888-KAN WATER at least two days before the hearing.

Al LeDoux
Director

Doc. No. 027820

(Published in the Kansas Register April 25, 2002.)

Summary Notice of Bond Sale

City of Copeland, Kansas

\$200,000

General Obligation Water System Bonds

Series A, 2002

(General obligation water system 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 April 9, 2002, of the City of Copeland, Kansas, in connection with the city's General Obligation Water System Bonds, Series A, 2002, hereinafter described, written bids for the purchase of the bonds shall be received at the office of the city clerk at City Hall, 200 Santa Fe St., Copeland, KS 67837, or by telefacsimile (if accompanied by a timely delivered original executed bid form and the required good faith deposit or evidence of surety bond) at (620) 668-5474, until 7:30 p.m. Monday, May 6, 2002. All bids shall be disclosed publicly and tabulated or compared on said date at 7:30 p.m. at the Copeland City Hall 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 100 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds,

which may be obtained from the city clerk or the city's financial advisor. Bids may be submitted by mail, delivered in person or submitted by telefacsimile at (620) 668-5474, but only if the city or the city's financial advisor is in possession of both an original executed bid form and the required good faith deposit or evidence of surety bond. All bids must be received at the place and not later than the date and time hereinbefore specified. Neither the city, its bond counsel, its financial advisor, nor any officer or employee of the city shall be deemed to have any liability whatsoever in connection with the failure of any electronic or telefacsimile equipment or any other occurrence resulting in disqualification or failure by the city to receive a bid. 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 \$200,000, and shall bear a dated date of June 1, 2002. 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 interest, payable as hereinafter set forth, at the rates specified in even multiples of 1/8th or 1/20th of 1 percent by the successful bidder for the bonds. Due to pending legislation, the maximum stated rate of interest on any bond shall not exceed the lessor of (i) the daily yield for the 30-year treasury bonds plus 2 percent, or (ii) the daily yield for the 10-year treasury bonds plus 3 percent, each as published by *The Bond Buyer* in New York, New York, on the Monday next preceding the date of the public sale. Interest on the bonds shall be payable semiannually on March 1 and September 1 of each year, commencing March 1, 2003, and the bonds shall mature serially on September 1 in each of the years and principal amounts as follows:

Maturity Schedule

| Principal Amount | Maturity Date |
|------------------|---------------|
| \$ 5,000 | 2003 |
| 10,000 | 2004 |
| 10,000 | 2005 |
| 10,000 | 2006 |
| 10,000 | 2007 |
| 10,000 | 2008 |
| 15,000 | 2009 |
| 15,000 | 2010 |
| 15,000 | 2011 |
| 15,000 | 2012 |
| 15,000 | 2013 |
| 15,000 | 2014 |
| 15,000 | 2015 |
| 20,000 | 2016 |
| 20,000 | 2017 |

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. Additionally, a bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as term bonds, which would be subject to mandatory redemption requirements. (Reference is made to the official notice of bond sale for complete details regarding redemption of the bonds.)

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.

Book-Entry Option

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York (DTC).

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 bonds shall be payable as to both the principal of and the interest thereon from ad valorem taxes levied 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 June 4, 2002, at such bank or trust company or other qualified depository in the contiguous United States, 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 Triplett, Woolf & Garretson, LLC, 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 Tangible Valuation of Taxable Tangible Property | \$1,448,159.00 |
| Taxable Value of Motor Vehicles | <u>344,729.00</u> |
| Assessed Tangible Valuation for Debt Limit Computation | <u>\$1,792,888.00</u> |

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not ex-

ceed 30 percent of the assessed valuation of the city. As of June 1, 2002, the city's gross outstanding debt, including the bonds, will be \$500,000. The city's total indebtedness that is subject to debt limitation, as of June 1, 2002, will be \$209,025, which is 11.66 percent of the assessed valuation of the city.

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 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 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 financial advisor, Jerry D. Rayl, Davidson Securities, a Division of Gold Capital Management, Inc., 245 N. Waco, Suite 525, Wichita, KS 67202, (316) 265-9411.

City of Copeland, Kansas
By Shanon L. Hayes
City Clerk
City Hall, 200 Santa Fe St.
Copeland, KS 67837
(620) 668-5579
Fax (620) 668-5474

Doc. No. 027821

(Published in the Kansas Register April 25, 2002.)

**Summary Notice of Bond Sale
City of Atchison, Kansas**

\$1,748,000

General Obligation Bonds, Series 2002-A

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated April 15, 2002, sealed, facsimile and electronic bids will be received by the clerk of the City of Atchison, Kansas (the issuer), in the case of sealed and facsimile bids, on behalf of the governing body at City Hall, 515 Kansas Ave., Atchison, KS 66002, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 2 p.m. May 6, 2002, for the purchase of \$1,748,000 principal amount of General Obligation Bonds, Series 2002-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, except one bond in the denomination of \$3,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated May 15, 2002, and will become due on September 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 2003 | \$ 68,000 |
| 2004 | 70,000 |
| 2005 | 75,000 |
| 2006 | 240,000 |
| 2007 | 195,000 |
| 2008 | 200,000 |
| 2009 | 210,000 |
| 2010 | 220,000 |
| 2011 | 230,000 |
| 2012 | 240,000 |

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 March 1, 2003.

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 \$34,960 (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 regis-

tered without cost to the successful bidder on or about May 28, 2002, to 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 2001 is \$57,678,292. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$14,663,000.

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 Kelly DeMeritt, director of finance, (913) 367-5500, fax (913) 367-3654; or from the financial advisor, George K. Baum & Company, 435 Nichols Road, Suite 200, Kansas City, MO 64112, Attention: David Arteberry or Kyle Patino, (816) 821-7195, fax (816) 283-5326.

Dated April 15, 2002.

City of Atchison, Kansas

Doc. No. 027824

(Published in the Kansas Register April 25, 2002.)

**Summary Notice of Bond Sale
City of Rose Hill, Kansas**

\$800,000

General Obligation Bonds, Series 2002

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated April 1, 2002, written bids will be received by the clerk of the City of Rose Hill, Kansas (the issuer), on behalf of the governing body at 306 N. Rose Hill Road, Rose Hill, KS 67133, until 6:30 p.m. May 6, 2002, for the purchase of \$800,000 principal amount of General Obligation Bonds, Series 2002. 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 May 1, 2002, and will become due on October 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 2003 | \$20,000 |
| 2004 | 40,000 |
| 2005 | 40,000 |
| 2006 | 45,000 |
| 2007 | 45,000 |
| 2008 | 50,000 |
| 2009 | 50,000 |

| | |
|------|--------|
| 2010 | 55,000 |
| 2011 | 55,000 |
| 2012 | 60,000 |
| 2013 | 60,000 |
| 2014 | 65,000 |
| 2015 | 70,000 |
| 2016 | 70,000 |
| 2017 | 75,000 |

(Published in the Kansas Register April 25, 2002.)

**Summary Notice of Sale
City of Olathe, Kansas**

\$39,100,000*

**General Obligation Temporary Notes
Series 2002-A**

\$12,210,000*

**General Obligation Bonds
Series 200**

**(General obligations payable from
unlimited ad valorem taxes)**

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2003.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds 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 \$16,000 (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 May 28, 2002, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$18,173,722. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$3,725,000.

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) 776-2712, fax (316) 776-2769; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351, fax (316) 264-9370.

Dated April 1, 2002.

City of Rose Hill, Kansas

Doc. No. 027822

Bids

Subject to the notice of sale and preliminary official statement, sealed, facsimile and electronic bids for the purchase of \$39,100,000* of General Obligation Temporary Notes, Series 2002-A, and \$12,210,000* of General Obligation Bonds, Series 200, of the City of Olathe, Kansas, will be received (1) in the case of sealed and facsimile bids, by the director of financial services at the address and fax number hereinafter set forth, and (2) in the case of electronic bids, through *PARITY* electronic bid submission system, until 11 a.m. for the notes and until noon for the bonds on Tuesday, May 7, 2002, at which time such bids will be publicly read. No bid will be considered of (a) less than 99.50 percent of the principal amount of the notes and accrued interest to the date of delivery, and (b) less than 99.25 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Note Details

The notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof. Notes shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the notes will be made. Individual purchases of notes will be made in book-entry form only. Purchasers will not receive certificates representing their interest in notes purchased. The notes will be dated May 15, 2002, and will become due on June 1, 2003. The notes will bear interest from the dated date at a rate to be determined when the notes are sold, which interest will be payable at maturity on June 1, 2003. The Olathe city treasurer will be the note paying agent and note registrar for the notes.

Bond Details

The bonds will consist of fully registered certificated bonds in the denomination of \$5,000 or any integral multiple thereof. Bonds shall initially be registered in the name of Cede & Co., as nominee of the Depository Trust Company, New York, New York, to which payments of principal of and interest on the bonds will be made. Individual purchases of bonds will be made in book-entry form only. Purchasers will not receive certificates representing their interest in bonds purchased. The bonds will be dated May 15, 2002, and will become due annually on April 1, beginning April 1, 2003, in the years as follows:

| | |
|-------------|-------------------------|
| Year | Principal Amount |
| 04/01/03 | \$1,225,000 |

(continued)

| | |
|----------|-----------|
| 04/01/04 | 1,225,000 |
| 04/01/05 | 1,220,000 |
| 04/01/06 | 1,220,000 |
| 04/01/07 | 1,220,000 |
| 04/01/08 | 1,220,000 |
| 04/01/09 | 1,220,000 |
| 04/01/10 | 1,220,000 |
| 04/01/11 | 1,220,000 |
| 04/01/12 | 1,220,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on April 1 and October 1 in each year, beginning October 1, 2002. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

Redemption Prior to Maturity

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

Good Faith Deposit

Each bid for the notes shall be accompanied by a good faith deposit in the form of a cashier's or certified check or a financial surety bond in the amount of 1 percent of the principal amount of the notes. Each bid for the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Delivery

The city will pay for preparing the notes and the bonds. The city will deliver the notes and bonds in book-entry form only through the facilities of the Depository Trust Company, New York, New York, on or about May 29, 2002.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$992,569,521. The total general obligation indebtedness of the city as of the date of the notes and bonds, including the notes and bonds but excluding the notes to be retired with the proceeds of the notes and bonds, is \$118,064,496, and the total general obligation indebtedness of the city as of December 31, 2001, for debt limitation purposes was \$60,052,466.

Approval of Bonds

The bonds and notes will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds/notes will be furnished and paid for by the city, will accompany the bonds and notes and will be delivered to the successful bidder when the bonds/notes are delivered.

Additional Information

Additional information regarding the bonds and the notes may be obtained from Kevin Hammeke, the city's director of financial services, (913) 393-6210; or from the city's financial advisor, George K. Baum & Company, Kansas City, Missouri, Attention: Dave Arteberry, (816) 474-1100.

Dated April 16, 2002.

City of Olathe, Kansas
Kevin Hammeke
Director of Financial Services
201 N. Cherry St.
Olathe, KS 66061
Fax (913) 393-6283

* Preliminary; subject to change.

Doc. No. 027834

State of Kansas

Kansas Military Board

Notice of Meeting

The Kansas Military Board of the Adjutant General's Department will meet at 9:30 a.m. Thursday, May 2, at the State Defense Building, Conference Room 102, 2800 S.W. Topeka Blvd., Topeka. Any individual with a disability may request accommodation in order to participate in the meeting. Requests for accommodation should be made at least two working days in advance of the meeting by contacting Tracey Talley at (785) 274-1001.

Tracey Talley
Executive Secretary to
the Adjutant General

Doc. No. 027845

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 11-13 by the 2002 Kansas Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (785) 296-4096. Full texts of bills, bill tracking and other information may be accessed at ink.org/public/legislative.

Senate Resolutions

SR 1839, A resolution congratulating and commending the Kansas Association of Retired School Personnel upon its 50th Anniversary.

SR 1840, A resolution congratulating and commending the Kansas State University womens basketball team.

SR 1841, A resolution congratulating and commending the Seward County Community College womens basketball team and Coach Jim Littell for winning the 2002 National Junior College Athletic Association Division I womens national championship.

SR 1842, A resolution congratulating and commending Captain Mark D. Nutsch.

SR 1843, A resolution relating to the rules of the Senate for 2001-2004; amending rule 41, relating to committee of the whole.

SR 1844, A resolution congratulating and commending the Topeka Lutheran School girls basketball team and Coach Walt Malone for winning third place at the National Lutheran Tournament of Champions.

SR 1845, A resolution congratulating and commending Scott Toland for winning the All-Kansas Spelling Bee.

SR 1846, A resolution congratulating and commending the William Allen White Children's Book Award on its 50th Anniversary.

SR 1847, A resolution concerning the Dr. Martin Luther King Jr. memorial highway.

Doc. No. 027813

State of Kansas

Law Enforcement Training Commission

Notice of Meeting

The Kansas Law Enforcement Training Commission will meet at 10 a.m. Tuesday, May 14, at the Kansas Law Enforcement Training Center, located 12 miles southeast of Hutchinson, south of K-96 at the Hutchinson Air Base Industrial Tract (HABIT), the former Naval Air Station, or 1 mile west and 1 mile south of Yoder. The meeting is open to the public.

Darrell Wilson
Chairperson

Doc. No. 027833

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 an advisory board meeting from 9 to 11 a.m. Saturday, May 4, at the Chanute Memorial Building, Alliance Room, 101 S. Lincoln St., Chanute. The purpose of the meeting is to discuss issues concerning the Hispanic community and activities of board members, and to generate new ideas on ways to help the Hispanic community. The public is invited to attend.

Richard E. Beyer
Secretary of Human Resources

Doc. No. 027829

(Published in the Kansas Register April 25, 2002.)

**Summary Notice of Bond Sale
City of Conway Springs, Kansas
\$428,000**

**General Obligation Bonds, Series 2002
(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated April 4, 2002, written bids will be received by the clerk of the City of Conway Springs, Kansas (the issuer), on behalf of the governing body at City Hall, 208 W. Spring, P.O. Box 187, Conway Springs, KS 67031, until 6:30 p.m. May 9, 2002, for the purchase of \$428,000 principal amount of General Obligation Bonds, Series 2002. 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, except one bond in the denomination of \$3,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated May 1, 2002, and will become due on December 1 in the years as follows:

| Year | Principal Amount |
|------|------------------|
| 2003 | \$23,000 |

| | |
|------|--------|
| 2004 | 35,000 |
| 2005 | 40,000 |
| 2006 | 40,000 |
| 2007 | 45,000 |
| 2008 | 45,000 |
| 2009 | 45,000 |
| 2010 | 50,000 |
| 2011 | 50,000 |
| 2012 | 55,000 |

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2003.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds 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 \$8,560 (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 May 30, 2002, to DTC for the account of the successful bidder or at such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$5,454,314. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold but excluding temporary notes to be retired in conjunction therewith, is \$1,908,000.

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, (620) 456-2345, fax (620) 456-3294; or from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351, fax (316) 264-9370.

Dated April 4, 2002.

City of Rose Hill, Kansas

Doc. No. 027823

State of Kansas

Secretary of State

Certification of New State Laws

I, Ron Thornburgh, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Ron Thornburgh
Secretary of State

(Published in the Kansas Register April 25, 2002.)

HOUSE BILL No. 2680

AN ACT concerning wildlife and parks; relating to violations of wildlife and parks laws; concerning cash bonds; changing the name of Toronto state park to Cross Timbers state park at Toronto Lake; amending K.S.A. 32-837 and 32-1050 and repealing the existing sections.

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

Section 1. K.S.A. 32-1050 is hereby amended to read as follows: 32-1050. (a) Whenever any person is issued a citation by a conservation officer or deputy conservation officer of the wildlife and parks conservation service or by any law enforcement officer for any of the violations described in subsection (b), the officer may require such person to give bond in the amount specified in subsection (b) for the offense for which the person was charged, which bond shall be subject to forfeiture if the person does not appear at the court at the time specified in the written citation. The bond shall be a cash bond and shall be payable using cash or legal tender identified as travelers checks, certified checks, cashiers checks, personal checks and postal money orders. The cash bond shall be taken in the following manner: The officer shall furnish the person charged with a stamped envelope addressed to the judge or clerk of the court named in the written citation and the person shall place in such envelope the amount of the bond, and in the presence of the officer shall deposit the same in the United States mail. After having complied with these requirements, the person charged need not sign the citation, but the officer shall note the amount of the bond mailed on the citation and shall give a copy of such citation to the person.

(b) The offenses for which a cash bond may be required as provided in subsection (a) and the amounts thereof shall be as follows, subject to increase at the discretion of the court:

| | |
|---|---------|
| Engaging in any activity without a required valid license, permit, stamp or other issue of the department..... | \$53 |
| Engaging in any activity without a required valid license or permit, other than a big game permit or a license or permit for commercial activity..... | \$100 |
| Engaging in any activity without a required stamp or other issue of the department..... | 75 |
| Engaging in any commercial activity without a required valid license or permit..... | 500 |
| Engaging in any big game hunting without a required valid big game permit..... | 500 |
| Making misrepresentation to secure license, permit, stamp or other issue of the department..... | 100 250 |
| Taking wildlife, except big game, unlawfully (including but not limited to taking wildlife before or after legal taking hours, during closed season, or using unlawful equipment, means or method)..... | 53 100 |
| Taking wildlife during closed season..... | 53 |
| Carrying unplugged shotgun..... | 53 75 |
| Exceeding bag or possession limit, except big game - \$20 \$25 for each animal in excess of the bag or possession limit, plus..... | 53 75 |
| Exceeding big game bag or possession limit - \$100 for each animal in excess of the bag or possession limit, plus..... | 250 |
| Taking wildlife with unlawful aid of motor vehicle, radio or artificial light..... | 123 |
| Unlawful transporting of wildlife..... | 100 150 |
| Taking wildlife, except big game, unlawfully..... | 53 |

| | |
|---|---------|
| Taking big game unlawfully (including but not limited to taking big game before or after legal taking hours, during closed season, or using unlawful equipment, means or method)..... | 300 500 |
| Failing to wear and properly display required clothing during a big game hunting season..... | 53 75 |
| Taking wildlife using unlawful equipment, means or methods..... | 53 |
| Taking wildlife when operating an amount of equipment in excess of that legally authorized..... | 53 75 |
| Exceeding creel or possession limit - \$20 \$25 for each animal in excess of the creel or possession limit, plus..... | 53 75 |
| Operating vessel without a certificate of number or registration..... | 23 50 |
| Operating vessel without proper display of required identification number..... | 23 50 |
| Failing to properly display required lights on vessel between sunset and sunrise..... | 23 50 |
| Operating vessel without correct number or approved types of adult personal flotation devices - \$10 \$25 for each adult personal flotation device violation, plus..... | 23 50 |
| Operating vessel without correct number or approved types of child personal flotation devices - \$50 for each child personal flotation device violation, plus..... | 100 |
| Operating vessel without required number of personal flotation devices readily accessible and in good and serviceable condition - \$10 \$25 for each personal flotation device violation, plus..... | 23 50 |
| Operating vessel without required number or approved types of fire extinguishers..... | 23 50 |
| Operating vessel in restricted area..... | 23 50 |
| Operating vessel without required observer or rearview mirror on vessel..... | 23 50 |
| Operating vessel without required equipment or in excess of capacity plate limitations..... | 23 50 |
| Unlawful altering, destroying or removing of capacity plate..... | 23 100 |

(c) For any violation of the wildlife and park laws of this state or rules and regulations adopted thereunder for which a cash bond is not specified in subsection (b), the court may establish a cash bond amount.

(d) There shall be added to the amount of cash bond required pursuant to subsections (b) and (c) the amount of the fish and game docket fee as prescribed by K.S.A. 28-172a, and amendments thereto for crimes defined in chapter 32 of the Kansas Statutes Annotated, and amendments thereto.

(e) In the event of forfeiture of any of the bonds set forth in this section, the amount added by (d) to the amount of the cash bond shall be regarded as a docket fee.

New Sec. 2. The name of Toronto state park in Woodson county is hereby changed to Cross Timbers state park at Toronto Lake.

Sec. 3. K.S.A. 32-837 is hereby amended to read as follows: 32-837. (a) The following parks have been designated as a part of the state park system: (1) Kanopolis-Mushroom Rock state park in Ellsworth county; (2) Cross Timbers state park at Toronto state park Lake in Woodson county; (3) Fall River state park in Greenwood county; (4) Cedar Bluff state park in Trego county; (5) Tuttle Creek state park in Pottawatomie and Riley counties; (6) Pomona state park in Osage county; (7) Cheney state park in Kingman and Reno counties; (8) Lake Crawford state park in Crawford county; (9) Lovewell state park in Jewell county; (10) Lake Meade state park in Meade county; (11) Prairie Dog state park in Norton county; (12) Webster state park in Rooks county; (13) Wilson state park in Russell county; (14) Milford state park in Geary county; (15) Lake Scott state park in Scott county; (16) Elk City state park in Montgomery county; (17) Perry state park in Jefferson county; (18) Glen Elder state park in Mitchell county; (19) El Dorado state park in Butler county; (20) Eisenhower state park in Osage county; (21) Clinton state park in Douglas and Shawnee counties; (22) Sand Hills state park in Reno county; and (23) Hillsdale state park in Miami county.

(b) No state park named in subsection (a) shall be removed from the state park system without legislative approval.

Sec. 4. K.S.A. 32-837 and 32-1050 are hereby repealed.

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

(Published in the Kansas Register April 25, 2002.)

HOUSE BILL No. 2697

AN ACT concerning civil procedure for limited actions; amending K.S.A. 2001 Supp. 61-2910 and repealing the existing section.

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

Section 1. K.S.A. 2001 Supp. 61-2910 is hereby amended to read as follows: 61-2910. Upon motion of any party *and for good cause shown*, the court ~~shall may~~ order that an action filed under the code of civil procedure for limited actions, except an action filed pursuant to the small claims procedure act, article 27 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto, shall thereafter be governed by the provisions of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The party obtaining an order under this section shall pay any additional docket fee required had the action been filed under chapter 60 of the Kansas Statutes Annotated, and amendments thereto. Upon such order of the court and payment of any additional docket fee, the clerk of the district court shall renumber the case as a case filed under chapter 60 of the Kansas Statutes Annotated, and amendments thereto, in the same manner as required by K.S.A. 60-2418, and amendments thereto.

Sec. 2. K.S.A. 2001 Supp. 61-2910 is hereby repealed.

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

(Published in the Kansas Register April 25, 2002.)

HOUSE BILL No. 2947

AN ACT concerning municipal bonds; relating to interest thereon; amending K.S.A. 10-1009 and repealing the existing section.

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

Section 1. K.S.A. 10-1009 is hereby amended to read as follows: 10-1009. (a) The maximum stated rate of interest which may be fixed on fixed-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the day the bonds are sold and shall not exceed the daily yield for the ~~thirty-year~~ *ten-year* treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus ~~2%~~ *(1) three percent, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) four percent, if the interest on the bonds is included in gross income for federal income tax purposes.*

(b) The maximum stated rate of interest which may be fixed on variable-rate bonds issued by a municipality or taxing subdivision of the state of Kansas shall be determined on the date on which the rate is determined in accordance with the resolution or ordinance of the issuer and shall not exceed the daily yield for the ~~thirty-year~~ *ten-year* treasury bonds published by The Bond Buyer, in New York, New York, on the Monday next preceding such date, plus ~~2%~~ *(1) three percent, if the interest on the bonds is excluded from gross income for federal income tax purposes or (2) four percent, if the interest on the bonds is included in gross income for federal income tax purposes.*

(c) ~~Except as provided for variable rate bonds, the maximum rate of interest specified in this section shall be applicable to bonds issued after the effective date of this act pursuant to proceedings initiated either before or after the effective date of this act. The maximum rate of interest on variable rate bonds issued prior to the effective date of this act shall be the higher of (1) the maximum rate of interest specified by subsection (a) or (b) of this section, as in effect prior to the effective date of this act, (2) the maximum rate of interest specified in this section or (3) the rate for such variable rate bonds specified in the documents authorizing the issuance thereof.~~

Sec. 2. K.S.A. 10-1009 is hereby repealed.

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

(Published in the Kansas Register April 25, 2002.)

HOUSE BILL No. 2982

AN ACT concerning the affixing of cigarette tax stamps and meter impressions and payment of tax on roll-your-own tobacco.

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

Section 1. (a) No person may affix, or cause to be affixed, tax stamps or meter impressions to individual packages of cigarettes or pay the required tax on roll-your-own tobacco in accordance with K.S.A. 79-3371, and amendments thereto, unless the tobacco product manufacturer that makes or sells such cigarettes or roll-your-own tobacco has:

- (1) Become a participating manufacturer; or
- (2) made all required escrow payments.

(b) Not later than July 1, 2002, the attorney general shall develop a list, to be posted on the attorney general's website, of all tobacco product manufacturers that have become participating manufacturers or made all required escrow payments. This list shall include the brand families identified by each such tobacco product manufacturer under subsection (c). The list shall be updated as necessary. A person may rely upon the attorney general's list in affixing or causing to be affixed stamps or meter impressions to individual packages of cigarettes or paying the tax on roll-your-own tobacco as required by K.S.A. 79-3371, and amendments thereto, of any brand family included on the list.

(c) In order to be included on the list developed by the attorney general under subsection (b), a tobacco product manufacturer shall (1) submit to the attorney general a list of brand families whose cigarettes are to be counted in calculating the participating manufacturer's annual payments under the master settlement agreement or required escrow payments whichever is applicable, (2) appoint a registered agent for service of process in the state and identify such registered agent to the attorney general, and (3) certify, under penalty of perjury, that all escrow payments have been made by all other tobacco product manufacturers that previously made or sold brand families identified under this subsection or brand style included within such brand families, except that, if the brand family or brand style was made or sold by the manufacturer before the effective date of this act, such manufacturer shall be required only to identify such predecessor manufacturer or manufacturers. A tobacco product manufacturer may update the list to reflect changes.

(d) In addition to or in lieu of any other civil or criminal penalty provided by law, upon a finding that a licensee has violated subsection (a) or any rules and regulations adopted pursuant thereto, the director may revoke or suspend the license of any licensee in the manner provided by K.S.A. 79-3309, and amendments thereto. The director may also impose a civil fine in an amount not to exceed the greater of 500% of the retail value of the cigarettes or roll-your-own tobacco involved or \$5,000 upon a finding of a violation of subsection (a) or any rules and regulations adopted pursuant thereto. Such fine shall be imposed in the manner provided by K.S.A. 79-3391, and amendments thereto.

(e) Any cigarettes or roll-your-own tobacco that are stamped, to which a meter impression is affixed or for which tax is paid as required by K.S.A. 79-3371, and amendments thereto, in violation of subsection (a) shall be deemed contraband under K.S.A. 79-3323; and amendments thereto, and shall be subject to seizure and forfeiture as provided therein and in K.S.A. 79-3324a, and amendments thereto. All such cigarettes and roll-your-own tobacco seized and forfeited shall be destroyed. Such cigarettes and roll-your-own tobacco shall be deemed contraband whether the violation of subsection (a) is knowing or otherwise.

(f) (1) The director may require wholesale dealers and distributors to submit such information as is necessary to enable the attorney general to determine whether a nonparticipating manufacturer has made the required escrow payments.

(2) The attorney general may require nonparticipating manufacturers to submit such information as the attorney general may determine is necessary to enable the attorney general to determine whether a nonparticipating manufacturer has made the required escrow payments.

(g) The attorney general may require a nonparticipating manufacturer to make the required escrow payments in quarterly installments during the year in which the sales covered by such payments are made in order to be placed on the list developed by the attorney general under subsection (b).

(continued)

(h) (1) It shall be unlawful for a nonparticipating manufacturer, directly or indirectly, to falsely represent to any person in Kansas:

(A) Any information about a brand family pursuant to the list submitted pursuant to subsection (b);

(B) that it is a participating manufacturer;

(C) that it has made all required escrow payments; or

(D) that it has satisfied any other requirements imposed pursuant to this statute.

(2) Violation of this section is a class A, nonperson misdemeanor.

(i) The director and the attorney general may enter into a written agreement authorizing the exchange of information reasonably necessary to the enforcement and administration of this section.

(j) As used in this section:

(1) "Participating manufacturer" has the meaning ascribed thereto in subsection (a) of K.S.A. 2001 Supp. 50-6a03, and amendments thereto.

(2) "Required escrow payments" means the amounts described in subsection (b)(1) of K.S.A. 2001 Supp. 50-6a03, and amendments thereto.

(3) "Director" means the director of taxation.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 25, 2002.)

SENATE BILL No. 547

AN ACT establishing the rural Kansas self-help gas act; amending K.S.A. 66-1,150 and repealing the existing section.

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

New Section 1. As used in sections 1 through 6, and amendments thereto, the following words and phrases shall have the following meanings:

(a) "Certificate" means authority granted to a natural gas public utility to transact business pursuant to chapter 66 of the Kansas Statutes Annotated, and amendments thereto, to include any certificated area, territory or exclusive service rights;

(b) "city limits" means the area within the defined corporate limits of an incorporated city;

(c) "existing gas service utility" means a natural gas public utility that presently owns, operates, maintains and is responsible for an existing gas service line that the public utility, or its predecessor in interest, constructed from its distribution system to the point of service physically located on the property being served and which is currently being used to provide the property with firm gas service. In no event will it include a natural gas public utility that merely owns, operates, maintains or is responsible for a meter or meter station and incidental pipeline connections;

(d) "firm gas service" means the level of gas service which obligates the natural gas public utility, unless otherwise agreed between the natural gas public utility and the customer, to provide their customer with an unlimited supply of gas, available at all times and delivered to the customer's property without interruption for any reason other than force majeure;

(e) "gas" means natural gas as the term is commonly understood in the natural gas industry to include the meanings ascribed to the terms "gas" and "natural gas" in chapter 66 of the Kansas Statutes Annotated, and amendments thereto;

(f) "gas provider" means any person that provides gas, gas transportation, gas supply management or other gas services and any related facilities associated with delivering gas to a rural gas user;

(g) "gas supply system" means any well, pipeline, plant tailgate, meter or other facility which is a source of gas or which is associated with the transportation, treatment, processing or delivery of gas;

(h) "person" means an individual, association or other legal entity;

(i) "public utility" means a natural gas public utility or common carrier as defined in chapter 66 of the Kansas Statutes Annotated, and amendments thereto;

(j) "rural gas service" means all activities necessary or convenient to procure, manage, transport and deliver gas to a rural gas user; and

(k) "rural gas user" means any person currently using natural gas from a wellhead or gathering facility for agricultural purposes on property they

own, lease or operate that is located outside city limits and not presently receiving gas service from an existing gas service utility.

New Sec. 2. Any rural gas user who desires to construct its own pipeline connection to a gas supply system, and any gas provider assisting the rural gas user, shall not be considered a public utility. If the rural gas service is provided within an area where a public utility holds a certificate, the rural gas user or the rural gas user's gas provider shall first notify the existing gas service utility of their intent to provide rural gas service. If the public utility holding the certificated area is not an existing gas service utility, then the existence of such public utility and its certificate will not in any way limit the rural gas user or the rural gas user's provider in establishing and maintaining the rural gas service provided for by this act.

New Sec. 3. (a) When notified pursuant to section 2, and amendments thereto, an existing gas service utility shall have 30 days to develop plans and propose an offer to the potential rural gas user for providing rural gas service. The proposed plan shall include plans for installing facilities, price of natural gas and projected completion date.

(b) Failure of the existing gas service utility to propose an offer or complete the project by the projected completion date pursuant to subsection (a), unless otherwise agreed to by the rural gas user and the existing gas service utility, shall cause the existing gas service utility to waive such utility's exclusive right to serve the rural user.

(c) If the potential rural gas user does not accept the offer presented by the existing gas service utility, the existing gas service utility shall release the rural gas user from the certificated area or may request from the state corporation commission a determination to approve the utility's plan or allow the rural gas user to use a different public utility or gas provider to provide rural gas service.

(d) Upon request for determination described in subsection (c) and upon receipt of the proposed plans from the existing gas service utility and from the rural gas user or their provider, the state corporation shall have 30 days to complete such determination.

New Sec. 4. When two or more rural gas users combine pursuant to K.S.A. 66-104c, and amendments thereto, to operate as a nonprofit public utility (NPU), if the rural gas service is provided within an area where a public utility holds a certificate, the existence of such public utility and its certificate will not in any way limit the rural gas users, the NPU, or their gas provider, in establishing and maintaining the rural gas service provided for by this act.

New Sec. 5. All providers of rural gas service under the provisions of sections 1 through 6, and amendments thereto, will comply with all applicable pipeline safety laws including rules and regulations adopted by the state corporation commission pursuant to K.S.A. 66-1,150, and amendments thereto.

New Sec. 6. The provisions of sections 1 through 6, and amendments thereto, shall be known as the rural Kansas self-help gas act.

Sec. 7. K.S.A. 66-1,150 is hereby amended to read as follows: 66-1,150. (a) The state corporation commission is hereby authorized to adopt such rules and regulations as may be necessary to be in conformance with the natural gas pipeline safety act of 1968 (49 USCA 1671 *et seq.*), as amended. Notwithstanding the exemption provisions of K.S.A. 66-104 and 66-131, and amendments thereto, and related statutes, for the purpose of gas pipeline safety such rules and regulations shall be applicable to: (1) All public utilities and all municipal corporations or quasi-municipal corporations transporting natural gas or rendering gas utility service; (2) all operators of master meter systems, as defined by 49 C.F.R. 191.3; and (3) all operators of privately or publicly owned pipelines providing natural gas service or transportation directly to the ultimate consumer for the purpose of manufacturing goods or generating power; and (4) providers of rural gas service under the provisions of sections 1 through 6, and amendments thereto.

(b) As used in subsection (a)(3), "manufacturing goods" does not include farming or activities associated with production of oil or gas.

(c) Nothing in this section shall be construed as invalidating any present rules or regulations of the state corporation commission, concerning the regulation of pipelines and pipeline companies.

Sec. 8. K.S.A. 66-1,150 is hereby repealed.

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

State of Kansas

State Conservation Commission

Notice of Meeting

The State Conservation Commission will meet at 9 a.m. Monday, May 13, in the conference room, Suite 500, 109 S.W. 9th, Topeka. A copy of the agenda may be obtained by contacting Cathy Greene at the address above, (785) 296-3600. If special accommodations are needed, contact the agency at least three days in advance of the meeting date.

Tracy Streeter
Executive Director

Doc. No. 027814

State of Kansas

Social and Rehabilitation Services
Department on Aging

Notice of Proposed Nursing Facility Medicaid Rates for State Fiscal Year 2003, Methodology for Calculating Proposed Rates, and Rate Justifications; Notice of Intent to Amend the Medicaid State Plan Request for Comments; and Notice of Intent to Publish Final Rates

Under the Medicaid program, 42 U.S.C. 1396 et seq., the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The Secretary of Aging administers the Medicaid nursing facility services payment program on behalf of the Secretary of Social and Rehabilitation Services. As required by 42 U.S.C. 1396a(a)(13), as amended by Section 4711 of the Balanced Budget Act of 1997, P.L. No. 105-33, 101 Stat. 251, 507-08 (August 5, 1997), the budget director for the Kansas Department of Social and Rehabilitation Services (SRS) and the Secretary of the Kansas Department on Aging (KDOA) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2003, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. SRS and KDOA also are providing notice of the state's intent to submit proposed amendments to the Medicaid State Plan to the U. S. Department of Health and Human Services' Centers for Medicare and Medicaid Services (CMS) on or before September 30, 2002.

I. Methodology Used to Calculate Medicaid Per Diem Rates for Nursing Facilities.

In general, the state uses a prospective, cost-based, facility-specific rate-setting methodology to calculate nursing facility Medicaid per diem rates, including the rates proposed in this notice. The state's rate-setting methodology is contained primarily in the following described documents and authorities and in the exhibits, attachments, regulations, or other authorities referenced in them:

A. The following portions of the Kansas Medicaid State Plan maintained by SRS:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;
2. Attachment 4.19D, Part I, Subpart D;
3. Attachment 4.19D, Part I, Subpart E;
4. Attachment 4.19D, Part I, Subpart F;
5. Attachment 4.19D, Part I, Subpart I; and
6. Attachment 4.19D, Part I, Subpart S.

