



Kansas Register

Ron Thornburgh, Secretary of State

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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, which 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:

Kansas-Nebraska Big Blue River Compact

Rep. Sharon J. Schwartz, 2051 20th Road, Washington, 66968. Term expires April 25, 2007. Succeeds Terry A. Blaser.

Kansas Development Finance Authority

Tim C. Schaller, Route 2, Box 6A, Larned, 67550. Term expires January 15, 2007. Succeeds Robert I. Guenther.

James B. Pearson Fellowship Selection Board

Judy A. Lykins, 3200 S.W. Atwood Ave., Topeka, 66614. Term expires December 31, 2005. Succeeds Larry Britegam.

Elaine Nelson, 3132 Campfire Drive, Lawrence, 66049. Term expires December 31, 2006. Reappointed.

Kansas Turnpike Authority

Paul V. Dugan, Sr., 257 N. Maize Road, Wichita, 67212. Term expires April 30, 2008. Succeeds Jack H. Brier.

Kansas Volunteer Commission

Matt All, Office of the Governor, Room 220-S, State Capitol, 300 S.W. 10th Ave., Topeka, 66612. Term expires March 24, 2005. Succeeds Barbara C. Reavis, resigned.

David Battey, 5739 Windsor Drive, Shawnee Mission, 66205. Term expires March 24, 2006. Reappointed.

Irene Caudillo, 2425 N. 72nd Place, Kansas City, KS 66109. Term expires March 24, 2006. Reappointed.

Kathleen Clausing, 2701 Westdale Road, Lawrence, 66049. Term expires March 24, 2007. Reappointed.

Margaret A. Dunlap, 1400 S.W. Stratford Road, Topeka, 66604. Term expires March 24, 2006. Reappointed.

Michael D. Faler, 4810 S.E. Croco Road, Berryton, 66409. Term expires March 24, 2006. Reappointed.

Jacquelyn K. Feist, 1609 Ave. C, Dodge City, 67801. Term expires March 24, 2007. Reappointed.

Martha Gabehart, 1430 S.W. Topeka Blvd., Topeka, 66612. Term expires March 24, 2007. Reappointed.

Andrew Huschka, 1639 S. Poplar, Ottawa, 66067. Term expires March 24, 2007. Reappointed.

Jeff LaCroix, 12091 Hays St., Shawnee Mission, 66213. Term expires March 24, 2007. Reappointed.

Aaron J. Pirner, 3156 N. 143rd East, Wichita, 67228. Term expires March 24, 2007. Reappointed.

Sam Smith, 617 S. Cedar, Ottawa, 66067. Term expires March 24, 2007. Reappointed.

Mary H. Tolar, 3410 Treemill Circle, Manhattan, 66503. Term expires March 24, 2006. Succeeds William H. Wunder.

Ron Thornburgh
Secretary of State

Doc. No. 030622

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City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, May 28, for the following project:

**KDOT Project No. 87N-0303-01/472-83902/448-89923
204343/774525
(OCA Code 706877/606130)**

Paving

Hydraulic, 47th Street South to 57th Street South

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or to Marty Murphy, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Pam Plank at (316) 268-4499 or Marty Murphy at (316) 268-4488 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 030619

(Published in the Kansas Register April 29, 2004.)

City of Wichita, Kansas

Notice to Bidders

The city of Wichita will receive bids at the Purchasing Office, 455 N. Main, 12th Floor, Wichita, 67201, until 10 a.m. Friday, June 4, for the following project:

**KDOT Project No. 15-87 K-8014-01/472-83363
(706815)
Paving**

Provide a third northbound lane with curb, gutter and drainage along K-15 (Southeast Boulevard) from 31st Street South to I-135; provide mill and overlay with reflective crack relief interlayer and shoulder repair on K-15 from KTA (I-35) to I-135

Requests for the bid documents and plans should be directed to City Blue Print, (316) 265-6224, or to Marty Murphy, (316) 268-4488. Other questions should be directed to the respective design engineer at (316) 268-4501.

All bids received will thereafter be publicly opened, read aloud and considered by the Board of Bids and Contracts. All work is to be done under the direction and supervision of the city manager and according to plans and specifications on file in the office of the city engineer. Bidders are required to enclose a bid bond in the amount

of 5 percent with each bid as a guarantee of good faith. The Wichita City Council reserves the right to reject any and all bids.

The successful bidder may contact Pam Plank at (316) 268-4499 or Marty Murphy at (316) 268-4488 for extra sets of plans and specifications.

Marty Murphy
Administrative Aide
City of Wichita—Engineering

Doc. No. 030629

State of Kansas

Kansas, Inc.

Notice of Meeting

The Kansas, Inc. Board of Directors will meet Tuesday, May 4, in Winfield. The morning session will be a tour at Ahlerich Farms. The business meeting will be held at 1 p.m. at Gallaway's, 3727 Quail Ridge Drive. The meeting is open to the public. For more information call (785) 296-1460.

Jerry Lonergan
President

Doc. No. 030623

State of Kansas

**Department of Revenue
Division of Vehicles**

**Notice of Intent to Re-establish Previously-Owned
New Line-Make for a New Motor Vehicle Dealer**

Notice has been received from DaimlerChrysler, a manufacturer of Olathe Chrysler Jeep, Inc., that it will be awarding the Chrysler-Jeep franchises to Arnold Zarate and Edwin John Chamberlain, occupying the location formerly owned and occupied by Olathe Chrysler Jeep, Inc., 1551 S. Hamilton Circle, Olathe, KS 66061. The proposed date of occupancy is May 15, 2004. The vehicle dealer-operators and principal investors are Edwin John Chamberlain and Arnold Zarate.

Pursuant to K.S.A. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed addition of the new line-make at 15510 S. Hamilton Circle, Olathe, Kansas, if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale at 15510 S. Hamilton Circle, Olathe, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 8-2430(e), includes the location where the new Chrysler-Jeep dealership will be located.

Pursuant to K.S.A. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Carmen Alldritt
Director of Motor Vehicles

Doc. No. 030626

State of Kansas

Social and Rehabilitation Services**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Tuesday, July 6, in the SRS board room, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the adoption of amendments to an existing rule and regulation on a permanent basis effective 15 days after publication in the Kansas Register. Telephone conference will not be available.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulation. All interested parties may submit written comments prior to or during the public hearing to Hope Burns, Office of the Secretary for SRS, Room 603-N, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views, but it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Hope Burns at (785) 296-3274 or by calling the Kansas Relay Center at 1-800-766-3777.

The adoption of the regulation will take place at noon Monday, July 12, in the SRS executive conference room, 603-N, Docking State Office Building.

Copies of the regulation and the economic impact statement may be obtained by contacting Hope Burns. A summary of the proposed regulation and the economic impact follows:

Article 4.—PUBLIC ASSISTANCE PROGRAM**30-4-90. Eligibility factors specific to the GA program.**

This regulation is being amended to adopt hardship criteria that would allow an individual to continue to receive assistance beyond the 24-month lifetime limit for receipt of GA. Other technical changes also have been incorporated.

Economic Impact: This change is expected to retain eligibility for 526 individuals on a monthly basis resulting in a cost of \$3.3 million (all state general funds).

Bearer of cost: The taxpayers of the state of Kansas will bear the additional cost of this change.

Affected Parties:

1. This change will have a beneficial impact on more than 500 consumers monthly as it allows them to continue to receive assistance beyond 24 months.

2. This change will have a moderate administrative impact on SRS staff related to the substantiating hardship for each consumer.

3. This change will have a beneficial impact on other community resources as there will be less need for direct assistance to persons who would otherwise lose eligibility due to the time limit.

Other Methods: Other methods were considered to provide continued access to GA without totally eliminating the time limit. Implementation of hardship criteria was ultimately considered the best option as it recognizes special circumstances in which the consumer may need continuing support for a period of time. The change helps prevent loss of needed cash and medical support in these circumstances thus protecting the health and welfare of several hundred consumers.

Janet Schalansky
Secretary of Social and
Rehabilitation Services

Doc. No. 030614

State of Kansas

Behavioral Sciences Regulatory Board**Notice of Hearing on Proposed
Administrative Regulations**

The Behavioral Sciences Regulatory Board will conduct a public hearing from 9 to 11 a.m. Wednesday, June 30, in the board conference room at 712 S. Kansas Ave., Topeka, to consider adopting proposed amendments to permanent rules and regulations for professional counseling, master's level psychology, marriage and family therapy, and social work.

This 60-day notice of the public hearing constitutes a public comment period for purpose of receiving written public comments on the proposed amendments. All interested parties may submit written comments prior to the hearing to Phyllis Gilmore, Executive Director, Behavioral Sciences Regulatory Board, 712 S. Kansas Ave., Topeka, 66603-3817. All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Phyllis Gilmore at (785) 296-3240 or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Ave., and the front entrance of the board office also is accessible.

A copy of the full text of each regulation and each economic impact statement may be reviewed or obtained at the board office and is available on the board's Web site at www.ksbsrb.org. The following is a summary of the proposed amendments and economic impact statements. The board does not have a less costly or less intrusive method for achieving the stated purpose of each regulation.

K.A.R. 102-2-8 contains the supervision requirements for clinical social work licensure. The changes are clarifications related to the procedures for submission of the clinical supervision training plan and for submission of changes to the clinical supervision training plan.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies or applicants.

K.A.R. 102-3-7a contains the supervision requirements for clinical professional counseling licensure. The changes are clarifications related to the procedures for submission of the clinical supervision training plan and for submission of changes to the clinical supervision training plan.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies or applicants.

K.A.R. 102-4-3a contains the educational requirements for master's level psychology and clinical psychotherapy licensure. The changes are clarifications primarily related to the completion of a 60 graduate credit hour degree program including 15 graduate credit hours supporting diagnosis and treatment of mental disorders.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies. Applicants could be required to take additional graduate credit hours, which would have an additional cost to an applicant.

K.A.R. 102-4-4a contains application requirements for master's level psychology and clinical psychotherapy licensure. The amendment removes the renewal of the temporary license.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies or applicants.

K.A.R. 102-4-7a contains the supervision requirements for clinical psychotherapy licensure. The changes are clarifications related to the procedures for submission of the clinical supervision training plan and for submission of changes to the clinical supervision training plan.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies or applicants.

K.A.R. 102-5-4a contains application requirements for marriage and family therapy and clinical marriage and family therapy licensure. The amendment removes the renewal of the temporary license.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies or applicants.

K.A.R. 102-5-7a contains the supervision requirements for clinical marriage and family therapy licensure. The changes are clarifications related to the procedures for submission of the clinical supervision training plan and for submission of changes to the clinical supervision training plan.

Economic Impact: There would be no economic impact to the Kansas Behavioral Sciences Regulatory Board. There would be no economic impact to other governmental agencies or applicants.

Phyllis Gilmore
Executive Director

Doc. No. 030621

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 4-26-04 through 5-2-04

Term	Rate
1-89 days	0.99%
3 months	0.99%
6 months	1.19%
1 year	1.55%
18 months	1.95%
2 years	2.23%

Derl S. Treff
Director of Investments

Doc. No. 030616

State of Kansas

Department of Administration

Division of Purchases

Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information call (785) 296-2113:

05/10/2004	07299	Abandoned Well Plugging— Barnart Lease
05/10/2004	07324	Research Services for Academic Programming
05/11/2004	07326	Furnish and Install Sterilizer
05/11/2004	07327	Oscilloscope
05/18/2004	07319	Trout Pit Reclamation
06/02/2004	07315	Nurse Professional Liability Insurance
06/02/2004	07317	Property Insurance

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

The following bid documents may be obtained by calling (785) 296-8899:

05/13/2004	A-9840	Metal Roof Coating—Sign & Graphic Arts Bldg.
05/13/2004	A-9842	Bulk Fuel Oil Storage System— Power Plant
05/20/2004	A-9846	Dog Kennel
05/25/2004	A-9750	Replace HVAC Control— All Living Units
05/27/2004	A-9646	Masonry Restoration—Various Buildings

Keith Meyers
Director of Purchases

Doc. No. 030628

State of Kansas

Fort Hays State University

Notice of Intent to Lease Land

Public notice is hereby given, pursuant to K.S.A. 75-430a(d), that Fort Hays State University seeks to lease land for the purpose of constructing a telecommunications tower. The specifications of the contemplated lease and further information are available by contacting Kim Christiansen, Fort Hays State University, 600 Park, Sheridan Hall 312a, Hays, 67601.

Competitive bids will be received by Fort Hays State University until 1 p.m. July 6. No bids received after that date and hour shall be considered. Only bids as shall be in substantial conformity with the terms and provisions of the contemplated need and the materials available to bidders from FHSU will be considered or accepted by Fort Hays State University. Any lease entered into by Fort Hays State University will be awarded to the highest, responsible, responsive bidder. Fort Hays State University reserves the right to reject any and all bids.

Bids should be addressed to Fort Hays State University, attention Kim Christiansen, at the address given above. The outside of the envelope containing any bid for this purpose should be plainly marked "Bid on Lease-Tower." The bid opening will be at 9 a.m. July 7 in the president's conference room, third floor, Sheridan Hall, Fort Hays State University.

Kim Christiansen
General Counsel

Doc. No. 030618

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 19 and then publicly opened:

District One—Northeast

Atchison—9-3 K-9551-01—K-9 from the Jackson-Atchison county line east to the junction of U.S. 159, 2 miles, crack repair. (State Funds)

Atchison—116-3 K-9552-01—K-116 from the junction of Decatur Road east to the west junction of U.S. 159, 5.3 miles, crack repair. (State Funds)

Atchison—116-3 K-9553-01—K-116 from the west junction of U.S. 159 east to the junction of U.S. 59, 3.8 miles, crack repair. (State Funds)

Brown—73-7 K-9135-01—U.S. 73 over Wolf River and the Union Pacific Railroad, bridge repair. (State Funds)

Douglas—40-23 K-6880-01—U.S. 40 from K-10 east to the Champion Lane intersection in Lawrence; U.S. 40 from the Champion Lane intersection east to Folks Road, 1.9 miles, grading and surfacing. (State Funds)

Jackson—9-43 K-9550-01—K-9 from the junction of U.S. 75 east to the Jackson-Atchison county line, 10.3 miles, crack repair. (State Funds)

Jefferson—16-44 K-9131-01—K-16 Brush Creek and Peter Creek, bridge repair. (State Funds)

Jefferson—92-44 K-9139-01—K-92, Fishpond Creek, bridge repair. (State Funds)

Johnson—46 C-3965-01—Gardner West Road from 159th to 151st, 1.2 miles, surfacing. (Federal Funds)

Leavenworth—52 C-3708-01—County road 0.06 mile north of county route 5050 to U.S. 24/U.S. 40, 1 mile, grading and surfacing. (Federal Funds)

Lyon—35-56 K-9133-01—Prairie Street over I-35, bridge repair. (State Funds)

Osage—31-70 K-8402-01—K-31 near Prospect Street in Burlingame, 0.1 mile, pavement reconstruction. (State Funds)

Shawnee—89 K-9510-01—Various locations in Shawnee County on I-470, I-70 and U.S. 75, pavement marking. (State Funds)

Shawnee—70-89 K-9643-01—I-70 from the Polk-Quincy viaduct east to 0.2 mile east of Carnahan Street, 3 miles, pavement patching. (State Funds)

Wyandotte—105 C-3923-01—Intersection of 4th and 104th Streets in Edwardsville, 0.1 mile, grading and surfacing. (Federal Funds)

Wyandotte—105 N-0253-01—77th Street from Parallel Parkway to Leavenworth Road in Kansas City, 1 mile, grading and surfacing. (Federal Funds)

District Two—Northcentral

Clay—14 C-3950-01—County road 0.4 mile south and 0.6 mile west of Idana, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Clay—14 C-3981-01—County road 1 mile south and 6.9 miles west of Morganville, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Geary—77-31 K-7715-01—U.S. 77, approximately 0.1 mile north of I-70, 0.3 mile, grading and surfacing. (State Funds)

Lincoln—70-53 K-8887-01—I-70 from the Ellsworth-Lincoln county line east to the Lincoln-Saline county line, 7.2 miles, seal. (State Funds)

McPherson—56-59 K-9404-01—U.S. 56 just west of Eby Street in McPherson, east 1.3 miles, seal. (State Funds)

Republic—36-79 K-7884-01—U.S. 36 east of K-266 east to the west city limits of Belleville, guard fence. (Federal Funds)

District Three—Northwest

Gove—70-32 K-9447-01—I-70, 1 mile east of the junction of K-23 east to the Gove-Trego county line, 18.3 miles, seal. (State Funds)

District Four—Southeast

Allen—1 C-3664-01—County road 0.2 mile north and 1.5 miles east of Mildred, 1 mile, grading and bridge. (Federal Funds)

Franklin—30 C-3897-01—County road 1 mile south and 4.7 miles west of Rantoul, 0.3 mile, grading and bridge. (Federal Funds)

Wilson—75-103 K-9159-01—U.S. 75 over Big Cedar Creek, bridge repair. (State Funds)

District Five—Southcentral

Barton—5 C-3502-01—County road 0.5 mile north of Albert, 0.6 mile, grading, bridge and surfacing. (Federal Funds)

Barton—5 C-3670-01—County road 0.6 mile south and 2.6 miles east of Albert, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Barton—5 C-3671-01—County road 3 miles north and 5 miles east of Susank, 0.3 mile, grading, bridge and surfacing. (Federal Funds)

Edwards—24 C-4019-01—County road 4 miles north of Kinsley then north 4 miles, surfacing. (Federal Funds)

Kiowa—183-49 K-9170-01—U.S. 183 over Mule Creek, bridge overlay. (State Funds)

Harper—14-39 K-9622-01—K-14 from the west city limits of Harper north, 4.8 miles, crack repair. (State Funds)

Harper—179-39 K-9623-01—K-179 from the Oklahoma-Kansas state line north to the south city limits of Anthony, 11.1 miles, crack repair. (State Funds)

Harvey—15-40 U-1939-01—K-15 (Main Street) and 1st Street in Newton, intersection improvement. (Federal Funds)

Harvey—15-40 U-1892-01—K-15 and 12th Street in Newton, intersection improvement. (Federal Funds)

Harvey—15-40 K-9226-01—K-15 and North 4th Street and North 5th Streets in the city of Newton, 0.1 mile, traffic signals improvements. (State Funds)

Rice—80 C-4007-01—County road at the northwest corner of Little River, 0.2 mile, grading, bridge and surfacing. (Federal Funds)

Reno—96-78 K-9663-01—K-96, 2.3 miles south of the junction of U.S. 50 south to the Reno-Sedgwick county line, 15.3 miles, joint repair. (State Funds)

Sedgwick—96-87 K-9664-01—K-96 from the Reno-Sedgwick county line east to Maize Road, 14.9 miles, joint repair. (State Funds)

Sumner—81-96 K-9624-01—U.S. 81 from the Oklahoma-Kansas state line, north 25 miles, 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 a sworn statement executed by or on behalf of the person, firm, association or corporation 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.

Deb Miller
Secretary of Transportation

Doc. No. 030604

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality construction permit. Bunge North America, Incorporated, Emporia, has applied for an air quality construction approval in accordance with the provisions of K.A.R. 28-19-300 to replace eight flaker rollers with four new flaker rollers. Conditions specified in the approval limit the potential to emit of oxides of sulfur and particulate matter to below the significance level for major prevention of significant deterioration (PSD) sources.

