

# KANSAS REGISTER



State of Kansas

**JACK H. BRIEB**  
Secretary of State

Vol. 2, No. 10

March 10, 1983

Pages 181-210

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## State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION  
SUPREME COURT DOCKET**

(NOTE: Dates and times of arguments are subject to change.)

Monday, March 21, 1983

Case Caption	Attorneys	Originating County
	<b>9:30 a.m.</b>	
54,716 State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.;	Sedgwick
	Geary N. Gorup, Asst. Dist. Atty.	
v.		
Joseph Smith, Appellant.	G. Craig Robinson.	
54,517 State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.;	Sedgwick
	Geary N. Gorup, Asst. Dist. Atty.	
v.		
Robert G. Garcia, Appellant.	Stephen E. Robison.	
53,096 John B. Egy, Appellee,	Gerald W. Scott.	Sedgwick
		<b>ON PETITION FOR REVIEW</b>
v.		
United States Fidelity and Guaranty Company, Appellant.	James B. Zongker;	
	Roger M. Theis.	
54,482 Sherman H. Sampson, Appellee,	John Terry Moore.	Sedgwick
v.		
Jack R. Hunt and Construction and Development, Inc., Appellant.	James Z. Hernandez;	
	David Wood.	
	<b>1:30 p.m.</b>	
54,885 Haysville, U.S.D. No. 261,	Jerry L. Berg;	Sedgwick
v.		
GAF Corporation, Appellant,	Jerry D. Bogle;	
v.		
Carmichael-Wheatcroft & Associates, P.A.;	H. E. Jones;	
et al., Appellees.	Robert E. Siefkin;	
	Alan L. Rupe.	

(continued)

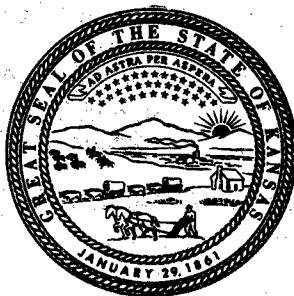
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PUBLISHED BY  
JACK H. BRIER  
Secretary of State  
State Capitol  
Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell  
Publications Director

55,045	Games Management, Inc., Appellee, v. Clark Owens, II, District Attorney, Sedgwick County, Kansas; et al., Appellants.	Robert S. Burchfiel.  Geary N. Gorup, Asst. Dist. Atty.; James Flory, Asst. Attorney Gen.; Edward L. Keeley; Stanley Issinghoff.	Sedgwick
54,983	State of Kansas, Appellee, v. Reginald Lamont Carter, Appellant.	Robert T. Stephan, Atty. Gen.; Keith D. Hoffman, Co. Atty.  Doug Thompson.	Dickinson
54,718	State of Kansas, Appellee, v. Joe Buddy Myers, Appellant.	Robert T. Stephan, Atty. Gen.; Robert M. Socolofsky.  Charles S. Arthur, III.	Riley
<b>Tuesday, March 22, 1983</b> <b>9:30 a.m.</b>			
54,728	State of Kansas, Appellee, v. Kyrus Melvin Chambers, Appellant.	Robert T. Stephan, Atty. Gen.; Dexter Burdette, Asst. Dist. Atty.  Michael Redmon.	Wyandotte
54,851	James M. Brewster, et al., Appellees, v. The City of Overland Park, Kansas, Appellant.	Gregory A. Dean.  Neil R. Shortlidge, Asst. City Atty.	Johnson
Consolidated w/			
55,031	City of Pittsburg, Appellant, v. Carl Pingry, Appellee.	C. A. Menghini.  Carl Pingry.	Crawford
55,019	Kurt K. Rajala, Appellant, v. Phillip E. Doresky, Appellee.	Eric C. Rajala.  Barry D. Martin.	Johnson
53,609	Ellis J. Garrison, Appellant, v. Ban Ngoc Vu, Appellee.	Ronald D. Garrison.  Barry W. McCormick.	Johnson ON PETITION FOR REVIEW
<b>1:30 p.m.</b>			
54,357	Roy E. McAlister, Appellant, v. Atlantic-Richfield Company, et al., Appellees.	Patrick L. Dougherty.  T. J. Carney; Robert M. Siefkin; Evan Olson; Carl L. Wettig; William Summer Scott.	Harvey
54,358	Roy E. McAlister, Appellant, v. Marathon Oil Company, Inc., et al., Appellees.	Patrick L. Dougherty.  Evan Olson; R. Douglas Reagan.	Harvey
54,819	State of Kansas, Appellee, v. Danny Lee Robinson, Appellant.	Robert T. Stephan, Atty. Gen.; Steven L. Opat, Co. Atty.  Craig Altenhofen.	Geary
54,861	State of Kansas, Appellee, v. Clifton Linwood Lashley, a/k/a Chris Larkins, Appellant.	Robert T. Stephan, Atty. Gen.; Richard G. Oliver, Co. Atty.  Douglas D. Depew.	Wilson

(continued)

Wednesday, March 23, 1983

9:30 a.m.

- |        |  |   |         |
|--------|--|---|---------|
| 54,632 | Edna Pray and Frank Carney, Appellees,<br>v.<br>Premier Petroleum, Inc., et al.,<br>Appellants.  | Robert T. Cornwell.<br><br>Richard D. Greene. | Butler  |
| 54,587 | C. E. Murphy and Blanch C. Murphy, et<br>al., Appellees.<br>v.<br>Gerald E. Steffes, et al., Appellants.                               | W. Irving Shaw.<br><br>James W. Putman.       | Lyon    |
| 54,707 | Steven L. Harper and Nancy Harper, as<br>Guardians, et al., Appellees,<br>v.<br>Prudential Insurance Company of<br>America, Appellant. | John V. Black.<br><br>Susan K. McKee.         | Barber  |
| 54,890 | Johnson Brothers Wholesale Liquor<br>Company, Appellee,<br>v.<br>Bruce Clemmons, Appellant.  | Robert L. Baer.<br><br>Kenneth F. Crockett.   | Shawnee |

1:30 p.m.

- |        |  |  |         |
|--------|--|--|---------|
| 54,789 | Southwestern Bell Telephone Company,<br>Appellant,<br>v.<br>State Corporation Commission and The<br>Boeing Company, Appellees.   | Lawrence A. Dimmitt;<br>Michael C. Cavell.<br><br>C. Edward Peterson;<br>A. Rodman Johnson;<br>Robert Sweatt;<br>Milo Unruh. | Shawnee |
| 54,862 | Leota Coates, Appellee,<br>v.<br>Board of Education, U.S.D. No. 353,<br>Appellant.   | E. L. Kinch.<br><br>Fred W. Rausch, Jr.  | Sumner  |
| 54,909 | Unified School District No. 251,<br>Appellee,<br>v.<br>The Secretary of the Kansas Department<br>of Human Resources and The North Lyon<br>County Teachers' Association, Appellant. | Fred W. Rausch, Jr.;<br>Arnold Berman.<br><br>David M. Schauner.   | Lyon    |

Thursday, March 24, 1983

9:30 a.m.

- |        |   |  |         |
|--------|---|--|---------|
| 55,134 | The Iola State Bank, Appellant,<br>v.<br>Joe Biggs, Jan Biggs, Biggs Feed &<br>Grain, Inc., Dolores M. Bybee, Appellees.  | Charles N. Henson;<br>John Toland.<br><br>Herbert A. Marshall.   | Coffey  |
| 54,904 | Utica National Bank and Trust Company,<br>Tulsa, Oklahoma, a National Banking<br>Corporation, Appellee,<br>v.<br>G. W. Marney, Triangle Drilling of El<br>Dorado, Inc., et al., Appellants. | David Maslen.<br><br>Robert M. Green.  | Cowley  |
| 54,520 | Clay L. Wirt, et al., Appellants,<br>v.<br>Robert C. Esrey, as Receiver, et al.,<br>Appellees.  | Lyndus A. Henry, County<br>Counselor;<br>Bernis G. Terry, Asst. County<br>Counselor.<br><br>John Anderson, Jr. | Johnson |

(continued)

54,594	Foley Company, Appellee,	James M. Sheeley; R. W. Miller; Kevin E. Glynn.	Johnson
	v. Grindsted Products, Inc., and Niro Automizer, Inc., and Johnson County Airport Commission, Appellants.	Keith Martin; Gerald E. Williams; Larry Winn, III.	
<i>1:30 p.m.</i>			
54,193	Arrowhead Construction Company, Appellee,	Scott E. Daniel; David J. Rebein.	Kearney
	v. Essex Corporation, et al., Appellants.	Kenneth E. Peirce.	
54,558	Ottawa Education Association, Appellant,	David M. Schauner.	Franklin
	v. Unified School District No. 290, Ottawa, Kansas, Appellee.	Pat Baker; Joyce Fackler Hendrix.	
54,847	Mid-Continent Delivery, Inc., a Missouri Corporation, Appellee,	Mark A. Corder.	Johnson
	v. Cape Air Freight, Inc., a Kansas Corporation, Appellant.	Earl L. Nagels.	
<i>Friday, March 25, 1983</i>			
<i>9:30 a.m.</i>			
54,746	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Sue Carpenter, Asst. Dist. Atty.	Shawnee
	v. Calvin Strong, Appellant.	William H. Yandell, Asst. Dist. Defender.	
54,944	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Sally Pokorny, Asst. County Atty.	Montgomery
	v. Stanley Vaughn Kendrex, Appellant.	Philip J. Bernhart.	
54,902	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Paul J. Morrison, Asst. Dist. Atty.	Johnson
	v. Tom A. Dunn, Appellant.	Timothy J. Turner.	
Consolidated w/ 54,903	State of Kansas, Appellee,	Robert T. Stephan, Atty. Gen.; Paul J. Morrison, Asst. Dist. Atty.	Johnson
	v. Gary V. French, Appellant.	Timothy J. Turner.	