B. SRS regulations set out in K.A.R. Article 30-10.

Because of the large number of pages needed to reprint all the documents and authorities and the materials incorporated into them by reference, only the text of those portions of the Medicaid State Plan identified above are reprinted in this notice. Those Medicaid State Plan provisions set out in this notice appear in the versions that the state currently intends to submit to CMS as proposed Medicaid State Plan amendments on or before September 30, 2002. The proposed Medicaid State Plan amendments that the state ultimately submits to CMS may differ from the versions contained in this notice.

Copies of the documents and authorities containing the state's rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state will charge a fee for copies. Written requests for copies should be sent to:

Secretary of Aging
New England Building, Second Floor
503 S. Kansas Ave.
Topeka, KS 66603-3404
Fax (785) 296-0767

A.1 Attachment 4.19D, Part I, Subpart C, Exhibit C-1: Methods and Standards for Establishing Payment Rates for Nursing Facilities

Under the Medicaid program the State of Kansas pays nursing facilities, nursing facilities for mental health, and hospital long-term care units (hereafter collectively referred to as nursing facilities) a daily rate for care provided to residents who are eligible for Medicaid benefits. The narrative explanation of the nursing facility (NF) reimbursement formula is divided into 12 sections. The sections are: Cost Reports, Quarterly Case Mix Index (CMI) Calculation, Rate Determination, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property fee, Incentive Factor, Rate Effective Date, Retroactive Rate Adjustments and Comparable Private Pay Rates.

SECTION I: COST REPORTS

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Exhibit A-5 (K.A.R. 30-10-17). It organizes the commonly incurred business expenses of providers into four reimbursable cost centers (administration, plant operating, room and board, and health care). Ownership costs (i.e., mortgage interest, depreciation, lease and amortization of leasehold improvements) are reported but reimbursed through the real and personal property fee. There is a nonreimbursable/nonresident related cost center so that total operating expenses can be reconciled to the providers accounting records.

(continued)

All cost reports are desk reviewed by agency auditors. Adjustments are made, when necessary, to the reported costs in arriving at the allowable historic costs for the rate computations.

Calendar Year End Cost Reports

All providers not on a projected rate or in the first year of operation are required to file the uniform cost report on a calendar year basis. The requirements for filing the calendar year cost report are found in Exhibit A-5 (K.A.R. 30-10-17).

When a non-arms length change of provider takes place or an owner of the real estate assumes the operations from a lessee, the facility will be treated as an ongoing operation. In this situation, the related provider or owner shall be required to file the calendar year end cost report. The new operator or owner is responsible for obtaining the cost report information from the prior operator for the months during the calendar year in which the new operator was not involved in running the facility. The cost report information from the old and new operators shall be combined to prepare a 12-month calendar year end cost report.

Projected Cost Reports: The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program who has not actively participated or billed services for 24 months or more. The requirements are found in Exhibit A-5 (K.A.R. 30-10-17).

Historical Cost Report Covering Projected Cost Report Period or the First Year of Operation of a New Provider: The cost report requirements are found in Exhibit A-5 (K.A.R. 30-10-17).

SECTION II: QUARTERLY CASE MIX INDEX CALCULATION

Providers are required to submit to the agency the uniform assessment instrument, which is the Minimum Data Set (MDS), for each resident in the facility. The MDS assessments are maintained in a computer database.

The Resource Utilization Groups-III (RUG-III) Version 5.12b, 34 group, index maximizer model is used as the resident classification system to determine all case-mix indices, using data from the MDS submitted by each facility. Standard Version 5.12b case mix indices developed by the Health Care Financing Administration (now the Centers for Medicare and Medicaid Services) shall be the basis for calculating facility average case mix indices to be used to adjust the Direct Health Care costs in the determination of upper payment limits and rate calculation. Resident assessments that cannot be classified will be assigned the lowest CMI for the state.

Each resident in the facility on the first day of each calendar quarter with a completed and submitted assessment shall be assigned a RUG-III 34 group calculated on the resident's most current assessment available on the first day of each calendar quarter. This RUG-III group shall be translated to the appropriate CMI. From the individual resident case mix indices, three average case mix indices for each Medicaid nursing facility shall be determined four times per year based on the assessment in-

formation available on the first day of each calendar quarter.

The facility-wide average CMI is the simple average, carried to four decimal places, of all resident case mix indices. The Medicaid-average CMI is the simple average, carried to four decimal places, of all indices for residents where Medicaid is known to be the per diem payer source on the first day of the calendar quarter. The private-pay average CMI is the simple average, carried to four decimal places, of all indices for residents where private pay is known to be the per diem payer source on the first day of the calendar quarter. Individuals for which Medicare is listed as a payer source are not included in the private pay average CMI calculation.

The resident listing cut off for calculating the average CMIs will be the first day of the quarter before the rate is determined. The following are the dates for the resident listings and the quarter in which the average Medicaid CMIs will be used in the quarterly rate-setting process.

| Rate Effective Date: | Cut Off Date: |
|----------------------|---------------|
| July 1 | April 1 |
| October 1 | July 1 |
| January 1 | October 1 |
| April 1 | January 1 |

The resident listings will be mailed to providers prior to the dates the quarterly case mix adjusted rates are determined. This will allow the providers time to review the resident listings and make corrections before they are notified of new rates. The cutoff schedule may need to be modified in the event accurate resident listings and Medicaid CMI scores cannot be obtained from the MDS database.

SECTION III: RATE DETERMINATION

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is based on costs from the cost report submitted by the provider. Computer software has been developed and is used for calculating the facility specific payment rates.

The allowable expenses are divided into three cost centers. The cost centers are Operating, Indirect Health Care and Direct Health Care. They are defined in Exhibit A-6, (K.A.R. 30-10-18). NOTE: This differs from the cost report, which is divided into four cost centers. The cost report will be revised effective December 2002.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. The allowable historic per diem cost is adjusted by an inflation factor. The resident days and inflation factors used in the rate determination will be explained in greater detail in the following sections.

The inflated allowable historic per diem cost for each cost center is then compared to the cost center upper payment limit. The allowable per diem rate is the lesser of the inflated allowable historic per diem cost in each cost center or the cost center upper payment limit. Each cost center has a separate upper payment limit. If each cost center upper payment limit is exceeded, the allowable per diem rate is the sum of the three cost center upper payment limits. There also is a separate upper payment limit

for owner, related party, administrator, and co-administrator compensation. The upper payment limits will be explained in more detail in a separate section.

The case mix of the residents adjusts the Direct Health Care cost center. The theory behind a case mix payment system is that the characteristics of the residents in a facility rather than the characteristics of the facility should determine the payment rate. The idea is that certain resident characteristics can be used to predict future costs to care for residents with those same characteristics. For these reasons, it is desirable to use the case mix classification for each facility in adjusting provider rates.

There are add-ons to the allowable per diem rate. The add-ons consist of the incentive factor and the real and personal property fee. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The add-ons plus the allowable per diem rate equal the total per diem rate.

SECTION IV: RESIDENT DAYS

The allowable historic per diem costs for the Direct Health Care cost center and food is determined by dividing the allowable resident related expenses by the actual resident days during the cost report period. The allowable historic per diem cost for the Operating cost center and Indirect Health Care cost center less food is subject to an 85% minimum occupancy rule. The greater of the actual resident days for the cost report period or the 85% minimum occupancy based on the number of licensed bed days during the cost report period are used as the total resident days in the rate calculation for the Operating cost center and the Indirect Health Care cost center less food. All licensed beds are required to be certified to participate in the Medicaid program.

There are two exceptions to the 85% minimum occupancy rule. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previous provider. If the 85% minimum occupancy rule was applied to the previous provider's rate, it is also applied when the rate is assigned to the new provider. However, when the new provider files a historic cost report for the first 12 months of operation, the rate determined from the cost report will be based on actual days and not be subject to the 85% minimum occupancy rule. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

SECTION V: INFLATION FACTORS

Inflation will be applied to the allowable reported costs from the calendar year end cost reports for rates effective July 1st. The inflation will be based on the Data Resources, Inc.-WEFA, National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index). The inflation will be applied from the midpoint of the cost report period to the midpoint of the payment rate period (July 1 through June 30).

The DRI Indexes listed in the latest available quarterly publication will be used to determine the inflation tables for the payment schedules processed during the payment rate period. This will require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

For historic cost report periods ending other than the last month in a quarter, the inflation factor to be used in the calculation will be the factor for the quarter in which the cost reporting period ends. For example, a cost report period ended August 31 will receive inflation based on the calculation for a cost report period ended September 30. This approach is being used instead of trying to convert a quarterly index into monthly factors.

The Table A, "Inflation for Report Year-End Prior to July 1" (Exhibit C-2, page 1), is applied in determining rates with an effective date of July 1. The Table A Inflation for Report Year Ends After July 1" (Exhibit C-2, page 2) is applied in determining rates for noncalendar year historic cost reports with a rate effective date other than July 1.

The inflation factor is applied to all costs except the following:

- (1) Owner/Related Party Compensation
- (2) Interest Expense
- (3) Real and Personal Property Taxes

SECTION VI: UPPER PAYMENT LIMITS

There are three types of upper payment limits that will be described. One is the owner/related party/administrator/co-administrator limit. The second is the real and personal property fee limit. The last type of limit is an upper payment limit for each cost center. The upper payment limits are in effect during the payment rate period unless otherwise specified by a state plan amendment.

Owner/Related Party/Administrator/Co-Administrator Limits

Since salaries and other compensation of owners are not subject to the usual market constraints, specific limits are placed on the amounts reported. First, amounts paid to nonworking owners and directors are not an allowable cost. Second, owners and related parties who perform resident related services are limited to a salary chart based on the Kansas Civil Service classifications and wages for comparable positions. Owners and related parties who provide resident related services on less than a full-time basis have the compensation limited by the percent of their total work time to a standard work week. A standard work week is defined as 40 hours. The owners and related parties must be professionally qualified to perform services, which require licensure or certification.

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There also is a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over 5%), the time spent in the function, the compensation, and a description of the work performed for each owner and/or related party. Any salaries reported in excess of the Kansas Civil

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Service based salary chart are transferred to the Operating cost center where the excess is subject to the Owner/Related Party/Administrator/Co-Administrator per diem compensation limit.

The Schedule C is an array of nonowner administrator and co-administrator salaries. The schedule includes the most current historic cost reports in the database from all active nursing facility providers. The salary information is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months. The Schedule C for the owner/related party/administrator/co-administrator per diem compensation limit is the first schedule run during the annual rate setting.

The Schedule C is used to set the per diem limitation for all nonowner administrator and co-administrator salaries and owner/related party compensation in excess of the civil service based salary limitation schedule. The per diem limit for a 50-bed or larger home is set at the 90th percentile on all salaries reported for nonowner administrators and co-administrators. A limitation table is then established for facilities with less than 50 beds. This table begins with a reasonable salary per diem for an administrator of a 15-bed or less facility. A linear relationship is then established between the compensation of the administrator of the 15-bed facility and the compensation of the administrator of a 50-bed facility. The linear relationship determines the per diem limit for the facilities between 15 and 50 beds.

The per diem limits apply to the nonowner administrators and co-administrators and the compensation paid to owners and related parties who perform an administrative function or consultant type of service. The per diem limit also applies to the salaries in excess of the civil service based salary chart in other cost centers that are transferred to the administrative cost center.

Real and Personal Property Fee Limit

The property component of the reimbursement methodology consists of the real and personal property fee that is explained in more detail in a later section. The upper payment limit will be 105% of the median determined from a total resident day-weighted array of the inflated property fees in effect as of June 1, 2002.

Cost Center Upper Payment Limits

The Schedule B computer run is an array of all per diem costs for each of the three cost centers—Operating, Indirect Health Care and Direct Health Care. The schedule includes the most recent historic cost report in the database from all active nursing facility providers. Projected cost reports are excluded from the database.

The per diem expenses for the Operating cost center and the Indirect Health Care cost center less food are subject to the 85% minimum occupancy rule for providers reporting costs for the 13th month of operation and after. All previous desk review and field audit adjustments are considered in the per diem expense calculations. The costs are adjusted by the owner/related party/administrator/co-administrator limit.

Prior to the Schedule B arrays, the cost data on certain expense lines are adjusted for historical and forecasted inflation, where appropriate. This will bring the costs re-

ported by the providers to a common point in time for comparisons. The historic inflation will be based on the DRI Index for the cost center limits effective July 1. This historic inflation factor will adjust costs from the midpoint of each providers cost report period to the latest quarterly DRI Index for the Schedule B processing.

The forecasted inflation factor also will be based on the DRI Index. Determination of the forecasted inflation factor will begin with the quarter the historic inflation ends. It will be continued to the midpoint of the payment rate period.

Certain costs are exempt from the inflation application when setting the upper payment limits. They include owner/related party compensation, interest expense, and real and personal property taxes.

The final results of the Schedule B run are the median compilations. These compilations are needed for setting the upper payment limit for each cost center. The median for each cost center is weighted based on total resident days. The upper payment limits will be set using the following:

| | |
|----------------------|--------------------|
| Operating | 110% of the median |
| Indirect Health Care | 115% of the median |
| Direct Health Care | 120% of the median |

Direct Health Care Cost Center Limit

The Kansas reimbursement methodology has a component for a case mix payment adjustment. The Direct Health Care cost center rate component and upper payment limit are adjusted by the facility average CMI.

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of quarterly facility-wide average case mix indices, carried to four decimal places. The quarters used in this average will be the quarters that most closely coincide with the financial and statistical reporting period. For example, a 01/01/20XX-12/31/20XX financial and statistical reporting period would use the facility-wide average case mix indices for quarters beginning 01/01/XX, 04/01/XX, 07/01/XX and 10/01/XX. The statewide average CMI is the resident day-weighted average, carried to four decimals, of the facility cost report period case mix indices for all Medicaid facilities calculated effective each payment rate period.

The statewide average CMI and facility cost report period CMI are used to set the upper payment limit for the Direct Health Care cost center. The limit is based on all facilities with a historic cost report in the database. There are three steps in establishing the base upper payment limit.

The first step is to normalize each facility's Direct Health Care inflated per diem cost to the statewide average CMI. The following will describe the normalization process. A facility has an average inflated per diem cost of \$60(A) and a facility cost report period CMI of 1.4000(B). The statewide average CMI is .9500(C). First, divide the statewide average CMI (C) by the facility cost report period CMI (B) ($.9500/1.4000=.68$). Second, the quotient is then multiplied by the average inflated per diem cost (A) to determine the normalized inflated cost

at the statewide average CMI ($\$60 \times .68 = \40.80). Normalizing each facility's cost to the statewide average CMI ensures a level comparison of direct health care costs can be made when setting the upper payment limit.

The second step is to array the normalized inflated costs, based on the statewide average CMI, to determine the median. The median is located using a day-weighted methodology. That is the median cost is the per diem cost for the facility in the array at which point the cumulative total of all residents days first equals or exceeds half the number of the total resident days for all providers. The facility with the median resident day in the array sets the median inflated direct health care cost. For example, if there are 8 million resident days, the facility in the array with representing the 4 million-day would set the median.

The final step in calculating the base Direct Health Care upper payment limit is to apply the percentage factor to the median cost. For example, if the median cost is \$45 and the upper payment limit is based on 120% of the median, then the upper payment limit for the statewide average CMI would be \$54 ($D = 120\% \times \45).

Once the base limit for the Direct Health Care cost center is established at the statewide average CMI, the base limit is adjusted by each facility's cost report period CMI to determine a facility specific Direct Health Care cost center upper payment limit. The following will describe the facility specific upper payment limit process. A facility has an average facility cost report period CMI of 1.4000(A). The statewide average CMI is .9500(B). First, divide the facility cost report period average CMI (A) by the statewide average CMI (B) ($1.4000/.9500 = 1.47$). Second, the statewide average CMI limit D (\$54) is multiplied by the quotient to determine the upper payment limit for the facility ($\$54 \times 1.47 = \79.38). In the example above, the facility inflated Direct Health Care cost was \$60, which is less than the upper payment limit of \$79.38 for a facility average CMI of 1.4000.

SECTION VII: QUARTERLY CASE MIX RATE ADJUSTMENT

The allowance for the Direct Health Care cost component will be based on the average Medicaid CMI in the facility. The first step in calculating the allowance is to determine the lower of the inflated Direct Health Care cost or the facility's specific Direct Health Care upper payment limit. Using the example in the Upper Payment Limit section, the Direct Health Care cost of \$60 was less than the upper payment limit of \$79.83 for an average CMI of 1.4000.

The next step is to determine the Direct Health Care cost based on the Medicaid acuity. The Medicaid CMI is divided by the facility cost report period CMI. Using the example above, if the Medicaid average CMI is 1.6000, it is divided by 1.4000 to arrive at a quotient of 1.14 ($1.6000/1.4000$). The lower of the inflated per diem cost or the facility specific Direct Health Care upper payment limit is multiplied by the quotient to determine the Medicaid acuity adjusted allowable Direct Health Care cost. In the example, the allowable Medicaid acuity adjusted Direct Health Care cost will be \$68.40 ($\60×1.14).

For illustrative purposes, if the facility-specific upper payment limit had been \$55 for an average CMI of 1.4000, the Medicaid rate would have been calculated using the upper payment limit since it was lower than the cost of \$60. In this situation, the allowable Medicaid acuity adjusted cost would be \$62.70 ($1.14 \times \55).

The Direct Health Care component of the Medicaid rate is adjusted quarterly for changes in the Medicaid CMI. Using the first example above, if the average Medicaid CMI increases from 1.6000 to 1.7000 the following quarter, the allowance for the Direct Health Care cost would increase from \$68.40 to \$72.60. The first step is to divide the new average Medicaid CMI by the facility cost report period CMI established for the rate year (July 1 through June 30) to determine the new quotient ($1.7000/1.4000 = 1.21$). The lower of the facility specific Direct Health Care upper limit or the inflated Direct Health Care per diem cost is multiplied by the new quotient to determine the Medicaid allowance. ($1.21 \times \$60 = \72.60).

Conversely, if the average Medicaid CMI decreases from 1.6000 to 1.5000 the following quarter, the allowance for the Direct Health Care cost would decrease from \$68.40 to \$64.20. Again, the first step is to divide the new average Medicaid CMI by the facility cost report period CMI established for the rate year (July 1 through June 30) to determine the new quotient ($1.5000/1.4000 = 1.07$). The lower of the facility specific Direct Health Care upper limit of the inflation Direct Health Care per diem cost is multiplied by the new quotient to determine the Medicaid allowance. ($1.07 \times \$60 = \64.20).

SECTION VIII: REAL AND PERSONAL PROPERTY FEE

The property component of the reimbursement methodology consists of the real and personal property fee (property fee). The property fee is paid in lieu of an allowable cost of mortgage interest, depreciation, lease expense and/or amortization of leasehold improvements. The fee is facility specific and does not change as a result of a change of ownership, change in lease, or with re-enrollment in the Medicaid program.

The original property fees were implemented January 1, 1985. The property fee was comprised of two components, a property allowance and a property value factor. Ownership costs for each provider was taken from the latest cost report the agency had processed through July 1984 and used to establish the property allowance. The property value factor was then determined from an array of the property allowances for each provider. Providers enrolled in the Medicaid program after January 1, 1985, for which a property fee had not previously been calculated, received a property fee determined from ownership costs reported on their first historical cost report.

All providers will receive a new property fee, effective July 1, 2002. The first step in determining a new facility-specific property fee will be to sum the property allowance and value factor. The second step is to apply an annual inflation factor to the new property fee, which consists of the combined property allowance and value factor. The third step is to compare the inflated property fee to the upper payment limit established for the prop-

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erty fee. The provider will receive the lower of the facility-specific inflated property fee or the upper payment limit.

For providers re-enrolling in the Kansas Medical Assistance program or providers enrolling for the first time but operating in a facility that was previously enrolled in the program, the property fee shall be the sum of the last effective property allowance and the last effective value factor for that facility. The property fee will be inflated and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in Exhibit A-14 (K.A.R. 30-10-25).

There is a provision for changing the property fee. This is for a rebasing when capital expenditure thresholds are met (\$25,000 for homes under 51 beds and \$50,000 for homes over 50 beds). The original property fee remains constant but the additional factor for the rebasing is added. The property fee rebasing is explained in greater detail in Exhibit A-14 (K.A.R. 30-10-25). The rebased property fee is subject to the upper payment limit.

SECTION IX: INCENTIVE FACTOR

The incentive factor is a per diem add-on ranging from zero to fifty cents. It is based on the per diem cost of the Operating cost center less the real and personal property taxes expense line. The per diem allowance for this cost center less property taxes is determined before the owner/related party/administrator/co-administrator limitation is applied.

The incentive is designed to encourage economy and efficiency in the operating cost center. Property taxes were excluded since the provider has little control over this cost. There is an inverse relationship between the incentive factor and the per diem cost used to determine it. The higher the per diem cost, the lower the incentive factor.

The Schedule E is an array of the per diem costs used to determine the incentive factor. The schedule includes costs from the most recent historical cost report for all active providers. No projected cost reports are included. The 85% occupancy rule is applied in determining per diem costs. The costs are not adjusted for inflation.

The Schedule E summarizes all expense lines from the Operating cost center, less property taxes. The ownership costs are excluded from the array so that both older facilities (with relatively lower ownership costs) and newer facilities (with relatively higher ownership costs) can benefit from the incentive factor through efficient operations.

The total per diem costs for the operating cost center, less property taxes, are arrayed and percentiles established. These percentiles then become the basis for estab-

lishing the per diem cost ranges used to determine each provider's efficiency factor, consistent with agency policy. The ranges are defined as follows:

| Providers Percentile Ranking | Incentive Factor Per Diem |
|---------------------------------|------------------------------|
| -0- to 30th %ile | \$50 |
| 31st to 55th %ile | 40 |
| 56th to 75th %ile | 30 |
| 76th to 100th %ile | -0- |

SECTION X: RATE EFFECTIVE DATE

Rate effective dates are determined in accordance with Exhibit A-7 (K.A.R. 30-10-19). The rate may be revised for an add-on reimbursement factor (i.e., rebased property fee), desk review adjustment or field audit adjustment.

SECTION XI: RETROACTIVE RATE ADJUSTMENTS

Retroactive adjustments, as in a retrospective system, are made for the following three conditions:

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the historic cost report data used to determine the prospective payment rate was in error. The prospective payment rate period is adjusted for the corrections.

If a projected cost report is approved to determine an interim rate, a settlement also is made after a historic cost report is filed for the same period.

And last, when a new provider, through an arms-length transaction, is reimbursed the rate of the prior provider and files a historic cost report for the first 12 months of operation, a rate adjustment is made beginning with the first day after the cost report period. For example, if the first historic cost report is filed for the 12-month period ended June 30, but the rate from the cost report is not entered into the payment system until October 1, then there will be a retroactive rate adjustment from July 1 through September 30.

All settlements are subject to upper payment limits. A provider is considered to be in projection status if they are operating on a projected rate and they are subject to the retroactive rate adjustment.

SECTION XII: COMPARABLE PRIVATE PAY RATES

The last factor considered in determining a provider's Medicaid per diem payment rate is their private pay rate. Providers are reimbursed the lower of the calculated Medicaid rate or their private pay rate. The agency maintains a registry of private pay rates. It is the responsibility of the providers to send in private pay rate updates so that the registry is updated. When new Medicaid rates are determined, if the private pay rate reflected in the registry is lower, then the provider is held to that private pay rate until the provider sends notification that it has a higher private pay rate.

Case Mix Adjustments to Private Pay Rates

Private pay rates submitted to the agency are adjusted up if a provider's average CMI for its private pay/other residents is lower than its Medicaid average CMI. This is accomplished by multiplying the provider's average private pay rate in the private pay registry by the ratio of their Medicaid average CMI to their average CMI for private pay. This ensures that providers' Medicaid rates are not limited to a lower private pay rate that may be attrib-

uted to the lower acuity of the private pay residents. There is no adjustment to private pay rates if the facility's Medicaid average CMI is less than its average CMI for the private pay/other residents. There also is no adjustment to private pay rates if the facility's total Medicaid rate is less than its average private pay rate.

**A.2 Attachment 4.19D, Part I, Subpart D:
Levels of Care**

This section of the Medicaid State Plan previously defined levels of care based upon bed capacity. This distinction will no longer be recognized. This subpart of the State Plan is being reserved for future use.

**A.3 Attachment 4.19D, Part I, Subpart E:
Reimbursement Rates When Two or More
Nursing Facilities Merge Under One License**

The Kansas Department of Health and Environment (KDHE) instituted a policy wherein if two nursing facilities meet certain policy criteria, KDHE will issue one license for two facilities. Subpart E will explain the methods and standards for establishing payment rates when two or more facilities are merged under one license.

**Merged Facilities in Operation Over 12 Months and
With Rates from Calendar Year Cost Reports**

Providers who have participated in the Medicaid program for 12 months or longer are required to file a calendar year Nursing Facility Financial and Statistical Report (cost report). The cost report is used to determine the rate that is effective the following July 1. The following is how the rates will be determined for two or more nursing facilities that are merged on one license and that have been paid Medicaid rates based on the submission of the calendar year cost reports.

Initial Rates:

When multiple facilities are joined on one license, each facility will continue to receive the Medicaid reimbursement rate that was set for each facility. The rates are based on the latest cost report filing. If each facility had filed a calendar year cost report for a rate for the following July 1, they would continue to be paid the separate rates that were effective July 1 following the merger. The provider will bill the fiscal agent using the provider numbers specific to each facility.

For example, two facilities combined under one license on June 1, 1998. Each facility will be paid their separate rates for June 1998 services based on the calendar year 1996 cost reports filed for each. They will be paid their separate rates for services beginning July 1998 through June 1999, based on the calendar year 1997 cost reports filed for each facility.

Subsequent Rates:

The provider will file one cost report for the facilities under one license for the calendar year following the merger. The calendar year end cost report will be for 12 months. The cost report will consist of the individual operations of each facility for the first part of the calendar year and the combined operations, after the merger, for the remaining part of the calendar year. This calendar year cost report will be used to set one rate for the facilities under one license on the following July 1. At that

time, all but one of the provider numbers will be deactivated and the remaining provider number will be used for the multiple facilities.

For example, two facilities combined under one license on June 1, 1998. The provider will be required to file one cost report for the period January 1 through December 31, 1998. The cost report will consist of the individual operations of each facility through May 31st and the combined operations of the two from June 1 through December 31, 1998. The cost report will be used to establish one rate for the two nursing facilities effective July 1, 1999.

**Merged Facilities When One or More is Not on
Calendar Year Cost Reporting**

A cost report may be filed for a period other than the calendar year when one of the following criteria is met:

- 1) There is a recognized change of providers.
- 2) A newly constructed facility enters the program.
- 3) A facility that has been out of the Medicaid program for two years re-enters.
- 4) A facility, which never participated in the Medicaid program, enters.

In these situations, the cost report covers the first 12 months of operation, which may not coincide with the calendar year.

For example, a recognized change of provider is effective March 1, 1998. The first cost report would cover the period from March 1, 1998 through February 28, 1999. The cost report submission would be used to determine the Medicaid rate until the subsequent cost report is filed for the calendar year 1999. The calendar year 1999 submission would determine a rate effective July 1, 2000.

Initial Rates:

When multiple facilities are joined on one license and one or more has a cost report submission on other than a calendar year, each facility will continue to receive the Medicaid reimbursement rate that was set for each facility. The rates are based on the latest cost report filing. The provider will bill the fiscal agent using the provider numbers specific to each facility.

For example, two facilities combined under one license on June 1, 1998. Facility A has been filing calendar year cost reports and will be paid a separate rate for June 1998 services based on the calendar year 1996 cost report. Facility A will be paid a separate rate for services beginning July 1998 through June 1999, based on the calendar year 1997 cost report.

Facility B was recognized as a change of provider on March 1, 1998. Facility B received the previous provider's rate based on the calendar year 1996 cost report filed by the previous provider. Facility B will continue to receive rates based on the calendar year 1996 cost report until the first cost report is filed for the period from March 1, 1998 through February 28, 1999. The rate from the first cost report will be effective March 1, 1999. The cost report will be used to set a new rate on July 1, 1999, when the new upper payment limits, incentive ranges and inflation factors are applied.

Subsequent Rates:

The provider will file one cost report for Facilities A and B for the first common calendar year reporting fol-

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lowing the merger and the first cost report is filed for Facility B. The calendar year end cost report will be for 12 months. The cost report will consist of the individual operations of each facility for the first part of the calendar year and the combined operations, after the merger, for the remaining part of the calendar year. This calendar year cost report will be used to set one rate for the facilities under one license on the following July 1st. At that time, all but one of the provider numbers will be deactivated and the remaining provider number will be used for the multiple facilities.

Facility A will be required to file a calendar year cost report for the period January 1 through December 31, 1998. The cost report will set the rate for July 1, 1999. Facility B will be required to file a 12-month cost report for the period from March 1, 1998 through February 28, 1999 for new rates.

The first combined cost report for facilities A and B will be for calendar year 1999. It will consist of the individual operations of each facility through February 28, 1999, and the combined operations of the two from March 1 through December 31, 1999. The cost report will be used to establish one rate for the two nursing facilities effective July 1, 2000. At that time, all but one of the provider numbers will be deactivated and the remaining provider number will be used for the multiple facilities.

Merged Facilities When One or More Files a Cost Report for the Period Ended December 31 for a Rate Effective on January 1

A cost report will be filed for a period ended December 31 when a change is within one month of the calendar year end and one of the following criteria is met:

- 1) There is a recognized change of providers.
- 2) A newly constructed facility enters the program.
- 3) A facility that has been out of the Medicaid program for two years re-enters.
- 4) A facility, which never participated in the Medicaid program, enters.

The provider files a 12-month historic cost report on the calendar year end if the change above was effective January 1. If the change were effective February 1, an eleven-month cost report would be filed for the period ended on December 31. If a change was effective on December 1, a 13-month cost report would be filed for the period ended on the following December 31. The rate effective date of the cost report would be January 1.

The three scenarios below will explain how the rates will be determined if two facilities merged and one or more of the facilities met one of the four criteria above and filed a cost report for a period ended on December 31.

Scenario One: Provider files 12-Month Cost Report Ending on December 31 for a January 1 Rate:

Two facilities combine under one license on June 1, 1998. Facility A has been filing calendar year cost reports for rates. Facility B was recognized as a change of provider on January 1, 1998.

Initial Rates:

Facility A will be paid a separate rate for June 1998 services based on the calendar year 1996 cost report. It

will be paid a separate rate for services beginning July 1998 through June 1999, based on the calendar year 1997 cost report.

Facility B received the previous provider's rate for January through December 1998, based on the calendar year 1996 cost report filed by the previous provider. Facility B will continue to receive rates based on the calendar year 1996 cost report until the first cost report is filed for the period from January 1, 1998 through December 31, 1998.

Subsequent Rates:

The provider will file a cost report for Facility B for the 12-month period ended December 31, 1998. The cost report would reflect only that facility's first year of operation and would be used to set a rate for January 1, 1999.

The provider will file another combined 12-month cost report for Facilities A and B for calendar year 1998. This calendar year cost report will be used to set one rate for the facilities under one license on July 1, 1999. At that time, all but one of the provider numbers will be deactivated and the remaining provider number will be used for the multiple facilities.

Scenario Two: Provider files 11-Month Cost Report Ending on December 31 for a January 1 Rate:

Two facilities combine under one license on June 1, 1998. Facility A has been filing calendar year cost reports for rates. Facility B was recognized as a change of provider on February 1, 1998.

Initial Rates:

Facility A will be paid a separate rate for June 1998 services based on the calendar year 1996 cost report. It will be paid a separate rate for services beginning July 1998 through June 1999, based on the calendar year 1997 cost report.

Facility B received the previous provider's rate for February through December 1998, based on the calendar year 1996 cost report filed by the previous provider. Facility B will continue to receive rates based on the calendar year 1996 cost report until the first cost report is filed for the 11-month period from February 1, 1998 through December 31, 1998.

Subsequent Rates:

Since the change of provider in Facility B is effective February 1, 1998, the first cost report will be filed for the 11-month period from February 1, 1998 to December 31, 1998. The cost report would reflect only that facility's operation for the 11-month period and would be filed to set a rate for January 1, 1999.

A second combined cost report would be filed for both Facilities A and B for calendar year 1998. It would reflect 12 months of operation for Facility A and 11 months of operation for Facility B. The combined cost report would be used to set a rate for July 1, 1999. At that time, all but one of the provider numbers will be deactivated and the remaining provider number will be used for the multiple facilities.

Scenario Three: Provider files 13-Month Cost Report Ending on December 31 for a January 1 Rate:

Two facilities combine under one license on June 1, 1998. Facility A has been filing calendar year cost reports

for rates. Facility B was recognized as a change of provider on December 1, 1997.

Initial Rates:

Facility A will be paid a separate rate for June 1998 services based on the calendar year 1996 cost report. It will be paid a separate rate for services beginning July 1998 through June 1999, based on the calendar year 1997 cost report.

Facility B received the previous provider's rate from December 1997 through December 1998, based on the calendar year 1996 cost report filed by the previous provider. Facility B will continue to receive rates based on the calendar year 1996 cost report until the first cost report is filed for the 13-month period from December 1, 1997 through December 31, 1998.

Subsequent Rates:

Since the change of provider in Facility B is effective December 1, 1997, the first cost report will be filed for the 13-month period from December 1, 1997 to December 31, 1998. The cost report would reflect only that facility's operation for the 13-month period and would be filed to set a rate for January 1, 1999.

A second combined cost report would be filed for both Facilities A and B for calendar year 1998. It would reflect 12 months of operation for both Facilities A and B (not a 13-month period for Facility B). The combined cost report would be used to set a rate for July 1, 1999. At that time, all but one of the provider numbers will be deactivated and the remaining provider number will be used for the multiple facilities.

Combined Calendar Year Cost Report for Nursing Facilities Merged Under One License

The cost reports will be for the full 12-month calendar year except if the 11-month cost report period applies. The number of beds, resident days, Medicaid days and Medicare days will be the total for the facilities merged under one license. All changes in the number of beds during the calendar year will need to be reflected for the merged facilities.

The working trail balances for the merged facilities will need to be combined to fill out the schedules in the cost report. Schedule A, Expense Statement shall reflect the total staff hours and the total direct and in-direct expenditures for the merged facilities. The total revenue and related revenue offsets in Schedule G, Revenue Statement, shall be the total for the merged facilities. For part of the calendar year, the working trail balance may reflect the independent operations for each facility and then following the merger the working trail balance may be consolidated. The working trail balances shall reconcile to the applicable cost report schedules. A schedule that lists all general ledger accounts grouped by cost report line number shall be submitted with the combined cost report.

Resident Days Used in Denominator

The allowable historic per diem costs for the Direct Health Care cost center is determined by dividing the allowable resident related expenses by the actual resident days during the cost report period. The allowable historic per diem cost for the Operating cost center and Indirect Health Care cost center less food is subject to an 85% min-

imum occupancy rule. The greater of the actual resident days reported for the merged facilities or days calculated at the 85% minimum occupancy will be used in the denominator of the rate calculation. If the 85% occupancy rule does not apply during the first 12 months of operation of a facility, then actual days will be used for that facility for the period that the rule does not apply. A merged facility is not treated as being in the first 12 months of operation if the provider had operated the independent facilities previously. If only one of the facilities did not have the 85% occupancy rule applied then the provider will need to report the number of beds and resident days separate for that facility so that the available bed days for the merged facilities can be determined.

Real and Personal Property Fee (Property Fee) for Merged Facilities

The data elements in the most current property fee for each facility will be merged to determine the combined property fee for the facilities merged under one license. The resident days reflected in the Real and Personal Property Fee Component summary for each facility will be totaled. For example, if Facility A has 10,000 resident days reflected and Facility B has 15,000 days, the total days will be 25,000.

Each of the four expense components (interest, depreciation, rent/lease and amortization of leasehold improvements) will be summed for the facilities merged. The total of the four expense components will then represent the total property fee expenses for the merged facilities.