Bunge owns and operates a major PSD stationary source located at 700 E. 5th St., Emporia. The company has requested federally-enforceable limits on the amount of fuel oil burned in two of the plant's boilers, the fuel oil sulfur content and a limit on the overall plant soybean production. Imposing these limits will ensure that emissions of oxides of sulfur and particulate matter will not exceed the PSD significance levels as a result of the proposed replacement of the flaker rollers.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for public review for a period of 30 days from the date of publication during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and a copy of the proposed permit can be reviewed at the KDHE Southeast District Office, 1500 W. 7th, Chanute. To obtain or review the proposed permit and supporting documentation, contact John Ramsey, (785) 296-1992, at the KDHE central office; and to review the proposed permit only, contact Doug Cole, (620) 431-2390, at the KDHE Southeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to John Ramsey, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received before the close of business May 31.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Brie Wilkins, Bureau of Air and Radiation, not later than the close of business May 31 in order for the Secretary of Health and Environment to consider the request.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030612

State of Kansas**State Conservation Commission****Notice of Meeting**

The State Conservation Commission will meet at 9 a.m. Monday, May 10, in the commission's conference room, Suite 500, 109 S.W. 9th, Topeka. Persons requiring special accommodations should contact the commission at (785) 296-3600 at least three business days prior to the meeting.

Tracy D. Streeter
Executive Director

Doc. No. 030617

State of Kansas**State Fair Board****Notice of Meeting**

The Kansas State Fair Board will meet at 10 a.m. Wednesday, May 12, in the second floor meeting room, Cottonwood Court, on the Kansas State Fairgrounds in Hutchinson. For more information contact Deana Novak at (620) 669-3612.

Robba Moran
President

Doc. No. 030624

State of Kansas**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has received and reviewed a permit modification request to construct and operate a construction and demolition landfill at the Coffey County municipal solid waste landfill and waste tire monofill site currently operating under KDHE Permit 297. KDHE found the application to be in conformance with the state solid waste statutes and regulations and is hereby providing public notice of its intent to issue the permit modification.

The Coffey County landfill is located at 1498 12th Lane N.E., northeast of Burlington, in the SE $\frac{1}{4}$, NE $\frac{1}{4}$, Section 24, Township 21 South, Range 15 East. The proposed construction and demolition landfill would be located on top of a closed, preexisting municipal solid waste disposal area. Only construction and demolition wastes, as defined by Kansas statutes, would be allowed for disposal into the construction and demolition landfill. The total construction and demolition landfill area would be about 12 acres, with an estimated capacity of 370,000 cubic yards. By diverting construction and demolition wastes from Coffey County's municipal solid waste landfill's Subtitle D cell, the construction and demolition landfill will prolong the life of the Subtitle D cell. The construction and demolition landfill's estimated life is about 45 years.

A copy of the administrative record, which includes the draft permit, permit application, plans and other information regarding this permit action, is available for pub-

lic review through June 1 during normal business hours at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
1500 W. 7th
Chanute, 66720
Contact: Charles Bowers
(620) 431-2390

Coffey County Engineer's office
Coffey County Courthouse, Room 05
110 S. 6th
Burlington, 66839
Contact: Hub Caspar, P.E.
(620) 364-2441

Additionally, the application form is available for public viewing via the Internet at www.kdhe.state.ks.us/waste. Persons wishing to comment on the proposed facility should submit written statements by 5 p.m. June 1 to Charles Bowers of KDHE at the address listed above, by fax to (620) 431-1211, or by e-mail to cbowers@kdhe.state.ks.us. Comments postmarked by June 1 and received within one week thereafter also will be considered. KDHE will issue written responses to all formal comments received through the end of the official public comment period; these comments shall become part of the permit record and shall be considered in making a final decision on the proposed permit action.

After consideration of all written comments received during the public notice period, KDHE will make a final decision on whether to issue the permit modification. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030613

State of Kansas**Department of Health
and Environment****Request for Comments**

The Kansas Department of Health and Environment has reviewed an application from TAMKO Roofing Products, Inc. to expand its existing industrial landfill by increasing the final surface elevations for existing Tracts 1, 2 and 3 and adding a new disposal area designated as Tract 4 in the southwest part of the facility. The landfill is located in the Northeast Quarter of the Southeast Quarter, the Southwest Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter of Section 26, Township 3 South, Range 18 West, in Phillips County, on the north side of Phillipsburg at 1598 Highway 183.

The proposed landfill will cover approximately 18.7 acres on the 90-acre property, which contains TAMKO's manufacturing facility. The proposed landfill expansion is estimated to have capacity for approximately 267,170

cubic yards of industrial waste, with the period of active landfill operation estimated at 11 to 12 years. The existing elevations in the vertical expansion area range from 1,905 to 1,935 feet, and the bottom of the new area for horizontal expansion is about 1,900 feet. Final landfill elevations will range from 1,910 to 1,956 feet for the vertical expansion area (approximately 20 feet higher than the existing highest elevation at the site) and from 1,900 to 1,916 feet for the horizontal expansion area.

Phillips County has certified that the application described herein is consistent with local zoning requirements, and also has certified that the application is consistent with the solid waste management plan of the Northwest Kansas Solid Waste Authority. KDHE has reviewed the application and found it to be in conformance with the state solid waste statutes and regulations.

KDHE is providing public notice of its intent to issue a permit to TAMKO Roofing Products, Inc. for the proposed landfill modifications described herein. A copy of the administrative record, including the permit application, engineering drawings, draft permit, and other information regarding this permit action, will be available for public review through June 1 during normal business hours at the following locations:

Kansas Department of Health and Environment
Bureau of Waste Management
1000 S.W. Jackson, Suite 320
Topeka, 66612-1366
Contact: Pete Osborn
(785) 296-3970

Phillips County Clerk's Office
Phillips County Courthouse
301 State St.
Phillipsburg, 67661
Contact: Linda McDowell
(785) 543-6825

Additionally, the application form is available for public viewing via the Internet at www.kdhe.state.ks.us/waste. Anyone wishing to comment on the proposed facility should submit written statements postmarked not later than June 1 to Pete Osborn of KDHE at the address listed above. Comments also will be accepted via fax to (785) 296-1592 or e-mail to posborn@kdhe.state.ks.us, provided the comments are received by 5 p.m. June 1. Comments postmarked by June 1 and received within one week thereafter also will be considered. KDHE will subsequently respond to all formal comments in writing.

After consideration of all formal comments received during the public notice period, KDHE will make a final decision on whether to issue the new permit. Notice of the decision will be given to the applicant, to anyone who submitted written comments during the comment period, and to those who requested notice of the final permit decision.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030627

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-04-126/131 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
William Newhouse Newhouse Dairy Processing LLC 4370 Vermont Terrace Wellsville, KS 66092	NW/4 of Section 33, T15S, R21E, Franklin County	Marais des Cygnes River Basin
Kansas Permit No. A-MCFR-M012		Federal Permit No. KS0097705
This is a new permit for an existing facility for 140 head (178 animal units) of dairy cattle. Wastewater controls will be built for the facility to control wastes from the milk parlor and milk and orange juice bottling facility.		

Name and Address of Applicant	Legal Description	Receiving Water
Darrell Heinen 2781 Indian Road Axtell, KS 66403	NE/4 of Section 21, T02S, R10E, Marshall County	Big Blue River Basin
Kansas Permit No. A-BBMS-S051		

This is a new permit for an existing facility that is adding cattle pens and making operational changes to expand from 60 head (84 animal units) of dairy cows, 152 head (60.8 animal units) of swine greater than 55 pounds and 120 head (12 animal units) of swine 55 pounds or less to a maximum of 120 head (120 animal units) of cattle greater than 700 pounds, 200 head (100 animal units) of cattle 700 pounds or less, 150 head (60 animal units) of swine greater than 55 pounds and 140 head (14 animal units) of swine 55 pounds or less, for a total of 294 animal units.

Name and Address of Applicant	Legal Description	Receiving Water
Premier Pork/Prime Pork LLC (Unit #4) Kevin Deniston 440 N. Eagle Road Scott City, KS 67871	NE/4 of Section 11, T18S, R34W, Scott County	Upper Arkansas River Basin
Kansas Permit No. A-UASC-S003		

This is a permit renewal for an existing facility for 800 head (320 animal units) of swine greater than 55 pounds and 2,000 head (200 animal units) of swine 55 pounds or less.

(continued)

units) of swine less than 55 pounds, for a total of 2,800 head (520 animal units) of swine.

Name and Address of Applicant	Legal Description	Receiving Water
Troy Nelson Nelson Circles, Inc. Route 2, Box 91 Lewis, KS 67552	SW/4 of Section 21, T26S, R17W, Edwards County	Lower Arkansas River Basin
Kansas Permit No. A-ARED-C002 Federal Permit No. KS0088251		
This is a renewal permit for an expanding facility for 2,500 head (2,500 animal units) of cattle weighing greater than 700 pounds. The head count remains the same. The proposed expansion consists of the addition of wastewater retention structures and feeding pens.		

Name and Address of Applicant	Legal Description	Receiving Water
Randy Fanshier Fanshier Pork Route 2, Box 51B Great Bend, KS 67530	W/2 of Section 04, T21S, R13W, Stafford County	Upper Arkansas River Basin
Kansas Permit No. A-UASF-H001 Federal Permit No. KS0095281		
This is a renewal permit for an existing facility for 3,600 head (1,440 animal units) of swine greater than 55 pounds.		

Name and Address of Applicant	Legal Description	Receiving Water
Warren Hornbaker Hornbaker Farms Route 2, Box 65A Lewis, KS 67552	NW/4 of Section 25, T25S, R18W, Edwards County	Lower Arkansas River Basin
Kansas Permit No. A-ARED-B001		
This is a renewal permit for an existing facility for 700 head (350 animal units) of beef cattle less than 700 pounds.		

Public Notice No. KS-04-072/073

Name and Address of Applicant	Waterway	Type of Discharge
Eskridge, City of P.O. Box 156 Eskridge, KS 66423	Dragoon Creek	Treated Domestic Wastewater
Kansas Permit No. M-MC09-OO01 Federal Permit No. KS0046400		
Legal: SW $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ and SE $\frac{1}{4}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, S8, T14S, R12E, Wabaunsee County		
Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring of chlorides and ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16- 28(b-f), and Federal Surface Water Criteria, and are water-quality based.		

Name and Address of Applicant	Waterway	Type of Discharge
St. George, City of P.O. Box 33 St. George, KS 66535	Kansas River	Treated Domestic Wastewater
Kansas Permit No. M-KS66-OO01 Federal Permit No. KS0079391		
Legal: N $\frac{1}{2}$, NE $\frac{1}{4}$, NW $\frac{1}{4}$, S16, T10S, R9E, Pottawatomie County		
Facility Description: The proposed action is to modify an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Monitoring of ammonia and effluent flow also will be required. Contained in the permit is a schedule of compliance requiring the permittee to provide KDHE with a plan and schedule to upgrade facility to meet the final limits contained in the permit. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.		

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 attention of April Romero 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 29 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-126/131, KS-04-072/073) 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>.

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.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 030625

(Published in the Kansas Register April 29, 2004.)

**Sedgwick County, Kansas
Shawnee County, Kansas**

Notice of Hearings on Proposed Bond Issuance

Public notice is hereby given that Sedgwick County, Kansas, and Shawnee County, Kansas (jointly, the issuers), will conduct public hearings with respect to the proposed issuance of not to exceed \$200,000,000 of single family mortgage revenue bonds at the following times and locations:

Date: May 12
Time: 9 a.m.
Location: Sedgwick County Courthouse
Commission Meeting Room, 3rd Floor
525 N. Main, Wichita

Date: May 13
Time: 9 a.m.
Location: Shawnee County Courthouse
200 S.E. 7th, Topeka

The bonds will be issued in one or more series, and the proceeds thereof will be utilized (i) to refund a portion of certain previously-issued single family mortgage revenue bonds of the issuers; (ii) to purchase home mortgage loans or securities backed by home mortgage loans made to persons and families of low and moderate income (first-time homebuyers) residing within the unincorporated areas of Sedgwick County and Shawnee County, and within the corporate limits of certain cities and the unincorporated areas of certain counties in Kansas that enter into cooperation agreements with either of the issuers (the program area); and/or (iii) to provide funds to be loaned to persons and families of low and moderate income residing within the program area to be applied to the payment of closing costs or down payment in connection with a home mortgage loan.

All interested persons will be given an opportunity to be heard at the times and places specified above. Written comments also may be submitted to the issuers, c/o Sedgwick County Clerk, Courthouse, 525 N. Main, Wichita, 67203; or c/o Shawnee County Clerk, Courthouse, 200 S.E. 7th, Topeka, 66603.

Any mortgage lending institution interested in providing mortgage origination in connection with the home mortgage loans should contact Charles M. Bouilly, George K. Baum & Company, 100 N. Main, Wichita, 67202.

Dated April 23, 2004.

Sedgwick County, Kansas
Shawnee County, Kansas

Doc. No. 030637

(Published in the Kansas Register April 29, 2004.)

**Summary Notice of Bond Sale
City of Sedgwick, Kansas
\$634,000
General Obligation Bonds
Series 2004**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated April 19, 2004, of the city of Sedgwick, Kansas, bids to purchase the city's General Obligation Bonds, Series 2004, will be received at the office of the city clerk at City Hall, 511 N. Commercial, Sedgwick, KS 67135, until 5 p.m. Monday, May 17, 2004. The bids will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

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.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated May 15, 2004, and will be issued as registered bonds in the denomination of \$5,000 or any integral multiple thereof, except for one bond in the denomination of \$4,000 maturing December 1, 2006.

Interest on the bonds is payable semiannually on June 1 and December 1 of each year, beginning June 1, 2005. Principal of the bonds becomes due on December 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$24,000	2006
25,000	2007
25,000	2008
25,000	2009
25,000	2010
25,000	2011
30,000	2012
30,000	2013
30,000	2014
30,000	2015
35,000	2016
35,000	2017
35,000	2018
40,000	2019
40,000	2020
40,000	2021
45,000	2022
45,000	2023
50,000	2024

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

(continued)

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).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about May 27, 2004, at such bank or trust company or other qualified depository in the contiguous United States, 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.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$8,087,969. As of May 15, 2004, the city's total outstanding general obligation debt (including the bonds), is \$1,954,000, which excludes temporary notes outstanding in the amount of \$590,000, which will be retired out of the proceeds of the bonds herein offered for sale. The city's total indebtedness subject to debt limitation, as of May 15, 2004, will be \$717,656.07, which is 8.87 percent of the assessed valuation of the city.

Additional Information

For additional information contact the city clerk at the address and telephone number shown below or the financial advisor, John Haas, Ranson Financial Consultants, L.L.C., 209 E. William, Suite 401, Wichita, KS 67202, (316) 264-3400.

City of Sedgwick, Kansas
By Janise P. Enterkin
City Clerk
City Hall, 511 N. Commercial
Sedgwick, KS 67135
(316) 772-5151
Fax (316) 772-5592

Doc. No. 030615

State of Kansas**State Corporation Commission****Permanent Administrative
Regulations****Article 3.—PRODUCTION AND
CONSERVATION OF OIL AND GAS**

82-3-700. Definitions. As used in these regulations for cathodic protection facilities, the following terms shall have the meanings specified:

(a) "Annular space" means the space between the surface casing and the borewall or the space between two or more strings of surface casing in a cathodic protection borehole.

(b) "Anode conductor grout" means a mixture having a minimum of 30 percent solids and weighing not less than 10.1 pounds per gallon. This mixture shall consist of 14 gallons of freshwater and 50 pounds of a commercial, single-sack grout that contains a plugging sodium bentonite blended clay with less than 10 percent of inorganic additives to temporarily inhibit sodium bentonite clay hydration during placement.

(c) "Aquifer" means any geologic formation capable of yielding water in sufficient quantities so that the water can be diverted for beneficial use.

(d) "Aquifer completion" means a cathodic protection borehole that is installed in an aquifer.

(e) "Bedrock" means shale, limestone, sandstone, siltstone, anhydrite, gypsum, salt, or other consolidated rock material that can occur at the surface or underlie unconsolidated material.

(f) "Bentonite cement" means a mixture weighing not less than 14.1 pounds per gallon and consisting of freshwater, Portland cement, and four to eight percent of sodium bentonite clay additive or an equivalent as approved by the director of the conservation division or the manager of groundwater management district #2 or #5 for cathodic protection boreholes drilled in the respective groundwater management district.

(g) "Bentonite clay grout" means a mixture weighing not less than 9.4 pounds per gallon. This mixture shall consist of freshwater and commercial grouting or plugging sodium bentonite clay containing a high percentage of solids including those manufactured under the trade names of "Volclay" grout and "HolePlug" or a generic equivalent as approved by the director of the conservation division or the manager of groundwater management district #2 or #5 for cathodic protection boreholes drilled in the respective groundwater management district.

(h) "Cathodic protection borehole" means any excavation penetrating the water table of an aquifer that is drilled, cored, bored, washed, driven, dug, or otherwise constructed for the intended use or purpose of installing equipment to prevent electrolytic corrosion of metallic equipment or facilities.

(i) "Cathodic surface casing" means the first nonmetallic casing put in a cathodic protection borehole with the annular space grouted from the bottom of the cathodic surface casing to land surface, which serves to shut out shallow water formations and also acts as a foundation or anchor for all subsequent drilling activity.

(j) "Concrete" means a mixture consisting of one 94-pound bag of Portland cement, an equal volume of sand having a grain-size diameter not larger than 0.080 inches, and five to six gallons of freshwater.

(k) "Groundwater management district (GMD)" means a continuous area that overlies one or more aquifers, together with any area in between, that is organized for groundwater management purposes, pursuant to K.S.A. 82a-1020 et seq., and amendments thereto.

(l) "Grout" means concrete, neat cement, bentonite clay grout, bentonite cement, or any other material that meets the following requirements:

(1) Is used to create a permanent, impervious, water-tight bond; and

(2) is approved by the director of the conservation division or the manager of groundwater management district #2 or #5 for cathodic protection boreholes drilled in the respective groundwater management district.

(m) "Multiple aquifer completion" means a cathodic protection borehole that penetrates more than one aquifer.

(n) "Neat cement" means a mixture consisting of one 94-pound bag of Portland cement and five to six gallons of freshwater.

(o) "Pitless casing adapter" means a nonmetallic assembly of parts installed in the cathodic surface casing to permit the installation of a conduit through the wall of the cathodic surface casing and sealed to prevent the entrance of any fluids or contaminants. (Authorized by and implementing K.S.A. 55-152; effective Oct. 25, 1996; amended, T-82-1-21-04, Jan. 21, 2004; amended May 14, 2004.)

82-3-701. Intent to drill cathodic protection boreholes; notification; penalty; exemption. This regulation shall apply in Kansas except for groundwater management districts #2 and #5. Each owner, operator, or person responsible for drilling a cathodic protection borehole in groundwater management district #2 or #5 shall apply directly to the manager of that groundwater management district in accordance with K.A.R. 82-3-705. (a) Except as set forth in subsection (e) of this regulation, each owner, operator, or person responsible for drilling a cathodic protection borehole shall submit written notice of the intention to drill to the conservation division for permit approval before the commencement of drilling operations.