LEWIS C. CARTER  
Clerk of the Appellate Courts

## State of Kansas

## FISH AND GAME COMMISSION

## OPEN MEETING NOTICE

A meeting of the Kansas Fish and Game Commission is scheduled for March 15-16, 1983, at the Board of Healing Arts Conference Room, 503 Kansas, 5th Floor, Topeka, Kansas. The meeting begins at 1:30 p.m. on March 15, and 9:00 a.m. on March 16. Fish and game legislation and other business matters will be discussed.

RON HOPKINS  
Commission Chairman

Doc. No. 000983

## State of Kansas

## LEGISLATURE

The following list gives the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394.

**Bills Introduced February 24-March 2:**

**SB 386**, by Committee on Ways and Means: An act relating to taxation of income; concerning taxation of gain from corporate liquidations; amending K.S.A. 1982 Supp. 79-32,138 and 79-32,140 and repealing the existing sections.

**SB 387**, by Committee on Federal and State Affairs: An act amending the Kansas withholding and declaration of estimated tax act; concerning the definition of employee; amending K.S.A. 79-3295 and repealing the existing section.

**SB 388**, by Committee on Ways and Means: An act providing for the transfer of money from the state general fund to the property contingency fund of the department of administration in an amount attributable to interest earned on moneys in the property contingency fund.

**SB 389**, by Committee on Ways and Means: An act concerning the department of administration; relating to accessibility of certain state building construction documents; amending K.S.A. 1982 Supp. 75-5414 and repealing the existing section.

**SB 390**, by Committee on Ways and Means: An act concerning state warrants; relating to disposition of balances from unpaid canceled warrants and payment of claims thereon; amending K.S.A. 10-812 and 46-921 and repealing the existing sections.

**SB 391**, by Committee on Ways and Means: An act concerning standards for construction of school buildings; amending K.S.A. 31-150 and repealing the existing section.

**SB 392**, by Committee on Ways and Means: An act concerning state payroll accounting; amending K.S.A. 75-5516 and repealing the existing section.

**SB 393**, by Committee on Ways and Means: An act concerning the department of administration; providing for transfers of moneys between funds and for the creation and abolishment of certain funds; amending K.S.A. 75-3615 and 75-3617 and K.S.A. 1982 Supp. 75-3632, 75-3634, 75-3638, 75-3646, 75-3650 and 75-3653 and repealing the existing sections; and also repealing K.S.A. 75-3767 and K.S.A. 1982 Supp. 75-3617a.

**SB 394**, by Committee on Ways and Means: An act relating to state capital improvement projects; exempting the projects from certain fees, building permit requirements and building codes of political subdivisions of the state.

**SB 395**, by Committee on Ways and Means: An act concerning capital improvement projects for state agencies; relating to architectural and management services provided by the secretary of administration; authorizing certain fees and prescribing the disposition thereof.

**SB 396**, by Committee on Ways and Means: An act relating to contracts for the construction, repair or improvement of state buildings or facilities; exempting certain contracts from competitive bid procedures.

**SB 397**, by Committee on Ways and Means: An act relating to collection of amounts owed to the state; prescribing powers, duties and functions of the director of accounts and reports; disposition of proceeds; amending K.S.A. 75-3728b and K.S.A. 1982 Supp. 60-2310, 75-6203, 75-6206 and 75-6210, and repealing the existing sections.

**SB 398**, by Committee on Ways and Means: An act concerning the Kansas all-sports hall of fame board of trustees; attaching the board to the state historical society for purposes of all budgeting, purchasing and related management functions; amending K.S.A. 74-2906a and repealing the existing section.

**SB 399**, by Committee on Ways and Means: An act relating to the state historical society; concerning business hours open to public and concerning printing costs of publications; amending K.S.A. 75-2702 and repealing the existing section.

**HB 2532**, by Committee on Federal and State Affairs: An act concerning drivers' licenses and nondrivers' identification cards; relating to duplicates thereof; prohibiting certain acts and providing penalties therefor; amending K.S.A. 8-260, 8-1327 and 21-3830 and repealing the existing sections.

**HB 2533**, by Committee on Ways and Means: An act concerning the state board of agriculture; relating to fees for commercial feeding stuffs inspections and meat and poultry plant annual registrations; amending K.S.A. 2-1004 and 65-6a34 and repealing the existing sections.

**HB 2534**, by Committee on Ways and Means: An act repealing K.S.A. 2-1801, 2-1802, 2-1803, and 2-1804; relating to the sale and distribution of agricultural land.

**HB 2535**, by Committee on Ways and Means: An act concerning the board of nursing; relating to legal services therefor; amending K.S.A. 74-1106 and repealing the existing section.

**HB 2536**, by Committee on Ways and Means: An act concerning the state board of tax appeals; relating to annual salaries for the members thereof; amending K.S.A. 1982 Supp. 74-2434 and repealing the existing section.

**HB 2537**, by Committee on Ways and Means: An act concerning the Kansas animal health department; relating to control and eradication of scabies in cattle and other animals; authorizing certain fees and providing for the disposition thereof.

**HB 2538**, by Committee on Ways and Means: An act concerning motor vehicles; prohibited acts; amending K.S.A. 8-142 and repealing the existing section.

**SCR 1622**, by Committee on Energy and Natural Resources: A concurrent resolution directing the Kansas water authority and Kansas water office to complete studies on minimum desirable streamflows in Kansas.

**HCR 5028**, by Representative L. Johnson: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

**HCR 5029**, by Representative Lowther: A concurrent resolution urging the State Board of Education to continue their support of programs presently serving preschool, handicapped children and to adopt a long-range plan for meeting the needs of all preschool handicapped children in Kansas.

**HCR 5030**, by Representative Holderman: A concurrent resolution urging the Congress of the United States to enact legislation allowing interstate banking.

**HR 6018**, by Representative Barr: A resolution congratulating the Washburn Rural High School debate squad for winning the Class 5A State Debate Tournament.

**HR 6019**, by Representatives Ramirez, Dillon, M. Johnson, Justice, Love, Peterson, Reardon, Rosenau, Sutter and Wisdom: A resolution congratulating all those who are employed at the General Motors Assembly, Fairfax Plant, Kansas City, Kansas, on the assembly of their six millionth automobile.

## State of Kansas

## COMMISSIONER OF INSURANCE

## NOTICE OF HEARING

TO STOCKHOLDERS AND POLICYHOLDERS OF CENTRAL PLAINS LIFE INSURANCE COMPANY, INC., CHARTERED PROTECTIVE LIFE INSURANCE COMPANY AND ALL OTHER INTERESTED PARTIES:

You are hereby notified of a hearing to be held in the office of the Kansas Commissioner of Insurance, 420 S.W. 9th Street, Topeka, Kansas, on the 14th day of March, 1983, at 10:30 a.m., to determine whether all statutory requirements pursuant to the proposed merger of Central Plains Life Insurance Company, Inc., Hutchinson, Kansas, into Chartered Protective Life Insurance Company, San Diego, California, have been satisfied.

The executive offices of both Central Plains Life Insurance Company, Inc., and Chartered Protective Life Insurance Company are maintained at 10089 Willow Creek Road, San Diego, California.

Central Plains Life Insurance Company, Inc., and Chartered Protective Life Insurance Company have requested that the Commissioner approve the merger of the two companies pursuant to K.S.A. 40-309.

Any interested party may attend this hearing and present either oral or written testimony, in favor of or in opposition to the proposed merger.

FLETCHER BELL  
Commissioner of Insurance

Doc. No. 000987

## State of Kansas

**DEPARTMENT OF HUMAN RESOURCES****KANSAS BALANCE-OF-STATE  
CETA PRIME SPONSOR'S  
POLICY REGARDING AFFIRMATIVE ACTION**

The Kansas Balance-of-State CETA Prime Sponsor's policy regarding Affirmative Action for the Handicapped has been revised and is available upon request. It is designed to insure that good faith effort is made by all contractors providing services under the auspices of CETA to enroll applicants without regard to their race, color, creed, political affiliation, sex, age, or handicap.

All classroom training institutions under CETA are also governed by K.S.A. 58-1301 and the *Rehabilitation Act of 1973* (P.L. 93-112, sec. 503 and 504). The law states that no one can be denied full accessibility to an educational program which utilizes federal funds.

For further information contact Richard Hernandez, Kansas Department of Human Resources, 401 Topeka Avenue, Topeka, Kansas 66603, telephone 913-296-3031.

LARRY E. WOLGAST  
Assistant Secretary

Doc. No. 000986

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

Sealed bids for items hereinafter listed will be received by the Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened:

**MONDAY, MARCH 21, 1983**

#52969

Department of Social & Rehabilitation Services, Topeka—PRINTED TERRY CLOTH SQUARES

#52970

University of Kansas, Lawrence—ACID FREE LIBRARY SUPPLIES

#52974

Kansas State Penitentiary, Lansing—WORD PROCESSING SYSTEM

#52976

Kansas State University, Manhattan—WET-DRY VACUUM

#52977

Kansas State University, Manhattan—FLOOR MACHINES

#52978

Kansas State University, Manhattan—FLOOR MACHINES

#52979

Department of Transportation, Topeka—TRACTOR MOWER

#52980

Department of Transportation—TRACTOR MOWERS, for various locations

#52981

Department of Transportation—TRACTOR MOWERS, for various locations

#52982

Department of Transportation—AGGREGATE FOR MAINTENANCE BITUMINOUS REPAIR MRA-A THROUGH E, for various locations

#52983

Department of Transportation—AGGREGATE FOR SHOULDER CONSTRUCTION, AS-1—ALTERNATE, AGGREGATE FOR BASE CONSTRUCTION, AB-3, for various locations

#52987

Department of Administration (Division of Information Systems and Computing), Topeka—COMPUTER UPGRADE

