



Kansas Register

Scott Schwab, Secretary of State

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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) and K.S.A. 12-1675a(g).

Effective 4-15-19 through 4-21-19

Term	Rate
1-89 days	2.41%
3 months	2.33%
6 months	2.43%
12 months	2.40%
18 months	2.39%
2 years	2.34%

Scott Miller
Director of Investments

Doc. No. 047084

State of Kansas

Statewide Independent Living Council of Kansas, Inc.

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10:00 a.m. Thursday, May 2, 2019, at the Three Rivers CIL, 504 Miller Dr., Wamego, KS 66547.

For more information or accommodations, please contact Kathy Cooper, SILCK Executive Director at 785-234-6990 or email at Kathy.Cooper@silck.org, no later than April 18, 2019.

Kathy Cooper
Executive Director

Doc. No. 047092

State of Kansas

Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 10:00 a.m. to 3:00 p.m. Wednesday, May 1, 2019, at the Kansas Medical Society, 623 SW 10th Ave., Topeka, KS 66612.

Lee A. Norman, MD, Secretary
Department of Health and Environment

Doc. No. 047095

State of Kansas

Board of Technical Professions

Notice of Meeting

The Kansas State Board of Technical Professions board meeting will be held at 10:00 a.m. Friday, April 26, 2019, at the Landon State Office Building, 900 SW Jackson, Suite 507, Topeka, Kansas. All meetings are open to the public. For more information call 785-296-3053.

Larry Karns
Executive Director

Doc. No. 047103

State of Kansas

**Department of Agriculture
Division of Conservation**

Notice to Contractors

Sealed bids for the primary spillway replacement and wave erosion repair at Floodwater Retarding Dam 2-35 in Ness County, will be received by Pawnee Watershed Joint District No. 81, PO Box 367, 20476 SE U.S. 283 Hwy., Jetmore, KS 67854 until 7:00 p.m. May 20, 2019, at which time and place bids will be publicly opened and read aloud.

Description of Work

Primary spillway pipe replacement includes excavating to remove existing primary spillway pipe and installing new a primary spillway pipe consisting of 48-inch diameter precast concrete manhole and 24-inch diameter PVC pipe. Estimated quantities include 4,500 cubic yards of excavation, 5,000 cubic yards of earthfill, 139 feet of 24-inch AWWA C905 PVC pipe, 45 cubic yards of flowable fill, and appurtenant items.

Wave erosion repair includes excavating and filling to reshape dam front slope and installing concrete filled geoweb for erosion protection. Estimated quantities include 700 cubic yards excavation, 50 cubic yards earthfill, and 231 cubic yards of concrete.

All work shall be completed in conformance with the project construction drawings, construction specifications, and stormwater pollution prevention plan.

Work Timing

The work is to commence within twenty (20) calendar days after the Notice to Proceed is issued. Completion of the work is desired within 180 days after such notice.

A copy of the Invitation to Bid, plans, and specifications can be reviewed and/or obtained from Pawnee Watershed Joint District No. 81, PO Box 367, 20476 SE U.S. 283 Hwy., Jetmore, KS 67854, telephone 620-357-6420.

A site showing will be conducted by Pawnee Watershed Joint District No. 81 on May 2, 2019, from 1:30 p.m. to 3:30 p.m. at the site.

All bids must be accompanied by a certified check, cashier's check, or a Bid Bond for not less than 5 percent (5%) of the total bid price (including alternates), made payable to Pawnee Watershed Joint District No. 81.

For any questions pertaining to the project listed above, please contact Hakim Saadi, P.E. Watershed Program Manager at 785-291-3099 or hakim.saadi@ks.gov.

Robert Reschke, Executive Director
Division of Conservation

Doc. No. 047086

State of Kansas

**Department of Administration
Office of Procurement and Contracts**

Notice to Bidders

Sealed bids for items listed will be received by the Director of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376:

(continued)

05/02/2019	EVT0006518	Asphalt Repairs and Replacement
05/03/2019	EVT0006509	Presentation Speakers
05/06/2019	EVT0006511	Mail Services
05/07/2019	EVT0006508	Cold Recycled Reclaimed Asphalt Pavement Mix
05/08/2019	EVT0006510	Salt for Ice and Snow Removal
05/08/2019	EVT0006514	Shredding Services
05/09/2019	EVT0006503	Van Modification Services
05/13/2019	EVT0006502	Collection Services, Court Debt and Restitution
05/15/2019	EVT0006515	ABE Assessment Services
05/29/2019	EVT0006517	Work Program Communication Application Project

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

<http://admin.ks.gov/offices/procurement-and-contracts/bid-solicitations>

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

<http://admin.ks.gov/offices/procurement-and-contracts/additional-files-for-bid-solicitations>

05/07/2019	A-013576	KDOT Reroof Bonner Springs Area Shop
05/09/2019	A-013711	KDWPT Region #2 Renovation and Security and Add/Alt #1 Lobby Security
05/09/2019	A-013752	Ks State School for the Deaf-Roth Administration Building Roof Safety Upgrades

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Tracy T. Diel, Director
Procurement and Contracts

Doc. No. 047101

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 17, 28-18a-1 through 33, 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, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance

of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-19-122

Application for New or Expansion of Existing Swine Facilities

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
McCabe Genetics (formerly Kim-Mac Farms) 6075 CR 1950 Elk City, KS 67344	Randel McCabe 6075 CR 1950 Elk City, KS 67344
Legal Description	Receiving Water
W/2 of Section 16 T31S, R14E Montgomery County Kansas Permit No. A-VEMG-S025	Verdigris River Basin

This is notification KDHE has received a complete permit application for the operation of a swine and cattle waste management facility capable of housing 750 head (300 animal units) of swine weighing less than 55 pounds and 699 head (349.5 animal units) of cattle weighing less than 700 pounds. The complete application can be viewed at the office of the Montgomery County Clerk, the KDHE Southeast District Office in Chanute, Kansas or the KDHE Main Office in Topeka, KS. A permit to operate the proposed swine and cattle waste management system will not be issued without additional public notice.

Public Notice No. KS-AG-19-123/132

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
David and Bonnie Sexson 1415 Road 3 Weskan, KS 67762	SE/4 of Section 30 T13S, R42W Wallace County	Smoky Hill River Basin

Kansas Permit No. A-SHWA-B006

This is a renewal permit for an existing facility for 990 head (990 animal units) of cattle weighing greater than 700 pounds and 4 horses (8 animal units), for a total of 998 animal units. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Riedel Cattle Company John V. Riedel 1542 160th Ave. Morland, KS 67650	SW/4 of Section 31 T09S, R24W Graham County	Saline River Basin

Kansas Permit No. A-SAGH-B008

This is a renewal permit for an existing facility for 990 head (495 animal units) of cattle weighing 700 pounds or less. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Lehmann Farms, Inc. 12051 220 Rd. Gaylord, KS 67638	NE/4 of Section 24 T04S, R14W Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-B005

This is a renewal permit for an existing facility for 990 head (990 animal units) of cattle weighing more than 700 pounds. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Griffith of Iuka, Inc. Jason Griffith 235 NE 110th St. Iuka, KS 67066	NW/4 of Section 10 T26S, R13W Pratt County	Lower Arkansas River Basin

Kansas Permit No. A-ARPR-C002
Federal Permit No. KS0090778

This is a renewal permit for an existing facility for 2,900 head (2,900 animal units) of cattle weighing more than 700 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
W & S Ranch, Inc. 17052 R Rd. Smith Center, KS 66967	NW/4 of Section 25 T03S, R13W Smith County	Solomon River Basin

Kansas Permit No. A-SOSM-B012

This is a renewal permit for an existing facility for 700 head (700 animal units) of cattle weighing more than 700 pounds. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Sundstrom Farms, Inc. 2057 Sandcreek Terr. Ottawa, KS 66067	E/2 of Section 17 T16S, R19E Franklin County	Marais des Cygnes River Basin

Kansas Permit No. A-MCFR-M004

This is a renewal permit for an existing facility for 285 head (399 animal units) of mature dairy cows, 101 head (101 animal units) of cattle weighing greater than 700 pounds (dairy heifers), and 200 head (100 animal units) of cattle weighing 700 pounds or less (dairy calves); for a total of 600 animal units. There has been no change in animal units from the last permit.

Name and Address of Applicant	Legal Description	Receiving Water
Goldenrod Farms, LLC Orlin Ensz 1756 Goldenrod Hillsboro, KS 67063	NW/4 of Section 31 T20S, R02E Marion County	Neosho River Basin

Kansas Permit No. A-NEMN-H001
Federal Permit No. KS0088218

This is a renewal permit for an existing facility for 3,600 head (1,440 animal units) of swine weighing greater than 55 pounds. There has been no change in animal numbers from the last permit. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Gary Benteman 173 Bismark Rd. Clifton, KS 66937	NE/4 of Section 29 T05S, R01E Washington County	Lower Republican River Basin

Kansas Permit No. A-LRWS-S023

This is a renewal permit for an existing facility for 680 head (272 animal units) of swine weighing more than 55 pounds and 590 head (59 animal units) of swine weighing 55 pounds or less, for a total of 331 animal units. There has been no change in animal units from the last permit. This facility is currently inactive.

Name and Address of Applicant	Legal Description	Receiving Water
Norman Shull 2627 CR 20 Colby, KS 67701	SW/4 of Section 29 T06S, R33W Thomas County	Upper Republican River Basin

Kansas Permit No. A-URTH-C005
Federal Permit No. KS0101559

This is a new permit to be issued for a new facility for 1800 head (900 animal units) of cattle weighing 700 pounds or less. Three pens, totaling approximately 14.78 acres, and 12.37 acres of extraneous drainage will drain to a sedimentation basin and earthen retention control structure. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Randel McCabe McCabe Genetics (formerly Kim-Mac Farms) 6075 CR 1950 Elk City, KS 67344	W/2 of Section 16 T31S, R14E Montgomery County	Verdigris River Basin

Kansas Permit No. A-VEMG-S025

This is a reissued permit for a modified facility for 750 head (300 animal units) of swine weighing greater than 55 pounds and 699 head (349.5 animal units) of cattle weighing less than 700 pounds. Modifications include elimination of a portion of the swine feeding facilities, reduction in the swine head count and animal units, addition of open lot pens and addition of 699 head (349.5 animal units) of cattle weighing less than 700 pounds.

Public Notice No. KS-Q-19-092/095

The requirements of the draft permit public noticed below are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-g), and Federal Surface Water Criteria.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Bob Bergkamp Construction Co. 3709 S. West St. Wichita, KS 67217	Arkansas River via Medicine Lodge River via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-AR86-PO02
Federal Permit No. KS0101583

Legal Description: S35, T31S, R15W, Barber County, Kansas

Facility Name: Sun City Quarry

The proposed action is to issue a new State/NPDES permit for a new facility. This facility is a gypsum quarrying and crushing operation with no washing. The proposed permit contains generic language to protect the waters of the state.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Louisburg, City of 5 S. Peoria St. Louisburg, KS 66053	South Wea Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-MC20-OO01
Federal Permit No. KS0024856

Leal Description: SW¼, S30, T16S, R25E, Miami County, Kansas

Facility Name: Louisburg Wastewater Treatment Plant #1, North Lagoon Facility

Facility Location: N. 3rd and Broadway, Louisburg, KS

The proposed action is to reissue an existing State/NPDES permit for an existing facility. The existing facility is a five-cell aerated wastewater stabilization lagoon system. The proposed permit contains limits on biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for phosphorus, total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, temperature and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Louisburg, City of 5 S. Peoria St. Louisburg, KS 66053	South Wea Creek via Unnamed Tributary	Treated Domestic Wastewater

(continued)

Kansas Permit No. M-MC20-0002
Federal Permit No. KS0087149

Legal Description: SW¼, S6, T17S, R25E, Miami County, Kansas

Facility Name: Louisburg Wastewater Treatment Plant #2, South Lagoon Facility

Facility Location: 29148 Rogers Rd., Louisburg, KS

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is a five-cell aerated wastewater stabilization lagoon system. The proposed permit contains a schedule of compliance stating that the permittee will construct a new facility to increase daily design flow and replace the existing wastewater facilities. The proposed permit contains limits for biochemical oxygen demand, total suspended solids, pH, ammonia, and E. coli, as well as monitoring for total phosphorus, total Kjeldahl nitrogen, nitrate + nitrite, total nitrogen, temperature and flow.

Name and Address of Applicant	Receiving Stream	Type of Discharge
Westar Energy PO Box 889 Topeka, KS 66601	Neosho River via Badger Creek via Coon Creek via Unnamed Tributary	Process Wastewater

Kansas Permit No. I-NE24-PO08
Federal Permit No. KS0099368

Legal Description: NE¼, S34, T18S, R12E, Lyon County, Kansas

Facility Name: Westar Emporia Energy Center

Facility Location: 1685 Road 200, Emporia, KS 66801

The proposed action is to reissue an existing State/NPDES permit for an existing facility. This facility is 600 Megawatt (MW) natural gas, simple-cycle combustion turbine electric generating facility, which operates intermittently based on power demand within the electrical grid. City water is treated by a mobile filter, a reverse osmosis unit and a mobile mixed-bed ion-exchange unit. Approximately 112 gpm of process wastewater is discharged at Outfall 001A1. The proposed permit contains limits for oil and grease and pH, as well as monitoring for flow and total residual oxidant.

Persons wishing to comment on the draft documents 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 considered in the decision-making process. Comments should be submitted to the attention of the Livestock Waste Management Section for agricultural related draft documents or applications, or to the Technical Services Section for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612-1367.

All comments regarding the draft documents or application notices received on or before May 18, 2019, will be considered in the formulation of the final determinations regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-19-122/132, KS-Q-19-092/095) and name of the applicant/permittee when preparing comments.

After review of any comments received during the public notice period, the Secretary of Health and Environment will issue a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC).

All draft documents/applications and the supporting information including any comments received are

on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, Kansas. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdheks.gov/feedlots>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Lee A. Norman, M.D.
Secretary

Doc. No. 047096

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Southern Star Central Gas Pipeline, Inc. – Humboldt Compressor Station has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, KY 42301 owns and operates a Natural Gas Compressor Station located at Section 6, Township 26S, Range 18E, Allen County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southeast District Office, 308 W. 14th St., Chanute, KS 66720. To obtain or review the proposed permit and supporting documentation, contact Courtney Stallman, 785-296-4174, at the central office of the KDHE or Trenton Christenson, 620-860-7235, at the Southeast District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website, <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Courtney Stallman, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, May 20, 2019.

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 Courtney Stallman, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, May 20, 2019 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Lee A. Norman, M.D.
Secretary

Doc. No. 047087

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Southern Star Central Gas Pipeline, Inc. – Hoxie Compressor Station has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Southern Star Central Gas Pipeline, Inc., 4700 Highway 56, Owensboro, KY 42301 owns and operates a Natural Gas Compressor Station located at Section 18, Township 9S, Range 28W, Sheridan County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Northwest District Office, 2301 E. 13th St., Hays, KS 67601-2651. To obtain or review the proposed permit and supporting documentation, contact Courtney Stallman, 785-296-4174, at the central office of the KDHE

or Anna Thiede, 785-261-6117, at the Northwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website, <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Courtney Stallman, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Thursday, May 20, 2019.

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 Courtney Stallman, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Thursday, May 20, 2019 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Lee A. Norman, M.D.
Secretary

Doc. No. 047088

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. WTG Hugoton, L.P. has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

(continued)

WTG Hugoton, L.P., 211 N. Colorado St., Midland, TX 79701 owns and operates Stevens County #3 Compressor Station located at Section 3, Township 34S, Range 38W, Stevens County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Southwest District Office, 302 W. McArtor Rd., Dodge City, KS 67801-6098. To obtain or review the proposed permit and supporting documentation, contact Cathy Richardson, 785-296-1947, at the central office of the KDHE or Ethel Evans, 620-356-1075, at the Southwest District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website, <http://www.kdheks.gov/bar/publicnotice.html>.

Please direct written comments or questions regarding the proposed permit to Cathy Richardson, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. May 20, 2019.

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 Cathy Richardson, KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. May 20, 2019 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Lee A. Norman, M.D.
Secretary

Doc. No. 047089

State of Kansas

Wichita State University

Notice of Intent to Lease Land and/or Building Space

Public notice is hereby given that Wichita State University (WSU) intends to lease available land and building space. The university will consider leasing such property and/or space to those whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good, or otherwise provide supporting services and amenities to the campus community (such as restaurants, retail establishments, financial institutions, etc.). Because tenant use must be a good fit with the university's educational mission and available space, please be prepared to provide the following information: (1) name; (2) square footage of space needs and desired lease term and location; (3) equipment, design, or other special needs; (4) description of anticipated use; and (5) the anticipated benefits to the university, its students, and the WSU community (e.g. applied learning, joint research, faculty start-up, etc.). The university will consider serious offers and inquiries from any financially qualified individual, group, organization, or company. If interested, please contact Vice President for Research & Technology Transfer, Dr. John Tomblin, john.tomblin@wichita.edu or Property Manager Crystal Stegeman, crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance
Wichita State University

Doc. No. 046691

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU) intends to directly lease, and indirectly sublease through its affiliate corporation Wichita State Innovation Alliance, Inc., subject to all required state approvals, an approximate area of ground not to exceed 150,000 square feet with the potential for expansion for parking, for the private development of one or two partnership buildings. This private development shall be located west of Oliver, between 17th and 18th streets, on the Wichita State University main campus. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university's applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such ground for any period of time up to sixty-five years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university's

educational mission and identify anticipated benefits to the university, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Rental rate shall be assessed per leased or leasable square foot of the building but is negotiable based on term of lease and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization, or company and such offers will be considered until a selection is made or this notice is withdrawn. If interested, please contact Vice President for Research and Technology Transfer, Dr. John Tomblin, john.tomblin@wichita.edu or University Property Manager Crystal Stegeman, crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Finance and Administration
Wichita State University

Doc. No. 046978

State of Kansas

**Department for Aging and
Disability Services
Department of Health and Environment
Division of Health Care Finance**

**Notice of Proposed Nursing Facility Medicaid
Rates for State Fiscal Year 2020;
Methodology for Calculating Proposed Rates, and
Rate Justifications;
Request for Written Comments;
Notice of Intent to Amend the Medicaid State Plan**

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 and Disability Services administers the nursing facility program, which includes hospital long-term care units, and the nursing facility for mental health program. The Secretary acts on behalf of the Kansas Department of Health and Environment Division of Health Care Finance (DHCF), the single state Medicaid agency.

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 Kansas Department for Aging and Disability Services (KDADS) is publishing the proposed Medicaid per diem rates for Medicaid-certified nursing facilities for State Fiscal Year 2020, the methodology underlying the establishment of the proposed nursing facility rates, and the justifications for those proposed rates. KDADS

and DHCF are also providing notice of the state’s intent to submit 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, 2019.

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 maintained by DHCF are being revised:

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

The text of the portions of the Medicaid State Plan identified above in section IA.1, but not the documents, authorities and the materials incorporated therein by reference, is reprinted in this notice. The Medicaid State Plan provisions set out in this notice appears in the version which the state currently intends to submit to CMS on or before September 30, 2019. The Medicaid State Plan amendment that the state ultimately submits to CMS may differ from the version contained in this notice.

Copies of the documents and authorities containing the state’s rate-setting methodology are available upon written request. A request for copies will be treated as a request for public records under the Kansas Open Records Act, K.S.A. 45-215 et seq. The state may charge a fee for copies, in accordance with Executive Order 18-05. Written requests for copies should be sent to:

Secretary of Aging and Disability Services
New England Building, Second Floor
503 South Kansas Avenue
Topeka, KS 66603-3404
Fax Number: 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 (NF), nursing facilities for mental health (NFMH), 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 reimbursement formula is divided into 11 sections. The sections are: Cost Reports, Rate Determination, Quarterly Case Mix Index Calculation, Resident Days, Inflation Factors, Upper Payment Limits, Quarterly Case Mix Rate Adjustment, Real and Personal Property Fee, Incentive Factors, Rate Effective Date, and Retroactive Rate Adjustments.

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.) 129-10-17. It organizes the commonly incurred business expenses of

(continued)

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. 129-10-17.

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

Projected Cost Reports:

The filing of projected cost reports are limited to: 1) newly constructed facilities; 2) existing facilities new to the Medicaid program; or 3) a provider re-entering the Medicaid program that has not actively participated or billed services for 24 months or more. The requirements are found in K.A.R. 129-10-17.

2) Rate Determination

Rates 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 cost data submitted by the provider. The current base cost data is the combined calendar year cost data from each available report submitted by the current provider during 2016, 2017, and 2018.

If the current provider has not submitted a calendar year report during the base cost data period, the cost data submitted by the previous provider for that same period will be used as the base cost data. Once the provider completes their first 24 months in the program, their first calendar year cost report will become the provider's base cost data.

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. 129-10-18.

The allowable historic per diem cost is determined by dividing the allowable resident related expenses in each cost center by resident days. Before determining the per diem cost, each year's cost data is adjusted from the mid-

point of that year to November 30, 2019. 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 is also 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 should be considered in determining 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, the real and personal property fee, and per diems to cover costs not included in the cost report data. The incentive factor and real and personal property fee are explained in separate sections of this exhibit. The rate components are explained in separate subparts of Attachment 4.19D of the State Plan. The add-ons plus the allowable per diem rate equal the total per diem rate.

Rates for New Construction and New Facilities (New Enrollment Status):

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. 129-10-17.

The cost information from the projected cost report and the first historic cost report covering the projected cost report period shall be adjusted to November 30, 2019. This adjustment will be based on the IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index (IHS Index). The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to November 30, 2019. The provider shall remain in new enrollment status until the base data period is re-established. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in new enrollment status.

Rates for Facilities Recognized as a Change of Provider (Change of Provider Status):

The payment rate for the first 24 months of operation shall be based on the base cost data of the previous owner or provider. This base cost data shall include data from each calendar year cost report that was filed by the previous provider from 2016-2018. If base cost 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 first calendar year submitted by the new provider.

All data used to set rates for facilities recognized as a change-of-provider shall be adjusted to November 30, 2019. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to November 30, 2019. The provider shall remain in change-of-provider status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in change of provider status.

Rates for Facilities Re-entering the Program (Reenrollment Status):

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 base cost data filed with the agency or the most recent cost report filed preceding the base cost data period.

All cost data used to set rates for facilities reentering the program shall be adjusted to November 30, 2019. This adjustment will be based on the IHS Index. The IHS indices listed in the latest available quarterly publication will be used to adjust the reported cost data from the midpoint of the cost report period to November 30, 2019. The provider shall remain in reenrollment status until the base data period is reestablished. During this time, the adjusted cost data shall be used to determine all rates for the provider. Any additional factor for inflation that is applied to cost data for established providers shall be applied to the adjusted cost data for each provider in reenrollment status.

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 5.20, 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 5.20 (Set D01) case mix indices developed by the Centers for Medicare and Medicaid Services (CMS) 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, including those receiving hospice services, 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 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.

Rates will be adjusted for case mix twice annually using case mix data from the two quarters preceding the rate effective date. The case mix averages used for the rate adjustments will be the simple average of the case mix averages for each quarter. The resident listing cut-off for calculating the average CMIs for each quarter will be the first day of the quarter. The following are the dates for the resident listings and the rate periods in which the average Medicaid CMIs will be used in the semi-annual rate-setting process.

<u>Rate Effective Date:</u>	<u>Cut-Off Dates for Quarterly CMI:</u>
July 1	January 1 and April 1
January 1	July 1 and October 1

The resident listings will be distributed to providers prior to the dates the semi-annual 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 cut off 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

Facilities with 60 beds or less:

For facilities with 60 beds or less, the allowable historic per diem costs for all cost centers are determined by dividing the allowable resident related expenses by the actual resident days during the cost report period(s) used to establish the base cost data.

Facilities with more than 60 beds:

For facilities with more than 60 beds, 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(s) used to establish

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the base cost data. The allowable historic per diem cost for the Operating and Indirect Health Care Cost Centers less food and utilities is subject to an 85% minimum occupancy rule. For these providers, the greater of the actual resident days for the cost report period(s) used to establish the base cost data or the 85% minimum occupancy based on the number of licensed bed days during the cost report period(s) used to establish the base cost data 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% minimum occupancy rule for facilities with more than 60 beds. The first is that it does not apply to a provider who is allowed to file a projected cost report for an interim rate. Both the rates determined from the projected cost report and the historic cost report covering the projected cost report period are based on the actual resident days for the period.

The second exception is for the first cost report filed by a new provider who assumes the rate of the previous provider. If the 85% minimum occupancy rule was applied to the previous provider's rate, it is also applied when the rate is assigned to the new provider. However, when the new provider files a historic cost report for 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% minimum occupancy rule for the months in the first year of operation. The 85% minimum occupancy rule is then reapplied to the rate when the new provider reports resident days and costs for the 13th month of operation and after.