(1) The applicant shall file the notice with the conservation division at least 60 days before commencing any drilling.

(2) Each notice shall be submitted on a form prescribed by the commission. The notice shall be filled in completely and signed by the operator or the operator's agent. The notice shall contain the following:

(A) The name and address of the owner and, if different from the owner, the name of the operator, and the operator license number;

(B) the date on which drilling is anticipated to begin;

(C) the well name or number designation, quarter section, section, range, township, county, and the distance of the proposed drilling location from the section's nearest corner, in exact footage;

(D) the estimated total depth of the borehole;

(E) the type of drilling equipment to be used;

(F) the depth to the bottom of the deepest freshwater at the drill site;

(G) the depth to the bottom of any usable water formation at the drill site; and

(H) any other relevant information requested by the commission.

(3) When a "cathodic protection borehole intent" form is filed, the owner, operator, or person responsible shall submit an "application for surface pit" form in accordance with K.A.R. 82-3-600 and, if required by K.A.R. 82-3-602, a pit closure form.

(b) Before drilling a cathodic protection borehole, the operator shall notify the appropriate conservation division district office.

(c) Any applicant may submit written requests to the director of the conservation division for an exception to the 60-day intention to drill filing period in emergency situations. Each request shall document why the emergency exists.

(d) Drilling any cathodic protection borehole without an approved notice of intent or without being granted an exception shall be punishable by a penalty of up to \$1,000.00.

(e) No permit shall be required for distributed anode systems, shallow "single bell hole" galvanic anode systems, and individual anode installation systems that are less than 25 feet in depth or do not penetrate an aquifer. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152 and K.S.A. 2003 Supp. 55-164; effective Oct. 25, 1996; amended, T-82-1-21-04, Jan. 21, 2004; amended May 14, 2004.)

82-3-702. Construction of cathodic protection boreholes, measurements, logging, reports, penalty.

This regulation shall apply in Kansas except for groundwater management districts #2 and #5. Each owner, operator, or person responsible for the construction of a cathodic protection borehole located in groundwater management district #2 or #5 shall be subject to K.A.R. 82-3-706 through K.A.R. 82-3-709. (a) Each owner, operator, or person responsible for the construction of a cathodic protection borehole shall use a driller who is licensed by the commission under K.S.A. 55-155, and amendments thereto, or a water well contractor who is licensed by the Kansas department of health and environment under K.S.A. 82a-1201 et seq., and amendments thereto.

(b) The operator shall construct each cathodic protection borehole in the following manner.

(1) The total depths of each borehole and the bottom of the cathodic surface casing shall not exceed the depths permitted on the approved intention to drill.

(2) The diameter of the borehole for cathodic surface casing installation shall be at least six inches larger than the nominal outside diameter (OD) of the cathodic surface casing.

(3) In aquifer completions, cathodic surface casing shall extend from the surface to 20 feet below the top of the aquifer.

(4) In multiple aquifer completions, the cathodic surface casing shall extend from the land surface through the aquifers and 20 feet into shale or other impermeable bedrock.

(5) Exceptions to the surface casing depth requirements may be granted by the director of the conservation division upon written request. Each operator requesting an exception shall be required to demonstrate that the exception provides adequate protection of fresh and usable waters.

(6) All cathodic surface casing shall be nonmetallic and shall have a standard dimension ratio (SDR) of 26 or less. The SDR shall be calculated by dividing the cathodic surface casing's outside diameter (OD) by its minimum wall thickness (MWT): $SDR = OD/MWT$.

(7) The operator shall install centralizers along the entire length of the cathodic surface casing at intervals of

(continued)

not greater than 40 feet, starting at the bottom of the casing.

(8) The operator shall grout the annular space either by using a tremie pipe or by following the instructions of individual grout manufacturers. The grout shall be allowed to set undisturbed for at least 24 hours, or for the length of time recommended by individual grout manufacturer's instructions. Exceptions to this requirement may be granted by the director of the conservation division upon written request. Each operator requesting an exception shall be required to demonstrate that the exception provides equivalent or greater protection to fresh and usable waters. Bentonite clay grout shall not be used where a mineralized aquifer or aquifers transect the borehole.

(9) The operator shall not make any openings through the cathodic surface casing, except for the installation of a pitless casing adapter.

(10) The operator shall not use products designed for drilling purposes that contain organic polymers as either drilling mud or grout.

(11) The operator shall install anodes and anode conductors in the borehole beginning at least five feet below the bottom of the cathodic surface casing.

(c) The operator shall measure each borehole to determine the cathodic surface casing depth and the total depth of the borehole. The operator shall record each measurement.

(d) The operator shall log each cathodic protection borehole as follows:

(1) The operator shall collect and record drill cuttings at intervals not greater than five feet or more frequently, if needed to produce an accurate lithologic or driller's log of the entire borehole.

(2) The operator shall record any electrical surveys, logs, or other geophysical readings of the borehole and make them a part of the permanent record.

(e) The operator shall submit a final completion report within 60 days of the start date to the production department of the conservation division. The report shall include all electrical or geophysical readings or logs, as required by the commission.

(f)(1) Each failure to construct a cathodic protection borehole in accordance with these regulations shall be punishable by a penalty of up to \$2,500.

(2) Each failure to submit the final report in accordance with subsection (e) of this regulation shall be punishable by a penalty of \$100. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152 and K.S.A. 2003 Supp. 55-164; effective Oct. 25, 1996; amended, T-82-1-21-04, Jan. 21, 2004; amended May 14, 2004.)

82-3-703. Surface construction requirements, appurtenances, vault and below-ground construction, penalty. This regulation shall apply in Kansas except for groundwater management districts #2 and #5. Each owner, operator, or person responsible for the construction of a cathodic protection borehole located in groundwater management district #2 or #5 shall be subject to K.A.R. 82-3-706 through K.A.R. 82-3-709. (a) All surface construction features of a cathodic protection borehole shall be designed to minimize physical damage to the

installation, prevent entry of fluids and contaminants, and prevent unauthorized access.

(1) The operator shall equip the surface access to each borehole with a waterproof cap, cover, or equivalent housing.

(2) At the land surface contact, the cathodic surface casing or vault cover shall be designed to deter unauthorized access.

(b) Vent pipes shall remove gases from the borehole and shall terminate at least one foot above the highest known flood elevation and at least three feet above land surface.

(c) The aboveground terminus end of the vent pipe shall be turned 180 degrees and equipped at the terminus end with a 16-mesh or greater brass, bronze, or copper screen or other metallic material with similar hardness if that material is approved by the director of the conservation division.

(d) Gases shall not be vented or released if the release is a hazard to public health and safety or the environment.

(e) The top of the cathodic surface casing shall terminate at least three feet above land surface, except as set forth in subsections (f) and (g).

(f) If the top of the cathodic surface casing terminates below land surface in a vault, the following construction features shall be required:

(1) The operator shall install a water-resistant and structurally sound vault to house the top of the cathodic surface casing.

(2) The vault and the cover or lid shall be strong enough to support vehicular traffic where this traffic could occur.

(3) The operator shall set the top of the vault so that surface fluids are directed away from the vault.

(4) The cathodic surface casing shall contact the vault to form a water-resistant and structurally sound seal and connection.

(g) If the borehole and cathodic surface casing are grouted, the operator shall place grout at least five feet below the bottom of the cathodic surface casing, with grout extending into the cathodic surface casing at least 10 feet in total thickness.

(h) Cathodic surface casing installations that terminate and are buried below land surface shall meet the same water resistance and structural integrity requirements as those for vaulted-type construction described in subsection (f) of this regulation.

(i) The operator shall mark all aboveground installations with the commission borehole permit number, which shall be protected from possible damage and shall be easily visible.

(j) Exceptions to this regulation may be granted by the director of the conservation division upon written request. Each operator requesting an exception shall be required to demonstrate that the requested exception provides an equivalent or greater level of protection to public health and the environment.

(k) Each failure to construct the surface installation in accordance with this regulation shall be punishable by a penalty of up to \$500. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152 and K.S.A. 2003 Supp. 55-164;

effective Oct. 25, 1996; amended, T-82-1-21-04, Jan. 21, 2004; amended May 14, 2004.)

82-3-704. Plugging methods and procedures for cathodic protection boreholes, site restoration, submission of plugging report, penalty. This regulation shall apply in Kansas except for groundwater management districts #2 and #5. Each owner, operator, or person responsible for the plugging of a cathodic protection borehole located in groundwater management district #2 or #5 shall be subject to K.A.R. 82-3-710. (a) The operator, owner, or agent of the owner shall plug each cathodic protection borehole in accordance with the following procedures:

(1) At least 72 hours before the actual plugging, the operator, owner, or agent of the owner shall contact the appropriate conservation division district office for plugging instructions and approval.

(2) Before the actual plugging, the operator shall remove any cables and anodes, the vent pipe and anode conductor, and any other materials originally installed in the borehole to a level necessary to ensure that the borehole is properly plugged and to facilitate proper plugging.

(3) The operator shall cut off the cathodic surface casing at least three feet below the land surface.

(4) The operator shall plug each borehole with grout from at least five feet below the bottom of the cathodic surface casing to the top of the cathodic surface casing. The operator shall place grout with a tremie pipe or any other method approved by the appropriate conservation division district office where the facility or borehole is located if the method provides adequate protection of fresh and usable waters.

(5) Where subsurface pressures cause artesian flow, the operator shall maintain a pressure sufficient for placement of the grout plug long enough for the plug to set.

(6) The operator shall fill any vent pipe not removed from the borehole with grout.

(b) The operator shall restore each former cathodic protection borehole site, as close as practical to predrilling condition.

(1) The operator shall backfill and compact each borehole from three feet below land surface to land surface, with clean topsoil.

(2) The operator shall remove from the site all cables and anodes, the vent pipe and anode conductor, all surface casing sections, and any other material installed at the surface or in the borehole.

(c) The operator shall submit a final plugging report to the production department of the conservation division within 60 days after plugging has been completed, on forms prescribed by the commission.

(d) Exceptions to this regulation may be granted by the director of the conservation division upon written request. Each operator requesting an exception shall be required to demonstrate that the exception provides adequate protection of fresh and usable waters.

(e) A cathodic protection borehole shall be considered abandoned if either of the following conditions is met:

(1) The borehole has not been used for one year, and the owner has not provided a written request to the di-

rector for temporary abandonment status pursuant to K.A.R. 82-3-111.

(2) The borehole is contaminating or threatening to contaminate a freshwater aquifer.

(f) Each failure to comply with the provisions of this regulation shall be punishable by a penalty of up to \$1,000. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152 and K.S.A. 2003 Supp. 55-164; effective Oct. 25, 1996; amended, T-82-1-21-04, Jan. 21, 2004; amended May 14, 2004.)

82-3-705. Groundwater management districts #2 and #5: permit to drill cased and uncased cathodic protection boreholes; notification; exceptions; drilling pit application. This regulation shall apply only within the boundaries of groundwater management districts #2 and #5. (a) Except as specified in subsection (g), it shall be a violation of this regulation for the operator, owner, or person responsible to drill or construct either a cased or uncased cathodic protection borehole without first applying for and obtaining a permit to drill and construct a cathodic protection borehole.

(b) Each individual seeking a permit shall submit an application to the appropriate GMD office at least 60 days before planned construction, on a form furnished by the appropriate GMD. The permit application shall contain the following:

(1) The name and address of the owner;

(2) the quarter section, section, range, township, and county;

(3) the distance from the borehole to the section's southeast corner, in exact footage;

(4) the top and bottom depths of any freshwater aquifer;

(5) the total borehole depth;

(6) the number and depths of the anodes;

(7) the top and bottom depths of the anode conductor or anode conductor grout; and

(8) any other relevant information requested by the manager of the appropriate GMD.

(c) Each manager of a GMD shall submit one copy of each cathodic protection borehole application upon which action has been taken to the production department of the conservation division within 10 days of approval.

(d) The operator, owner, or person responsible shall notify the appropriate GMD office at least 72 hours before drilling each cathodic protection borehole.

(e) When required by the manager of the appropriate GMD, the operator, owner, or person responsible shall submit a surface pit permit approved by the director of the conservation division with the application for a permit to drill and construct a cathodic protection borehole.

(f) Drilling a cased or an uncased cathodic protection borehole without an approved permit shall be punishable by a penalty of up to \$1,000. Drilling any cased or uncased cathodic protection borehole without providing notice to the appropriate GMD office in accordance with subsection (d) shall be punishable by a penalty of up to \$1,000.

(g) No permit shall be required for a cathodic protection anode system that meets the following conditions:

(continued)

(1) Is constructed to a maximum depth below the land surface of 25 feet or less; and

(2) does not penetrate an aquifer. (Authorized by K.S.A. 55-152 and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 82a-1028; effective, T-82-1-21-04, Jan. 21, 2004; effective May 14, 2004.)

82-3-706. Groundwater management districts #2 and #5: drilling contractor; logging; construction; reports. This regulation shall apply only within the boundaries of groundwater management districts #2 and #5. (a) Only a driller or water well contractor licensed with the Kansas department of health and environment under K.S.A. 82a-1201 et seq., and amendments thereto, shall drill and construct each cathodic protection borehole.

(b) The total depths of the borehole and the bottom of the cathodic surface casing shall not exceed the authorized depths in the approved permit to drill and construct a cathodic protection borehole.

(c) The cathodic protection borehole shall be logged according to the following requirements:

(1) The drill cuttings shall be sampled and recorded at intervals not greater than five feet or more frequently, if needed, to produce an accurate lithologic or driller's log of the complete cathodic protection borehole.

(2) The electrical readings or log and any other geophysical readings or logs of the complete cathodic protection borehole shall be recorded and made a permanent record.

(d) No uncased cathodic protection borehole shall be drilled or completed below shale or impermeable bedrock surface.

(e) The minimum diameter of each cathodic protection borehole shall be one of the following:

(1) Eight inches for uncased boreholes; or
(2) six inches greater than the outside diameter (OD) of the surface casing for cased boreholes.

(f) Except for uncased cathodic protection boreholes, each borehole shall be constructed according to the following requirements:

(1) Nonmetallic casing equipped with centralizers shall be installed in the borehole when the drilling penetrates 20 feet into either shale or impermeable bedrock.

(2) The casing shall be new, clean, serviceable, and free of defects.

(3) The casing shall have a standard dimension ratio (SDR) of 21 or less and shall be calculated by dividing the casing's outside diameter (OD) by its minimum wall thickness (MWT).

(4) Centralizers shall be installed along the entire length of the casing at intervals not greater than 40 feet, starting at the bottom end of the casing.

(5) The annular space shall be grouted, and the grout shall be installed using a grout tremie pipe or as recommended by the grout manufacturer's instructions and allowed to set undisturbed as recommended by the grout manufacturer's specifications.

(6) No opening shall be made through the casing, except for the installation of a pitless casing adapter.

(g) Measurements shall be made as necessary to determine the depth, dimensions, or spacing of the borehole,

casing, anode, anode conductor, grout, and other borehole materials.

(h) Drilling products and borehole materials containing organic polymers shall not be used to either drill or construct the borehole.

(i) (1) If the manager of the appropriate GMD determines that the use of a drilling pit threatens to contaminate groundwater, the operator, owner, or person responsible shall ensure that the pit meets one of the following requirements:

(A) Be constructed so that the bottom and sides have a hydraulic conductivity no greater than 1×10^{-7} cm/sec during use;

(B) be constructed aboveground; or

(C) consist of a portable aboveground tank.

(2) All fluids that threaten to contaminate the groundwater shall be removed from the drilling pit and disposed of upon closure of the pit, in accordance with K.A.R. 82-3-602.

(j) If drilling and construction operations are temporarily suspended or interrupted by an unforeseen circumstance, the following requirements shall apply:

(1) All drilling and grouting equipment shall be removed from the borehole.

(2) The borehole shall be secured to prevent the following:

(A) The entry of contaminating or polluting materials into the borehole; and

(B) unauthorized access.

(3) The borehole shall be maintained in a stable condition to prevent collapse.

(k) Two copies of the following information shall be submitted to the appropriate GMD office within 30 days after the cathodic protection borehole is completed:

(1) The well completion form provided by the commission and completed by the operator;

(2) any electrical or geophysical readings or logs; and

(3) an as-built plan.

The manager of the appropriate GMD shall provide one copy of this information to the conservation division within 30 days of receipt by the GMD office.

(l)(1) Each failure to construct a cathodic protection borehole in accordance with these regulations shall be punishable by a penalty of up to \$2,500.

(2) Each failure to submit the report required under subsection (k) to the appropriate GMD office shall be punishable by a penalty of \$100. (Authorized by K.S.A. 55-152 and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 82a-1028; effective, T-82-1-21-04, Jan. 21, 2004; effective May 14, 2004.)

82-3-707. Groundwater management districts #2 and #5: anode, anode conductor, and anode conductor grout requirements for cased and uncased boreholes.

This regulation shall apply only within the boundaries of groundwater management districts #2 and #5. (a) Each operator, owner, or person responsible shall install anodes and anode conductor in each cased cathodic protection borehole starting five feet below the bottom of the cathodic surface casing.

(b) Each operator, owner, or person responsible shall install anodes and anode conductor grout in uncased boreholes according to the following requirements:

(1) Each anode for use in a public water supply system shall meet or exceed the requirements specified in section 4.2.3, "anode materials," in the American water works association's standard D104-01, as approved in 2001. Section 4.2.3 of this document is hereby adopted by reference.

(2) Each anode shall be installed from a minimum of three feet above the shale or impermeable bedrock surface to a maximum of 20 feet below land surface.

(3) The anode conductor grout shall be placed from the total depth to five feet above the anode nearest the land surface, using a grout tremie pipe or as recommended by the grout manufacturer.

(4) The anode conductor grout shall be certified by the national sanitation foundation to meet the criteria specified in section 8 of "drinking water treatment chemicals—health effects," NSF/ANSI 60-2003e, as revised in October 2003. Section 8 of this document, titled "miscellaneous water supply products" and consisting of pages 27 through 34, is hereby adopted by reference.

(5) Anode conductor grout containing bentonite clay or any other similar material shall not be used if the salinity equals or exceeds 2,000 mg/L chloride in any portion of an aquifer.

(c) Each failure to install anodes or grouting material in accordance with this regulation shall be punishable by a penalty of up to \$2,500. (Authorized by K.S.A. 55-152 and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 82a-1028; effective, T-82-1-21-04, Jan. 21, 2004; effective May 14, 2004.)

82-3-708. Groundwater management districts #2 and #5: surface construction requirements for cased cathodic protection boreholes. This regulation shall apply only within the boundaries of groundwater management districts #2 and #5. (a) Each operator, owner, or person responsible shall ensure that the top of the cathodic protection borehole casing of each cased borehole meets one of the following requirements:

(1) Terminates a minimum of three feet above land surface or one foot above the highest known flood elevation greater than three feet above land surface;

(2) is equipped with a water-resistant and structurally sound vault; or

(3) terminates a minimum of three feet below land surface.

(b) The minimum construction requirements for each cased cathodic protection borehole shall be the following:

(1) The top of the cathodic protection borehole casing shall meet the following requirements:

(A) Be constructed to prevent damage to the cathodic protection borehole casing, prevent entry of contaminants, and deter unauthorized access to the installation;

(B) be constructed so that surface drainage is directed away from the installation;

(C) be equipped with a watertight seal, cover, or an equivalent device approved by the appropriate GMD office; and

(D) be equipped with an easily visible sign identifying the cathodic borehole permit number and the borehole owner.