#53011

Kansas Correctional Industries, Lansing—SHIRTING FABRIC, for Hutchinson

#53014

Fort Hays State University, Hays—SCANNING ELECTRON MICROSCOPE

#53038

Department of Transportation, Hutchinson—TANDEM AXLE TRAILER

**TUESDAY, MARCH 22, 1983**

#25517

Larned State Hospital, Larned—CLINICAL ANALYZER REAGENTS

#25518

University of Kansas Medical Center, Kansas City—FROZEN EGGS

#25519

University of Kansas Medical Center, Kansas City—PROBE COVERS FOR ELECTRONIC THERMOMETERS

#25522

Statewide—LARGE LAMPS

#52973

Department of Social & Rehabilitation Services, Topeka—VIDEO EQUIPMENT

#52988

Department of Administration (Division of Purchases), Topeka—WORD PROCESSING SYSTEM

#52992

Department of Transportation, Hutchinson—FORKLIFT

#52993

University of Kansas Medical Center, Kansas City—RETROFIT FOR EXISTING COBE CENTURY 2 DIALYSIS MACHINES

#52994

Fort Hays State University, Hays—COMPACT CAR

#52995

Kansas Technical Institute, Salina—MOWER

#52996

Department of Administration (Central Motor Pool), Topeka—COMPACT SEDANS

#53001

University of Kansas Medical Center, Kansas City—CARDIAC CARE SYSTEM, for Edwardsville

#53002

University of Kansas Medical Center, Kansas City—CELL WASHING SYSTEM

#53010

Kansas State University, Manhattan—VEHICLES

(continued)

#53013  
University of Kansas, Lawrence—LOUNGE FURNITURE

#A-4551  
Department of Transportation—REROOF THE MAINTENANCE OFFICE AND EQUIPMENT GARAGE at Medicine Lodge

WEDNESDAY, MARCH 23, 1983

#52997  
Kansas State University, Manhattan—PICKUP, for Tribune

#52998  
Kansas State University, Manhattan—TRUCK

#52999  
Kansas State University, Manhattan—PICKUP

#53000  
Kansas State University, Manhattan—INDUCTION HEATER

#53015  
University of Kansas, Lawrence—INSECTICIDES

#53016  
Department of Administration (Division of Printing), Topeka—ENVELOPES—WHITE WOVE—WINDOW-PRINTED

#53017  
Department of Human Resources, Topeka—CONTINUOUS WARRANTS—K-BEN 22-23

#53020  
University of Kansas Medical Center, Kansas City—MOUSE CAGE SYSTEM

#53021  
Kansas State University, Manhattan—ROOF COATING

#53022  
Kansas State University, Manhattan—FEED BIN

#53041  
Department of Transportation—BITUMINOUS DISTRIBUTOR AND TRUCK, for various locations

#A-4448(a)  
Pittsburg State University, Pittsburg—ROOF MODIFICATIONS FOR KELCE CENTER FACILITY

#A-4494  
Parsons State Hospital & Training Center, Parsons—REROOF ASH, BIRCH AND CEDAR COTTAGES

THURSDAY, MARCH 24, 1983

#25506  
University of Kansas Medical Center, Kansas City and Statewide—PHARMACEUTICALS

#53012  
Kansas State University, Manhattan—WORD PROCESSOR

#53018  
Kansas State University, Manhattan—SOIL TILLER

#53019  
Department of Transportation—INDUSTRIAL TRACTORS, for various locations

#53029  
Department of Human Resources, Topeka—CHAIR MATS, for Topeka and Wichita

#53030  
Topeka State Hospital, Topeka—COMPACT SEDANS

#53031  
Department of Transportation—SELF-SUPPORTING RADIO ANTENNA TOWERS, for various locations

#53032  
Department of Transportation, Topeka—WEED KILLER

#53035  
University of Kansas, Lawrence—VEHICLES

#53039  
Department of Transportation, Hutchinson—SELF PROPELLED ROLLER

#A-4610  
Larned State Hospital, Larned—CONSTRUCT UNDERGROUND ELECTRIC SERVICE

#A-4647  
University of Kansas, Lawrence—FURNISH AND INSTALL FUME HOOD IN ROOM B-52 OF SMISSMAN HALL

FRIDAY, MARCH 25, 1983

#53033  
Department of Transportation, Topeka—AB-3 SPECIAL AGGREGATE, for Oskaloosa

#53036  
University of Kansas, Lawrence—BUILT-UP ROOF OF SPENCER LIBRARY

#53040  
Department of Transportation, Topeka—WOOD SIGN POSTS

TUESDAY, MARCH 29, 1983

#A-4515  
Winfield State Hospital & Training Center, Winfield—CARPET AND ACOUSTICAL TREATMENT FOR JUNIPER COMPLEX

WEDNESDAY, MARCH 30, 1983

#25516  
Statewide—CONTINUOUS MARGINAL PUNCHED "STOCK" TABULATING FORMS

THURSDAY, MARCH 31, 1983

#25520  
University of Kansas Medical Center, Kansas City—HIGH EFFICIENCY AIR FILTERS

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 000990

State of Kansas

ATTORNEY GENERAL

OPINION NO. 83-21

Waters and Watercourses—State Water Plan—Agreement with Federal Government for Water Storage; Payment Dependent on Appropriations. Joseph F. Harkins, Director, Kansas Water Office, Topeka, February 25, 1983.

The Kansas Water Office, as the successor to the authority of the Kansas Water Resources Board, may enter into agreements with the federal government by which water may be held in storage by the state in projects constructed by agencies of the federal government. As provided by K.S.A. 1982 Supp. 82a-934, such agreements are binding upon the state to the extent that future appropriations are made in support thereof. While no applicable sections of the Kansas Constitution limit the period of time an appropriation may extend, K.S.A. 46-155 imposes a limit of at most four years for capitol improvement appropriations. As no exception has been made for water storage agree-

(continued)



ments, the Kansas Water Office is without authority to make agreements which do not contain the limiting language provided by K.S.A. 1982 Supp. 82a-934. However, as this statute does authorize the Water Office to reimburse the federal government for damages resulting from the use of, or a release from, water storage, it may agree to language which states this in a contract. Cited herein: K.S.A. 40-3405, 46-155, K.S.A. 1982 Supp. 75-4704b, 82a-934, Kan. Const., Art. 2, § 24, Art. 11, §§ 6, 7, 9, 42 U.S.C.A. § 1962d-5b. JSS

#### OPINION NO. 83-22

**Personal and Real Property—Landlords and Tenants—Termination of Farm Tenancies; Notice Required.** Senator Gerald (Jerry) Karr, Seventeenth District, Emporia, February 25, 1983.

K.S.A. 1982 Supp. 58-2506 provides for the termination of farm tenancies, with the general rule being that notice of termination must be provided at least 30 days prior to March 1, at which time the tenancy is terminated. While two exceptions to this rule are provided, they deal only with fall-seeded grain crops. Accordingly, if a notice is given after the deadline and a spring-seeded grain crop is put in, the exceptions do not apply and the lease continues until March 1 of the succeeding year. Cited herein: K.S.A. 1982 Supp. 58-2506. JSS

#### OPINION NO. 83-23

**Roads and Bridges—County and Township Roads—Culverts Over Ditches In Front of Private Property.** Representative Clifford V. Campbell, 106th District, Beloit, February 25, 1983.

A "good, safe crossing," as applied to a culvert connecting farm land to a public road under K.S.A. 68-543, means a crossing which will accommodate farm implements and vehicles reasonably used and required by the landowner. Cited herein: K.S.A. 66-301, 68-543, 68-1108. TRH

#### OPINION NO. 83-24

**Taxation—Local Ad Valorem Tax Reduction Fund—Distribution to Political Subdivisions.** James R. Cobler, Director of Accounts and Reports, Topeka, February 28, 1983.

In order for a political subdivision to be entitled to receive its proportionate share of Local Ad Valorem Tax Reduction Fund (LAVTRF) moneys pursuant to K.S.A. 1982 Supp. 79-2961(b), it must certify a tax levy for each fund which is to receive a distribution of LAVTRF moneys, and the amount produced by the levy certified for each such fund must be equal to or greater than the amount of LAVTRF moneys distributed to such fund. In addition, where there is a maximum levy rate limitation for any such fund, the amount produced by the levy certified for such fund must be less than the amount which the maximum levy for the fund would produce. However, LAVTRF moneys may be applied to tax levy funds of general application for which there are no maximum levy rate

limitations. Cited herein: K.S.A. 79-1962, K.S.A. 1982 Supp. 79-2961. WRA

#### OPINION NO. 83-25

**Waters and Watercourses—Water Plan Storage—Amendment of Contracts.** Joseph F. Harkins, Director, Kansas Water Office, Topeka, February 28, 1983.

K.S.A. 82a-1316 provides that any contract for the withdrawal of water held in conservation storage by the state may be amended by written agreement of the parties, provided that such amendment does not affect the rate per unit of water or the minimum charge payable each year. Provisions specifying the point of withdrawal of water, however, may be amended so as to change the reservoir named in the contract. Such an amendment must, in order to have effect, be transmitted to and approved by the legislature in the same manner as water purchase contracts. Cited herein: K.S.A. 19-3435, 82a-1301, K.S.A. 1982 Supp. 82a-1307, K.S.A. 82a-1316, L. 1976, ch. 441, § 4, L. 1982, ch. 438, § 1. JSS

#### OPINION NO. 83-26

**Corporations—Savings and Loan Associations—Preemption of State Code by Federal Law.** Marvin S. Steinert, Savings and Loan Commissioner, Topeka, March 2, 1983.