5) Inflation Factors

Inflation will be applied to the allowable reported costs from the calendar year cost report(s) used to determine the base cost data from the midpoint of each cost report period to November 30, 2019. The inflation will be based on the IHS Global Insight, CMS Nursing Home without Capital Market Basket index.

The IHS Global Insight, IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index 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

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 which require licensure or certification.

The compensation paid to owners and related parties shall be allocated to the appropriate cost center for the type of service performed. Each cost center has an expense line for owner/related party compensation. There is also a cost report schedule titled, "Statement of Owners and Related Parties." This schedule requires information concerning the percent of ownership (if over five 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 calendar year 2018 historic cost reports in the database from all active nursing facility providers. The salary information in the array is not adjusted for inflation. The per diem data is calculated using an 85% minimum occupancy level for those providers in operation for more than 12 months with more than 60 beds. 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. The per diem limit for a 15-bed or less facility is inflated based on the State of Kansas annual cost of living allowance for classified employees for the rate period. 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 admin-

istrative 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 is 105% of the median determined from a total resident day-weighted array of the property fees in effect April 1, 2019.

Cost Center Upper Payment Limits:

Schedule B 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 a per diem determined from the base cost data from all active nursing facility providers. Projected cost reports are excluded when calculating the limit.

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% minimum occupancy for facilities over 60 beds. 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 is adjusted from the midpoint of the cost report period to November 30, 2019. This will bring the costs reported by the providers to a common point in time for comparisons. The inflation will be based on the I IHS Global Insight, National Skilled Nursing Facility Market Basket Without Capital Index.

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

The final results of Schedule B 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	130% of the median

Direct Health Care Cost Center Limit:

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

For the purpose of setting the upper payment limit in the Direct Health Care cost center, the facility cost report period CMI and the statewide average CMI will be calculated. The facility cost report period CMI is the resident day-weighted average of the 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 decimal places, of the facility cost report period case mix indices for all Medicaid facilities.

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 inflated Direct Health Care costs to the statewide average CMI. This is done by dividing the statewide average CMI for the cost report year by the facility's cost report period CMI, then multiplying this answer by the facility's inflated costs. This step is repeated for each cost report year for which data is included in the base cost data.

The second step is to determine per diem costs and array them to determine the median. The per diem cost is determined by dividing the total of each provider's inflated case mix adjusted base direct health care costs by the total days provided during the base cost data period. The median is located using a day-weighted methodology. That is, the median cost is the per diem cost for the facility in the array at which point the cumulative total of all 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 eight 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 \$80 and the upper payment limit is based on 130% of the median, then the upper payment limit for the statewide average CMI would be \$104 (D=130% x \$80).

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 Allowable Direct Health Care Per Diem Cost. This is the lesser of the facility's per diem cost from the base cost data period or the Direct Health Care upper payment limit. Because the direct health care costs were previously adjusted for the statewide average CMI, the Allowable Direct Health Care Per Diem Cost corresponds to the statewide average CMI.

The next step is to determine the Medicaid acuity adjusted allowable Direct Health Care cost. The facility's Medicaid CMI is determined by averaging the facility average Medicaid CMI from the two quarters preceding the rate effective date. The facility's Medicaid CMI is then divided by the statewide average CMI for the cost data period. Finally, this result, is then multiplied by the Allowable Direct Health Care per diem cost. The result is referred to as the Medicaid Acuity Adjustment.

The Medicaid Acuity Adjustment is calculated semi-annually to account for changes in the Medicaid CMI. To illustrate this calculation, take the following situation: The facility's direct health care per diem cost is \$80.00, the Di-

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rect Health Care per diem limit is \$104.00, and these are both tied to a statewide average CMI of 1.000, and the facility's current Medicaid CMI is 0.9000. Since the per diem costs are less than the limit the Allowable Direct Health Care Cost is \$80.00, and this is matched with the statewide average CMI of 1.0000. To calculate the Medicaid Acuity Adjustment, first divide the Medicaid CMI by the statewide average CMI, then multiply the result by the Allowable Direct Health Care Cost. In this case that would result in \$72.00 (0.9000/1.0000 x \$80.00). Because the facility's current Medicaid CMI is less than the statewide average CMI the Medicaid Acuity Adjustment moves the direct health care per diem down proportionally. In contrast, if the Medicaid CMI for the next semi-annual adjustment rose to 1.1000, the Medicaid Acuity Adjustment would be \$88.00 (1.1000/1.0000 x \$80.00). Again the Medicaid Acuity Adjustment changes the Allowable Direct Health Care Per Diem Cost to match the current Medicaid CMI.

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. The differentiation of the fee into these components was eliminated effective July 1, 2002. At that time each facility's fee was re-established based on the sum of the property allowance and value factor. The providers receive 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 to 12/31/08 and then compared to the upper payment limit. The property fee will be the lower of the facility-specific inflated property fee or the upper payment limit.

Providers entering the Kansas Medical Assistance program for the first time, who are operating in a building for which a fee has not previously been established, shall have a property fee calculated from the ownership costs reported on the cost report. This fee shall include appropriate components for rent or lease expense, interest expense on real estate mortgage, amortization of leasehold improvements, and depreciation on buildings and equipment. The process for calculating the property fee for providers entering the Kansas Medical Assistance program for the first time is explained in greater detail in K.A.R. 129-10-25.

There is a provision for changing the property fee. This is for 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 K.A.R. 129-10-25. The rebased property fee is subject to the upper payment limit.

9) Incentive Factors

An incentive factor will be awarded to both NF and NF-MH providers that meet certain outcome measures criteria. The criteria for NF and NF-MH providers will be determined separately based on arrays of outcome measures for each provider group.

Nursing Facility Quality and Efficiency Incentive Factor:

The Nursing Facility Incentive Factor is a per diem amount determined by four per diem add-ons providers can earn for various outcomes measures. Providers that maintain a case mix adjusted staffing ratio at or above the 75th percentile will earn a \$3.00 per diem add-on. Providers that fall below the 75th percentile staffing ratio but improve their staffing ratio by 10% or more will earn a \$0.50 per diem add-on. Providers that achieve a staff retention rate at or above the 75th percentile will earn a \$2.50 per diem add-on as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers that have a staff retention rate lower than the 75th percentile but that increase their staff retention rate by 10% or more will receive a per diem add-on of \$0.50 as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers that have a Medicaid occupancy percentage of 65% or more will receive a \$0.75 per diem add-on. Finally, providers that maintain quality measures at or above the 75th percentile will earn a \$1.25 per diem add-on. The total of all the per diem add-ons a provider qualifies for will be their incentive factor.

The table below summarizes the incentive factor outcomes and per diem add-ons:

Incentive Outcome	Incentive Add-Ons
CMI adjusted staffing ratio ≥ 75th percentile (5.18), or CMI adjusted staffing < 75th percentile but improved ≥ 10%	\$3.00 \$0.50
Staff retention rate ≥ 75th percentile, 72%	\$2.50
Contracted labor < 10% of total direct health care labor costs or Staff retention rate < 75th percentile but increased ≥ 10%	
Contracted labor < 10% of total direct health care labor costs	\$0.50
Medicaid occupancy ≥ 65%	\$0.75
Quality Measures ≥ 75th percentile (640)	\$1.25
Total Incentive Add-on Available	\$7.50

The Culture Change/Person-Centered Care Incentive Program:

The Culture Change/Person-Centered Care Incentive Program (PEAK 2.0) includes six different incentive levels to recognize homes that are either pursuing culture change, have made major achievements in the pursuit of culture change, have met minimum competencies in person-centered care, have sustained person-centered care, or are mentoring others in person-centered care.

Each incentive level has a specific pay-for-performance incentive per diem attached to it that homes can earn by meeting defined outcomes. The first three levels (Level 0 – Level 2) are intended to encourage quality improvement for homes that have not yet met the minimum competency requirements for a person-centered care home. Homes can earn the Level 1 and Level 2 incentives simultaneously as they progress toward the minimum competency level.

Level 3 recognizes those homes that have attained a minimum level of core competency in person-centered care. Level 4 and Level 5 are reserved for those homes that have demonstrated sustained person-centered care for multiple years and have gone on to mentor other homes in their pursuit of person-centered care. The table below provides a brief overview of each of the levels.

Level and Per Diem Incentive	Summary of Required Nursing Home Action	Incentive Duration
Level 0 The Foundation \$0.50	Home completes the KCCI evaluation tool according to the application instructions. Home participates in all required activities noted in "The Foundation" timeline and workbook. Homes that do not complete the requirements at this level must sit out of the program for one year before they are eligible for reapplication.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 1 Pursuit of Culture Change \$0.50	Homes should submit the KCCI evaluation tool (annually). Home submits an action plan addressing 4 PEAK 2.0 cores in Domains 1-4. The home self-reports progress on the action planned cores via phone conference with the PEAK team. The home may be selected for a random site visit. The home must participate in the random site visit, if selected, to continue incentive payment. Homes should demonstrate successful completion of 75% of core competencies selected. A home can apply for Levels 1 and 2 in the same year. Homes that do not achieve Level 2 with three consecutive years of participation at Level 1 may return to a Level 0 or sit out for two years depending on KDADS and KSU's recommendation.	Available beginning July 1 of enrollment year. Incentive granted for one full fiscal year.
Level 2 Culture Change Achievement \$1.00	This is a bridge level to acknowledge achievement in Level 1. Homes may receive this level at the same time they are working on other PEAK core areas at Level 1. Homes may receive this incentive for up to 3 years. If Level 3 is not achieved at the end of the third year, homes may start back at Level 0 or 1 depending on KDADS and KSU's recommendation.	Available beginning July 1 following confirmed completion of action plan goals. Incentive is granted for one full fiscal year.
Level 3 Person-Centered Care Home \$2.00	Demonstrates minimum competency as a person-centered care home (see KDADS full criteria). This is confirmed through a combination of the following: High score on the KCCI evaluation tool. Demonstration of success in other levels of the program. Performing successfully on a Level 2 screening call with the KSU PEAK 2.0 team. Passing a full site visit.	Available beginning July 1 following confirmed minimum competency as a person-centered care home. Incentive is granted for one full fiscal year. Renewable bi-annually.

Level 4 Sustained Person-Centered Care Home \$2.50	Homes earn person-centered care home award two consecutive years.	Available beginning July 1 following confirmation of the upkeep of minimum person-centered care competencies. Incentive is granted for two fiscal years. Renewable bi-annually.
Level 5 Person-Centered Care Mentor Home \$3.00	Homes earn sustained person-centered care home award and successfully engage in mentoring activities suggested by KDADS (see KDADS mentoring activities). Mentoring activities should be documented.	Available beginning July 1 following confirmation of mentor home standards. Incentive is granted for two fiscal years. Renewable bi-annually.

Nursing Facility for Mental Health Quality and Efficiency Incentive Factor:

The Quality and Efficiency Incentive plan for Nursing Facilities for Mental Health (NFMH) will be established separately from nursing facilities. Nursing Facilities for Mental Health serve people who often do not need the NF level of care on a long-term basis. There is a desire to provide incentive for NFMHs to work cooperatively and in coordination with Community Mental Health Centers to facilitate the return of persons to the community.

The Quality and Efficiency Incentive Factor is a per diem add-on ranging from zero to seven dollars and fifty cents. It is designed to encourage quality care, efficiency and cooperation with discharge planning. The incentive factor is determined by five outcome measures: case mix adjusted nurse staffing ratio; operating expense; staff turnover rate; staff retention rate; and occupancy rate. Each provider is awarded points based on their outcomes measures and the total points for each provider determine the per diem incentive factor included in the provider's rate calculation.

Providers may earn up to two incentive points for their case mix adjusted nurse staffing ratio. They will receive two points if their case mix adjusted staffing ratio equals or exceeds 3.88, which is 120% of the statewide NFMH median of 3.23. They will receive one point if the ratio is less than 120% of the NFMH median but greater than or equal to 3.55, which is 110% of the statewide NFMH median. Providers with staffing ratios below 110% of the NFMH median will receive no points for this incentive measure.

NFMH providers may earn one point for low occupancy outcomes measures. If they have total occupancy less than 90% they will earn one point.

NFMH providers may earn one point for low operating expense outcomes measures. They will earn one point if the per diem operating expenses are below \$26.56, or 90% of the statewide median of \$29.51.

NFMH providers may earn up to two points for the turnover rate outcomes measure. Providers with direct health care staff turnover equal to or below 42%, the 75th percentile statewide, will earn two points as long as contracted labor costs do not exceed 10% of the provider's total direct health care labor costs. Providers with direct health care staff turnover greater than 42% but equal to

(continued)

or below 55%, the 50th percentile statewide, will earn one point as long as contracted labor costs do not exceed 10% of the provider’s total direct health care labor costs.

Finally, NFMH providers may earn up to two points for the retention rate outcomes measure. Providers with staff retention rates at or above 84%, the 75th percentile statewide will earn two points. Providers with staff retention rates below 84% but at or above 60%, the 50th percentile statewide, will earn one point.

The table below summarizes the incentive factor outcomes and points:

Quality/Efficiency Outcome	Incentive Points
CMI adjusted staffing ratio ≥ 120% (3.88) of NF-MH median (3.23), or CMI adjusted staffing ratio between 110% (3.55) and 120%	2, or 1
Total occupancy ≤ 90%	1
Operating expenses < \$26.56, 90% of NF-MH median, \$29.51	1
Staff turnover rate ≤ 75th percentile, 42% Staff turnover rate ≤ 50th percentile, 55% Contracted labor < 10% of total direct health care labor costs	2, or 1
Staff retention ≥ 75th percentile, 84% Staff retention ≥ 50th percentile, 60%	2, or 1
Total Incentive Points Available	8

Schedule E is an array containing the incentive points awarded to each NFMH provider for each quality and efficiency incentive outcome. The total of these points will be used to determine each provider’s incentive factor based on the following table.

<u>Total Incentive Points:</u>	<u>Incentive Factor Per Diem:</u>
Tier 1: 6-8 points	\$7.50
Tier 2: 5 points	\$5.00
Tier 3: 4 points	\$2.50
Tier 4: 0-3 points	\$0.00

The survey and certification performance of each NF and NFMH provider will be reviewed quarterly to determine each provider’s eligibility for incentive factor payments. In order to qualify for an incentive factor payment a home must not have received any health care survey deficiency of scope and severity level “H” or higher during the survey review period. Homes that receive “G” level deficiencies, but no “H” level or higher deficiencies, and that correct the “G” level deficiencies within 30 days of the survey, will be eligible to receive 50% of the calculated incentive factor. Homes that receive no deficiencies higher than scope and severity level “F” will be eligible to receive 100% of the calculated incentive factor. The survey and certification review period will be the 12-month period ending one quarter prior to the incentive eligibility review date. The following table lists the incentive eligibility review dates and corresponding review period end dates.

<u>Incentive Eligibility Effective Date:</u>	<u>Review Period End Date:</u>
July 1	March 31st
October 1	June 30th
January 1	September 30th
April 1	December 31st

10) Rate Effective Date

Rate effective dates are determined in accordance with K.A.R. 129-10-19. 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 three 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 is also 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.

II. Medicaid Per Diem Rates for Kansas Nursing Facilities

A. Cost Center Limitations: The state proposes the following cost center limitations which are used in setting rates effective July 1, 2019.

Cost Center	Limit Formula	Per Day Limit
Operating	110% of the Median Cost	\$40.11
Indirect Health Care	115% of the Median Cost	\$54.40
Direct Health Care	130% of the Median Cost	\$129.48
Real and Personal Property Fee	105% of the Median Fee	\$10.01

These amounts were determined according to the “Reimbursement Limitations” section. The Direct Health-care Limit is calculated based on a CMI of 1.0314, which is the statewide average.

B. Case Mix Index: These proposed rates are based upon each nursing facility’s Medicaid CMI calculated as the average of the quarterly Medicaid CMI averages with cut-off dates of January 1, 2019 and April 1, 2019. The CMI calculations use the Kansas Medicaid/Medicaid CMI Table. In Section II.C below, each nursing facility’s Medicaid average CMI is listed beside its per diem rate.

C. Rates: The following list includes the calculated Medicaid rate for each nursing facility provider currently enrolled in the Medicaid program and the Medicaid case mix index used to determine each rate.

Facility Name	City	Daily Rate	Medicaid CMI
Village Manor	Abilene	195.56	0.8944
Alma Manor	Alma	178.29	0.9294
Life Care Center of Andover	Andover	161.06	1.0502
Victoria Falls SNF	Andover	179.61	0.9710
Anthony Community Care Center	Anthony	172.41	0.9956
Medicalodges Health Care Center - Arkansas City	Arkansas City	180.91	0.9745
Arkansas City Presbyterian Manor	Arkansas City	194.04	0.9921
Arma Operator, LLC	Arma	175.41	1.2234
Medicalodges Atchison	Atchison	206.36	1.0145
Atchison Senior Village	Atchison	211.10	0.9061
Dooley Center	Atchison	211.31	0.7553
Attica Long Term Care	Attica	207.01	0.8554
Good Samaritan Society-Atwood	Atwood	214.57	0.9796
Lake Point Nursing Center	Augusta	164.60	0.9079
Baldwin Healthcare and Rehab Center	Baldwin City	206.84	1.2300
Quaker Hill Manor	Baxter Springs	177.23	1.0173

Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Catholic Care Center, Inc.	Bel Aire	229.64	1.1046	Ranch House Senior Living	Garden City	211.11	1.0416
Belleville Healthcare Center	Belleville	160.21	0.9730	Meadowbrook Rehab Hospital, LTCU	Gardner	271.43	1.2801
Mitchell County Hospital LTCU	Beloit	240.66	1.1051	Medicalodges Gardner	Gardner	181.50	0.8615
Hilltop Lodge Nursing Home	Beloit	194.66	1.0365	Anderson County Hospital	Garnett	228.87	0.9031
Bonner Springs Nursing and Rehabilitation	Bonner Springs	180.90	1.0838	Parkview Heights	Garnett	215.35	0.9750
Hill Top House	Bucklin	207.44	0.8640	Medicalodges Girard	Girard	186.74	0.9353
Buhler Sunshine Home, Inc.	Buhler	212.24	0.8885	The Nicol Home, Inc.	Glasco	164.64	0.8066
Life Care Center of Burlington	Burlington	177.77	1.1522	Medicalodges Goddard	Goddard	199.73	0.9386
Eastridge Nursing Home	Centralia	239.63	1.0134	Bethesda Home	Goessel	221.53	1.0125
Heritage Health Care Center	Chanute	172.00	1.0194	Good Samaritan Society-Sherman C	Goodland	191.02	0.9570
Diversicare of Chanute	Chanute	172.18	1.1554	Medicalodges Great Bend	Great Bend	166.32	0.8985
Chapman Valley Manor	Chapman	184.54	0.9710	Great Bend Health and Rehab Center	Great Bend	167.00	1.0230
Cheney Golden Age Home Inc.	Cheney	184.77	0.9728	Halstead Health and Rehab Center	Halstead	215.00	1.0429
Cherryvale Care Center	Cherryvale	167.81	1.0695	Haviland Operator, LLC	Haviland	116.82	0.6472
Chetopa Manor	Chetopa	169.28	0.9274	Good Samaritan Society-Hays	Hays	203.43	1.0797
The Shepherd's Center	Cimarron	204.87	0.9182	Via Christi Village-Hays	Hays	185.20	0.9559
Medicalodges Clay Center	Clay Center	212.45	0.9643	Diversicare of Haysville	Haysville	179.88	1.2664
Clay Center Presbyterian Manor	Clay Center	204.43	1.0669	Legacy at Herington	Herington	178.55	1.1454
Clearwater Nursing and Rehabilitation	Clearwater	194.05	1.0807	Schowalter Villa	Hesston	245.20	1.0300
Park Villa Nursing Home	Clyde	174.08	0.9485	Maple Heights of Hiawatha	Hiawatha	173.65	0.9426
Coffeyville Regional Medical Center	Coffeyville	275.11	1.2800	Highland Healthcare and Rehab Center	Highland	189.77	1.2091
Windsor Place	Coffeyville	190.64	1.0640	Dawson Place, Inc.	Hill City	181.88	0.9109
Medicalodges Coffeyville	Coffeyville	221.20	1.0952	Salem Home	Hillsboro	216.21	1.1356
Windsor Place at Iola, LLC	Coffeyville	183.01	0.8445	Parkside Homes, Inc.	Hillsboro	207.22	1.0208
Colby Operator, LLC	Colby	191.29	1.2812	Medicalodges Jackson County	Holton	195.04	0.9617
Prairie Senior Living Complex	Colby	220.98	0.8877	Mission Village Living Center	Horton	156.91	0.9297
Pioneer Lodge	Coldwater	168.92	0.7915	Sheridan County Hospital	Hoxie	216.25	0.8730
Medicalodges Columbus	Columbus	213.23	1.1189	Pioneer Manor	Hugoton	215.63	0.8823
Mt. Joseph Senior Village, LLC	Concordia	184.90	1.0868	Diversicare of Hutchinson	Hutchinson	187.17	1.0927
Sunset Home, Inc.	Concordia	193.29	0.9746	Good Sam Society-Hutchinson Village	Hutchinson	208.04	0.8944
Spring View Manor	Conway Springs	181.19	0.9559	Hutchinson Operator, LLC	Hutchinson	180.20	1.1274
Chase County Care and Rehab Center	Cottonwood Falls	223.19	1.1413	Wesley Towers	Hutchinson	239.76	1.0303
Diversicare of Council Grove	Council Grove	165.59	1.0690	Medicalodges Independence	Independence	183.70	0.9343
Hilltop Manor Nursing Center	Cunningham	175.24	1.0811	Montgomery Place Nursing Center, LLC	Independence	190.02	1.1824
Westview of Derby	Derby	131.09	0.9490	Pleasant View Home	Inman	190.78	0.8847
Derby Health and Rehabilitation	Derby	210.99	1.0473	Hodgeman Co Health Center-LTCU	Jetmore	228.24	1.0264
Hillside Village	DeSoto	191.84	0.9878	Stanton County Hospital-LTCU	Johnson	211.65	0.8490
Trinity Manor	Dodge City	185.56	1.0310	Valley View Senior Life	Junction City	193.05	0.9561
Sunporch of Dodge City	Dodge City	207.98	0.9359	Medicalodges Post Acute Care Center	Kansas City	189.16	1.0309
Manor of the Plains	Dodge City	214.43	1.0980	Riverbend Post Acute Rehabilitation	Kansas City	207.91	1.1648
Medicalodges Douglass	Douglass	193.07	0.9752	Lifecare Center of Kansas City	Kansas City	186.80	0.9610
Downs Care and Rehab Center, LLC	Downs	193.49	1.1091	Providence Place LTCU	Kansas City	238.69	1.0224
Country Care Home	Easton	175.99	0.9932	Kansas City Transitional Care Center	Kansas City	229.09	1.1598
Parkway Care and Rehab Center, LLC	Edwardsville	199.14	1.0737	Golden Oaks Healthcare, Inc.	Kansas City	245.75	1.2676
Kaw River Care and Rehab Center, LLC	Edwardsville	229.41	1.0959	The Wheatlands	Kingman	180.68	0.9476
Edwardsville Care and Rehab Center	Edwardsville	166.29	0.7209	Medicalodges Kinsley	Kinsley	216.20	1.0357
Lakepoint Nursing Center-El Dorado	El Dorado	175.11	0.9825	Kiowa District Manor	Kiowa	201.79	0.8030
El Dorado Care and Rehab Center, LLC	El Dorado	214.93	1.1061	Locust Grove Village	Lacrosse	195.29	0.8776
Morton Co Senior Living Community	Elkhart	187.20	1.0154	High Plains Retirement Village	Lakin	234.52	0.9897
Woodhaven Care Center	Ellinwood	199.25	0.9646	Lansing Care and Rehab Center, LLC	Lansing	197.46	1.0630
Good Samaritan Society-Ellis	Ellis	187.12	1.0218	Twin Oaks Health and Rehab	Lansing	203.26	1.0146
Good Sam Society-Ellsworth Village	Ellsworth	190.48	1.0419	Diversicare of Larned	Larned	157.23	1.0821
Emporia Presbyterian Manor	Emporia	215.54	1.1336	Lawrence Presbyterian Manor	Lawrence	203.39	0.9259
Holiday Resort	Emporia	166.35	1.0118	Brandon Woods at Alvamar	Lawrence	200.11	0.9297
Flint Hills Care Center, Inc.	Emporia	147.51	1.0290	Pioneer Ridge Retirement Community	Lawrence	211.14	0.9580
Enterprise Estates Nursing Center, I	Enterprise	185.43	1.1336	Medicalodges Leavenworth	Leavenworth	187.72	0.9340
Eskridge Care and Rehab Center, LLC	Eskridge	164.75	0.8285	The Healthcare Resort of Leawood	Leawood	245.36	1.1760
Medicalodges Eudora	Eudora	175.67	0.9332	Delmar Gardens of Lenexa	Lenexa	169.55	0.9773
Eureka Nursing Center	Eureka	181.88	0.9929	Lakeview Village	Lenexa	248.36	1.1324
Kansas Soldiers' Home	Fort Dodge	204.23	0.8440	Westchester Village of Lenexa	Lenexa	208.79	0.8452
Medicalodges Fort Scott	Fort Scott	182.64	1.0370	Leonardville Nursing Home	Leonardville	175.39	0.9344
Fowler Residential Care	Fowler	226.68	0.9240	Wichita County Health Center	Leoti	216.01	0.8915
Frankfort Community Care Home, Inc.	Frankfort	182.75	0.9347	Good Samaritan Society-Liberal	Liberal	181.04	1.0579
Medicalodges Frontenac	Frontenac	170.11	0.9488	Wheatridge Park Care Center	Liberal	201.06	1.1097
Galena Nursing Home	Galena	180.62	1.1011	Lincoln Park Manor, Inc.	Lincoln	199.28	0.8711
Garden Valley Retirement Village	Garden City	170.61	0.9821	Bethany Home Association	Lindsborg	226.27	1.0056
Homestead Health and Rehab	Garden City	184.22	0.9289				