(2) The borehole shall be vented of any gases according to the following requirements:

(A) The vent pipe shall terminate a minimum of either three feet above land surface or one foot above the highest known flood elevation greater than three feet above land surface.

(B) The aboveground terminus end of the vent pipe shall be turned 180 degrees and equipped at the terminus end with a 16-mesh or greater brass, bronze, or copper screen, or other material with similar properties if that material is approved by the manager of the appropriate GMD office.

(C) Gases shall not be vented or released if the release is a hazard to public health and safety or the environment.

(3) The cathodic protection borehole casing vault shall meet the following requirements:

(A) Be strong enough to support vehicular traffic where this traffic could occur; and

(B) contact the cathodic protection borehole casing to form a water-resistant and structurally sound seal and connection.

(4) The cathodic protection borehole casing installation terminated below land surface shall meet the following minimum requirements:

(A) Grout shall be placed in the borehole from a minimum of five feet below the bottom of the nonmetallic cathodic protection borehole casing to the top of the nonmetallic cathodic protection borehole casing by using a tremie pipe or by following the recommendation of the grout manufacturer.

(B) The borehole shall be backfilled with clean and compacted topsoil from the top of the nonmetallic cathodic protection borehole casing to the land surface.

(c) Each operator, owner, or person responsible shall ensure that any concrete pad constructed around an aboveground cathodic protection borehole casing or vault meets the following requirements:

(1) Is a minimum of four inches thick;

(2) is sloped so that surface drainage is directed away from the installation;

(3) is free of cracks, voids, and other defects that detract from its watertightness; and

(4) has a joint between the base and the nonmetallic cathodic protection borehole casing that is structurally resistant to sound and water.

(d) Each failure to complete surface construction requirements for cathodic protection boreholes in accordance with this regulation shall be punishable by a penalty of up to \$500. (Authorized by K.S.A. 55-152 and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 82a-1028; effective, T-82-1-21-04, Jan. 21, 2004; effective May 14, 2004.)

82-3-709. Groundwater management districts #2 and #5: construction specifications for uncased cathodic boreholes. This regulation shall apply only within the boundaries of groundwater management districts #2 and #5. Each operator, owner, or person responsible shall ensure that the requirements of this regulation are met. (a) The construction features of each uncased cathodic pro-

(continued)

tection borehole shall prevent physical damage to the installation and prevent the entry of pollutants and contaminants into fresh and usable groundwater.

(b) Each uncased borehole shall be grouted from the top of the anode conductor grout to three feet below land surface with either of the following:

- (1) Grout; or
- (2) anode conductor grout.

(c) From three feet below land surface to the land surface, each uncased borehole shall be backfilled with clean, compacted topsoil and sloped so that surface drainage or runoff is directed away from the installation.

(d) A vent pipe or other gas-venting device shall not be installed in any uncased borehole.

(e) In any area having a saline concentration of 500 ppm or higher, or as determined by the manager of the appropriate GMD office after consideration of ambient water quality data taken from the area within a ½-mile radius of the proposed uncased borehole, a log of a test well located within 20 feet of the proposed uncased borehole shall accompany each uncased cathodic borehole application submitted pursuant to K.A.R. 82-3-705 and shall include the following information:

- (1) A 10-acre tract legal description of the test well location;
- (2) the depth to bedrock;
- (3) the depth to the water table;
- (4) a description of drill cuttings sampled and recorded at intervals not greater than five feet and more frequently, if necessary, to produce an accurate lithologic log; and
- (5) the analyses of groundwater samples collected in a manner approved by the manager of the appropriate GMD office from the upper, middle, and lower portions of an aquifer. These analyses shall meet the following requirements:

(A) Consist of chloride, specific conductance, and any other parameter analysis specified by the manager of the appropriate GMD office; and

(B) be performed by a laboratory certified by the Kansas department of health and environment.

(f) Each failure to construct any uncased cathodic protection borehole in accordance with this regulation shall be punishable by a penalty of up to \$2,500. (Authorized by K.S.A. 55-152 and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 82a-1028; effective, T-82-1-21-04, Jan. 21, 2004; effective May 14, 2004.)

82-3-710. Groundwater management districts #2 and #5: abandonment, plugging methods, and procedures for cathodic protection boreholes, reports, and restoration. This regulation shall apply only within the boundaries of groundwater management districts #2 and #5. (a) A cathodic protection borehole shall be deemed abandoned when any of the following conditions exists:

- (1) The cathodic protection borehole is not completed due to unforeseen circumstances.
- (2) The cathodic protection borehole either threatens to contaminate or contaminates a freshwater aquifer.
- (3) Uncontrollable fluid or gas flow is present in the cathodic protection borehole.
- (4) The cathodic protection borehole is not operational or is in a state of disrepair.

(b) The operator, owner, or person responsible shall plug each abandoned cathodic protection borehole.

(c) The minimum plugging requirements for an abandoned cathodic protection borehole shall be the following:

(1) At least 72 hours before plugging operations are scheduled to begin, the operator, owner, or person responsible shall submit a plugging plan to the appropriate GMD office. The operator, owner, or person responsible shall not begin plugging operations until the plugging plan is approved.

(2) As part of initial plugging operations, any cables and anodes, the vent pipe and anode conductor, and any other cathodic equipment or materials installed in the borehole shall be removed as necessary to ensure that the borehole is properly plugged and to facilitate proper plugging.

(3) All surface casing shall be cut off a minimum of three feet below the land surface and removed.

(4) Each cased cathodic protection borehole shall be plugged with grout from a minimum of five feet below the bottom of the surface casing to the top of the surface casing.

(5) Each uncased cathodic protection borehole shall be plugged with grout from the bottom of the borehole to three feet below the land surface.

(6) All grout shall be placed with a tremie pipe or in a manner recommended by the grout manufacturer.

(7) Each borehole shall be backfilled with clean topsoil and compacted from three feet below land surface to the land surface.

(8) Each vent pipe not removed from a cased cathodic protection borehole shall be completely filled with grout.

(9) Wherever subsurface fluid or gas pressure flow is encountered, a pressure sufficient for placement of the grout shall be maintained long enough for the grout to set.

(10) The operator shall submit a final plugging report to the manager of the appropriate GMD office within 60 days after plugging operations are completed, on forms prescribed by the manager of the appropriate GMD office.

(d) Each former cathodic protection borehole site shall be restored, as close as practical to predrilling conditions, by removing from the site any cables and anodes, the vent pipe and anode conductor, any surface casing sections, and any other material installed at the surface or in the borehole.

(e) (1) Each failure to provide notice under paragraph (c)(1) shall be punishable by a penalty of up to \$1,000.

(2) Each failure to properly plug any cathodic protection borehole in accordance with this regulation shall be punishable by a penalty of up to \$2,500. (Authorized by K.S.A. 55-152 and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 55-152, K.S.A. 2003 Supp. 55-164, and K.S.A. 2003 Supp. 82a-1028; effective, T-82-1-21-04, Jan. 21, 2004; effective May 14, 2004.)

Susan K. Duffy
Executive Director

Doc. No. 030607

State of Kansas

**Social and Rehabilitation Services
Department on Aging**

**Notice of Proposed Nursing Facility Medicaid Rates
for State Fiscal Year 2005;**

**Methodology for Calculating Proposed Rates, and Rate
Justifications; Notice of Intent to Amend the Medicaid
State Plan; Request for Written 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 Secretary of the Department of Social and Rehabilitation Services (SRS) and the Secretary of the Department on Aging (KDOA) are publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for state fiscal year 2005, 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, 2004.

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 listed 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 are maintained by SRS:

1. Attachment 4.19D, Part I, Subpart C, Exhibit C-1, inclusive;

2. Attachment 4.19D, Part I, Subpart E; and

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

The text of those portions of the Medicaid State Plan identified above in sections IA.1-2, but not the documents, authorities and the materials incorporated into them by reference, 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 on or before September 30, 2004. 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 re-

quest 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, 2nd 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, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Index Rate Adjustments, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, Retroactive Rate Adjustments, and Comparable Private Pay Rates.

1) Cost Reports

The Nursing Facility Financial and Statistical Report (MS2004) is the uniform cost report. It is included in Kansas Administrative Regulation (K.A.R.) 30-10-17. It organizes the commonly incurred business expenses of providers into three reimbursable cost centers (operating, indirect health care and direct 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 non-reimbursable/non-resident related cost center so that total operating expenses can be reconciled to the providers accounting records.

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 that have operated a facility for 12 or more months on December 31 shall file a calendar year cost report. The requirements for filing the calendar year cost report are found in 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 on-going 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.

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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 that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 30-10-17.

2) Rate DeterminationRates for Existing Nursing Facilities

Medicaid rates for Kansas NFs are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base year cost data submitted by the provider. The current base year is 2001.

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 K.A.R. 30-10-18.

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 may be 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 reasoning 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.

Rates for New Construction and New Facilities

The per diem rate for newly constructed nursing facilities, or new facilities to the Kansas Medical Assistance program, shall be based on a projected cost report submitted in accordance with K.A.R. 30-10-17.

Rates for Facilities Recognized as a Change of Provider

The payment rate for the first 24 months of operation shall be based on the base year historical cost data of the

previous owner or provider. If base year data is not available, the most recent calendar year data for the previous provider shall be used. Beginning with the first day of the 25th month of operation the payment rate shall be based on the historical cost data for the most recent calendar year submitted by the new provider.

Rates for Facilities Re-entering the Program

The per diem rate for each provider reentering the Medicaid program shall be determined from a projected cost report if the provider has not actively participated in the program by the submission of any current resident service billings to the program for 24 months or more. The per diem rate for all other providers reentering the program shall be determined from the last historic cost report filed with the agency.

3) 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 information 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 a per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. The private-pay/other average CMI is the simple average, carried to four decimal places, of all indices for residents where neither Medicaid nor Medicare were known to be the per diem payer source on the first day of the calendar quarter or at any time during the preceding quarter. Case mix indices for ventilator-dependent residents for whom additional reimbursement has been determined shall be excluded from the average CMI calculations.

The resident listing cut off for calculating the average CMIs will be the first day of the quarter before the rate is

effective. The following are the dates for the resident listings and the quarter in which the average Medicaid CMI will be used in the quarterly rate-setting process.

<u>Rate Effective Date:</u>	<u>Cut Off Date:</u>
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.

4) Resident Days

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

There are two exceptions to the 85 percent 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 percent 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 any part of 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 percent minimum occupancy rule for the months in the first year of operation. The 85 percent 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.

5) Inflation Factors

An additional 12 months of inflation will be applied to the allowable reported costs from the calendar year end 2001 cost reports. The inflation will be based on the Data Resources, Inc.-WEFA, National Skilled Nursing Facility Market Basket Without Capital Index (DRI Index).

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 may require the use of forecasted factors in the inflation table. The inflation tables will not be revised until the next payment rate period.

The inflation factor will not be applied to the following costs:

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

The inflation factor for the real and personal property fees will be based on the Data Resources, Inc.-WEFA, National Skilled Nursing Facility Total Market Basket Index (DRI Index). The real and personal property fees in effect June 1, 2003, will have inflation applied for the period from July 1, 2002 to June 30, 2003.

6) 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 non-working 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 their 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 that 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 percent), 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 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 non-owner administrator and co-administrator salaries. The schedule includes the base year historic cost reports in the database from all active nursing facility providers. The salary information

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is not adjusted for inflation. The per diem data is calculated using an 85 percent 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 rate setting.

The Schedule C is used to set the per diem limitation for all non-owner 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 non-owner 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 non-owner 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 operating 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 the limit in effect as of June 30, 2003, trended forward for annual inflation.

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 base year cost data 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 and utilities are subject to the 85 percent minimum occupancy. 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 will be adjusted for historical and forecasted inflation, where appropriate. This will bring the costs reported 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 June 30, 2003. The historic inflation factor will adjust costs from the midpoint of each provider's cost report period to December 31, 2002, for Schedule B processing.

Certain costs are exempt from the inflation application when setting the base year 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

The upper payment limit in effect as of June 30, 2003, will be trended forward with an annual inflation factor.

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 04/01/XX, 07/01/XX, 10/01/XX and 01/01/XY. 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 that point the cumulative total of all resident 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 the 4 millionth 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 percent 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.

7) 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 \$79.38 for an average CMI of 1.4000.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. 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 1.1400 ($1.6000/1.4000$). 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 ($\60×1.1400).

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 ($1.1400 \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 ($1.7000/1.4000=1.2100$). The lower of the facility specific Direct Health Care upper payment 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 ($1.5000/1.4000=1.0700$). The lower of the facility specific Direct Health Care upper payment limit or the inflated Direct Health Care per diem cost is multiplied by the new quotient to determine the Medicaid allowance ($1.0700 \times \$60 = \64.20).

8) 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 fee was comprised of two components: a property allowance and a property value factor.

All providers received a new property fee, effective July 1, 2002. The first step in determining a new facility-specific property fee was to sum the property allowance and value factor. The second step was to apply an annual inflation factor to the new property fee, consisting of the combined property allowance and value factor. The third step was to compare the inflated property fee to the upper payment limit established for the property fee. The provider received the lower of the facility-specific inflated property fee or the upper payment limit.

An additional 12 months of inflation was applied to the property fees, effective June 30, 2003. The inflation factor was from the Data Resources, Inc.-WEFA, National Skilled Nursing Facility Total Market Basket Index (DRI Index). The providers received the lower of the 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

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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.

9) 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 are excluded. 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 base year historical cost report for all active providers. No projected cost reports are included. The 85 percent occupancy rule is applied in determining the 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 establishing the per diem cost ranges used to determine each provider's efficiency factor, consistent with agency policy. The ranges are defined as follows:

<u>Providers Percentile Ranking</u>	<u>Incentive Factor Per Diem</u>
-0- to 30th Percentile	\$.50
31st to 55th Percentile	.40
56th to 75th Percentile	.30
76th to 100th Percentile	-0-

10) Rate Effective Date

Rate effective dates are determined in accordance with 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.

11) Retroactive Rate Adjustments

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

A retroactive rate adjustment and direct cash settlement is made if the agency determines that the base year

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.

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.

12) Comparable Private Pay Rates

The last factor considered in determining a provider's Medicaid per diem payment rate is its private pay rate. Providers are reimbursed the lower of the calculated Medicaid rate or its 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 private pay/other CMI 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 private pay/other CMI. This ensures that providers' Medicaid rates are not limited to a lower private pay rate that may be attributed 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 private pay/other CMI. 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 E: Rates When Two of More Nursing Facilities Merge Under One License.

The Kansas Department on Aging maintains a policy wherein if two nursing facilities meet certain policy criteria, KDOA 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.

Cost Reports

Providers who have participated in the Medicaid program for 12 months or longer as of December 31 are required to file a calendar year Nursing Facility Financial and Statistical Report (cost report). For facilities that merge under one license, the provider will file one cost report for the facilities for the complete calendar year following the merger and all subsequent calendar years while the facilities remain merged under one license for any portion of the calendar year. The calendar year end cost report will be for 12 months. The cost report will consist of the individual operations of each facility for any part of the calendar year that they operate under separate licenses and the combined operations during any part of the year that they operate under one license. 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 trial 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 indirect 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 trial balance may reflect the independent operations for each facility and then following the merger the working trial balance may be consolidated. The working trial 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.

Rate Determination

Medicaid rates for Kansas NFs and NFs-MH are determined using a prospective, facility-specific rate-setting system. The rate is determined from the base year cost data submitted by the provider. When multiple facilities are joined on one license, the reimbursement rates for each facility will be determined in accordance with the methodology found in Subpart C and as though the facilities remained as separate providers. The only time a new rate will be determined from a combined cost report is when a base year is established that occurs during or after the calendar year that the merger occurred.

Resident Days Used in Denominator

The allowable historic per diem costs for the Direct Health Care cost center and food and utilities in the Indirect 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 and utilities is subject to an 85 percent minimum occupancy rule. The greater of the actual resident days reported for the merged facilities or days calculated at the 85 percent minimum occupancy will be used in the denominator of the rate calculation. If the 85 percent 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. If only one of the facilities did not have the 85 percent 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

A combined Real and Personal Property Fee will be determined for facilities merged under one license only when a base year is established that occurs during or after the calendar year that the merger occurred. The property fee for two or more facilities that are merged under one license will be based on the day-weighted average prop-

erty 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-weighted average property fee will be \$4.60 ($\$4 \times 10,000 \text{ days} + \$5 \times 15,000 = \$115,000/25,000 \text{ 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 data base 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 file separate calendar year cost reports for the complete calendar year following the year in which they separate. Rates for each facility will be determined from base year cost report data whether that report is a combined report or not.

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 allowances 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 merged 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.

II. Proposed Medicaid Per Diem Rates for Kansas Nursing Facilities

A. Cost Center Limitations: The state establishes the following cost center limitations that are used in setting rates effective July 1, 2004:

(continued)

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$20.92
Indirect Health Care	115% of the Median Cost	\$34.34
Direct Health Care	120% of the Median Cost	\$63.60
Real and Personal Property Fee	105% of the Median Fee	\$6.29

These amounts were determined according to the "Reimbursement Limitations" section. The Direct Healthcare Limit is calculated based on a CMI of 0.9197, 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, 2004, using the July 1, 2004, 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.