Where there is an impairment of capital of a state-chartered savings and loan association, and such association has been approved as a qualified institution under the *Garn-St. Germain Depository Institutions Act of 1982* (P.L. 97-320), section 202 of that act preempts the application of those provisions of K.S.A. 17-5412 and 17-5811 which effectively require the cessation of such association's operations. Moreover, if such association's participation in the programs under the federal act as a qualified institution prevents the state savings and loan commissioner from making a finding that the association's impairment of capital threatens loss to its members, the commissioner has no authority to appoint a trustee for such association on the basis of its impairment of capital. Cited herein: K.S.A. 17-5101, 17-5412, 17-5614, 17-5615, 17-5616, 17-5618, 17-5620, 17-5811, 17-5814, 12 U.S.C. § 1729, P.L. 97-320, § 202, U.S. Const., Art. VI, cl. 2. WRA

ROBERT T. STEPHAN  
Attorney General

Doc. No. 000985

## State of Kansas

**SECRETARY OF STATE****NOTICE OF FORFEITURE**

In accordance with K.S.A. 17-7510, the authority of the following foreign corporations to do business in the State of Kansas was forfeited on February 15, 1983 for failure to file an annual report and pay the annual franchise tax, as required by the Kansas General Corporation Code.

**Cancelled 2/15/83 for failure to file the 7/31/82 annual report:**

**Foreign for Profit**

Alpha Geophysical, Inc., 1777 S. Harrison St., P303, Denver, CO.

Atlantic Oil Corporation, 1825 Lawrence KST, Suite 322, Denver, CO.

Beatty Electronics, Inc., 7105 W. 105th St., Overland Park, KS.

Cangeo Inc., 106 W. Huron Blvd., Marysville, MI.  
David F. Cahill Construction, Inc., 4721 Denver Ave., Kansas City, MO.

Heston Oil Company, 200 Reunion Center Bldg., 9 East 4th St., Tulsa, OK.

Mainline USA, Inc., c/o Anderson, Byrd & Richeson, 2nd & Main—Box 7, Ottawa, KS.

Miller Resources Corporation, 410 Seventeenth St., Suite 580, Denver, CO.

North American Energy Resources, Inc., 8000 E. Girard, Suite 413, Denver, CO.

Nutri-System Weight Loss Medical Centers of America, Inc., 7425 Old York Road, Melrose Park, PA.

Oil Capital Corporation, 8000 E. Girard, Suite 413, Denver, CO.

Oser Leasing Company, Inc., P.O. Box 9119, Fort Wayne, IN.

Polson Stove Shop, Inc., Highway 93 North, Polson, MT.

Resource Industries, Inc., 445 Union Blvd., #104, Lakewood, CO.

Southwest Commercial Chemical Corporation, P.O. Box 334, Genoa, NE.

Sports Gallery, Inc., 6559 North Oak, Gladstone, MO.

**Cancelled 2/15/83 for failure to file the annual report due after 11/15/82 extension:**

**Foreign for Profit**

American Intermedical Resources, Inc., 201 Beacon Parkway West, Box 74128, Birmingham, AL.

Laskey Electrical, Inc., 6601 Universal, Kansas City, MO.

**Cancelled 2/15/83 for failure to correct and return annual report:**

**Foreign for Profit**

The American Waterbed Gallery, Inc., 35 Stires Lake, Columbus, NE.

Astral Energy Corporation, 1300 Market Street, Wilmington, DE.

Baker-Smith Sheet Metal, Inc., 1114 N. Walrond, Kansas City, MO.

Blackfoot-Cherokee Energy Inc., Suite 1200, 321-6th Ave. SW, Calgary, Alberta, Canada

Charles E. Scott Co., Inc., P.O. Box 6514, Jackson, MS.

Continental U.S. Exploration, Inc., 6350 LBJ Freeway, #132, Dallas, TX.

Cunningham-Limp Company, 1400 N. Woodward Ave., Birmingham, MI.

Great Plains Construction Company, Inc., 98th & Tahoka Highway, Lubbock, TX.

Kinbro Petroleum, Inc., 811 Dallas, Suite 1226, Houston, TX.

The Lighting Center, Inc., 10570 Metcalf Lane, Overland Park, KS.

Mid-America Contractors, Inc., 723 Skyline Place, Stillwater, OK.

Sagebrush Resources Inc., 100 West Tenth St., Wilmington, DE.

Saxon Business Products, Inc., 1230 Avenue of the Americas, New York, NY.

Terra Dynamics Corp., 320 S. Boston, Tulsa, OK.

University of Drive-In Management, Inc., 5321 Butte Rd., Oklahoma City, OK.

War-Bick Productions, Inc., 9601 Wilshire Blvd., Suite 444, Beverly Hills, CA.

**Cancelled 2/15/83 for failure to submit a certificate of good standing with the annual report:**

**Foreign for Profit**

The Brass Ear, Inc., 1200 112th Ave., N.E., #230, Bellevue, WA.

C & K Petroleum, Inc., 5051 Westheimer, Houston, TX.

Fast Grass Midwest, Inc., c/o The Company Corp., 725 Market Street, Wilmington, DE.

Ranger Drilling Company, Inc., 525 South Main, Ste. 204, Tulsa, OK.

Superior Supply Company, 811 Dallas Avenue, Houston, TX.

Tymshare, Inc., 20705 Valley Green Drive, Cupertino, CA.

**Cancelled 2/15/83 for failure to designate a new resident agent within 60 days of resignation of previous resident agent:**

**Foreign for Profit**

Collins Development Corporation, 303 East Main St., St. Charles, IL.

JACK H. BRIER  
Secretary of State

BY: JOHN R. WINE, JR.  
Chief Counsel

Deputy Assistant Secretary of State

Doc. No. 000972

(Published in the KANSAS REGISTER, March 10, 1983.)

(NOTICE OF SALE)  
CITY OF HARPER  
HARPER COUNTY, KANSAS  
NOTICE OF BOND SALE  
GENERAL OBLIGATION SEWAGE  
DISPOSAL PLANT BONDS  
(SERIES A 1983)

Sealed bids will be received by the Governing Body in the city of Harper, Kansas, at the City Hall Building, 201 West Main, Harper, Kansas 67058, Monday, March 21, 1983, at 7:30 p.m., at which time bids shall be publicly opened for the purchase of \$181,758.00 General Obligation Sewage Disposal Plant Bonds of the city of Harper, Kansas, in the aggregate amount of \$181,758.00. Said bonds will be dated April 1, 1983, and will be in the denomination of \$5,000.00 each, except No. 1 will be \$1,758.00, and will become due as follows:

NUMBER	AMOUNT	MATURITY
1	\$ 1,758.00	October 1, 1984
2-5	20,000.00	October 1, 1985
6-9	20,000.00	October 1, 1986
10-13	20,000.00	October 1, 1987
14-17	20,000.00	October 1, 1988
18-21	20,000.00	October 1, 1989
22-25	20,000.00	October 1, 1990
26-29	20,000.00	October 1, 1991
30-33	20,000.00	October 1, 1992
34-37	20,000.00	October 1, 1993

Said bonds are a general obligation of said City and the entire tangible property in said City will be levied on to pay said bonds. Said bonds are not callable.

Interest on said bonds will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1984. Both principal and interest will be payable at the office of the State Treasurer, Topeka, Kansas.

Said bonds are being issued for the purpose of Sewage Disposal Plant Improvements for said City.

**DELIVERY AND LEGAL OPINION**

Said bonds, properly printed, are to be furnished by the City without cost to the successful bidder, and said bonds will be sold subject to the legal opinion of William P. Timmerman, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas, phone 316-685-7212, whose final, unqualified, approving opinion will be furnished and paid for by the City and delivered to the successful bidder as and when the bonds are delivered. The successful bidder will also be furnished with a certified transcript of proceedings evidencing the authorization and issuance of said bonds, and the usual closing proofs, including a non-litigation certificate.

Said bonds will be delivered to the successful bidder through any bank, on or about May 1, 1983, in Kansas City, Missouri; Topeka, Kansas; Wichita, Kansas; or Harper, Kansas, as may be specified by the bidder.

The assessed valuation of all tangible taxable property situated in the city of Harper, Harper County, Kansas, is \$4,631,471.00 for the year 1982.

The total bonded indebtedness of the City is as follows, to-wit:

- G.O. Bonds, \$347,258.00 including this issue.
- Notes: \$167,360.00, all of which will be picked up by this bond issue.
- Utility Revenue Bonds: \$5,500.00.
- Warrants: \$24,000.00.
- Overlapping debt: U.S.D. #361 \$980,000.00, of which 8.4% is applicable to Harper.
- Population of Harper, Kansas 1,823.
- Second Class City

**COUPON RATE**

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidder; provided, however, that each rate specified shall apply to all bonds of the same maturity. Each rate specified shall be an even multiple of one-tenth of one percent (1/10th of 1%) OR one-eighth of one percent (1/8th of 1%). There shall be no more than five (5) rates.

**CONDITIONS FOR BIDDERS**

Bids shall be submitted on a contract form with the usual information thereon, and should be addressed to the City Clerk of Harper, Kansas, plainly marked, "Bond Bid." All bids must state the gross interest cost of the bid and the average annual interest rate and premium, if any, all certified by the bidder to be correct, and the City will be entitled to rely upon such representations. Each bid must be accompanied by a certified cashier's check or bank draft equal to two percent (2%) (\$3,635.16) of the amount of such bid, to the city of Harper, Kansas. In the event a bidder whose bid is accepted shall fail to carry out his contract of purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned. The awards will be made on the basis of the lowest net interest cost to the City. In the event an error should occur in computing the coupon rates, the net interest cost will govern.

The right is reserved to reject any or all bids.

HUBERT JOHNSON  
Mayor

ATTEST: BILL HACKER

(SEAL) City Clerk

Doc. No. 000971

## State of Kansas

## DEPARTMENT OF CORRECTIONS

NOTICE OF HEARING  
ON PROPOSED TEMPORARY  
ADMINISTRATIVE REGULATIONS

Notice is hereby given that the Secretary of Corrections proposes certain regulations to be adopted as temporary regulations. These relate primarily to inmate discipline and community corrections. The inmate discipline rules are virtually identical to the temporary regulations currently in effect. The only changes of substance are found in the following:

**44-13-402.** Changes the amount of continuances available to each side from two continuances of 15 days each at their request to one five day continuance upon request and one additional continuance of up to 15 days at the discretion of the hearing officer or disciplinary board. It also allows the inmate to obtain the continuance from the disciplinary administrator rather than the board chairperson.