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Facility Name	City	Daily Rate	Medicaid CMI	Facility Name	City	Daily Rate	Medicaid CMI
Linn Community Nursing Home	Linn	171.39	0.9531	Medicalodges Paola	Paola	133.98	0.7694
Sandstone Heights Nursing Home	Little River	237.34	1.0324	North Point Skilled Nursing Center	Paola	193.72	1.0783
Logan Manor Community Health Service	Logan	173.24	0.9064	Elmhaven East	Parsons	164.57	0.9130
Louisburg Healthcare and Rehab Center	Louisburg	200.22	1.1850	Parsons Presbyterian Manor	Parsons	208.70	0.9584
Good Samaritan Society-Lyons	Lyons	192.27	0.9092	Good Samaritan Society-Parsons	Parsons	191.46	0.9804
Meadowlark Hills Retirement Community	Manhattan	232.17	0.9845	Peabody Operator, LLC	Peabody	154.36	1.0147
Stoneybrook Retirement Community	Manhattan	181.38	0.9092	Franklin Healthcare of Peabody	Peabody	118.77	0.7089
Via Christi Village Manhattan, Inc.	Manhattan	190.72	0.9829	Phillips County Retirement Center	Phillipsburg	177.66	0.8473
St. Luke Living Center	Marion	206.65	0.9514	Medicalodges Pittsburg South	Pittsburg	188.40	0.9748
Riverview Estates, Inc.	Marquette	187.23	0.8821	Pittsburg Care and Rehab Center, LLC	Pittsburg	198.02	1.0675
Cambridge Place	Marysville	163.38	0.9602	Via Christi Village Pittsburg, Inc	Pittsburg	195.70	1.0547
McPherson Operator, LLC	McPherson	171.20	1.0774	Rooks County Senior Services, Inc.	Plainville	193.93	0.9868
The Cedars, Inc.	McPherson	212.98	0.9414	Brighton Gardens of Prairie Village	Prairie Village	220.82	1.1125
Meade District Hospital, LTCU	Meade	239.81	1.0116	Pratt Regional Medical Center	Pratt	217.23	1.0200
Trinity Nursing and Rehab Center	Merriam	203.13	1.0729	Pratt Operator, LLC	Pratt	164.78	1.1794
Great Plains of Ottawa County, Inc.	Minneapolis	215.84	0.8300	Prairie Sunset Manor	Pretty Prairie	222.50	1.4388
Minneapolis Health and Rehabilitation	Minneapolis	221.36	1.1484	Protection Valley Manor	Protection	141.77	0.7162
Minneola District Hospital-LTCU	Minneola	213.27	0.8486	Gove County Medical Center	Quinter	231.17	0.9318
Bethel Home, Inc.	Montezuma	201.14	0.9566	Grisell Memorial Hospital District #1-LTCU	Ransom	220.47	0.8845
Moran Manor	Moran	157.11	1.0860	Richmond Healthcare and Rehab Center	Richmond	199.48	1.2371
Pine Village	Moundridge	210.92	1.0284	Fountainview Nursing and Rehab Center	Rose Hill	227.84	1.2524
Moundridge Manor, Inc.	Moundridge	204.55	0.8822	Rossville Healthcare and Rehab Center	Rossville	206.74	1.2765
Mt. Hope Nursing Center	Mt. Hope	185.26	0.9961	Wheatland Nursing and Rehab Center	Russell	166.91	0.9678
Villa Maria, Inc.	Mulvane	219.42	1.2034	Russell Regional Hospital	Russell	221.49	0.8663
Neodesha Care and Rehab Center, LLC	Neodesha	192.12	1.1383	Sabetha Nursing Center	Sabetha	168.87	1.0427
Ness County Hospital District #2	Ness City	220.37	0.9607	Apostolic Christian Home	Sabetha	180.60	0.9713
Asbury Park	Newton	209.01	0.9584	Smoky Hill Rehabilitation Center	Salina	158.98	1.0072
Kansas Christian Home	Newton	205.18	0.9371	Kenwood View Health and Rehab Center	Salina	190.03	1.0855
Newton Presbyterian Manor	Newton	212.35	0.9525	Salina Windsor SNF OPCO, LLC	Salina	177.57	1.0662
Bethel Care Center	North Newton	218.31	0.9575	Pinnacle Park Nursing and Rehabilitation	Salina	170.76	1.1464
Andbe Home, Inc.	Norton	186.60	0.9423	Salina Presbyterian Manor	Salina	185.31	0.9580
Village Villa	Nortonville	179.75	1.0835	Holiday Resort of Salina	Salina	190.32	0.9829
Logan County Manor	Oakley	233.63	1.0234	Satanta District Hospital LTCU	Satanta	213.34	0.8714
Good Samaritan Society-Decatur County	Oberlin	205.64	0.8961	Park Lane Nursing Home	Scott City	217.18	0.9927
Villa St. Francis Catholic Care Center	Olathe	216.69	1.0724	Pleasant Valley Manor	Sedan	154.96	0.9161
Pinnacle Ridge Nursing and Rehabilitation	Olathe	187.40	1.0123	Diversicare of Sedgwick	Sedgwick	186.46	1.1292
Azria Health at Olathe	Olathe	229.86	1.1132	Crestview Nursing and Residential Living	Seneca	164.21	0.9726
Good Samaritan Society-Olathe	Olathe	212.96	0.9257	Life Care Center of Seneca	Seneca	156.98	1.0524
Evergreen Community of Johnson County	Olathe	232.64	0.9983	Wallace County Community Center	Sharon Springs	218.27	1.0449
Aberdeen Village, Inc.	Olathe	233.44	0.9746	Shawnee Gardens Healthcare and Rehab	Shawnee	184.47	1.2421
Nottingham Health and Rehab	Olathe	216.96	1.0382	Sharon Lane Health Services	Shawnee	186.55	0.9819
The Healthcare Resort of Olathe	Olathe	233.85	1.1498	Brookdale Rosehill	Shawnee	268.62	1.3984
Onaga Operator, LLC	Onaga	181.58	1.2337	Smith County Memorial Hospital LTCU	Smith Center	216.75	0.8725
Osage Nursing and Rehab Center	Osage City	187.33	1.0592	Smith Center Operator, LLC	Smith Center	165.23	1.0845
Life Care Center of Osawatomie	Osawatomie	202.60	1.1854	Mennonite Friendship Manor, Inc.	South Hutchinson	209.50	0.9561
Parkview Care Center	Osborne	160.65	0.9087	Spring Hill Care and Rehab Center, LLC	Spring Hill	212.70	1.0377
Hickory Pointe Care and Rehab Center	Oskaloosa	196.48	0.9669	Cheyenne County Village, Inc.	St. Francis	234.91	0.9981
Oswego Operator, LLC	Oswego	178.00	1.1809	Leisure Homestead at St. John	St. John	172.42	0.8280
Rock Creek of Ottawa	Ottawa	180.53	1.1358	Community Hospital of Onaga, LTCU	St. Mary's	207.06	0.9148
Brookside Manor	Overbrook	162.60	1.0304	Prairie Mission Retirement Village	St. Paul	161.73	1.0037
Garden Terrace at Overland Park	Overland Park	180.39	1.1660	Leisure Homestead at Stafford	Stafford	171.61	0.8999
Promise Skilled Nursing of Overland	Overland Park	251.98	1.6034	Sterling Presbyterian Manor	Sterling	209.39	0.7801
Serenity Rehab and Nursing Overland	Overland Park	228.30	1.1858	Solomon Valley Manor	Stockton	185.17	0.9438
Villa Saint Joseph	Overland Park	239.59	1.0309	Legend Healthcare	Tonganoxie	171.58	1.0681
Delmar Gardens of Overland Park	Overland Park	195.15	0.9600	Brewster Health Center	Topeka	226.56	0.8967
Overland Park Nursing and Rehab	Overland Park	228.25	1.1003	Topeka Presbyterian Manor Inc.	Topeka	224.90	0.9821
Indian Creek Healthcare Center	Overland Park	183.51	1.0897	Legacy on 10th Ave.	Topeka	182.69	1.2100
Village Shalom, Inc.	Overland Park	240.06	1.0961	McCrite Plaza Health Center	Topeka	210.04	0.9288
Tallgrass Creek, Inc.	Overland Park	263.01	1.2400	Rolling Hills Health Center	Topeka	199.52	1.0234
Shawnee Post Acute Rehab Center	Overland Park	242.95	1.1464	Manorcare Health Services of Topeka	Topeka	215.16	1.1105
Stratford Commons Rehab and HCC	Overland Park	240.39	1.0514	Tanglewood Nursing and Rehabilitation	Topeka	174.56	1.2359
Colonial Village	Overland Park	232.82	1.0416	Brighton Place West	Topeka	143.13	1.0204
ML-OP Oxford, LLC	Oxford	169.76	0.9225				

Facility Name	City	Daily Rate	Medicaid CMI
Countryside Health Center	Topeka	113.31	0.7585
Providence Living Center	Topeka	114.74	0.8403
Brighton Place North	Topeka	97.51	0.6835
Aldersgate Village	Topeka	231.95	1.0813
Plaza West Care Center, Inc.	Topeka	205.43	0.9947
Lexington Park Nursing and Post Acute	Topeka	216.60	0.8774
The Healthcare Resort of Topeka	Topeka	216.66	1.1982
Greeley County Hospital, LTCU	Tribune	214.33	0.9884
Western Prairie Senior Living	Ulysses	203.22	0.9134
Valley Health Care Center	Valley Falls	145.42	0.6100
Trego County Lemke Memorial LTCU	Wakeeney	213.09	0.8784
Wakefield Care and Rehab Center, LLC	Wakefield	208.43	1.0825
Good Samaritan Society-Valley Vista	Wamego	205.19	0.9513
The Centennial Homestead, Inc.	Washington	184.76	0.9827
Wathena Healthcare and Rehab Center	Wathena	200.61	1.3161
Coffey County Hospital	Waverly	205.41	1.0467
Wellington Care and Rehab Center, LLC	Wellington	191.16	1.0108
Sumner Operator, LLC	Wellington	167.80	1.0415
Wellsville Manor	Wellsville	151.69	1.0839
Westy Community Care Home	Westmoreland	156.24	0.8300
Wheat State Manor	Whitewater	186.39	0.9360
Medicalodges Wichita	Wichita	192.40	0.9536
Meridian Rehab and Health Care Center	Wichita	153.26	0.9827
Kansas Masonic Home	Wichita	211.78	1.0619
Homestead Health Center, Inc.	Wichita	222.93	0.9596
Woodlawn Care and Rehab, LLC	Wichita	176.04	0.9035
Wichita Presbyterian Manor	Wichita	214.25	0.9546
Sandpiper Healthcare and Rehab Center	Wichita	183.51	1.2714
Lakepoint Nursing and Rehabilitation	Wichita	172.95	0.9743
Manorcare Health Services of Wichita	Wichita	201.87	1.1555
Legacy at College Hill	Wichita	169.76	1.1107
Seville Operator, LLC	Wichita	188.83	1.1439
Wichita Care and Rehab Center, LLC	Wichita	211.52	1.0242
The Health Care Center at Larksfield Place	Wichita	210.20	0.8990
Life Care Center of Wichita	Wichita	209.51	1.1961
Family Health and Rehabilitation Center	Wichita	192.39	0.9680
Caritas Center	Wichita	213.48	0.8090
Regent Park Rehab and Healthcare	Wichita	236.14	1.1596
Avita Health and Rehab of Reeds Cove	Wichita	198.09	1.0198
Via Christi Village Ridge	Wichita	210.28	0.9868
Via Christi Village McLean, Inc.	Wichita	219.16	1.2844
Mount St Mary	Wichita	202.59	1.0416
Wilson Care and Rehab Center, LLC	Wilson	224.04	1.2237
F W Huston Medical Center	Winchester	155.02	0.9113
Winfield Senior Living Community	Winfield	207.45	1.0727
Cumbernauld Village, Inc.	Winfield	219.78	0.9140
Winfield Rest Haven II LLC	Winfield	219.61	1.0345
Kansas Veterans' Home	Winfield	201.50	0.9296
Yates Operator, LLC	Yates Center	174.58	1.2006

III. Justifications for the 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 which satisfies the requirements of K.S.A. 39-708c(x) and the DHCF regulations in K.A.R. Article 129-10 implementing that statute and applicable federal law.
3. The State's analyses project that the rates:
 - a. Would result in payment, in the aggregate of 95.04% of the Medicaid day weighted average

inflated allowable nursing facility costs statewide; and

- b. Would result in a maximum allowable rate of \$234.29 (for a CMI of 1.0314); with the total average allowable cost being \$192.09.
 - c. Average Payment rate July 1, 2019 \$192.09
 - d. Average payment rate July 1, 2018 \$190.24
- | | |
|-------------------|--------|
| Amount of change | \$1.85 |
| Percent of change | 0.97% |
4. Estimated annual aggregate expenditures in the Medicaid nursing facility services payment program will increase approximately \$4.41 million.
 5. The state estimates that the 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 323 nursing facilities and hospital-based long-term care units (representing 96.42% of all the licensed nursing facilities and long-term care units in Kansas) 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 100 of the 105 counties in Kansas;
 - c. The statewide average occupancy rate for nursing facilities participating in Medicaid is 81.23%;
 - d. The statewide average Medicaid occupancy rate for participating facilities is 57.05%; and
 - e. The rates would cover 95.23% of the estimated Medicaid direct 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 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 May 17, 2019 to:

Melissa Warfield
 Director of Fiscal and Program Evaluation
 Kansas Department for Aging and Disability Services
 New England Building
 503 South Kansas Avenue
 Topeka, KS 66603-3404
 Fax Number: 785-296-0256

(continued)

V. Notice of Intent to Amend the Medicaid State Plan

The state intends to submit Medicaid State Plan amendments to CMS on or before September 30, 2019.

Laura Howard, Secretary
Department for Aging and Disability Services

Chris Swartz, Deputy Medicaid Director
Department of Health and Environment
Division of Health Care Finance

Doc. No. 047091

State of Kansas**Department of Transportation****Request for Comments**

The Kansas Department of Transportation (KDOT) requests comments on the amendment of the Statewide Transportation Improvement Program (STIP) FY 19-22. The comprehensive list of project(s) being amended to the STIP may be viewed online at: <http://www.ksdot.org/bureaus/burProgProjMgmt/stip/stip.asp>. The project list includes projects for counties, cities, and projects on the state highway system.

The amendment of the STIP requires a public comment period of 14 days. To make comment on this STIP amendment, contact KDOT's Bureau of Program and Project Management, 2nd Floor Tower, 700 SW Harrison, Topeka, KS 66603-3754, phone 785-296-2252, fax 785-296-8168.

This information is available in alternative accessible formats. To obtain an alternative format, contact the KDOT Office of Public Affairs at 785-296-3585 (Voice/Hearing Impaired-711).

The comment period regarding the STIP amendment for these projects will conclude May 1st, 2019.

Julie Lorenz
Secretary

Doc. No. 047085

State of Kansas**Department for Children and Families****Request for Comments**

The Kansas Department for Children and Families (DCF) will accept public comments on the State Fiscal 2020 Social Services Block Grant. A copy of the plan, paper or electronic, may be obtained by contacting Patti Cazier by telephone at 785-291-3080, by email at Patricia.Cazier@ks.gov, or under the Quick Links, Newsroom section of the DCF website: <http://www.dcf.ks.gov/Newsroom>. Comments must be submitted in writing and received by DCF by May 21, 2019.

Laura Howard
Secretary

Doc. No. 047063

State of Kansas**Office of the Governor**

Executive Order No. 19-06
Governor's Reward for Information
Regarding the Murder of James McFarland

WHEREAS, the Cherokee County Sheriff's Office and the Kansas Bureau of Investigation are investigating the April 30, 2017 death of James McFarland; and

WHEREAS, the Cherokee County Sheriff is working with local, state, and federal resources to locate Diana Marie Bohlander in connection with the investigation; and

WHEREAS, I have been informed by the KBI that Diana Marie Bohlander is considered to be a dangerous fugitive; and

WHEREAS, the Cherokee County Sheriff and the KBI believe that a Governor's Reward would facilitate the information gathering process and improve the likelihood of apprehending Diana Marie Bohlander before she commits additional serious offenses;

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas by K.S.A 75-113, I do hereby offer a reward of Five Thousand Dollars (\$5,000.00) for information leading to the apprehension of Diana Marie Bohlander.

This document shall be filed with the Secretary of State as Executive Order No. 19-06 and shall become effective immediately.

Dated April 4, 2019.

Laura Kelly
Governor

Doc. No. 047090

(Published in the Kansas Register April 18, 2019.)

City of Valley Center, Kansas

Summary Notice of Bond Sale
\$3,980,000*
General Obligation Bonds, Series 2019-1

(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)

Bids

Subject to the Notice of Bond Sale dated April 2, 2019 (the "Notice"), facsimile and electronic bids will be received on behalf of the Clerk of the City of Valley Center, Kansas (the "Issuer") in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CST) May 7, 2019, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 100% of the principal amount of the Bonds and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated May 23, 2019, and will become due on December 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2020	\$ 85,000	2030	\$200,000
2021	155,000	2031	205,000
2022	160,000	2032	215,000
2023	165,000	2033	220,000
2024	170,000	2034	225,000
2025	175,000	2035	235,000
2026	180,000	2036	240,000
2027	185,000	2037	250,000
2028	190,000	2038	260,000
2029	195,000	2039	270,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on June 1, 2020.

Book-Entry-Only System

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

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a cashier’s or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$79,600.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about May 23, 2019, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2018 is \$59,715,305. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$25,810,000; such amount includes the Issuer’s temporary notes in the principal amount of \$3,400,000, also dated as of the Dated Date, which will be issued on the Closing Date.

Approval of Bonds

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

Additional Information

Additional information regarding the Bonds may be obtained from the undersigned or from the Financial Advisor at the addresses set forth below:

Issuer – Facsimile Bid and Good Faith Deposit Delivery Address

City of Valley Center
 Attn: Kristi Carrithers, Clerk
 City Hall
 121 S. Meridian
 PO Box 188
 Valley Center, KS 67147-0188
 316-755-7310
 Fax: 316-755-7319
 kcarrithers@valleycenterks.org

Financial Advisor

Piper Jaffray & Co.
 Attn: Mr. Dustin Avey
 11635 Rosewood St.
 Leawood, KS 66211
 913-345-3375
 Fax: 913-345-3393
 dustin.j.avey@pjc.com

Dated April 2, 2019.

Kristi Carrithers
 Clerk

* Subject to change, see the Notice
 Doc. No. 047102

(Published in the Kansas Register April 18, 2019.)

City of Osawatimie, Kansas

**Notice of Intent to Seek Private Placement
 \$1,200,000
 General Obligation Bonds
 Series 2019-A**

Notice is given that the City of Osawatimie, Kansas (the “Issuer”), proposes to seek a private placement of the above-referenced bonds. The maximum aggregate principal amount of the bonds shall not exceed \$1,200,000. The proposed sale of the bonds is in all respects subject to approval of a bond purchase agreement between the Issuer and the purchaser of the bonds and the passage of an ordinance and adoption of a resolution by the governing body of the Issuer authorizing the issuance of the bonds and the execution of various documents necessary to deliver the bonds.

Tammy Seamands
 City Clerk

Doc. No. 047099

State of Kansas

Attorney General

**Notice of Hearing on Proposed
 Administrative Regulations**

A public hearing will be conducted from 9:00 a.m. to 9:30 a.m. June 21, 2019, in the 4th Floor Conference Room of the Office of the Attorney General, Memorial Hall, 120 SW 10th Ave., Topeka, KS, to consider the adoption of proposed permanent rules and regulations, KAR 16-18-1, KAR 16-18-2, and KAR 16-18-3, of the Legal Opinions and Government Counsel division, Office of the Attorney General.

(continued)

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to the Legal Opinions and Government Counsel division, Office of the Kansas Attorney General, 120 SW 10th Ave., 2nd Floor, Topeka, KS 66612 or by email to Athena.Andaya@ag.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request an 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 to participate in the hearing should be made at least five working days in advance of the hearing by contacting Athena Andaya at 785-368-8401 (or TYY 1-800-766-3777). The public entrance to Memorial Hall is accessible. Handicapped parking is located in front of Memorial Hall.

Summaries of the proposed regulations and their economic impact follow. (Note: Statements indicating that a regulation is "not anticipated to have any economic impact" are intended to indicate that no economic impact on the Office of the Attorney General, other state agencies, state employees, or the general public has been identified.)

Copies of the proposed regulations and the Economic Impact Statement for the proposed regulations can be viewed at the following website: <http://www.ag.ks.gov/regulation-hearings>.

K.A.R. 16-18-1 provides definitions of terms used in the new Article 18 regulations. This regulation is not anticipated to have any economic impact on the Office of the Attorney General.

K.A.R. 16-18-2 establishes the Elder and Dependent Adult Abuse Prevention Council (Council) and provides for the selection of the members of the council by the attorney general. The Council replaces the Senior Consumer Protection Advisory Council and focuses the Council on its statutory duties. Further, the regulation requires the council to meet at least quarterly and to maintain minutes of its meetings.

K.A.R. 16-18-3 requires the council to advise and make recommendations to the ANE unit and the attorney general to assist the ANE unit with the statutory duty of the ANE unit pursuant to K.S.A. 2018 Supp. 75-723, and amendments thereto. The council would comply with the Kansas Open Meetings Act and the Kansas Open Records Act. Further, the council would have the authority to request legal counsel and any other staff for its support from the attorney general. Finally, the council would be required to submit an annual report to the attorney general on its work, recommendations and anticipated activities.

Derek Schmidt
Attorney General

Doc. No. 047097

State of Kansas

Wildlife, Parks and Tourism Commission

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Wildlife, Parks and Tourism Commission at 6:30 p.m., Thursday, June 13, 2019, at the Rolling Hills Zoo, 625 N. Hedville Rd., Salina, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A general discussion and workshop meeting on the business of the Wildlife, Parks and Tourism Commission will begin at 1:30 p.m., June 13, 2019 at the location listed above. The meeting will recess at approximately 5:00 p.m. and then resume at 6:30 p.m. at the same location for the regulatory hearing and more business. There will be public comment periods at the beginning of the afternoon and evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. June 14, 2019 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at 620-672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

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

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks and Tourism, 1020 S. Kansas Ave., Suite 200, Topeka, KS 66612 or to sheila.kemmis@ks.gov if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

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

K.A.R. 115-25-7. This exempt regulation establishes open season, bag limits, and permits for antelope. The proposed version of the regulation merely updates the season dates from previous versions.

Economic Impact Summary: The sale of antelope permits will generate approximately \$31,000 to the department and approximately \$895,000 to the general economy of the state. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

K.A.R. 115-25-9a. This exempt regulation establishes the open season, bag limits, permits, and additional considerations for the military subunits for deer. The proposed version of the regulation merely updates the season dates from previous versions.

Economic Impact Summary: The economic impact to all deer seasons is contained in K.A.R. 115-25-9. Otherwise, no substantial economic impact to the department, other state agencies, small businesses, or individual members of the public is anticipated.

Copies of the complete text of each regulation and its respective economic impact statement may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at ksoutdoors.com, or by calling (785) 296-2281.

Gerald Lauber
Chairman

Doc. No. 047098

State of Kansas

Department for Children and Families

Permanent Administrative Regulations

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-34. Public assistance program. The public assistance program shall include the following types of assistance:

- (a) Temporary assistance for needy families (TANF);
- (b) foster care assistance, which shall include the federal financial participation-foster care (FFP-FC) and non-federal financial participation foster care (non-FFP-FC) programs;
- (c) low income energy assistance program (LIEAP);
- (d) food assistance. The federal term for this program is supplemental nutrition assistance program (SNAP); and
- (e) child care assistance. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-6-10-91, July 1, 1991; amended Dec. 30, 1994; amended April 1, 1995; amended Aug. 1, 1995; amended March 1, 1997; amended May 3, 2019.)