The property allowance will be based on the weighted-average of the merged facilities. For example, Facility A has a property allowance of \$4.00 per day and the current Real and Personal Property Fee Component line reflects 10,000 resident days and Facility B has a property allowance of \$5.00 per day and 15,000 resident days. The weighted-average property allowance will be $\$4.60$ ($\$4 \times 10,000 \text{ days} + \$5 \times 15,000 = \$115,000/25,000 \text{ total days} = \4.60).

The value factor will be based on the Medicare per diem property allowance ranges if all or part of the merged facilities is certified to participate in the Medicare skilled nursing facility program. If none of the merged facilities are Medicare certified, then the Nursing Facility per diem ranges are used. In the example above, if one of the facilities was Medicare certified, the value factor would be \$34 for a total property fee of \$4.94. If both facilities were not Medicare certified, the property value factor would be zero and the total property fee would be \$4.60.

Effective July 1, 2002, all nursing facilities will receive a new property fee, which consists of the combined property allowance and value factor, subject to an upper payment limit. The property fee for two or more facilities that are merged under one license will be based on the day-weighted average property fee for the merged facility. The cost report used to determine the current rates would be used for the resident days for the day weighting.

For example, Facility A has a property fee of \$4.00 per day and 10,000 resident days and Facility B has a property fee of \$5.00 per day and 15,000 resident days. The day-

(continued)

weighted average property fee will be $\$4.60$ ($\$4 \times 10,000$ days + $\$5 \times 15,000 = \$115,000/25,000$ total days = $\$4.60$). There will no longer be a value factor in the merged property fees.

Resident Assessments and Case Mix Index

The resident assessment database, based on the minimum data set (MDS), for the facilities merged under one license will be combined beginning with the first quarter after the merger. The facilities will continue to receive separate rates until after the common calendar year cost report is received for a July 1 rate. However, the case mix index will be the same for the facilities when determining rates after the MDS database for each facility are merged in the first quarter after the facilities are under a combined license.

Rates for Facilities Under One License if They Later Decide to Go Back to Separate Licenses

Cost Reports and Rates

If two or more facilities merge under one license and later decide to go back to individual licenses, they will keep the merged rate until a calendar year cost report can be filed for a July 1 rate. For example, if two facilities that were merged under one license decide to have separate licenses on September 1, 1999, the two facilities will be required to submit separate calendar year 1999 cost reports for each facility. The provider shall document how costs and revenues are allocated to each of the facilities during the period the financial statements were combined.

When the two facilities are under separate licenses, the provider number that was de-activated when the facilities merged will be re-activated. Initially, both facilities will have the same rate. The calendar year 1999 cost report will be used to determine rates for each facility on July 1, 2000.

Real and Personal Property Fees

If two or more facilities that are merged under one license later decide to split and have individual licenses within five years, the old property fees will be reassigned to the individual facilities. The additional allowance for a property fee rebasing after the property fees were combined would be added to the individual property fees after the facilities split. The two facilities used in the combining of property fees above had a property fee of $\$4.60$. As an example, if a property fee rebasing took place later that added $\$.50$, the property fee will be $\$5.10$. If Facilities A and B split before five years, the property fee for Facility A will be $\$4.50$ ($\$4.00 + \$.50$) and the property fee for Facility B will be $\$5.50$ ($\$5.00 + \$.50$).

If the facilities decide to split and go back to individual licenses after five years, each facility will continue to have the same property fee as determined when they merged.

Resident Assessments and Case Mix Index

If the two facilities later decide to split into separate licenses, the MDS database will be maintained for the individual facilities beginning the first quarter after the facilities have separate licenses.

A.4 Attachment 4.19D, Part I, Subpart F: Reimbursement for Nursing Facilities With Over 199 Beds

This section of the Medicaid State Plan previously explained the methodology for determining the reimbursement rates for nursing facilities with over 199 beds. This level of care is no longer recognized and, therefore, this methodology is no longer necessary. This subpart of the State Plan is being reserved for future use.

A.5 Attachment 4.19D, Part I, Subpart I: Determining a Rate for a Ventilator Dependent Resident in a Nursing Facility

The following are the policies and procedures for determining a rate for a ventilator dependent resident in a nursing facility.

(1) The request for additional reimbursement for a ventilator dependent resident shall be submitted to the agency in writing for prior approval. Each request shall include a current care plan for the resident and an itemized expense list for implementing that care plan.

(2) All of the following conditions shall be met in order for a resident to be considered ventilator dependent.

(A) The resident shall not be able to breathe without mechanical ventilation.

(B) The resident uses a ventilator 24 hours a day, seven days a week.

(C) The resident has a tracheostomy or endotracheal tube.

(3) The provider shall be reimbursed at the Kansas Medical Assistance Program daily rate determined for the nursing facility plus an additional amount approved by the agency for the ventilator dependent resident. The additional reimbursement shall be prior authorized by the agency. The provider shall submit a budget with the detail of the expenditures requested to care for the ventilator dependent resident. The additional reimbursement shall be negotiated based on the prevailing cost of the individualized care plan.

(4) No additional amount above that figured at the Kansas Medical Assistance Program daily rate shall be allowed until the service has been authorized by the agency.

(5) The criteria shall be reviewed quarterly to determine if the resident is ventilator-dependent. If a resident is no longer ventilator-dependent, the provider shall not receive additional reimbursement beyond the Kansas medical assistance program daily rate determined for the facility.

(6) The additional reimbursement for the ventilator-dependent resident shall be offset to the cost center of benefit on the nursing facility financial and statistical report.

A.6 Attachment 4.19D, Part I, Subpart S: Minimum Wage Per Diem Pass-Through

This section of the Medicaid State Plan previously explained the methodology for the minimum wage pass-through. The pass-throughs were effective October 1, 1996, and September 1, 1997. This methodology is no longer needed. This subpart is being reserved for future use.

II. Proposed Medicaid Per Diem Rates for Kansas Nursing Facilities.

A. Cost Center Limitations. The state proposes to establish the following cost center limitations that are used in the rate-setting process:

| Cost Center | Limit Formula | Per Day Limit |
|--------------------------------|-------------------------|---------------|
| Operating | 110% of the Median Cost | \$20.31 |
| Indirect Health Care | 115% of the Median Cost | \$33.64 |
| Direct Health Care | 120% of the Median Cost | \$61.73 |
| Real and Personal Property Fee | 105% of the Median Fee | \$6.11 |

These amounts were determined according to the "Reimbursement Limitations" section set out above in Section I.A. of this notice. The Direct Healthcare Limit is calculated based on a CMI of 0.9186, which is the statewide average.

B. Case Mix Index. These proposed rates are based upon each nursing facility's Medicaid average CMI calculated with a cutoff date of April 1, 2002, using the July 1, 2002 Kansas Medicaid/Medicaid CMI Table. In Section II.C, below, each nursing facility's Medicaid average CMI is listed beside its proposed per diem rate. In accordance with the methodology described above, the final rates (to be published after the public comment period) will be based upon each nursing facility's average CMI calculated with a cutoff date of April 1, 2002.

C. Proposed Nursing Facility Per Diem Rates and CMI.

| Facility Name | City | Proposed Daily Rate | Medicaid CMI |
|---------------------------------------|----------------|---------------------|--------------|
| Infinia at Abilene, Inc. | Abilene | 112.14 | 0.8754 |
| Abilene Nursing Center | Abilene | 92.96 | 0.9193 |
| Alma Manor | Alma | 114.33 | 0.8354 |
| Andover Health Care Center | Andover | 95.37 | 0.9313 |
| Anthony Community Care Center | Anthony | 99.20 | 0.8360 |
| Medicalodge East Healthcare Center | Arkansas City | 116.42 | 0.9716 |
| Medicalodge Post Acute & Rehab Center | Arkansas City | 120.40 | 1.0191 |
| Arkansas City Presbyterian Manor | Arkansas City | 112.37 | 1.0288 |
| Infinia at Arma | Arma | 105.79 | 0.8883 |
| Ashland Health Center - LTCU | Ashland | 115.49 | 0.9400 |
| Atchison Hospital SNF | Atchison | 97.09 | 0.8075 |
| Medicalodge of Atchison | Atchison | 106.86 | 0.8870 |
| Atchison Senior Village | Atchison | 96.62 | 0.8641 |
| Dooley Center | Atchison | 111.42 | 0.8083 |
| Attica Long Term Care | Attica | 101.28 | 0.9477 |
| Atwood Good Samaritan Center | Atwood | 108.62 | 1.0024 |
| Augusta Medical Complex | Augusta | 94.91 | 0.8628 |
| Lake Point Nursing Center | Augusta | 98.20 | 0.9423 |
| Baldwin Care Center | Baldwin City | 96.36 | 0.8641 |
| Spring Valley Care Center | Baxter Springs | 105.56 | 0.8106 |
| Quaker Hill Manor | Baxter Springs | 78.31 | 0.9013 |
| Great Plains of Republic County, Inc. | Belleville | 123.29 | 1.0262 |
| Belleville Health Care Center | Belleville | 91.67 | 0.9462 |
| Great Plains of Mitchell County, Inc. | Beloit | 117.50 | 0.9408 |
| Hilltop Lodge Nursing Home | Beloit | 102.11 | 0.9014 |
| Centers for LTC of Bonner Springs | Bonner Springs | 106.79 | 0.9070 |
| Hill Top House | Bucklin | 103.67 | 0.9400 |
| Buhler Sunshine Home, Inc. | Buhler | 106.16 | 0.9152 |
| Life Care Center of Burlington | Burlington | 100.47 | 0.7919 |
| Caney Nursing Center | Caney | 81.40 | 0.8514 |
| Shiloh Manor of Canton, Inc. | Canton | 105.18 | 0.9906 |
| Cedar Vale Nursing Center | Cedarvale | 73.86 | 0.7910 |
| Eastridge Nursing Home | Centralia | 95.57 | 0.7908 |
| Heritage Health Care Center | Chanute | 87.35 | 0.9713 |
| Chanute Health Care Center | Chanute | 94.59 | 0.9135 |
| Applewood Rehabilitation | Chanute | 68.07 | 0.7484 |
| Chapman Valley Manor | Chapman | 87.54 | 0.9145 |
| Cheney Golden Age Home Inc. | Cheney | 94.25 | 0.8589 |
| Cherryvale Care Center | Cherryvale | 96.70 | 0.8557 |
| Chetopa Manor | Chetopa | 77.72 | 1.0204 |

| Facility Name | City | Proposed Daily Rate | Medicaid CMI |
|--|------------------|---------------------|--------------|
| The Shepherd's Center | Cimarron | 93.49 | 1.0864 |
| Medicalodge of Clay Center | Clay Center | 103.35 | 0.8613 |
| Clay Center Presbyterian Manor | Clay Center | 130.15 | 1.1200 |
| Clearwater Retirement Community, Inc. | Clearwater | 105.24 | 0.9529 |
| Community Care Inc. | Clifton | 72.20 | 1.0162 |
| Park Villa Nursing Home | Clyde | 85.79 | 0.9255 |
| Coffeyville Regional Medical Center | Coffeyville | 168.58 | 1.6150 |
| Windsor Place | Coffeyville | 97.17 | 0.9456 |
| Medicalodge East of Coffeyville | Coffeyville | 97.86 | 0.9466 |
| Lantern Park Manor | Colby | 88.81 | 0.9114 |
| Citizens Medical Center | Colby | 117.16 | 0.9953 |
| Pioneer lodge | Coldwater | 89.06 | 0.8577 |
| Medicalodge of Columbus | Columbus | 105.06 | 0.9239 |
| Colwich Health Center | Colwich | 98.35 | 0.9014 |
| Mt Joseph Senior Community, Inc. | Concordia | 106.22 | 1.0442 |
| Beverly Health & Rehab of Concordia | Concordia | 91.81 | 0.8547 |
| Sunset Nursing Center | Concordia | 109.29 | 1.1056 |
| Spring View Manor | Conway Springs | 84.61 | 0.9037 |
| Chase County Nursing Home | Cottonwood Falls | 90.57 | 0.9295 |
| Council Grove Healthcare Center | Council Grove | 83.91 | 0.8586 |
| Hilltop Manor | Cunningham | 83.12 | 0.8935 |
| Westview Manor, Inc. | Derby | 93.65 | 0.8778 |
| Grouse Valley Manor | Dexter | 89.85 | 0.8788 |
| Lane County Hospital - LTCU | Dighton | 114.26 | 0.8700 |
| Trinity Manor | Dodge City | 106.61 | 0.9031 |
| Dodge City Good Samaritan Center | Dodge City | 105.84 | 0.9329 |
| Manor of the Plains | Dodge City | 116.31 | 1.0032 |
| Medicalodge of Douglass | Douglass | 124.83 | 0.9887 |
| Downs Nursing Center | Downs | 83.29 | 0.8593 |
| Country Care Home | Easton | 93.69 | 0.9363 |
| Parkway Care Home | Edwardsville | 97.37 | 0.9738 |
| Edwardsville Convalescent Center | Edwardsville | 115.29 | 0.9217 |
| Edwardsville Manor | Edwardsville | 78.42 | 0.7384 |
| Lakepoint Nursing Center-El Dorado | El Dorado | 92.33 | 0.9119 |
| Beverly Health & Rehab-El Dorado | El Dorado | 86.02 | 0.8654 |
| Morton County Hospital | Elkhart | 100.44 | 0.9409 |
| Woodhaven Care Center | Ellinwood | 99.22 | 0.9307 |
| Ellis Good Samaritan Center | Ellis | 100.96 | 0.8729 |
| Good Samaritan Center-Villa Grace | Ellsworth | 108.99 | 0.9585 |
| Emporia Presbyterian Manor | Emporia | 114.17 | 0.8847 |
| Holiday Resort of Emporia | Emporia | 101.80 | 0.8462 |
| Vintage Manor | Emporia | 93.47 | 0.8126 |
| Emporia Rehabilitation Center | Emporia | 73.06 | 0.9644 |
| Enterprise Estates Nursing Center, Inc. | Enterprise | 83.86 | 1.0094 |
| Heritage Village-Eskridge | Eskridge | 76.87 | 0.7061 |
| Eudora Nursing Center | Eudora | 90.39 | 0.8641 |
| Medicalodge of Eureka | Eureka | 118.33 | 0.9571 |
| Florence Health Care | Florence | 72.57 | 0.7771 |
| Medicalodge of Ft. Scott | Fort Scott | 123.22 | 0.9896 |
| Fort Scott/Marmaton Valley | Fort Scott | 100.09 | 1.1058 |
| Fowler Nursing Home | Fowler | 101.31 | 0.8640 |
| Frankfort Community Care Home, Inc. | Frankfort | 92.78 | 0.9271 |
| Beverly Health & Rehab-Fredonia | Fredonia | 82.27 | 0.8804 |
| Sunset Manor, Inc. | Frontenac | 87.24 | 0.9350 |
| Galena Nursing & Rehab Center | Galena | 84.13 | 0.8682 |
| Garden Valley Retirement Village | Garden City | 110.73 | 0.8991 |
| Terrace Garden Care Center | Garden City | 113.15 | 0.8676 |
| Centers for Long Term Care of Gardner | Gardner | 137.13 | 1.1470 |
| Medicalodge of Gardner | Gardner | 109.33 | 0.7563 |
| Anderson County Hospital | Garnett | 117.51 | 0.9005 |
| Golden Heights Living Center | Garnett | 96.13 | 0.8877 |
| The Heritage | Girard | 81.56 | 1.0488 |
| The Nicol Home, Inc. | Glasco | 87.62 | 0.6900 |
| Medicalodge of Goddard | Goddard | 92.80 | 0.9591 |
| Bethesda Home | Goessel | 119.29 | 0.9013 |
| Sherman Co. Good Samaritan Center | Goodland | 108.27 | 1.0228 |
| Cherry Village Benevolence | Great Bend | 92.08 | 0.8475 |
| Central Kansas Medical Center, NF | Great Bend | 121.89 | 1.1500 |
| Integrated Health Services of Great Bend | Great Bend | 111.04 | 0.9165 |
| Halstead Health and Rehab Center | Halstead | 121.71 | 0.9220 |

(continued)

| Facility Name | City | Proposed Daily Rate | Medicaid CMI | Facility Name | City | Proposed Daily Rate | Medicaid CMI |
|--|---------------|---------------------|--------------|--|---------------|---------------------|--------------|
| Washington Cnty Hosp. Dist. #1/ Hanover | Hanover | 82.84 | 0.9200 | Stoneybrook Retirement Community | Manhattan | 112.45 | 0.9905 |
| Friendship Manor Rehab Ctr of Haviland | Haviland | 65.87 | 0.6510 | Jewell County Hospital | Mankato | 104.34 | 0.7933 |
| Hays Medical Center | Hays | 155.32 | 1.5350 | St. Luke Living Center | Marion | 94.05 | 0.8453 |
| St. John's of Hays | Hays | 93.10 | 0.9003 | Marion Manor | Marion | 86.77 | 0.8963 |
| Hays Good Samaritan Center | Hays | 110.18 | 0.9533 | Riverview Estates, Inc. | Marquette | 89.14 | 0.9124 |
| Haysville Healthcare Center | Haysville | 117.56 | 1.0062 | Community Memorial Healthcare, Inc. | Marysville | 95.94 | 0.9265 |
| Lutheran Home, Inc. | Herington | 85.33 | 0.9030 | Cambridge Place | Marysville | 97.76 | 0.9655 |
| Schowalter, Villa | Hesston | 120.98 | 0.9067 | Infinia at McPherson | McPherson | 113.80 | 1.0657 |
| Oak Ridge Acres | Hiawatha | 75.72 | 0.8254 | The Cedars, Inc. | McPherson | 109.42 | 0.8966 |
| Maple Heights of Hiawatha | Hiawatha | 101.15 | 0.8942 | Lone Tree Compassionate Care Corporation | Meade | 101.34 | 0.8031 |
| Highland Care Center | Highland | 94.84 | 0.8533 | Trinity Lutheran Manor | Merriam | 114.99 | 0.8950 |
| Dawson Place, Inc. | Hill City | 93.16 | 1.0323 | Great Plains of Ottawa County, Inc. | Minneapolis | 93.08 | 1.3450 |
| Hillsboro Community Medical Center | Hillsboro | 109.79 | 0.8814 | Minneapolis Good Samaritan Center | Minneapolis | 105.00 | 0.9895 |
| Parkside Homes, Inc. | Hillsboro | 116.97 | 1.0777 | Minneola Nursing Home | Minneola | 106.77 | 0.8417 |
| Hoisington Rehabilitation Center | Hoisington | 87.46 | 0.8733 | Elk Manor Nursing Home | Moline | 98.30 | 0.9076 |
| Jackson Co. Nursing Home, Inc. | Holton | 91.44 | 1.0361 | Bethel Home, Inc. | Montezuma | 101.04 | 0.9388 |
| Holton Manor | Holton | 90.90 | 0.8033 | Moran Manor | Moran | 84.57 | 0.9648 |
| Tri County Manor Living Center, Inc. | Horton | 92.79 | 0.9391 | Memorial Home for the Aged Moundridge Manor, Inc. | Moundridge | 116.07 | 0.9047 |
| Howard Twilight Manor | Howard | 96.49 | 0.9263 | Mt. Hope Nursing Center | Moundridge | 84.14 | 0.8420 |
| Sheridan County Hospital | Hoxie | 115.57 | 1.0950 | Villa Maria, Inc. | Mt. Hope | 100.05 | 0.8354 |
| Pioneer Manor | Hugoton | 124.74 | 1.0032 | Golden Keys Nursing Home | Mulvane | 104.92 | 0.9168 |
| Pinecrest Nursing Home | Humboldt | 91.06 | 0.8992 | Beverly Health & Rehab of Neodesha | Neodesha | 69.30 | 0.8667 |
| Golden Plains | Hutchinson | 116.14 | 1.0091 | Ness County Hospital Dist.#2 | Neodesha | 88.05 | 0.8309 |
| Hutchinson Good Samaritan Center | Hutchinson | 106.26 | 0.8917 | Bethel Care Centre | Ness City | 99.05 | 0.7875 |
| Oakwood Rehabilitation Center | Hutchinson | 104.82 | 0.9703 | Friendly Acres, Inc. | Newton | 114.44 | 1.0890 |
| Wesley Towers | Hutchinson | 126.53 | 0.9893 | Kansas Christian Home | Newton | 122.14 | 0.9257 |
| Ray E. Dillon Living Center | Hutchinson | 117.03 | 0.9571 | Newton Presbyterian Manor | Newton | 119.59 | 0.9206 |
| The Regal Estate of Glenwood | Independence | 96.14 | 0.9073 | Manorcare Health Services of Wichita | Newton | 119.27 | 0.9018 |
| Manor Nursing Home | Independence | 78.59 | 0.9615 | Andbe Home, Inc. | North Wichita | 102.62 | 0.9186 |
| Glenwood Estate | Independence | 81.80 | 0.9997 | Village Villa | Norton | 100.73 | 0.8241 |
| Pleasant View Home | Inman | 109.58 | 0.8722 | Norwich Health Care Center | Nortonville | 104.14 | 0.8775 |
| Windsor Place at Iola, LLC | Iola | 100.19 | 0.9026 | Logan County Manor | Norwich | 83.21 | 0.8035 |
| Cheyenne Lodge, Inc. | Jamestown | 81.86 | 0.9774 | Decatur County Hospital | Oakley | 90.02 | 0.9186 |
| Hodgeman Co Health Center- LTCU | Jetmore | 120.95 | 0.9580 | Decatur County Good Samaritan Center | Oberlin | 101.31 | 0.8858 |
| Stanton County Hospital- LTCU | Johnson | 112.64 | 0.8175 | Decatur Co. Good Samaritan Center | Oberlin | 97.98 | 0.8368 |
| Valley View Professional Care Center | Junction City | 80.97 | 0.7908 | Villa St. Francis | Olathe | 119.50 | 0.9445 |
| Junction City Good Samaritan Center | Junction City | 101.42 | 0.9652 | Centers for Long Term Care of Olathe | Olathe | 110.44 | 0.9752 |
| Medicalodge Post Acute Center | Kansas City | 113.35 | 0.9537 | Royal Terrace Nrsrg. & Rehab. Center | Olathe | 112.33 | 0.9529 |
| Kansas City Presbyterian Manor | Kansas City | 128.62 | 1.0237 | Olathe Good Samaritan Center | Olathe | 119.75 | 0.9175 |
| Medicalodge East of Kansas City | Kansas City | 124.81 | 0.9613 | Johnson County Nursing Center | Olathe | 122.29 | 0.9261 |
| Alzheimer's Center of Kansas City | Kansas City | 107.64 | 0.9237 | Aberdeen Village, Inc. | Olathe | 122.53 | 0.9600 |
| The Manor of Kansas City | Kansas City | 96.56 | 0.8606 | Golden Acres | Onaga | 87.30 | 1.0371 |
| Infinia at Kensington | Kensington | 97.45 | 0.7036 | Peterson Nursing Home | Osage City | 80.54 | 0.8127 |
| The Wheatlands | Kingman | 92.93 | 0.8543 | Osage Nursing & Rehabilitation Center | Osage City | 100.06 | 0.9546 |
| Medicalodge of Kinsley | Kinsley | 102.48 | 0.8314 | Life Care Center of Osawatomie | Osawatomie | 124.03 | 0.9657 |
| Kiowa Hospital District Manor | Kiowa | 93.43 | 0.8063 | Parkview Care Center | Osborne | 99.13 | 0.8894 |
| Rush Co. Memorial Hospital | La Crosse | 96.42 | 0.8925 | Hickory Pointe Care & Rehab Ctr | Oskaloosa | 98.86 | 0.9238 |
| Rush County Nursing Home | La Crosse | 104.65 | 0.9368 | Infinia at Oswego | Oswego | 102.97 | 0.8100 |
| High Plains Retirement Village | Lakin | 124.85 | 0.9699 | Village Manor | Ottawa | 103.48 | 0.9809 |
| Colonial Manor - Lansing | Lansing | 96.00 | 0.8283 | Brookside Manor | Overbrook | 104.96 | 0.8976 |
| Larned Healthcare Center | Larned | 94.30 | 0.9047 | Lifecare Center of Overland Park | Overland Park | 108.62 | 0.8550 |
| Colonial Manor-Lawrence | Lawrence | 114.77 | 0.9034 | Specialty Hospital of Overland Park | Overland Park | 127.35 | 1.0014 |
| Lawrence Presbyterian Manor | Lawrence | 122.19 | 0.9711 | Manorcare Hlth Services of Overland Park | Overland Park | 97.05 | 0.8613 |
| Brandon Woods, Inc. | Lawrence | 113.25 | 0.9220 | Villa Saint Joseph | Overland Park | 120.76 | 0.9828 |
| Pioneer Ridge Retirement Community | Lawrence | 114.53 | 0.9350 | Delmar Gardens of Overland Park | Overland Park | 116.82 | 0.8786 |
| Leavenworth Co Convalescent Infirmary | Leavenworth | 120.58 | 0.9783 | Overland Park Manor | Overland Park | 117.61 | 0.9463 |
| Medicalodge of Leavenworth | Leavenworth | 118.14 | 0.9576 | Indian Creek Nursing Center | Overland Park | 116.55 | 0.9875 |
| Delmar Gardens of Lenexa | Lenexa | 105.54 | 0.9484 | Village Shalom, Inc. | Overland Park | 127.74 | 1.0073 |
| Lakeview Village | Lenexa | 114.49 | 0.9186 | Riverview Manor, Inc. | Oxford | 89.72 | 0.9450 |
| Leonardville Nursing Home | Leonardville | 80.53 | 1.0030 | Medicalodge of Paola | Paola | 87.07 | 0.6618 |
| Golden Acres Nursing Home | Leoti | 125.49 | 1.0350 | Country Haven Nursing Center | Paola | 115.63 | 1.0027 |
| Liberal Good Samaritan Center | Liberal | 107.52 | 0.9647 | Elmhaven East | Parsons | 77.36 | 0.9756 |
| Lincoln County Hospital LTCU | Lincoln | 134.60 | 1.1980 | Elmhaven West | Parsons | 81.02 | 0.8411 |
| Mid-America Health Center of Lincoln | Lincoln | 96.11 | 0.9750 | Parsons Presbyterian Manor | Parsons | 107.23 | 0.8421 |
| Bethany Home Association | Lindsborg | 120.26 | 1.0179 | Parsons Good Samaritan Center | Parsons | 94.17 | 0.8217 |
| Linn Community Nursing Home | Linn | 76.37 | 0.8261 | Peabody Community Living Center | Peabody | 105.89 | 0.9964 |
| Sandstone Heights | Little River | 103.44 | 0.8981 | Westview Manor of Peabody | Peabody | 73.80 | 0.6344 |
| Logan County Manor | Logan | 89.08 | 0.9320 | Phillips County Hospital LTCU | Phillipsburg | 116.20 | 0.9320 |
| Louisburg Care Center | Louisburg | 108.60 | 1.0264 | Phillips County Retirement Center | Phillipsburg | 85.20 | 0.8888 |
| Beverly Health & Rehab of Lucas | Lucas | 88.54 | 0.9795 | Medicalodge South of Pittsburg | Pittsburg | 112.61 | 0.9937 |
| Lyons Good Samaritan Center | Lyons | 101.35 | 0.9170 | Medicalodge North of Pittsburg | Pittsburg | 102.95 | 0.9473 |
| Madison Manor, Inc. | Madison | 95.01 | 0.8625 | Mt. Carmel Medical Center | Pittsburg | 165.82 | 1.6060 |
| Meadowlark Hills Retirement Community | Manhattan | 118.71 | 0.9709 | | | | |
| St. Joseph Senior Community, Inc. | Manhattan | 99.85 | 0.9791 | | | | |

| Facility Name | City | Proposed Daily Rate | Medicaid CMI |
|--|------------------|---------------------|--------------|
| Beverly Rehabilitation Center | Pittsburg | 85.55 | 0.8781 |
| Rooks County Home | Plainville | 93.45 | 0.8543 |
| Pratt Regional Medical Center | Pratt | 104.71 | 0.8885 |
| Friendship Manor of Pratt | Pratt | 93.67 | 0.9062 |
| Prescott Country View Nursing Home | Prescott | 79.76 | 0.9196 |
| Prairie Sunset Manor | Pretty Prairie | 98.83 | 1.1200 |
| Protection Valley Manor | Protection | 88.25 | 0.8339 |
| Gove County Medical Center | Quinter | 104.23 | 0.9574 |
| Grisell Memorial Hosp Dist #1-LTCU | Ransom | 120.39 | 0.9985 |
| Richmond Care Center | Richmond | 89.06 | 0.8515 |
| Lakepoint Nursing Ctr-Rose Hill | Rose Hill | 96.48 | 0.8400 |
| Rossville Valley Manor | Rossville | 112.31 | 0.9575 |
| Wheatland Nursing & Rehab Center | Russell | 97.67 | 1.0148 |
| Gatewood Care Center | Russell | 70.60 | 0.7369 |
| Great Plains of Sabetha, Inc. | Sabetha | 94.81 | 0.9835 |
| Apostolic Christian Home | Sabetha | 88.82 | 0.9231 |
| Smokey Hill Rehabilitation Center | Salina | 92.74 | 0.8585 |
| Kenwood View Nursing Center | Salina | 84.75 | 0.8289 |
| Windsor Estates | Salina | 105.19 | 0.8657 |
| Center for LTC of Salina | Salina | 104.20 | 0.9382 |
| Salina Presbyterian Manor | Salina | 108.71 | 0.7950 |
| Shalimar Health Center | Salina | 71.87 | 0.9576 |
| Holiday Resort of Salina | Salina | 92.07 | 0.8078 |
| Satanta Dist. Hosp. LTCU | Satanta | 125.67 | 1.0247 |
| Park Lane Nursing Home | Scott City | 107.39 | 0.8304 |
| Pleasant Valley Manor | Sedan | 82.16 | 1.0448 |
| Sedgwick Healthcare Center | Sedgwick | 103.03 | 1.0191 |
| Crestview Manor | Seneca | 80.52 | 1.0894 |
| Country View Estates Care Home | Seneca | 80.71 | 0.9579 |
| Prairie Manor Good Samaritan Center | Sharon Springs | 85.56 | 0.8514 |
| Shawnee Gardens Nursing Center | Shawnee | 111.58 | 0.8157 |
| Sharonlane Nursing Home | Shawnee | 106.67 | 0.8924 |
| Great Plains of Smith County, Inc. | Smith Center | 99.08 | 0.9017 |
| Infinita at Smith Center | Smith Center | 101.80 | 1.0162 |
| Mennonite Friendship Manor, Inc. | South Hutchinson | 125.15 | 1.0204 |
| Beverly Hlth & Rehab-Spring Hill | Spring Hill | 101.41 | 0.8377 |
| St. Francis Good Samaritan Ctr | St. Francis | 104.09 | 0.9068 |
| Leisure Homestead at St. John | St. John | 95.02 | 0.7927 |
| St. Mary's Manor | St. Marys | 109.75 | 1.0100 |
| Prairie Mission Retirement Village | St. Paul | 98.42 | 0.8935 |
| Leisure Homestead at Stafford | Stafford | 77.98 | 0.8750 |
| Sterling Presbyterian Manor | Sterling | 104.23 | 0.8259 |
| Solomon Valley Manor | Stockton | 107.83 | 0.8772 |
| Hamilton Co. Hospital-LTCU | Syracuse | 119.98 | 0.9714 |
| Tonganoxie Nursing Center | Tonganoxie | 99.44 | 0.9422 |
| Topeka Healthcare Center | Topeka | 93.67 | 1.0368 |
| Brewster Place | Topeka | 126.24 | 0.9850 |
| Topeka Presbyterian Manor Inc. | Topeka | 122.92 | 0.9310 |
| Eventide Convalescent Center, Inc. | Topeka | 85.32 | 0.8274 |
| IHS of Highland Park | Topeka | 109.33 | 0.8824 |
| McCrife Plaza Health Center | Topeka | 100.46 | 0.8833 |
| Rolling Hills Health Center | Topeka | 108.74 | 0.9127 |
| Manorcare Health Services of Topeka | Topeka | 98.23 | 0.8685 |
| The United Methodist Home for the Aged | Topeka | 116.04 | 0.8978 |
| Woodland Health Center | Topeka | 88.10 | 0.8295 |
| Westwood Manor | Topeka | 100.79 | 0.9750 |
| IHS of Brighton Place | Topeka | 81.35 | 0.7724 |
| Countryside Health Center | Topeka | 78.97 | 0.6703 |
| Southgate Village Life Care Center | Topeka | 97.53 | 0.9881 |
| Indian Trails Manor | Topeka | 69.65 | 0.6877 |
| Infinita at Central Topeka | Topeka | 91.57 | 0.9479 |
| Brighton Place North | Topeka | 69.12 | 0.6703 |
| Aldersgate Village | Topeka | 121.42 | 0.9214 |
| Plaza West Care Center, Inc. | Topeka | 122.10 | 0.9903 |
| Lexington Park Nursing and Post Acute Ca | Topeka | 127.43 | 1.0027 |
| Greeley County Hospital, LTCU | Tribune | 116.62 | 0.9127 |
| Western Prairie Care Home | Ulysses | 117.58 | 0.8961 |
| Valley Health Care Center | Valley Falls | 83.69 | 0.6947 |
| St. John's Rest Home of Victoria | Victoria | 92.51 | 0.8297 |
| Trego Co. Lemke Memorial LTCU | WaKeeney | 115.95 | 0.9673 |
| The Lutheran Home - Wakeeney | WaKeeney | 82.18 | 0.8055 |
| Heritage Village-Wakefield | Wakefield | 87.57 | 0.9094 |
| Valley Vista Good Samaritan Center | Wamego | 117.09 | 0.9629 |
| The Centennial Homestead, Inc. | Washington | 70.59 | 0.8610 |
| Colonial Manor - Wathena | Wathena | 90.36 | 0.9285 |
| Coffey County Hospital | Waverly | 117.87 | 0.8808 |

| Facility Name | City | Proposed Daily Rate | Medicaid CMI |
|---|--------------|---------------------|--------------|
| Beverly Health & Rehab-Wellington | Wellington | 89.31 | 0.9000 |
| Cedar View Good Samaritan Center | Wellington | 105.37 | 0.9142 |
| Wellsville Manor | Wellsville | 93.54 | 0.9364 |
| Westy Community Care Home | Westmoreland | 90.23 | 0.9210 |
| Wheat State Manor | Whitewater | 108.14 | 0.9019 |
| Wichita Healthcare & Rehab Center | Wichita | 118.44 | 0.9498 |
| Medicalodge of Wichita | Wichita | 125.71 | 0.9856 |
| Meridian Nursing & Rehab Center | Wichita | 105.16 | 0.9046 |
| Catholic Care Center Inc. | Wichita | 120.99 | 1.0035 |
| Kansas Masonic Home | Wichita | 120.68 | 0.9415 |
| Homestead Health Center, Inc. | Wichita | 113.15 | 0.9080 |
| Horizon Specialty Hospital | Wichita | 109.26 | 0.9280 |
| Infinita at Wichita | Wichita | 123.48 | 0.9674 |
| Wichita Presbyterian Manor | Wichita | 126.39 | 1.0230 |
| Sandpiper Bay Health & Retirement Ctr. | Wichita | 93.48 | 0.8393 |
| IHS of Wichita | Wichita | 122.90 | 0.9890 |
| Lakewood Heights Nursing Center | Wichita | 103.09 | 0.9373 |
| Lincoln East Nursing Home | Wichita | 90.38 | 0.8052 |
| Cameo Care Center | Wichita | 99.24 | 0.7739 |
| The Health Care Center at Larkfield Place | Wichita | 108.05 | 0.7400 |
| Life Care Center of Wichita | Wichita | 113.27 | 0.9658 |
| Wilson Nursing Home | Wilson | 84.91 | 0.9175 |
| Jefferson Co. Memorial Hospital-LTCU | Winchester | 100.45 | 0.8045 |
| Good Samaritan Village-Winfield | Winfield | 110.24 | 0.8576 |
| Cumbernauld Village, Inc. | Winfield | 114.19 | 0.9555 |
| Winfield Rest Haven, Inc. | Winfield | 94.42 | 0.8421 |
| Twin Oaks Health Care | Yates Center | 96.89 | 0.9627 |

III. Justifications for the Proposed Rates.

- The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
- The proposed rates are calculated according to a methodology that satisfies the requirements of K.S.A. 39-708c(x) and the Department of Social and Rehabilitation Services pending amendments to regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
- The state's studies project that the proposed rates:
 - Would result in payment, in the aggregate, of 95.20% of the Medicaid day weighted average inflated allowable nursing facility costs statewide; and
 - Would result in a maximum allowable rate of \$121.79; the total average allowable cost is \$109.91.
 - Estimated average rate July 1, 2002 \$101.69
 - Average payment rate July 1, 2001 \$96.02
Amount of change \$5.67
% of change 5.91%
- Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$20 million.
- The state estimates that the proposed rates would continue to make quality care and services available under the Medicaid State Plan at least to the extent that care and services are available to the general population. The state's studies indicate:
 - Service providers operating a total of 316 nursing facilities (representing 97% of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 43 hospital-based long-term care units also are certified to participate in the Medicaid program;

(continued)

- b. There is at least one Medicaid-certified nursing facility and/or nursing facility for mental health, or Medicaid-certified hospital-based long-term care unit in each of the 105 counties in Kansas;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 86.6%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 55.6%, which is a slight increase from the prior year; and
 - e. The proposed rates would cover 97.18% of the estimated Medicaid health care costs incurred by participating nursing facilities statewide.
6. Federal Medicaid regulations at 42 C.F.R. 447.272 impose an aggregate upper payment limit that states may pay for Medicaid nursing facility services. The state's analysis indicates that the proposed methodology would result in compliance with the federal regulation.