**44-14-302(a).** Requires that documentation be made that protective custody status is warranted and that no reasonable alternatives are available.

**44-14-302(b).** Now requires a review of the inmate's status in segregation pending investigation to be reviewed by the principal administrators or designee within 72 hours.

**44-14-302(c).** Limits pre-hearing detention to those cases where it is necessary to maintain security or control and requires the principal administrator to review the status within 72 hours.

**44-11-128.** Regarding community corrections which provides for the transference of the community corrections units accounting system over to the calendar year.

These regulations become effective on May 1, 1983 as temporary regulations and will remain in effect until May 1, 1984. A copy of the complete proposed regulations and the fiscal impact statement may be obtained by contacting the Kansas Department of Corrections, *Kansas Register* Liaison Officer, 535 Kansas Avenue, Suite 200, Topeka, Kansas 66603.

A public hearing will be held from 4:00 to 5:00 P.M. on Friday the 25th of March, 1983, in the Conference Room of the Department of Corrections, Third Floor, 535 Kansas Avenue, Topeka, Kansas 66603.

Interested parties may express their reviews at the hearing in writing and may also make oral presentations with the substance of their presentation submitted in writing.

A summary of the substance of the regulations is as follows:

**44-12-1101.** Broadens those covered by a conspiracy to any person, not merely other inmates.

**44-12-1301.** Increases the fine and adds reprimand to the possible class I penalties.

**44-12-1302.** Increases the fine and adds reprimand to the possible class II penalties.

**44-12-1303.** Increases the fine and adds reprimand to the possible class III penalties.

**44-12-1304.** Adds a fine of \$5.00 and reprimand to possible class IV penalties.

**44-13-101.** Requires the inmate disciplinary procedure; eliminates direct instant reports; lists rights of inmates; mandates notice of felonies to county prosecutor; allows by-pass of Stage A of final hearing in guilty pleas; allows hearing officer to hear both stages of final hearing in guilty pleas or no contest pleas; defines the disciplinary log.

**44-13-102.** Eliminates direct instant report regulation.

**44-13-105.** Requires disciplinary administrator be appointed in each facility.

**44-13-201.** Prohibits the writing officer from serving notice of disciplinary charge on inmate unless absolutely necessary to help avoid confrontation in the cellhouse. Allows service at the first hearing in certain circumstances; requires justification and a written explanation to the writing officer if supervisor dismisses or rejects disciplinary report; allows warning or reprimand by officer in lieu of writing reports in Class II, III and IV cases.

**44-13-301.** Allows a three member board at honor camps and work release centers. Allows hearing officer to conduct the entire final hearing, both stages, in guilty or no contest pleas.

Allows waiver of prior service requirement at honor camp and work release centers.

**44-13-302.** Clarifies the make-up and qualifications of the board and hearing officer.

**44-13-303.** Allows a one-man board for class IV.

**44-13-304.** Clarifies the use and purpose of the disciplinary representative as one to present the case on behalf of the facility to assist the officer.

**44-13-402.** Allows indefinite continuance of hearing for transferee return from Kansas Reception and Diagnostic Center, court, or mental hospital and other reasons.

**44-13-403.** Shortens deadline for first hearing from six days to four days; allows dismissal with explanation by hearing officer at first hearing.

**44-13-405.** Allows limits on presentation of witnesses by inmates for good cause and with written explanation; allows hearing without inmate present if inmate disrupts or refuses to attend; restricts hearing officer decision to the evidence; allows limitation of confrontation and cross examination in certain cases with cause and written explanation.

**44-13-406.** Requires that the charging officer be notified promptly of the disposition in a disciplinary case.

(continued)

**44-13-407.** Requires director's review in class IV cases.

**44-13-408.** Substantially limits and restricts right to legal counsel for inmates at disciplinary hearing; clarifies when counsel is to be considered not available; requires legal counsel for officers at disciplinary hearings in certain limited circumstances.

**44-13-601.** Requires service of disciplinary penalty begin immediately after hearing rather than after appeal is finished.

**44-13-602.** Adds "time awaiting investigation" to period credited to disciplinary penalty to clarify this matter.

**44-13-701.** Clarifies matters relating to appeals.

**44-13-702.** Clarifies counting of time for review on appeal by secretary of corrections.

**44-13-704.** Clarifies counting of time for review by director.

**44-13-707.** Adds a "harmless error" and "plain error" provision thus reducing dismissals for technicalities and help avoid unfairness.

**44-14-302.** Requires review of inmate's status in administrative segregation in cases where inmate is held pending investigation, or pending hearing.

**44-14-310.** Eliminates the hearing before administrative segregation but requires instead a review of the placement and optional interview of the inmate.

**44-11-125.** Clarifies community corrections chargeback.

**44-11-128.** Allows community corrections units to switch accounting years.

These temporary regulations in effect amend again the permanent regulations which were in effect prior to the temporary regulations of August 11, 1982, since those temporary regulations lapse at midnight on April 30, 1983.

The fiscal impact of these regulations is zero.

This concludes the notice of public hearing, summary of substance, and fiscal impact of the proposed temporary regulations, which are being submitted as temporary because of the need to reduce tension, unrest and possibly dangerous disruption at certain correctional institutions, to facilitate efficient inmate discipline, to comply with the legislative requirement that inmates have copies of published disciplinary rules provided to them and to facilitate accounting and management for community corrections units.

MICHAEL A. BARBARA  
Secretary of Corrections

Doc. No. 000989

## State of Kansas

### SOCIAL AND REHABILITATION SERVICES

#### NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE ADMINISTRATIVE REGULATIONS PROMULGATED BY THE SECRETARY OF SOCIAL AND REHABILITATION SERVICES

Notice is hereby given to all interested parties that on March 25, 1983, at 9:00 a.m., SRS Board Room, 6th Floor, State Office Building, Topeka, Kansas, the Secretary of Social and Rehabilitation Services will hold a public hearing concerning the adoption on a temporary basis of certain proposed administrative regulations. A revised summary of the proposed regulations is set forth below.

The various changes are scheduled to become effective as indicated in the summary. Some regulations are being amended twice (April 1 and May 1) to implement changes at different times and/or to comply with the technical requirements of the regulation filing act.

#### I. Public Assistance Program

##### A. General Assistance Program

The General Assistance Program is being revised effective April 1, 1983 to divide the program into two parts: unrestricted and transitional.

##### 1. General Assistance—Unrestricted (GAU)

The GAU program will basically be the current GA program. Eligibility for this program will be limited to family groups in which all persons meet one of the following criteria:

(a) A parent or parents and their minor children with whom they are living (including non-ADC eligible children living with a conservator or another person who is not within the degree of relationship for ADC).

(b) A person who has been determined to be physically incapacitated.

(c) A person who has been medically or psychologically determined to be mentally retarded.

(d) A person who has been medically or psychologically determined to be mentally ill to the extent that employment is precluded and who is actively participating in a treatment program.

(e) A person whose presence is required at home because of a verified medically determined condition of another member of the home whose condition does not permit self-care if the care is not available from another person in the home.

(f) A person who is participating in vocational rehabilitation program training.

(g) A person who is residing in an alcohol and drug abuse facility.

(h) A person who is 51 years old or older.

##### 2. Transitional General Assistance (TGA)

Family groups composed of one or more persons who do not fall within one of the above mentioned eight categories but otherwise meet the remaining eligibility factors for GAU will be eligible for TGA.

(continued)

TGA recipients will be exempt from participation in the Work Project and Community Work Experience Programs but will be required to participate in Job Search and/or Job Club activities. Further, TGA will not be available for those persons who voluntarily render themselves unavailable for employment.

The budgetary standard and maximum assistance payment to TGA recipients will be \$100.00 per month. The special allowances/special needs set forth in K.A.R. 30-4-120 will not be applicable to the TGA program.

The proposals concerning the TGA program are subject to change depending on available appropriations.

#### B. Emergency Assistance Program

The Emergency Assistance Program is being continued past its scheduled termination date of April 30, 1983. Such continuation is for an indefinite period of time.

#### C. Transient Assistance Program

The Transient Assistance Program is being terminated March 31, 1983.

#### D. List of affected regulations and other proposed changes.

1. 30-4-34. *Program* (amended April 1 and May 1).

2. 30-4-53. *Financial eligibility* (amended April 1 and May 1). This regulation is being amended effective April 1, 1983 to provide that the eligibility under the 150% rule for ADC and GA families living alone will be determined by using the basic and shelter standards set forth in K.A.R. 30-4-101 and 30-4-102. For GA families not living alone the pro rata share of the budgetary requirements as set forth in K.A.R. 30-4-100(b)(3) will be used to determine eligibility under the 150% rule.

This regulation is being further amended effective May 1, 1983 to provide that the eligibility under the 150% rule for ADC, APW, and GA families in non-shared living arrangements will be determined by using the standards in 30-4-101 and 30-4-102. For ADC and APW families in shared living arrangements, the standards set forth in K.A.R. 30-4-100(a)(2) will be used to determine the 150% level. For GA families in shared living arrangements, the 150% level will be determined by using the pro rata share of the budgetary requirements set forth in K.A.R. 30-4-100(b)(3).

3. 30-4-85a. *Eligibility factors specific to the EA program* (reinstated May 1).

4. 30-4-90. *Eligibility factors specific to the general assistance-unrestricted (GAU) program* (amended April 1 and May 1).

5. 30-4-91. *Eligibility factors specific to transitional general assistance (TGA) program* (new April 1).

6. 30-4-97. *Eligibility factors specific to the TA program* (revoked April 1).