C. Proposed Nursing Facility Per Diem Rates and CMI.

Facility Name	City	Proposed		Facility Name	City	Proposed Daily Rate	Medicaid CMI
		Daily Rate	Medicaid CMI				
Infinia at Abilene, Inc.	Abilene	110.22	0.8858	The Shepherd's Center	Cimarron	96.41	1.0563
Village Manor	Abilene	104.69	1.0450	Medicalodge of Clay Center	Clay Center	104.80	0.8303
Alma Manor	Alma	121.80	0.9060	Clay Center Presbyterian Manor	Clay Center	121.24	0.9383
Andover Health Care Center	Andover	101.95	1.0306	Clearwater Ret. Community, Inc. dba The	Clearwater	109.17	0.9663
Anthony Community Care Center	Anthony	109.27	0.9510	Community Care Inc.	Clifton	72.01	0.9264
Medicalodge East Healthcare Center	Arkansas City	115.77	0.9108	Park Villa Nursing Home	Clyde	95.32	1.0718
Medicalodge North of Arkansas City	Arkansas City	121.48	0.9779	Coffeyville Regional Medical Center	Coffeyville	173.75	1.6250
Arkansas City Presbyterian Manor	Arkansas City	114.62	1.0153	Windsor Place	Coffeyville	99.67	0.9376
Infinia at Arma	Arma	104.37	0.8128	Medicalodge East of Coffeyville	Coffeyville	102.18	0.9761
Ashland Health Center - LTCU	Ashland	110.48	0.8235	Lantern Park Manor	Colby	91.44	0.9017
Atchison Hospital SNF	Atchison	103.09	0.8423	Citizens Medical Center	Colby	110.60	0.7904
Medicalodge of Atchison	Atchison	110.02	0.8889	Pioneer lodge	Coldwater	90.92	0.8514
Atchison Senior Village	Atchison	96.37	0.8127	Medicalodge of Columbus	Columbus	110.12	0.9486
Dooley Center	Atchison	107.57	0.7107	Colwich Health Center	Colwich	103.68	0.8563
Attica Long Term Care	Attica	105.10	0.9622	Mt Joseph Senior Village, LLC	Concordia	107.54	1.0066
Atwood Good Samaritan Center	Atwood	117.25	1.0771	Sunset Home	Concordia	107.93	1.0111
Lake Point Nursing Center	Augusta	95.15	0.8632	Spring View Manor	Conway Springs	89.24	0.9548
Baldwin Care Center	Baldwin City	101.77	0.9150	Chase County Health & Rehab Center	Cottonwood Falls	82.74	0.6870
Quaker Hill Manor	Baxter Springs	76.47	0.8024	Council Grove Healthcare Center	Council Grove	91.86	0.8390
Great Plains of Republic County, Inc.	Belleville	126.49	1.0242	Hilltop Manor	Cunningham	73.99	0.6254
Belleville Health Care Center	Belleville	93.81	0.9241	Westview Manor, Inc.	Derby	100.52	0.9607
Great Plains of Mitchell County, Inc.	Beloit	128.73	1.0620	Hillside Village of DeSoto	DeSoto	116.45	0.9850
Hilltop Lodge Nursing Home	Beloit	104.79	0.9008	Dexter Care Center	Dexter	89.32	0.8153
Centers for LTC of Bonner Springs	Bonner Springs	108.84	0.8886	Lane County Hospital - LTCU	Dighton	105.51	0.7000
Hill Top House	Bucklin	105.07	0.9209	Trinity Manor	Dodge City	107.77	0.8666
Buhler Sunshine Home, Inc.	Buhler	112.58	0.9706	Dodge City Good Samaritan Center	Dodge City	114.47	1.0249
Life Care Center of Burlington	Burlington	108.69	0.8655	Manor of the Plains	Dodge City	109.49	0.8295
Caney Nursing Center	Caney	81.68	0.8057	Medicalodge of Douglass	Douglass	125.54	0.9442
Shiloh Manor of Canton, Inc.	Canton	109.25	1.0032	Downs Nursing Center	Downs	84.42	0.8279
Cedar Vale Nursing Center	Cedarvale	67.46	0.5881	Country Care Home	Easton	94.40	0.9019
Eastridge Nursing Home	Centralia	114.20	1.0559	Parkway Care Home	Edwardsville	101.98	1.0040
Heritage Health Care Center	Chanute	90.12	0.9744	Edwardsville Convalescent Center	Edwardsville	116.13	0.8829
Chanute Health Care Center	Chanute	113.66	0.9858	Edwardsville Manor	Edwardsville	94.38	0.8306
Applewood Rehabilitation	Chanute	67.30	0.7237	Lakepoint Nursing Center-El Dorado	El Dorado	97.80	0.9713
Chapman Valley Manor	Chapman	88.23	0.8737	Beverly Health & Rehab-El Dorado	El Dorado	89.45	0.8790
Cheney Golden Age Home Inc.	Cheney	87.64	0.7030	Morton County Hospital	Elkhart	107.97	1.0235
Cherryvale Care Center	Cherryvale	101.73	0.9246	Woodhaven Care Center	Ellinwood	101.51	1.0112
Chetopa Manor	Chetopa	81.99	1.0276	Ellis Good Samaritan Center	Ellis	104.98	0.8923
				Ellsworth Good Samaritan Ret. Village	Ellsworth	109.46	0.9089
				Emporia Presbyterian Manor	Emporia	119.40	0.9106
				Holiday Resort	Emporia	103.92	0.8814
				Vintage Manor	Emporia	102.38	0.9246
				Emporia Rehabilitation Center	Emporia	84.69	0.9561
				Enterprise Estates Nursing Center, Inc.	Enterprise	81.35	0.8960
				Heritage Village-Eskridge	Eskridge	80.41	0.7338
				Eudora Nursing Center	Eudora	90.35	0.8133
				Medicalodge of Eureka	Eureka	113.25	0.8338
				Medicalodge of Ft. Scott	Fort Scott	123.57	0.9427
				Fort Scott/Marmaton Valley	Fort Scott	94.93	0.9704
				Fowler Nursing Home	Fowler	113.91	1.0029
				Frankfort Community Care Home, Inc.	Frankfort	103.79	1.0969
				Beverly Health & Rehab-Fredonia	Fredonia	89.01	0.9786
				Sunset Manor, Inc	Frontenac	90.74	0.9550
				Emerald Pointe Health & Rehab Centre	Galena	77.47	0.9350
				Galena Nursing & Rehab Center	Galena	90.53	0.9609
				Garden Valley Retirement Village	Garden City	116.44	0.9355

Facility Name	City	Proposed		Facility Name	City	Proposed	
		Daily Rate	Medicaid CMI			Daily Rate	Medicaid CMI
Terrace Garden Care Center	Garden City	117.50	0.8769	Lifecare Center of Kansas City	Kansas City	103.97	0.9883
Meadowbrook Rehab Hosp., LTCU	Gardner	141.63	1.1589	Infinia at Kensington	Kensington	98.93	0.8025
Medicalodge of Gardner	Gardner	119.93	0.8664	The Wheatlands	Kingman	95.32	0.8456
Anderson County Hospital	Garnett	120.01	0.8879	Medicalodge of Kinsley	Kinsley	118.39	0.8931
Golden Heights Living Center	Garnett	102.51	0.9557	Kiowa Hospital District Manor	Kiowa	91.62	0.7277
The Heritage	Girard	85.16	1.0552	Rush Co. Memorial Hospital	La Crosse	99.88	0.9100
The Nicol Home, Inc.	Glasco	85.47	0.6500	Rush County Nursing Home	La Crosse	108.02	0.9415
Medicalodge of Goddard	Goddard	127.65	0.9751	High Plains Retirement Village	Lakin	122.36	0.8875
Bethesda Home	Goessel	123.10	0.9122	Colonial Manor of Lansing	Lansing	104.83	0.9219
Sherman Co. Good Samaritan Center	Goodland	105.13	0.8938	Larned Healthcare Center	Larned	109.08	0.8522
Cherry Village Benevolence	Great Bend	102.78	0.9963	St. Joseph Memorial Hospital	Larned	116.61	0.9615
Great Bend Health & Rehab Center	Great Bend	117.84	0.9598	Lake View Manor, LLC	Lawrence	123.00	0.9655
Halstead Health and Rehab Center	Halstead	124.58	0.9114	Lawrence Presbyterian Manor	Lawrence	124.85	0.9629
Washington Cnty Hosp. Dist.#1/Hanover	Hanover	103.74	1.0200	The Health Center at Brandon Woods	Lawrence	118.57	0.9525
Friendship Manor Rehab Ctr of Haviland	Haviland	73.79	0.6703	Pioneer Ridge Retirement Community	Lawrence	111.17	0.8338
Hays Medical Center	Hays	168.31	1.5641	Broadway Heights	Leavenworth	118.66	0.9038
St. John's of Hays	Hays	93.72	0.8575	Medicalodge of Leavenworth	Leavenworth	124.07	0.9995
Hays Good Samaritan Center	Hays	105.89	0.8249	Delmar Gardens of Lenexa	Lenexa	110.27	0.9731
Haysville Healthcare Center	Haysville	105.84	0.8949	Lakeview Village	Lenexa	116.41	0.7933
Lutheran Home, Inc.	Herington	87.33	0.8921	Leonardville Nursing Home	Leonardville	82.80	1.0028
Schowalter Villa	Hesston	124.74	0.9137	Wichita County Health Center	Leoti	139.20	1.1850
Oak Ridge Acres	Hiawatha	76.74	0.8046	Liberal Good Samaritan Center	Liberal	108.31	0.9217
Maple Heights of Hiawatha	Hiawatha	107.28	0.9508	Wheatridge Park Care Center	Liberal	120.77	0.9660
Highland Care Center	Highland	87.22	0.6400	Mid-America Healthcare-Lincoln	Lincoln	103.31	1.1317
Dawson Place, Inc.	Hill City	81.85	0.7975	Bethany Home Association	Lindsborg	115.67	0.9069
Hillsboro Community Medical Center	Hillsboro	110.99	0.8517	Linn Community Nursing Home	Linn	78.76	0.8239
Parkside Homes, Inc.	Hillsboro	110.56	0.9115	Sandstone Heights	Little River	111.37	0.9874
Cheyenne Meadows Living Center	Hoisington	87.26	0.8072	Logan Manor Community Health Services	Logan	90.32	0.8857
Jackson Co. Nursing Home, Inc.	Holton	91.44	0.9613	Louisburg Care Center	Louisburg	96.98	0.7757
Holton Manor	Holton	98.12	0.8915	Beverly Health & Rehab of Lucas	Lucas	97.45	1.1079
Tri County Manor Living Center, Inc.	Horton	92.89	0.9641	Lyons Good Samaritan Center	Lyons	100.80	0.8500
Howard Twilight Manor	Howard	99.82	0.9342	Meadowlark Hills Retirement Community	Manhattan	123.01	0.9823
Sheridan County Hospital	Hoxie	121.59	1.1291	Stoneybrook Retirement Community	Manhattan	117.02	1.0246
Pioneer Manor	Hugoton	122.26	0.9181	St. Joseph Village, Inc.	Manhattan	113.23	0.9197
Pinecrest Nursing Home	Humboldt	96.79	0.9630	Jewell County Hospital	Mankato	119.85	0.9440
Golden Plains	Hutchinson	112.47	0.8997	St. Luke Living Center	Marion	103.69	0.9967
Hutchinson Good Samaritan Village	Hutchinson	114.13	0.9696	Marion Manor	Marion	89.80	0.9056
Infinia at Hutchinson	Hutchinson	108.12	0.9814	Riverview Estates, Inc.	Marquette	92.08	0.9190
Wesley Towers	Hutchinson	128.30	0.9653	Community Memorial Healthcare, Inc.	Marysville	93.51	0.8313
Ray E. Dillon Living Center	Hutchinson	119.63	0.9495	Cambridge Place	Marysville	104.70	1.0431
Regal Estate	Independence	101.75	0.9620	Infinia at McPherson	McPherson	106.81	0.9212
Heatherwood Estates	Independence	81.15	0.9679	The Cedars, Inc.	McPherson	115.62	0.9398
Glenwood Estate	Independence	83.97	0.9969	Lone Tree Compassionate Care Corporation	Meade	113.88	0.9673
Pleasant View Home	Inman	114.71	0.9058	Trinity Lutheran Manor	Merriam	110.14	0.7737
Windsor Place at Iola, LLC	Iola	104.06	0.9484	Great Plains of Ottawa County, Inc.	Minneapolis	85.12	1.0800
Cheyenne Lodge, Inc.	Jamestown	84.97	1.0108	Minneapolis Good Samaritan Center	Minneapolis	104.03	0.9062
Hodgeman Co Health Center-LTCU	Jetmore	129.36	1.0333	Minneola District Hospital	Minneola	118.36	0.9627
Stanton County Hospital-LTCU	Johnson	111.58	0.7600	Elk Manor Nursing Home	Moline	105.75	0.9765
Valley View Professional Care Center	Junction City	81.28	0.7498	Bethel Home, Inc.	Montezuma	96.69	0.8137
Junction City Good Samaritan Center	Junction City	101.51	0.8976	Moran Manor	Moran	87.74	0.9810
Medicalodge Post Acute Center	Kansas City	116.38	0.9574	Memorial Home for the Aged	Moundridge	116.91	0.8700
Kansas City Presbyterian Manor	Kansas City	130.11	0.9916	Moundridge Manor, Inc.	Moundridge	88.99	0.8319
Medicalodge East of Kansas City	Kansas City	137.98	1.1037	Mt. Hope Nursing Center	Mt. Hope	108.92	0.9230
Alzheimer's Center of Kansas City	Kansas City	110.89	0.9304	Villa Maria, Inc.	Mulvane	108.45	0.9206
				Golden Keys Nursing Home	Neodesha	95.64	0.8913
				Beverly Health & Rehab of Neodesha	Neodesha	97.98	0.9733
				Ness County Hospital Dist.#2	Ness City	106.83	0.8589
				Bethel Care Centre	Newton	115.54	1.0463

(continued)

Facility Name	City	Proposed		Facility Name	City	Proposed	
		Daily Rate	Medicaid CMI			Daily Rate	Medicaid CMI
Friendly Acres, Inc.	Newton	128.94	0.9764	Prairie Sunset Manor	Pretty Prairie	117.10	0.8033
Kansas Christian Home	Newton	126.66	0.9714	Protection Valley Manor	Protection	91.46	0.8460
Newton Presbyterian Manor	Newton	126.59	0.9633	Gove County Medical Center	Quinter	107.44	0.9637
Andbe Home, Inc.	Norton	108.28	0.8983	Grisell Memorial Hosp Dist	Ransom	119.27	0.9341
Village Villa	Nortonville	111.66	0.9600	#1-LTCU			
Norwich Health Care Center	Norwich	87.21	0.8328	Richmond Care Center	Richmond	97.31	0.9544
Logan County Manor	Oakley	126.69	0.9419	Lakepoint Nursing Ctr-Rose Hill	Rose Hill	110.61	1.0423
Decatur County Hospital	Oberlin	100.27	0.8133	Rossville Valley Manor	Rossville	116.98	0.9759
Decatur Co. Good Samaritan Center	Oberlin	102.83	0.8753	Wheatland Nursing & Rehab Center	Russell	106.66	1.1339
Villa St. Francis	Olathe	123.41	0.9535	Gatewood Care Center	Russell	71.41	0.7029
Centers for Long Term Care of Olathe	Olathe	116.96	1.0216	Russell Regional Hospital	Russell	109.66	0.8450
Royal Terrace Nrsng. & Rehab. Center	Olathe	108.66	0.9368	Sabetha Nursing Center	Sabetha	99.27	1.0032
Olathe Good Samaritan Center	Olathe	123.36	0.9182	Apostolic Christian Home	Sabetha	96.39	1.0192
Johnson County Nursing Center	Olathe	133.68	1.0430	Smokey Hill Rehabilitation Center	Salina	98.68	0.9256
Aberdeen Village, Inc.	Olathe	133.65	1.0679	Kenwood View Nursing Center	Salina	94.08	0.9380
Golden Acres	Onaga	83.71	0.8571	Windsor Estates	Salina	106.08	0.9272
Peterson Health Care, Inc.	Osage City	86.55	0.9523	Center for LTC of Salina	Salina	107.92	0.9344
Osage Nursing & Rehab Center	Osage City	100.72	0.9152	Salina Presbyterian Manor	Salina	124.51	0.9871
Life Care Center of Osawatomie	Osawatomie	125.52	0.9355	Shalimar Health Center	Salina	74.24	0.9545
Parkview Care Center	Osborne	110.84	1.0207	Holiday Resort of Salina	Salina	103.51	0.9786
Hickory Pointe Care & Rehab Ctr	Oskaloosa	103.37	0.8836	Satanta Dist. Hosp. LTCU	Satanta	127.93	1.0095
Infinia at Oswego	Oswego	107.46	0.8270	Park Lane Nursing Home	Scott City	112.84	0.8691
Ottawa Retirement Village	Ottawa	101.45	0.8777	Pleasant Valley Manor	Sedan	80.25	0.9502
Brookside Manor	Overbrook	107.52	0.9012	Sedgwick Healthcare Center	Sedgwick	123.62	0.8989
Life Care Center of Overland Park	Overland Park	111.60	0.8709	Crestview Manor	Seneca	80.22	1.0182
Specialty Hospital of Overland Park	Overland Park	137.36	1.0964	Life Care Center of Seneca	Seneca	73.27	0.7476
Manorcare Hlth Services of Overland Park	Overland Park	119.71	0.9145	Prairie Manor Good Samaritan Center	Sharon Springs	93.04	0.9514
Villa Saint Joseph	Overland Park	121.89	0.9473	Shawnee Gardens Nursing Center	Shawnee	121.07	0.9070
Delmar Gardens of Overland Park	Overland Park	123.40	0.9324	Sharonlane Health Services	Shawnee	108.71	0.9096
Overland Park Manor	Overland Park	120.73	0.9361	Smith County Memorial Hospital LTCU	Smith Center	108.82	1.0320
Indian Creek Healthcare Center	Overland Park	123.87	1.0585	Infinia at Smith Center	Smith Center	96.81	0.8330
Village Shalom, Inc.	Overland Park	128.13	0.9628	Mennonite Friendship Manor, Inc.	South Hutchinson	120.70	0.9093
Riverview Manor, Inc.	Oxford	91.03	0.9322	Beverly Hlth & Rehab-Spring Hill	Spring Hill	112.71	0.9637
Medicalodge of Paola	Paola	91.52	0.6981	St. Francis Good Samaritan Ctr	St. Francis	105.41	0.8704
North Point Skilled Nursing Center	Paola	124.58	1.0915	Leisure Homestead at St. John	St. John	109.93	1.0100
Elmhaven East	Parsons	80.64	0.9985	St. Marys Manor	St. Marys	111.83	0.9875
Elmhaven West	Parsons	89.81	0.9633	Prairie Mission Retirement Village	St. Paul	112.74	1.0971
Parsons Presbyterian Manor	Parsons	105.09	0.7530	Leisure Homestead at Stafford	Stafford	84.22	0.9670
Parsons Good Samaritan Center	Parsons	100.84	0.9014	Sterling Presbyterian Manor	Sterling	102.54	0.7293
Legacy Park	Peabody	108.95	1.0092	Solomon Valley Manor	Stockton	109.52	0.8421
Westview Manor of Peabody	Peabody	76.50	0.6587	Hamilton Co. Hospital-LTCU	Syracuse	129.48	1.0629
Phillips County Hospital LTCU	Phillipsburg	115.07	0.8671	Tonganoxie Care Center	Tonganoxie	98.99	0.8767
Phillips County Retirement Center	Phillipsburg	86.73	0.8646	Topeka Healthcare Center	Topeka	99.36	1.0065
Medicalodge South of Pittsburg	Pittsburg	116.11	0.9943	Brewster Place	Topeka	120.75	0.8560
Medicalodge North of Pittsburg	Pittsburg	104.12	0.9165	Topeka Presbyterian Manor Inc.	Topeka	127.22	0.9454
Mt. Carmel Regional Medical Ctr. SNF	Pittsburg	193.72	1.9450	Eventide Convalescent Center, Inc.	Topeka	90.06	0.8743
Beverly Rehabilitation Center	Pittsburg	88.75	0.8845	Topeka Community Healthcare Center	Topeka	121.89	1.0314
Cornerstone Village	Pittsburg	112.92	0.7711	McCrite Plaza Health Center	Topeka	107.01	0.9231
Rooks County Home	Plainville	101.38	0.9513	Rolling Hills Health Center	Topeka	112.64	0.9412
Pratt Regional Medical Center	Pratt	114.74	0.9731	Manorcare Health Services of Topeka	Topeka	112.75	0.8844
Friendship Manor of Pratt	Pratt	93.95	0.8689	Woodland Health Center	Topeka	95.27	0.9241
Prescott Country View Nursing Center	Prescott	77.10	0.8263	Westwood Manor	Topeka	104.79	1.0192
				IHS of Brighton Place	Topeka	82.14	0.7315
				Countryside Health Center	Topeka	82.70	0.7078
				Indian Trails Manor	Topeka	74.15	0.7500
				Infinia at Central Topeka	Topeka	100.47	0.8560
				Brighton Place North	Topeka	69.87	0.6526
				Aldersgate Village	Topeka	125.50	0.9354