IV. Request for Comments; Request for Copies.

The state requests providers, beneficiaries and their representatives, and other concerned Kansas residents to review and comment on the proposed rates, the methodology used to calculate the proposed rates, and the justifications for the proposed rates. Persons and organizations wishing to submit comments must mail, deliver or fax their signed, written comments before the close of business on Tuesday, May 28, to:

Bill McDaniel
 Director Nursing Facility and CARE Program
 Kansas Department on Aging
 New England Building, Second Floor
 503 S. Kansas Ave.
 Topeka, KS 66603-3404
 Fax (785) 296-0256

Persons and organizations wishing to submit comments on the proposed amendments to the Medicaid State Plan must mail, deliver or fax their signed, written comments before the close of business Monday, July 1, 2002, to the same address set out above.

V. Notice of Intent to Publish Final Rates.

The state intends to publish final Medicaid nursing facility per diem rates, the methodology used to calculate the final rates, and the justifications for those final rates in the Kansas Register on June 27, 2002.

VI. Notice of Intent to Amend the Medicaid State Plan.

The state intends to submit proposed Medicaid State Plan amendments to HCFA on or before September 30, 2002.

J.G. Scott
 Budget Director
 Department of Social and
 Rehabilitation Services
 Connie Hubbell
 Secretary of Aging

Doc. No. 027840

State of Kansas

Department of Revenue

Permanent Administrative Regulations

Article 12.—INCOME TAX

92-12-4. Domicile. (a) "Domicile" shall mean that place where a person resides, where the person has an intention to remain, and to which the person intends to return following any absence.

(b) To constitute a change in domicile, there shall be intent to change, actual removal, and the acquisition of a new domicile. The domicile shall not be changed by removal for a definite period or for particular purposes nor by abandonment of the old domicile until the acquisition of a new one is effected.

(c) A voting residence shall constitute evidence of domicile. The state where an individual's driver's license is issued and the state where an individual's vehicle is registered shall also constitute evidence of domicile.

(d) A citizen of a foreign country may acquire a taxable domicile in Kansas without surrendering that person's rights as a citizen of that country.

(e) A person may have a taxable domicile in more than one state during any one taxable year. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-32,109; effective Jan. 1, 1968; amended May 1, 1982; amended May 10, 2002.)

92-12-11. Credits for income taxes paid to other states. (a) The credit for income tax paid to another state allowed by K.S.A. 79-32,111, and amendments thereto, shall be limited to the net amount of income taxes actually paid to another state. The net amount of income taxes actually paid to another state shall be the amount of the taxpayer's tax liability to the other state less any refundable or nonrefundable tax credits allowed by the other state. The net amount of income tax paid to another state shall not include interest or penalties paid to another state.

(b) The credit for income tax paid to another state shall be taken at the time of filing the income tax return and shall be applied against the entire tax until the credit is exhausted. A copy of the return or returns on which the taxes are assessed shall be filed with the director of taxation, at the time the credit is claimed.

(c) Credit for income tax paid to another state on income for any year shall be applied only against tax due on income for the same year. (Authorized by K.S.A. 79-3236; implementing K.S.A. 2000 Supp. 79-32,111; effective Jan. 1, 1968; amended Jan. 1, 1974; amended May 1, 1982; amended May 10, 2002.)

92-12-29. (Authorized by K.S.A. 79-3236; implementing K.S.A. 1981 Supp. 79-32,120; effective Jan. 1, 1968; amended May 1, 1982; revoked May 10, 2002.)

92-12-47. Distribution withholding. The fiduciary of a resident estate or trust shall within 30 days of the close of the taxable year of the estate or trust furnish or mail to the last known address of each nonresident beneficiary from which deductions have been made in ac-

cordance with K.S.A. 79-32,137, and amendments thereto, a report in duplicate on a form furnished by the director showing the amount of the deduction during the taxable year of the resident estate or trust. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-32,137; effective Jan. 1, 1968; amended May 10, 2002.)

92-12-56. (Authorized by K.S.A. 79-3236; implementing K.S.A. 1981 Supp. 79-3220; effective Jan. 1, 1968; amended May 1, 1982; revoked May 10, 2002.)

92-12-58. Payment of tax; receipt; insufficient fund checks. (a) Upon request, a receipt shall be furnished by the director for each tax payment. In the case of payments made by check or money order, the cancelled check or the money order receipt shall be considered a sufficient receipt. For payments in cash, a receipt shall be furnished by the director if the taxpayer requests one.

(b) If payment is made by check and the check is returned for lack of funds or for any other reason, the taxpayer's account shall be treated as though a payment had not been made. If the check is not made good or the tax is not paid before the due date of the return, the return shall be considered as delinquent and penalties shall be added in accordance with K.S.A. 79-3228, and amendments thereto.

(c) All fees associated with the return of a check shall be the responsibility of the taxpayer. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3225; effective Jan. 1, 1968; amended May 1, 1982; amended May 10, 2002.)

92-12-67. Extension of time for filing returns. A six-month extension of time to file shall be granted by the director of taxation if at least 90% of the current year's tax liability is paid or 100% of the prior year's tax liability is paid. An extension of time to file shall not constitute an extension of time to pay. If the amount of tax due is not paid by the original due date, interest and penalty shall be assessed unless both of the following conditions are met:

(a) At least 90% of the tax liability is paid on or before the original due date.

(b) The balance of the tax and interest is paid with the return when it is filed. The appropriate Kansas payment voucher shall be submitted when paying the tax balance due for an extension of time to file. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3221; effective Jan. 1, 1968; amended Jan. 1, 1970; amended May 1, 1982; amended May 10, 2002.)

92-12-68. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3222; effective Jan. 1, 1968; amended Jan. 1, 1974; amended May 1, 1982; revoked May 10, 2002.)

92-12-105. Contribution to income; debtor setoff. (a) As used in K.S.A. 75-6202, and amendments thereto, "contribution to income" shall mean that portion of the income of a spouse filing a joint return that is subject to withholding, or that can be otherwise determined, from information filed with the return, to have been received by that spouse individually. Income that cannot be determined, from information filed with the Kansas income

tax return, to have been received by either spouse individually shall be considered attributable to each spouse at the ratio of the income that has been determined to have been received individually by each spouse to the total income of both spouses. If the amount reported as Kansas adjusted gross income does not include income subject to Kansas tax received by either spouse individually, this amount shall be considered to have been contributed equally by each spouse.

(b) The amount of the refund shall be adjusted to properly reflect the debtor's contribution to income if the debtor proves either of the following:

(1) Any of the income attributed to the debtor was received by the debtor's spouse individually and should not have been attributed to the debtor for the purpose of determining contribution to income.

(2) Any of the income attributed wholly or partly to the debtor's spouse should have been attributed to the debtor.

(c) Income shall not be attributed to either spouse individually unless the debtor proves either of the following:

(1) Only one spouse had an ownership interest in the source of the income at the time it was received.

(2) In the case of earned income not subject to Kansas withholding tax, the income was earned solely by one spouse.

If the debtor proves that the proportionate ownership interest in an income source is not the same as that ratio determined under subsection (a), the amount of refund shall be adjusted accordingly.

(d) Questions regarding the proper computation of contribution to income as specified in this regulation may be raised at the hearing provided for in K.S.A. 75-6207, and amendments thereto. (Authorized by K.S.A. 75-6203; implementing K.S.A. 2000 Supp. 75-6202; effective, E-82-26, Dec. 16, 1981; effective May 1, 1982; amended May 10, 2002.)

92-12-106. Composite returns for nonresident partners and shareholders. (a) Any partnership or S corporation required to file a return under the Kansas income tax act may file a composite income tax return for all nonresident partners or nonresident shareholders that derive income from the partnership or S corporation. Nonresident partners and nonresident shareholders included in a composite return shall not file a separate income tax return.

(b) Any nonresident partner or nonresident shareholder may be included in a composite return unless the partner or shareholder has income from a Kansas source other than the partnership or S corporation.

(c) Each composite return shall list the name, address, social security number, and the percentage of ownership of each nonresident partner or nonresident shareholder.

(d) Each composite return shall be filed and any tax due paid by the partnership or S corporation on or before the 15th day of the fourth month following the close of the taxable year of the partnership or S corporation.

(e) Each return shall be filed in the manner specified by the director of taxation.

(continued)

(f) Trusts shall not be included in a composite return. Each trust shall file a separate income tax return on a form provided by the director. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3220; effective May 1, 1988; amended May 10, 2002.)

Stephen S. Richards
Secretary of Revenue

Doc. No. 027826

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 1.—GENERAL

40-1-47. Insurance companies; deposits; requirements. (a) For the purposes of this regulation, the following terms shall be defined as follows:

(1) "Custodial account" means an account established by written agreement between a company and a custodian pursuant to K.S.A. 40-229a and amendments thereto.

(2) "Custodial agreement" means a written agreement entered into between a company and a custodian pursuant to K.S.A. 40-229a and amendments thereto.

(3) "Custodian" means an institution meeting the requirements of subsection (b) of this regulation that has entered into a custodial agreement with a company.

(4) "Custodied securities" means securities held by the custodian or held for the account of the custodian in an authorized clearing corporation, in the federal reserve bank book-entry system, or in a United States bank.

(5) "Securities" means all assets that may be used to satisfy the deposit requirements of K.S.A. 40-229a and amendments thereto, including mortgages, certificates of deposit, cash, securities of the kind or character in which the company is allowed to invest its funds, and investment income due and accrued on custodied securities that are not in default. "Securities" shall not include real estate, other than the company's interest as a mortgagee or secured party.

(b) To qualify as a custodian, pursuant to this regulation, an institution shall meet all of the following requirements:

(1) It shall be a financial institution as defined in K.S.A. 40-229a(e)(2) and amendments thereto.

(2) It shall possess a combined capital and surplus that at all times equals or exceeds \$500,000.

(3) It shall maintain blanket bond coverage relating to the custodied securities with limits satisfactory to the commissioner.

(c) Securities deposited as described in K.S.A. 40-229a, and amendments thereto, shall include an executed custodial agreement in writing that provides the following:

(1) That the custodian shall be obligated to indemnify the insurance company for any loss of securities of the insurance company in the bank or trust company's custody occasioned by the negligence or dishonesty of the bank or trust company's officers or employees, or burglary, robbery, holdup, theft, or unexplained disappearance, including losses by damage or destruction;

(2) that if there is a loss of the securities for which the bank or trust company is obligated to indemnify the insurance company, the securities shall be promptly replaced, or the value of the securities and the value of any loss of rights or privileges resulting from the loss of securities shall be promptly replaced;

(3) that the bank or trust company shall not be liable for any failure or delay in taking any action required to be taken in the event of any of the following:

(A) War, whether declared or not and including existing wars;

(B) revolution;

(C) insurrection;

(D) riot;

(E) civil commotion;

(F) act of God;

(G) accident;

(H) fire;

(I) explosion;

(J) stoppage of labor, strikes, or other differences with employees;

(K) laws, regulations, orders, or the acts of any governmental authority; or

(L) any other cause whatever beyond its reasonable control;

(4) a provision stating where the securities held in physical form are located;

(5) a provision stating that the custodian's records shall identify the following:

(A) The name of the clearing corporation, securities depository, or United States bank;

(B) the location of the securities; and

(C) if held through an agent, the name of the agent;

(6) a provision stating that all custodied securities that are registered shall be registered under the name of any of the following:

(A) The company;

(B) a nominee of the company;

(C) the custodian or its nominees, if held in a securities depository;

(D) the securities depository or its nominee; or

(E) the clearing corporation or its nominee, if held in an authorized clearing corporation as provided in K.S.A. 40-2a20 and K.S.A. 40-2b20 and amendments thereto;

(7) a provision stating that the obligations of the custodian of securities shall not be released as a result of a clearing corporation or a securities depository holding the custodied securities;

(8) a provision stating that securities may be held under a "filing of security by issuer" (FOSBI) system, in fungible or commingled form as part of a "jumbo" certificate;

(9) a provision stating that the custodian bank or trust company may utilize the federal reserve system book-entry program; and

(10) a provision stating that the custodian bank or trust company may utilize the facilities of a securities depository or an authorized clearing corporation.

(d) A company may satisfy its deposit requirement by depositing assets with a custodian bank having its principal place of business in Kansas, pursuant to a written agreement with the custodian bank. If otherwise author-

ized by the laws of this state, the custodian bank may utilize the services of another United States bank to physically hold custodied securities and to prepare any reports required by the custodial agreement, on behalf of the custodian. The custodian bank shall remain responsible for the safekeeping of all custodied securities, the submission of any reports required by this regulation, and compliance with all other requirements imposed by K.S.A. 40-229a, and amendments thereto, and this regulation.

(e) The custodian shall ensure the following:

(1) That the custodial account is titled to indicate that the custodied securities are held in trust for the use and benefits of the company;

(2) during the course of the custodian's regular business hours, the commissioner or the commissioner's representative and authorized employees and representatives of the company are entitled to examine on the premises of the custodian the custodian's records relating to custodied securities of the company;

(3) that the custodial agreement and all amendments to it are submitted by the company to the commissioner for the commissioner's review and approval before execution. The custodial agreement and all amendments to it shall be deemed approved unless disapproved by the commissioner within 30 days of the date of the agreement and any amendments received by the commissioner. The custodial agreement may be terminated only with the prior approval of the commissioner; and

(4) that the commissioner or his duly authorized assistant commissioner or representative may at any time inspect the securities held under a custodian agreement.

(f) The custodial agreement may contain additional provisions if these provisions are not in conflict with this regulation.

(g) In addition to the joint custody receipt arrangement recognized in K.S.A. 40-229a and amendments thereto, the custodian may utilize a custodial or controlled account arrangement pursuant to K.S.A. 40-229a and amendments thereto. Within the custodial or controlled account arrangement, the custodian shall meet the following requirements:

(1) The custodian shall not allow the company to withdraw or exchange securities that would at any time reduce the aggregate value of the securities held by the custodian in the company's custodial account to a value less than the minimum aggregate value of securities currently in effect, as determined under subsection (h) of this regulation. The aggregate value of securities on deposit with the custodian shall be determined by utilizing the same procedure for valuing securities as that used by the commissioner for valuing other deposits made pursuant to K.S.A. 40-229a and amendments thereto. The custodian may effect a transfer of securities that would reduce the aggregate value of the securities held by the custodian in the company's custodial account to a value less than the minimum aggregate value of securities currently in effect if the securities or their proceeds are immediately transferred directly by the custodian to the commissioner for deposit pursuant to K.S.A. 40-229a and amendments thereto and the commissioner authorizes the transfer in writing.

(2) The custodian shall, within 30 days after the last day of each month, provide evidence to the commissioner in a form acceptable to the commissioner that the aggregate value of securities held by the custodian for the company on the last day of the prior month was at least equal to the minimum aggregate value of securities effective on this date, as determined under subsection (h) of this regulation. This evidence shall include the following information relevant to each type of security:

(A) The balance in any cash account;

(B) the name of the issuer;

(C) a description of the security;

(D) the number of shares;

(E) the face value;

(F) the form of ownership registration;

(G) the location of the security;

(H) the original cost;

(I) the current market value; and

(J) the unpaid balance.

(h) The minimum aggregate value of securities shall be stated in the original custodial agreement referred to in subsection (g) of this regulation but may be changed with the written consent of the commissioner. The company may deposit securities in, withdraw securities from, or exchange securities in the custodial account subject to the provisions of subsection (g) of this regulation.

(i) Each adjudicative proceeding conducted by the insurance commissioner shall be conducted in accordance with the Kansas administrative procedure act, K.S.A. 77-501, et seq., and amendments thereto. After providing notice and an opportunity for hearing, either or both of the following actions may be taken by the commissioner:

(1) Termination of the acceptance of deposits made with any custodian not in compliance with the requirements of this regulation; or

(2) acquisition of custody or otherwise assumption of control of the custodied securities, registration, delivery, or other disposition as may be ordered by the commissioner and deemed appropriate under the circumstances if either of the following conditions is met:

(A) The custodian fails to provide information, or the commissioner has reason to believe that the custodian may be insolvent or that the custodian's financial condition endangers the custodied securities.

(B) The custodian fails to provide the evidence of the aggregate value of the securities as described in subsection (g) of this regulation and otherwise endangers the custodied securities. (Authorized by K.S.A. 40-103, 40-229a; implementing K.S.A. 40-229a; effective May 10, 2002.)

Article 2.—LIFE INSURANCE

40-2-22. (Authorized by K.S.A. 40-103, 40-404(e)(4) as amended by L. 1987, Ch. 162, Sec. 1; implementing K.S.A. 40-404(e) as amended by L. 1987, Ch. 162, Sec. 1; effective, T-88-44, Oct. 27, 1987; amended May 1, 1988; revoked May 10, 2002.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 027837

State of Kansas

Kansas Lottery

Temporary Administrative
Regulations

Article 2.—LOTTERY RETAILERS

111-2-124. Zarco 66 bonus retailer online incentive. (a) During the period beginning April 1, 2002, and ending June 30, 2002, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all Zarco 66 Corporation lottery retailers located in Kansas an opportunity to participate in a bonus retailer online incentive promotion.

(b) At the end of the promotion, the store with the greatest percentage increase in total online lottery ticket sales for the period from April 1, 2002, through June 30, 2002, over the base sales period will win a television set chosen by the lottery. Promotional items chosen by the lottery will also be awarded to all retail locations which show an increase in online sales over the base sales period. The base sales period for each store shall be the total online lottery ticket sales from April 1, 2001, through June 30, 2001. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8708; effective, T-111-3-14-01, Feb. 16, 2001; amended, T-111-8-15-01, July 18, 2001; amended, T-111-4-17-02, Jan. 16, 2002.)

111-2-135. Pete's Corporation "Ask for the sale" promotion. (a) During the period beginning February 1, 2002, and ending February 28, 2002, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all Pete's Corporation stores located in Kansas an opportunity to participate in a bonus retailer "ask for the sale" incentive promotion of lottery tickets.

(b) On each Wednesday in February 2002, including February 6, 13, 20, and 27 all Pete's Corporation store personnel selling Kansas lottery tickets will ask every adult customer making a purchase if the customer would like to purchase a lottery ticket. If the employee fails to ask adult customers for the purchase of a lottery ticket and the customer brings it to the clerk's attention before leaving the premises, the retailer shall give the adult customer one \$1.00 instant lottery ticket at no charge.

(c) All retailer employees at each location shall wear promotional buttons and display special point-of-sale materials provided by the lottery each Wednesday from 6:00 a.m. to 10:00 p.m. during the promotion announcing the promotion to its customers. These promotional materials consist of:

(1) A tent card to be displayed at the point where tickets are sold.

(2) A window/monitor banner to be displayed at the front entrance of the business and/or below the lottery information display system monitor.

These materials must be on display during all hours of the promotion at the times and dates established in subsections (b) and (c) for a store to be eligible for a prize.

(d) Any tickets given away above the \$25 allowance representing 25 tickets per location will be the responsibility of Pete's Corporation.

(e) Each retail location shall maintain a ticket log form to be completed every time a lottery ticket is given away. The log will be picked up by the Kansas lottery district manager servicing the retailer location at the end of the promotion. If all terms of the promotion have been complied with by the retail location, \$25 will be credited to the retailer's lottery account.

(f) At the end of the promotion, the store with the greatest percentage increase in total lottery ticket sales for the period from February 1, 2002, through February 28, 2002, over the base sales period will receive a credit for \$300 on the retailer's lottery account. The store with the second greatest percentage increase in total lottery ticket sales over the base sales period will receive a credit for \$50 on the retailer's lottery account, and the store with the third greatest percentage increase in total lottery ticket sales over the base sales period will receive a credit for \$25 on the retailer's lottery account. Promotional items will also be awarded to all of the stores that have an increase in total lottery sales as compared to the base sales period. The base sales period for each store shall be total lottery ticket sales from February 1, 2001, through February 28, 2001. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8708; effective, T-111-4-17-02, Jan. 16, 2002.)

111-2-136. Felts and U-Pump-It winner awareness "Starburst" promotion. (a) In addition to compensation specified in K.A.R. 111-2-4 and 111-2-6, the Kansas lottery shall also conduct a "Starburst" promotion to enhance winner awareness at all Felts and U-Pump-It corporate locations.

(b) The winner awareness sales promotion will commence at 5:00 a.m. on Friday, February 1, 2002, and end at the end of the business day as defined at K.A.R. 111-6-1 on Thursday, February 28, 2002.

(c) Beginning February 1, 2002, and concluding February 28, 2002, the lottery will conduct a joint "Starburst" promotion at all the Felts and U-Pump-It corporate stores located in Kansas. The stores must place a starburst decal on a visible wall or counter for every winning instant or on-line ticket that is redeemed at that retailer which wins \$10 or more. Each starburst placed should contain, where possible, the amount won, the ticket itself, and the name of the winner if written permission is obtained from the winner.

(d) For every 10 winning starbursts placed in a visible location at the retail establishment, the retailer will receive the lottery's choice of a promotional item, with a maximum of 10 items per store. For every 25 winning starbursts placed in a visible location at the retail establishment, that retailer will be entered into a drawing for a prize from the lottery. The grand prize is a \$300 credit on the retailer's lottery account. Second prize is a \$50 credit on the retailer's lottery account, and third prize is a \$25 credit on the retailer's lottery account. Each retail location is eligible to win only one of the three credit prizes.

(e) During the week preceding the start of the promotion, an information sheet will be provided for all participating retailers so that they may all start on the same day. Starbursts will be provided by the lottery. The draw-

ings for the grand prize, second prize, and third prize will be conducted at the lottery's Great Bend regional office on March 8, 2002. Lottery security will approve drawing procedures to be used for the drawing. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-4-17-02, Jan. 16, 2002).

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-1890. "Triple Tripler" instant ticket lottery game number 193. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Triple Tripler" commencing on or after January 28, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1890.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

| Play Symbols | Play Symbol Captions |
|----------------|----------------------|
| \$1.00 | ONE\$ |
| \$2.00 | TWO\$ |
| \$3.00 | THR\$ |
| \$5.00 | FIVE\$ |
| 10.00 | TEN\$ |
| 18.00 | EGTEEN |
| 30.00 | THIRTY |
| 90.00 | NINETY |
| \$1000 | ONETHOU |
| \$2000 | TWOTHOU |
| \$6000 | SIXTHOU |
| SINGLE PRIZE | |
| TRIPLE PRIZE | |
| TRIPLE TRIPLER | |

(c) For this game, a play symbol shall appear in each of seven play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

| | | |
|-----|---|---------|
| ONE | = | \$1.00 |
| THR | = | \$3.00 |
| FIV | = | \$5.00 |
| SIX | = | \$6.00 |
| NIN | = | \$9.00 |
| FTN | = | \$15.00 |
| EGN | = | \$18.00 |
| TRY | = | \$30.00 |
| NTY | = | \$90.00 |

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Triple Tripler" is a match three of six game with a "TRIPLE PRIZE" and a "TRIPLE TRIPLER" feature. A player will remove the scratch-off material covering the game play area to reveal six prize amounts and a "YOUR PRIZE LEVEL." The "YOUR PRIZE LEVEL" will be either the words "SINGLE PRIZE," the words "TRIPLE PRIZE," or the words "TRIPLE TRIPLER." If a player matches three like prize amounts and the words "SINGLE PRIZE" are revealed, the player wins the prize

amount shown. If a player matches three like prize amounts and the words "TRIPLE PRIZE" are revealed, the player wins triple the prize amount shown. If a player matches three like prize amounts and the words "TRIPLE TRIPLER" are revealed, the player wins nine times the prize amount shown.

(h) Each ticket in this game may win up to one time.

(i) Approximately 1,500,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

| Get | Prizes | Expected Number of Prizes in Game | Expected Value in Game |
|--------------------------------|---------|-----------------------------------|------------------------|
| 3 - \$1's + (single prize) | \$1 | 125,000 | \$125,000 |
| 3 - \$1's + (triple prize) | \$3 | 35,000 | 105,000 |
| 3 - \$3's + (single prize) | \$3 | 35,000 | 105,000 |
| 3 - \$5's + (single prize) | \$5 | 18,000 | 90,000 |
| 3 - \$2's + (triple prize) | \$6 | 13,000 | 78,000 |
| 3 - \$1's + (triple tripler) | \$9 | 8,860 | 79,740 |
| 3 - \$5's + (triple prize) | \$15 | 4,250 | 63,750 |
| 3 - \$2's + (triple tripler) | \$18 | 1,750 | 31,500 |
| 3 - \$18's + (single prize) | \$18 | 1,750 | 31,500 |
| 3 - \$30's + (single prize) | \$30 | 650 | 19,500 |
| 3 - \$10's + (triple prize) | \$30 | 650 | 19,500 |
| 3 - \$10's + (triple tripler) | \$90 | 225 | 20,250 |
| 3 - \$90's + (single prize) | \$90 | 225 | 20,250 |
| 3 - \$1,000's + (triple prize) | \$3,000 | 6 | 18,000 |
| 3 - \$6,000's + (single prize) | \$6,000 | 3 | 18,000 |
| 3 - \$2,000's + (triple prize) | \$6,000 | 5 | 30,000 |
| TOTAL | | <u>244,374</u> | <u>\$854,990</u> |

(k) The odds of winning a prize in this game are approximately one in 6.14. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-17-02, Jan. 16, 2002.)

111-4-1891. "2,000 Clams Doubler" instant ticket lottery game number 194. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "2,000 Clams Doubler" commencing on or after January 28, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1891.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

| Play Symbols | Play Symbol Captions |
|------------------|----------------------|
| Free | TICKET |
| \$1.00 | ONE\$ |
| \$2.00 | TWO\$ |
| \$4.00 | FOUR\$ |
| \$5.00 | FIVE\$ |
| 10.00 | TEN\$ |
| 20.00 | TWENTY |
| 25.00 | TWEN-FIV |
| 50.00 | FIFTY |
| \$250\$ | TWOFIFTY |
| \$500\$ | FIVE-HUN |
| \$1000 | ONETHOU |
| \$2000 | TWOTHOU |
| Symbol of a fish | DOUBLER |

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(continued)

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

| | | |
|-----|---|-------------|
| FRE | = | Free Ticket |
| ONE | = | \$1.00 |
| TWO | = | \$2.00 |
| FOR | = | \$4.00 |
| FIV | = | \$5.00 |
| TEN | = | \$10.00 |
| TWY | = | \$20.00 |
| FTY | = | \$50.00 |
| FHN | = | \$500.00 |

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) This is a "match three of six" prize amounts or a "match two" prize amounts plus a "FISH" symbol to win double the prize amount. The player will remove the latex covering the play area to reveal six prize amounts or five prize amounts and a "FISH" symbol. If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus a "FISH" symbol, the player wins double the prize amount.

(h) Each ticket in this game may win up to one time.

(i) Approximately 1,500,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

| Get | Prizes | Expected Number of Prizes in Game | Expected Value in Game |
|------------------------|-------------|-----------------------------------|------------------------|
| 3 - Free's | Free Ticket | 140,000 | \$0 |
| 3 - \$1.00's | \$1 | 50,000 | 50,000 |
| 2 - \$1.00's & (D) | \$2 | 41,000 | 82,000 |
| 3 - \$2.00's | \$2 | 41,000 | 82,000 |
| 2 - \$2.00's & (D) | \$4 | 16,000 | 64,000 |
| 3 - \$4.00's | \$4 | 15,000 | 60,000 |
| 3 - \$5.00's | \$5 | 19,250 | 96,250 |
| 2 - \$5.00's & (D) | \$10 | 8,000 | 80,000 |
| 3 - \$10.00's | \$10 | 5,000 | 50,000 |
| 2 - \$10.00's & (D) | \$20 | 3,000 | 60,000 |
| 3 - \$20.00's | \$20 | 2,000 | 40,000 |
| 2 - \$25.00's & (D) | \$50 | 405 | 20,250 |
| 3 - \$50.00's | \$50 | 415 | 20,750 |
| 3 - \$500.00's | \$500 | 35 | 17,500 |
| 2 - \$250.00's & (D) | \$500 | 25 | 12,500 |
| 2 - \$1,000.00's & (D) | \$2,000 | 10 | 20,000 |
| 3 - \$2,000.00's | \$2,000 | 10 | 20,000 |
| TOTAL | | <u>341,150</u> | <u>\$775,250</u> |

(D) - Denotes fish doubler symbol.

(k) The odds of winning a prize in this game are approximately one in 4.40. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-17-02, Jan. 16, 2002.)

111-4-1892. "Cha-Ching" instant ticket lottery game number 195. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Cha-Ching" commencing on or after January 28, 2002. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-1892.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

| Play Symbols | Play Symbol Captions |
|--------------|----------------------|
| Free | TICKET |
| \$1.00 | ONE\$ |
| \$2.00 | TWO\$ |
| \$4.00 | FOUR\$ |
| \$6.00 | SIX\$ |
| \$8.00 | EGT\$ |
| 10.00 | TEN\$ |
| 12.00 | TWELVE |
| 15.00 | FIFTEEN |
| 25.00 | TWEN-FIV |
| 30.00 | THIRTY |
| 50.00 | FIFTY |
| \$100\$ | ONE-HUN |
| \$250\$ | TWOFIFTY |
| \$500\$ | FIVE-HUN |
| \$750\$ | SEVFTY |
| \$1500 | FIFTHUN |
| 01 | ONE |
| 02 | TWO |
| 03 | THR |
| 04 | FOR |
| 05 | FIV |
| 06 | SIX |
| 07 | SEV |
| 08 | EGT |
| 09 | NIN |
| 10 | TEN |
| 11 | ELVN |
| 12 | TWLV |
| 13 | THRTN |
| 14 | FOURTN |
| 15 | FIFTN |

SINGLE PRIZE

DOUBLE PRIZE

TRIPLE PRIZE

(c) For this game, a play symbol shall appear in each of seven play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

| | | |
|-----|---|-------------|
| FRE | = | Free Ticket |
| ONE | = | \$1.00 |
| TWO | = | \$2.00 |
| FOR | = | \$4.00 |
| EGT | = | \$8.00 |
| TWL | = | \$12.00 |
| TRY | = | \$30.00 |
| HUN | = | \$100.00 |
| FHN | = | \$500.00 |

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) "Cha-Ching" is a key number match game with a "DOUBLE PRIZE" and a "TRIPLE PRIZE" feature. A

player will remove the scratch-off material covering the game play area to reveal one "LUCKY NUMBER" and four "YOUR NUMBERS" with a prize amount shown below each of the "YOUR NUMBERS." If the "LUCKY NUMBER" matches any of the "YOUR NUMBERS," the player wins the prize shown below that matched number. If the player wins, the player can remove the scratch-off material covering the "CASH REGISTER" symbol to "DOUBLE" or "TRIPLE" the winning prize. If the words "SINGLE PRIZE" are revealed, the player wins the prize amount shown. If the words "DOUBLE PRIZE" are revealed, the player wins two times the prize amount shown. If the words "TRIPLE PRIZE" are revealed, the player wins three times the prize amount shown.

(h) Each ticket in this game may win up to four times.

(i) Approximately 1,500,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

| Get | Prizes | Expected Number of Prizes in Game | Expected Value in Game |
|--|-------------|-----------------------------------|------------------------|
| Free Ticket | Free Ticket | 135,000 | \$0 |
| \$1 + (single prize) | \$1 | 75,000 | 75,000 |
| \$2 + (single prize) | \$2 | 32,000 | 64,000 |
| \$1 + (double prize) | \$2 | 32,000 | 64,000 |
| \$1 + \$1 + (single prize) | \$2 | 31,500 | 63,000 |
| \$4 + (single prize) | \$4 | 14,500 | 58,000 |
| \$2 + (double prize) | \$4 | 14,500 | 58,000 |
| \$1 + \$1 + \$1 + \$1 + (single prize) | \$4 | 14,750 | 59,000 |
| \$8 + (single prize) | \$8 | 4,250 | 34,000 |
| \$4 + \$4 + (single prize) | \$8 | 4,250 | 34,000 |
| \$2 + \$2 + \$2 + \$2 + (single prize) | \$8 | 4,250 | 34,000 |
| \$12 + (single prize) | \$12 | 1,250 | 15,000 |
| \$6 + (double prize) | \$12 | 1,250 | 15,000 |
| \$4 + \$4 + \$4 + (single prize) | \$12 | 625 | 7,500 |
| \$4 + (triple prize) | \$12 | 625 | 7,500 |
| \$30 + (single prize) | \$30 | 500 | 15,000 |
| \$15 + \$15 + (single prize) | \$30 | 500 | 15,000 |
| \$15 + (double prize) | \$30 | 450 | 13,500 |
| \$10 + (triple prize) | \$30 | 470 | 14,100 |
| \$100 + (single prize) | \$100 | 175 | 17,500 |
| \$25 + \$25 + \$25 + \$25 + (single prize) | \$100 | 175 | 17,500 |
| \$50 + \$50 + (single prize) | \$100 | 175 | 17,500 |
| \$500 + (single prize) | \$500 | 50 | 25,000 |
| \$250 + (double prize) | \$500 | 50 | 25,000 |
| \$1,500 + (single prize) | \$1,500 | 10 | 15,000 |
| \$750 + \$750 + (single prize) | \$1,500 | 5 | 7,500 |
| \$500 + (triple prize) | \$1,500 | 5 | 7,500 |
| TOTAL | | <u>368,315</u> | <u>\$778,100</u> |

(k) The odds of winning a prize in this game are approximately one in 4.07. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-17-02, Jan. 16, 2002.)