30-4-35. Application process. (a) Who may file. Each individual seeking public assistance, or another person authorized to act on the applicant's behalf, shall submit an application for public assistance to the department.

(b) Applications. The applicant or person authorized to act on behalf of the applicant shall sign the application. If the applicant or the applicant's representative signs by mark, the names and addresses of two witnesses shall be required. A telephonic signature, by the applicant or the applicant's authorized representative, shall be an acceptable form of attestation by the applicant when applying for public assistance and shall not be denied legal effect based solely on its format. When a telephonic signature is accepted, measures shall be taken by the department to verify the identity of each applicant. These measures shall be designed to safeguard applicants against any

form of identity theft or invasion of privacy. Memoranda of understanding shall be required with any nonprofit organization that wants to assist applicants with applications for public assistance and accept telephonic signatures for those applications on behalf of the department.

(c) Interview. An interview shall be required at the time of application for food assistance and TANF assistance. An interview may be required at the time of initial application for child care assistance if information provided by the applicant is incomplete, unclear, or contradictory. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective May 1, 1981; amended May 1, 1984; amended May 1, 1988; amended July 1, 1989; amended July 1, 1997; amended May 3, 2019.)

30-4-36. Redetermination of eligibility. (a) Redetermination. Redetermination shall give each recipient an opportunity to bring to the attention of the department the recipient's current situation and to give the department an opportunity to review the eligibility factors in order to determine the recipient's continuing eligibility for assistance.

(b) Interview. An interview shall be required at the time of each redetermination for food assistance and cash assistance. An interview may be required at the time of each redetermination for child care assistance if any information provided by the applicant is incomplete, unclear, or contradictory.

(c) Frequency of redetermination. A recipient's eligibility for assistance shall be redetermined as specified in this subsection. Each TANF case shall be reviewed at least once each 12 months. Each TANF caretaker relative case shall be reviewed at least once each 24 months. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective May 1, 1981; amended May 1, 1983; amended May 1, 1986; amended May 1, 1988; amended May 3, 2019.)

30-4-40. Department responsibility to applicants and recipients. (a) On the request of any applicant or recipient, the applicant's or recipient's rights and responsibilities shall be explained by the department.

(b) Each applicant and recipient shall be informed of the following:

- (1) Periodic redeterminations. Periodic redeterminations of eligibility shall be made if the application is approved.
- (2) Fraud. Each fraudulent application for or receipt of assistance shall be investigated and referred for legal action.

(3) Release of confidential information. Unless otherwise prohibited by other local, state, or federal law, confidential information shall be released by the department if the release is directly related to any of these duties:

(A) The administration of the public assistance program;

(B) an investigation or criminal or civil proceeding being conducted in connection with the administration of the program;

(C) the reporting of a fugitive felon's address to local, state, and federal law enforcement officials. This report shall be made only if the law enforcement official furnishes the recipient's name and social security number

(continued)

and satisfactorily demonstrates that the individual is a fugitive felon, that the location or apprehension of the fugitive felon is within the law enforcement officer's official duties, and that the request is made in the proper exercise of those duties;

(D) the reporting of an applicant's or recipient's intention to commit a crime to the appropriate law enforcement officials; or

(E) release of confidential information concerning applicants and recipients as authorized by state or federal law. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c; effective May 1, 1981; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1987; amended March 1, 1997; amended Oct. 1, 1997; amended May 3, 2019.)

30-4-41. Assistance planning for TANF. (a) For the purposes of K.A.R. 30-4-50 through 30-4-98, the following terms and definitions shall apply:

(1) "Family group" means the applicant or recipient and all individuals living together in which there is a relationship of legal responsibility or a caretaker relationship. This term shall include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child.

(2) "Mandatory filing unit" means all persons in the family group whose needs or resources are required to be considered in determining eligibility and amount of payment as outlined in K.A.R. 30-4-70(e) for TANF purposes. If the department is unable to determine who is required to be a member of the mandatory filing unit as a result of an applicant's or recipient's failure to cooperate in providing necessary information or in complying with an eligibility requirement that is within the applicant's or recipient's control, those persons who would otherwise be required to be in the mandatory filing unit if the applicant or recipient had cooperated shall be ineligible for assistance.

(3) "Caretaker," for TANF assistance purposes, means any of the following persons:

(A) The parent or parents, including the parent or parents of an unborn child; or

(B) the person who is assigned the primary responsibility for the care and control of the child as one of the following representatives:

(i) A guardian, conservator, or a relative, as defined in K.A.R. 30-4-70(b); or

(ii) a legal custodian, when based on an approved social service plan.

Caretaker status shall be extended to the spouse of a non-parental caretaker and a cohabiting boyfriend or girlfriend living with the person legally responsible for the child.

(4) "Eligible caretaker" means a caretaker who is considered in the assistance plan with the child.

(5) "Legally responsible relative" means the person who has the legal responsibility to provide support for the person in the assistance plan.

(b) The assistance plan shall consist of those members of the mandatory filing unit and any other persons in the family group for whom assistance is requested and eligibility is determined. An individual excluded from the assistance plan shall not be eligible in a separate as-

sistance plan. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 2018 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended July 1, 1991; amended Jan. 2, 1992; amended March 1, 1997; amended May 3, 2019.)

30-4-50. Assistance eligibility. (a) General requirements. This regulation shall apply to the TANF and foster care programs except as noted in subsection (b) for TANF. K.A.R. 30-4-51 through 30-4-55 shall apply to all public assistance programs specified in K.A.R. 30-4-34.

(b) Time-limited assistance. A family group shall not be eligible for TANF if at least one of the following conditions is met:

(1) The family group contains at least one adult member who has received TANF, including similar assistance received in any other state, for 24 calendar months beginning on and after October 1, 1996, unless a hardship extension has been granted or certain months of TANF assistance were determined to be an exception and were not counted towards the time limit, allowing receipt of TANF until the 36-month limit is reached. A hardship extension shall be granted under any of the following conditions:

(A) The TANF recipient is a caretaker of a disabled family member living in the household. The nature and duration of the disability shall be verified by a medical professional.

(B) The TANF adult has a disability that precludes employment on a long-term basis or requires substantial rehabilitation. Verification shall be obtained from a medical professional.

(C) The TANF adult needs an extension of the time limit to overcome the effects of domestic violence or sexual assault.

(D) The family is involved with DCF prevention and protection services and has an open social service plan.

(E) A hardship is presented by the family, and a determination is made by a DCF executive review team that an additional 12 months of TANF would benefit the family.

(2) The family group contains at least one adult member who has received a Kansas diversion payment and has received TANF, including assistance similar to TANF in another state for 18 calendar months beginning on and after October 1, 1996, unless a hardship extension has been granted, allowing receipt of TANF until the 30-month limit is reached.

(3) The family group has received TANF for any 24 calendar months beginning on and after October 1, 1996, during which time one or more adult family members residing in the family group were ineligible due to the provisions of K.A.R. 30-4-54(b), K.A.R. 30-4-140(d), or subsections (c) and (d) of this regulation.

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

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

(e) TANF suspicion-based drug testing. Suspicion-based drug testing shall be mandatory for applicants and recipients if there appears to be unlawful use of a controlled substance or controlled substance analog. The definition and list of controlled substances shall be as specified in K.S.A. 39-709(1)(9)(B) and (C), and amendments thereto.

(1) TANF assistance shall not be provided to each individual who meets any of the following conditions:

- (A) Tests positive for illegal drug use;
- (B) fails to complete drug testing; or
- (C) refuses to undergo drug testing.

(2) The periods of ineligibility for each individual who tests positive for illegal drug use shall be as follows:

(A) For the first positive drug test, the individual shall be ineligible until the individual completes substance abuse treatment and the skills training course.

(B) For the second positive drug test, the individual shall be ineligible for one year or shall complete a substance abuse treatment program and the skills training course, whichever is later.

(C) For the third positive drug test, the individual shall be ineligible for that person's lifetime.

(3) The periods of ineligibility for each individual who fails or refuses to complete drug testing shall be as follows:

(A) For the first failure or refusal to complete drug testing, the individual shall be ineligible for six months from the date of failure or refusal. To regain eligibility for TANF, the individual shall undergo drug testing and, if necessary, complete substance abuse treatment and skills training.

(B) For the second failure or refusal to complete drug testing, the individual shall be ineligible for 12 months from the date of failure or refusal. To regain eligibility for TANF, the individual shall undergo drug testing and, if necessary, complete substance abuse treatment and the skills training course.

(C) For any subsequent failure or refusal, the individual shall be ineligible for that person's lifetime.

(4) For each positive test, failure, or refusal to test, a protective payee shall be named for the family group. Each protective payee shall be subject to suspicion-based drug testing. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, K.S.A. 2018 Supp. 39-709, K.S.A. 2018 Supp. 39-709e, and K.S.A. 2018 Supp. 39-719b; effective May 1, 1981; amended May 1, 1983; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-10-1-96, Oct. 1, 1996; amended Jan. 17, 1997; amended March 1, 1997; amended July 1, 1998; amended Oct. 1, 2000; amended July 1, 2004; amended May 3, 2019.)

30-4-51. Eligibility process. The determination of eligibility shall be based upon information provided by the applicant, the recipient, or collateral sources. If any information provided by the applicant or recipient is un-

clear, incomplete, conflicting, or questionable, a further review, including collateral sources, shall be required. A collateral source shall mean an individual or entity that has knowledge of, but is not part of, a household and provides written or verbal confirmation of the household's circumstances. Applicants and recipients shall be eligible for assistance only if all applicable eligibility requirements have been met. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, 39-709, and 39-719b; effective May 1, 1981; amended May 3, 2019.)

30-4-54. Citizenship, alienage, and residence. (a) Definition. For the purposes of this regulation, "resident" shall mean any person who is living in Kansas voluntarily, with no intention of presently moving from Kansas, and who is not living in Kansas for a temporary purpose.

(1) Each child living in Kansas shall be considered a resident.

(2) For TANF, each person who has entered Kansas with a job commitment or who is seeking employment in Kansas shall be considered a resident.

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

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

- (A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;
- (B) is granted asylum;
- (C) has deportation withheld;
- (D) is a lawful permanent resident;
- (E) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;
- (F) is paroled into the United States for at least one year;
- (G) is granted conditional entry; or

(H) is a person who does not meet any of the conditions listed in paragraphs (b)(1)(A)-(G) but who has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent and entered the U.S. on or before August 22, 1996. The person shall have a pending or approved violence against women act (VAWA) case or a family-based petition before United States citizenship and immigration services (USCIS). This provision shall include the person's children.

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

- (A) Is a refugee, including persons who are Cuban or Haitian entrants or admitted as Amerasian immigrants;
- (B) is granted asylum;
- (C) has deportation withheld;
- (D) is an honorably discharged veteran or currently on active duty in the armed forces or is the spouse or unmarried dependent child of such an alien;
- (E) is a lawful permanent resident who has resided in the United States at least five years as required by federal law;
- (F) is paroled into the United States for at least one year and has resided in the United States at least five years;
- (G) is granted conditional entry and has resided in the United States for at least five years; or

(continued)

(H) is a person who does not meet any of the conditions listed in paragraphs (b)(2)(A)-(G) but who has been battered or subjected to extreme cruelty by a U.S. citizen or lawful permanent resident spouse or parent and entered the U.S. on or before August 22, 1996. The person shall have a pending or approved violence against women act (VAWA) case or a family-based petition before USCIS. This provision shall include the person's children.

(c) Residence. Each applicant or recipient shall be a Kansas resident. Temporary absence from Kansas, with subsequent returns to Kansas or intent to return when the purposes of the absence have been accomplished, shall not be considered to interrupt continuity of residence. Residence shall be considered to be maintained until abandoned or established in another state. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, K.S.A. 2018 Supp. 39-709; effective May 1, 1981; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended, T-30-2-20-97, March 1, 1997; amended May 16, 1997; amended June 26, 1998; amended May 3, 2019.)

30-4-64. Work program requirements for TANF. Each applicant or recipient of TANF, unless exempted, shall be required to participate in one or more components of the work program. Any exempt applicant or recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which work program requirements are to be enforced shall be designated by the secretary. The administration of the work program shall be within the limits of appropriations.

(a) Exemptions. The following persons shall be exempt from the work requirements:

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

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

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

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

(B) both parents, a stepparent, a cohabiting partner, or a caretaker of the child is present and is not exempt, unsuitable, or incapable of providing child care; or

(C) a parent, a stepparent, a cohabiting partner, or a caretaker is determined to have a substance abuse disorder.

(b) Participation requirements. Each applicant or recipient shall participate in one or more components of a department-approved, work-related program directed toward the recipient's plan of self-reliance.

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

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

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

(3) education and training costs for each participant based on a department-approved plan, which may include tuition, books, and fees; and

(4) support service expenses to obtain goods and services needed to participate in an approved component.

(d) Transitional expenses. Payment for transitional expenses may be provided to each qualifying participant who loses eligibility for TANF if not otherwise disqualified. Transitional expenses may include any reasonable and necessary expenses for job retention.

(e) Penalty.

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

(A) The person fails without good cause to cooperate in the work assessment process or participate in the program.

(B) The person refuses without good cause a bona fide referral for or offer of employment.

(C) The person terminates employment without good cause.

(D) The person is terminated from employment by voluntarily making oneself unacceptable without good cause.

(E) The person reduces earnings without good cause.

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

(A) For the first penalty, three months and full cooperation with work program activities;

(B) for the second penalty, six months and full cooperation with work program activities;

(C) for the third penalty, one year and full cooperation with work program activities; and

(D) for the fourth and each subsequent penalty, 10 years.

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

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

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

(2) The individual was incapable of performing the activity as determined by the individual's case manager.

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

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

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

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

(7) A single custodial parent has demonstrated the inability to obtain needed child care for a child under the age of six, because of one or more of the following reasons:

(A) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;

(B) unavailability or unsuitability of informal child care. "Informal child care" shall mean care that is legally exempt from regulation; or

(C) unavailability of appropriate and affordable formal child care arrangements.

(8) The individual was a victim of domestic violence, and compliance with program requirements would increase the risk of harm for the individual or any children in the individual's care.

(9) There was no bona fide offer of employment or training.

(10) The payment offered for employment was less than the federal minimum wage. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 2018 Supp. 39-709; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996; amended March 1, 1997; amended July 1, 1998; amended April 1, 1999; amended Dec. 1, 1999; amended May 1, 2001; amended Jan. 1, 2007; amended May 3, 2019.)

30-4-90. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c and K.S.A. 2008 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993; amended July 1, 1994; amended Jan. 1, 1997; amended March 1, 1997; amended Oct. 1, 1997; amended July 1, 2002; amended, T-30-5-27-04, July 1, 2004; amended Aug. 6, 2004; amended July 1, 2006; amended July 1, 2009; revoked May 3, 2019.)

30-4-98. Funeral assistance. Assistance may be provided for funeral expenses upon the death of a recipient at the discretion of the secretary.

(a) Funeral expenses. Funeral expenses may include the cost of any of the following, based on available resources and the requirements in this regulation:

(1) The preparation of the body;

(2) a minimal casket or urn;

(3) the transportation of the body within Kansas; or

(4) a cremation.

(b) Application. Each request for funeral assistance shall be made within six months after either the date of death or the date on which the body is released by a county coroner, whichever is later.

(c) Treatment of resources.

(1) If a decedent, at the time of death, was not living with a child of the decedent who was under the age of 21, the spouse of the decedent, or an adult disabled child of the decedent, the total estate of the decedent shall be considered available. This provision shall not be applicable in situations in which there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.

(2) Eligibility for assistance shall be based on the assets owned by the family group at the time of the decedent's death, under either of the following circumstances:

(A) At the time of death, the decedent was living with a child of the decedent who was under the age of 21, the spouse of the decedent, or an adult disabled child of the decedent, or the decedent was a child under the age of 21 living with the parent of the decedent.

(B) There were living arrangements separate from one of the persons specified in paragraph (c)(2)(A) because of the need for institutional care.

(3) The total amount of proceeds on any life insurance policy on the decedent shall be considered available if the policy was owned by the decedent, the spouse of the decedent, or, if the decedent was a child under the age of 21, the parent of the decedent.

(4) Death benefits from SSA, VA, railroad retirement, KPERS, and any other burial funds shall be considered available.

(d) Resource limit. If the value of the resources considered available in accordance with subsection (c) does not exceed \$2,000, funeral assistance may be provided.

If the resource value exceeds \$2,000, the decedent shall be ineligible for funeral assistance. (Authorized by and implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 39-713d; effective Aug. 11, 2006; amended Jan. 1, 2008; amended May 3, 2019.)

30-4-100. Payment standards for the TANF and foster care programs. (a) The basic and shelter standards in K.A.R. 30-4-101 and 30-4-102, and the designated special requirements in K.A.R. 30-4-120, shall be used in determining the total benefit amount for the TANF and foster care programs. An applicant or recipient shall not be eligible to have a standard included in the computation of the applicant's or recipient's benefit amount if the department or another state's assistance program has issued the applicant or recipient a payment for the same maintenance items in the same calendar month.

(b) The benefit amount for the TANF and foster care programs shall be based upon the total number of persons in each assistance plan.

(continued)

(1) The basic standard and 100% of the shelter standard shall be used under each of the following circumstances:

(A) All persons in the home are in the same assistance plan.

(B) The only person in the home not in the plan is an SSI recipient to whom the one-third SSI reduction is applied because the person lives in the household and receives support and maintenance in kind.

(C) There is a bona fide commercial landlord-tenant relationship between the family group and the other persons in the home.

(D) All persons in the plan are in a commercial board and room or commercial room-only living arrangement or are residing in nonmedical living arrangements that are publicly funded or are funded by not-for-profit agencies or organizations, including temporary homeless shelters, alcohol or drug abuse treatment facilities, and shelters for battered persons.

(2) The basic standard, plus a percentage reduction of the shelter standard, shall be used when there are one or more persons residing in the home who are not included in the assistance plan, except as specified in paragraphs (b)(1) (B), (C), and (D). The percentage reduction shall be as follows:

(A) 60% reduction for one person in the plan;

(B) 50% reduction for two persons in the plan;

(C) 40% reduction for three persons in the plan;

(D) 35% reduction for four persons in the plan;

(E) 30% reduction for five persons in the plan; and

(F) 20% reduction for six or more persons in the plan.

(Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, K.S.A. 2018 Supp. 39-709; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended March 1, 1997; amended May 3, 2019.)

30-4-107. Property exemption. Any assistance family may own otherwise nonexempt real or personal property with an aggregate resource value that shall not exceed the amounts prescribed by the secretary of the United States department of health and human services pursuant to 7 U.S.C. 2014(c). Ownership of property with a resource value in excess of this amount shall render the assistance family group ineligible for assistance. However, if there is ineligibility due to excess real property, assistance shall be provided for a period of up to nine months if the applicant or recipient is making a bona fide and documented effort to dispose of the property. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-33, Dec. 19, 1984; amended May 1, 1985; amended Oct. 1, 1997; amended May 3, 2019.)

30-4-109. Personal property. (a) Definitions for TANF and food assistance programs.

(1) "Cash assets" shall mean money, investments, and cash surrender or loan values of life insurance policies,

trust funds, and similar items on which a determinate amount of money can be realized.

(2) "Personal property" shall mean personal effects, household equipment and furnishings, home produce, livestock, equipment, vehicles, inventory, contracts from the sale of property, and similar items on which a determinate amount of money can be realized. This term shall not include real property.

(b) Treatment of personal property. Personal property, unless exempted, shall be considered a resource.

(c) Exempted personal property. The resource value of the following classifications of personal property shall be exempt:

(1) Privately owned personal effects, including clothing and jewelry worn by or carried on an individual;

(2) household equipment and furnishings in use or only temporarily not in use;

(3) tools in use and necessary for the maintenance of house or garden;

(4) income-producing property, other than cash assets, that is essential for employment or self-employment or that is producing income consistent with its fair market value. Income-producing property may include tools, equipment, machinery and livestock;

(5) the stock and inventory of any self-employed person that are reasonable and necessary in the production of goods or services;

(6) items for home consumption, which shall consist of the following:

(A) Produce from a small garden consumed from day to day and any excess that can be canned or stored; and

(B) a small flock of fowl or livestock that is used to meet the food requirements of the family;

(7) one motor vehicle, regardless of the value of the vehicle. Each additional motor vehicle used by the applicant, the applicant's spouse, or the applicant's cohabiting partner used for the primary purpose of earning income shall also be exempt. Nonexempt vehicles shall be considered in the resource limit. Nonexempt vehicles shall include any equity in any boat, personal watercraft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126 and amendments thereto;

(8) cash assets that are traceable to income exempted as income and as a cash asset;

(9) proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended in the month received or in the following month;

(10) burial plots and funeral agreements that meet conditions established by the secretary of the United States department of health and human services and approved by the secretary of the department for children and families;

(11) any contract for the sale of property, if the proceeds from the contract are considered as income;

(12) escrow accounts established for families participating in the family self-sufficiency program through the department of housing and urban development. Interest earned on the accounts shall also be exempted as income;

(13) the cash value of any life insurance policy; and

(14) learning quest and other 529 educational savings plans. (Authorized by K.S.A. 2018 Supp. 39-708c; im-

plementing K.S.A. 2018 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended Oct. 1, 1992; amended March 1, 1997; amended Oct. 1, 1997; amended May 3, 2019.)

30-4-111. Income. (a) "Income" shall mean the amount of earned and unearned income that is subtracted from the benefit standard in determining the benefit amount for TANF.

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

(1) Ninety dollars for each employed person;
 (2) The earned income disregard of 60 percent of the remaining income, for the following persons in a TANF or foster care assistance plan:

(A) Each applicant who had received assistance in one of the four preceding months; and

(B) each recipient; and

(3) reasonable expenses for child care or expenses for the care of an incapacitated person. The dependent shall be included in the family group before the deduction is allowed.

(c) For self-employed persons, adjusted gross earned income shall equal gross earned income less costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. A standard deduction of 25 percent of gross earned income shall be allowed for these costs. If the person wishes to claim actual costs incurred, the following shall be used by the department in calculating the cost of the production of the income:

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

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

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

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

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

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

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

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

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

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

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

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

(f) All net unearned income of persons included in the assistance plan shall be income unless exempted. Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. The requirements in subsection (c) regarding the calculation of income-producing costs shall apply.

(g) Each household that is ineligible for TANF due to excess income, which shall include earnings, shall be eligible for the work incentive payment for five months from the date of ineligibility for TANF.

(h) Any household that has never received TANF or a diversion payment may be eligible for the diversion payment if all of the following conditions are met:

(1) No adults in the family are receiving SSI.

(2) At least one adult in the family has employment or a valid offer of employment.

(3) The family's TANF benefit for a one-year period is not less than the diversion payment divided by 12 months.

(4) The family has a documented crisis or emergency that jeopardizes existing employment, including established self-employment, or prevents the family from accepting a valid offer of employment. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c and 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended May 1, 1991; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended March 1, 1997; amended July 1, 1997; amended July 1, 1998; amended Jan. 1, 1999; amended May 3, 2019.)

30-4-113. Exempt income. The following types of income shall be exempt in the determination of the budgetary deficit:

(a) For TANF, earned income of a child who is under the age of 19 years if the child is a student in elementary or secondary school or is working towards attainment of a GED;

(b) for food assistance, earned income of a child who is under the age of 18 years if the child is a student in

(continued)

elementary or secondary school or is working towards attainment of a GED;

(c) lump sum income;

(d) irregular, occasional, or unpredictable monetary gifts that do not exceed \$50.00 per month per family group;

(e) income-in-kind;

(f) shelter cost participation payments. In shared living arrangements in which two families contribute toward the shelter obligations, any cash paid toward the shared shelter obligation by one family to the second family in the shared arrangement shall not be considered as income to the second family. This exemption shall not be applicable in a bona fide, commercial landlord-tenant arrangement;

(g) tax refunds and rebates, except for earned income tax credits in accordance with K.A.R. 30-4-112;

(h) incentive payments received by renal dialysis patients;

(i) home energy assistance furnished on the basis of need by a federally regulated or state-regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, nonprofit organization, by a supplier of home heating oil or gas, or by a municipal utility company that provides home energy;

(j) income received from the job training partnership act of 1982. However, earnings received by individuals who are participating in on-the-job training programs shall be countable unless the individual is a child;

(k) housing assistance from federal housing programs;

(l) assistance payments in the month received;

(m) support payments received following the effective date of the assignment of support rights to the department. However, a support refund disbursed by the department to the recipient or reported current support that, if prospectively treated as nonexempt income, would result in ineligibility, shall not be exempt income;

(n) up to \$2,000.00 per year of income received by an individual Indian that is derived from leases or other uses of an individually owned trust or restricted lands;

(o) veterans administration (VA) payments resulting from unusual medical expenses, which shall mean expenditures exceeding five percent of the veteran's reported annual income;

(p) interest income that does not exceed \$50.00 per month per family group; and

(q) the amount of any child support pass-through payment. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c and 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended May 1, 1991; amended July 1, 1991; amended Sept. 30, 1994; amended Dec. 30, 1994; amended March 1, 1997; amended July 1, 1997; amended Oct. 1, 1997; amended May 3, 2019.)