Facility Name	City	Proposed	
		Daily Rate	Medicaid CMI
Plaza West Care Center, Inc.	Topeka	126.74	1.0051
Lexington Park Nursing and Post Acute Ca	Topeka	126.83	0.9441
Greeley County Hospital, LTCU	Tribune	112.70	0.8111
Western Prairie Care Home	Ulysses	118.91	0.8710
Valley Health Care Center	Valley Falls	84.05	0.6553
St. John's Rest Home of Victoria	Victoria	93.34	0.7952
Trego Co. Lemke Memorial LTCU	WaKeeney	114.17	0.8944
The Lutheran Home - WaKeeney	WaKeeney	87.82	0.8865
Wakefield Rehab Center	Wakefield	94.17	0.9789
Valley Vista Good Samaritan Center	Wamego	119.44	0.9405
The Centennial Homestead, Inc.	Washington	77.30	0.9722
Wathena Nursing & Rehab Center	Wathena	92.69	0.9005
Coffey County Hospital	Waverly	126.75	0.9653
Beverly Health & Rehab-Wellington	Wellington	93.65	0.9185
Slate Creek Good Samaritan Center	Wellington	111.42	0.9488
Wellsville Manor Care Center	Wellsville	91.05	0.8253
Westy Community Care Home	Westmoreland	91.00	0.8732
Wheat State Manor	Whitewater	114.10	0.9440
Medicalodge of Wichita	Wichita	125.16	0.9307
Meridian Nursing & Rehab Center	Wichita	106.84	0.8874
Catholic Care Center Inc.	Wichita	121.17	0.9523
Kansas Masonic Home	Wichita	128.14	1.0118
Homestead Health Center, Inc.	Wichita	115.46	0.9129
Horizon Specialty Hospital	Wichita	116.63	0.9967
Infinia at Wichita	Wichita	119.45	0.8583
Wichita Presbyterian Manor	Wichita	126.64	0.9567
Sandpiper Bay Health & Retirement Ctr.	Wichita	105.39	0.9075
Lakepoint Ret.& Rehab Ctr of Wichita	Wichita	105.90	0.9778
Manorcare Health Services of Wichita	Wichita	112.61	0.8936
College Hill Nursing and Rehab Center	Wichita	121.33	0.9122
Lakewood Heights Nursing Center	Wichita	103.06	0.9023
Lincoln East Nursing Home	Wichita	83.47	0.6000
Cameo Care Center	Wichita	99.39	0.7455
The Health Care Center@Larksfield Place	Wichita	119.09	0.8620
Life Care Center of Wichita	Wichita	115.71	0.9715
Wilson Nursing Center	Wilson	87.01	0.9133
Jefferson Co. Memorial Hospital-LTCU	Winchester	111.97	0.9582
Winfield Good Samaritan Center	Winfield	116.79	0.9058
Cumbernauld Village, Inc.	Winfield	105.96	0.7682
Winfield Rest Haven, Inc.	Winfield	95.62	0.8267
Infinia at Yates Center	Yates Center	96.59	0.9556

III. Justifications for the Proposed Rates.

1. The proposed rates are calculated according to the rate-setting methodology in the Kansas Medicaid State Plan and pending amendments thereto.
2. 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 regulations in K.A.R. Article 30-10 implementing that statute and applicable federal law.
3. The state's analyses project that the proposed rates:

- a. Would result in payment, in the aggregate of 92.30 percent of the Medicaid day-weighted average inflated allowable nursing facility costs statewide; and
- b. Would result in a maximum allowable rate for the statewide average CMI of 0.9197 of \$125.15; with the total average allowable cost being \$117.42.
- c. Estimated average rate July 1, 2004 \$106.02
Average payment rate July 1, 2003 \$102.50
Amount of change \$3.52
Percent of change 3.43%

4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase by approximately \$8 million.

5. The state estimates that the proposed rates will 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 in the geographic area. The state's analyses indicate:

- a. Service providers operating a total of 312 nursing facilities (representing 97 percent of all the licensed nursing facilities in Kansas) participate in the Medicaid program, while an additional 44 hospital-based long-term care units also are certified to participate in the Medicaid program;
- 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 percent;
- d. The statewide average Medicaid occupancy rate for participating facilities is 56 percent; and
- e. The proposed rates would cover 92.16 percent 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 will 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, the justifications for the proposed rates, and the intent to amend the Medicaid State Plan. Persons and organizations wishing to submit comments must mail, deliver or fax their signed, written comments before the close of business on Friday, May 28, to:

Bill McDaniel
 Director of Nursing Facility and
 CARE Program
 Kansas Department on Aging
 New England Building, 2nd Floor
 503 S. Kansas Ave.
 Topeka, KS 66603-3404
 Fax (785) 296-0256

V. Notice of Intent to Amend the Medicaid State Plan
(continued)

The state intends to submit proposed Medicaid State Plan amendments to CMS on or before September 30, 2004.

Rick Shults
Director of Management Operations
Division of Health Care Policy
Social and Rehabilitation Services
Pamela Johnson-Betts
Secretary of Aging

Doc. No. 030630

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 the following bill 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 29, 2004.)

HOUSE BILL No. 2871

AN ACT regulating traffic; concerning certain traffic infractions for motor carriers; requiring certain equipment on certain motor vehicles; amending K.S.A. 8-1738, 8-1901, 8-2118, 66-1315, 66-1324 and 79-34,122 and K.S.A. 2003 Supp. 8-2107 and 66-1,130 and repealing the existing sections.

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

New Section 1. (a) It shall be unlawful for the driver of any motor vehicle to use or cause to be used or operated any compression release engine braking system without such motor vehicle being equipped with a muffler in accordance with K.S.A. 8-1739, and amendments thereto.

(b) As used in this section, "compression release engine braking system" means a hydraulically operated device that converts a power producing diesel engine into a power absorbing retarding mechanism.

(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 2. K.S.A. 8-1738 is hereby amended to read as follows: 8-1738. (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200) 200 feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or whistle. The driver of a motor vehicle when reasonably necessary to insure safe operation shall give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(b) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(c) Any vehicle may be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn or other audible signal but shall not use a siren.

(d) Every authorized emergency vehicle shall be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred (500) 500 feet and of a type approved by the secretary of transportation, but such siren shall not be used except when such vehicle is operated

in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

(e) Every truck specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations shall be equipped with a whistle, bell or other audible signal. Such whistle, bell or other audible signal shall be used only when the driver of the truck is backing such truck. Notwithstanding the provisions of this section, a city may adopt an ordinance prohibiting the activation of such whistle, bell or other audible signal during specific periods of time during the day.

Sec 3. K.S.A. 8-1901 is hereby amended to read as follows: 8-1901. (a) It shall be unlawful for any person to drive or move or for the owner or lessee to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles of a size or weight exceeding the limitations stated in article 19 of chapter 8 of Kansas Statutes Annotated or otherwise in violation of this article, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said such limitations except as express authority may be granted in this article.

(b) Any person violating any of the provisions of article 19 of chapter 8 of the Kansas Statutes Annotated, except for the provisions of K.S.A. 8-1908 and 8-1909, and amendments thereto, shall, upon conviction thereof, be fined in an amount not to exceed \$500.

(c) Any person violating any of the provisions of K.S.A. 8-1908 or 8-1909, and amendments thereto, shall, upon a first conviction thereof, be fined the applicable following amount from one, but not both of the following schedules for moving a gross vehicle or combination of vehicles weight in excess of the lawful maximum gross weight for such vehicle or combination of vehicles or for any axle or tandem, triple or quad axes thereof:

GROSS WEIGHT OF VEHICLE OR COMBINATION

For each violation of any gross weight limitation of a vehicle or combination of vehicles, an amount equal to the amount determined by applying the following schedule for each pound in excess of the lawful limit:

Table with 2 columns: Pounds Overweight and Rate of Fine. Rows include up to 1000, 1001 to 2000, 2001 to 5000, 5001 to 7500, and 7501 and over.

GROSS WEIGHT ON ANY AXLE OR TANDEM, TRIPLE OR QUAD AXLES

For each violation of any gross weight limitation on any axle or tandem, triple or quad axes, an amount equal to the amount determined by applying the following schedule for each pound in excess of the lawful gross weight:

Table with 2 columns: Pounds Overweight and Rate of Fine. Rows include up to 1000, 1001 to 2000, 2001 to 5000, 5001 to 7500, and 7501 and over.

—For a second violation of this subsection (c), within two years after a prior conviction of this subsection, such person, upon conviction shall be fined 1 1/2 times the applicable amount from one, but not both, of the above schedules. For a third violation of this subsection (c) within two years, after two prior convictions of this subsection, such person, upon conviction shall be fined two times the applicable above amount from one, but not both, of the above schedules. For a fourth and each succeeding violation of this subsection (c) within two years after three prior convictions of this subsection, such person, upon conviction shall be fined 2 1/2 times the applicable above amount

from one, but not both, of the above schedules pay a fine from one, but not both of the schedules listed in subsection (c) of K.S.A. 8-2118, and amendments thereto.

(d) Except as otherwise specifically provided in this act, the provisions of article 19 of chapter 8 of Kansas Statutes Annotated governing size, weight and load shall not apply to fire apparatus, road machinery, farm tractors or to implements of husbandry temporarily moved upon a highway, or to a vehicle operated under the terms of a currently valid special permit issued in accordance with K.S.A. 8-1911, and amendments thereto.

(e) Except on highways designated as part of the national system of interstate defense highways, the gross weight limitation prescribed by article 19 of chapter 8 of Kansas Statutes Annotated on any axle or tandem, triple or quad axles shall not apply to: (1) Trucks specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations when loaded with garbage, refuse or waste; or (2) trucks mounted with a fertilizer spreader used or manufactured principally to spread animal dung, except that this paragraph (2) shall not apply to truck tractors so equipped. Except that such trucks under this subsection shall not exceed the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto.

(f) As used in this section, "conviction" means a final conviction without regard to whether sentence was suspended or probation granted after such conviction, and a forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, is equivalent to a conviction.

Sec. 4. K.S.A. 2003 Supp. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection (a) shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or replacement license shall be issued to any such person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection (a).

(b) No person shall apply for a replacement or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection (b) is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol or a guaranteed arrest bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft. Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

On and after July 1, 1996:

Reckless driving	\$82
Driving when privilege is canceled, suspended or revoked	82
Failure to comply with lawful order of officer	57
Registration violation (registered for 12,000 pounds or less)	52
Registration violation (registered for more than 12,000 pounds) ...	92
No driver's license for the class of vehicle operated or violation of restrictions	52
Spilling load on highway	52
Overload	

(continued)

Gross weight of vehicle or combination of vehicles	an amount equal to the fine plus docket fee to be imposed if convicted	
Gross weight upon any axle or tandem, triple or quad axles	an amount equal to the fine plus docket fee to be imposed if convicted	
Failure to obtain proper registration, clearance or to have current certification as required by K.S.A. 66-1324, and amendments thereto		272
Insufficient liability insurance for motor carriers pursuant to K.S.A. 66-1-129 or 66-1314, and amendments thereto		122
Failure to obtain interstate motor fuel tax authorization pursuant to K.S.A. 79-34, 122, and amendments thereto		122
Improper equipment (glass or fire extinguishers)		52
No authority as private or common carrier		122
No current driver's daily log		52
Invalid or no physical examination card		52
Transporting open container of alcoholic liquor or cereal malt beverage accessible while vehicle in motion		223

(e) In the event of forfeiture of any bond under this section, \$54 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 *et seq.*, and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in subsection (c) of K.S.A. 8-2118, and amendments thereto, plus \$54 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$54, plus \$54 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

Sec. 5. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made by mail or in person and may be by personal check. The traffic citation shall not have been complied with if a check is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

Description of Offense	Statute	Fine
Refusal to submit to a preliminary breath test	8-1012	\$90
Unsafe speed for prevailing conditions	8-1557	\$60
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560a or 8-1560b	1-10 mph over the limit, \$30 11-20 mph over the limit, \$30 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$90 plus \$9 per mph over 20 mph over the limit;
Disobeying traffic control device	8-1507	\$60
Violating traffic control signal	8-1508	\$60
Violating pedestrian control signal	8-1509	\$30
Violating flashing traffic signals	8-1510	\$60
Violating lane-control signal	8-1511	\$60
Unauthorized sign, signal, marking or device	8-1512	\$30
Driving on left side of roadway	8-1514	\$60
Failure to keep right to pass oncoming vehicle	8-1515	\$60
Improper passing; increasing speed when passed	8-1516	\$60
Improper passing on right	8-1517	\$60
Passing on left with insufficient clearance	8-1518	\$60
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$60
Driving on left in no-passing zone	8-1520	\$60
Unlawful passing of stopped emergency vehicle	8-1520a	\$60
Driving wrong direction on one-way road	8-1521	\$60
Improper driving on laned roadway	8-1522	\$60
Following too close	8-1523	\$60
Improper crossover on divided highway	8-1524	\$30
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$60
Failure to yield to approaching vehicle when turning left	8-1527	\$60
Failure to yield at stop or yield sign	8-1528	\$60
Failure to yield from private road or driveway	8-1529	\$60
Failure to yield to emergency vehicle	8-1530	\$180
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$30
Failure to comply with restrictions in road construction zone	8-1531a	\$30
Disobeying pedestrian traffic control device	8-1532	\$30
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$60
Improper pedestrian crossing	8-1534	\$30
Failure to exercise due care in regard to pedestrian	8-1535	\$30
Improper pedestrian movement in crosswalk	8-1536	\$30
Improper use of roadway by pedestrian	8-1537	\$30

Soliciting ride or business on roadway	8-1538	\$30	Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$30
Driving through safety zone	8-1539	\$30	Improper operation of motorcycle on laned roadway	8-1595	\$60
Failure to yield to pedestrian on sidewalk	8-1540	\$30	Motorcycle clinging to other vehicle	8-1596	\$30
Failure of pedestrian to yield to emergency vehicle	8-1541	\$30	Improper motorcycle handlebars or passenger equipment	8-1597	\$60
Failure to yield to blind pedestrian	8-1542	\$30	Motorcycle helmet and eye-protection requirements	8-1598	\$30
Pedestrian disobeying bridge or railroad signal	8-1544	\$30	Unlawful riding on vehicle	8-1578a	\$60
Improper turn or approach	8-1545	\$60	Unlawful operation of all-terrain vehicle	8-15,100	\$60
Improper "U" turn	8-1546	\$60	Unlawful operation of low-speed vehicle	8-15,101	\$60
Unsafe starting of stopped vehicle	8-1547	\$30	Equipment offenses that are not misdemeanors	8-1701	\$60
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$60	Driving without lights when needed	8-1703	\$30
Improper method of giving notice of intention to turn	8-1549	\$30	Defective headlamps	8-1705	\$30
Improper hand signal	8-1550	\$30	Defective tail lamps	8-1706	\$30
Failure to stop or obey railroad crossing signal	8-1551	\$180	Defective reflector	8-1707	\$30
Failure to stop at railroad crossing stop sign	8-1552	\$120	Improper stop lamp or turn signal	8-1708	\$30
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$180	Improper lighting equipment on certain vehicles	8-1710	\$30
Improper moving of heavy equipment at railroad crossing	8-1554	\$60	Improper lamp color on certain vehicles	8-1711	\$30
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$60	Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$30
Improper passing of school bus; improper use of school bus signals	8-1556	\$300	Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$30
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$180	No lamp or flag on projecting load	8-1715	\$60
Impeding normal traffic by slow speed	8-1561	\$30	Improper lamps on parked vehicle	8-1716	\$30
Speeding on motor-driven cycle	8-1562	\$60	Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$30
Speeding in certain vehicles or on posted bridge	8-1563	\$30	Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$30
Improper stopping, standing or parking on roadway	8-1569	\$30	Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$30
Parking, standing or stopping in prohibited area	8-1571	\$30	Improper lamps or lights on emergency vehicle	8-1720	\$30
Improper parking	8-1572	\$30	Improper stop or turn signal	8-1721	\$30
Unattended vehicle	8-1573	\$30	Improper vehicular hazard warning lamp	8-1722	\$30
Improper backing	8-1574	\$30	Unauthorized additional lighting equipment	8-1723	\$30
Driving on sidewalk	8-1575	\$30	Improper multiple-beam lights	8-1724	\$30
Driving with view or driving mechanism obstructed	8-1576	\$30	Failure to dim headlights	8-1725	\$60
Unsafe opening of vehicle door	8-1577	\$30	Improper single-beam headlights	8-1726	\$30
Riding in house trailer	8-1578	\$30	Improper speed with alternate lighting	8-1727	\$30
Improper driving in defiles, canyons, or on grades	8-1579	\$30	Improper number of driving lamps	8-1728	\$30
Coasting	8-1580	\$30	Unauthorized lights and signals	8-1729	\$30
Following fire apparatus too closely	8-1581	\$60	Improper school bus lighting equipment and warning devices	8-1730	\$30
Driving over fire hose	8-1582	\$30	Unauthorized lights and devices on church or day-care bus	8-1730a	\$30
Putting glass, etc., on highway	8-1583	\$90	Improper lights on highway construction or maintenance vehicles	8-1731	\$30
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$30	Defective brakes	8-1734	\$30
Improper operation of snowmobile on highway	8-1585	\$30	Defective or improper use of horn or warning device	8-1738	\$30
Parental responsibility of child riding bicycle	8-1586	\$30	Defective muffler	8-1739	\$30
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$30	Defective mirror	8-1740	\$30
Clinging to other vehicle	8-1589	\$30	Defective wipers; obstructed windshield or windows	8-1741	\$30
Improper riding of bicycle on roadway	8-1590	\$30	Improper tires	8-1742	\$30
Carrying articles on bicycle; one hand on handlebars	8-1591	\$30	Improper flares or warning devices	8-1744	\$30
Improper bicycle lamps, brakes or reflectors	8-1592	\$30	Improper use of vehicular hazard warning lamps and devices	8-1745	\$30

(continued)

Improper air-conditioning equipment	8-1747	\$30
TV screen visible to driver	8-1748	\$30
Improper safety belt or shoulder harness	8-1749	\$30
Improper wide-based single tires	8-1742b	\$60
Improper compression release engine braking system	section 1	\$60
Defective motorcycle headlamp	8-1801	\$30
Defective motorcycle tail lamp	8-1802	\$30
Defective motorcycle reflector	8-1803	\$30
Defective motorcycle stop lamps and turn signals	8-1804	\$30
Defective multiple-beam lighting	8-1805	\$30
Improper road-lighting equipment on motor-driven cycles	8-1806	\$30
Defective motorcycle or motor-driven cycle brakes	8-1807	\$30
Improper performance ability of brakes	8-1808	\$30
Operating motorcycle with disapproved braking system	8-1809	\$30
Defective horn, muffler, mirrors or tires	8-1810	\$30
Unlawful statehouse parking	75-4510a	\$15
Exceeding gross weight of vehicle or combination	8-1909	<i>Pounds Overweight</i> up to 1000\$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over 10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	<i>Pounds Overweight</i> up to 1000\$25 1001 to 2000 3¢ per pound 2001 to 5000 5¢ per pound 5001 to 7500 7¢ per pound 7501 and over 10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$272
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$122
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$122
No authority as private or common carrier	66-1,111	\$122
Improper equipment	66-1,129	\$52
No current driver's daily log	66-1,129	\$52
Invalid or no physical examination card	66-1,129	\$52

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-

1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

Sec. 6. K.S.A. 2003 Supp. 66-1,130 is hereby amended to read as follows: 66-1,130. (a) Except as provided in subsection (b), every carrier to which this act applies and every person who violates or who procures, aids or abets in the violating of any provision of this act, or who fails to obey any order, decision or rule and regulation of the commission, or who procures or aids or abets any person in his failure to obey such order, decision or rule and regulation, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding \$500.