111-4-1893. "Wild Time Doubler" instant-ticket lottery game number 198. (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Wild Time Doubler" commencing on or after January 28, 2002. The rules for this game are contained in K.A.R. 111-3-1 et seq. and 111-4-1893.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

| | |
|---------------------|-----------------------------|
| Play Symbols | Play Symbol Captions |
| Free | TICKET |

| | |
|---------|----------|
| \$1.00 | ONES |
| \$2.00 | TWOS |
| \$3.00 | THRS |
| \$4.00 | FOURS |
| \$5.00 | FIVES |
| \$9.00 | NINES |
| 10.00 | TENS |
| 12.00 | TWELVE |
| 18.00 | EGTEEN |
| 20.00 | TWENTY |
| 24.00 | TWEN-FOR |
| 25.00 | TWEN-FIV |
| 35.00 | THTYFIV |
| 50.00 | FIFTY |
| \$100\$ | ONE-HUN |
| \$500\$ | FIVE-HUN |
| \$1000 | ONETHOU |
| \$10000 | 10-THOU |
| 01 | ONE |
| 02 | TWO |
| 03 | THR |
| 04 | FOR |
| 05 | FIV |
| 06 | SIX |
| 07 | SEV |
| 08 | EGT |
| 09 | NIN |
| 10 | TEN |
| 11 | ELVN |
| 12 | TWLV |
| 13 | THRTN |
| 14 | FORTN |
| 15 | FIFTN |
| 16 | SIXTN |
| 17 | SEVTN |
| 18 | EGHTN |
| 19 | NINTN |
| 20 | TWENTY |

Symbol of a star
 Symbol of two stars
 MAYBE NEXT TIME
 GOOD LUCK

(c) For this game, a play symbol shall appear in each of 21 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

| | | |
|-----|---|-------------|
| FRE | = | Free Ticket |
| TWO | = | \$2.00 |
| THR | = | \$3.00 |
| FIV | = | \$5.00 |
| TEN | = | \$10.00 |
| EGN | = | \$18.00 |
| TFO | = | \$24.00 |
| THF | = | \$35.00 |
| FTY | = | \$50.00 |

(continued)

| | | |
|-----|---|----------|
| HUN | = | \$100.00 |
| THY | = | \$250.00 |

(f) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(g) "Wild Time Doubler" features a "key number match" game and a "bonus" game. Game 1 is the "key number match" game. In game 1, a player will remove the scratch-off material covering the game play area to reveal two "WINNING NUMBERS" and nine "YOUR NUMBERS" with a "PRIZE" amount below each of the "YOUR NUMBERS." If either of the "WINNING NUMBERS" match any of the "YOUR NUMBERS," the player wins the prize directly below the matched "YOUR NUMBER." If the player uncovers a "STAR" symbol, the player wins the prize shown below it instantly. If the player uncovers a double "STAR" symbol, the player wins double the prize shown below it instantly. A player can win up to nine times in Game 1.

Game 2 is a "BONUS" game. In game 2, a player will remove the scratch-off material to reveal one play symbol. If a \$100 prize amount is revealed, the player wins that amount instantly. A player can win once in the "BONUS" area.

(h) Each ticket in this game may win up to 10 times.

(i) Approximately 900,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

| Game 1 | Bonus | Prize | Expected Number of Prizes in Game | Expected Value in Game |
|----------------------------------|-------|-------------|-----------------------------------|------------------------|
| Free Ticket | | Free Ticket | 60,000 | \$0 |
| \$2 | | \$2 | 24,000 | 48,000 |
| \$1 + \$1 | | \$2 | 24,000 | 48,000 |
| \$1 Star + \$1 | | \$2 | 24,000 | 48,000 |
| \$3 | | \$3 | 9,000 | 27,000 |
| \$1 x 3 | | \$3 | 4,500 | 13,500 |
| \$1 Star Star + \$1 | | \$3 | 4,200 | 12,600 |
| \$5 | | \$5 | 4,500 | 22,500 |
| \$5 Star | | \$5 | 4,500 | 22,500 |
| \$2 + \$3 | | \$5 | 4,500 | 22,500 |
| \$1 x 5 | | \$5 | 4,500 | 22,500 |
| \$10 | | \$10 | 2,700 | 27,000 |
| \$10 Star | | \$10 | 2,700 | 27,000 |
| \$2 x 5 | | \$10 | 2,700 | 27,000 |
| \$5 Star + \$5 | | \$10 | 2,700 | 27,000 |
| \$18 | | \$18 | 1,800 | 32,400 |
| \$2 x 9 | | \$18 | 1,800 | 32,400 |
| \$3 x 6 | | \$18 | 1,800 | 32,400 |
| \$9 Star Star | | \$18 | 1,770 | 31,860 |
| \$24 | | \$24 | 1,200 | 28,800 |
| \$3 x 8 | | \$24 | 1,200 | 28,800 |
| \$4 x 6 | | \$24 | 1,200 | 28,800 |
| \$12 Star Star | | \$24 | 900 | 21,600 |
| \$12 x 2 | | \$24 | 900 | 21,600 |
| \$35 | | \$35 | 600 | 21,000 |
| \$5 x 7 | | \$35 | 600 | 21,000 |
| \$9 Star Star + \$10 + \$2 + \$5 | | \$35 | 600 | 21,000 |
| \$50 | | \$50 | 375 | 18,750 |
| \$25 x 2 | | \$50 | 375 | 18,750 |
| \$10 x 5 | | \$50 | 375 | 18,750 |
| \$25 Star Star | | \$50 | 375 | 18,750 |
| \$100 | | \$100 | 180 | 18,000 |
| \$50 x 2 | \$100 | \$100 | 180 | 18,000 |
| \$25 x 4 | | \$100 | 180 | 18,000 |
| (\$20 x 5) + (\$50 x 3) | | \$250 | 45 | 11,250 |
| \$100 + \$50 | \$100 | \$250 | 45 | 11,250 |

| | | | | |
|-----------|-------|----------|----------------|------------------|
| \$1,000 | | \$1,000 | 15 | 15,000 |
| \$100 x 9 | \$100 | \$1,000 | 15 | 15,000 |
| \$500 x 2 | | \$1,000 | 15 | 15,000 |
| \$10,000 | | \$10,000 | 6 | 60,000 |
| TOTAL | | | <u>195,231</u> | <u>\$991,260</u> |

(k) The odds of winning a prize in this game are approximately one in 4.61. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2001 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-17-02, Jan. 16, 2002.)

Article 7.—ON-LINE GAMES

SUPER KANSAS CASH GAME RULES

111-7-119. Name of the game; rules and regulations. The Kansas lottery shall conduct a modification of the game entitled "Kansas Cash," starting on or after February 17, 2002. The modified game shall be entitled "Super Kansas Cash." The specific rules for the "Super Kansas Cash" game are contained in K.A.R. 111-6-1 *et seq.* and 111-7-119 through 111-7-127, as amended.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-22-96, July 19, 1996; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-120. Definitions. The following definitions shall apply to Super Kansas Cash.

(a) "Retailer" means a person or entity authorized by the Kansas lottery to sell lottery tickets.

(b) "Drawing" means the formal process of selecting winning numbers which determines the number of winners for each prize level of the game as provided by subsection (f) of K.A.R. 111-6-1.

(c) "Quick pick" means the random selection by the computer system of five different numbers from one (01) through 32 from one set of numbers and one number from one (01) through 25 from a second set of numbers which appear on a ticket and are played by a player in the game.

(d) "Game board" or "boards" means that area of the play slip which contains two sets of numbered boxes, one containing 32 boxes, numbered one (01) through 32, and the second set contains 25 boxes, numbered one (01) through 25.

(e) "Game ticket" or "ticket" means a computer generated ticket issued by an on-line terminal to a person as a receipt for the combination a person has selected.

(f) "Super Kansas Cash" means a lottery game wherein a player selects five numbers out of a set of numbers one (01) through 32 and one number out of a second set of numbers, one (01) through 25. A player wins a prize if two or more of the numbers selected by the player match the randomly drawn numbers in the drawings conducted by the Kansas lottery on the applicable drawing date as set forth in K.A.R. 111-7-123.

(g) "Lottery" means the Kansas lottery.

(h) "Play" means the five different numbers from one (01) through 32 and one numbered from one (01) through 25 which appear on a ticket as a single lettered selection and are to be played by a player in the game. In Super Kansas Cash, a player is entitled to play two boards for \$1.00.

(i) "Play slip" means a card used in marking a player's game plays and contains six boards.

(j) "Price" means the cost of playing the Super Kansas Cash game which shall be \$1.00 for playing two boards.

(k) "Terminal" means a device which is authorized by the lottery to function in on-line, interactive mode with the lottery's computer system, for the purpose of issuing lottery tickets and entering, receiving, and processing lottery transactions, including purchases, validating tickets and transmitting reports.

(l) "Winning numbers" means the five numbers one (01) through 32 and one number one (01) through 25, randomly selected at each drawing, which shall be used to determine winning plays contained on a game ticket.

(m) "Validation" or "validate" means the process of determining whether a ticket presented for a prize is a winning ticket.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-22-96, July 19, 1996; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-121. Game description; retail sale of tickets.

(a) Super Kansas Cash is a five of 32 plus one of 25 lotto game which pays prizes for correctly matching all five of the five numbers drawn from the first set of numbers and one from the second set of numbers with a minimum guaranteed grand prize of \$100,000 or lesser set amount prizes for matching fewer numbers as provided by K.A.R. 111-7-123.

(b) To play Super Kansas Cash, a player shall select sets of five different numbers one (01) through 32, plus one number from one (01) to 25, for input into a terminal. Each ticket shall contain two sets of six numbers selected. Tickets may be purchased from a terminal operated by a retailer. When purchased from a retailer, the player may select each two sets of numbers by: (1) communicating the numbers to the retailer; (2) by marking two, four, or six boards with six numbers on each board on a play slip and submitting the play slip to the retailer; or (3) requesting a quick pick from the retailer.

(c) A validated ticket shall be the only proof of a game play or plays, and the submission of a winning ticket to and receipt of the ticket by the lottery or its authorized retailer shall be the sole method of claiming a prize or prizes. A play slip has no pecuniary or prize value and shall not constitute evidence of ticket purchase, or numbers selected or prizes to be paid.

(d) A ticket may be cancelled as provided in K.A.R. 111-6-20.

(e) Starting August 18, 1996, ticket sales will end at approximately 8:59 p.m. central time (CT) on Mondays, Wednesdays and Saturdays and resume at approximately 9:05 p.m. for the next drawing.

(f) Drawings will be conducted three times a week, on Mondays, Wednesdays and Saturdays as soon as possible after the game is closed at approximately 8:59 p.m. central time, and the lottery draw official has verified that the game is closed, under conditions and procedures promulgated by the executive director of the lottery.

(g) It shall be the sole responsibility of the player to verify the accuracy of the game plays and other data

printed on the ticket. The placing of plays is done at the player's own risk through the on-line retailer who is acting on behalf of the player in entering the plays.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710, effective, T-111-7-22-96, July 19, 1996; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-122. Prize pool. The prize pool in the lottery prize payment fund for all prize categories for Super Kansas Cash shall consist of 50.0 percent of net sales for each draw. Net sales shall be total sales less cancelled tickets. The prize pool shall include all sums previously designated for the Kansas Cash jackpot prize if that jackpot is not won on the February 16, 2002, drawing. The Kansas lottery guarantees the jackpot prize for Super Kansas Cash shall be a minimum of \$100,000. If the minimum jackpot amount of \$100,000 is not won on the first drawing on which that amount appeared, until won the jackpot shall be increased by not less than \$10,000 for each of the drawings following the \$100,000 minimum jackpot. Moneys left over after parimutuel prizes have been rounded down pursuant to subsection (e) of K.A.R. 111-7-123 shall be applied to prizes in categories 2, 3, 4, 5, 6, 7, and 8 in the next Super Kansas Cash drawing.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-22-96, July 19, 1996; amended, T-111-9-4-96, August 16, 1996; amended, T-111-9-16-96, Sept. 13, 1996; amended, T-111-10-16-00, Sept. 8, 2000; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-123. Prizes, probability of winning. (a) Prizes shall be awarded for matching two, three, four, five or six numbers on a board. For each board, the five numbers selected from the set of numbers one (01) through 32 shall be designated as "field one" and the one number selected from one (01) through 25 shall be designated as "field two." Prize categories, probability of winning per each play (two boards) rounded to the nearest whole number and prize allocation are as follows:

| Prize Category | Matches in One Game Play | | Probability of Winning | Prize | Percent of Prize Pool Allocated to Prize |
|----------------|--------------------------|---------|------------------------|---------------------|--|
| | Field 1 | Field 2 | | | |
| 1 | 5 | 1 | 1 in 2,517,200 | \$100,000 (minimum) | 54.14% |
| 2 | 5 | 0 | 1 in 104,883 | \$2,000 | 4.77% |
| 3 | 4 | 1 | 1 in 18,646 | \$250 | 2.68% |
| 4 | 4 | 0 | 1 in 777 | \$25 | 6.43% |
| 5 | 3 | 1 | 1 in 717 | \$25 | 6.97% |
| 6 | 3 | 0 | 1 in 30 | \$2 | 13.39% |
| 7 | 2 | 1 | 1 in 86 | \$2 | 4.65% |
| 8 | 1 | 1 | 1 in 29 | \$1 | 6.97% |

Overall odds of winning any prize are one in 12.0 per play.

(b) The jackpot prize for matching all six winning numbers shall be calculated on a parimutuel basis and be not less than \$100,000 for the first drawing and until won not less than an additional \$10,000 for each of the drawings which follow if no one matches six numbers in the first drawing. On any draw, if the jackpot is hit and the jackpot pool is insufficient to match the guarantee, the lottery will utilize the lottery prize payment fund, including unclaimed prize money to fund the guaranteed jackpot amounts.

(continued)

(c) All prizes shall be paid in a lump sum.

(d) The prize pool percentage allocated to the set prizes (prize categories 2, 3, 4, 5, 6, 7, and 8) shall be carried forward to subsequent draws if all or a portion of it is not needed to pay the set prizes awarded in the current draw. If the total of the set prizes awarded in a drawing exceeds the percentage of the prize pool allocated to the set prizes, then the amount needed to fund the set prizes awarded shall be drawn from the amount allocated to the set prizes and carried forward from previous draws, if any. If there are not sufficient funds to pay the set prizes, then the highest set prize (prize category 2) shall become a pari-mutuel prize. In that instance, the money available from the funding sources listed in this rule shall first be used to pay all set prizes in prize categories 3, 4, 5, 6, 7, and 8, with the remainder equally divided among all prize category 2 winning plays. That, however, the executive director shall have the authority to direct all prizes won in a drawing be paid in full.

(e) The calculation of a parimutuel prize shall be rounded down so that prizes can be paid in multiples of whole dollars.

(f) Upon commencement of the Super Kansas Cash game, all valid Kansas Cash tickets entitled to win a free ticket shall receive a free Super Kansas Cash ticket.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-22-96, July 19, 1996; amended, T-111-9-16-96, Sept. 13, 1996; amended, T-111-10-16-00, Sept. 8, 2000; amended, T-111-12-15-00, Nov. 17, 2000; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-124. Prize payment. (a) All prize categories including the jackpot prizes shall be paid in one lump sum.

(b) The holder of a winning ticket may win in only one prize category per board in connection with the winning numbers drawn, and shall be entitled only to the highest prize won by those numbers.

(c) Prizes shall be claimed within 365 days from the date of the drawing for which the ticket was purchased.

At the conclusion of the prize claim period, all unclaimed prizes shall remain in the lottery's prize payment fund to be used for the payment of other prizes.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-22-96, July 19, 1996; amended, T-111-9-16-96, Sept. 13, 1996; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-125. Ticket validation. To be a valid ticket and eligible to receive a prize, a Super Kansas Cash ticket shall satisfy all the requirements established by the Kansas lottery for validation of winning tickets.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-7-22-96, July 19, 1996; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-126. Claiming prizes; procedure and time period. (a) Following the drawing for which a Super Kansas Cash ticket was purchased, and prior to the payment of that prize, each ticket shall be validated by any on-line

retailer or any Kansas lottery office pursuant to K.A.R. 111-6-7 and this article.

(b) The procedure for payment of a prize on any single game ticket of \$599 or less, except for a jackpot prize, is as follows:

(1) The holder of a ticket purchased in Kansas may present the ticket to any on-line retailer. Upon validation of the ticket, the retailer shall immediately make payment of the prize to the holder. If the retailer cannot validate the ticket, the claimant shall fill out a claim form provided by the retailer and personally present or mail the completed form, together with the ticket, to any office of the Kansas lottery. If the ticket is validated and the claim form is completed, then payment shall be made either directly to the claimant if personally present at lottery headquarters or by mail.

(2) The claimant may bring the ticket to any regional office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the ticket, and completion of a claim form, payment shall be processed for the claimant.

(3) The claimant may mail the ticket with a completed claim form in any envelope, to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the ticket and receipt of a completed claim form, payment shall be processed for the claimant.

If evidence of alteration, mutilation, tear, or other ambiguity appears on the ticket, the retailer shall not make the direct payment of a prize. The claimant shall submit a claim form with the ticket to the lottery.

(c) The procedure for the payment of a Super Kansas Cash prize on any single game ticket which totals \$600 or more, except for a jackpot prize, shall be as follows:

(1) The claimant may bring the ticket to any office of the Kansas lottery during the hours that the office is open to the public for business. Upon validation of the ticket and completion of a claim form, payment shall be processed for the claimant.

(2) The claimant may mail the ticket with a completed claim form to any office of the Kansas lottery. Claim forms may be obtained from any lottery retailer or any office of the Kansas lottery. Upon validation of the ticket and receipt of a completed claim form, payment shall be processed for the claimant. Although tickets and claim forms may be presented or mailed to any Kansas lottery office, such prizes may only be paid by lottery headquarters.

(d) The procedure for the payment of a jackpot prize or for prizes won on the same ticket as a jackpot prize are as follows:

The claimant shall personally submit the ticket and a completed claim form to any Kansas lottery office. Jackpot prizes and prizes won on the same ticket as jackpot prizes shall not be claimed by mail. Upon validation of the ticket and receipt of a completed claim form, payment shall be processed for the claimant. Although tickets and claim forms may be presented or mailed to any Kansas lottery office, such prizes may only be paid by lottery headquarters.

(e) All prizes shall be claimed within the time set forth in K.A.R. 111-7-124(c). Any prize or prizes not claimed

within the time specified shall be forfeited. If a prize is claimed by mail, the ticket and claim form must actually be received by the lottery within the claim period.

These amendments shall take effect February 17, 2002. (Authorized by K.S.A. 2001 Supp. 74-8710; implementing K.S.A. 2000 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-7-22-96, July 19, 1996; amended, T-111-8-5-96, July 31, 1996; amended, T-111-3-31-00, March 17, 2000; amended, T-111-4-17-02, Jan. 16, 2002.)

111-7-127. Multi-draw. (a) In addition to a single play involving two boards for each \$1.00, a player may also have his or her selections in multiple drawings. Multi-draw tickets must be purchased for consecutive drawings beginning with the next drawing. This is done by marking one of the multi-draw boxes designated by 2, 3, 6, 9, 12, or 15 draws on the play slip. The additional draw period(s) for which the ticket is valid will then appear on the computer generated ticket given to the player by the retailer.

(b) A player must pay an additional \$1.00 per two (2) boards for each additional drawing in which he or she wishes to play.

(c) Unless one of the multi-draw boxes is marked and the additional amount paid, the play will only be eligible for the current drawing up to approximately 8:59 p.m. the day of the drawing.

(d) When purchasing a multiple drawing ticket, a player must purchase the same numbers on the same boards for the duration of the multiple drawings.

These amendments shall take effect February 17, 2002. (Authorized by and implementing K.S.A. 2001 Supp. 74-8710; effective, T-111-7-22-96, July 19, 1996; amended, T-111-8-11-97, July 18, 1997; amended, T-111-4-17-02, Jan. 16, 2002.)

Ed Van Petten
Executive Director

Doc. No. 027825

State of Kansas

Department of Health and Environment

Temporary Administrative Regulations

Article 4.—MATERNAL AND CHILD HEALTH SCHOOL-AGE PROGRAMS

28-4-576. Definitions. (a) "Academic credit hour" means credit earned for coursework through an accredited postsecondary educational institution. One credit hour equals 15 classroom hours.

(b) "Administrative order" means an order that is issued by the secretary as specified in K.S.A. 65-501 et seq., and amendments thereto, and that is subject to the Kansas administrative procedures act.

(c) "Administrator" means the staff member who is responsible for the general and fiscal management of the program.

(d) "Adult responsible for a child or youth" means any of the following adults who is other than the child's or

youth's legal parent and who is responsible for the care and upbringing of the child or youth:

- (1) A stepparent;
- (2) a grandparent;
- (3) another relative; or
- (4) a foster parent.

(e) "Animal" means any living creature, other than a human being, that has the ability to move voluntarily and shall include mammals, rodents, fish, reptiles, insects, spiders, and birds.

(f) "Annual renewal date" means the date assigned to each licensee for the submission of the documents required to renew the license and payment of the annual license fee.

(g) "Applicant" means any person who has submitted an initial application for a license to operate a school-age program but has not received a temporary permit or license.

(h) "Basement" means an area with a floor level more than 30 inches below ground level on all four sides.

(i) "Building" means a structure used for shelter that has a roof and is enclosed by walls on all sides.

(j) "Child or youth with special needs" means a child or youth who requires specialized programs, services, interventions, technologies, or facilities, due to any of the following conditions:

- (1) A developmental disability;
- (2) mental retardation;
- (3) mental illness;
- (4) an emotional or behavioral difficulty;
- (5) sensory or motor impairment; or
- (6) a chronic illness.

(k) "Day reporting program" means a program that provides specialized services designed to enable juvenile offenders 10 years of age and older to remain offense-free while living in the community.

(l) "Department" means the Kansas department of health and environment.

(m) "Field trip" means an excursion or program activity for which children or youth go off the premises.

(n) "Group" means a limited number of children or youth assigned to a staff member or team of staff members.

(o) "High-risk sport or recreational activity" means a sport or recreational activity that poses a significant risk of injury to the participant. Safe participation in the activity shall require specialized instruction and may require protective safety gear.

(p) "Individualized program plan" and "IPP" mean a written, goal-oriented plan of specialized services for each child or youth with special needs or for each juvenile offender attending a day reporting program. Each operator shall ensure that the IPP assigns responsibility for the delivery of the specialized services.

(q) "Job-related experience" means experience approved by the secretary that includes teaching, working, and volunteering with school-age children and youth.

(r) "Kindergarten-age child" means a child who is attending kindergarten or who has completed kindergarten and has not entered first grade.

(continued)

(s) "License" means the document issued by the secretary that authorizes a person to operate a school-age program.

(t) "License capacity" means the maximum number of children or youth, or both, authorized by the temporary permit or license to attend the program at any one time.

(u) "Meal" means breakfast, lunch, or dinner.

(v) "Mobile summer program" means a program that operates only during the summer months and does not use a permanent building or premises on a regular basis for conducting the program. Children and youth meet at a designated pick-up and drop-off site, and are transported from one site to another site each day for program activities.

(w) "Notice of survey findings" means a written record documenting the results of an inspection or investigation conducted by the secretary's designee to determine compliance with applicable statutes and regulations.

(x) "Operator" means a person who holds a temporary permit or license to conduct a school-age program.

(y) "Outdoor summer camp" means a program that operates only during the summer months and is located at an outdoor site for the duration of the program.

(z) "Premises" means the location, including the building or buildings and adjoining grounds, for which the operator has a temporary permit or license to conduct a school-age program.

(aa) "Professional development training" means training approved by the secretary that is related to working with school-age children and youth.

(bb) "Program director" means the staff member who is approved by the secretary as meeting the qualifications specified in K.A.R. 28-4-587 and who is responsible for implementing and supervising the program of activities.

(cc) "Program of activities" means a comprehensive and coordinated plan of activities that meets the following criteria:

(1) Promotes cognitive, emotional, social, and physical development;

(2) supports the well-being of each child or youth; and

(3) protects the safety of each child and youth attending the program.

(dd) "Public recreation center" means any building used by a political or taxing subdivision of this state, or by an agency of a state subdivision, for recreation programs that serve children and youth.

(ee) "Regularly volunteering" means working in a program on a recurring basis and without compensation. This term shall not apply to guest speakers and to persons who make one or more presentations on a specific subject.

(ff) "Related coursework" means postsecondary coursework, approved by the secretary, that is relevant to working with school-age children and youth.

(gg) "Related field" means an academic specialty in a specific subject area or course of study that is approved by the secretary as relevant to working with children and youth.

(hh) "School-age child" and "child" mean an individual who is of kindergarten age through the academic year in which the child is in the sixth grade and who is attending the program. Each school-age child shall be included in the license capacity.

(ii) "School-age program" and "program" mean a child care facility that serves exclusively school-age children and youth.

(jj) "School-age youth" and "youth" mean an individual who meets the following conditions:

(1) Has completed sixth grade or is 12 years of age or older;

(2) is less than 18 years of age;

(3) is attending the program; and

(4) is not a volunteer or employee.

Each school-age youth shall be included in the license capacity.

(kk) "Secretary" means the secretary of the Kansas department of health and environment.

(ll) "Secretary's designee" means the person designated by the secretary to assess compliance with program regulations.

(mm) "Snack" means supplemental food served between meals.

(nn) "Specialized services" means additional services provided by the program to meet the special needs identified in the IPP for a specific child or youth.

(oo) "Staff member" means both of the following:

(1) All personnel 16 years of age and older, including employees, substitutes, and volunteers, who provide administrative or direct services to children and youth; and

(2) auxiliary personnel, including cooks, drivers, office workers, and housekeeping staff, who provide indirect services.

(pp) "Supervisory ratio" means the ratio consisting of the number of staff members required to provide direct services and supervision to a specified number of children or youth.

(qq) "Temporary permit" means the document pursuant to K.S.A. 65-504, and amendments thereto, that authorizes a person to operate a school-age program before receiving a license as required by K.S.A. 65-501, and amendments thereto.

(rr) "Time-out area" means a designated, supervised space in the activity area that is used to separate a child or youth from the group for a limited period of time, to allow the child or youth to regain self-control.

(ss) "Use zone" means the surface under and around a piece of equipment onto which a child or youth falling from or exiting the equipment would be expected to land. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-577. Terms of temporary permit or license.

(a) The license capacity of each school-age program shall be determined by the following:

(1) The program director's qualifications;

(2) the square footage available for activities for children and youth; and

(3) the number of toilets and hand sinks available to the program.

(b) Each operator shall post each temporary permit or license in a conspicuous place on the premises that is accessible to parents.

(c) Each operator shall limit the number of children and youth attending the program at any one time within the license capacity.

(d) Each temporary permit or license shall be valid only for the person and the address appearing on the temporary permit or license.

(e) No license shall be issued by the secretary until all the provisions of the following have been met:

(1) K.S.A. 65-501 through K.S.A. 65-516, and amendments thereto;

(2) K.S.A. 65-523 through K.S.A. 65-529, and amendments thereto; and

(3) K.S.A. 65-531, and amendments thereto; and

(4) all applicable regulations.

(f) When an initial or amended license becomes effective, all temporary permits, licenses, or certificates of registration previously issued to the operator at the same address shall become invalid.

(g) Any applicant or operator may, at any time, submit a request to withdraw the application for a license or a license renewal. When an application for license or license renewal has been withdrawn, each temporary permit or license issued to the operator based on that application shall be invalid. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504; effective, T-28-4-1-02, April 1, 2002.)

28-4-578. Licensure; amended license; exceptions; notification; renewal. Each person shall have a temporary permit or license to operate a school-age program before children or youth are in attendance unless exempted in subsection (b) of this regulation.

(a) Temporary permit or license required. Each person desiring to operate a school-age program that meets one or more of the following criteria shall obtain a temporary permit or license from the secretary to operate a child care facility as specified in K.S.A. 65-503, and amendments thereto:

(1) The program is designed to allow two or more school-age children on a drop-in or enrolled basis to attend 12 hours a week or more for more than two consecutive weeks, and is not an instructional class or activity as specified in paragraph (b)(3) of this regulation.

(2) The public agency providing funding to the program requires the program to be licensed as a child care facility.

(3) The program is a day reporting program for children and youth 10 years of age or older.

(4) The program is a specialized treatment, therapeutic, correctional, or rehabilitative program for school-age children or youth that children or youth attend 12 hours a week or more for more than two consecutive weeks.

(b) Temporary permit or license not required. A person conducting any of the following programs shall not be required to obtain a temporary permit or license:

(1) An "extraordinary school program," as defined in K.S.A. 72-8238, and amendments thereto, or a similar extended school day program that is conducted on the premises of an accredited nonpublic school, is attended only by pupils enrolled in the school in which the program is being conducted, and is staffed by certified elementary school teachers;

(2) a "summer program," as defined in K.S.A. 72-8237, and amendments thereto;

(3) an instructional class or activity in which a child or youth is enrolled for the purpose of participating in only

one specific subject or skill-building area, including religious instruction in a specific doctrine or tenet, academic or remedial instruction, a basketball clinic, a baseball league, dance or drama class, or a class in martial arts;

(4) a program that serves exclusively school-age youth and that is not required to be licensed as specified in subsection (a) of this regulation; or

(5) a program that serves exclusively youth who are 16 years of age and older.

(c) New temporary permit or license required. Each operator shall submit a new application, the required forms, and the license fee, and shall obtain a new temporary permit or license from the secretary, as follows:

(1) Before a program that has been closed is reopened;

(2) if there is a change in the location of the program; or

(3) if there is a change of ownership of the program.

(d) Amended temporary permit or license.

(1) Each operator who intends to change the terms of the temporary permit or license, including the license capacity or the age of children and youth served, shall submit an application for an amended temporary permit or license on a form supplied by the department, and a non-refundable \$35 amendment fee. An amendment fee shall not be required if the request to change the terms of license is made at the time of the annual review of the program.

(2) The operator shall not consider the amendment granted until the amended temporary permit or license is issued by the secretary.

(e) Exceptions.

(1) Any operator may submit a written request for an exception to a regulation on a form supplied by the department.

(2) An exception may be granted if the secretary determines the exception to be in the best interest of a child or youth and child's or youth's family, and if statutory requirements are not violated.

(3) If an exception is granted, each operator shall receive written notice of the approval of the exception and its duration. The approval shall be posted with the temporary permit or license. The exception shall not be considered granted until written approval is given by the secretary.

(f) Notification requirements. Each applicant or operator shall notify the secretary in writing before withdrawing the application, closing the program, or changing any of the following:

(1) The description of the program of activities indicated in the initial application;

(2) the program director;

(3) the physical structure of the program site due to new construction or remodeling; or

(4) the use of any part of the premises.

(g) Annual renewal.

(1) Before the annual renewal date, each licensee shall submit the annual nonrefundable license fee and shall complete and submit the following to the secretary on forms supplied by the department:

(A) An application to renew the license;

(B) the program director's annual report; and

(continued)

(C) a request to conduct a criminal history and child abuse registry background check.

(2) Failure to submit the annual renewal documents and fee as required by paragraph (g)(1) of this regulation shall result in an assessment of a \$10.00 late fee payable to the secretary and may result in suspension of the license. Each late fee assessed shall be paid upon request.

(3) Failure of a corporate operator to maintain good standing with the Kansas secretary of state shall result in suspension of the temporary permit or license. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-501, 65-504, 65-505, and 65-516; effective, T-28-4-1-02, April 1, 2002.)

28-4-579. Applicant requirements. (a) Each individual submitting an application for a license shall be 21 years of age or older at the time of application.

(b) Each corporation applying for a license shall be in good standing with the Kansas secretary of state.

(c) No person shall be eligible to apply for a license if either of the following applies:

(1) That person has received an administrative order on another child care facility or family day care home operated by that person and the order has not been resolved.

(2) The applicant has not paid the civil penalties assessed by the secretary. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504 and 65-526; effective, T-28-1-02, April 1, 2002.)

28-4-580. Application procedures; advertisement restrictions. (a) Application procedures.

(1) Each applicant shall submit a complete application on forms supplied by the department. The application shall be submitted at least 90 days before the planned opening date of the program and shall include the following:

(A) A description of the program of activities and services to be offered, including the following:

(i) A statement of the program's purpose and goals;

(ii) the number and ages of children and youth for whom the program is designed; and

(iii) the anticipated opening date and the projected hours and months of operation;

(B) a request for a criminal history and child abuse registry background check as specified in K.A.R. 28-4-584; and

(C) a nonrefundable license fee as specified in K.A.R. 28-4-92.

(2) If an existing building is to be used, the applicant shall submit a detailed floor plan with the application. The floor plan shall include a description of all of the following:

(A) The intended use of the space;

(B) the location of each activity area within the building;

(C) the measurements for each room, to determine license capacity;

(D) the location of each rest room designated for use, including the number of toilets, urinals, and hand sinks; and

(E) the location of entrances and exits.

(3) If new construction or remodeling is planned, the applicant shall submit a building and site plan to the secretary at least 45 days before the construction or remodeling is scheduled to begin. Each building and site plan shall include all of the information listed in paragraph (a)(2) of this regulation. Each applicant shall obtain approval of the plan from the secretary before beginning construction or remodeling. If changes are made to the building or site plan following the secretary's approval, the applicant shall submit a description of the proposed changes to the secretary for approval before construction or remodeling begins.

(4) If outdoor activities are included in the program, the applicant shall include a diagram of the outside activity area for approval by the secretary. The diagram shall include the following:

(A) Measurements of the space to be used;

(B) the location relative to the building;

(C) the means of access to the area from the building;

(D) the placement of anchored equipment; and

(E) the location of any hazards surrounding the outside activity area, including heavily traveled streets, railroad tracks, and bodies of water.

(5) Each applicant for a license to conduct an outdoor summer camp shall submit documentation of site approval as specified in K.A.R. 28-4-586.

(b) After a complete application has been received by the secretary, an inspection shall be conducted by the secretary or the secretary's designee to determine compliance with statutes and regulations governing school-age programs as specified in K.A.R. 28-4-581.

(c) Advertisement restrictions. If an applicant advertises the availability of the program, the advertisement shall conform to the written description of the program of activities and services submitted with the application. The applicant shall not make a claim of "state approval" until the secretary issues a temporary permit or license. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504, 65-505, and 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-581. Inspections; surveys; investigations. (a) Entry and access. Each applicant and each operator shall give the secretary or the secretary's designee immediate entry and access to the premises, as required by K.S.A. 65-512 and amendments thereto, and to any records required to be kept. To ensure access, the applicant or operator shall authorize the program director or program director designee in charge to grant to the secretary, or the secretary's designee, immediate entry and access to the premises and required records.

(b) Notification of noncompliance.

(1) Applicant. If the secretary, the secretary's designee, or the secretary of social and rehabilitation services notifies an applicant in writing following an initial inspection that the applicant has not achieved compliance with statutes or regulations governing school-age programs, the applicant shall make any changes or alterations identified in the notice before a temporary permit or license is issued by the secretary. If changes or alterations are not made within the time frame specified in the notice, the application may be denied.

(2) Operator. If, following an inspection or complaint investigation, the secretary, the secretary's designee, or the secretary of social and rehabilitation services notifies an operator in writing that the program is not being conducted in compliance with statutes or regulations governing school-age programs, the operator shall make any changes or alterations identified in the notice necessary to achieve and maintain compliance. If changes or alterations are not made within the time frame specified in the notice, an administrative order may be initiated by the secretary.

(3) Explanation of findings. If an applicant or operator disagrees with a notice documenting any finding of non-compliance with licensing statutes or regulations, the applicant or operator may request an explanation of the finding from the secretary's designee. If the explanation is not satisfactory to the applicant or operator, the applicant or operator may submit a written request to the secretary for reconsideration of the finding. The written request shall identify the finding in question and explain why the applicant or operator believes that the finding should be changed. This request shall be made to the secretary within 10 days after receiving the explanation.

(4) Posting of an administrative order. Each applicant or operator receiving an administrative order from the secretary shall post the order in a conspicuous place on the premises that is accessible to parents or potential users of the program. Each order shall be posted for 90 days following the date the order becomes final. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-504, 65-505, 65-508, and 65-512; effective, T-28-4-1-02, April 1, 2002.)

28-4-582. Administration; training; recordkeeping. (a) Documents required. Each operator shall have the following documentation on file on the premises or at a designated central office location that is accessible for review by the secretary's designee:

(1) Documentation that the building complies with applicable building codes, fire safety requirements, and zoning;

(2) documentation of financial resources necessary to maintain the program in compliance with licensing regulations; and

(3) documentation of accident insurance for children and youth attending the program, and liability insurance that covers acts of negligence by each operator and staff member. Documentation shall include the name of the insurance company or companies, the policy number or numbers, and the dates of coverage.

(b) Lines of authority. Each operator shall define in writing the lines of authority governing the operation of the program.