30-4-120. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing

K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended Aug. 1, 1995; amended Jan. 1, 1997; amended March 1, 1997; revoked May 3, 2019.)

30-4-130. Types of payments and payees. Public assistance payments shall be issued in accordance with this regulation.

(a) Money payment.

(1) Payments shall be available through the state electronic benefit transfer system or, in certain circumstances, by check or written order immediately redeemable at face value. Payments shall be made with no restriction on the use of the funds, except TANF payments.

(2) All payments shall be money payments, except for the following types of payments:

(A) Payments pursuant to the foster care programs; and

(B) work program support costs and transitional expenses in accordance with K.A.R. 30-4-64 (c) and (d).

(b) Who may receive money payments. The following persons may receive money payments:

(1) A caretaker;

(2) a recipient;

(3) a personal representative;

(4) a substitute payee;

(5) a protective payee; or

(6) an emancipated minor who meets the requirements in K.A.R. 30-4-52.

(c) Protective payments in the TANF program.

(1) If any caretaker repeatedly mismanages the money payment to the detriment of any child for whom assistance is claimed and if an approved service plan is on file, a protective payment, in lieu of a money payment to the caretaker, shall be issued to a protective payee.

(2) If a caretaker has refused to undergo drug testing or has tested positive for illegal use of a controlled substance, a protective payee shall be named to administer the caretaker's cash benefit for each remaining household member.

(d) Substitute payee.

(1) Appointment and dismissal. Each substitute payee shall be appointed as assisted by the department. The substitute payee may be terminated by the department if the payee's services are no longer needed or if the payee is not giving satisfactory service.

(2)(A) Who may be substitute payee. An individual selected to be a substitute payee may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as substitute payees:

(i) Any staff member of the department, unless there is a direct familial relationship;

(ii) the landlord, grocers, or vendors of goods or services dealing directly with the client; or

(iii) another adult residing in the household.

(e) Protective payee.

(1) A protective payee may be selected by the household. If the household does not name a suitable protective payee, the protective payee may be selected by the department.

(2)(A) Who may be a protective payee. An individual selected to be a protective payee may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as protective payees:

(i) Any staff from the department, unless there is a direct familial relationship;

(ii) the landlord, grocers, or vendors of goods or services dealing directly with the client; and

(iii) another adult residing in the household.

(B) Exception. Payments may be made to a foster parent on behalf of a minor living in a foster care home with the minor's child in order to provide TANF for the child. The foster care home shall be licensed or approved as meeting licensing standards. This provision shall not be used in any other kind of public assistance case and may continue until the minor is released from custody of the department or becomes emancipated.

(3) Criteria for selection. Each protective payee shall demonstrate the following characteristics:

(A) An interest in and concern for the welfare of the family;

(B) the ability to help the family with ordinary budgeting, experience in purchasing food, clothing, and household equipment within a limited income, and knowledge of effective household practices;

(C) the ability to establish and maintain a positive relationship;

(D) the ability to maintain close contacts with the caretaker and child by virtue of living near the caretaker or having transportation available; and

(E) responsibility and dependability.

(4) Payee-recipient relationship. Any payee may make decisions about the expenditure of the assistance payment. The payee may expend the payment in any of the following ways:

(A) Spend the money for the family;

(B) supervise the recipient's use of the money; or

(C) give a portion of the money to the recipient to spend for certain expenses and pay for other expenses of the recipient.

(5) Payee-department relationship. Each payee shall ensure that the money is spent for the children's benefit. The payee's responsibility to the department shall be specified in writing with one copy for the payee and one for the department.

(A) This written agreement shall cover the following areas:

(i) The plans for accounting;

(ii) use of the assistance funds; and

(iii) reporting on the general progress made.

(B) The agreement shall be supplemented by the following:

(i) Discussions of the payee's responsibility;

(ii) a statement of the purpose of the plan;

(iii) a description of the nature and frequency of reports;

(iv) a statement of the rights of the recipient; and

(v) a statement of the confidential nature of the relationship.

(6) Periodic review of cases. Each money payment mismanagement case shall be reviewed at least every six months to determine which of the following actions will be taken:

(A) Restore the recipient to regular money payment status;

(B) continue the recipient on protective payment status; or

(C) develop another plan for the care of the child or children if necessary, including any of the following options:

(i) Placement with another relative;

(ii) seeking appointment of a guardian; or

(iii) placement in a foster home.

(7) Discontinuance of protective payments. Protective payments shall be discontinued when the caretaker has demonstrated an ability to manage the money payment or after a period of two years has lapsed, whichever comes first. Payment may continue for any additional time reasonably necessary to complete a substitute plan for the care of the child.

(8) Discontinuance of protective payments. Protective payments shall be discontinued under either of the following conditions:

(A) The individual who failed to complete a drug test completes that person's period of ineligibility, submits to a drug test, and has a negative result for illegal controlled substances.

(B) The individual who tested positive for an illegal controlled substance successfully completes the requirements to regain eligibility for cash assistance.

(f) Special personal representative. A petition for the appointment of a personal representative shall be filed by the department pursuant to K.S.A. 59-2801, and amendments thereto, only if the need for an appointment is clearly established and the department has counseled the applicant or recipient concerning the money management problems. Confidential reports shall be filed by the department with the appropriate court as requested.

(1) Appointment of personal representative. A person who meets the following requirements shall be recommended to the court as a personal representative by the department:

(A) The person shall not be an employee of the department.

(B) The person shall not benefit directly from the assistance payment.

(C) The person shall meet the criteria in paragraph (d) (2)(A).

(2) Dismissal of personal representative. A recommendation to the court to dismiss a personal representative shall be made by the department if the client demonstrates that the client no longer requires a personal representative, or if the personal representative is failing to execute the responsibilities specified in this regulation, in which instance a substitute personal representative shall be recommended by the department.

(continued)

(3) Responsibility of personal representative. Each personal representative shall be responsible to the court, the department, and the recipient. Each personal representative shall make an annual accounting to both the court and the department. A more frequent accounting may be required by the department or the court in the form and at the times prescribed by the department or the court. Each personal representative shall maintain a confidential relationship with the applicant or recipient and shall consult with the applicant or recipient concerning the applicant's or recipient's requirements, resources, and the use of the money payment.

(4) Periodic review. The necessity of continuing the appointment of a personal representative shall be reviewed semiannually. Consideration shall be given to whether or not the recipient's ability to manage personal affairs has improved or if other changes in the recipient's circumstances or living arrangements make it possible for the recipient to manage without the help of a personal representative. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c and K.S.A. 2018 Supp. 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-6-10-91, July 1, 1991; amended Oct. 1, 1993; amended July 1, 1996; amended March 1, 1997; amended May 3, 2019.)

30-4-140. Payments; penalties; enforcement. (a) Assistance payments shall equal the budgetary deficit, which shall be rounded down to the nearest dollar, except as follows:

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

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

(b) Overpayments shall be corrected by the end of the calendar quarter following the calendar quarter in which the overpayment was first identified. Recovery procedures shall not be initiated by the department, pending the disposition of a welfare fraud referral. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. The assistance payment shall be reduced for recoupment as follows:

(1) For fraud claims, by the greater of 20 percent of the household's monthly benefit or \$10.00 per month; and

(2) for non-fraud claims, by the greater of 10 percent of the household's monthly benefit or \$10.00 per month.

(c) Disqualification penalties. Each individual who is found to have committed fraud in the temporary assistance for needy families (TANF) program, either through an administrative disqualification hearing or by a court of appropriate jurisdiction, or who has signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in any case referred for prosecution, shall be ineligible for assistance, along with all adult household members. For the TANF program, each child shall also be ineligible if

living in a household with a disqualified adult until the child moves into another qualified household, becomes an adult, or is able to act on that individual's own behalf. A protective payee shall be named pursuant to K.S.A. 39-709(b)(12)(A), and amendments thereto. (Authorized by K.S.A. 2018 Supp. 39-708c; implementing K.S.A. 2018 Supp. 39-708c, 39-719b; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended May 1, 1992; amended March 1, 1997; amended July 1, 1998; amended May 3, 2019.)

Laura Howard
Secretary

Doc. No. 047093

State of Kansas

Secretary of State

Certification of New State Laws

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

Scott Schwab
Secretary of State

(Published in the Kansas Register April 18, 2019.)

House Bill No. 2104

AN ACT concerning driving under the influence; relating to testing; notice; preliminary screening; amending K.S.A. 2018 Supp. 8-1001, 8-1012, 8-2118 and 75-712h and repealing the existing sections; also repealing K.S.A. 2018 Supp. 8-1025.

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

Section 1. On and after July 1, 2019, K.S.A. 2018 Supp. 8-1001 is hereby amended to read as follows: 8-1001. (a) Any person who operates or attempts to operate a vehicle within this state may be requested, subject to the provisions of this article, to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing shall include all quantitative and qualitative tests for alcohol and drugs. The test must be administered at the direction of a law enforcement officer, and the law enforcement officer shall determine which type of test is to be conducted or requested.

(b) (1) One or more tests may be required of a person when, at the time of the request, a law enforcement officer has probable cause to believe the person has committed a violation of K.S.A. 8-1567(a), and amendments thereto, or to believe the person was driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, or to believe the person is under the age of 21 years and was operating or attempting to operate a vehicle while having alcohol or other drugs in such person's system; and one of the following conditions exists: (A) The person has been arrested or otherwise taken into custody for any violation of any state statute, county resolution or city ordinance; or (B) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury or death.

(2) The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the investigation or arrest.

(c) When requesting a test or tests of breath or other bodily substance other than blood or urine, under this section, the person shall be given oral and written notice that:

(1) There is no right to consult with an attorney regarding whether to submit to testing, but, after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing;

(2) if the person refuses to submit to and complete the test or tests, ~~or the person's driving privileges will be suspended for a period of one year;~~

(3) if the person fails a test, the person's driving privileges will be suspended for a period of ~~at least either 30 days and up to~~ or one year;

~~(3)(4)~~ refusal to submit to testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

~~(4)(5)~~ the results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(d) When requesting a test or tests of blood or urine, under this section, the person shall be given oral and written notice that:

(1) If the person refuses to submit to and complete the test or tests, ~~or the person's driving privileges will be suspended for a period of one year;~~

(2) if the person fails a test, the person's driving privileges will be suspended for a period of ~~at least either 30 days and up to~~ or one year;

~~(2)(3)~~ the results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

~~(3)(4)~~ after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing.

(e) Nothing in this section shall be construed to limit the right of a law enforcement officer to conduct any search of a person's breath or other bodily substance, other than blood or urine, incident to a lawful arrest pursuant to the constitution of the United States, with or without providing the person the advisories authorized in subsection (c), nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(f) Nothing in this section shall be construed to limit the right of a law enforcement officer to conduct or obtain a blood or urine test of a person pursuant to a warrant under K.S.A. 22-2502, and amendments thereto, the constitution of the United States or a judicially recognized exception to the search warrant requirement, with or without providing the person the advisories authorized in subsection (d), nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(g) A law enforcement officer may direct a medical professional, as described in subsection (h), to draw one or more samples of blood from a person to determine the blood's alcohol or drug concentration:

(1) If the person has given consent, with or without the advisories in subsection (d), and meets the requirements of subsection (b);

(2) if law enforcement has obtained a search warrant authorizing the collection of blood from the person; or

(3) if the person refuses or is unable to consent to submit to and complete a test, and another judicially recognized exception to the warrant requirement applies.

(h) If a law enforcement officer is authorized to collect one or more tests of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by: (1) A person licensed to practice medicine and surgery, licensed as a physician assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; (3) any qualified medical technician, including, but not limited to, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or (4) a phlebotomist.

(i) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample of blood as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing

the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person that is the subject of the test or tests to provide any additional consent or sign any waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document, if provided by law enforcement.

(j) If a person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

(k) If a law enforcement officer is authorized to collect one or more tests of urine, the collection of the urine sample shall be supervised by: (1) A person licensed to practice medicine and surgery, licensed as a physician assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; or (3) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (g) and (i) shall apply to the collection of a urine sample.

(l) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.

(m) If a law enforcement officer has probable cause to believe that the person has been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, the person shall also be provided the oral and written notice pursuant to K.S.A. 8-2,145, and amendments thereto. Any failure to give the notices required by K.S.A. 8-2,145, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section. If a law enforcement officer has probable cause to believe that the person has been operating or attempting to operate a vehicle while having alcohol or other drugs in such person's system and such person was under 21 years of age, the person also shall be given the notices required by K.S.A. 8-1567a, and amendments thereto. Any failure to give the notices required by K.S.A. 8-1567a, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section.

(n) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(o) If a law enforcement officer had probable cause to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of 0.04 or greater, the person shall be disqualified from driving a commercial motor vehicle, pursuant to K.S.A. 8-2,142, and amendments thereto. If a law enforcement officer had probable cause to believe the person had been driving any motor vehicle, the person fails a test, as defined in K.S.A. 8-1013(h), and amendments thereto, or the person refuses a test, the person's driving privileges shall be subject to suspension, or suspension and restriction, pursuant to this section, in addition to being disqualified from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

(p) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.

(q) It shall not be a defense that the person did not understand the written or oral notice authorized by this section.

(continued)

(r) No test results shall be suppressed because of irregularities not affecting the substantial rights of the accused in the consent or notice authorized pursuant to this act. Failure to provide any or all of the notices set forth in subsection (c) or (d) shall not be an issue or defense in any action other than an administrative action regarding the subject's driving privileges.

(s) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant or other judicially recognized exception to the warrant requirement.

(t) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person when available.

(u) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.

Sec. 2. K.S.A. 2018 Supp. 8-1012 is hereby amended to read as follows: 8-1012. (a) ~~Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva, or both, subject to the provisions set out in subsection (b):~~

~~(b)—A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath or saliva or oral fluid, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.~~

~~(c)—At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.~~

~~(d)—Refusal to take and complete the test as requested is a traffic infraction:~~

~~(b) If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.~~

~~(e)(c) Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto.~~

Sec. 3. K.S.A. 2018 Supp. 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 in any manner accepted by the court. The traffic citation shall not have been complied with if the payment 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 de-

scription of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$105
Unsafe speed for prevailing conditions	8-1557	\$75
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, \$45 11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian	8-1533	\$75

suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk			Driving over fire hose	8-1582	\$45
Improper pedestrian crossing	8-1534	\$45	Putting glass, etc., on highway	8-1583	\$105
Failure to exercise due care in regard to pedestrian	8-1535	\$45	Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45	Improper operation of snowmobile on highway	8-1585	\$45
Improper use of roadway by pedestrian	8-1537	\$45	Parental responsibility of child riding bicycle	8-1586	\$45
Soliciting ride or business on roadway	8-1538	\$45	Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Driving through safety zone	8-1539	\$45	Clinging to other vehicle	8-1589	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45	Improper riding of bicycle on roadway	8-1590	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45	Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Failure to yield to blind pedestrian	8-1542	\$45	Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45	Improper operation of motorcycle; seats; passengers, bundles	8-1594	\$45
Improper turn or approach	8-1545	\$75	Improper operation of motor cycle on laned roadway	8-1595	\$75
Improper "U" turn	8-1546	\$75	Motorcycle clinging to other vehicle	8-1596	\$45
Unsafe starting of stopped vehicle	8-1547	\$45	Improper motorcycle handlebars or passenger equipment	8-1597	\$75
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75	Motorcycle helmet and eye-protection requirements	8-1598	\$45
Improper method of giving notice of intention to turn	8-1549	\$45	Unlawful operation of all-terrain vehicle	8-15,100	\$75
Improper hand signal	8-1550	\$45	Unlawful operation of low-speed vehicle	8-15,101	\$75
Failure to stop or obey road crossing signal	8-1551	\$195	Littering	8-15,102	\$115
Failure to stop at railroad crossing stop sign	8-1552	\$135	Disobeying school crossing guard	8-15,103	\$75
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195	Unlawful operation of micro utility truck	8-15,106	\$75
Improper moving of heavy equipment at railroad crossing	8-1554	\$75	Failure to remove vehicles in accidents	8-15,107	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75	Unlawful operation of golf cart	8-15,108	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315	Unlawful operation of work-site utility vehicle	8-15,109	\$75
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195	Unlawful display of license plate	8-15,110	\$60
Impeding normal traffic by slow speed	8-1561	\$45	Unlawful text messaging	8-15,111	\$60
Speeding on motor-driven cycle	8-1562	\$75	Unlawful passing of a waste collection vehicle	8-15,112	\$45
Speeding in certain vehicles or on posted bridge	8-1563	\$45	Equipment offenses that are not misdemeanors	8-1701	\$75
Improper stopping, standing or parking on roadway	8-1569	\$45	Driving without lights when needed	8-1703	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45	Defective headlamps	8-1705	\$45
Improper parking	8-1572	\$45	Defective tail lamps	8-1706	\$45
Unattended vehicle	8-1573	\$45	Defective reflector	8-1707	\$45
Improper backing	8-1574	\$45	Improper stop lamp or turn signal	8-1708	\$45
Driving on sidewalk	8-1575	\$45	Improper lighting equipment on certain vehicles	8-1710	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45	Improper lamp color on certain vehicles	8-1711	\$45
Unsafe opening of vehicle door	8-1577	\$45	Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Riding in house trailer	8-1578	\$45	Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
Unlawful riding on vehicle	8-1578a	\$75	No lamp or flag on projecting load	8-1715	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45	Improper lamps on parked vehicle	8-1716	\$45
Coasting	8-1580	\$45			
Following fire apparatus too closely	8-1581	\$75			

(continued)

Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45	Defective horn, muffler, mirrors or tires	8-1810	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45	Unlawful statehouse parking	75-4510a	\$30
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45	Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000\$40 1001 to 20003¢ per pound 2001 to 50005¢ per pound 5001 to 75007¢ per pound 7501 and over10¢ per pound
Improper lamps or lights on emergency vehicle	8-1720	\$45	Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000\$40 1001 to 20003¢ per pound 2001 to 50005¢ per pound 5001 to 75007¢ per pound 7501 and over10¢ per pound
Improper stop or turn signal	8-1721	\$45	Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Improper vehicular hazard warning lamp	8-1722	\$45	Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Unauthorized additional lighting equipment	8-1723	\$45	Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
Improper multiple-beam lights	8-1724	\$45	No authority as private or common carrier	66-1,111	\$137
Failure to dim headlights	8-1725	\$75	Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115
Improper single-beam headlights	8-1726	\$45			
Improper speed with alternate lighting	8-1727	\$45			
Improper number of driving lamps	8-1728	\$45			
Unauthorized lights and signals	8-1729	\$45			
Improper school bus lighting equipment and warning devices	8-1730	\$45			
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45			
Improper lights on highway construction or maintenance vehicles	8-1731	\$45			
Defective brakes	8-1734	\$45			
Defective or improper use of horn or warning device	8-1738	\$45			
Defective muffler	8-1739	\$45			
Defective mirror	8-1740	\$45			
Defective wipers; obstructed windshield or windows	8-1741	\$45			
Improper tires	8-1742	\$45			
Improper flares or warning devices	8-1744	\$45			
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45			
Improper air-conditioning equipment	8-1747	\$45			
Improper safety belt or shoulder harness	8-1749	\$45			
Improper wide-based single tires	8-1742b	\$75			
Improper compression release engine braking system	8-1761	\$75			
Defective motorcycle headlamp	8-1801	\$45			
Defective motorcycle tail lamp	8-1802	\$45			
Defective motorcycle reflector	8-1803	\$45			
Defective motorcycle stop lamps and turn signals	8-1804	\$45			
Defective multiple-beam lighting	8-1805	\$45			
Improper road-lighting equipment on motor-driven cycles	8-1806	\$45			
Defective motorcycle or motor-driven cycle brakes	8-1807	\$45			
Improper performance ability of brakes	8-1808	\$45			
Operating motorcycle with disapproved braking system	8-1809	\$45			

(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).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and

amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.

Sec. 4. K.S.A. 2018 Supp. 75-712h is hereby amended to read as follows: 75-712h. The director of the Kansas bureau of investigation is authorized to adopt rules and regulations establishing: (a) Criteria for preliminary screening devices for testing of ~~saliva oral fluid~~ for law enforcement purposes, based on health and performance considerations; and (b) a list of preliminary screening devices ~~which that~~ are approved for testing of ~~saliva oral fluid~~ for law enforcement purposes and ~~which that~~ law enforcement agencies may purchase and train officers to use as aids in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto.

Sec. 5. K.S.A. 2018 Supp. 8-1012, 8-1025, 8-2118 and 75-712h are hereby repealed.

Sec. 6. On and after July 1, 2019, K.S.A. 2018 Supp. 8-1001 is hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

(Published in the Kansas Register April 18, 2019.)

House Bill No. 2178

AN ACT concerning utilities; relating to the Kansas underground utility damage prevention act; definitions; location of facilities and duty to mark, exceptions; amending K.S.A. 66-1802, 66-1805 and 66-1806 and repealing the existing sections.

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

Section 1. K.S.A. 66-1802 is hereby amended to read as follows: 66-1802. As used in this act:

(a) "Damage" means any impact or contact with an underground facility, its appurtenances or its protective coating, or any weakening of the support for the facility or protective housing which requires repair.

(b) "Electric public utility" means the same as such term is defined in K.S.A. 66-101a, and amendments thereto.

(c) "Emergency" means any condition constituting a clear and present danger to life, health or property, or a customer service outage.

(~~e~~)d) "Excavation" means any operation in which earth, rock or other material below the surface is moved or otherwise displaced by any means, except tilling the soil for normal agricultural purposes, or railroad or road and ditch maintenance that does not change the existing railroad grade, road grade and/or ditch flowline, or operations related to exploration and production of crude oil or natural gas, or both.

(~~d~~)e) "Excavator" means any person who engages directly in excavation activities within the state of Kansas, but shall not include any occupant of a dwelling who: (1) Uses such dwelling as a primary residence; and (2) excavates on the premises of such dwelling.

(~~e~~)f) "Facility" means any sanitary sewer or underground line, system or structure used for transporting, gathering, storing, conveying, transmitting or distributing potable water, gas, electricity, communication, crude oil, refined or processed petroleum, petroleum products or hazardous liquids; facility shall not include, any stormwater sewers or production petroleum lead lines, salt water disposal lines or injection lines, which are not located on platted land or inside the corporate limits of any city.

(~~f~~)g) "Locatable facility" means facilities for which the tolerance zone can be determined by the operator using generally accepted practices such as as-built construction drawings, system maps, probes, locator devices or any other type of proven technology for locating.

(~~g~~)h) "Marking" means the use of stakes, paint, flags or other clearly identifiable materials to show the field location of underground facilities, in accordance with the rules and regulations promulgated by the state corporation commission in the administration and enforcement of this act.

(~~h~~)i) "Municipality" means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides firefighting, law enforcement, ambulance, emergency medical or other emergency services.

(~~i~~)j) "Notification center" means the statewide communication system operated by an organization which has as one of its purposes to receive and record notification of planned excavation in the state from excavators and to disseminate such notification of planned excavation to operators who are members and participants.

(~~j~~)k) "Operator" means any person who owns or ~~operates~~ leases an underground tier 1 or tier 2 facility, except for any person who is the owner of real property wherein is located underground facilities for the purpose of furnishing services or materials only to such person or occupants of such property.

An electric public utility shall not be considered an operator of any portion of an underground facility that is on another person's side of the point where ownership of the facility changes from the electric public utility to another person as determined by the electric public utility's rules and regulation, tariffs, service or membership agreement or other similar documents.

(~~k~~)l) "Preengineered project" means a public project or a project which is approved by a public agency wherein the public agency responsible for the project, as part of its engineering and contract procedures, holds a meeting prior to the commencement of any construction work on such project in which all persons, determined by the public agency to have underground facilities located within the construction area of the project, are invited to attend and given an opportunity to verify or inform the public agency of the location of their underground facilities, if any, within the construction area and where the location of all known and underground facilities are duly located or noted on the engineering drawing as specifications for the project.

(~~l~~)m) "Permitted project" means a project where a permit for the work to be performed must be issued by a city, county, state or federal agency and, as a prerequisite to receiving such permit, the applicant must locate all underground facilities in the area of the work and in the vicinity of the excavation and notify each owner of such underground facilities.

(~~m~~)n) "Person" means any individual, partnership, corporation, association, franchise holder, state, city, county or any governmental subdivision or instrumentality of a state and its employees, agents or legal representatives.

(~~n~~)o) "Production petroleum lead line" means an underground facility used for production, gathering or processing on the lease or unit, or for delivery of hydrocarbon gas and/or liquids to an associated tank battery, separator or sales facility. Production petroleum lead lines shall include underground lines associated with lease fuel and saltwater disposal and injection.