7. 30-4-100. *Payment standards for budgetary requirements in the ADC, ADC-FC, GA and GA-FC programs* (amended April 1 and May 1). This regulation is being amended to: (1) provide for a payment standard of \$100.00 for the TGA program; (2) specifically reference the GAU program related to the basic and shelter standards; and (3) provide for a 20% re-

duction of the payment standard for GAU applicants and recipients unless (a) the person is receiving care or supervision; (b) a family member has been assigned to a work project; or (c) a family member is participating in vocational rehabilitation program training.

8. 30-4-102. *Standards for persons in room, board, specialized living or care* (amended April 1 and May 1).

9. 30-4-120. *Special allowances for recipients of ADC, ADC-FC, GAU and GA-FC* (amended April 1 and May 1).

10. 30-4-122a. *Special allowances for EA* (reinstated May 1).

11. 30-4-123. *Special allowances for recipients of transient assistance* (revoked April 1).

12. 30-4-140. *Payments* (amended April 1 and May 1). Technical amendments. See changes to K.A.R. 30-4-100.

#### II. Medicaid (Medical Assistance)—Client Eligibility

30-6-65. *Automatic eligibles* (amended April 1 and May 1). This regulation is being amended April 1 to delete medical coverage for transients and further amended effective May 1, 1983 to reinstate the language indicating no automatic eligibility for recipients of emergency assistance.

#### III. Medicaid (Medical Assistance) Program—Provider Participation, Scope of Services, Reimbursement

##### A. MediKan Program

The state funded only portion of the medical assistance program is being named the MediKan Program.

The scope of services for adult MediKan Program recipients is being limited as follows:

1. Co-pay requirements. (a) Program recipients will be obligated to the provider for the indicated amount of reimbursement that would otherwise be due from the agency for the following services:

- (1) Psychologist services—\$1.00 per visit;
- (2) pharmacy services—\$1.00 per visit per prescription, new and refill;
- (3) physician office visits—\$1.00 per visit;
- (4) podiatrist services—\$1.00 per visit;
- (5) ambulatory surgical center services—\$10.00 per visit;
- (6) outpatient general hospital services—\$10.00 per visit;
- (7) inpatient general hospital services—\$25.00 per admission; and
- (8) inpatient free standing psychiatric facility services provided by a non-state facility—\$25.00 per admission.

(b) The only recipients exempted from the above mentioned requirements will be residents of ICF's, ICF-MR's, ICF-MI's and SNF's.

2. Scope of hospital services. (a) Outpatient coverage will be limited to the following services:

- (1) Emergency care;
- (2) non-elective surgery;
- (3) laboratory and diagnostic radiology services when related to another covered outpatient hospital service;

(continued)

(4) diagnostic computerized axial tomography scans and ultrasonic studies;

(5) chemo and radiation therapy; and

(6) renal dialysis for recipients who cannot utilize home dialysis.

(b) Inpatient coverage will be limited to the following services:

(1) Non-elective surgery that cannot be done on an outpatient basis;

(2) acute medical care which cannot be provided on an outpatient basis;

(3) complicated deliveries and 48 hours for uncomplicated normal delivery;

(4) eight days for acute detoxification;

(5) fourteen days for psychiatric care per acute psychotic episode; and

(6) rehabilitation following catastrophic injury or disease complications of any treatment.

3. Scope of rural health clinic services. Rural health clinic services will not be covered for adult medikan program recipients.

4. Scope of independent laboratory services. Independent laboratory services will not be covered for adult medikan program recipients. Laboratory services provided in conjunction with a physician office visit will be pursuant to the scope of physician services.

5. Scope of community mental health center services. Coverage will be limited to:

(1) Psychological testing once per lifetime unless unusual circumstances are documented. Psychological testing will require prior authorization.

(2) 120 units of outpatient psychotherapy per calendar quarter.

(3) 120 hours of partial hospitalization per calendar month.

6. Scope of early and periodic screening, diagnosis and treatment services. Early and periodic screening, diagnosis and treatment services will not be covered for adult medikan program recipients.

7. Scope of physician services. Coverage will be limited to:

(1) Non-elective surgery;

(2) inpatient hospital services which cannot be provided on an outpatient basis;

(3) outpatient hospital services;

(4) twelve office visits per calendar year. The content of service for an office visit will include all laboratory tests, x-rays, office supplies, medications and materials;

(5) one adult care home visit per calendar month; and

(6) 24 hours of psychotherapy per calendar year.

8. Scope of home health services. Coverage will be limited to home health services provided by a home health agency and nursing services provided by a public health department if home health agency nursing services are not available.

9. Scope of pharmacy services. Coverage will be limited to life supporting drugs, supplies and devices.

10. Scope of dental services. Dental services will not be covered for adult medikan program recipients.

11. Scope of chiropractic services. Chiropractic ser-

vices will not be covered for adult medikan program recipients.

12. Scope of podiatrist services. Coverage will be limited to non-elective surgery and 12 office visits per calendar year.

13. Scope of psychologist services. Coverage will be limited to psychological testing once per lifetime unless unusual circumstances are documented. Psychological testing will require prior authorization.

14. Scope of services for the hard of hearing. Services for the hard of hearing will not be covered for adult medikan program recipients.

15. Scope of ambulance services. Coverage will be limited to emergency transportation to a facility where medical services are rendered.

16. Scope of non-ambulance medical transportation services. Non-ambulance medical transportation services will not be covered for adult medikan program recipients.

17. Scope of durable medical equipment, medical supplies, orthotic and prosthetic services. Coverage for durable medical equipment and medical supplies will be limited to services necessary to support life.

18. Scope of services in free-standing inpatient psychiatric facilities. Coverage in non-state facilities will be limited to 14 days per acute psychotic episode.

19. Family planning services. Coverage will be limited to services provided by public health departments.

20. Scope of psychiatric day treatment and partial hospitalization programs. Coverage will be limited to 120 hours per calendar month provided by a community mental health center.

21. Scope of services for ambulatory surgical centers. Coverage will be limited to non-elective surgical services.

22. Scope of substance abuse services. Coverage will be limited pursuant to scope of hospital and physician services.

23. Scope of optometric services. Optometric services will not be covered for adult medikan program recipients.

## B. Reimbursement for services provided by general hospitals.

### I. Inpatient Services.

a. The reimbursement methodology for inpatient services is being revised effective July 1, 1983. A prospective per diem rate model will be used to reimburse hospitals for services rendered subsequent to June 30, 1983. A description of the system is set forth below:

1. Per diem rate calculations. (a) The agency on or before June 1 of each calendar year will establish a per diem rate for each hospital to be effective for the upcoming state fiscal year. The agency on or before May 1 of each calendar year will provide each hospital with its estimated per diem rate.

(b) Participating hospitals.

(1) The per diem rate for state fiscal year 1984 will be calculated by first multiplying the lesser of a hospital's aggregate inpatient medicaid (medical assist-

(continued)

ance) program costs or charges for its adjusted fiscal year ending in 1981 times an inflation factor of 1.1449. The product will then be divided by the hospital's medicaid (medical assistance) program days in its fiscal year ending in 1981. The quotient will be the hospital's per diem rate for state fiscal year 1984 subject to final audit of its fiscal year 1981 operations and the provisions of paragraphs 2 and 3.

(2) Per diem rates for subsequent state fiscal years will be calculated by multiplying a hospital's most recent per diem rate times an inflation factor established by the secretary in consultation with the Kansas hospital association. The product will be the hospital's per diem rate for the state fiscal year in question subject to the provisions of paragraphs 2 and 3.

(c) Per diem rates for non-participating hospitals. The per diem rate will equal the mean per diem rate for participating Kansas hospitals (excluding teaching costs for approved intern, resident and nursing programs) subject to the provisions of section (c) of paragraph 2.

2. Per diem rate limitations. (a) Participating hospitals with a per diem rate (excluding teaching costs for approved intern, resident and nursing programs) in excess of the mean as set forth in section (b) will be limited to a maximum number of medicaid (medical assistance) program days per state fiscal year as set by the secretary in consultation with the Kansas hospital association subject to the provisions of paragraph 3. Days incurred up to and including the maximum will be paid at the per diem rate established pursuant to paragraph 1. Days incurred above the maximum will be reimbursed at the rate of the mean of the per diem rates (excluding teaching costs for approved intern, resident and nursing programs) below the mean as set forth in section (b) plus any per diem teaching costs.

(b) The agency will annually rank the per diem rates (excluding teaching costs for approved intern, resident and nursing programs) for participating Kansas hospitals and calculate a mean per diem rate.

(c) Payment to non-participating hospitals will not exceed actual charges.

3. Modification of per diem rates and medicaid (medical assistance) program day maximums. (a) Any hospital participating in the prospective payment system may request, in writing, that the agency modify its medicaid (medical assistance) program day limitation.

(1) The agency, using data from the agency management area in which the hospital resides (or to which an out-of-state hospital is assigned), will compare the average monthly medicaid (medical assistance) program eligibles for the 12 month period immediately preceding the request with the average monthly program eligibles for the hospital's fiscal year ending in 1981.

(2) If the current average is greater than the 1981 average, then the ratio of the current average to the 1981 average will be multiplied by the current day limitation to calculate a revised day limitation.

(3) If the current average is equal to or less than the 1981 average then no adjustment will be made.

(b) The agency may request the hospital prospective payment review committee to reduce the per

diem rate of a hospital participating in the prospective payment system if its per diem rate exceeds its current medicaid (medical assistance) program per diem cost by at least 10%.

(c) A hospital participating in the prospective payment system may also request the review committee to modify its per diem rate if its current medicaid (medical assistance) program patient per diem cost exceeds its per diem rate by at least 10%.

(d) Any per diem rate modification request will be in writing and set forth sufficient information and documentation to support the request.

(e) The review committee will submit its recommendations to the commissioner of income maintenance and medical services within 30 days after its receipt of the request.

(f) The commissioner will have two working days from the receipt of the review committee's recommendations to accept, modify or reject them. The recommendations of the review committee will become final if the commissioner fails to act within the above mentioned time period.