(c) Delegation of authority. Each operator shall delegate administrative authority so that each program has a program director or a program director designee in charge during all hours of operation. Each program director designee shall meet the qualifications of a program director as specified in K.A.R. 28-4-587.

(d) Staff meetings. Each operator shall meet with staff members at least monthly to provide ongoing training regarding the duties and responsibilities related to the

delivery of the program of activities and to discuss the following:

- (1) Daily operations;
 - (2) the status of each child and youth; and
 - (3) performance expectations for each staff member.
- (e) Children and youth records.

(1) Each operator shall obtain the following information for each child or youth before or on the first day of attending the program:

(A) The first and last name, date of birth, and gender;

(B) the anticipated schedule of hours and days of attendance or a notation that attendance is on a drop-in basis; and

(C) the name, address, and telephone number of each parent or other adult responsible for the child or youth, the names of any other persons authorized to pick up the child or youth, and emergency contact information.

(2) Each operator shall obtain the following information for each child or youth before or within one week of attending the program:

(A) A health history, as specified in K.A.R. 28-4-590; and

(B) written authorization for emergency medical care, signed by the parent or legal guardian of each child or youth.

(3) Except as specified in paragraph (e)(4), each operator shall obtain written permission signed by the parent or other adult responsible for the child or youth before participating in the activity that will allow each child or youth to participate in the following activities, as applicable:

(A) Swimming and water activities;

(B) high-risk sport and recreational activities, as specified in K.A.R. 28-4-588;

(C) transportation provided by the program; and

(D) off-premises activities.

(4) If an operator is unable to obtain written information and records required for the child or youth's participation in the program, the operator shall document that a reasonable effort has been made to obtain the necessary information and records. The operator shall develop and implement a plan, approved by the secretary, that provides the following information:

(A) Reasonable assurance that medical treatment can be obtained for each child or youth in case of emergency;

(B) reasonable assurance that each child or youth has permission to participate in the program of activities as specified in paragraph (e)(3) of this regulation; and

(C) reasonable assurance that each child or youth has current immunizations and has no allergies or other health conditions that would interfere with participation in program activities.

(5) Each health history and parental or other adult permission, as specified in this subsection, shall be recorded on forms provided by the department or approved by the secretary.

(6) Each child's or youth's record shall be confidential. However, each operator or staff member may disclose confidential information to another staff member on a need-to-know basis and to any other individual only with written consent that is signed by the parent or other adult

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responsible for the child or youth. Nothing in this regulation shall limit access to confidential records by the secretary, the secretary's designee, the secretary of social and rehabilitation services, or law enforcement personnel.

(f) Staff and volunteer records. Each operator shall have the following information on file on the premises or at a designated central office location that is accessible for review by the secretary's designee:

(1) If applicable, documentation of the required health information as specified in K.A.R. 28-4-590, and the date of participation in program orientation for each staff member as specified in K.A.R. 28-4-587;

(2) a copy of the identifying information submitted to the secretary for the completion of the criminal history and child abuse registry background check as specified in K.A.R. 28-4-584;

(3) a copy of current certification for first aid and certification for CPR as specified in K.A.R. 28-4-592; and

(4) if applicable, a copy of the program director's approval letter and documentation of professional development training for each director as specified in K.A.R. 28-4-587.

(g) Attendance of children and youth.

(1) Each operator shall maintain a daily attendance record that shall be kept on file for one year on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(2) No operator shall allow any child or youth to attend the program for more than 16 hours in a 24-hour period.

(h) Each operator shall make the records and reports of the child or youth available to the parent or other adult responsible for the child or youth, on request. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-507 and 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-583. Access to the premises; safety of off-premises activities. (a) Access to the premises. Each operator shall give each custodial parent or other adult responsible for a child or youth attending the program immediate access to the premises during all hours of operation.

(b) Arrivals and departures.

(1) Each operator shall develop and implement a policy regarding the hours of operation, the times for arrival and departure of each child and youth, and supervision during arrival and departure. The operator shall define in the policy the supervisory and notification responsibilities of each staff member if a child or youth does not arrive at the established time or if a parent or other authorized individual is late picking up the child or youth.

(2) Each operator shall ensure that each staff member complies with the policy.

(3) If the operator conducts a drop-in program in which children and youth are allowed to arrive at and depart the premises unsupervised at unscheduled times, each parent or other adult responsible for a child or youth shall be informed of this policy.

(4) Each child's or youth's name, daily arrival time, and daily departure time shall be recorded on the attendance record.

(c) Program-sponsored off-premises activities.

(1) Each operator shall obtain prior written permission, as specified in K.A.R. 28-4-582, for each child or youth to go off the premises for program-sponsored activities.

(2) Each off-premises location and activity shall be related directly to the program of activities and the goals and purpose of the program. Each location shall be used with strict regard for the health and safety of each child or youth, shall be age-appropriate, and shall have sufficient space and equipment for the activities being conducted at that location.

(3) Each operator shall maintain on the premises a record of the following information:

(A) Each destination;

(B) the time at which the children or youth leave the premises;

(C) the name of each adult supervising the children or youth while the children or youth are off the premises;

(D) a telephone number for reaching an adult supervising the children or youth, in case of emergency; and

(E) the estimated time of return.

(4) Each operator shall post each notice in a place accessible to each parent or other adult responsible for the child or youth, and each notice shall be sent home with the child or youth before the activity.

(5) Each operator and each staff member shall have a method of accounting for each child or youth while off the premises to ensure that no child or youth is forgotten or left behind.

(6) The program staff shall maintain the supervisory ratio as specified in K.A.R. 28-4-587 at all times when taking children or youth off the premises for program-sponsored activities.

(7) Each operator shall meet all requirements for a program-sponsored off-premises activity if children or youth are allowed to leave the program to attend a summer feeding site and return to the program.

(8) Each operator shall report any critical incident immediately to the parent or other adult responsible for the child or youth if a critical incident occurs, as specified by K.A.R. 28-4-592. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-584. Criminal history and child abuse registry background check. (a)(1) Each applicant and each operator shall submit the identifying information that is necessary to complete a criminal history and child abuse registry background check for each individual 10 years of age or older who works, substitutes, or regularly volunteers in the program, as follows:

(A) When applying for a license;

(B) when submitting an application to renew the license; and

(C) before allowing each new individual to work, substitute, or regularly volunteer in the program.

(2) The identifying information shall be submitted on a form supplied by the department.

(b) Each operator, upon receipt of notification that an individual is prohibited from working, substituting, or regularly volunteering in the program, shall take the

steps necessary to comply with K.S.A. 65-516, and amendments thereto. The operator shall, within five days of receipt of the notice, notify the secretary of the steps taken.

(c) Each operator shall maintain, for one year from the date of submission, a copy of each form submitted to the secretary requesting a criminal history or child abuse registry check. All copies shall be on file on the premises or at a designated central office location and shall be accessible for review by the secretary's designee. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-516; effective, T-28-4-1-02, April 1, 2002.)

28-4-585. Building and outdoor premises. (a)

Safety and maintenance of each building.

(1) Each operator shall ensure that the program is located in a building that meets the requirements specified in K.S.A. 65-508, and amendments thereto. Each operator shall ensure that no child or youth is exposed to environmental hazards, including asbestos, lead paint, and pesticides.

(2) Each operator shall make drinking facilities available to adults, children, and youth both indoors and outdoors, using one of the following methods:

(A) A water dispenser with individual disposable cups;

(B) individually labeled cups that shall not be shared and that shall be washed daily, or disposable cups that shall be thrown away daily;

(C) a drinking fountain that is not plumbed to a sink and that has water under pressure so that the stream is not less than three inches high; or

(D) commercially bottled water.

(3) Hot and cold running water shall be supplied to hand sinks. The hot water temperature shall not exceed 120° F.

(4)(A) Each operator shall designate the rest rooms to be used by the program.

(B) Each building shall have a minimum of one working flush toilet and one working hand sink for each 30 children or youth in the license capacity. One urinal may be substituted for each additional toilet in the boys' rest room. A separate rest room shall be provided for each gender unless the rest room is designed for single occupancy.

(C) Each rest room shall be located to allow for the following:

(i) Supervision of children and youth;

(ii) immediate access to the rest room facilities by children, youth, and adults; and

(iii) privacy while using the toilet.

(D) If the rest rooms are also used by non-program participants during the hours of operation of the program, the operator shall develop and implement policies for rest room use for the protection of children and youth attending the program.

(E) Toilet paper, soap, and either paper towels or hand dryers shall be available in each rest room.

(5) Each operator shall provide adequately for the health, safety, and comfort of each child, youth, and adult by maintaining the space used by the program according to the following requirements:

(A) The space shall be uncluttered and free from accumulated dirt, trash, vermin, and rodent infestation.

(B) Each indoor trash container shall be emptied daily or more often if the contents are overflowing or the removal is needed to control odor.

(C) Floors shall not be slippery or cracked.

(D) Each rug or carpet used as a floor covering shall be slip-resistant and free from tripping hazards. A floor covering shall be required over concrete floors for all buildings except buildings being used by outdoor summer camp programs.

(E) Each exit shall be marked. No exit shall be blocked at any time.

(6) Equipment shall be used as intended and shall be maintained in operating condition. If fans are used, they shall be safely located, and the blades shall be equipped with guards to prevent injury. If gas or electric space heaters are used, they shall be safely located and used as recommended by the manufacturer. Gas heaters shall be vented and approved by the state fire marshal before use. Power strips, if used, shall have a UL rating.

(7) Each operator shall safely store toxic substances and materials, including cleaning supplies, pesticides, and poisons, in a locked janitor's closet, locked room, or other locked area. No child or youth shall have unsupervised access to toxic substances and materials.

(b) Public and accredited non-public school buildings.

(1) Inside premises. If a program is located in a public or accredited non-public school building, the operator shall ensure that the building complies with subsection (a) of this regulation and with fire safety and building code requirements applicable to schools as required by K.S.A. 65-527, and amendments thereto.

(2) Outside premises.

(A) Each existing outside playground or activity area and equipment acceptable for use by students of the same age during the academic day may be used by children and youth in the program if the equipment is in sound condition.

(B) Additional impact-absorbent surfacing material shall not be required under anchored climbing equipment, slides, and swings if the equipment is acceptable for use by students of the same age during the academic day.

(c) Public recreation center buildings. If the program is located in a public recreation center, the operator shall ensure that the building complies with subsection (a) of this regulation and with fire safety and building code requirements applicable to public recreation centers as specified in K.S.A. 65-527, and amendments thereto.

(d) Buildings that are not public or accredited non-public school buildings or public recreation centers.

(1) If the program is located in a building that is not a public or accredited non-public school or a public recreation center, the operator shall ensure that the following requirements are met for the building used:

(A) The building shall meet the requirements in subsection (a) of this regulation.

(B) The building shall not be a residence or a single-family dwelling.

(C) The building shall meet the requirements specified in K.S.A. 65-508, and amendments thereto.

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(D) Each stairway with more than two steps shall be railed.

(E) If windows and doors are left open, they shall be screened, with each screen in good condition to prevent insects from entering the premises.

(2) If a program uses a non-public source for the water supply, the water shall be safe for drinking and shall be tested annually by a department certified laboratory. The well shall be approved by the local environmental protection program (LEPP).

(e) Outside premises of public recreation centers and of other programs, including outdoor summer camps, that are not conducted in public schools or accredited non-public schools.

(1) General requirements.

(A) Each operator shall ensure that the outdoor activity area meets the following requirements:

(i) The area shall be located and arranged to reduce the risk of injury and to enable staff to provide close visual supervision at all times.

(ii) The area shall contain at least 75 square feet of outdoor activity space on the premises for each child or youth using the space at a given time.

(iii) Each area shall be well drained and free of known health and environmental hazards.

(iv) There shall be no tall weeds or grass, untrimmed shrubbery, or trash in the activity area.

(v) Each outdoor trash and garbage container shall be covered, and the contents shall be removed weekly.

(B) If the outdoor activity area is accessible to the public, each operator shall define boundaries for the children and youth attending the program and, to the extent possible, use space reserved exclusively for the program.

(2) Safety of outdoor equipment and the activity area. Each operator shall comply with the following safety requirements in the outside activity area:

(A) Equipment shall be safely located, age-appropriate, and in good repair. Equipment that is broken, hazardous, or unsafe or that does not have adequate impact-absorbent surfacing material in the use zone as specified in this regulation shall not be used.

(B) Impact-absorbent surfacing material shall be installed in each use zone under and around anchored play or recreational equipment over four feet in height, including climbing equipment, slides, and swings. Impact-absorbent surfacing material shall consist of any loose fill material specified in paragraph (e)(2)(G) of this regulation, unitary surfacing material, or synthetic impact material. Before any equipment over 11 feet in height is used, the operator shall meet the requirements specified in K.A.R. 28-4-588(e).

(C) Each use zone shall be at least six feet from all sides of the structure. However, the side of some equipment, including a swing, shall not be required to have impact-absorbent surfacing material on each side if the potential for a fall to the side is minimal.

(D) Hard-surfacing materials, including asphalt, concrete, and hard-packed dirt, shall not be used in any use zone under and around climbing equipment, slides, and swings. This requirement shall apply regardless of the height of the climbing equipment, slides, and swings.

(E) If unitary surfacing material or synthetic impact material, including rubber mats, rubber tiles, and poured-in-place material, is installed in the use zone, the material shall be used and maintained according to the manufacturer's recommendations. The manufacturer's recommendations shall be on file on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(F) Surfaces made of loose materials shall be maintained by replacing, leveling, or raking the material.

(G) If loose fill material is installed in the use zone, the material shall be specifically developed for playground use, and the type and depth of material used shall conform to the following chart:

Required depth of impact-absorbent surfacing material for the height of equipment

| Maximum height of equipment | Type of material | Minimum depth of material |
|-----------------------------|---------------------|---------------------------|
| 6 feet | shredded bark mulch | 6 inches |
| 10 feet | | 9 inches |
| 11 feet | | 12 inches |
| 7 feet | wood chips | 6 inches |
| 10 feet | | 9 inches |
| 11 feet | | 12 inches |
| 6 feet | fine sand | 6 inches |
| 9 feet | | 12 inches |
| 7 feet | fine gravel | 9 inches |
| 10 feet | | 12 inches |
| 10 feet or less | shredded rubber | 6 inches |

(3) Protection from environmental hazards. Each operator shall ensure that each child or youth is protected from environmental hazards as follows:

(A) If a small fish pond or decorative pool with water 24 inches deep or less is on the premises, no child shall have unsupervised access to it.

(B) Each outdoor activity area shall have a fence, partial fence, or other barrier to reduce the safety risk to children and youth, and to prevent chance access to any adjacent hazard, including the following:

(i) A busy street;

(ii) railroad tracks; or

(iii) a water hazard, including a ditch, irrigation ditch, pond, lake, and any standing water over 24 inches deep. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-508 and K.S.A. 65-527; effective, T-28-4-1-02, April 1, 2002.)

28-4-586. Outdoor summer camps and mobile summer programs. (a) Each operator conducting an outdoor summer camp or mobile summer program shall meet the requirements specified in this regulation and the following regulations:

(1) K.A.R. 28-4-576 through K.A.R. 28-4-584;

(2) K.A.R. 28-4-587 through K.A.R. 28-4-590;

(3) K.A.R. 28-4-592; and

(4) as applicable to the program and services, K.A.R. 28-4-585, K.A.R. 28-4-591, and K.A.R. 28-4-593 through K.A.R. 28-4-596.

(b) Outdoor summer camps.

(1) Premises.

(A) Each outdoor summer camp shall be held in a city or county park or park-like setting. Each operator shall

use the premises according to its intended purpose, with strict regard for the health, safety, and well-being of each child and youth who attends the outdoor summer camp.

(B) Each outdoor summer camp shall have access to the following:

(i) A shelter or permanent building for protection from inclement weather and for dining purposes; and

(ii) rest room and hand-washing facilities as specified in K.A.R. 28-4-585.

(C) Rest room facilities shall be located in visual proximity to each program activity area.

(D) If a shelter is used, it shall have a ceiling height of at least seven and one-half feet, and shall contain at least 20 square feet per child or youth using the shelter.

(E) Each shelter used by the outdoor summer camp shall have floors that are not slippery or sticky and that are free from tripping hazards and trash. Each shelter structure shall be in sound condition and good repair.

(F) If a building is used, the operator shall ensure that the building meets the requirements specified in K.A.R. 28-4-585. A shelter house that has a roof and is enclosed by walls on all sides shall be considered a building.

(G) Each outdoor summer camp shall have facilities for sanitary dish washing available as specified in K.A.R. 28-4-591. If hot water is not available to the sink or if the dish-washing facilities do not meet the requirements specified in K.A.R. 28-4-591, each operator shall obtain approval from the secretary's designee for the use of alternate methods for sanitary dish washing.

(H) Each operator of an outdoor summer camp shall conduct a daily safety assessment of the premises to assure that the premises are maintained to protect the health, safety, and well-being of each child and youth.

(2) Approval of the premises.

(A) Each operator shall ensure that the premises conform to the requirements specified in K.S.A. 65-508(a), and amendments thereto. Each operator shall obtain written approval for use of the premises from the local health department. No child or youth shall be exposed to environmental hazards, including asbestos, lead paint, and pesticides.

(B) If an outdoor summer camp is located in proximity to a lake, pond, river, or other large body of water and if the water hazard cannot reasonably be separated from the activity area, the operator shall submit to the secretary a plan for protecting each child and youth from unsupervised access. The plan, which shall be approved by the secretary before the premises are used for an outdoor summer camp, shall include the following:

(i) A description of any natural barriers separating the activity area from the water;

(ii) the approximate distance from the activity area to the water; and

(iii) a plan for increased supervision.

(3) Policies. Each operator of an outdoor summer camp shall develop and implement policies for the following:

(A) The protection and shelter of children and youth in case of inclement weather; and

(B) the use and maintenance of the shelter and rest room facilities, including policies for use and maintenance if the shelter and rest room facilities are owned and operated by another entity.

(4) Groups. Each operator shall assign staff members to each group of children and youth to maintain the required supervisory ratios and group size, and to provide adequate supervision to protect the safety of the children and youth.

(5) Transportation. If the operator transports children and youth to and from the outdoor summer camp premises to a designated pick-up and drop-off location, the operator shall meet the requirements specified in K.A.R. 28-4-583, K.A.R. 28-4-593, and paragraph (c)(1) of this regulation.

(c) Mobile summer programs.

(1) Drop-off and pick-up site.

(A) Each operator of a mobile summer program shall have a designated meeting location to drop off and pick up children and youth. Each operator shall ensure that no child or youth waits at the drop-off or pick-up site for more than one hour at the beginning of the program day or for more than one and one-half hours at the end of the program day.

(B) Each drop-off and pick-up site shall contain a shelter or a permanent building that provides protection from inclement weather. If a shelter is used by the mobile summer program, it shall have a ceiling height of at least seven and one-half feet and shall have floors that are not slippery or sticky and that are free from tripping hazards and trash. Each shelter structure shall be in sound condition and good repair. If a permanent building is used, the operator shall ensure that the building meets the requirements specified in K.A.R. 28-4-585.

(C) The drop-off and pick-up site shall not be on the premises of another licensed child care facility.

(D) Each operator shall ensure that children or youth do not board the transporting vehicle until immediately before it is time to leave.

(E) The program director and staff members assigned to each group shall be present to greet the children and youth in their designated groups at the beginning of the program day and shall remain with their groups at the end of the program day until each child or youth leaves the mobile summer program.

(2) (A) The license capacity shall be based on the request of each operator of a mobile summer program, the program director's qualifications, the number of staff members qualified to supervise the children and youth, and the availability of safe transportation.

(B) The license shall be issued for the address of the drop-off and pick-up site. Each operator shall submit a new application for each change of location of the drop-off and pick-up site.

(3) Each operator of a mobile summer program shall meet the transportation requirements specified in K.A.R. 28-4-593 and the requirements for off-premises activities specified in K.A.R. 28-4-583.

(d) Records.

(1) Staff records. Any operator of an outdoor summer camp or a mobile summer program may keep the staff records specified in K.A.R. 28-4-582 at a designated central office location. Each operator shall make these records available to the secretary or the secretary's designee upon request. Each operator shall keep health records

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and contact information for emergency notification immediately available in case of emergency.

(2) Children and youth records. Any operator may keep children and youth records as specified in K.A.R. 28-4-582 on file at a designated central office location. Each operator shall make these records available to the secretary or the secretary's designee upon request. Each operator shall ensure that the following records for each child or youth are immediately available in case of emergency:

- (A) Health history;
- (B) authorization for emergency medical care; and
- (C) emergency contact information. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-587. Staff qualifications; professional development; staffing requirements. (a) Staff qualifications. Each operator and each staff member in contact with children or youth shall demonstrate emotional maturity, sound judgment, and an understanding of children and youth.

(b) Program director qualifications.

(1) Each program shall have a program director who meets the following qualifications:

(A) Is 18 years of age or older, and is at least three years older than the oldest youth in the program;

(B) demonstrates the following:

- (i) Knowledge of child and youth development;
- (ii) knowledge of licensing regulations applicable to the program;
- (iii) administrative and supervisory skills;
- (iv) the ability to communicate clearly; and
- (v) the competence to manage the program in compliance with the program policies, the program plan, and these regulations;

(C) for a license capacity of 30 or fewer children or youth, at a minimum has either a high school degree or a general education degree (GED) and has six academic credit hours in related coursework;

(D) for a license capacity of 31 through 90 children or youth, has a minimum of either a two-year postsecondary degree in a related field or an equivalent certification in a related field that includes a minimum of six academic credit hours in related coursework;

(E) for a license of 91 or more children and youth, has a minimum of either a four-year bachelor's degree in a related field from an accredited college or university or a four-year bachelor's degree in an unrelated field that includes a minimum of nine academic credit hours in related coursework;

(F) has job-related experience working with groups of school-age children and youth; and

(G) has no other assigned program responsibilities if the program has a license capacity of over 60 children or youth.

(2) Each individual approved by the department for a program director position in a child care center licensed for 13 or more children, including school-age children, as specified in K.A.R. 28-4-429, shall qualify for a program director position in a school-age program with the same license capacity if the requirements of paragraphs (b)(1)(A), (B), and (G) of this regulation are also met.

(3) Before hiring a program director, each operator shall obtain a copy of the approval letter issued by the secretary to document that the program director is qualified for the license capacity of the program. The approval letter shall be kept on file in the program director's personnel file on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(4) Each program director designee shall meet the same requirements as those for a program director. Each designee shall demonstrate the ability to manage the program in compliance with program policies and licensing regulations and to conduct the program in the temporary, short-term absence of the program director, or at the beginning or end of any day that exceeds eight hours.

(c) Administrator qualifications. Each operator of a program that has a license capacity of 91 or more children or youth shall employ an administrator who meets the following qualifications:

(1) Is not the program director or a group leader;

(2) is 18 years of age or older, and has either a high school degree or GED; and

(3) demonstrates administrative ability, knowledge of regulations governing school-age programs, and the skill to supervise the business operation of the program.

(d) Group leader qualifications.

(1) Each operator shall employ a group leader for each group of children and youth who meets the following qualifications:

(A) Is 18 years of age or older, and at least three years older than the oldest youth in the group; and

(B) has either a high school diploma or GED and has job-related experience working with school-age children or youth.

(2) Each group leader shall demonstrate the following:

(A) Knowledge of child and youth development;

(B) knowledge of licensing regulations for school-age programs;

(C) an understanding of age-appropriate activities and services;

(D) the ability to communicate clearly;

(E) skills and abilities to implement the program of activities; and

(F) the ability to foster positive healthy relationships with children or youth.

(3) Each group leader shall provide supervision and direction to the children and youth assigned to the group, shall supervise group activities during all hours children and youth are present, and shall provide supervision and direction to an assistant group leader.

(e) Assistant group leader qualifications.

(1) Each assistant group leader shall meet the following qualifications:

(A) Is 16 years of age or older, and at least three years older than the oldest youth in attendance in the group; and

(B) demonstrates the ability to provide supervision and guidance to a group of children or youth under the direction of a group leader, the skill and ability to carry out the program of activities, and the capability to foster positive, healthy relationships with children and youth.

(2) Each assistant group leader shall be under the direct supervision and direction of a group leader and shall be counted in the supervisory ratio.

(f) Qualifications for substitute staff. Each program shall have substitutes who are available to work in case of illness or emergency. Each substitute shall meet the requirements for the staff person whom the substitute is temporarily replacing. The name and telephone number of each substitute shall be immediately available to the program director or the program director's designee.

(g) Qualifications for volunteers. Each volunteer shall be 16 years of age or older and, if working directly with the children and youth, shall be at least three years older than the oldest youth in the group. No volunteer shall be counted in the supervisory ratio unless the volunteer meets all the requirements of a group leader or assistant group leader and is designated as a group leader or assistant group leader by the program director.

(h) Professional development.

(1) Orientation training. Each operator shall provide orientation training to each program director and each staff member who is counted in the supervisory ratio. The operator shall offer the training before or within the first week of working with children or youth. The training shall be related to work duties and responsibilities and shall include the following:

- (A) The mission and goals of the program;
- (B) licensing regulations;
- (C) the program policies and practices, including security and behavior management;
- (D) the program of activities;
- (E) supervision;
- (F) health and safety practices;
- (G) confidentiality;
- (H) handling emergencies; and
- (I) recognizing and reporting symptoms of illness, child abuse, child neglect, and critical incidents as specified in K.A.R. 28-4-592.

(2) Ongoing professional development training.

(A) Each program director shall annually obtain 15 clock-hours of professional development training, 10 hours of which shall be obtained off the premises. Documentation of the training attended and the number of clock-hours received for the training shall be kept in the program director's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.

(B) Each operator or program director shall assess the training needs of the staff members and shall provide staff training as needed to maintain the program in compliance with licensing regulations. Documentation of training shall be kept in the staff member's personnel file on the premises or at a designated central office location. This documentation shall be accessible for review by the secretary's designee.

(i) Staff requirements.

(1) Staff coverage. Each operator shall have a sufficient number of staff members on duty to supervise the children and youth during all hours of operation, and to provide for their health, safety, and well-being. Each operator shall provide staff coverage in case of emergencies and staff absences.

(2) Supervisory ratio.

(A) The supervisory ration shall be one staff member for every 15 children and youth except as specified in K.A.R. 28-4-596.

(B) Each operator shall ensure that the supervisory ratio is not exceeded.

(C) Each staff member counted in the supervisory ratio shall comply with the following:

- (i) Meet the applicable qualifications for a group leader or assistant group leader;
 - (ii) be assigned responsibility for the supervision of children and youth; and
 - (iii) be physically present with the children or youth.
- (j) Group size.

(1) Except as specified in K.A.R. 28-4-596, the maximum number of children and youth in a group shall not exceed 30.

(2) The number of children and youth in each group shall be limited by the following:

- (A) The available space;
- (B) the type of program activity; and
- (C) the number of staff members assigned to each group.

(3) Each group of 15 or fewer children and youth shall have a group leader.

(4) Each group of 16 through 30 children and youth shall have at least a group leader and an assistant group leader.

(5) Each staff member working with children and youth shall provide attentive supervision to protect the health, safety, and welfare of the children and youth, and to reduce the risk of injury, illness, or abuse.

(6) Each staff member shall encourage the development of positive adult-to-child and adult-to-youth relationships and shall be actively engaged with the children or youth in the group.

(7) Each group leader or assistant group leader shall know where each child or youth in the group is at all times and, when children and youth are outside, shall ensure that each child or youth is under constant visual supervision.

(8) Any group leader or assistant group leader may, based on the policy of the program and the age and responsibility level of the child or youth, give a child or youth permission to walk unescorted from one supervised activity area to another supervised activity area or to the rest room. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-588. Program plan, program of activities, and use of space. (a) Program plan. Each operator shall develop and implement a written program plan that includes a program of activities, services, and schedules in keeping with the overall mission, goals, and purpose of the program and the developmental needs and interests of the children and youth.

(b) Program of activities.

(1) Each operator shall ensure that each activity is adapted to the number of children and youth participating in the activity and the space available. Whenever pos-

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sible, each operator shall encourage each child and youth to participate in planning the program of activities.

(2) Each operator shall ensure that each activity meets the following conditions:

(A) Is developmentally appropriate and age-appropriate;

(B) helps each child or youth develop useful skills, a positive self-concept, a sense of independence, and positive relationships;

(C) provides a variety of structured, unstructured, and self-directed activities in keeping with the goals and purpose of the program and the hours of operation; and

(D) is scheduled to allow adequate time to transition from one activity to another.

(3) Each operator shall ensure that television programs, videos, and movies are limited to those with age-appropriate content and are shown only for special occasions or educational instruction.

(c) Use of space and license capacity.

(1) If activities that are not part of the school-age program are conducted on the same premises as those for the school-age program, each operator shall designate space for exclusive use by the program during the hours of operation.

(2) Each operator shall provide at least 35 square feet of available space for the program for each child or youth included in the license capacity.

(3) The square footage in the following areas shall not be counted as available space for activities:

(A) Kitchens;

(B) rest rooms;

(C) hallways and passageways;

(D) storage areas;

(E) offices;

(F) teacher or employee lounges and workrooms; and

(G) any other space not used by the children or youth for activities.

(4) Each operator shall provide sufficient space in each area for children and youth to engage comfortably in the activity without being crowded.

(5) If a large area, including a gymnasium, is used by more than one group of children or youth, the activity area used by each group shall be functionally separated to limit distractions among groups and to allow for attentive supervision and interaction within the group.

(d) Materials, equipment, and furnishings.

(1) Each operator shall provide a sufficient quantity of program materials, equipment, furnishings, and supplies to keep children and youth engaged and to carry out the program of activities.

(2) Each operator shall ensure compliance with the following safety requirements:

(A) Equipment, furnishings, and supplies shall be used as intended and shall be safely stored to prevent injury or misuse.

(B) Equipment shall be maintained in good repair.

(C) If bedding is used, it shall be stored in a sanitary manner.

(3) Each operator shall ensure that there are no guns, ammunition, hunting knives, and other weapons on the premises. Archery equipment not designed for hunting may be used as part of an instructional archery program.

(e) High-risk sports and recreational activities.

(1) Before any high-risk sport or recreational activity is included in the program, each operator shall submit a description of the activity to the secretary for written approval. Each description shall include the following information:

(A) The qualifications of each instructor;

(B) the goals of the instruction;

(C) the protective measures that will be followed to conduct the activity safely;

(D) the plans for increased staff supervision;

(E) the type of protective gear, if required for the activity;

(F) the operator's written assurance that each activity will be age-appropriate; and

(G) any special procedures to be following in conducting the activity.

(2) Each operator shall keep the written approval from the secretary on file on the premises or at a designated central office location. This approval shall be accessible for review by the secretary's designee.

(3) Only an instructor who is certified or credentialed in the high-risk sport or recreational activity being taught shall instruct and supervise the children and youth engaged in the high-risk sport or recreational activity.

(4) Before participating in a high-risk sport or recreational activity, each child or youth shall have written permission, as specified in K.A.R. 28-4-582, on file on the premises or at a designated central office location. Each written permission shall be accessible for review by the secretary's designee.

(f) Children or youth with special needs.

(1) Each operator shall ensure that an IPP is developed and implemented for each child or youth with an identified special need who requires specialized services while attending the program. The following individuals shall develop the IPP:

(A) The program director and each staff member of the program who is responsible for implementing the IPP;

(B) the parent or other adult responsible for the child or youth;

(C) a professional who is licensed or credentialed in Kansas and who is qualified to work with the child or youth regarding the child's or youth's special need; and

(D) the child or youth, as appropriate.

(2) Each IPP shall contain the following information:

(A) The date each IPP is developed;

(B) each special need identified as requiring specialized services;

(C) each specialized service to be provided while the child or youth is attending the program and the name of the person who will provide each service;

(D) the anticipated goal of each specialized service; and

(E) the name and position of each person participating in the development of the IPP.

(3) Each operator shall ensure that each IPP is reviewed and updated as needed to meet the special needs of the child or youth, at least every three months.

(4) Each operator shall provide a copy of each IPP and each updated IPP to the participants who developed the

IPP. The operator shall keep a copy in the child's or youth's file.

(5) Each program operating concurrently under a school-age program license issued by the secretary and a license issued by the secretary of social and rehabilitation services as specified in K.S.A. 75-3307b, and amendments thereto, shall be exempt from the following regulations if the program is in compliance with the licensing requirements of the secretary of social and rehabilitation services:

- (A) K.A.R. 28-4-587;
- (B) K.A.R. 28-4-588(b), (e), and (f)(1) through (4); and
- (C) any IPP requirements specified in K.A.R. 28-4-589(d). (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-589. Behavior management. (a) Behavior management practices.

(1) Behavior management practices shall be consistent with the goals and purposes of the program and appropriate to the age and developmental level of the child or youth.

(2) Each staff member shall practice methods of behavior management that are designed to help each child or youth develop inner controls and manage the child's or youth's own behavior in a socially acceptable manner.

(b) Time-out. If time-out is used to manage behavior, the child or youth shall remain in time-out only long enough to regain self-control. Each child or youth in time-out shall be kept under visual staff supervision. If a separate room is used, the door shall remain open, or the staff member responsible for providing supervision shall remain in the room with the child or youth.

(c) Prohibited punishment.

(1) No operator or any staff member shall use any of the following methods of punishment:

(A) Punishment that is humiliating, frightening, or physically harmful to the child or youth;

(B) corporal punishment, including spanking with the hand or any implement, slapping, swatting, pulling hair, yanking the arm, excessive exercise, exposure to extreme temperatures, and any other measure that produces physical pain or threatens the child's or youth's health or safety;

(C) verbal abuse, threats, or derogatory remarks about the child or youth or the child's or youth's family;

(D) enclosing the child or youth in a confined space, including any closet, box, and locked room;

(E) withholding or forcing foods or liquids; and

(F) placing soap, or other substances that sting, burn, or have a bitter taste, in the child's or youth's mouth or on the tongue, or placing substances that sting or burn on other parts of the child's or youth's body.

(2) Each operator and each staff member shall be prohibited from giving medications, herbal or folk remedies, or drugs to control or manage behavior except as prescribed by the child's or youth's licensed physician or licensed nurse practitioner.

(3) Each operator and each staff member shall be prohibited from using physical restraint to manage behavior unless all of the requirements of subsection (d) of this regulation are met.

(d) Use of therapeutic physical restraint.

(1) Each child or youth whose behavior cannot be managed by other, less intrusive methods and whose behavior requires the use of physical restraint for the child's or youth's protection or the protection of others shall have on file an IPP authorizing the use of physical restraint.

(2) Before physical restraint is used, de-escalation methods shall be attempted. If de-escalation methods fail and the behavior of a child or youth makes physical restraint necessary for the child's or youth's own protection or the protection of others, the child or youth shall be held as gently as possible to manage the behavior. If physical restraint is used, two staff members shall be present and shall remain with the child or youth until physical restraint is no longer necessary.

(3) The child or youth shall be restrained no longer than necessary for the child or youth to gain self-control. No bonds, ties, or straps shall be used to restrict movement.

(4) Each staff member using physical restraint as specified in the child's or youth's IPP shall have a current certificate on file documenting training in de-escalation methods and specific restraint procedures or techniques. The physical restraint training curriculum shall be approved by the secretary before the curriculum is used to train the staff members.

(5) Each operator shall inform the parent or other adult responsible for a child or youth each time that physical restraint is used. The operator shall document each use of physical restraint on a critical incident report form supplied by the department. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-590. Health-related requirements. (a) Tobacco use prohibited. Each operator shall ensure that tobacco products are not used during the hours of operation of the program and while children or youth are in attendance.

(b) Health of individuals working or volunteering in the program.

(1) Each operator and each staff member shall be free from physical, mental, and emotional handicaps as necessary to protect the health, safety, and welfare of the children or youth.

(2) No individual working or volunteering in a program shall be under the influence of alcohol or illegal substances, or impaired due to the use of prescription or nonprescription drugs.

(3) Each individual working or volunteering in the program shall be free from any infectious or contagious disease, as specified in K.A.R. 28-1-2.