(~~o~~)p) "Platted land" means a tract or parcel of land which has been subdivided into lots of less than five acres for the purpose of building developments, including housing developments, and for which a surveyor's plat has been filed of record in the office of the register of deeds in the county where the land is located.

(~~p~~)q) "Tier 1 facility" means an underground facility used for transporting, gathering, storing, conveying, transmitting or distributing gas, electricity, communications, crude oil, refined or reprocessed petroleum, petroleum products or hazardous liquids.

(~~q~~)r) "Tier 2 facility" means an underground facility used for transporting, gathering, storing, conveying, transmitting or distributing potable water or sanitary sewage.

(~~r~~)s) "Tier 3 facility" means a water or wastewater system utility which serves more than 20,000 customers who elects to be a tier 3 member of the notification center pursuant to this subsection. The operator of a tier 3 facility shall:

- (1) Develop and operate a locate service website capable of receiving locate requests;
- (2) publish and maintain a dedicated telephone number for locate services;
- (3) maintain 24-hour response capability for emergency locates; and
- (4) employ not less than two individuals whose primary job function shall be the location of underground utilities. Operators of tier 3 facilities shall make either such website or contact information available to the notification center. The notification center shall collect and charge a fee of \$500 a year for each tier 3 facility. No other fee, charge or cost shall be assessed to a tier 3 facility by the notification center. Tier 3 members shall be subject to all provisions of K.S.A. ~~66-1805 through 66-1810~~ 66-1801 et seq., and amendments thereto.

(continued)

(s)(t) "Tolerance zone" means the area not less than 24 inches of the outside dimensions in all horizontal directions of an underground facility, except that a larger tolerance zone for a tier 1, 2 or 3 facility may be established by rules and regulations adopted under K.S.A. 66-1815, and amendments thereto. An operator of a water or wastewater facility may elect to use a tolerance zone for such water or wastewater facility in which tolerance zone means the area not less than 60 inches of the outside dimensions in all horizontal directions of an underground water or wastewater facility upon notification of the excavator, except that a larger tolerance zone may be established by rules and regulations adopted under K.S.A. 66-1815, and amendments thereto.

(t)(u) "Update" means an additional request from the excavator to extend the time period of the request for intent to excavate beyond the 15 calendar day duration of the request.

(u)(v) "Whitelining" means the act of marking by the excavator the route or boundary of the proposed excavation site with white paint, white stakes or white flags.

(v)(w) "Working day" means every day Monday through Friday beginning at 12:01 a.m., except for the following officially recognized holidays: New Year's day, Memorial day, Independence day, Labor day, Thanksgiving day, the day after Thanksgiving and Christmas.

Sec. 2. K.S.A. 66-1805 is hereby amended to read as follows: 66-1805. (a) This act recognizes the establishment of a single notification center for the state of Kansas. Each operator who has an underground facility shall become a member of the notification center.

(b) For operators of tier 1 facilities or operators of tier 2 facilities that desire notification in the same manner as operators of tier 1 facilities, the notification center shall provide prompt notice of any proposed excavation to each affected operator that has facilities recorded with the notification center in the area of a proposed excavation site.

(c) For operators of tier 2 facilities that desire direct contact with the excavator, the notification center shall provide the excavator with the name and contact information of the affected operator that has facilities recorded with the notification center in the area of the proposed excavation.

(d) Notification to operators as defined in subsection (b) shall be given by notifying the notification center by telephone at the toll free number or by other communication methods approved by the notification center. The content of such notification shall be as required by K.S.A. 66-1804, and amendments thereto.

(e) Notification to operators as defined in subsection (c) may be given by notifying the operator of tier 2 facilities using the contact information provided by the notification center. The content of such notification shall be as required by K.S.A. 66-1804, and amendments thereto.

(f) Each operator who has an underground facility within the state shall be afforded the opportunity to become a member of the notification center on the same terms as the original members.

(g) A suitable record shall be maintained by the notification center to document the receipt of notices from excavators as required by this act.

(h) A suitable record shall be maintained by operators of tier 2 facilities that desire direct contact with the excavator pursuant to subsection (c) to document the receipt of notices from excavators.

(i) The notification center shall charge and collect an annual membership fee in the amount of \$25 from each tier 2 facility member.

(j) The notification center shall charge a referral fee to tier 2 facility members in an amount no more than 50% of the referral fee rate charged to tier 1 facility members.

(k) Upon request of the operator, the person filing the notice of intent to excavate shall whitenline the proposed excavation site prior to locates being performed.

(l) The notification center established pursuant to this section shall be and is hereby deemed to be a public agency and shall be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, except that the notification center or board of directors, or successor managing organization shall not disseminate, make available or otherwise distribute data or information provided by an operator of a tier 1, 2 or 3 facility unless such dissemination, making available or distributing is necessary for the state corporation commission or the notification center to carry out legal duties or specific statutory duties prescribed under this chapter.

(m) On and after July 1, 2009, the notification center's board of directors shall include two members from tier 2 facilities and one member from tier 3 facilities.

(n) The notification center shall prepare an annual report which describes the activities of such center. An annual audit of the notification center shall be conducted by an independent certified public accountant. The notification center shall provide copies of such reports to each member of the notification center and shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(o) The notification center shall solicit proposals for operation of the notification center not more than every five years which shall be awarded in an open meeting by the board of directors of the notification center. The bidding process prescribed by this subsection shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(p) The notification center shall conduct a cost of service audit not more than every five years or as otherwise requested by the board of directors of the notification center or a majority of the members of such center.

(q) *On and after July 1, 2019, the notification center shall notify any person or excavator requesting identification of the location of underground facilities that utilities are only required to identify the location of utility-owned facilities and are not required to identify the location of privately owned facilities.*

Sec. 3. K.S.A. 66-1806 is hereby amended to read as follows: 66-1806. (a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whitenlined the excavation site, an operator served with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

(b) If the operator of tier 2 facilities cannot accurately mark the tolerance zone, such operator shall mark the approximate location to the best of its ability, notify the excavator that the markings may not be accurate, and provide additional guidance to the excavator in locating the facilities as needed during the excavation.

(c) The operator of tier 2 facilities shall not be required to provide notification of the tolerance zone for facilities which are at a depth at least two feet deeper than the excavator plans to excavate but does have to notify the excavator of their existence.

(d) (1) If the operator of a tier 1 facility has no underground facilities in the area of the proposed excavation, such operator, before the excavation start date, shall notify the excavator that it has no facilities in the area of proposed excavation by telephone, facsimile, marking the area all clear or by other technology that may be developed for such purposes.

(2) *If the operator of a tier 1 facility is a provider of electricity, the duty of the operator to mark shall not extend to another person's side of the point where ownership of the facility changes from the operator to another person as determined by the operator's rules and regulations, tariffs, service or membership agreements or other similar documents.*

(e) If the excavator notifies the notification center, within two working days after the initial identification of the tolerance zone by the operator, that the identifiers have been improperly removed or altered, the operator shall make a reasonable effort to reidentify the tolerance zone within one working day after the operator receives actual notice from the notification center.

(f) If the excavator has provided notice to an operator pursuant to K.S.A. 66-1804, and amendments thereto, and the operator fails to comply with subsections (a), (b) or (c) or notifies the excavator that it has no underground facilities in the area of the planned excavation, the excavator may proceed and shall not be liable to the operator for any direct or indirect damages resulting from contact with the operator's facilities, except that nothing in this act shall be construed to hold any excavator harmless from liability to the operator in those cases of gross negligence or willful and wanton conduct.

(g) For economic damages in any civil court of this state, failure of an operator to inform the excavator within two working days of the tolerance zone of the underground facilities of the operator in the manner required by subsection (a) of K.S.A. 66-1806(a), and amendments thereto, shall not give rise to a cause of action on the part of the excavator against an operator, except that nothing in this act shall be construed to hold any operator harmless from liability in those cases of inaccurate marking of the tolerance zone, gross negligence or willful and wanton conduct. Such failure may subject an operator to civil penalties as determined by the state corporation commission.

(h) Any person claiming that an operator has failed to inform the excavator within two working days of the tolerance zone of the under-

ground facilities of the operator shall file a complaint with the state corporation commission requesting enforcement of subsection (a) within one year of becoming aware of the violation.

(i) All tier 1 facilities installed by an operator after January 1, 2003, shall be locatable.

(j) All tier 2 facilities installed by an operator after July 1, 2008, shall be locatable.

Sec. 4. K.S.A. 66-1802, 66-1805 and 66-1806 are hereby repealed.

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

(Published in the Kansas Register April 18, 2019.)

Substitute for Senate Bill No. 69

AN ACT concerning electric utilities; requiring a study of electric rates; relating to the legislative coordinating council; state corporation commission.

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

Section 1. (a) To provide information that may assist future legislative and regulatory efforts to craft forward-looking electric policy that leads to regionally competitive electric rates and reliable electric service, the legislative coordinating council shall authorize a study of the retail rates of Kansas electric public utilities. Such utilities shall include electric public utilities as defined in K.S.A. 66-101a, and amendments thereto, electric cooperative public utilities exempt from state corporation commission jurisdiction pursuant to K.S.A. 66-104d, and amendments thereto, and the three largest municipally owned or operated electric utilities by customer count.

(b) (1) To conduct the study, the legislative coordinating council shall select one or more independent organizations, and notwithstanding the provisions of K.S.A. 46-1202, and amendments thereto, such selection shall be made by an affirmative vote of at least five members of the council including at least one affirmative vote from a member of the minority party, that have experience with evaluating electric utilities and include input from residential, commercial and industrial customers, electric utilities and other energy stakeholders.

(2) To facilitate this study, any organization selected by the legislative coordinating council may request data from any electric utility identified in subsection (a) and must allow at least 14 days for the utility to respond. Prior to making a request for information of any electric utility, any organization selected by the council shall enter into a confidentiality agreement with the electric utility to assure nondisclosure of confidential business information.

(3) The state corporation commission shall assist any organization hired by the legislative coordinating council by sharing subject matter knowledge regarding Kansas electric utilities and assisting with the procurement of any necessary information requested by such organization. Such requests shall be subject to the provisions of the Kansas open records act, the judicial review act, the Kansas administrative procedures act and any other law or regulations applicable to the state corporation commission. Any dispute regarding the provision of information, including the establishment of reasonable protections for the treatment of confidential information, shall be decided by the commission.

(4) The study shall be completed and delivered to the state corporation commission in two parts. The first part of the study shall be comprised of the issues identified in subsections (c)(1) and (2) and shall be completed and made available on the commission's website by January 8, 2020, and the second part of the study shall be comprised of the issues identified in subsection (c)(3) and shall be completed and made available on the commission's website by July 1, 2020. The commission shall submit the first part of the study to the house committee on energy, utilities and telecommunications and the senate committee on utilities by January 14, 2020, and shall submit the second part of the study to such committees by January 12, 2021.

(5) The costs of the study shall be paid by the state corporation commission from an assessment of expenses pursuant to K.S.A. 66-1502, and amendments thereto, upon the utilities that are subject to the

study, regardless of whether such utilities are subject to the jurisdiction of the commission.

(c) The study authorized by the legislative coordinating council shall address:

(1) The effectiveness of current Kansas ratemaking practices, including whether:

(A) Current ratemaking adequately attracts needed utility capital investments and adequately discourages unnecessary capital investments in Kansas;

(B) current ratemaking appropriately balances utility profits with the public interest objectives of achieving competitive rates over time while providing the best practicable combination of price, quality and service;

(C) Kansas electric public utilities are currently recovering from Kansas retail electric ratepayers the full or partial cost, including a return on investment, of any investments that are no longer fully used or required to be used in service to the public within the state of Kansas, including, but not limited to, generation capacity investments;

(D) the investments that Kansas electric public utilities have made in electric transmission and renewable generation resources have contributed, and to what extent, to the obsolescence of all the other generation facility investments of such utilities;

(E) allowing Kansas investor-owned electric public utilities to recover costs through surcharges and riders, without a comprehensive ratemaking process, has unnecessarily contributed to rising wholesale and retail electricity prices;

(F) the current ratemaking processes for Kansas electric cooperatives and municipal utilities are in the public interest; and

(G) electricity providers in surrounding states are subject to similar state laws, regulations and oversight to such requirements in Kansas;

(2) options available to the state corporation commission and the Kansas legislature to affect Kansas retail electricity prices to become regionally competitive while providing the best practicable combination of price, quality and service, including reviewing whether:

(A) Capital expenditures and operating expenses of Kansas electric public utilities can be managed to achieve and sustain competitive retail rates while maintaining adequate and reliable service;

(B) any performance-based regulation, economic development initiatives, price-cap regulation or other non-traditional ratemaking methods should be considered to reduce retail electric rates or the level of increase of any rate;

(C) competitive markets for retail electricity can benefit all Kansas consumers;

(D) further investments in energy efficiency and renewable energy, including revenue decoupling and renewable energy incentives, can benefit all Kansas consumers;

(E) securitized ratepayer-backed bonds can benefit utilities and ratepayers by reducing investment risk, facilitating the recovery of certain stranded costs from under-utilized or otherwise obsolete generating and other facilities and lowering retail electric rates, and assisting in the transition to new technologies, including a review of whether securitized bonds could be effectively utilized by Kansas utilities;

(F) Kansas sales tax, property taxes, assessment rates and other fees and taxes on utilities are comparable to other states in the region and how such taxes and fees impact the competitiveness of utility rates;

(G) Kansas electric utilities and the state corporation commission can reduce the cost impacts of decisions of the southwest power pool by advocating for certain positions through the southwest power pool's stakeholder and regional state committee processes, including an identification of current and future issues most likely to impact Kansas retail electric rates;

(H) any other regulatory actions are available to the state corporation commission to manage or reduce retail electric rates; and

(I) legislative enactments can address retail electric rate escalation in Kansas; and

(3) other consequential issues materially affecting Kansas electricity rates, including:

(A) Whether any costs incurred by Kansas electric public utilities to build and operate electric vehicle charging stations, including any necessary upgrades to distribution infrastructure, are recovered from ratepayers not using electric vehicle charging services;

(B) how rates for electric vehicle charging services should be designed to ensure such rates are just and reasonable and not subsidized by other utility customers;

(C) the potential effects of deregulating electric vehicle charging services in Kansas, including whether deregulation would ensure that

(continued)

electric vehicle charging services are not subsidized by public utility ratepayers not using electric vehicle charging services;

(D) whether Kansas consumers could benefit from improved access to advanced energy solutions, including micro grids, electric vehicles, charging stations, customer generation, battery storage and trans-active energy;

(E) the extent to which transmission investments by Kansas electric public utilities have impacted retail rates, including any incremental regional transmission costs incurred by Kansas ratepayers for transmission investments in other states, and whether such costs have been fully offset by financial benefits such as improved access to low-cost renewable energy and wholesale energy markets;

(F) the costs and benefits incurred by Kansas ratepayers for transmission investments in Kansas, used to export energy out of Kansas;

(G) how rate increases or the associated rising costs of Kansas investor-owned electric public utilities impact the retail electric rates of Kansas electric cooperatives and municipal utilities;

(H) whether retail electric rates in Kansas are a material barrier to economic development in Kansas;

(I) the impact of contract rates with commercial and industrial customers and economic development rates on other customer classes, including whether expanded utilization of such approaches can benefit all customers over time;

(J) whether Kansas electric public utilities recover their costs of serving customers from each customer class on the basis of cost causation;

(K) how cyber and physical security and grid stabilization efforts have affected, or are projected to affect, electric public utility rates;

(L) the value of a utility integrated resource planning process that requires state regulatory approval; and

(M) economic analysis of the price fluctuations of generation fuels on the cost of electricity.

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

(Published in the Kansas Register April 18, 2019.)

Senate Substitute for HOUSE BILL No. 2167

AN ACT concerning industrial hemp; establishing a commercial industrial hemp program; amending K.S.A. 65-4101 and 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4105b and K.S.A. 2018 Supp. 21-5701a.

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

New Section 1. (a) It is the intent of the legislature of the state of Kansas that the implementation of the commercial industrial hemp act by the Kansas department of agriculture shall be conducted in the least restrictive manner allowed under federal law.

(b) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 2. (a) The Kansas department of agriculture, in consultation with the governor and attorney general, shall submit a plan to the United States department of agriculture under which the Kansas department of agriculture will monitor and regulate the commercial production of industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(b) Such plan shall include the following:

(1) A procedure to maintain relevant information regarding land on which industrial hemp is produced, including a legal description of the land, for a period of not less than three calendar years;

(2) a procedure for testing, using post-decarboxylation or other similarly reliable methods, the delta-9 tetrahydrocannabinol concentration levels of industrial hemp produced;

(3) a procedure for the effective disposal of industrial hemp and hemp products that are found to be in violation of this act;

(4) any licensing requirements or other rules and regulations deemed necessary by the Kansas department of agriculture for the proper monitoring and regulation of industrial hemp cultivation and production for commercial purposes, including, but not limited to, fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the plan on an ongoing basis;

(5) a procedure for the creation of documentation that any person in possession of unprocessed industrial hemp may use to prove to any law enforcement officer that such industrial hemp was lawfully grown under this section;

(6) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that industrial hemp is not produced in violation of this act; and

(7) any other procedures necessary to meet the requirements set forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(c) (1) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder shall not be subject to any state or local criminal enforcement action, but shall comply with the following corrective actions as applicable:

(A) A reasonable date by which the hemp producer shall correct the negligent violation; and

(B) a requirement that the hemp producer shall periodically report to the Kansas department of agriculture on the hemp producer's compliance with this section and rules and regulations adopted hereunder, for a period of not less than the next two calendar years.

(2) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder three times in a five-year period shall be ineligible to produce industrial hemp for a period of five years beginning on the date of the third violation.

(3) The Kansas department of agriculture shall immediately report any violation by a hemp producer with a greater culpable mental state than negligence to the attorney general and such hemp producer shall not be subject to the exemption in subsection (c)(1).

(d) Any individual otherwise eligible to become a licensed hemp producer shall not be eligible to produce industrial hemp if such individual has submitted any materially false information in any application to become a licensed hemp producer.

(e) (1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal as a hemp producer under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure as a hemp producer pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure as a hemp producer under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking a license or license renewal as a hemp producer under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(f) The secretary of agriculture shall promulgate rules and regulations to implement the plan submitted to the United States department of agriculture and to otherwise effectuate the provisions of this section.

(g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a federal plan by the United States department of agriculture that allows for the cultivation and production of industrial hemp for commercial purposes within the state or upon the adoption of rules and regulations by the Kansas secretary of agriculture that establish the cultivation and production of industrial hemp for commercial purposes within the

state, the Kansas department of agriculture may discontinue the industrial hemp research program established pursuant to K.S.A. 2018 Supp. 2-3902, and amendments thereto.

(h) Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50.

(i) Any licensing or other fees collected pursuant to this section and any rules and regulations adopted hereunder shall be deposited in the commercial industrial hemp act licensing fee fund established by K.S.A. 2018 Supp. 2-3903, and amendments thereto, for all costs of the administration of the commercial production of industrial hemp.

(j) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 3. The secretary of agriculture shall continue to accept any applications for licensure submitted under the provisions of K.S.A. 2018 Supp. 2-3902, and amendments thereto, for the 2019 growing season from March 1, 2019, through June 1, 2019.

New Sec. 4. (a) The Kansas department of agriculture shall create and maintain a registry of all hemp processors operating within the state of Kansas.

(b) Any person engaging in the processing of industrial hemp shall register annually with the secretary of agriculture prior to processing industrial hemp, except as provided in subsection (f).

(c) Registration shall expire annually on April 30. A registration fee, not to exceed \$200, shall be established pursuant to rules and regulations adopted by the secretary.

(d) Any person required to register as a hemp processor pursuant to this section shall submit an annual registration application on a form provided by the secretary that shall include, at a minimum:

(1) The full legal name, date of birth, address and telephone number of the applicant. If the applicant is not an individual, the same information shall also be provided for all owners and the individual responsible for all industrial hemp processing and related activities performed by the applicant;

(2) the physical location of any premises that will serve as a part of the applicant's industrial hemp processing operations;

(3) a brief description of the industrial hemp processing methods, activities and products planned for production; and

(4) certification that such applicant has fully complied with the fingerprinting and criminal history record check requirements contained in this section, if applicable. Any such applicant who provides a false statement of compliance with such requirements shall be guilty of a class C nonperson misdemeanor.

(e) The Kansas department of agriculture shall provide an updated list of all hemp processors to the Kansas bureau of investigation and to the county sheriff in each county where a hemp processor is located as often as is reasonably required or requested.

(f) No hemp processor who is licensed under K.S.A. 2018 Supp. 2-3902, and amendments thereto, shall be required to register pursuant to this section, but the secretary shall include such hemp processors in the list of registered hemp processors maintained by the Kansas department of agriculture pursuant to this section.

(g) Fees collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the commercial industrial hemp act licensing fee fund.

(h) Except as provided in subsection (f), it shall be unlawful for any person to operate as a hemp processor without valid registration.

(i) (1) Upon a first conviction for a violation of subsection (h), a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of subsection (h), a person shall be guilty of a severity level 9, nonperson felony.

(j) (1) A registered hemp processor, or an applicant to become a registered hemp processor, shall request the Kansas bureau of investigation to conduct a state and national criminal history record check on any individual employed or seeking employment under such registered hemp processor or applicant who would be engaged in extraction of cannabinoids, including through the disposal of cannabinoids from industrial hemp, pursuant to section 6, and amendments thereto. The request for a state and national criminal history record check shall include the following:

(A) The individual's fingerprints; and

(B) a copy of a completed and signed statement furnished by the hemp processor that includes:

(i) A waiver permitting the hemp processor to request and receive a criminal history record check for the purpose of determining the individual's qualification and fitness to process industrial hemp;

(ii) the name, address and date of birth of the individual as it appears on a valid identification document;

(iii) a disclosure of whether or not the individual has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and

(iv) a notice to the individual that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the hemp processor.

(2) A registered hemp processor, or an applicant to become a registered hemp processor, shall require such individual to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Such hemp processor or applicant shall use the fingerprints to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdictions or countries. The hemp processor may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the individual to process industrial hemp. Disclosure or use of any information received by the hemp processor for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A nonperson misdemeanor.

(3) Local and state law enforcement officers and agencies shall assist the hemp processor in taking and processing such individual's fingerprints as authorized by this section.

(4) The Kansas bureau of investigation shall release all records of the individual's adult convictions and adult convictions from another state, jurisdiction or country, to the hemp processor to make a final determination of the qualification of such individual to process industrial hemp.

(5) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from processing industrial hemp under this section.

(6) A hemp processor shall be solely responsible for making any determination that an individual's criminal history record shows that such individual has been convicted of a crime that bears upon the fitness of such individual to extract cannabinoids from industrial hemp. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any hemp processor.

(7) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(8) A registered hemp processor, or an applicant to become a registered hemp processor, shall pay the costs of fingerprinting and the state and national criminal history record checks for individuals seeking employment under such hemp processor or applicant.

(k) The secretary shall promulgate rules and regulations to carry out the provisions of this section.

(l) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 5. (a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

(A) Cigarettes containing industrial hemp;

(B) cigars containing industrial hemp;

(C) chew, dip or other smokeless material containing industrial hemp;

(D) teas containing industrial hemp;

(E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and

(F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

(A) "Human or animal consumption" means:

(continued)

- (i) Ingested orally; or
- (ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.

(B) "Intended for human or animal consumption" means:

- (i) Designed by the manufacturer for human or animal consumption;
- (ii) marketed for human or animal consumption; or
- (iii) distributed with the intent that it be used for human or animal consumption.

(b) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to section 4, and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to section 2, and amendments thereto, or the research program established pursuant to K.S.A. 2018 Supp. 2-3902, and amendments thereto:

- (1) Industrial hemp buds;
- (2) ground industrial hemp floral material; or
- (3) ground industrial hemp leaf material.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

- (1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or
- (2) the production, use or sale of any hemp product that is otherwise not prohibited by state or federal law.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 6. (a) (1) All solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and all hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, resulting from the cultivation, production or processing of industrial hemp under the commercial industrial hemp act shall be managed in accordance with all applicable solid and hazardous waste laws and regulations and the requirements of subsection (a)(2).

(2) (A) If any such waste can be used in the same manner as, or has the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto, all such waste shall be rendered unusable and unrecognizable before the waste is transported or disposed.

(B) This requirement shall not apply to waste that is managed as a hazardous waste and sent to a hazardous waste facility, as defined in K.S.A. 65-3430, and amendments thereto.

(3) For the purposes of this section, "unusable and unrecognizable" means that such waste can not be used in the same manner as, and does not have the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto.

(b) Any violation of this section shall be considered an unlawful act for the purposes of K.S.A. 65-3409, and amendments thereto.

(c) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

Sec. 7. K.S.A. 2018 Supp. 2-3901 is hereby amended to read as follows: 2-3901. (a) K.S.A. 2018 Supp. 2-3901 and 2-3902 et seq., and amendments thereto, shall be known and may be cited as the ~~alternative crop research~~ **commercial industrial hemp act**.