(g) The commissioner will notify the agency or hospital, as appropriate, of the disposition of its modification request within five working days of a final decision being rendered.

b. Kansas general hospitals will be required to participate in the revised prospective payment system. Participation of out-of-state general hospitals will be optional.

c. The name of the hospital rate review program advisory committee has been changed to "hospital prospective payment system review committee." The committee will be responsible for reviewing per diem rate modification requests initiated by hospitals or the agency. The composition of the committee has been amended to add an additional agency and hospital representative and to delete the consumer representative. Further, the six member committee will select its own chairperson. Finally, the agency may reimburse committee members a subsistence allowance and mileage if authorized by state law and regulation.

2. Outpatient Services.

The comparable outpatient limitation is being deleted.

C. Affected regulations and other proposed changes.

1. 30-5-70. *Recipient eligibility for the payment of specific medical expenses* (amended April 1 and May 1).

2. 30-5-81. *Scope of hospital services* (amended July 1, 1983). This regulation is being amended to:

(a) Delete reference to limitations on room accommodations, prosthetic devices, rehabilitation therapies, special duty nursing, second medical opinion, seclusion room, participation of two or more physicians in the performance of one procedure, and lengths of stay exceeding the 50th percentile.

(b) Require that all services be ordered by a physician.

(c) Delete the prior authorization requirement for the 30 day substance abuse program.

(continued)



(d) State that certain non-Kansas hospitals may be required to submit documentation of medical necessity if the stay exceeds the 75th percentile.

3. 30-5-81a. *Participation in the hospital prospective payment system* (amended May 1).

4. 30-5-81b. *The basis of reimbursement of hospital services* (amended May 1).

5. 30-5-81c. *Definitions* (revoked May 1).

6. 30-5-81d. *Hospital prospective payment system review committee* (amended May 1).

7. 30-5-81e through 30-5-81p (reimbursement methodology for hospital inpatient services, revoked May 1).

8. 30-5-81q through 30-5-81s (reimbursement methodology for hospital inpatient services, new May 1).

9. 30-5-100. *Scope of dental services* (amended May 1). This regulation is being amended to add the prevention or relief of pain and suffering as a guideline by which decisions of utilization will be made.

10. 30-5-110. *Scope of psychiatric day treatment and partial hospitalization programs* (amended May 1). This regulation is being amended to delete the limitation of 12 hours per day and add the limitation that coverage will be limited to a maximum of 160 hours per calendar month.

11. 30-5-150 through 30-5-172 (MediKan program limitations for adults, new April 1).

12. 30-10-13. *Prospective reasonable cost-related reimbursement* (amended May 1). The material concerning the establishment of the cost basis on purchase of a facility as an ongoing operation (pages 11-15) is being revised as follows:

(1) In establishing the cost basis for depreciation purposes for a facility purchased as an ongoing operation after May 1, 1983, the price paid by the purchaser will be the cost basis where the purchaser can demonstrate that:

(a) The seller owned the property for a period of 36 calendar months prior to the closing date of the sale.

(b) The sale was a bona fide sale resulting from an arms length transaction or a sale between family members as defined in K.A.R. 30-10-12(b)(4)(A)(iv)(bb).

(c) The selling price did not exceed the fair market value of those assets at the time of sale.

(2) Where the seller has not owned the real property for a period of 36 months prior to the closing date of the sale, the purchaser's cost basis will be the seller's allowable medicaid (medical assistance) program cost less accumulated depreciation to the date of the sale.

(3) The total purchase price of the facility will be allocated to the individual assets in the same ratio as the book value of each asset bears to the total book value of all assets involved with the operation of the facility that are included in the sale.

(4) Payments on lease agreements, between the owner of the facility and the provider in the medicaid (medical assistance) program, covering the land, buildings, furniture, fixtures and equipment will be limited to the allowable medicaid (medical assistance) program costs of ownership of the last owner or lessor

when the prior owner or lessor has been a contracting party for less than 36 months. The cost of the lessor will include the terms of an arms length lease agreement.

(5) Payments on lease agreements that include sub-leases or sales-lease back arrangements that involve the purchase, sale or lease of facilities or equipment will be considered in light of all the facts and circumstances from the first stages of negotiations through the final closing and settlement of terms between the parties. In those cases where any of the parties in one transaction entered into the transaction, conditioned on, or in reasonable anticipation of, one or more other transactions, involving the purchase, sale or lease of substantially the same property, only the transaction resulting in the lowest cost basis, interest expense, or lease amount will be recognized for purposes of reimbursement. In the absence of compelling facts and circumstances to the contrary, the agency will deem all transactions involving substantially the same property as entered into, conditioned on, or in reasonable anticipation of, any other transaction, if either the transaction took place within a three year time period, or any party, other than the subsequent owners, retained a residual or participating interest in the property or revenues earned through use of the property.

(6) The 36 month ownership and lease requirements and sublease or lease back limitations will not apply in the event of the death or disability of an owner or lessor; or if a facility is designated by the secretary as a problem operation with a buyer acceptable to the secretary.

(7) If the purchaser cannot demonstrate that the sale was bona fide, the purchaser's cost basis will not exceed the seller's cost basis less accumulated depreciation. This applies to sales between family members as defined in K.A.R. 30-10-12(b)(4)(A)(iv)(cc).

(8) Further, for depreciable assets acquired on or after September 1, 1974, the cost basis of the depreciable assets will not exceed the current reproduction costs depreciated on a straight line basis over the life of the assets to the time of the sale.

(9) When a facility is purchased as an ongoing operation on or after September 1, 1974, the cost basis will not exceed the fair market value of the tangible assets purchased, subject to the above limitations applicable to the depreciable assets. The purchase of goodwill and payments for covenants not to compete will not be considered a current expense nor be amortized.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to the above mentioned hearing by contacting Mrs. Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612 (913) 296-3969. Written comments submitted prior to the hearing should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612.

Interested persons will be given reasonable oppor-

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tunity at the hearing to present their views and arguments on the adoption of the proposed regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three (3) minutes.

The public is invited to this hearing. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Ottawa, Parsons, Pittsburg, Pratt, Salina, Topeka (Area Office and State Office Building), Wichita, and Winfield.

ROBERT C. HARDER  
Secretary

Doc. No. 000988

**State of Kansas**  
**PERMANENT ADMINISTRATIVE**  
**REGULATIONS**

**NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1.* Any such legislative action will be reported in the *Kansas Register*. The May 5, 1983 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

**STATE BANK COMMISSIONER**  
**ADMINISTRATIVE REGULATIONS**

**Article 11.—INVESTMENT**  
**SECURITIES**

**17-11-18.** Loans; records. Complete and current credit information shall be shown upon the borrower for any loan in excess of \$5,000 unless this loan is adequately secured. An approved form of property statement shall be used. An attorney's opinion, or a title insurance policy, shall be on file with the bank for each real estate loan. Satisfactory evidence that taxes are not delinquent upon this real estate shall be on file with the bank. If the value of the improvements on any real estate is necessary for adequate security, an insurance policy covering these improvements against fire and windstorm shall be on file. The book and page of the county records shall be shown for each real estate mortgage, and the date and place of filing shall be shown for each chattel security agreement or financing statement. (Authorized by K.S.A. 9-1101; implementing K.S.A. 9-1104; effective Jan. 1, 1966; amended May 1, 1983.)

JOHN O'LEARY, JR.  
State Bank Commissioner

Doc. No. 000977

**State of Kansas**  
**PERMANENT ADMINISTRATIVE**  
**REGULATIONS**

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**STATE CONSERVATION COMMISSION**  
**ADMINISTRATIVE REGULATIONS**

**Article 1.—WATER RESOURCES**  
**COST-SHARE PROGRAM**

**11-1-1.** Administration channels. Appropriations for a "Water Resources Cost-Share Program" shall be made available in all Kansas counties. (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982 Supp. 2-1915; effective, E-81-26, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**11-1-2.** Definitions. (a) "Actual cost" means charges to the landowner by the contractor for conservation practices and their components.

(b) "Computed cost" means the total number of units multiplied by county average cost for conservation practices and their components.

(c) "Conservation" means the development, use, and management of soil, water, and related resources in a way that will restore, enhance, protect, and maintain the quality and quantity of the natural resources.

(d) "Conservation district" means a sub-division of state government with its own governing body created under K.S.A. 2-1901 *et seq.* as a special purpose district to develop and carry out a conservation program within its boundaries. The boundaries of each Kansas district are coterminous with the respective boundaries of the state's 105 counties.

(e) "Conservation standards" means standards for various types of soils and land uses, including criteria, techniques, and methods for control of erosion and sediment, the control of critical areas, and the control and management of water, all as prescribed by section IV, "USDA Soil Conservation Service (SCS) Technical Guide" indexed by TG Notice KS-87 dated January 11, 1982.

(f) "Cost-share" means assumption by the state of a proportional share of the actual cost or computed cost, whichever is less, of installing conservation structures on privately owned land.

(g) "Cost-share level" means that percentage of the total cost of installing a structure that is to be paid by the state under the program.

(continued)

(h) "County average cost" means the county-wide average cost per unit for installing a structure.

(i) "Critical area" means a severely eroded sediment-producing area that requires special treatment to establish and maintain vegetation in order to stabilize soil conditions.

(j) "Enduring water conservation structure" means a practical and effective device or measure or combination of the two which, when applied to land: (1) will prevent or reduce the loss of soil, water, or nutrients and transportation to other land, streams, or lakes; and (2) has an expectancy of functioning usefully for an extended period of years.

(k) "Erosion" means the wearing away of the land surface by running water, wind, ice and other geological agents.

(l) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

(m) "Units" means cubic yards, acres, linear feet and other measurements used in determining costs of structures. (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982 Supp. 2-1915; effective, E-81-26, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**11-1-3. Availability.** (a) Each Kansas conservation district shall be notified as soon as possible after the beginning of the state's fiscal year of the amount of money allocated by the state conservation commission and credited to that district for cost-sharing with the owners of private lands for the installation of enduring water conservation structures. The initial allocation will be based upon the number of nonfederal rural acres within the district, water quality needs, and the water quantity needs. The commission shall establish a time period for the conservation district to recommend commitment of the cost-sharing grants to owners of land.