(b) Every carrier who violates the provisions of K.S.A. 66-1,111 or 66-1,128, and amendments thereto, or violates rules and regulations adopted pursuant to K.S.A. 66-1,129, and amendments thereto, relating to improper equipment, no current driver's daily log or invalid or no physical examination card shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

Sec. 7. K.S.A. 66-1315 is hereby amended to read as follows: 66-1315. (a) Any person violating any of the provisions of K.S.A. 66-1,139; or 66-1,140 or ~~66-1314~~, and amendments thereto, shall upon conviction be guilty of a misdemeanor and shall be fined: (1) For a first conviction of one or more violations of any of ~~said~~ such statutes, not more than ~~five hundred dollars (\$500)~~ \$500 for each such conviction; and (2) for a second or subsequent conviction of one or more violations of any of ~~said~~ such statutes, within two years thereafter, not more than ~~one thousand dollars (\$1,000)~~ \$1,000 for each such conviction.

(b) Any person violating K.S.A. 66-1314, and amendments thereto, shall pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

Sec. 8. K.S.A. 66-1324 is hereby amended to read as follows: 66-1324. The superintendent of the Kansas highway patrol shall have authority to regulate the operation of motor carrier inspection stations under the superintendent's supervision and control, including, when necessary to the enforcement of any laws relating to the operation or registration of motor carriers within this state, the authority to require all motor carriers, trucks or truck tractors to stop at any such inspection station to submit to inspection for compliance with any of the laws which the superintendent is charged by this act with the duty to enforce. Whenever the superintendent shall require motor carriers, trucks or truck tractors to stop at any inspection station, the superintendent shall cause to be displayed on the highway on which such inspection station is located, an illuminated sign or other device indicating such requirement. No motor carrier, truck or truck tractor shall be required to stop for inspection at any motor carrier inspection station which is not displaying the sign hereinabove provided for. Nothing in this section shall be construed to relieve any person of the duty to stop at any motor carrier inspection station when it is necessary for such person to register under or comply with any of the laws of this state, or rules and regulations adopted thereunder, relating to the size, weight and load of motor vehicles and trailers, motor vehicle registration laws, registration and insurance laws and requirements of the state corporation commission, motor fuel use tax laws, liquid fuel carriers tax laws or livestock inspection

laws. No motor carrier, truck and truck tractor which is required to be registered under the provisions of K.S.A. 66-1,139, and amendments thereto, shall be required to stop for clearance inspection at any open motor carrier inspection station before entering or traveling through this state, if such vehicle:

(a) Has a valid annual registration with the state corporation commission under the provisions of K.S.A. 66-1,139, and amendments thereto;

(b) is in current compliance with the vehicle registration laws prescribed in chapter 8 of Kansas Statutes Annotated; and

(c) is in current compliance with the motor fuel tax laws prescribed by article 34 of chapter 79 of Kansas Statutes Annotated.

Nothing in this section shall be construed as prohibiting the superintendent of the highway patrol or any member of the state highway patrol from stopping any or all motor carriers, trucks or truck tractors for the purpose of conducting spot checks to insure compliance with any state law relating to the regulation of motor carriers, trucks or truck tractors. Any person violating any of the provisions of this section, upon conviction thereof, shall be fined in an amount not to exceed \$500 pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

Sec. 9. K.S.A. 79-34,122 is hereby amended to read as follows: 79-34,122. (a) Any person who willfully makes a false statement orally, or in writing, or knowingly presents a fraudulent receipt for the sale of motor fuel, for the purpose of obtaining or attempting to

obtain or to assist any other person, partnership or corporation to obtain or attempt to obtain a credit or refund or reduction of liability for taxes under this act shall be guilty of a misdemeanor, and: (1) For a first conviction thereof shall be fined not more than ~~five hundred dollars (\$500)~~ \$500 or imprisoned in the county jail for not more than ~~thirty (30)~~ 30 days, or by both such fine and imprisonment; and (2) for a second or subsequent conviction thereof, within two years thereafter, shall be fined not more than ~~one thousand dollars (\$1,000)~~ \$1,000 or imprisoned in the county jail for not more than ~~thirty (30)~~ 30 days, or by both such fine and imprisonment.

(b) Any interstate motor fuel user who engages in operations within this state without a valid license, trip permit or temporary authorization issued by the director shall be guilty of a misdemeanor, and: (1) For a first conviction thereof shall be fined not more than five hundred dollars (\$500) or imprisoned in the county jail for not more than thirty (30) days, or by both such fine and imprisonment; and (2) for a second or subsequent conviction thereof, within two years thereafter, shall be fined not more than one thousand dollars (\$1,000) or imprisoned in the county jail for not more than thirty (30) days, or by both such fine and imprisonment pay a fine in accordance with K.S.A. 8-2118, and amendments thereto.

Sec. 10. K.S.A. 8-1738, 8-1901, 8-2118, 66-1315, 66-1324 and 79-34,122 and K.S.A. 2003 Supp. 8-2107 and 66-1,130 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

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 2003 Volumes of the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-6-21	Amended	V. 22, p. 1968
1-6-23	Amended (T)	V. 22, p. 466
1-6-23	Amended	V. 22, p. 1230
1-45-1		
through		
1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8		
through		
1-45-14	Revoked	V. 22, p. 226
1-45-15	Revoked	V. 22, p. 226
1-45-16	Revoked	V. 22, p. 226
1-45-17	Revoked	V. 22, p. 226
1-45-18		
through		
1-45-24	New	V. 22, p. 226-228
1-45-18	Amended (T)	V. 23, p. 424
1-45-19	Amended (T)	V. 23, p. 424
1-45-20	Amended (T)	V. 23, p. 424
1-45-23	Amended (T)	V. 23, p. 425
1-45-24	Amended (T)	V. 23, p. 425
1-47-1	Amended	V. 22, p. 850
1-49-1	Amended	V. 22, p. 851
1-49-12	New	V. 22, p. 851

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-4-900	Amended	V. 22, p. 1191
4-4-956	Amended	V. 22, p. 1192
4-4-982	Amended	V. 22, p. 1192

4-4-983	Amended	V. 22, p. 1192
4-4-985	New	V. 22, p. 1193
4-4-986	New	V. 22, p. 1194
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-13-1	Amended	V. 22, p. 1194
4-13-2	Amended	V. 22, p. 1195
4-13-4a	Amended	V. 22, p. 1195
4-13-6	Amended	V. 22, p. 1196
4-13-7	Amended	V. 22, p. 1196
4-13-26	Amended	V. 22, p. 1196
4-20-5	Amended	V. 22, p. 1747
4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385
4-21-1	Amended	V. 22, p. 385
4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-16	Amended (T)	V. 22, p. 2176
4-25-16	Amended	V. 23, p. 95

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-1-1	Amended	V. 22, p. 1747
5-1-4	Amended	V. 22, p. 1751
5-1-6	Amended	V. 22, p. 1752
5-1-9	Amended	V. 22, p. 1753
5-1-12	Amended	V. 22, p. 1753
5-3-1	Amended	V. 22, p. 1753
5-3-1b	New	V. 22, p. 1754
5-3-3a	New	V. 22, p. 1754
5-3-4c	Amended	V. 22, p. 1754
5-3-4d	Amended	V. 22, p. 1754
5-3-5c	Amended	V. 22, p. 1755
5-3-7	Amended	V. 22, p. 1755
5-3-16a	New	V. 22, p. 1755
5-3-19	Amended	V. 22, p. 1756
5-5-2a	New	V. 22, p. 1756
5-5-16	Amended	V. 22, p. 1757
5-6-13a	New	V. 22, p. 1758
5-6-15	Amended	V. 22, p. 1758
5-7-1	Amended	V. 22, p. 1758
5-9-1	Amended	V. 22, p. 1759
5-9-6	Amended	V. 22, p. 1759
5-14-10	New	V. 22, p. 1759
5-14-11	New	V. 22, p. 1760

5-23-1	Amended	V. 23, p. 181
5-23-3	Amended	V. 23, p. 181
5-23-3a	Amended	V. 23, p. 182
5-23-4	Amended	V. 22, p. 1933
5-23-4a	Amended	V. 22, p. 1933
5-23-4b	Amended	V. 22, p. 1934
5-23-5	Revoked	V. 22, p. 1935
5-24-1	Amended	V. 23, p. 65
5-24-2	Amended	V. 23, p. 65
5-24-3	Amended	V. 23, p. 66
5-24-4	Amended	V. 23, p. 68
5-24-6	Amended	V. 23, p. 68
5-24-8	Amended	V. 23, p. 68
5-24-11	New	V. 23, p. 69
5-25-1	Amended	V. 22, p. 1819
5-25-2	Amended	V. 22, p. 1819
5-25-2a	New	V. 22, p. 1819
5-25-3	Amended	V. 22, p. 1820
5-25-4	Amended	V. 22, p. 1820
5-25-5	Amended	V. 22, p. 1820
5-25-8	Amended	V. 22, p. 1821
5-25-10	Amended	V. 22, p. 1821
5-25-11	Amended	V. 22, p. 1821
5-25-12		
through		
5-25-20	New	V. 22, p. 1821-1824

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-16-1	New (T)	V. 22, p. 1226
7-16-1	New	V. 22, p. 1650
7-16-2	New (T)	V. 22, p. 1226
7-16-2	New	V. 22, p. 1650

AGENCY 9: ANIMAL HEALTH DEPARTMENT

Reg. No.	Action	Register
9-18-1	Amended	V. 22, p. 794
9-18-2	New (T)	V. 22, p. 1260
9-18-2	New	V. 22, p. 1850
9-18-3	New (T)	V. 22, p. 1260
9-18-3	New	V. 22, p. 1850
9-19-1		
through		
9-19-11	Revoked (T)	V. 22, p. 1261
9-19-1		
through		
9-19-11	Revoked	V. 22, p. 1816
9-19-12	New (T)	V. 22, p. 1261

(continued)

9-19-12	New	V. 22, p. 1816	28-29-325	New	V. 22, p. 2137	30-5-89	Amended	V. 22, p. 1355
9-22-4	Amended (T)	V. 22, p. 1261	28-36-30	Amended	V. 22, p. 1771	30-5-89a	Amended	V. 22, p. 1355
9-22-4	Amended	V. 22, p. 1507	28-38-18	Amended	V. 22, p. 1575	30-5-102	Amended (T)	V. 22, p. 83
9-22-5	Amended (T)	V. 22, p. 1262	28-38-19	Amended	V. 22, p. 1575	30-5-102	Amended	V. 22, p. 2090
9-22-5	Amended	V. 22, p. 1508	28-39-164			30-5-105	Amended (T)	V. 22, p. 83
9-25-2	Amended (T)	V. 22, p. 1264	through			30-5-105	Amended	V. 22, p. 2091
9-25-3	Amended (T)	V. 22, p. 1264	28-39-168	Amended	V. 22, p. 2094-2096	30-5-107	Amended	V. 22, p. 1043
9-25-5	Amended (T)	V. 22, p. 1265	28-39-169	Revoked	V. 22, p. 2096	30-5-107a	Amended	V. 22, p. 1044
9-25-5	Amended	V. 22, p. 1817	28-39-169a	New	V. 22, p. 2096	30-5-116	Amended	V. 22, p. 2091
9-25-6	Amended (T)	V. 22, p. 1266	28-39-169b	New	V. 22, p. 2097	30-5-300	Amended	V. 22, p. 2091
9-25-6	Amended	V. 22, p. 1818	28-39-169c	New	V. 22, p. 2098	30-6-65	Amended	V. 22, p. 1044
9-25-12	Amended (T)	V. 22, p. 1267	28-39-170			30-6-103	Amended (T)	V. 22, p. 84
9-25-12	Amended	V. 22, p. 1850	through			30-6-103	Amended	V. 22, p. 433
9-26-1	Amended (T)	V. 22, p. 1267	28-39-174	Revoked	V. 22, p. 2099	30-6-106	Amended	V. 22, p. 249
9-26-1	Amended	V. 22, p. 1818	28-45-2	Revoked (T)	V. 22, p. 531	30-6-108	Amended	V. 22, p. 1045
AGENCY 14: DEPARTMENT OF REVENUE—DIVISION OF ALCOHOLIC BEVERAGE CONTROL			28-45-2	Revoked	V. 22, p. 1304	30-6-109	Amended	V. 22, p. 1045
Reg. No.	Action	Register	28-45-2a	New (T)	V. 22, p. 531	30-10-14	Revoked	V. 22, p. 1355
14-13-9	Amended	V. 22, p. 1929	28-45-2a	New	V. 22, p. 1304	30-10-14	Amended	V. 22, p. 1355
14-15-1	New	V. 22, p. 123	28-45-3	Revoked (T)	V. 22, p. 532	30-10-17	Amended (T)	V. 22, p. 990
14-15-2	New	V. 22, p. 123	28-45-3	Revoked	V. 22, p. 1305	30-10-17	Amended	V. 22, p. 1233
AGENCY 17: STATE BANK COMMISSIONER (see Agency 75, this index)			28-45-3a	New (T)	V. 22, p. 532	30-10-18	Amended (T)	V. 22, p. 991
Reg. No.	Action	Register	28-45-3a	New	V. 22, p. 1305	30-10-18	Amended	V. 22, p. 1234
17-8-1	New	V. 22, p. 1574	28-45-4	Revoked (T)	V. 22, p. 533	30-10-19	Amended (T)	V. 22, p. 994
17-11-18	Amended	V. 22, p. 798	28-45-4	Revoked	V. 22, p. 1306	30-10-19	Amended	V. 22, p. 1236
17-24-1	Amended	V. 22, p. 1574	28-45-4a	New (T)	V. 22, p. 533	30-10-21	Amended	V. 22, p. 1357
17-24-4	New	V. 22, p. 1816	28-45-4a	New	V. 22, p. 1306	30-10-21	Amended	V. 22, p. 1357
AGENCY 19: GOVERNMENTAL ETHICS COMMISSION			28-45-4a	Revoked (T)	V. 22, p. 533	30-10-23b	Amended	V. 22, p. 1357
Reg. No.	Action	Register	28-45-5	Revoked	V. 22, p. 1306	30-14-28	Amended (T)	V. 22, p. 84
19-2-2	Amended	V. 23, p. 41	28-45-5	Revoked	V. 22, p. 1306	30-14-28	Amended	V. 22, p. 434
19-20-4	New	V. 23, p. 42	28-45-5a	New (T)	V. 22, p. 533	30-44-5	New	V. 22, p. 1047
19-60-3	Amended	V. 23, p. 42	28-45-5a	New	V. 22, p. 1306	30-60-1	Amended	V. 22, p. 1090
19-63-6	Amended	V. 23, p. 43	28-45-6	Revoked (T)	V. 22, p. 534	30-60-2	Amended	V. 22, p. 1090
AGENCY 26: DEPARTMENT ON AGING			28-45-6	Revoked	V. 22, p. 1306	30-60-5	Amended	V. 22, p. 1090
Reg. No.	Action	Register	28-45-6a	New (T)	V. 22, p. 534	30-60-6	Amended	V. 22, p. 1091
26-2-3	Amended	V. 22, p. 1258	28-45-6a	New	V. 22, p. 1306	30-60-7	Amended	V. 22, p. 1092
26-2-9	Amended	V. 22, p. 1259	28-45-7	Revoked (T)	V. 22, p. 535	30-60-8	New	V. 22, p. 1092
AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT			28-45-7	Revoked	V. 22, p. 1308	30-60-10	Amended	V. 22, p. 1093
Reg. No.	Action	Register	28-45-7a	New (T)	V. 22, p. 535	30-60-11	Amended	V. 22, p. 1093
28-1-2	Amended (T)	V. 22, p. 2030	28-45-7a	New	V. 22, p. 1308	30-60-12	Amended	V. 22, p. 1093
28-1-2	Amended	V. 23, p. 202	28-45-8	Revoked (T)	V. 22, p. 536	30-60-13	New	V. 22, p. 1094
28-1-4	Amended (T)	V. 22, p. 2031	28-45-8	Revoked	V. 22, p. 1309	30-60-14	New	V. 22, p. 1094
28-1-4	Amended	V. 23, p. 203	28-45-8a	New (T)	V. 22, p. 536	30-60-15	New	V. 22, p. 1094
28-1-20	Amended	V. 23, p. 360	28-45-8a	New	V. 22, p. 1309	30-60-16	New	V. 22, p. 1094
28-4-576	Amended (T)	V. 23, p. 389	28-45-9	Revoked (T)	V. 22, p. 536	30-60-17	Amended	V. 22, p. 1095
28-4-577	Amended (T)	V. 23, p. 390	28-45-9	Revoked	V. 22, p. 1309	30-60-18	Amended	V. 22, p. 1095
28-4-578	Amended (T)	V. 23, p. 391	28-45-9a	New (T)	V. 22, p. 536	30-16-19	Amended	V. 22, p. 1096
28-4-583	Amended (T)	V. 23, p. 392	28-45-9a	New	V. 22, p. 1309	30-60-25	Amended	V. 22, p. 1096
28-4-585	Amended (T)	V. 23, p. 392	28-45-10	Revoked (T)	V. 22, p. 536	30-60-26	Amended	V. 22, p. 1097
28-4-587	Amended (T)	V. 23, p. 394	28-45-10	Revoked	V. 22, p. 1309	30-60-27	Amended	V. 22, p. 1097
28-4-590	Amended (T)	V. 23, p. 396	28-45-10a	New (T)	V. 22, p. 536	30-60-28	Amended	V. 22, p. 1097
28-4-591	Amended (T)	V. 23, p. 397	28-45-10a	New	V. 22, p. 1309	30-60-29	New	V. 22, p. 1097
28-4-700			28-45-11	Revoked (T)	V. 22, p. 537	30-60-30	New	V. 22, p. 1098
through			28-45-11a	Revoked	V. 22, p. 1310	30-60-40	Amended	V. 22, p. 1098
28-4-705	New (T)	V. 23, p. 398-400	28-45-11a	New	V. 22, p. 537	30-60-41	Amended	V. 22, p. 1098
28-15-35	Amended	V. 23, p. 305	28-45-12			30-60-45	Amended	V. 22, p. 1099
28-15-36	Amended	V. 23, p. 309	through			30-60-46	Amended	V. 22, p. 1099
28-16-28b	Amended	V. 22, p. 1760	28-45-30	New (T)	V. 22, p. 537-548	30-60-47	Amended	V. 22, p. 1099
28-16-28d	Amended	V. 23, p. 39	28-45-12			30-60-48	New	V. 22, p. 1099
28-16-28e	Amended	V. 22, p. 1763	through			30-60-49	New	V. 22, p. 1100
28-17-6	Amended (T)	V. 22, p. 1225	28-45-30	New	V. 22, p. 1310-1321	30-60-50	Amended	V. 22, p. 1100
28-17-6	Amended	V. 22, p. 1711	28-45-30			30-60-51	New	V. 22, p. 1101
28-19-202	Amended	V. 23, p. 70	28-45a-1			30-60-55	Amended	V. 22, p. 1102
28-29-3	Amended	V. 22, p. 798	through			30-60-56	New	V. 22, p. 1103
28-29-20	Amended	V. 22, p. 801	28-45a-19	New (T)	V. 22, p. 548-557	30-60-57	New	V. 22, p. 1103
28-29-75			28-45a-1			30-60-60	Revoked	V. 22, p. 1103
through			through			30-60-61	Revoked	V. 22, p. 1103
28-29-82	Amended	V. 23, p. 203-205	28-45a-19	New	V. 22, p. 1321-1331	30-60-62	Amended	V. 22, p. 1103
28-29-101	Revoked	V. 22, p. 802	28-51-100	Amended	V. 22, p. 2099	30-60-63	New	V. 22, p. 1104
28-29-109	Amended	V. 22, p. 802	28-51-108	Amended	V. 22, p. 2100	30-60-64	New	V. 22, p. 1105
28-29-300	New	V. 22, p. 2131	28-51-113			30-60-70	Amended	V. 22, p. 1108
28-29-302	New	V. 22, p. 2131	through			30-60-71	Amended	V. 22, p. 1108
28-29-304	New	V. 22, p. 2133	28-51-116	New	V. 22, p. 2100-2102	30-60-72	Amended	V. 22, p. 1108
28-29-308	New	V. 22, p. 2134				30-60-73	Amended	V. 22, p. 1108
28-29-321	New	V. 22, p. 2137				30-60-74	Amended	V. 22, p. 1109
						30-60-75	Revoked	V. 22, p. 1109
			Reg. No.	Action	Register	30-60-76	Amended	V. 22, p. 1109
			30-4-39	Amended	V. 22, p. 1533	30-61-1	Amended	V. 22, p. 1109
			30-4-55	Amended	V. 22, p. 1533	30-61-2	Amended	V. 22, p. 1109
			30-4-96	Revoked	V. 22, p. 249	30-61-5	Amended	V. 22, p. 1109
			30-4-110	Amended	V. 22, p. 1534	30-61-6	Amended	V. 22, p. 1110
			30-5-59	Amended	V. 22, p. 2087	30-61-10	Amended	V. 22, p. 1110
			30-5-64	Amended	V. 22, p. 2088	30-61-11	New	V. 22, p. 1110
			30-5-78	Amended	V. 22, p. 2090	30-61-15	Amended	V. 22, p. 1110
			30-5-81u	Amended (T)	V. 22, p. 83	30-61-16	Revoked	V. 22, p. 1111
			30-5-81u	Amended	V. 22, p. 432			