(b) As used in the ~~alternative crop research~~ **commercial industrial hemp act**:

(1) "~~Certified seed~~" means ~~industrial hemp seed that has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto, as having a delta-9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.~~

(2) "~~Commercial~~" means ~~the cultivation or production of industrial hemp for purposes other than research as authorized under section 2, and amendments thereto.~~

(2) "Delta-9 tetrahydrocannabinol concentration" means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC:

(A) On a dry weight basis, of any part of the plant cannabis sativa L.; or

(B) on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.

(3) "~~Department~~" means ~~the Kansas department of agriculture.~~

(4) "~~Effective disposal~~" includes, but is not limited to:

(A) ~~Destruction; or~~

(B) ~~any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.~~

(4) "Hemp products" means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and ~~certified~~ **authorized seed or clone plants** for cultivation, if the seeds originate from industrial hemp varieties.

(5) "~~Hemp producer~~" means ~~any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to section 2, and amendments thereto.~~

(5)(6) "~~Hemp processor~~" means ~~a person registered under section 4, and amendments thereto, to process and manufacture industrial hemp and hemp products.~~

(7) "~~Industrial hemp~~" means all parts and varieties of the plant cannabis sativa L., ~~cultivated or possessed by a state educational institution or the department~~, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of ~~no~~ **not** more than 0.3% on a dry weight basis.

(6)(8) "~~Person~~" means ~~an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.~~

(9) "~~Seed research~~" means ~~research conducted to develop or re-create better strains of industrial hemp, particularly for the purpose of seed production.~~

(7)(10) "~~State educational institution~~" means ~~the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.~~

(11) "~~Authorized seed or clone plants~~" means ~~a source of industrial hemp seeds or clone plants that:~~

(A) ~~Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;~~

(B) ~~has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or~~

(C) ~~meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 et seq.~~

Sec. 8. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is hereby amended to read as follows: 2-3902. (a) ~~The department~~ **Kansas department of agriculture**, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from ~~certified authorized seed or clone plants~~ and promote the research and development of industrial hemp, in accordance with 7 U.S.C. § 5940. This research may include:

(1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;

(2) seed research on various types of industrial hemp that are best suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;

(3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;

(4) analysis on the estimated value-added benefits, including environmental benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;

(5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization;

(6) a study on the feasibility of attracting federal and private funding for industrial hemp research; and

(7) a pilot program in Russell county, and other counties as determined by the department, for the purpose of economic development, research, cultivation, market analysis, manufacturing and transportation of industrial hemp and industrial hemp products.

(b) In the event that the department acts alone to cultivate industrial hemp grown from ~~certified authorized seed or clone plants~~ and to promote the research and development of industrial hemp, the secretary

of agriculture shall establish an advisory board within the department to review and recommend applications for pilot projects and research proposals to the secretary. The secretary shall not approve any such project or proposal without the recommendation of the advisory board.

(c) The department shall oversee and annually license all individuals participating in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of ~~certified authorized seed or clone plants~~ or industrial hemp pursuant to ~~this act section~~. The department shall establish fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the ~~alternative crop research act provisions of this section~~ in this state on an ongoing basis. ~~Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50.~~

~~(d)(1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under this act to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this act and rules and regulations promulgated pursuant to this act. Disclosure or use of any information received by the department for any purpose other than the purpose provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.~~

~~(2) An individual who has been convicted of any of the following shall be disqualified from initial or continuing licensure under this act: A felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act, prior to July 1, 2009.~~

~~(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.~~

~~(4) The applicant shall pay the costs of fingerprinting and the state and national criminal history record check.~~

~~(e)(1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under the research program established under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.~~

~~(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure under this section.~~

~~(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.~~

~~(4) The individual seeking a license or license renewal under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.~~

~~(e) The secretary of agriculture shall promulgate rules and regulations to carry out the provisions of the alternative crop research act this section on or before December 31, 2018 2019, except that no such promulgated rule or regulation shall concern the recording of license plates. Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone~~

~~plants or industrial hemp pursuant to this section. Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp pursuant to this act.~~

~~(f) The department shall submit a report to the legislature outlining the steps and timeline to implement a process that would allow individuals and business entities to grow and process industrial hemp in Kansas and to sell industrial hemp in other states. Such report shall be submitted to the senate standing committee on agriculture and natural resources and the house standing committee on agriculture on or before January 14, 2019. The department shall send such committees an annual supplemental report on the continued progress of such process at the beginning of each regular legislative session for the following three years.~~

~~(g) Nothing in the alternative crop research act this section shall be construed to authorize any individual to violate any state or federal law.~~

~~(h) The legislature shall review the provisions of this act section prior to July 1, 2022.~~

Sec. 9. K.S.A. 2018 Supp. 2-3903 is hereby amended to read as follows: 2-3903. (a) ~~There is hereby created in the state treasury~~ The alternative crop research act licensing fee fund ~~created in the state treasury shall be renamed the commercial industrial hemp act licensing fee fund and~~ continue to be administered by the secretary of agriculture. All expenditures from the ~~alternative crop research commercial industrial hemp act~~ licensing fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers signed by the secretary of agriculture or the secretary's designee.

(b) Licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the ~~alternative crop research commercial industrial hemp act~~. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the ~~alternative crop research commercial industrial hemp act~~ licensing fee fund.

Sec. 10. K.S.A. 2018 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2018 Supp. 21-5701 through 21-5717, and amendments thereto: (a) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) "Cultivate" means the planting or promotion of growth of five or more plants ~~which~~ that contain or can produce controlled substances.

(d) "Distribute" means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. "Distribute" includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one

(continued)

person to another. "Distribute" does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) "Drug" means:

(1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) "Drug paraphernalia" means all equipment and materials of any kind ~~which that~~ are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act. "Drug paraphernalia" shall include, but is not limited to:

(1) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant ~~which that~~ is a controlled substance or from which a controlled substance can be derived;

(2) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(3) isomerization devices used or intended for use in increasing the potency of any species of plant that is a controlled substance;

(4) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(5) scales and balances used or intended for use in weighing or measuring controlled substances;

(6) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, ~~which that~~ are used or intended for use in cutting controlled substances;

(7) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(9) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(10) containers and other objects used or intended for use in storing or concealing controlled substances;

(11) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(12) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(B) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(C) carburetion pipes, glass or other heat resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(D) smoking and carburetion masks;

(E) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(F) miniature cocaine spoons and cocaine vials;

(G) chamber smoking pipes;

(H) carburetor smoking pipes;

(I) electric smoking pipes;

(J) air-driven smoking pipes;

(K) chillums;

(L) bongs;

(M) ice pipes or chillers;

(N) any smoking pipe manufactured to disguise its intended purpose;

(O) wired cigarette papers; or

(P) cocaine freebase kits.

"Drug paraphernalia" shall not include any products, chemicals or materials described in K.S.A. 2018 Supp. 21-5709(a), and amendments thereto.

(g) "Immediate precursor" means a substance ~~which that~~ the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and ~~which that~~ is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(h) "Isomer" means all enantiomers and diastereomers.

(i) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. "Manufacture" does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance;

(A) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(B) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose, ~~which that~~ are intended for use in cutting a controlled substance.

(j) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. "Marijuana" does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant ~~which that~~ is incapable of germination; (2) any substance listed in schedules II through V of the uniform controlled substances act; ~~or~~ (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or (4) industrial hemp as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(k) "Minor" means a person under 18 years of age.

(l) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof ~~which that~~ is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof ~~which that~~ is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves ~~which that~~ do not contain cocaine or ecgonine.

(m) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). "Opiate" does include its racemic and levorotatory forms.

(n) "Opium poppy" means the plant of the species *Papaver somniferum* L. except its seeds.

(o) "Person" means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(p) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(q) "Possession" means having joint or exclusive control over an item with knowledge of and intent to have such control or knowingly keeping some item in a place where the person has some measure of access and right of control.

(r) "School property" means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) "Simulated controlled substance" means any product ~~which~~ *that* identifies itself by a common name or slang term associated with a controlled substance and ~~which that~~ indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 11. K.S.A. 2018 Supp. 21-5702 is hereby amended to read as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1, 2009, shall be governed by the law in effect at the time the crime was committed. For purposes of this section, a crime was committed prior to July 1, 2009, if any element of the crime occurred prior thereto.

(b) The prohibitions of this act shall apply unless the conduct prohibited is authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, the ~~alternative crop research commercial industrial hemp~~ act or otherwise authorized by law.

Sec. 12. K.S.A. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Application service provider" means an entity that sells electronic prescription or pharmacy prescription applications as a hosted service where the entity controls access to the application and maintains the software and records on its server.

(d) "Board" means the state board of pharmacy.

(e) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(f) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(g) (1) "Controlled substance analog" means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) "Controlled substance analog" does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the fed-

eral food, drug and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(h) "Counterfeit substance" means a controlled substance ~~which that~~, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(i) "Cultivate" means the planting or promotion of growth of five or more plants ~~which that~~ contain or can produce controlled substances.

(j) "DEA" means the U.S. department of justice, drug enforcement administration.

(k) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(l) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery, or pursuant to the prescription of a mid-level practitioner.

(m) "Dispenser" means a practitioner or pharmacist who dispenses, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto.

(n) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(o) "Distributor" means a person who distributes.

(p) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) "Immediate precursor" means a substance ~~which that~~ the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and ~~which that~~ is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(r) "Electronic prescription" means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(s) "Electronic prescription application" means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber's computers and servers where access and records are controlled by the prescriber.

(t) "Electronic signature" means a confidential personalized digital key, code, number or other method for secure electronic data transmissions ~~which that~~ identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person's approval of the information contained in the transmission.

(u) "Electronic transmission" means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber's electronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(v) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(w) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(x) "Intermediary" means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(y) "Isomer" means all enantiomers and diastereomers.

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(z) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for the individual's own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(1) By a practitioner or the practitioner's agent pursuant to a lawful order of a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner or by the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance.

(aa) "Marijuana" means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include: (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant which that is incapable of germination; (2) any substance listed in schedules II through V of the uniform controlled substances act; or (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or (4) industrial hemp as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(bb) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425, and amendments thereto.

(cc) "Mid-level practitioner" means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed under the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

(dd) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, isomer, derivative or preparation thereof which that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which that do not contain cocaine or ecgonine.

(ee) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

(ff) "Opium poppy" means the plant of the species Papaver somniferum l. except its seeds.

(gg) "Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(hh) "Pharmacist" means any natural person licensed under K.S.A. 65-1625 et seq., and amendments thereto, to practice pharmacy.

(ii) "Pharmacist intern" means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving such person's internship; or (3) a graduate of a pharmacy program located outside of the United States which that is not accredited and who had successfully passed equivalency examinations approved by the board.

(jj) "Pharmacy prescription application" means software that is used to process prescription information, is installed on a pharmacy's computers and servers, and is controlled by the pharmacy.

(kk) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(ll) "Practitioner" means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist, or scientific investigator or other person authorized by law to use a controlled substance in teaching or chemical analysis or to conduct research with respect to a controlled substance.

(mm) "Prescriber" means a practitioner or a mid-level practitioner.

(nn) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(oo) "Readily retrievable" means that records kept by automatic data processing applications or other electronic or mechanized record-keeping systems can be separated out from all other records within a reasonable time not to exceed 48 hours of a request from the board or other authorized agent or that hard-copy records are kept on which certain items are asterisked, redlined or in some other manner visually identifiable apart from other items appearing on the records.

(pp) "Ultimate user" means a person who lawfully possesses a controlled substance for such person's own use or for the use of a member of such person's household or for administering to an animal owned by such person or by a member of such person's household.

Sec. 13. K.S.A. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code which that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)..... 9821
- (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)..... 9815
- (3) Acetylmethadol 9601
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl) 9811
- (5) AH-7921 (3,4-dichloro-N-[(1-dimethylamino)cyclohexylmethyl]benzamide)..... 9551
- (6) Allylprodine..... 9602
- (7) Alphacetylmethadol 9603
- (8) (except levo-alpha-cetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)
- (8) Alphameprodine 9604
- (9) Alphamethadol..... 9605
- (10) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine) 9814
- (11) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide)..... 9832
- (12) Benzethidine 9606
- (13) Betacetylmethadol..... 9607
- (14) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide)..... 9830
- (15) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide)..... 9831
- (16) Beta-hydroxythiofentanyl (N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-N-phenylpropanamide)..... 9836
- (17) Betameprodine 9608
- (18) Betamethadol 9609
- (19) Betaprodine..... 9611
- (20) Butyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide) 9822
- (21) Clonitazene 9612
- (22) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)
- (23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide) 9845

(24) Dextromoramide..... 9613
 (25) Diampromide..... 9615
 (26) Diethylthiambutene..... 9616
 (27) Difenoxin..... 9168
 (28) Dimenoxadol..... 9617
 (29) Dimepheptanol..... 9618
 (30) Dimethylthiambutene..... 9619
 (31) Dioxaphetyl butyrate..... 9621
 (32) Dipipanone..... 9622
 (33) Ethylmethylthiambutene..... 9623
 (34) Etonitazene..... 9624
 (35) Etoteridine..... 9625
 (36) Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)..... 9834
 (37) Furethidine..... 9626
 (38) Hydroxypethidine..... 9627
 (39) Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)
 (40) Ketobemidone..... 9628
 (41) Levomoramide..... 9629
 (42) Levophenacylmorphan..... 9631
 (43) Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)..... 9825
 (44) 3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide)..... 9813
 (45) 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide)..... 9833
 (46) Morpheridine..... 9632
 (47) Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)
 (48) O-desmethyltramadol
 Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol
 (49) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine)..... 9661
 (50) MT-45 (1-cychohexyl-4-(1,2-diphenylethyl)piperazine)
 (51) Noracymethadol..... 9633
 (52) Norlevorphanol..... 9634
 (53) Normethadone..... 9635
 (54) Norpipanone..... 9636
 (55) Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl)..... 9816
 (56) Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)
 (57) Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)
 (58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide)..... 9812
 (59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl)..... 9824
 (60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)
 (61) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine)..... 9663
 (62) Phenadoxone..... 9637
 (63) Phenampromide..... 9638
 (64) Phenomorphan..... 9647
 (65) Phenoperidine..... 9641
 (66) Piritramide..... 9642
 (67) Proheptazine..... 9643
 (68) Properidine..... 9644
 (69) Propiram..... 9649
 (70) Racemoramide..... 9645
 (71) Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide)..... 9843
 (72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide)..... 9835
 (73) Tilidine..... 9750
 (74) Trimeperidine..... 9646
 (75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)..... 9547
 (76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific

chemical designation:

(1) Acetorphine..... 9319
 (2) Acetyldihydrocodeine..... 9051
 (3) Benzylmorphine..... 9052
 (4) Codeine methylbromide..... 9070
 (5) Codeine-N-Oxide..... 9053
 (6) Cyprenorphine..... 9054
 (7) Desomorphine..... 9055
 (8) Dihydromorphine..... 9145
 (9) Drotebanol..... 9335
 (10) Etorphine (except hydrochloride salt)..... 9056
 (11) Heroin..... 9200
 (12) Hydromorphinol..... 9301
 (13) Methyl-desorphine..... 9302
 (14) Methyl-dihydromorphine..... 9304
 (15) Morphine methylbromide..... 9305
 (16) Morphine methylsulfonate..... 9306
 (17) Morphine-N-Oxide..... 9307
 (18) Myrophine..... 9308
 (19) Nicocodeine..... 9309
 (20) Nicomorphine..... 9312
 (21) Normorphine..... 9313
 (22) Pholcodine..... 9314
 (23) Thebacon..... 9315
 (d) Any material, compound, mixture or preparation ~~which~~ that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
 (1) Alpha-ethyltryptamine 7249 Some trade or other names: etryptamine; Monase; α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; α -ET; and AET.
 (2) 4-bromo-2,5-dimethoxy-amphetamine..... 7391
 Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA.
 (3) 2,5-dimethoxyamphetamine..... 7396
 Some trade or other names: 2,5-dimethoxy-alpha-methyl-phenethylamine; 2,5-DMA.
 (4) 4-methoxyamphetamine..... 7411
 Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine; PMA.
 (5) 5-methoxy-3,4-methylenedioxy-amphetamine..... 7401
 (6) 4-methyl-2,5-dimethoxy-amphetamine..... 7395
 Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP".
 (7) 3,4-methylenedioxy amphetamine..... 7400
 (8) 3,4-methylenedioxy-methamphetamine (MDMA)..... 7405
 (9) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy) phenethylamine, N-ethyl MDA, MDE, and MDEA)..... 7404
 (10) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4-(methylenedioxy) phenethylamine, and N-hydroxy MDA)..... 7402
 (11) 3,4,5-trimethoxy amphetamine..... 7390
 (12) Bufotenine..... 7433
 Some trade or other names: 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine.
 (13) Diethyltryptamine..... 7434
 Some trade or other names: N,N-Diethyltryptamine; DET.
 (14) Dimethyltryptamine..... 7435
 Some trade or other names: DMT.
 (15) Ibogaine..... 7260
 Some trade or other names: 7-Ethyl-6,6 Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano -5H-pyrido[1',2':1,2]azepino [5,4-b]indole; Tabernanthe iboga
 (16) Lysergic acid diethylamide..... 7315
 (17) Marijuana..... 7360
 (18) Mescaline..... 7381
 (19) Parahexyl..... 7374
 Some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran; Synhexyl.
 (20) Peyote..... 7415
 Meaning all parts of the plant presently classified botanically as

(continued)

- Lophophora williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
- (21) N-ethyl-3-piperidyl benzilate 7482
 - (22) N-methyl-3-piperidyl benzilate 7484
 - (23) Psilocybin 7437
 - (24) Psilocyn 7438
 - Some trade or other names: Psilocin.
 - (25) Ethylamine analog of phencyclidine 7455
 - Some trade or other names: N-ethyl-1-phenyl-cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.
 - (26) Pyrrolidine analog of phencyclidine 7458
 - Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCPy; PHP.
 - (27) Thiophene analog of phencyclidine 7470
 - Some trade or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.
 - (28) 1-[1-(2-thienyl)-cyclohexyl] pyrrolidine 7473
 - Some other names: TCPy.
 - (29) 2,5-dimethoxy-4-ethylamphetamine 7399
 - Some trade or other names: DOET.
 - (30) Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
 - (31) Datura stramonium, commonly known as gypsum weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.
 - (32) N-benzylpiperazine 7493
 - Some trade or other names: BZP.
 - (33) 1-(3-[trifluoromethylphenyl])piperazine
 - Some trade or other names: TFMPP.
 - (34) 4-Bromo-2,5-dimethoxyphenethylamine 7392
 - (35) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7), its optical isomers, salts and salts of optical isomers 7348
 - (36) Alpha-methyltryptamine (other name: AMT) 7432
 - (37) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT), its isomers, salts and salts of isomers 7439
 - (38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E) 7509
 - (39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D) 7508
 - (40) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C) 7519
 - (41) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I) 7518
 - (42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2) 7385
 - (43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4) 7532
 - (44) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H) 7517
 - (45) 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N) 7521
 - (46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P) 7524
 - (47) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT) 7431
 - Some trade or other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole.
 - (48) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine 7538
 - Some trade or other names: 25I-NBOMe; 2C-I-NBOMe; 25I; Cimi-5.
 - (49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine 7537
 - Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi-82.
 - (50) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine 7536
 - Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimi-36.
 - (51) 2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine
 - Some trade or other names: 25H-NBOMe.
 - (52) 2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine
 - Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.
 - (53) 2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine

- Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.
- (e) Any material, compound, mixture or preparation ~~which that~~ contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Etizolam
 - Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine)
 - (2) Mecloqualone 2572
 - (3) Methaqualone 2565
 - (4) Gamma hydroxybutyric acid
 - (f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation ~~which that~~ contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
 - (1) Aminorex 1585
 - Some other names: Aminoxaphen 2-amino-5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-2-oxazolamine
 - (2) Fenethylamine 1503
 - (3) N-ethylamphetamine 1475
 - (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) 1590
 - (5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethyl-benzenethanamine; N,N-alpha-trimethylphenethylamine) 1480
 - (6) Cathinone (some other names: 2-amino-1-phenol-1-propanone, alpha-amino propiophenone, 2-amino propiophenone and norphedrone) 1235
 - (7) Substituted cathinones
 - Any compound, except bupropion or compounds listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified in any of the following ways:
 - (A) By substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;
 - (B) by substitution at the 3-position with an acyclic alkyl substituent;
 - (C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
 - (D) by inclusion of the 2-amino nitrogen atom in a cyclic structure. - (g) Any material, compound, mixture or preparation ~~which that~~ contains any quantity of the following substances:
 - (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers
 - (2) N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thetyl-fentanyl), its optical isomers, salts and salts of isomers
 - (h) Any of the following cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
 - (1) Tetrahydrocannabinols 7370
 - Meaning tetrahydrocannabinols naturally contained in a plant of the genus Cannabis (cannabis plant), as well as synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following: Delta 1 cis or trans tetrahydrocannabinol, and their optical isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), *except tetrahydrocannabinols in any of the following:*
 - (A) Industrial hemp, as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto;
 - (B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the

cultivation, production or processing of industrial hemp, as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or

- (C) *hemp products, as defined in K.S.A. 2018 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to section 5, and amendments thereto.*
- (2) **Naphthoylindoles**
Any compound containing a 3-(1-naphthoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (3) **Naphthylmethylindoles**
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or naphthyl ring to any extent.
- (4) **Naphthoylpyrroles**
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (5) **Naphthylmethylindenes**
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indene ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (6) **Phenylacetylindoles**
Any compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent, whether or not substituted in the benzyl or phenyl ring to any extent.
- (7) **Cyclohexylphenols**
Any compound containing a 2-(3-hydroxycyclohexyl)phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not substituted in the cyclohexyl ring to any extent.
- (8) **Benzoylindoles**
Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or phenyl ring to any extent.
- (9) **2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.**
Some trade or other names: WIN 55,212-2.
- (10) **9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol**
Some trade or other names: HU-210, HU-211.
- (11) **Tetramethylcyclopropanoylindoles**
Any compound containing a 3-tetramethylcyclopropanoylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the benzyl or tetramethylcyclopropyl rings to any extent.
- (12) **Indole-3-carboxylate esters**
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- (13) **Indazole-3-carboxamides**
Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (14) **Indole-3-carboxamides**
Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (15) **(1H-indazol-3-yl)methanones**
Any compound containing a (1H-indazol-3-yl)methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, N-methyl-2-piperidinylmethyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.

Sec. 14. K.S.A. 65-4101, 65-4101c, 65-4105 and 65-4105b and K.S.A. 2018 Supp. 2-3901, 2-3903, 21-5701, 21-5701a and 21-5702 are hereby repealed.

Sec. 15. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

State of Kansas

Legislature

Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were introduced April 4–10 during the 2019 session of the Kansas Legislature. Full text of bills, bill tracking, and other information may be accessed at <http://www.kslegislature.org/li/>.

(continued)

House Bills

HB 2414, AN ACT concerning sales taxation; relating to exemptions; the principle foundation; amending K.S.A. 2018 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2415, AN ACT concerning health and healthcare; regulating the practice of medicine and surgery; prohibiting certain inquiries regarding patient firearm ownership, by Committee on Federal and State Affairs.

HB 2416, AN ACT concerning income taxation; relating to credits; creating the Kansas targeted employment act, by Committee on Taxation.

HB 2417, AN ACT concerning income taxation; relating to corporations; net operating loss carryforward period; amending K.S.A. 2018 Supp. 79-32,143 and repealing the existing section, by Committee on Taxation.

HB 2418, AN ACT concerning taxation; relating to the use of a debt collection agency to collect delinquent taxes; tax collections and service of delinquent tax notice; time for payment of sales and liquor drink tax; liability of persons to collect sales or compensating use tax; administration of liquor enforcement tax; amending K.S.A. 75-5140 and K.S.A. 2018 Supp. 79-3235a, 79-3607, 79-3643, 79-4105 and 79-41a03 and repealing the existing sections, by Committee on Taxation.

House Concurrent Resolutions

HCR 5012, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature, by Representatives Ryckman, Hawkins and Sawyer.

HCR 5013, A PROPOSITION to amend section 11 of article 1 of the constitution of the state of Kansas, relating to vacancies in executive offices, by Committee on Federal and State Affairs.

Senate Bills

SB 237, AN ACT concerning roads and highways; designating a portion of K-16 as the John Lee Bremer memorial highway, by Committee on Assessment and Taxation.

SB 238, AN ACT concerning taxation; relating to privilege tax; banks, trust companies and savings and loan associations; deduction of interest received from certain business loans; amending K.S.A. 79-1109 and repealing the existing section, by Committee on Assessment and Taxation.

SB 239, AN ACT concerning taxation; relating to certain state credit unions; imposing a tax for the privilege of doing business; rates; definitions; interest income received from business loans, by Committee on Assessment and Taxation.