(4) Each operator and each staff member who has regular, ongoing contact with children or youth shall attest to that individual's health status on a form supplied by the department or approved by the secretary. The health status form shall indicate if the individual has been exposed to an active case of tuberculosis or has been diagnosed with suspect or confirmed active tuberculosis. Each individual shall update the health status form annually or more often if there is a change in the health status or

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if the individual has been exposed to an active case of tuberculosis.

(5) If an operator or staff member in contact with children or youth experiences significant changes in physical, mental, or emotional health or if the individual has been exposed to an active case of tuberculosis, an assessment of the individual's current health status may be required by the secretary. A licensed health care provider qualified to diagnose and treat the condition shall conduct the health assessment. Each assessment shall be kept in the individual's file and shall be submitted to the secretary on request.

(c) Tuberculin testing.

(1) If an operator, program director, staff member, child, or youth is exposed to an active case of tuberculosis or if the location of the program is in an area identified by the local health department or the secretary as a high-risk area for tuberculosis exposure, that individual shall obtain a Mantoux test or a chest x-ray.

(2) Each individual diagnosed with suspected or confirmed active tuberculosis shall be excluded from the program until the operator receives authorization from the secretary for the individual to return.

(3) Each operator shall notify the secretary if any individual identified in paragraph (c)(1) of this regulation indicates exposure to an active case of tuberculosis, has a diagnosis of suspected or confirmed active tuberculosis, or has a positive Mantoux test or positive chest x-ray indicating active disease.

(d) Health of children and youth.

(1) Each operator shall obtain a health history for each child or youth, on a form supplied the department or approved by the secretary. Each health history shall be maintained in the child's or youth's file on the premises.

(2) Each operator shall require that each child or youth attending the program has current immunizations as specified in K.A.R. 28-1-20 or has an exemption for religious or medical reasons.

(3) An exemption from immunization requirements shall be granted if one of the following is obtained:

(A) A written statement, submitted on a form supplied by the department and signed by a parent of the child or youth, that the parent is an adherent of a religious denomination whose teachings are opposed to health assessments or immunizations; or

(B) a certification from a licensed physician that the physical condition of the child or youth is such that immunizations would endanger the child's or youth's life or health.

(4) Children or youth who are currently attending or who had attended in the preceding school year a public or accredited non-public school in Kansas, Missouri, or Oklahoma shall not be required to provide documentation of current immunizations or exemptions from immunizations.

(5) If the operator is conducting a drop-in program or is unable to readily obtain the health information required for the child's or youth's participation in the program because of the circumstances of the parents, the operator shall submit a plan as specified in K.A.R. 28-4-582.

(e) Care of mildly ill children and youth. The operator may care for each mildly ill child or youth who becomes

ill while attending the program. The operator shall notify the parent or other adult responsible for the child or youth that the child or youth is ill. Each ill child or youth shall be made comfortable and shall be supervised in a quiet area until an authorized person arrives to pick up the child or youth.

(f) Administration of medication.

(1) Nonprescription medication. If nonprescription medication is to be administered during the time children or youth are attending the program, each operator shall ensure compliance with the following procedures:

(A) Obtain written permission from the child's or youth's parent or other adult responsible for the child or youth before administering nonprescription medication to that child or youth;

(B) administer each medication from the original container and according to instructions on the label; and

(C) require that each nonprescription medication supplied by a parent or other adult responsible for the child or youth is in the original container that is labeled with the first and last name of the child or youth for whom the medication is intended.

(2) Prescription medication. If prescription medication is administered during the time children or youth are attending the program, each operator shall ensure compliance with the following procedures:

(A) Obtain written permission from the child's or youth's parent or other adult responsible for the child or youth before administering prescription medication to that child or youth;

(B) administer medication ordered by a licensed physician or licensed nurse practitioner only to the designated child or youth;

(C) keep each prescription medication in the original container labeled by a pharmacist with the following information:

- (i) The first and last name of the child or youth;
- (ii) the date the prescription was filled;
- (iii) the name of the licensed physician or licensed nurse practitioner who wrote the prescription;
- (iv) the expiration date of the medication; and
- (v) specific, legible instructions for administration and storage of the medication;

(D) consider the instructions on each label to be the order from the licensed physician or licensed nurse practitioner; and

(E) administer the medication in accordance with the instructions on the label.

(3) Requirements for administering medication.

(A) If nonprescription or prescription medication is administered, each operator shall designate staff members to administer the medication. Each designated staff member shall receive training in medication administration and the possible side effects or adverse reactions of each specific medication to be given.

(B) Each operator shall record in the file of each child or youth who is scheduled to receive medication the following identifying information, on forms supplied by the department:

- (i) The name of each staff member who administered each medication;
- (ii) the date and time the medication was given;

(iii) any change in the child's or youth's behavior, response to the medication, or adverse reaction; and

(iv) any change in the administration of the medication from the instructions on the label or a notation about each missed dose.

(C) Each record shall be signed by the individual who was responsible for administering the medication, and a copy of the record shall be made available to the parent or other adult responsible for the child or youth.

(4) Storage of medication. Each operator shall keep each medication, including refrigerated medication, in locked storage and at the recommended temperature. Each medication container shall have a child-protective cap.

(5) Self-administration of medication.

(A) Any operator may permit each child or youth with a chronic illness, a condition requiring prescription medication on a regular basis, or a condition requiring the use of an inhaler to administer the medication under staff supervision. The operator shall obtain written permission for the child or youth to self-administer medication from the child's or youth's parent or other adult responsible for the child or youth, and from the licensed physician or nurse practitioner treating the condition of the child or youth.

(B) Written permission for self-administration of medication shall be kept in the child's or youth's file.

(C) The medication shall meet the requirements specified in subsection (f) of this regulation.

(D) Each child or youth who is authorized to self-administer medication shall have access to that child's or youth's medication for administration purposes. Each operator shall safely store each medication to prevent unauthorized access by others.

(E) Staff-administered or self-administered medication shall be given only to the individual whose name is on the medication and in the dosages recommended.

(g) Health care practices.

(1) Hand washing.

(A) Each operator shall ensure that each child and youth is encouraged to wash the hands with soap and water before and after eating and after toileting.

(B) Each adult shall wash the hands with soap and water before and after eating and after toileting.

(C) Waterless sanitizing cleanser or sanitizing wipes shall not be used as a substitute for soap and running water. Individuals shall not share towels or washcloths.

(2) Each staff member shall be sensitive to the health status of each child or youth and shall take precautions to prevent the following:

(A) Dehydration;

(B) heat exhaustion;

(C) sunburn;

(D) frostbite;

(E) allergic reactions; and

(F) other preventable conditions hazardous to a child's or youth's health. (Authorized by K.S.A. 2001 Supp. 65-508; implementing K.S.A. 2001 Supp. 65-507 and 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-591. Food preparation, service, safety, and nutrition. Each operator shall ensure that each individual

engaged in food preparation and food service knows and uses sanitary methods of food handling, food service, and storage.

(a) Food service area. Each operator shall ensure that the following requirements are met in the food service area:

(1) Surfaces used for food preparation and dining shall be made of smooth, nonporous material and shall be cleaned and sanitized before and after use.

(2) The floors shall be swept daily and mopped when spills occur.

(b) Food handling.

(1) Each operator shall ensure that each individual involved in food handling complies with all of the following hand-washing requirements:

(A) Hands shall be washed with soap and running water in a designated hand-washing sink immediately before the individual engages in food preparation and before the individual serves food.

(B) If a hand-washing sink is not available in the food preparation area and the food preparation sink is used for hand washing, the sink shall be sanitized before using it for food preparation.

(C) Individual towels or disposable paper towels shall be used to dry hands.

(2) Exclusions and restrictions.

(A) Each operator shall ensure that no individual is in the food preparation area who is vomiting, has diarrhea, or has other signs, symptoms, or positive laboratory tests suggestive of an infectious illness that can be transmitted through food handling. The operator shall not permit the individual to handle or serve food until the individual is no longer infectious as required by K.A.R. 28-1-6.

(B) Each operator shall require each individual with infectious skin sores or with open or infected injuries on the hands or forearms to cover the sores or injuries with a bandage or a single-use glove before handling or serving food.

(c) Food preparation.

(1) If food is prepared on the premises, each operator shall provide a food preparation area that is separate from the eating area, activity area, laundry area, and rest rooms and that is not used as a passageway during the hours of food preparation and cleanup.

(2) Each operator shall dispose of garbage in a garbage disposal or in a covered container. If a container is used, the operator shall remove the container at the end of the day or more often as needed to prevent overflowing or to control odor.

(d) Food service.

(1) Each operator shall ensure that children, youth, and staff members sit together at tables when eating meals or snacks.

(2) Each operator shall provide forks, spoons, and knives as appropriate for the food being served and shall provide one of the following:

(A) Cups and dishes that have smooth, hard-glazed surfaces and are free from cracks or chips; or

(B) disposable, single-use table service that is of food grade, medium weight, and disposed of after each use.

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(3) Each individual serving food shall use utensils or single-use gloves.

(4) If nondisposable table service and cooking utensils are used, each operator shall use one of the following methods to clean them:

(A) A commercial dishwasher for programs serving more than 30 children, or a domestic dishwasher for programs with 30 or fewer children;

(B) a three-compartment sink; or

(C) a two-compartment sink and a basin for sanitizing the table service and cooking utensils.

(e) Meals and food safety.

(1) If meals are not prepared at the premises or are brought to the premises by the child or youth, each operator shall obtain the meals from a food service establishment, summer feeding program, or catering service licensed by the secretary. If perishable prepared food is transported to the premises, each operator shall serve only prepared food that has been transported promptly in temperature-controlled, clean, covered containers.

(2) Each operator shall comply with all of the following food safety requirements:

(A) Hot foods shall be maintained at temperatures of at least 140°F.

(B) Cold foods shall be maintained at temperatures of 40°F or less.

(C) Dairy products shall be pasteurized.

(D) Meat shall be from government-inspected sources.

(E) The following foods shall be prohibited:

(i) Home-canned food;

(ii) food from dented, rusted, bulging, or leaking cans; and

(iii) food from cans without labels.

(F) Raw fruits and vegetables shall be washed thoroughly before being eaten or used for cooking.

(G) Frozen foods shall be defrosted in the refrigerator, under cold running water, in a microwave oven using the defrost setting, or during the cooking process. Frozen foods shall not be defrosted by leaving them at room temperature or in standing water.

(f) Sack lunches.

(1) Any operator may permit parents or other adults responsible for a child or youth to provide sack lunches.

(2) Each operator shall comply with the following requirements if sack lunches are provided:

(A) Each sack lunch shall be labeled with the name of the child or youth. Sack lunches shall not be shared.

(B) Perishable foods and drinks shall be kept at proper temperatures through the use of insulated sacks and either a coolant or refrigeration.

(3) Any operator may use coolers for refrigeration of sack lunches if a refrigerator is unavailable at the premises and the operator complies with the following requirements:

(A) Each sack shall be positioned so that neither ice nor water causes the food in the sack to become wet or contaminated.

(B) Ice that will be ingested shall be kept wrapped and shall not come in contact with lunch sacks, food, cans, or other substances.

(4) Each operator shall provide a nutritious meal as described in subsection (h) of this regulation for each child or youth who fails to bring a sack lunch.

(g) Food storage and refrigeration. Each operator shall comply with all of the following food storage and refrigeration requirements:

(1) Food kept by the operator for use in the program shall be stored at least six inches above the floor in a clean, dry, well-ventilated area that is free from vermin and rodent infestation. Dry bulk foods that are not in their original, unopened containers shall be stored in metal, glass, or food-grade plastic containers with tightly fitting covers and shall be labeled.

(2) Food shall not be stored with poisonous or toxic materials. If cleaning agents cannot be stored in a room separate from food storage areas, the cleaning agents shall be clearly labeled and kept in locked cabinets not used for the storage of food.

(3) Each refrigerator and freezer used by the operator for food storage and refrigeration shall be kept clean inside and out and shall have an interior thermometer. The temperature shall be maintained at 40°F or lower in the refrigerator, and food stored in the freezer shall be maintained frozen.

(4) Hot foods that are to be refrigerated and stored shall be transferred to shallow containers in food layers less than three inches deep and shall not be covered until cool.

(5) All food stored in the refrigerator shall be covered, wrapped, or otherwise protected from contamination. Unserved, leftover perishable foods shall be dated, refrigerated immediately after service, and eaten within three days.

(6) Ready-to-eat commercially processed foods, including luncheon meats, cream cheese, and cottage cheese, shall be eaten within five days of opening the package.

(h) Nutrition.

(1) Each operator shall ensure that all of the following nutritional requirements are met:

(A) Each meal or snack served by the operator shall include fluid milk.

(B) Each meal or snack shall be planned to supplement the daily nutritional needs of each child and youth and to provide healthy eating choices.

(C) If fruit or vegetable juice is served, the juice shall be full strength.

(D) If meals are served, the quantity served shall be sufficient to allow each child or youth second portions of bread, milk, vegetables, and fruit.

(E) Cookies, cake, candy, and other sweets with low nutritional value and high sugar or fat content shall not be counted when planning meals and snacks to meet the daily nutritional needs of each child and youth.

(2) Except as specified in paragraph (h)(3), each operator shall ensure that meals or snacks are served according to the following schedule:

| Length of time at the program | Food served |
|--|---|
| at least 2½ hours but fewer than 4 hours | 1 snack |
| at least 4 hours but fewer than 8 hours | 1 snack and 1 meal |
| at least 8 hours but fewer than 10 hours | 2 snacks and 1 meal or 1 snack and 2 meals |
| 10 hours or more | 2 meals and 2 snacks |

(3) Each operator of a school-age program that meets after school during the school year shall ensure that at

least one snack is served daily to each child or youth who attends the program after school. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-592. Safety and emergency procedures. (a) Telephone.

(1) Each operator shall ensure that there is a working telephone readily available to the operator and staff members to receive all incoming calls and make outgoing calls during all hours of operation.

(2) A working cellular phone that is turned on during the hours of operation may be substituted for a wired telephone.

(3) Each operator shall post emergency telephone numbers for the police, fire department, ambulance, hospital or hospitals, and poison control center next to the telephone, or shall have the numbers immediately accessible to each wired or cellular phone.

(b) Emergency plans and evacuation procedures.

(1) Emergency plans.

(A) Each operator shall develop and implement an emergency plan to provide for the safety of children, youth, and staff in emergencies including fire, tornadoes, storms, floods, serious injury, and other types of emergency specific to the geographic area in which the program is conducted.

(B) Each emergency plan shall be posted in a conspicuous place in each indoor activity area.

(C) Each staff member shall be informed of and shall follow the emergency plans.

(2) Evacuation procedures. Each operator shall practice both of the following evacuation procedures with the children and youth:

(A) Fire drills shall be conducted monthly. A record of the date and time of each fire drill and a record of each evacuation time shall be kept on file for one year.

(B) Tornado drills shall be conducted monthly during April through September. A record of the date and time of each tornado drill and a record of each evacuation time shall be kept on file for one year.

(c) First aid and cardiopulmonary resuscitation (CPR).

(1) Each operator shall ensure that at least one staff member is on the premises, is readily available to each child or youth at all times, and has one of the following:

(A) A current certification in first aid that includes management of blocked airways and rescue breathing; or
(B) a current certification in first aid that includes management of blocked airways and a current certification in CPR appropriate to the age of children and youth attending the program.

(2) Each record of certification shall be kept in the staff member's file. Equivalent training or certification may be substituted for the required training or certification if approved by the department.

(3) First-aid supplies. Each operator shall maintain first-aid supplies in a first-aid kit, carrying case, box, or other container. The first-aid supplies shall include the following:

(A) First-aid manual;

(B) disposable latex gloves;

(C) adhesive bandages of assorted sizes;

(D) adhesive tape;

(E) a roll of sterile gauze;

(F) sharp scissors;

(G) packages of four-inch sterile gauze squares;

(H) a cleansing agent or pump soap;

(I) an elastic bandage;

(J) tweezers; and

(K) a bottle of water for washing and cleansing.

(d) Universal precautions for handling blood and other bodily fluids or waste. Each operator shall ensure that each staff member complies with the following universal precautions:

(1) Each individual shall wear single-use latex gloves in the following situations:

(A) When cleaning contaminated surfaces or areas;

(B) before dressing a cut or sore that is leaking body fluids; and

(C) when cleaning up each spill, including urine, feces, blood, saliva, vomit, and tissue discharge.

(2) Each contaminated surface or area on which a spill occurs shall be cleaned with a disinfectant solution of one-quarter cup of unscented chlorine bleach to one gallon of cool water, or an appropriate commercial disinfectant used according to the manufacturer's instructions.

(3) Care shall be taken to avoid splashing any contaminated material onto any mucous membrane, including eyes, nose, and mouth.

(4) Each mop used to clean up a contaminated area shall be cleaned and rinsed in a disinfecting solution, wrung as dry as possible, and hung to dry.

(5) Each paper towel, sponge, or other material used for cleaning up a contaminated area shall be placed in a plastic bag with a secure tie and thrown away in a covered container.

(e) Emergency medical care.

(1) If a child or youth needs emergency medical care and is taken to an emergency care source, each operator shall ensure that the parent or other adult responsible for the child or youth is notified immediately and shall make the following documents and information immediately available to emergency care personnel:

(A) The child's or youth's health history;

(B) the name, address, and telephone number of the following individuals:

(i) The parent or other adult responsible for the child or youth;

(ii) a designated emergency contact; and

(iii) the physician designated by the parent or other adult to be called in case of emergency; and

(C) authorization for emergency medical care.

(2) If the operator has been unable to obtain the necessary documents as specified in K.A.R. 28-4-582, the plan approved by the secretary shall be followed.

(3) A staff member shall accompany a child or youth to the source of emergency care and shall remain with the child or youth until a parent or other responsible adult assumes responsibility for the child or youth. When a staff member goes to the source of emergency care with a child or youth, the operator shall ensure that the supervisory ratio required for the other children and youth in the program is maintained.

(continued)

(f) Reporting illnesses.

(1) If a child or youth becomes ill while attending the program, the operator shall immediately notify the parent or other adult responsible for the child or youth.

(2) If an operator, staff member, child, or youth in a program contracts a reportable infectious or contagious disease as specified in K.A.R. 28-1-2 and K.A.R. 28-1-18, the operator shall report the disease to the local county health department by the next working day. The operator shall follow the protocol recommended by the county health department and shall cooperate fully with any investigation, disease control, or surveillance procedures initiated by the county health department or the department of health and environment.

(g) Reporting critical incidents.

(1) Each operator shall report the following critical incidents immediately to each parent or other adult responsible for a child or youth affected by the critical incident, on a form supplied by the department:

(A) Fire damage or other damage to the building, or damage to the property that affects the structure of the building or safety of the children and youth;

(B) a vehicle accident involving children or youth;

(C) a missing child or youth;

(D) suspected child abuse or child neglect;

(E) physical restraint of a child or youth by staff members;

(F) the injury of a child or youth that requires medical attention;

(G) the death of a child, youth, or staff member; and

(H) any other incident that jeopardizes the safety of any child or youth.

(2) Each operator shall report each critical incident as specified in paragraph (g)(1) of this regulation to the secretary's designee by the next working day, on a form supplied by the department. However, the use of physical restraint shall be reported to the secretary if an injury or bruising occurs. A copy of each critical incident report shall be kept on file for not less than one year on the premises or at a designated central office location and shall be accessible for review by the secretary's designee.

(3) Each operator shall ensure that a report is made to the secretary's designee of all known facts concerning the time, place, manner, and circumstances of the death of a child or a youth attending the program when submitting a critical incident report as specified in paragraph (g)(1) of this regulation.

(4) Each operator and each staff member shall report suspected child abuse or child neglect, as follows:

(A) Immediately, by telephone or in writing, to the secretary of the department of social and rehabilitation services; and

(B) by the next working day to the secretary's designee, on a form supplied by the department. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-593. Program-sponsored transportation. (a) If the operator provides or arranges for transportation for children and youth to and from the premises or for program-sponsored activities, the operator shall ensure that prior written permission is obtained for each child or

youth to be transported as specified in K.A.R. 28-4-582. The operator shall ensure that the authorization for emergency medical care for each child or youth is in the vehicle in which the children or youth are being transported. If the operator is unable to obtain written permission or authorization for emergency medical care, the operator shall follow the plan approved by the secretary as specified in K.A.R. 28-4-582.

(b) Insurance. Each vehicle owned or leased by the operator and each personal vehicle used by a staff member to transport children or youth shall be covered by motor vehicle liability insurance. Each operator shall keep a copy of current insurance coverage for the program-owned or program-leased vehicle on the premises or at a designated central office location. The insurance information shall be available for review by the secretary's designee.

(c) Transportation safety.

(1) Each operator shall ensure that the following transportation safety requirements are met:

(A) No child or youth shall be transported in a trailer pulled by another vehicle, a camper shell, or a truck bed.

(B) Each vehicle transporting children or youth shall be maintained in safe operating condition.

(C) Each owned or leased vehicle shall contain a first-aid kit.

(2) Each driver shall comply with the following safety requirements while transporting children or youth:

(A) Each driver of a vehicle used to transport children or youth shall be 18 years of age or older and shall hold an operator's license of the type appropriate for the vehicle being used.

(B) The capacity of each transporting vehicle shall not be exceeded.

(C) Accumulated trash shall be removed from the transporting vehicle daily.

(D) Each vehicle door shall be locked or under the control of the driver while the vehicle is in motion.

(E) Order shall be maintained in the vehicle, and all parts of each passenger's body shall remain inside the vehicle at all times.

(F) No child or youth shall be permitted to enter the vehicle from or exit the vehicle into a traffic lane.

(G) No child or youth shall be left unattended in a vehicle at any time. When each vehicle is vacated, the driver shall ensure that no child or youth is left in the vehicle.

(H) Smoking shall be prohibited in each vehicle while children or youth are in the vehicle.

(I) No driver shall use a cellular phone while the vehicle is in motion.

(J) The supervisory ratio shall be maintained in each vehicle in which children or youth are being transported.

(K) Each child or youth shall be transported directly to the location designated by the operator, and there shall be no unauthorized stops along the way except in an emergency.

(d) Vehicle seat belt restraints.

(1) Except as specified in paragraph (d)(2), each operator shall ensure that each driver and each child or youth uses an individual seat belt restraint and that no more than one child or youth is restrained in each seat belt.

(2) If buses of the type used by schools are used to transport children and youth and are not equipped with individual restraints, no operator shall be required to install individual restraints. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-594. Swimming, wading, and water activities. (a) Swimming and wading pools, spas, hot tubs, and other bodies of water.

(1) Each operator shall have written permission on file as specified in K.A.R. 28-4-582 for each child or youth participating in water activities.

(2) Each swimming pool, wading pool, spa, hot tub, or other body of water on the premises shall be constructed, maintained, and used in a manner that safeguards the life and health of each child or youth.

(3) Each operator shall ensure that staff members comply with the following safety requirements:

(A) Constant visual supervision shall be provided for children and youth who are engaged in activities in areas where there is access to any swimming or wading pool, spa, hot tub, or body of water or who are engaged in swimming, wading, boating, or other water sports activities. Supervisory ratios shall be maintained at all times.

(B) No child or youth shall be permitted to use a spa or a hot tub on the premises unless its use is medically indicated.

(C) Each spa or hot tub shall be covered with an insulated cover, which shall be secured by locks when the spa or hot tub is not in use.

(D) The water in the wading pool shall be emptied immediately after use.

(b) Swimming pools on the premises.

(1) Safety rules.

(A) If a swimming pool on the premises is to be used by children or youth enrolled in the program, the operator shall ensure that legible safety rules for the use of the pool are posted in a conspicuous location. Each staff member responsible for the supervision of children or youth who are swimming shall review the safety rules with each child or youth before the child or youth enters the pool.

(B) Each operator shall ensure that no child or youth is permitted to dive from a diving board unless the requirements governing high-risk sports and recreational activities as specified in K.A.R. 28-4-588 are met.

(C) An individual who can swim and who has either a current certificate in first aid that includes rescue breathing or both a current certificate in first aid and a current certificate in CPR shall be in attendance if children or youth are using a swimming pool.

(2) Swimming pool safety and maintenance. Each operator shall ensure that the following requirements for swimming pool safety and maintenance are met:

(A) The water in each swimming pool shall be maintained between pH 7.2 and pH 7.6. The available free chlorine content shall be between 1.0 and 3.0 parts per million.

(B) Each pool shall be cleaned daily, and the chlorine level and pH level shall be tested daily during the swimming season. The results of these tests shall be recorded and kept on file at the premises.

(C) Each swimming pool more than six feet in width, length, or diameter shall be provided with a ring buoy and rope or with a shepherd's hook. This equipment shall be long enough to reach the center of the pool from the edge of the pool.

(D) A sensor or a remote monitor shall not be used in lieu of a fence.

(E) During the months a pool is not in use, the pool shall be covered with a safety cover.

(3) In-ground swimming pools. Each operator shall ensure that the following requirements are met:

(A) Each in-ground swimming pool located outdoors shall be enclosed by a five-foot fence on all four sides to prevent chance access by children and youth. The fence shall have a gate that has a self-closing latch with a locking device.

(B) If an in-ground swimming pool is within a building, the building shall be designed to prevent unsupervised access to the pool by each child and youth.

(C) Each in-ground swimming pool shall be surrounded by a nonskid surface that is at least four feet wide, is in good repair, and is free of tears, breaks, and splinters.

(4) Above-ground swimming pools. Each operator shall ensure that the following requirements are met:

(A) Each above-ground swimming pool shall have sides at least five feet high or shall be enclosed by a five-foot fence. Side extenders may be installed to increase the height of the sides of the swimming pool.

(B) Ladders shall be removed when the above-ground pool is not in use.

(c) Ponds, rivers, or lakes on or off the premises.

(1) Water activity safety. If a pond, river, or lake is used for swimming, boating, or other water activities, the operator shall ensure that a certified lifeguard is on duty and that each activity is conducted with strict regard for the health and safety of each child and youth.

(2) Approval of swimming sites. If a pond, river, or lake is used for swimming, the operator shall ensure that the body of water is approved for swimming by one of the following:

(A) The local health department of the county in which the swimming site is located, if the swimming site is in Kansas;

(B) the secretary; or

(C) the designated authority in the state in which the swimming site is located, if the swimming site is not in Kansas. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-595. Animals on the premises. (a)(1) If animals are kept on the premises, each operator shall ensure that each area in which an animal is permitted is maintained in a clean and sanitary manner, with no evidence of flea, tick, or worm infestation in the area.

(2) Each operator shall prohibit poisonous animals, pit bulls, and other animals that present a health or safety hazard to children and youth on the premises, unless the animals are displayed as part of an animal exhibit and are supervised at all times by trained animal care personnel.

(continued)

(b) Each operator shall ensure that animals are not present in the following areas:

- (1) The kitchen while food is being prepared;
- (2) the dining area while children or youth are eating; and
- (3) each food storage area.

(c) Each staff member and each child or youth shall wash that individual's hands with soap and water after handling animals, animal food, and animal wastes.

(d) Each operator shall ensure that each domesticated cat, dog, or ferret on the premises has a current rabies vaccination. A record of each vaccination shall be kept on file on the premises or at a designated central office location and shall be available for review by the secretary's designee.

(e) Each operator shall ensure that each child or youth is taught safe procedures to follow when handling animals. The operator or staff member supervising the activity shall separate a child or youth from an animal immediately if either of the following occurs:

- (1) The animal shows signs of distress or aggression.
- (2) The child or youth shows signs of treating the animal inappropriately.

(f) If a child or youth is injured by an animal, the operator shall immediately notify the parent or other adult responsible for the child or youth about the injury. The operator shall submit a critical incident report about the injury to the secretary's designee by the next working day. The operator shall keep a copy of the incident report in the child's or youth's file. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

28-4-596. Day reporting program. (a) (1) Each operator conducting a day reporting program shall comply with the requirements specified in this regulation and the requirements in K.A.R. 28-4-576 through 28-4-584, K.A.R. 28-4-587, and K.A.R. 28-4-589 through 28-4-592.

(2) Each operator shall meet the following requirements if the secretary determines that they are applicable to the program and services:

- (A) K.A.R. 28-4-585 or K.A.R. 28-4-586; and
- (B) K.A.R. 28-4-593 through K.A.R. 28-4-595.

(3) If the requirements of this regulation appear to conflict with any other regulation governing school-age programs, the more stringent regulation shall apply.

(b)(1) Each operator shall ensure that the program is administered by an individual with job-related experience working with juvenile offenders and with a knowledge of laws and standards governing programs for juvenile offenders.

(2) Each operator shall ensure that each child or youth who attends the program is 10 years of age or older and meets one of the following criteria:

- (A) The child or youth is in the custody of the juvenile justice authority.
- (B) The child or youth is court-ordered to attend.
- (C) The child or youth is required to attend as a condition of diversion, probation, or release from a juvenile correctional facility or has been diverted by the court from direct commitment to a juvenile correctional program.

(c) Each operator conducting a day reporting program shall develop and implement an IPP for each child or youth, which shall include any combination of the following:

- (1) Assistance to each child or youth in organizing a daily schedule of activities;
- (2) monitoring the child's or youth's court orders;
- (3) situational counseling and referrals, if needed;
- (4) conflict resolution and crisis intervention;
- (5) contact with each child's or youth's parent or other adult responsible for the child or youth;
- (6) drug testing and substance abuse education;
- (7) pregnancy prevention and human sexuality education;
- (8) assistance with educational and vocational needs;
- (9) employment training, as appropriate; and
- (10) community service work.

(d) Each operator shall keep the following information in each child's or youth's file:

- (1) The information required by K.A.R. 28-4-582;
- (2) the child's or youth's legal status as specified in paragraph (b)(2);
- (3) the date the child or youth was admitted to the program;
- (4) intake information for each child or youth gathered at the time of admission;
- (5) a summary of the child's or youth's daily activities;
- (6) the IPP, progress reports, and any changes made in the plan;
- (7) the discharge summary; and
- (8) any critical incident reports.

(e)(1) Each operator shall establish written rules of child and youth conduct that define expected behaviors and related consequences. Each operator shall give each child or youth attending the program a rule book specifying the expected behaviors, ranges of consequences, and disciplinary procedures.

(2) Each operator shall obtain a signed acknowledgment from each child or youth that the child or youth has received a copy of the rule book and understands the rule book. The signed acknowledgment shall be kept in the child's or youth's file.

(f) Each operator shall ensure that child and youth services are coordinated with the referring agency or the court, the local mental health center, the local school district, and the local health department, as necessary to implement the day reporting program.

(g) The supervisory ratio shall be one staff member for every 10 children and youth attending the day reporting program. The maximum group size shall not exceed 20 children or youth.

(1) Each operator shall ensure that each program has a program director who meets the following qualifications:

- (A) Is 21 years of age or older;
- (B) meets the staff qualifications for a program director for the licensed capacity of the program, as specified in K.A.R. 28-4-587; and
- (C) has knowledge and experience working with juvenile offenders, high-risk children and youth, community youth programs, or social service programs serving children and youth.

(2) Each operator shall ensure that each group has a group leader who meets the following qualifications:

- (A) Is 21 years of age or older;
- (B) meets the staff qualifications for group leader as specified in K.A.R. 28-4-587; and
- (C) has knowledge and experience working with juvenile offenders, high-risk children and youth, community youth programs, or social service programs serving children and youth.

(3) Each operator shall ensure that each group has an assistant group leader who meets the following qualifications:

(A) Is 18 years of age or older and at least three years older than the oldest child and youth in the group to which the assistant group leader is assigned;

(B) meets the qualifications for an assistant group leader as specified in K.A.R. 28-4-587; and

(C) has experience working with children and youth. (Authorized by and implementing K.S.A. 2001 Supp. 65-508; effective, T-28-4-1-02, April 1, 2002.)