AGENCY 36: DEPARTMENT OF TRANSPORTATION

Reg. No.	Action	Register
36-40-1 through 36-40-9	New	V. 22, p. 1806, 1807

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-48	Amended	V. 23, p. 426
40-1-50	New (T)	V. 23, p. 244
40-1-51	New	V. 23, p. 361
40-2-26	Amended	V. 23, p. 151
40-3-48	Amended	V. 22, p. 2008
40-4-1	Amended	V. 22, p. 1709
40-4-36	Amended	V. 22, p. 465
40-5-110	Amended	V. 22, p. 1709

AGENCY 44: DEPARTMENT OF CORRECTIONS

Reg. No.	Action	Register
44-5-115	Amended (T)	V. 23, p. 384
44-6-115a	Amended (T)	V. 22, p. 383
44-6-115a	Amended	V. 22, p. 1231
44-7-104	Amended (T)	V. 23, p. 385
44-7-113	Amended (T)	V. 23, p. 386
44-12-313	Amended (T)	V. 23, p. 386
44-12-601	Amended (T)	V. 23, p. 387
44-12-1002	Amended (T)	V. 22, p. 384
44-12-1002	Amended	V. 22, p. 1232
44-13-201b	Amended (T)	V. 22, p. 384
44-13-201b	Amended	V. 22, p. 1232

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 22, p. 1804
51-9-17	New	V. 22, p. 2031

AGENCY 61: BOARD OF BARBERING

Reg. No.	Action	Register
61-4-2	Amended (T)	V. 22, p. 1304
61-7-1	Amended (T)	V. 22, p. 1304

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-5-6	Amended	V. 22, p. 1575

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-8-5	Amended	V. 23, p. 95

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-2-9	Amended	V. 22, p. 118
68-2-10	Amended	V. 22, p. 118
68-2-11	Amended	V. 22, p. 118
68-2-12a	Amended	V. 22, p. 118
68-2-15	Amended	V. 22, p. 430
68-2-20	Amended	V. 22, p. 119
68-7-12	Amended	V. 22, p. 119
68-7-12a	Amended	V. 22, p. 120
68-7-12b	New	V. 22, p. 120
68-7-20	New	V. 23, p. 382
68-8-1	Amended	V. 22, p. 431
68-9-2	Amended	V. 22, p. 121
68-11-1	Amended	V. 22, p. 122
68-11-2	Amended	V. 22, p. 122
68-12-2	Amended	V. 22, p. 122
68-13-1	Amended	V. 22, p. 122

AGENCY 70: BOARD OF VETERINARY EXAMINERS

Reg. No.	Action	Register
70-5-1	Amended	V. 23, p. 360

AGENCY 71: KANSAS DENTAL BOARD

Reg. No.	Action	Register
71-1-1	Revoked	V. 23, p. 151
71-1-2	Revoked	V. 23, p. 151

71-1-3	Revoked	V. 23, p. 151
71-1-8	Revoked	V. 23, p. 151
71-1-10	Revoked	V. 23, p. 151
71-1-11	Revoked	V. 23, p. 151
71-1-15	Amended	V. 23, p. 151
71-2-1	Revoked	V. 23, p. 151
71-2-4	Revoked	V. 23, p. 151
71-2-9	Revoked	V. 23, p. 151
71-2-12	Revoked	V. 23, p. 151
71-3-5	Revoked	V. 23, p. 151
71-4-1	Amended	V. 23, p. 151
71-4-3	Revoked	V. 23, p. 152
71-6-1	Amended	V. 23, p. 383
71-7-1	New	V. 23, p. 152

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-1-1	Amended	V. 22, p. 1894
74-1-2	Amended	V. 22, p. 1894
74-1-3	Amended	V. 22, p. 1894
74-1-6	Amended	V. 22, p. 1895
74-1-8	New	V. 22, p. 1895
74-2-1	Amended	V. 22, p. 1896
74-2-4	Revoked	V. 22, p. 1896
74-4-7	Amended	V. 22, p. 1896
74-4-8	Amended	V. 22, p. 1896
74-4-9	Amended	V. 22, p. 1897
74-5-202	Amended	V. 22, p. 1898
74-11-6	Amended	V. 22, p. 1898
74-11-7	Amended	V. 22, p. 1898
74-12-1	Amended	V. 22, p. 1898

AGENCY 75: STATE BANK COMMISSIONER—DIVISION OF CONSUMER AND MORTGAGE LENDING

Reg. No.	Action	Register
75-6-33	New	V. 22, p. 1815
75-6-34	New	V. 22, p. 1454

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-201	Revoked	V. 22, p. 1650
82-1-202	Amended	V. 22, p. 1650
82-1-204	Amended	V. 22, p. 1650
82-1-204a	New	V. 22, p. 1652
82-1-205	Amended	V. 22, p. 1652
82-1-206	Amended	V. 22, p. 1652
82-1-207	Amended	V. 22, p. 1652
82-1-208	Amended	V. 22, p. 1652
82-1-212	Amended	V. 22, p. 1652
82-1-214	Amended	V. 22, p. 1653
82-1-215	Amended	V. 22, p. 1653
82-1-216	Amended	V. 22, p. 1653
82-1-218	Amended	V. 22, p. 1653
82-1-219	Amended	V. 22, p. 1654
82-1-220	Amended	V. 22, p. 1655
82-1-221	Amended	V. 22, p. 1655
82-1-221b	Revoked	V. 22, p. 1656
82-1-222	Amended	V. 22, p. 1656
82-1-224	Amended	V. 22, p. 1656
82-1-225	Amended	V. 22, p. 1656
82-1-226	Amended	V. 22, p. 1657
82-1-227	Amended	V. 22, p. 1657
82-1-228	Amended	V. 22, p. 1657
82-1-229	Amended	V. 22, p. 1658
82-1-230	Amended	V. 22, p. 1659
82-1-230a	New	V. 22, p. 1659
82-1-231	Amended	V. 22, p. 1660
82-1-231a	Amended	V. 22, p. 1663
82-1-231b	Amended	V. 22, p. 1664
82-1-232	Amended	V. 22, p. 1665
82-1-235	Amended	V. 22, p. 1666
82-1-237	Amended	V. 22, p. 1666
82-1-238	Amended	V. 22, p. 1666
82-1-239	Amended	V. 22, p. 1667
82-3-101	Amended	V. 23, p. 426
82-3-600	Amended	V. 23, p. 429
82-3-600a	Amended	V. 23, p. 430
82-3-600b	Revoked	V. 23, p. 430
82-3-601a	Amended	V. 23, p. 430
82-3-601b	Amended	V. 23, p. 431
82-3-602	Amended	V. 23, p. 431
82-3-603	Amended	V. 23, p. 431

82-3-604	Amended	V. 23, p. 432
82-3-605	Revoked	V. 23, p. 432
82-3-606	Amended	V. 23, p. 432
82-3-607	New	V. 23, p. 433
82-3-700 through 82-3-704	Amended (T)	V. 23, p. 152-155
82-3-705 through 82-3-710	New (T)	V. 23, p. 155-158
82-4-2	Amended	V. 22, p. 86
82-4-3a	New (T)	V. 22, p. 2175
82-4-20	Amended	V. 22, p. 86
82-4-21	Amended	V. 22, p. 87
82-4-23	Amended	V. 22, p. 87
82-4-26	Amended	V. 22, p. 87
82-4-26a	Amended	V. 22, p. 88
82-4-27	Amended	V. 22, p. 88
82-4-27a	Amended	V. 22, p. 88
82-4-27e	Amended	V. 22, p. 89
82-4-28	Amended	V. 22, p. 89
82-4-28a	Amended	V. 22, p. 89
82-4-29	Amended	V. 22, p. 90
82-4-29a	Amended	V. 22, p. 90
82-4-30a	Amended	V. 22, p. 90
82-4-32	Amended	V. 22, p. 90
82-4-35	Amended	V. 22, p. 91
82-4-46	Amended	V. 22, p. 91
82-4-49b through 82-4-49e	Revoked	V. 22, p. 91
82-7-2 through 82-7-5	Revoked	V. 22, p. 91
82-8-1	Amended	V. 22, p. 91
82-8-2	Amended	V. 22, p. 91
82-8-3	Amended	V. 22, p. 92
82-11-1	Amended	V. 22, p. 1078
82-11-3	Amended	V. 22, p. 1079
82-11-4	Amended	V. 22, p. 1079
82-11-8	Amended	V. 22, p. 1084
82-11-10	Amended	V. 22, p. 1084

AGENCY 88: BOARD OF REGENTS

Reg. No.	Action	Register
88-23-2	Amended	V. 23, p. 276
88-23-2a	New	V. 23, p. 278
88-23-3	Revoked	V. 23, p. 279
88-23-3a	New	V. 23, p. 279
88-23-7	New	V. 22, p. 1709

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-1-201	Amended	V. 22, p. 2125
91-1-203	Amended	V. 22, p. 2126
91-1-206	Amended	V. 22, p. 2129
91-1-213	Amended	V. 22, p. 2130
91-18-24	Revoked	V. 23, p. 280
91-18-27	Revoked	V. 23, p. 280
91-18-29	Revoked	V. 23, p. 280
91-18-34	Revoked	V. 23, p. 280
91-18-40	Revoked	V. 23, p. 280
91-31-16 through 91-31-30	Revoked	V. 22, p. 124
91-31-31 through 91-31-42	New	V. 22, p. 124-128
91-38-1	Amended	V. 22, p. 356
91-38-2	Amended	V. 22, p. 356
91-38-3	Amended	V. 22, p. 357
91-38-5	Amended	V. 22, p. 357
91-38-6	Amended	V. 22, p. 358
91-38-7	Amended	V. 22, p. 360

AGENCY 92: DEPARTMENT OF REVENUE

Reg. No.	Action	Register
92-19-200 through 92-19-203	New	V. 22, p. 431
92-51-24	Amended	V. 23, p. 40
92-51-25	Amended	V. 23, p. 40

(continued)

92-51-28	New	V. 23, p. 40
92-51-29	New	V. 23, p. 41
92-51-34a	New	V. 23, p. 41
92-52-9	Amended	V. 23, p. 41

**AGENCY 93: DEPARTMENT OF REVENUE—
DIVISION OF PROPERTY VALUATION**

Reg. No.	Action	Register
93-6-4	Amended	V. 22, p. 666
93-6-7	New	V. 22, p. 666

AGENCY 94: BOARD OF TAX APPEALS

Reg. No.	Action	Register
94-2-4	Amended (T)	V. 22, p. 1504
94-2-4	Amended	V. 22, p. 2009
94-2-19	Amended (T)	V. 22, p. 1504
94-2-19	Amended	V. 22, p. 2009
94-2-20	Amended (T)	V. 22, p. 1504
94-2-20	Amended	V. 22, p. 2010
94-2-21	New (T)	V. 22, p. 1505
94-2-21	New	V. 22, p. 2010

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-22-4	New	V. 22, p. 690
100-29-9	Amended	V. 22, p. 1892
100-29-10	Amended	V. 22, p. 1893
100-54-2		
through		
100-54-8	Amended	V. 22, p. 1926-1929
100-54-4	Amended (T)	V. 23, p. 383
100-55-4	Amended (T)	V. 23, p. 383
100-55-5	Amended	V. 22, p. 690
100-55-9	Amended	V. 22, p. 690
100-72-1		
through		
100-72-7	New (T)	V. 22, p. 79-81
100-72-1		
through		
100-72-6	New	V. 22, p. 691, 692
100-72-7	New	V. 22, p. 1893
100-75-1	New (T)	V. 22, p. 82
100-75-1	New	V. 22, p. 693

**AGENCY 102: BEHAVIORAL SCIENCES
REGULATORY BOARD**

Reg. No.	Action	Register
102-1-3a	Amended (T)	V. 22, p. 1267
102-1-3a	Amended	V. 22, p. 1808
102-1-3b	New (T)	V. 22, p. 1268
102-1-3b	New	V. 22, p. 1809
102-1-8	Amended	V. 22, p. 1148
102-1-10a	Amended	V. 22, p. 2179
102-1-15	Amended	V. 22, p. 1149
102-2-2b	New (T)	V. 22, p. 1269
102-2-2b	New	V. 22, p. 1810
102-2-2c	New (T)	V. 22, p. 1270
102-2-2c	New	V. 22, p. 1811
102-2-4a	Amended	V. 22, p. 1150
102-2-7	Amended	V. 22, p. 2182
102-2-9	Amended	V. 22, p. 1151
102-2-11	Amended	V. 22, p. 1151
102-2-12	Amended	V. 22, p. 1084
102-3-3a	Amended	V. 22, p. 1302
102-3-4b	New (T)	V. 22, p. 1271
102-3-4b	New	V. 22, p. 1811
102-3-7a	Amended	V. 22, p. 1085
102-3-9a	Amended	V. 22, p. 1151
102-3-10a	Amended	V. 22, p. 1152
102-3-12a	Amended	V. 22, p. 2184

102-4-4b	New (T)	V. 22, p. 1272
102-4-4b	New	V. 22, p. 1812
102-4-6a	Amended	V. 22, p. 2186
102-4-9a	Amended	V. 22, p. 1153
102-4-10a	Amended	V. 22, p. 1153
102-4-12	Amended	V. 22, p. 2187
102-5-3	Amended	V. 22, p. 1087
102-5-4b	New (T)	V. 22, p. 1273
102-5-4b	New	V. 22, p. 1813
102-5-7a	Amended	V. 22, p. 1088
102-5-9	Amended	V. 22, p. 1155
102-5-10	Amended	V. 22, p. 1155
102-5-12	Amended	V. 22, p. 2189
102-5-16	New	V. 22, p. 1158
102-6-9	Amended	V. 22, p. 1159
102-6-10	Amended	V. 22, p. 1159

**AGENCY 108: STATE EMPLOYEES
HEALTH CARE COMMISSION**

Reg. No.	Action	Register
108-1-4	Amended	V. 22, p. 2177

**AGENCY 109: BOARD OF
EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202
109-5-4	Amended	V. 22, p. 1805
109-7-1	Amended	V. 22, p. 1805

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1		
through		
110-8-6	New	V. 22, p. 2032, 2033
110-8-8		
through		
110-8-11	New	V. 22, p. 2033, 2034
110-10-1	New (T)	V. 22, p. 1815
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151		
through		
111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095		
through		
111-4-2115	New	V. 23, p. 264-275

111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116		
through		
111-4-2125	New	V. 23, p. 311-318
111-4-2126		
through		
111-4-2146	New	V. 23, p. 459-471
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473

**AGENCY 112: RACING AND GAMING
COMMISSION**

Reg. No.	Action	Register
112-3-11	Amended	V. 22, p. 1427
112-4-1	Amended	V. 22, p. 2057
112-4-1a	New	V. 22, p. 278
112-4-1b	New	V. 22, p. 279
112-6-4	Amended	V. 22, p. 85
112-8-4	Amended	V. 22, p. 1428
112-8-5	Amended	V. 22, p. 1428
112-9-44	Amended	V. 22, p. 279
112-10-2	Amended	V. 22, p. 85
112-10-3	Amended	V. 23, p. 93
112-10-13	New	V. 23, p. 495
112-11-20	Amended	V. 22, p. 281
112-12-10	Amended	V. 22, p. 86
112-13-2	Amended	V. 23, p. 94
112-18-9	Amended	V. 22, p. 1710
112-18-11	Amended	V. 22, p. 1710
112-18-18	Amended	V. 22, p. 1710

**AGENCY 115: DEPARTMENT OF
WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-1-1	Amended	V. 22, p. 1930
115-2-1	Amended	V. 22, p. 1932
115-4-6	Amended	V. 22, p. 1227
115-4-11	Amended	V. 22, p. 436
115-17-6		
through		
115-17-9	Amended	V. 22, p. 437-439
115-18-8	Amended	V. 22, p. 1229
115-18-10	Amended	V. 22, p. 439
115-21-1	Amended	V. 22, p. 1506
115-21-2	Amended	V. 22, p. 1507

**AGENCY 117: REAL ESTATE
APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 22, p. 684
117-2-1	Amended	V. 22, p. 684
117-3-1	Amended	V. 22, p. 685
117-4-1	Amended	V. 22, p. 686
117-5-2	Amended	V. 22, p. 2007
117-6-1	Amended	V. 22, p. 687
117-6-2	Amended	V. 22, p. 688
117-6-3	Amended	V. 22, p. 688
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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