SB 240, AN ACT concerning the Kansas expanded lottery act; relating to racetrack gaming facilities; relating to parimutuel racing of horses; amending K.S.A. 74-8741, 74-8744, 74-8746, 74-8747 and 74-8836 and repealing the existing sections, by Committee on Federal and State Affairs.

Senate Resolutions

SR 1737, A RESOLUTION honoring the men of the Kansas Prince Hall Shriners Temple and the women of its auxiliary, the Imperial Court.

SR 1738, A RESOLUTION honoring the men of the Prince Hall Grand Lodge of Kansas and the women of its auxiliary, the Eastern Stars of the Kansas Prince Hall Grand Chapter.

Senate Concurrent Resolutions

SCR 1611, A CONCURRENT RESOLUTION urging the United States Census Bureau to conduct a complete and thorough 2020 census by collecting data on residency and citizenship, by Senators Tyson, Al-ley, Braun, Goddard, Hilderbrand, Kerschen, Lynn, Masterson, Olson, Pilcher-Cook, Rucker, Suellentrop and Wagle.

SCR 1612, A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature, by Senators Wagle, Denning and Hensley.

Doc. No. 047100

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 2009 Volumes of the Kansas Administrative Regulations and the 2018 Supplement of the Kansas Administrative Regulations. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

Table with 4 columns: Regulation Number, Action, Register, and Page Number. Lists regulations 4-34-12 through 4-34-21.

AGENCY 9: DEPARTMENT OF AGRICULTURE - DIVISION OF ANIMAL HEALTH

Table with 4 columns: Reg. No., Action, Register, and Page Number. Lists regulations 9-18-6 through 9-18-28.

Table with 4 columns: Regulation Number, Action, Register, and Page Number. Lists regulations 14-13-10 through 14-26-8.

AGENCY 16: ATTORNEY GENERAL

Table with 4 columns: Reg. No., Action, Register, and Page Number. Lists regulation 16-17-1.

AGENCY 21: HUMAN RIGHTS COMMISSION

Table with 4 columns: Reg. No., Action, Register, and Page Number. Lists regulations 21-30-18 through 21-45-10.

AGENCY 4: DEPARTMENT OF AGRICULTURE

Table with 4 columns: Reg. No., Action, Register, and Page Number. Lists regulations 4-6-3 through 4-34-11.

AGENCY 11: DEPARTMENT OF AGRICULTURE - DIVISION OF CONSERVATION

Table with 4 columns: Reg. No., Action, Register, and Page Number. Lists regulations 11-13-1 through 11-13-6.

AGENCY 14: DEPARTMENT OF REVENUE - DIVISION OF ALCOHOLIC BEVERAGE CONTROL

Table with 4 columns: Reg. No., Action, Register, and Page Number. Lists regulations 14-13-1 and 14-13-2.

21-45-11	Revoked	V. 37, p. 1059
21-45-12	Revoked	V. 37, p. 1059
21-45-13	Revoked	V. 37, p. 1059
21-45-14	Revoked	V. 37, p. 1059
21-45-15	Revoked	V. 37, p. 1059
21-45-16	Revoked	V. 37, p. 1059
21-45-17	Revoked	V. 37, p. 1059
21-45-18	Revoked	V. 37, p. 1059
21-45-21	Revoked	V. 37, p. 1059
21-45-22	Revoked	V. 37, p. 1059
21-45-23	Revoked	V. 37, p. 1059
21-45-24	Revoked	V. 37, p. 1059
21-45-25	Revoked	V. 37, p. 1059
21-46-2	Revoked	V. 37, p. 1059
21-46-3	Revoked	V. 37, p. 1059

AGENCY 22: STATE FIRE MARSHAL

Reg. No.	Action	Register
22-6-12	Revoked	V. 37, p. 244
22-6-16	Revoked	V. 37, p. 244
22-6-20	Amended	V. 37, p. 244
22-6-24	Amended	V. 37, p. 245
22-6-25	Amended	V. 37, p. 245
22-8-10	Amended	V. 37, p. 246
22-19-5	Amended	V. 37, p. 246
22-24-1	Amended	V. 37, p. 247
22-24-2	Revoked	V. 37, p. 247
22-24-3	Revoked	V. 37, p. 247
22-24-4	Revoked	V. 37, p. 247
22-24-5	Revoked	V. 37, p. 247
22-24-6	Revoked	V. 37, p. 247
22-24-7	Amended	V. 37, p. 247
22-24-8	Revoked	V. 37, p. 247
22-24-9	Revoked	V. 37, p. 247
22-24-10	Revoked	V. 37, p. 247
22-24-11	Revoked	V. 37, p. 247
22-24-12	Revoked	V. 37, p. 247
22-24-13	Revoked	V. 37, p. 247
22-24-15	Amended	V. 37, p. 247
22-24-16	Revoked	V. 37, p. 247
22-24-17	Revoked	V. 37, p. 247
22-24-18	Revoked	V. 37, p. 247

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Reg. No.	Action	Register
28-1-1	Amended	V. 37, p. 374
28-1-2	Amended	V. 37, p. 374
28-1-4	Amended	V. 37, p. 376
28-1-6	Amended	V. 37, p. 376
28-1-7	Revoked	V. 37, p. 377
28-1-12	Amended	V. 37, p. 377
28-1-13	Amended	V. 37, p. 377
28-1-18	Amended	V. 37, p. 377
28-4-95	New	V. 37, p. 1080
28-4-125	Amended	V. 37, p. 491
28-4-503	Amended	V. 37, p. 1135
28-4-584	Amended	V. 37, p. 492
28-4-705	Amended	V. 37, p. 492
28-15-18	Amended	V. 37, p. 493
28-15-19	Amended	V. 37, p. 493
28-15a-2	Amended	V. 37, p. 494
28-15a-3	Amended	V. 37, p. 494
28-15a-4	Revoked	V. 37, p. 494
28-15a-6	Amended	V. 37, p. 494
28-15a-11	Amended	V. 37, p. 494
28-15a-21	Amended	V. 37, p. 495
28-15a-23	Amended	V. 37, p. 495
28-15a-24	Amended	V. 37, p. 495
28-15a-25	Amended	V. 37, p. 495
28-15a-26	Amended	V. 37, p. 495
28-15a-27	Amended	V. 37, p. 495
28-15a-28	Amended	V. 37, p. 496
28-15a-29	Amended	V. 37, p. 496
28-15a-31	Amended	V. 37, p. 496
28-15a-32	New	V. 37, p. 496

28-15a-33	Amended	V. 37, p. 496
28-15a-41	Amended	V. 37, p. 496
28-15a-42	Amended	V. 37, p. 496
28-15a-43	Amended	V. 37, p. 496
28-15a-60	Amended	V. 37, p. 496
28-15a-61	Amended	V. 37, p. 496
28-15a-62	Amended	V. 37, p. 496
28-15a-63	Amended	V. 37, p. 496
28-15a-64	Amended	V. 37, p. 496
28-15a-65	Amended	V. 37, p. 496
28-15a-66	Amended	V. 37, p. 496
28-15a-70	Amended	V. 37, p. 496
28-15a-72	Revoked	V. 37, p. 497
28-15a-73	Revoked	V. 37, p. 497
28-15a-74	Revoked	V. 37, p. 497
28-15a-75	Revoked	V. 37, p. 497
28-15a-76	Revoked	V. 37, p. 497
28-15a-80	Amended	V. 37, p. 497
28-15a-81	Revoked	V. 37, p. 497
28-15a-82	Revoked	V. 37, p. 497
28-15a-83	Revoked	V. 37, p. 497
28-15a-84	Revoked	V. 37, p. 497
28-15a-85	Revoked	V. 37, p. 497
28-15a-86	Revoked	V. 37, p. 497
28-15a-87	Revoked	V. 37, p. 497
28-15a-88	Revoked	V. 37, p. 497
28-15a-89	Revoked	V. 37, p. 497
28-15a-90	Revoked	V. 37, p. 497
28-15a-91	Revoked	V. 37, p. 497
28-15a-100	Amended	V. 37, p. 497
28-15a-101	Amended	V. 37, p. 497
28-15a-110	Amended	V. 37, p. 497
28-15a-111	Amended	V. 37, p. 497
28-15a-130	Amended	V. 37, p. 497
28-15a-131	Revoked	V. 37, p. 497
28-15a-132	Revoked	V. 37, p. 497
28-15a-133	Revoked	V. 37, p. 497
28-15a-134	Revoked	V. 37, p. 497
28-15a-135	Revoked	V. 37, p. 497
28-15a-151	Amended	V. 37, p. 497
28-15a-152	Revoked	V. 37, p. 498
28-15a-153	Revoked	V. 37, p. 498
28-15a-154	Revoked	V. 37, p. 498
28-15a-155	Revoked	V. 37, p. 498
28-15a-170	Amended	V. 37, p. 498
28-15a-172	Revoked	V. 37, p. 498
28-15a-173	Revoked	V. 37, p. 498
28-15a-174	Revoked	V. 37, p. 498
28-15a-175	Revoked	V. 37, p. 498
28-15a-201	Amended	V. 37, p. 498
28-15a-202	Revoked	V. 37, p. 498
28-15a-203	Revoked	V. 37, p. 498
28-15a-204	Revoked	V. 37, p. 498
28-15a-205	Revoked	V. 37, p. 498
28-15a-206	Revoked	V. 37, p. 498
28-15a-207	Revoked	V. 37, p. 498
28-15a-208	Revoked	V. 37, p. 498
28-15a-209	Revoked	V. 37, p. 498
28-15a-210	Revoked	V. 37, p. 498
28-15a-400	New	V. 37, p. 498
28-15a-500	Amended	V. 37, p. 498
28-15a-501	Revoked	V. 37, p. 498
28-15a-502	Revoked	V. 37, p. 498
28-15a-503	Revoked	V. 37, p. 498
28-15a-530	Revoked	V. 37, p. 498
28-15a-531	Revoked	V. 37, p. 498
28-15a-532	Revoked	V. 37, p. 498
28-15a-533	Revoked	V. 37, p. 499
28-15a-534	Revoked	V. 37, p. 499
28-15a-535	Revoked	V. 37, p. 499
28-15a-536	Revoked	V. 37, p. 499
28-15a-540	Revoked	V. 37, p. 499
28-15a-541	Revoked	V. 37, p. 499
28-15a-542	Revoked	V. 37, p. 499
28-15a-543	Revoked	V. 37, p. 499
28-15a-544	Revoked	V. 37, p. 499

28-15a-550	Revoked	V. 37, p. 499
28-15a-551	Revoked	V. 37, p. 499
28-15a-552	Revoked	V. 37, p. 499
28-15a-553	Revoked	V. 37, p. 499
28-15a-560	Revoked	V. 37, p. 499
28-15a-561	Revoked	V. 37, p. 499
28-15a-562	Revoked	V. 37, p. 499
28-15a-563	Revoked	V. 37, p. 499
28-15a-564	Revoked	V. 37, p. 499
28-15a-570	Revoked	V. 37, p. 499
28-15a-571	Revoked	V. 37, p. 499
28-15a-600	New	V. 37, p. 499
28-15a-620	New	V. 37, p. 499
28-15a-700	New	V. 37, p. 499
28-15a-851	New	V. 37, p. 499
28-16-28b	Amended	V. 37, p. 98
28-16-28d	Amended	V. 37, p. 101
28-16-28e	Amended	V. 37, p. 103
28-16-28f	Amended	V. 37, p. 105
28-16-28h	New	V. 37, p. 106
28-32-11	Amended	V. 37, p. 244
28-35-135a	Amended	V. 37, p. 325
28-35-135c	Amended	V. 37, p. 327
28-35-135i	Amended	V. 37, p. 328
28-35-135s	Amended	V. 37, p. 329
28-35-135u	Amended	V. 37, p. 330
28-35-140	Amended	V. 37, p. 331
28-35-146a	Amended	V. 38, p. 130
28-35-147a	Amended	V. 38, p. 130
28-35-177a	Amended	V. 37, p. 331
28-35-178i	Amended	V. 37, p. 332
28-35-179a	Amended	V. 37, p. 333
28-35-180a	Amended	V. 37, p. 333
28-35-180b	Amended	V. 37, p. 333
28-35-180h	Amended	V. 37, p. 334
28-35-181h	Amended	V. 37, p. 336
28-35-181i	Amended	V. 37, p. 337
28-35-181k	Amended	V. 37, p. 337
28-35-181m	Amended	V. 37, p. 338
28-35-181o	Amended	V. 37, p. 339
28-35-181t	New	V. 37, p. 340
28-35-184a	Amended	V. 37, p. 340
28-35-192a	Amended	V. 37, p. 341
28-35-192c	Amended	V. 37, p. 342
28-35-192g	Amended	V. 37, p. 342
28-35-192h	New	V. 37, p. 343
28-35-197a	Revoked	V. 37, p. 343
28-35-197b	New	V. 37, p. 343
28-35-205b	Amended	V. 37, p. 343
28-35-217b	Amended	V. 37, p. 343
28-35-221a	Amended	V. 37, p. 344
28-35-221b	Amended	V. 37, p. 345
28-35-230d	Revoked	V. 37, p. 345
28-35-264	Amended	V. 37, p. 345
28-35-288	Amended	V. 37, p. 346
28-35-343	Amended	V. 37, p. 346
28-35-344	Amended	V. 37, p. 346
38-35-347	Amended	V. 37, p. 346
28-35-362	Amended	V. 37, p. 347
28-35-504	Amended	V. 37, p. 347
28-35-700	New	V. 37, p. 348
28-70-2	Amended	V. 37, p. 1135

AGENCY 30: KANSAS DEPARTMENT FOR CHILDREN AND FAMILIES

Reg. No.	Action	Register
30-46-10	Amended (T)	V. 37, p. 1132
30-46-10	Amended	V. 38, p. 128
30-46-13	Amended (T)	V. 37, p. 1132
30-46-13	Amended	V. 38, p. 128
30-46-15	Amended (T)	V. 37, p. 1132
30-46-15	Amended	V. 38, p. 129
30-46-17	Amended (T)	V. 37, p. 1133
30-46-17	Amended	V. 38, p. 129

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Table with 3 columns: Reg. No., Action, Register. Rows include 40-1-48 Amended and 40-3-60 New.

AGENCY 47: DEPARTMENT OF HEALTH AND ENVIRONMENT—MINED-LAND CONSERVATION AND RECLAMATION

Table with 3 columns: Reg. No., Action, Register. Rows include 47-2-75 Amended, 47-3-1 Amended, up to 47-16-13 New.

AGENCY 51: DEPARTMENT OF LABOR—DIVISION OF WORKERS COMPENSATION

Table with 3 columns: Reg. No., Action, Register. Rows include 51-1-1 Revoked, 51-1-26 New, up to 51-17-2 Amended.

AGENCY 63: BOARD OF MORTUARY ARTS

Table with 3 columns: Reg. No., Action, Register. Row: 63-5-3 New.

AGENCY 68: BOARD OF PHARMACY

Table with 3 columns: Reg. No., Action, Register. Rows include 68-2-23 New, 68-5-17 New, up to 68-21-7 Amended.

AGENCY 69: BOARD OF COSMETOLOGY

Table with 3 columns: Reg. No., Action, Register.

69-1-10 New V. 38, p. 84

AGENCY 74: BOARD OF ACCOUNTANCY

Table with 3 columns: Reg. No., Action, Register. Rows include 74-2-1 Amended, 74-2-7 Amended, up to 74-12-1 Amended.

AGENCY 82: STATE CORPORATION COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 82-3-206 Amended, 82-3-307 Amended, up to 82-4-3a Amended.

AGENCY 86: REAL ESTATE COMMISSION

Table with 3 columns: Reg. No., Action, Register. Rows include 86-1-3 Amended, 86-1-5 Amended, up to 86-3-28 Amended.

AGENCY 88: BOARD OF REGENTS

Table with 3 columns: Reg. No., Action, Register. Row: 88-3-8a Amended.

AGENCY 100: BOARD OF HEALING ARTS

Table with 3 columns: Reg. No., Action, Register. Rows include 100-11-1 Amended, 100-28a-14 Amended, up to 100-77-3 New (T).

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Table with 3 columns: Reg. No., Action, Register. Rows include 102-1-13 Amended, 102-1-18 Amended, up to 102-7-12 Amended.

AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES

Table with 3 columns: Reg. No., Action, Register.

Table with 3 columns: Reg. No., Action, Register. Rows include 105-5-2 Amended, 105-5-3 Amended, up to 105-5-11 Revoked.

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Table with 3 columns: Reg. No., Action, Register. Rows include 109-5-1 Amended, 109-8-1 Amended, up to 109-11-6a Amended.

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 from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 Kansas Register. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 Kansas Register. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 Kansas Register. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 Kansas Register. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 Kansas Register. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 Kansas Register. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 Kansas Register.

Table with 3 columns: Reg. No., Action, Register. Rows include 111-2-325 New, 111-2-326 New, up to 111-4-3534 New.

111-4-3535	New	V. 37, p. 776	111-19-31	New	V. 37, p. 620	111-501-44	Amended	V. 37, p. 1174
111-4-3536	New	V. 37, p. 777	111-19-32	New	V. 37, p. 621	111-501-45	Amended	V. 37, p. 783
111-4-3537	New	V. 37, p. 980	111-19-33	New	V. 37, p. 621	111-501-101	Amended	V. 37, p. 1085
111-4-3538	New	V. 37, p. 982	111-19-34	New	V. 37, p. 621	111-501-141	Amended	V. 37, p. 1037
111-4-3539	New	V. 37, p. 983	111-19-35	New	V. 37, p. 622	111-501-142	Amended	V. 37, p. 258
111-4-3540	New	V. 37, p. 984	111-19-36	New	V. 37, p. 622	111-501-143	Amended	V. 37, p. 993
111-4-3541	New	V. 37, p. 985	111-19-37	New	V. 37, p. 622	111-501-144	New	V. 37, p. 993
111-4-3542	New	V. 37, p. 1166	111-19-38	New	V. 37, p. 623	111-501-145	Amended	V. 38, p. 296
111-4-3543	New	V. 37, p. 1167	111-19-39	New	V. 37, p. 623	111-501-146	New	V. 37, p. 994
111-4-3544	New	V. 37, p. 1168	111-19-40	New	V. 37, p. 624	111-501-147	Amended	V. 38, p. 296
111-4-3545	New	V. 37, p. 1169	111-19-41	New	V. 37, p. 624	111-501-148	New	V. 37, p. 996
111-4-3546	New	V. 37, p. 1083	111-19-42	New	V. 37, p. 625	111-601-22	Amended	V. 37, p. 630
111-4-3547	New	V. 37, p. 1171	111-19-43	New	V. 37, p. 252	111-601-23	Amended	V. 37, p. 630
111-4-3548	New	V. 38, p. 283	111-19-44	New	V. 37, p. 665	111-601-24	Amended	V. 37, p. 631
111-4-3549	New	V. 38, p. 284	111-19-45	New	V. 37, p. 778	111-601-25	Amended	V. 37, p. 632
111-4-3550	New	V. 38, p. 285	111-19-46	New	V. 37, p. 990	111-601-36	Amended	V. 37, p. 1086
111-4-3551	New	V. 38, p. 286	111-19-47	New	V. 37, p. 1084	111-601-37	Amended	V. 38, p. 182
111-4-3552	New	V. 38, p. 287	111-19-48	New	V. 38, p. 176	111-601-46	New	V. 37, p. 632
111-4-3553	New	V. 38, p. 289	111-19-49	New	V. 38, p. 177	111-601-47	New	V. 37, p. 632
111-4-3554	New	V. 38, p. 292	111-19-50	New	V. 38, p. 294	111-601-48	Amended	V. 37, p. 1038
111-4-3555	New	V. 38, p. 320	111-19-51	New	V. 38, p. 295	111-601-49	New	V. 37, p. 633
111-4-3556	New	V. 38, p. 321	111-301-39	Amended	V. 37, p. 223	111-601-50	New	V. 37, p. 633
111-5-80	Amended	V. 37, p. 218	111-301-63	New	V. 37, p. 135	AGENCY 115: DEPARTMENT OF WILDLIFE, PARKS AND TOURISM		
111-5-81	Amended	V. 37, p. 219	111-301-64	New	V. 37, p. 135			
111-5-82	Amended	V. 37, p. 220	111-301-65	New	V. 37, p. 135	Reg. No.	Action	Register
111-5-83	Amended	V. 37, p. 221	111-301-66	New	V. 37, p. 136	115-2-1	Amended	V. 38, p. 368
111-5-84	Amended	V. 37, p. 221	111-301-67	New	V. 37, p. 626	115-2-3	Amended	V. 38, p. 370
111-5-85	Amended	V. 37, p. 221	111-301-68	Amended	V. 37, p. 990	115-2-4	Amended	V. 38, p. 371
111-5-243	New	V. 37, p. 620	111-301-69	New	V. 37, p. 626	115-2-5	Revoked	V. 37, p. 1165
111-5-244	New	V. 38, p. 323	111-301-70	Amended	V. 37, p. 991	115-2-7	New	V. 37, p. 1226
111-7-81	Amended	V. 37, p. 986	111-301-71	Amended	V. 37, p. 991	115-3-2	Amended	V. 38, p. 371
111-7-267	New	V. 37, p. 133	111-302-2	Amended	V. 38, p. 178	115-4-4	Amended	V. 38, p. 371
111-7-268	New	V. 37, p. 987	111-302-4	Amended	V. 37, p. 223	115-4-6b	Amended	V. 37, p. 723
111-7-269	New	V. 37, p. 987	111-302-5	Amended	V. 38, p. 178	115-4-11	Amended	Vol. 38, p. 372
111-4-270	New	V. 37, p. 987	111-401-6	Amended	V. 37, p. 253	115-7-1	Amended	V. 37, p. 1227
111-7-271	New	V. 37, p. 988	111-401-11	Amended	V. 37, p. 254	115-7-3	Amended	V. 37, p. 1165
111-7-272	New	V. 37, p. 988	111-401-15	Amended	V. 38, p. 324	115-7-4	Amended	V. 37, p. 1228
111-7-273	New	V. 37, p. 988	111-401-17	Amended	V. 38, p. 325	115-7-10	Amended	V. 37, p. 1228
111-7-274	New	V. 37, p. 989	111-401-35	Amended	V. 38, p. 326	115-8-1	Amended	V. 37, p. 724
111-7-275	New	V. 37, p. 989	111-401-63	Amended	V. 37, p. 445	115-9-5	Amended	V. 38, p. 375
111-7-276	Amended	V. 38, p. 326	111-401-109	Amended	V. 37, p. 628	115-11-2	Amended	V. 38, p. 127
111-9-218	New	V. 37, p. 251	111-401-117	Amended	V. 37, p. 254	115-15-3	Amended	V. 37, p. 81
111-9-219	New	V. 37, p. 989	111-401-208	Amended	V. 37, p. 1037	115-15-4	Amended	V. 37, p. 82
111-9-220	New	V. 37, p. 1193	111-401-240	New	V. 37, p. 667	115-17-2	Amended	V. 37, p. 1165
111-9-221	New	V. 38, p. 323	111-401-241	New	V. 37, p. 667	115-18-10	Amended	V. 37, p. 1166
111-9-222	New	V. 38, p. 324	111-401-242	New	V. 37, p. 667	115-18-8	Amended	V. 37, p. 1228
111-15-1	Amended	V. 37, p. 1171	111-401-243	New	V. 37, p. 667	AGENCY 117: REAL ESTATE APPRAISAL BOARD		
111-15-2	Amended	V. 37, p. 1171	111-401-244	New	V. 37, p. 668			
111-15-3	Amended	V. 37, p. 1172	111-401-245	New	V. 37, p. 668	Reg. No.	Action	Register
111-15-5	Amended	V. 37, p. 1173	111-401-246	New	V. 37, p. 669	117-2-1	Amended	V. 37, p. 1107
111-15-6	Amended	V. 37, p. 1173	111-401-247	New	V. 37, p. 779	117-2-2	Amended	V. 37, p. 1107
111-15-21	Amended	V. 37, p. 1174	111-401-248	New	V. 37, p. 779	117-3-2	Amended	V. 37, p. 1108
111-19-11	Amended	V. 37, p. 251	111-401-249	New	V. 37, p. 779	117-4-1	Amended	V. 37, p. 1109
111-19-26	New	V. 37, p. 134	111-401-250	New	V. 37, p. 780	117-4-2	Amended	V. 37, p. 1111
111-19-27	New	V. 37, p. 222	111-401-251	New	V. 37, p. 780	117-5-1	Amended	V. 37, p., 1112
111-19-28	New	V. 37, p. 222	111-401-252	New	V. 37, p. 781	117-8-3	Amended	V. 37, p. 98
111-19-29	New	V. 37, p. 620	111-501-24	Amended	V. 37, p. 256			
111-19-30	New	V. 37, p. 620	111-501-25	Amended	V. 37, p. 257			

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