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027765

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2001 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 1-5-8 | Amended | V. 20, p. 730 |
| 1-5-9 | Amended | V. 20, p. 730 |
| 1-5-19b | Amended | V. 20, p. 730 |
| 1-5-19c | Amended | V. 20, p. 730 |
| 1-5-20 | Amended | V. 20, p. 731 |
| 1-16-18 | Amended | V. 21, p. 146 |
| 1-18-1a | Amended | V. 20, p. 1602 |
| 1-45-1 | Amended | V. 20, p. 1602 |
| 1-45-7 | Amended | V. 20, p. 1603 |
| 1-45-7a | New | V. 20, p. 1603 |

AGENCY 4: DEPARTMENT OF AGRICULTURE

| Reg. No. | Action | Register |
|----------|---------|-------------------|
| 4-3-47 | Amended | V. 20, p. 861 |
| 4-3-49 | Amended | V. 20, p. 861 |
| 4-3-51 | New | V. 20, p. 861 |
| 4-10-2j | Amended | V. 20, p. 431 |
| 4-10-5 | Amended | V. 20, p. 430 |
| 4-10-5a | New | V. 20, p. 431 |
| 4-25-2 | | |
| through | | |
| 4-25-18 | New | V. 21, p. 232-235 |

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 5-25-4 | Amended | V. 20, p. 294 |

AGENCY 7: SECRETARY OF STATE

| Reg. No. | Action | Register |
|----------|---------|---------------------|
| 7-17-1 | | |
| through | | |
| 7-17-24 | New | V. 20, p. 1524-1528 |
| 7-19-1 | | |
| through | | |
| 7-19-7 | Revoked | V. 20, p. 1528 |
| 7-24-2 | Amended | V. 20, p. 323 |
| 7-25-1 | Amended | V. 20, p. 325 |
| 7-26-1 | Amended | V. 20, p. 325 |
| 7-26-2 | Amended | V. 20, p. 325 |
| 7-28-1 | Amended | V. 20, p. 325 |

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|---------|---------|---------------------|
| 7-29-2 | Amended | V. 20, p. 325 |
| 7-36-4 | Amended | V. 20, p. 326 |
| 7-38-1 | Amended | V. 20, p. 326 |
| 7-39-1 | Amended | V. 20, p. 1566 |
| 7-41-1 | | |
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| 7-41-13 | New | V. 20, p. 1021-1023 |

AGENCY 9: ANIMAL HEALTH DEPARTMENT

| Reg. No. | Action | Register |
|----------|-------------|------------------|
| 9-7-19 | New (T) | V. 20, p. 934 |
| 9-7-19 | New | V. 21, p. 265 |
| 9-10-33 | New | V. 20, p. 1393 |
| 9-10-33a | New | V. 20, p. 1393 |
| 9-18-1 | Amended (T) | V. 20, p. 1567 |
| 9-22-4 | New (T) | V. 20, p. 1567 |
| 9-22-5 | New (T) | V. 20, p. 1568 |
| 9-29-12 | | |
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| 9-29-15 | New | V. 21, p. 26, 27 |

AGENCY 10: KANSAS BUREAU OF INVESTIGATION

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| 10-12-1 | Amended | V. 21, p. 454 |
| 10-13-1 | Amended | V. 21, p. 454 |
| 10-20-2a | New | V. 21, p. 454 |
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| 10-21-6 | Amended | V. 21, p. 454-456 |

AGENCY 16: ATTORNEY GENERAL

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| 16-7-1 | | |
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| 16-7-9 | Revoked | V. 20, p. 1920 |

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| 17-11-14 | Amended | V. 21, p. 18 |
| 17-11-18 | Amended | V. 21, p. 18 |
| 17-11-19 | Amended | V. 21, p. 18 |
| 17-11-21 | Amended | V. 21, p. 18 |
| 17-16-2 | Amended | V. 21, p. 19 |
| 17-23-1 | Amended | V. 21, p. 19 |
| 17-23-3 | Amended | V. 21, p. 21 |
| 17-23-6 | Amended | V. 21, p. 21 |
| 17-23-8 | Amended | V. 21, p. 21 |
| 17-23-9 | Amended | V. 21, p. 22 |
| 17-23-11 | Amended | V. 21, p. 23 |
| 17-23-14 | Amended | V. 21, p. 25 |
| 17-23-15 | Revoked | V. 21, p. 26 |
| 17-24-2 | Amended | V. 20, p. 1847 |
| 17-24-3 | New | V. 21, p. 212 |

AGENCY 20: CRIME VICTIMS COMPENSATION BOARD

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| 20-8-1 | | |
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| 20-8-4 | Revoked | V. 20, p. 1921 |
| 20-10-1 | Revoked | V. 20, p. 1921 |
| 20-10-2 | Revoked | V. 20, p. 1921 |
| 20-11-1 | Revoked | V. 20, p. 1921 |
| 20-11-2 | Revoked | V. 20, p. 1921 |
| 20-13-2 | Revoked | V. 20, p. 1921 |

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| 20-13-3 | Revoked | V. 20, p. 1921 |
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AGENCY 22: STATE FIRE MARSHAL

| Reg. No. | Action | Register |
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| 22-24-1 | | |
| through | | |
| 22-24-18 | New (T) | V. 20, p. 1724-1727 |
| 22-24-1 | | |
| through | | |
| 22-24-18 | New | V. 21, p. 147-150 |

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 23-1-11 | Revoked | V. 20, p. 1061 |
| 23-8-27 | Revoked | V. 20, p. 1061 |

AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT (By Department of Agriculture)

| Reg. No. | Action | Register |
|----------|---------|--------------------|
| 25-1-3 | | |
| through | | |
| 25-1-6 | Revoked | V. 21, p. 235, 236 |
| 25-1-12 | Revoked | V. 21, p. 236 |
| 25-1-15 | Revoked | V. 21, p. 236 |
| 25-1-19 | | |
| through | | |
| 25-1-28 | Revoked | V. 21, p. 236 |
| 25-2-4 | Revoked | V. 21, p. 236 |
| 25-3-2 | | |
| through | | |
| 25-3-6 | Revoked | V. 21, p. 236 |
| 25-3-8 | Revoked | V. 21, p. 236 |
| 25-3-10 | | |
| through | | |
| 25-3-13 | Revoked | V. 21, p. 236 |
| 25-3-15 | Revoked | V. 21, p. 236 |
| 25-3-16 | Revoked | V. 21, p. 236 |
| 25-3-17 | Revoked | V. 21, p. 236 |
| 25-4-4 | Revoked | V. 21, p. 236 |
| 25-5-1 | Revoked | V. 21, p. 236 |

AGENCY 26: DEPARTMENT ON AGING

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 26-11-1 | New (T) | V. 20, p. 1895 |
| 26-11-2 | New (T) | V. 20, p. 1895 |
| 26-11-3 | New (T) | V. 20, p. 1895 |

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

| Reg. No. | Action | Register |
|-----------|-------------|---------------|
| 28-4-269 | Amended (T) | V. 21, p. 497 |
| 28-4-331 | Amended (T) | V. 21, p. 498 |
| 28-4-351 | Amended (T) | V. 21, p. 500 |
| 28-10-15 | | |
| through | | |
| 28-10-35 | Revoked | V. 20, p. 322 |
| 28-10-37 | Revoked | V. 20, p. 322 |
| 28-10-38 | Revoked | V. 20, p. 322 |
| 28-10-39 | Revoked | V. 20, p. 322 |
| 28-10-75 | | |
| through | | |
| 28-10-88 | Revoked | V. 20, p. 322 |
| 28-10-100 | | |
| through | | |
| 28-10-108 | Revoked | V. 20, p. 322 |

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| 28-15-35 | Amended | V. 20, p. 725 |
| 28-15-36 | Amended | V. 20, p. 728 |
| 28-15-36a | Amended | V. 20, p. 728 |
| 28-15-37 | Amended | V. 20, p. 729 |
| 28-16-28b | | |
| through | | |
| 28-16-28e | Amended | V. 20, p. 1264-1270 |
| 28-16-30 | | |
| through | | |
| 28-16-36 | Amended | V. 20, p. 1277-1279 |
| 28-16-57 | Revoked | V. 20, p. 322 |
| 28-16-58 | Amended | V. 20, p. 1279 |
| 28-16-60 | Amended | V. 20, p. 1280 |
| 28-16-76 | | |
| through | | |
| 28-16-79 | Revoked | V. 20, p. 322 |
| 28-16-82 | Revoked | V. 20, p. 322 |
| 28-17-6 | Amended | V. 20, p. 1523 |
| 28-19-79 | Revoked | V. 20, p. 492 |
| 28-19-202 | Amended | V. 20, p. 322 |
| 28-19-719 | New | V. 20, p. 492 |
| 28-29-18 | Revoked | V. 21, p. 310 |
| 28-29-29 | Amended | V. 21, p. 310 |
| 28-29-2201 | New | V. 21, p. 310 |
| 28-34-1a | Amended | V. 20, p. 1755 |
| 28-34-6a | Amended | V. 20, p. 106 |
| 28-34-9a | Amended | V. 20, p. 107 |
| 28-34-21 | Revoked | V. 20, p. 323 |
| 28-34-26 | Revoked | V. 20, p. 323 |
| 28-34-27 | Revoked | V. 20, p. 323 |
| 28-34-28 | Revoked | V. 20, p. 323 |
| 28-34-30 | Revoked | V. 20, p. 323 |
| 28-34-32b | Amended | V. 20, p. 107 |
| 28-34-50 | Amended | V. 20, p. 453 |
| 28-34-51 | Amended | V. 20, p. 454 |
| 28-34-52 | Revoked | V. 20, p. 455 |
| 28-34-52a | New | V. 20, p. 455 |
| 28-34-52b | New | V. 20, p. 455 |
| 28-34-53 | Amended | V. 20, p. 456 |
| 28-34-54 | Amended | V. 20, p. 456 |
| 28-34-55 | Revoked | V. 20, p. 457 |
| 28-34-55a | New | V. 20, p. 457 |
| 28-34-56 | Revoked | V. 20, p. 457 |
| 28-34-56a | New | V. 20, p. 457 |
| 28-34-57 | Amended | V. 20, p. 457 |
| 28-34-58 | Revoked | V. 20, p. 458 |
| 28-34-58a | New | V. 20, p. 458 |
| 28-34-59 | Revoked | V. 20, p. 459 |
| 28-34-59a | New | V. 20, p. 459 |
| 28-34-60 | Revoked | V. 20, p. 459 |
| 28-34-60a | New | V. 20, p. 459 |
| 28-34-61 | Revoked | V. 20, p. 460 |
| 28-34-61a | New | V. 20, p. 460 |
| 28-34-62a | Amended | V. 20, p. 460 |
| 28-34-75 | | |
| through | | |
| 28-34-93 | Revoked | V. 20, p. 323 |
| 28-34-94a | Revoked | V. 20, p. 323 |
| 28-36-30 | Amended (T) | V. 20, p. 1122 |
| 28-36-30 | Amended | V. 20, p. 1675 |
| 28-36-60 | New (T) | V. 20, p. 1122 |
| 28-36-60 | New | V. 20, p. 1675 |
| 28-36-120 | New (T) | V. 20, p. 1122 |
| 28-36-120 | New | V. 20, p. 1675 |
| 28-39-144 | Amended | V. 20, p. 1756 |
| 28-39-155 | Amended | V. 20, p. 1758 |
| 28-39-410 | Revoked | V. 20, p. 323 |
| 28-55-3 | Amended | V. 21, p. 311 |
| 28-55-5 | Amended | V. 21, p. 311 |
| 28-59-1 | | |
| through | | |
| 28-59-5 | Amended | V. 20, p. 295, 296 |
| 28-59-5a | Amended | V. 20, p. 297 |
| 28-59-6 | Amended | V. 20, p. 297 |
| 28-59-7 | Amended | V. 20, p. 298 |
| 28-59-8 | Amended | V. 20, p. 298 |
| 28-61-1 | | |
| through | | |
| 28-61-10 | Amended | V. 20, p. 298-303 |
| 28-61-11 | New | V. 20, p. 304 |

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 30-4-64 | Amended | V. 20, p. 490 |
| 30-5-58 | Amended | V. 20, p. 1023 |

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| 30-5-64 | Amended | V. 20, p. 1393 |
| 30-5-76 | Amended | V. 20, p. 1846 |
| 30-5-92 | Amended | V. 20, p. 1029 |
| 30-5-94 | Amended | V. 20, p. 1030 |
| 30-5-100 | Amended | V. 20, p. 1846 |
| 30-5-108 | Amended | V. 20, p. 491 |
| 30-6-89 | New | V. 20, p. 1394 |
| 30-6-94 | Amended | V. 21, p. 506 |
| 30-10-1a | Amended | V. 21, p. 506 |
| 30-10-2 | Amended | V. 21, p. 508 |
| 30-10-7 | Amended | V. 21, p. 509 |
| 30-12-16 | | |
| through | | |
| 30-12-22 | Revoked | V. 21, p. 331 |
| 30-13-17 | | |
| through | | |
| 30-13-26 | Revoked | V. 21, p. 331 |
| 30-64-20 | Amended | V. 21, p. 80 |
| 30-64-22 | Amended | V. 21, p. 80 |
| 30-64-23 | Amended | V. 21, p. 81 |
| 30-64-30 | Amended | V. 21, p. 81 |
| 30-64-31 | Amended | V. 21, p. 82 |
| 30-64-32 | Amended | V. 21, p. 82 |
| 30-64-34 | Revoked | V. 21, p. 82 |

AGENCY 40: KANSAS INSURANCE DEPARTMENT

| Reg. No. | Action | Register |
|----------|-------------|-------------------|
| 40-1-8 | Revoked | V. 20, p. 946 |
| 40-1-13 | Revoked | V. 20, p. 946 |
| 40-1-30 | Revoked | V. 20, p. 723 |
| 40-1-37 | Amended | V. 20, p. 1343 |
| 40-1-42 | Amended | V. 20, p. 723 |
| 40-1-43 | Amended | V. 21, p. 451 |
| 40-1-43 | Amended (T) | V. 20, p. 1896 |
| 40-1-46 | Amended | V. 21, p. 212 |
| 40-1-48 | New | V. 20, p. 1868 |
| 40-3-29 | Revoked | V. 20, p. 946 |
| 40-4-35 | Amended | V. 20, p. 1307 |
| 40-4-41 | Amended | V. 20, p. 946 |
| 40-4-41b | | |
| through | | |
| 40-4-41g | Amended | V. 20, p. 949-953 |
| 40-4-41h | New | V. 20, p. 953 |
| 40-4-41i | New | V. 20, p. 954 |
| 40-4-41j | New | V. 20, p. 954 |
| 40-5-106 | Revoked | V. 20, p. 1161 |
| 40-5-111 | Revoked | V. 20, p. 1161 |
| 40-7-6 | Revoked | V. 20, p. 1161 |
| 40-9-100 | Amended | V. 20, p. 954 |
| 40-12-1 | Revoked | V. 20, p. 723 |

AGENCY 44: DEPARTMENT OF CORRECTIONS

| Reg. No. | Action | Register |
|-----------|---------|---------------|
| 44-4-103 | Revoked | V. 21, p. 309 |
| 44-4-104 | Revoked | V. 21, p. 309 |
| 44-4-106 | | |
| through | | |
| 44-4-109 | Revoked | V. 21, p. 309 |
| 44-5-101 | Revoked | V. 21, p. 309 |
| 44-5-103 | Revoked | V. 21, p. 309 |
| 44-5-107 | | |
| through | | |
| 44-5-110 | Revoked | V. 21, p. 309 |
| 44-5-113 | Revoked | V. 21, p. 309 |
| 44-5-114 | Revoked | V. 21, p. 309 |
| 44-7-102 | Revoked | V. 21, p. 309 |
| 44-7-103 | Revoked | V. 21, p. 309 |
| 44-7-105 | Revoked | V. 21, p. 309 |
| 44-7-106 | Revoked | V. 21, p. 309 |
| 44-7-107 | Revoked | V. 21, p. 309 |
| 44-7-109 | Revoked | V. 21, p. 309 |
| 44-7-112 | Revoked | V. 21, p. 309 |
| 44-7-114 | Revoked | V. 21, p. 309 |
| 44-7-115 | Revoked | V. 21, p. 309 |
| 44-7-116 | Revoked | V. 21, p. 309 |
| 44-8-110 | | |
| through | | |
| 44-8-114 | Revoked | V. 21, p. 309 |
| 44-11-111 | Amended | V. 21, p. 335 |
| 44-11-112 | Revoked | V. 21, p. 336 |
| 44-11-113 | Amended | V. 21, p. 336 |
| 44-11-114 | Revoked | V. 21, p. 336 |
| 44-11-115 | Revoked | V. 21, p. 336 |

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| 44-11-119 | Amended | V. 21, p. 336 |
| 44-11-120 | Amended | V. 21, p. 336 |
| 44-11-121 | Amended | V. 21, p. 337 |
| 44-11-122 | Revoked | V. 21, p. 337 |
| 44-11-123 | Amended | V. 21, p. 337 |
| 44-11-124 | Revoked | V. 21, p. 337 |
| 44-11-127 | Amended | V. 21, p. 337 |
| 44-11-129 | Amended | V. 21, p. 338 |
| 44-11-130 | Amended | V. 21, p. 338 |
| 44-11-131 | Amended | V. 21, p. 339 |
| 44-11-132 | Amended | V. 21, p. 339 |
| 44-11-133 | Amended | V. 21, p. 339 |
| 44-11-135 | Amended | V. 21, p. 339 |
| 44-12-103 | Amended | V. 21, p. 117 |
| 44-12-105 | Amended | V. 21, p. 117 |
| 44-12-106 | Amended | V. 21, p. 117 |
| 44-12-107 | Amended | V. 21, p. 117 |
| 44-12-201 | | |
| through | | |
| 44-12-205 | Amended | V. 21, p. 118 |
| 44-12-210 | Amended | V. 21, p. 118 |
| 44-12-303 | Amended | V. 21, p. 118 |
| 44-12-305 | Amended | V. 21, p. 118 |
| 44-12-306 | Amended | V. 21, p. 119 |
| 44-12-307 | Amended | V. 21, p. 119 |
| 44-12-309 | Amended | V. 21, p. 119 |
| 44-12-310 | Amended | V. 21, p. 119 |
| 44-12-312 | Amended | V. 21, p. 119 |
| 44-12-313 | Amended | V. 21, p. 119 |
| 44-12-314 | Amended | V. 21, p. 119 |
| 44-12-318 | Amended | V. 21, p. 120 |
| 44-12-320 | Revoked | V. 21, p. 120 |
| 44-12-321 | Amended | V. 21, p. 120 |
| 44-12-325 | Amended | V. 21, p. 120 |
| 44-12-326 | Revoked | V. 21, p. 120 |
| 44-12-327 | Amended | V. 21, p. 120 |
| 44-12-328 | Amended | V. 21, p. 120 |
| 44-12-401 | Amended | V. 21, p. 120 |
| 44-12-501 | Amended | V. 21, p. 121 |
| 44-12-503 | Amended | V. 21, p. 121 |
| 44-12-504 | Amended | V. 21, p. 121 |
| 44-12-505b | Amended | V. 21, p. 121 |
| 44-12-601 | Amended | V. 21, p. 121 |
| 44-12-602 | Amended | V. 21, p. 123 |
| 44-12-702 | Amended | V. 21, p. 123 |
| 44-12-801 | Amended | V. 21, p. 123 |
| 44-12-902 | Amended | V. 21, p. 123 |
| 44-12-1002 | Amended | V. 21, p. 123 |
| 44-12-1306 | Amended | V. 21, p. 123 |
| 44-12-1307 | Amended | V. 21, p. 124 |
| 44-13-101 | Amended | V. 21, p. 151 |
| 44-13-104 | Revoked | V. 21, p. 151 |
| 44-13-105 | Amended | V. 21, p. 151 |
| 44-13-106 | Amended | V. 21, p. 151 |
| 44-13-201 | Amended | V. 21, p. 152 |
| 44-13-201b | Amended | V. 21, p. 153 |
| 44-13-202 | Amended | V. 21, p. 153 |
| 44-13-302a | Revoked | V. 21, p. 153 |
| 44-13-304 | Revoked | V. 21, p. 153 |
| 44-13-306 | New | V. 21, p. 154 |
| 44-13-307 | New | V. 21, p. 154 |
| 44-13-401 | Amended | V. 21, p. 154 |
| 44-13-401a | Revoked | V. 21, p. 154 |
| 44-13-402 | Amended | V. 21, p. 154 |
| 44-13-403 | Amended | V. 21, p. 155 |
| 44-13-404 | Amended | V. 21, p. 156 |
| 44-13-405a | Amended | V. 21, p. 157 |
| 44-13-406 | Amended | V. 21, p. 158 |
| 44-13-408 | Amended | V. 21, p. 158 |
| 44-13-409 | Amended | V. 21, p. 158 |
| 44-13-501 | Amended | V. 21, p. 158 |
| 44-13-502a | Amended | V. 21, p. 158 |
| 44-13-506 | | |
| through | | |
| 44-13-509 | Amended | V. 21, p. 158, 159 |
| 44-13-601 | Amended | V. 21, p. 159 |
| 44-13-603 | Amended | V. 21, p. 159 |
| 44-13-610 | Amended | V. 21, p. 159 |
| 44-13-701 | | |
| through | | |
| 44-13-704 | Amended | V. 21, p. 159, 160 |
| 44-13-705 | Revoked | V. 21, p. 161 |
| 44-13-706 | Amended | V. 21, p. 161 |
| 44-13-707 | Amended | V. 21, p. 161 |
| 44-14-101 | Revoked | V. 21, p. 83 |

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| 44-14-102 | Revoked | V. 21, p. 83 |
| 44-14-201 | Revoked | V. 21, p. 83 |
| 44-14-202 | Revoked | V. 21, p. 83 |
| 44-14-301 | | |
| through | | |
| 44-14-318 | Revoked | V. 21, p. 83 |
| 44-15-101 | Amended | V. 21, p. 84 |
| 44-15-101a | Amended | V. 21, p. 84 |
| 44-15-102 | Amended | V. 21, p. 85 |
| 44-15-201 | Amended | V. 21, p. 86 |
| 44-16-102 | Amended | V. 21, p. 86 |
| 44-16-103 | Revoked | V. 21, p. 86 |
| 44-16-104 | Revoked | V. 21, p. 86 |
| 44-16-105 | Amended | V. 21, p. 86 |
| 44-16-106 | Revoked | V. 21, p. 86 |
| 44-16-107 | Revoked | V. 21, p. 86 |
| 44-16-108 | Revoked | V. 21, p. 86 |

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

| Reg. No. | Action | Register |
|----------|---------|-------------------|
| 50-1-2 | Amended | V. 20, p. 137 |
| 50-1-3 | Amended | V. 20, p. 138 |
| 50-1-4 | Amended | V. 20, p. 138 |
| 50-2-1 | Amended | V. 20, p. 139 |
| 50-2-3 | Amended | V. 20, p. 139 |
| 50-2-9 | Revoked | V. 20, p. 140 |
| 50-2-12 | Amended | V. 20, p. 140 |
| 50-2-17 | Amended | V. 20, p. 140 |
| 50-2-18 | Amended | V. 20, p. 140 |
| 50-2-19 | Amended | V. 20, p. 140 |
| 50-2-21 | Amended | V. 20, p. 141 |
| 50-2-26 | Amended | V. 20, p. 143 |
| 50-3-1 | | |
| through | | |
| 50-3-5 | Amended | V. 20, p. 143-145 |
| 50-4-2 | Amended | V. 20, p. 146 |

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 51-9-7 | Amended | V. 20, p. 1755 |

AGENCY 60: BOARD OF NURSING

| Reg. No. | Action | Register |
|-----------|---------|----------------|
| 60-3-111 | Amended | V. 20, p. 1522 |
| 60-4-101 | Amended | V. 20, p. 449 |
| 60-7-102 | Amended | V. 20, p. 449 |
| 60-7-108 | Amended | V. 20, p. 449 |
| 60-8-101 | Amended | V. 20, p. 449 |
| 60-9-105 | Amended | V. 20, p. 449 |
| 60-9-106 | Amended | V. 20, p. 450 |
| 60-11-116 | Amended | V. 21, p. 316 |
| 60-11-119 | Amended | V. 20, p. 451 |
| 60-12-106 | Amended | V. 20, p. 1522 |
| 60-13-101 | Amended | V. 20, p. 451 |
| 60-13-103 | Amended | V. 21, p. 316 |
| 60-13-110 | Amended | V. 21, p. 317 |
| 60-13-112 | Amended | V. 20, p. 1523 |
| 60-16-104 | Amended | V. 20, p. 451 |

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 65-4-3 | Amended | V. 21, p. 183 |
| 65-8-5 | New | V. 20, p. 944 |

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

| Reg. No. | Action | Register |
|----------|---------|----------------|
| 66-6-1 | Amended | V. 20, p. 1647 |
| 66-6-4 | Amended | V. 20, p. 1647 |
| 66-10-1 | Amended | V. 20, p. 103 |
| 66-10-4 | Amended | V. 20, p. 103 |
| 66-10-11 | Amended | V. 20, p. 104 |
| 66-10-12 | Amended | V. 20, p. 1648 |
| 66-10-13 | Amended | V. 20, p. 1648 |
| 66-14-5 | Amended | V. 20 pp. 1649 |
| 66-14-10 | Amended | V. 20, p. 104 |

AGENCY 68: BOARD OF PHARMACY

| Reg. No. | Action | Register |
|----------|---------|---------------|
| 68-1-1e | Revoked | V. 21, p. 308 |
| 68-1-3 | Revoked | V. 21, p. 308 |
| 68-2-5 | Amended | V. 21, p. 308 |

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| 68-9-1 | Amended | V. 21, p. 308 |
| 68-9-2 | New | V. 20, p. 1020 |

AGENCY 74: BOARD OF ACCOUNTANCY

| Reg. No. | Action | Register |
|-----------|---------|----------------|
| 74-4-3a | Amended | V. 20, p. 1650 |
| 74-4-4 | Amended | V. 20, p. 1650 |
| 74-4-8 | Amended | V. 20, p. 1650 |
| 74-5-2 | Amended | V. 20, p. 1651 |
| 74-5-202 | Amended | V. 20, p. 1652 |
| 74-5-205 | Amended | V. 20, p. 1652 |
| 74-5-302 | Amended | V. 20, p. 1652 |
| 74-5-404a | Amended | V. 20, p. 1652 |
| 74-7-3 | New | V. 20, p. 1652 |
| 74-11-6 | Amended | V. 20, p. 1653 |
| 74-11-7 | Amended | V. 20, p. 1653 |
| 74-11-8 | | |
| through | | |
| 74-11-14 | Revoked | V. 20, p. 1653 |
| 74-11-15 | New | V. 20, p. 1653 |
| 74-12-1 | Amended | V. 20, p. 1654 |

AGENCY 75: STATE BANKING DEPARTMENT

| Reg. No. | Action | Register |
|----------|--------|---------------|
| 75-6-32 | New | V. 20, p. 175 |

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

| Reg. No. | Action | Register |
|----------|--------|----------------------|
| 80-5-19 | | |
| through | | |
| 80-5-22 | New | V. 20, p. 1649, 1650 |
| 80-9-1 | New | V. 20, p. 1650 |
| 80-9-2 | New | V. 20, p. 1650 |

AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

| Reg. No. | Action | Register |
|----------|---------|---------------------|
| 81-3-1 | Amended | V. 20, p. 1604 |
| 81-3-2 | Amended | V. 20, p. 1606 |
| 81-3-3 | Revoked | V. 20, p. 1606 |
| 81-3-5 | New | V. 20, p. 1606 |
| 81-4-3 | Revoked | V. 20, p. 1607 |
| 81-5-7 | Amended | V. 20, p. 1607 |
| 81-14-1 | | |
| through | | |
| 81-14-8 | New | V. 20, p. 1607-1617 |

AGENCY 82: STATE CORPORATION COMMISSION

| Reg. No. | Action | Register |
|-----------|-------------|-------------------|
| 82-1-250 | New | V. 20, p. 1094 |
| 82-3-111 | Amended | V. 21, p. 43 |
| 82-3-120 | Amended | V. 21, p. 44 |
| 82-3-120a | Revoked | V. 21, p. 45 |
| 82-3-123 | Amended | V. 21, p. 45 |
| 82-3-133 | Amended | V. 20, p. 771 |
| 82-3-133a | New | V. 20, p. 771 |
| 82-3-201 | Amended | V. 20, p. 771 |
| 82-3-206 | Amended | V. 20, p. 771 |
| 82-3-300 | Amended | V. 20, p. 772 |
| 82-3-304 | Amended | V. 21, p. 45 |
| 82-3-306 | Amended | V. 20, p. 772 |
| 82-3-307 | Amended | V. 20, p. 773 |
| 82-3-310 | Amended | V. 20, p. 773 |
| 82-3-312 | Amended | V. 21, p. 117 |
| 82-3-400 | Amended | V. 21, p. 383 |
| 82-3-401 | Amended | V. 21, p. 383 |
| 82-3-401a | Revoked | V. 21, p. 384 |
| 82-3-401b | Revoked | V. 21, p. 384 |
| 82-3-402 | | |
| through | | |
| 82-3-410 | Amended | V. 21, p. 384-389 |
| 82-3-411 | New | V. 21, p. 389 |
| 82-3-412 | New | V. 21, p. 390 |
| 82-4-3 | Amended (T) | V. 20, p. 1723 |
| 82-4-3 | Amended | V. 20, p. 1868 |
| 82-4-26a | New (T) | V. 20, p. 1723 |
| 82-4-26a | New | V. 20, p. 1869 |

AGENCY 86: REAL ESTATE COMMISSION

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| 86-1-10 | Amended | V. 20, p. 1825 |

AGENCY 88: BOARD OF REGENTS

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| 88-16-1a | Revoked (T) | V. 21, p. 501 |
| 88-16-1b | New (T) | V. 21, p. 501 |

AGENCY 91: DEPARTMENT OF EDUCATION

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| 91-1-70a | | |
| 91-1-146a | Amended | V. 20, p. 1894 |
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| 91-1-146e | Revoked | V. 21, p. 178 |
| 91-1-206 | Amended | V. 21, p. 178 |
| 91-1-215 | | |
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| 91-1-219 | New | V. 21, p. 178-180 |
| 91-5-14* | Amended | V. 20, p. 108 |
| 91-37-2 | Amended | V. 20, p. 724 |
| 91-37-3 | Amended | V. 20, p. 724 |
| 91-37-4 | Amended | V. 20, p. 724 |
| 91-40-2 | Amended | V. 20, p. 541 |
| 91-40-7 | Amended | V. 20, p. 541 |
| 91-40-9 | Amended | V. 20, p. 542 |
| 91-40-10 | Amended | V. 20, p. 542 |
| 91-40-17 | Amended | V. 20, p. 543 |
| 91-40-18 | Amended | V. 20, p. 544 |
| 91-40-27 | Amended | V. 20, p. 544 |
| 91-40-33 | Amended | V. 20, p. 544 |
| 91-40-36 | Amended | V. 20, p. 545 |
| 91-40-37 | Amended | V. 20, p. 545 |
| 91-40-38 | Amended | V. 20, p. 545 |
| 91-40-52 | Amended | V. 20, p. 545 |
| 91-40-53 | Amended | V. 20, p. 546 |
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| 91-41-4 | New | V. 20, p. 546, 547 |

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| 92-1-1 | Revoked | V. 21, p. 332 |
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| 92-1-3 | Revoked | V. 21, p. 332 |
| 92-5-4 | Revoked | V. 21, p. 312 |
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| 92-5-10 | Amended | V. 21, p. 312, 313 |
| 92-5-11 | Revoked | V. 21, p. 313 |
| 92-5-12 | Amended | V. 21, p. 313 |
| 92-5-13 | Amended | V. 21, p. 313 |
| 92-8-20 | Revoked | V. 21, p. 332 |
| 92-9-1 | Amended | V. 21, p. 332 |
| 92-9-3 | Amended | V. 21, p. 332 |
| 92-9-4 | Amended | V. 21, p. 332 |
| 92-9-5 | Amended | V. 21, p. 332 |
| 92-9-7 | Revoked | V. 21, p. 332 |
| 92-9-8 | Revoked | V. 20, p. 1124 |
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| 92-11-16 | Revoked | V. 21, p. 332, 333 |
| 92-12-66 | Revoked | V. 20, p. 1124 |
| 92-12-66a | New | V. 20, p. 1124 |
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| 92-12a-23 | Revoked | V. 21, p. 333, 334 |
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| 92-14-9 | Amended | V. 21, p. 334, 335 |
| 92-15-3 | Amended | V. 21, p. 335 |
| 92-15-4 | Amended | V. 21, p. 335 |
| 92-15-6 | Amended | V. 20, p. 1126 |
| 92-15-8 | Amended | V. 21, p. 335 |
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| 92-17-6 | Amended | V. 21, p. 313, 314 |
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| 92-19-4b | New | V. 20, p. 1126 |
| 92-19-16a | New | V. 20, p. 1128 |
| 92-19-24 | Amended | V. 20, p. 1129 |
| 92-19-33 | Amended | V. 20, p. 1129 |
| 92-19-64 | Revoked | V. 20, p. 1129 |
| 92-19-64a | New | V. 20, p. 1129 |
| 92-19-73 | Amended | V. 20, p. 1130 |
| 92-19-75 | Revoked | V. 20, p. 1130 |

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| 92-22-4 | Amended | V. 21, p. 450 |
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| 92-22-23 | Amended | V. 21, p. 450 |
| 92-22-24 | Revoked | V. 21, p. 450 |
| 92-22-25 | Amended | V. 21, p. 450 |
| 92-22-33 | New | V. 21, p. 450 |
| 92-22-34 | New | V. 21, p. 450 |
| 92-23-10 | Amended | V. 21, p. 180 |
| 92-23-15 | Amended | V. 21, p. 180 |
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| 92-23-23 | New | V. 21, p. 181 |
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| 92-23-30 | New | V. 21, p. 181 |
| 92-23-31 | New | V. 21, p. 182 |
| 92-23-38 | Amended | V. 21, p. 182 |
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| 92-24-24 | Amended | V. 21, p. 316 |
| 92-25-1 | Amended | V. 20, p. 1130 |
| 92-51-33 | Revoked | V. 20, p. 1130 |
| 92-51-40 | Revoked (T) | V. 20, p. 1580 |
| 92-51-40 | Revoked | V. 20, p. 1895 |
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| 92-51-54 | Revoked | V. 20, p. 1130 |
| 92-51-55 | Revoked | V. 20, p. 1131 |
| 92-52-9 | Amended | V. 20, p. 1603 |
| 92-52-9a | Amended | V. 20, p. 1604 |
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| 92-53-7 | Revoked | V. 20, p. 1131 |
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| 92-54-5 | Revoked | V. 20, p. 1131 |

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| 93-4-6 | Amended | V. 20, p. 452 |
| 93-6-1 | | |
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| 93-6-4 | Amended | V. 20, p. 452, 453 |

AGENCY 99: DEPARTMENT OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

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| 99-8-9 | Revoked | V. 21, p. 12 |
| 99-9-1 | Revoked | V. 21, p. 12 |
| 99-10-1 | Revoked | V. 21, p. 12 |
| 99-25-1 | Amended | V. 21, p. 12 |
| 99-25-3 | Amended | V. 21, p. 13 |
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| 99-30-6 | Amended | V. 21, p. 15, 16 |
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| 99-31-6 | Amended | V. 21, p. 16 |
| 99-40-1 | Revoked | V. 21, p. 16 |
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| 99-40-47 | Revoked | V. 21, p. 17 |

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| 99-40-100 | Revoked | V. 21, p. 17 |
| 99-40-101 | Revoked | V. 21, p. 18 |
| 99-40-104 | Revoked | V. 21, p. 18 |
| 99-40-105 | Revoked | V. 21, p. 18 |

AGENCY 100: BOARD OF HEALING ARTS

| Reg. No. | Action | Register |
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| 100-15-1 | Amended | V. 20, p. 1093 |
| 100-27-1 | Amended | V. 21, p. 307 |
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| 100-28a-16 | New | V. 20, p. 774-778 |
| 100-60-1 | Revoked | V. 20, p. 778 |
| 100-60-2 | Revoked | V. 20, p. 778 |
| 100-60-4 | Revoked (T) | V. 20, p. 251 |
| 100-60-4 | Revoked | V. 20, p. 778 |
| 100-60-5 | Revoked | V. 20, p. 778 |
| 100-60-6 | Revoked | V. 20, p. 779 |
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| 100-60-15 | Revoked | V. 20, p. 779 |

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| 102-1-10 | Revoked | V. 20, p. 1898 |
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| 102-1-19 | New | V. 20, p. 572 |
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| 102-2-3 | Amended | V. 21, p. 237 |
| 102-2-4b | Amended | V. 21, p. 238 |
| 102-2-15 | New | V. 20, p. 572 |
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| 102-4-16 | New | V. 20, p. 572 |
| 102-5-15 | New | V. 20, p. 572 |

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

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| 109-10-1 | Amended | V. 20, p. 1677 |
| 109-11-10 | New | V. 20, p. 1679 |

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

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| 110-6-1 | Amended | V. 20, p. 177 |
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| 110-6-4 | Amended | V. 20, p. 179 |
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| 110-7-4 | Revoked | V. 20, p. 1426 |
| 110-7-5 | New | V. 20, p. 1426 |
| 110-7-6 | New | V. 20, p. 1426 |
| 110-7-8 | New | V. 20, p. 1426 |
| 110-7-9 | New | V. 20, p. 1426 |
| 110-7-10 | New | V. 20, p. 1426 |

AGENCY 111: KANSAS LOTTERY

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| 111-2-124 | New | V. 20, p. 416-419 |
| 111-2-120 | Amended | V. 20, p. 1094 |
| 111-2-124 | Amended | V. 20, p. 1343 |
| 111-2-125 | New | V. 20, p. 573 |
| 111-2-126 | New | V. 20, p. 573 |
| 111-2-127 | Amended | V. 20, p. 937 |
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| 111-2-129 | New | V. 20, p. 1343 |
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| 111-2-133 | New | V. 20, p. 1901 |

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| 111-2-134 | New | V. 20, p. 1901 |
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| 111-3-35 | Amended | V. 20, p. 1189 |
| 111-4-1795 | | |
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| 111-4-1813 | New | V. 20, p. 40-47 |
| 111-4-1801 | Amended | V. 20, p. 1095 |
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| 111-4-1805a | New | V. 20, p. 1095 |
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| 111-4-1823 | New | V. 20, p. 419-427 |
| 111-4-1818 | Amended | V. 20, p. 575 |
| 111-4-1824 | New | V. 20, p. 575 |
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| 111-4-1839 | New | V. 20, p. 937-942 |
| 111-4-1828 | Amended | V. 20, p. 1096 |
| 111-4-1832 | Amended | V. 20, p. 1344 |
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| 111-4-1844 | New | V. 20, p. 1096-1100 |
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| 111-4-1850 | New | V. 20, p. 1189-1193 |
| 111-4-1849 | Amended | V. 20, p. 1344 |
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| 111-4-1852 | New | V. 20, p. 1346 |
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| 111-4-1864 | Amended | V. 20, p. 1569 |
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| 111-4-1867 | Amended | V. 20, p. 1601 |
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| 111-4-1889 | New | V. 21, p. 183-185 |
| 111-5-23 | Amended | V. 20, p. 428 |
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| 111-8-126 | New | V. 20, p. 1573-1579 |
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| 111-9-112 | Amended | V. 20, p. 1579 |
| 111-9-113 | Amended | V. 21, p. 186 |

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| 112-7-19 | Amended | V. 20, p. 547 |
| 112-10-3 | Amended | V. 20, p. 1728 |
| 112-10-6 | Amended | V. 20, p. 1728 |
| 112-11-20 | Amended | V. 20, p. 945 |
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| 112-18-11 | Amended | V. 20, p. 1922 |

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| 115-4-4 | Amended | V. 21, p. 452 |
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| 115-4-11 | Amended | V. 20, p. 769 |
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| 115-4-13 | Amended | V. 20, p. 770 |
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| 115-22-1 | New | V. 20, p. 1804 |

AGENCY 117: REAL ESTATE APPRAISAL BOARD

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| 117-7-1 | Amended | V. 20, p. 863 |
| 117-8-1 | Amended | V. 20, p. 1020 |

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| 125-1-9 | New | V. 20, p. 1891-1893 |

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