(b) With the allocation of credit to each district, the state conservation commission shall furnish a list of enduring water conservation structures which may be offered, subject to the judgment of the district's board of supervisors, to the owners of private lands in each district for installation with state cost-sharing. This list shall also prescribe a maximum cost-share level. Each district may set priorities for the use of or may offer fewer than the full list of structures for cost-sharing eligibility in that district and may prescribe less than the commission's maximum cost-share level. The district may also prescribe a maximum payment to an individual landowner. (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982 Supp. 2-1915; effective, E-81-26, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**11-1-4. Standards.** Cost-sharing assistance shall be furnished only for structures installed in accordance with conservation standards. (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982

Supp. 2-1915; effective, E-81-26, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**11-1-5. Procedure to disburse program funds.** (a) Conservation districts shall provide to the commission all information required and shall report all actions pertaining to the water resources cost-share program on forms supplied by the commission.

(b) As soon as possible after receipt of notification of the amount of money credited to each district, that district shall furnish the commission with the district's list of enduring water conservation structures eligible for cost-sharing, along with the county-average costs, the maximum cost-share level, the maximum cost-share payment to an individual landowner, and the district official or officials authorized to certify cost-share forms.

(c) Each district shall publicize information about the program, shall accept applications from landowners for cost-sharing for installation of eligible structures, and shall, if approval is recommended, forward the application to the commission. The commission shall then approve or disapprove the application and notify the landowner through the district office.

(d) Upon completion of the installation of each approved structure, the district shall certify to the commission that the structure was installed in accordance with applicable conservation standards and the amount of the total cost of the structure. The commission shall then pay the landowner the appropriate cost-share amount. The warrant for the payment shall be transmitted to the landowner through the district office. Total payments to the landowners of a district shall not exceed the amount of money credited to the district by the commission.

(e) After the expiration of the time period established in the notification to each district, the commission may, upon request of the district, extend the time period to commit the credit or may rescind the uncommitted credit and re-allocate the funds. The actions shall be effective upon notification to the district by the commission. (Authorized by K.S.A. 1982 Supp. 2-1904, 2-1915; implementing K.S.A. 1982 Supp. 2-1915; effective, E-81-26, Sept. 10, 1980; effective May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

KENNETH F. KERN  
Executive Director

Doc. No. 000975

State of Kansas

**PERMANENT ADMINISTRATIVE  
REGULATIONS****NOTICE**

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**KANSAS PUBLIC  
DISCLOSURE COMMISSION  
ADMINISTRATIVE REGULATIONS****Article 20.—CAMPAIGN FINANCE ACT;  
GENERAL PROVISIONS**

**19-20-2. Definitions.** (a) The term "act", unless the context requires otherwise, means K.S.A. 25-4142 *et seq.*, including related amendments, supplemental legislation, and rules and regulations.

(b) "In-kind contribution" means a contribution of goods, services, or anything of value to a candidate, candidate committee, party committee, or any representative of them without charge or provision of such items at a charge to the recipient of less than the fair market value. "In-kind contribution" also includes the use of any goods, services, or anything of value, or the spending of any money, for the benefit of any candidate, candidate committee, party committee, or political committee when the use or expenditure is made in cooperation with or with the consent of the candidate, committee, or any representative of them. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4142 *et seq.*; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**Article 21.—CANDIDATES AND  
COMMITTEES**

**19-21-4. Party committees.** (a) Party committees do not include committees authorized and regulated by K.S.A. 25-3803 or 25-3806. These committees may, however, in appropriate circumstances constitute political committees under K.A.R. 19-21-3.

(b) A party committee shall be subject to the same requirements as a political committee as set out in K.A.R. 19-21-3(b) and (d). However, county central committees shall not be deemed, for the purpose of this section, to be affiliated or connected organizations of their respective state committees. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143, 25-4145; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended

May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**Article 24.—IN-KIND  
CONTRIBUTIONS**

**19-24-1. Value of an in-kind contribution.** The value of an in-kind contribution shall equal the fair market value of the item or service if it had been purchased, sold, or leased in the ordinary course of business. When a charge is made for an item or service which is less than the fair market value, then the difference between the fair market value and the charge shall be the value of the in-kind contribution. The donor of the item or service shall place the value on the in-kind contribution when given. The treasurer may question the value set by the donor if it appears unreasonable and shall revalue the in-kind contribution to a reasonable value. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**Article 25.—TESTIMONIAL EVENTS AND  
OTHER POLITICAL EVENTS**

**19-25-1. Testimonial events.** When a testimonial event is held for the benefit of more than one candidate, except when an individual contributor dedicates a contribution to a particular candidate, the value of each contribution or in-kind contribution shall be attributed to each candidate in the same ratio as that by which the candidates share the profits from the event, or, if there are no profits in the same ratio by which the candidates share the expenses of the event. An event is held to raise funds if it is intended to do so, or if not intended to do so, if the effect is nonetheless attained. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4143; effective, E-76-56, Nov. 26, 1975; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**Article 29.—RECEIPTS AND  
EXPENDITURES REPORT**

**19-29-2. Contents of receipts and expenditures report.** (a) *General.* Each report shall contain: the full name and address of the candidate, party committee, or political committee; in the case of candidates, the office sought, and in the case of committees, a designation as to type; the period covered by the report; a designation, when applicable, that the report is an amended or a termination report; and a signed declaration as to completeness and accuracy by the treasurer.

(b) *Summary section.* Each report shall contain a summary section for the reporting period which shall include: cash on hand at the beginning of the period; total contributions and receipts except in-kind contributions; total cash available during the period; total expenditures and other disbursements; cash on hand

*(continued)*

at the close of the period; total in-kind contributions; and the total of other obligations.

(c) *Supporting schedules.*

(1) *General.* Each report shall contain the supporting schedules required by this subsection. For the purpose of subsection (c):

(A) The term "date" means the month, day and year.

(B) The term "name" means the full name of the person indicated.

(C) The term "address" means the street address or rural route, the city, the state and the zip code.

Each accompanying schedule shall include the name of the candidate or committee on whose behalf the report is filed. When the name is used more than once by any one treasurer, the same name shall appear throughout the schedule. Whenever additional sheets are necessary to list the information required by any supporting schedule, each page of that schedule shall contain a space completed by the treasurer of the subtotal for that page.

(2) "Monetary contributions and receipts" schedule.

(A) *General.* All monetary contributions and receipts shall be listed on an accompanying schedule. This schedule shall include:

(i) A date column, which shall state the date when the contribution was received by the treasurer or the treasurer's authorized agent, whichever occurs first;

(ii) A name and address column, which shall state the full name and mailing address for contributors;

(iii) A description column, which shall state whether the contribution or receipt is a loan, a cash payment, or a check or similar instrument. If the contribution is a loan, the interest rate, and the name and address of any guarantors or endorsers, shall be noted in this column. The description column shall also show the name of the candidate or committee to whom funds are dedicated whenever a treasurer receives a contribution which is dedicated in whole or in part for use or transfer to another candidate or committee. When a treasurer transfers a contribution made up in whole or in part of dedicated funds, the name of the person initially dedicating the funds, with a notation of the name of the intervening source, shall be reported. Anonymous contributions over \$10, and contributions in excess of the statutory dollar limit shall be noted in this column; and

(iv) An amount of cash or check column.

(B) *Total amount.* This schedule shall include a space for the total amount of monetary contributions and other receipts by cash or check during the reporting period. It shall be carried forward to the summary page.

(C) *Itemized monetary contributions and receipts.* Each monetary contribution or receipt of over \$50 received during the reporting period shall be itemized on this schedule. The columns of information required in subsection (c)(2)(A) shall be included in this schedule. In addition, each contribution or receipt of more than \$10 received during the reporting period for which the name and address of the donor is unknown shall be disclosed on this schedule.

(D) *Unitemized monetary contributions and receipts.* The aggregate total of all contributions and receipts of \$50 or less received during the reporting period for which the name and address of the donor is known shall be reported as unitemized contributions or receipts. Receipts during the reporting period from the sale of political materials shall also be reported. The proceeds from the sale of tickets or admissions to testimonial events, except those required to be itemized, shall be reported on this schedule. Contributions of \$10 or less received during the election period for which the name and address of the donor is unknown shall be disclosed on this schedule.

(3) "In-kind contributions" schedule.

(A) *General.* All in-kind contributions shall be listed on this accompanying schedule. This schedule shall include:

(i) A date column, which shall state the date that the in-kind contribution was received by the treasurer or the treasurer's authorized agent, whichever occurs first;

(ii) A name and address column, which shall state the full name and mailing address of each in-kind contributor;

(iii) A description column, which shall briefly describe the goods or services provided; the name of the candidate or committee to whom services are dedicated whenever a treasurer receives a contribution which is dedicated in whole or in part for use or transfer to another candidate or committee; and

(iv) A value of in-kind contribution column, which shall state the fair market value of the contribution.

(B) *Total amount.* This schedule shall include a space for the total value of itemized and unitemized in-kind contributions. That figure shall be carried forward to the summary page.

(C) *Itemized in-kind contributions.* Each in-kind contribution of over \$50 in value received during the reporting period shall be itemized on this schedule. The columns of information required in subsection (c)(3)(A) shall be included in this schedule.

(D) *Unitemized in-kind contributions.* The aggregate total of in-kind contributions from any one contributor in value of \$50 or less received during the reporting period shall be disclosed on this schedule.

(4) "Expenditures and disbursements" schedule.

(A) All expenditures and disbursements to any person shall be listed on this accompanying schedule. This schedule shall include:

(i) A date column that shall state the date or dates the payee was actually paid during the reporting period;

(ii) A name column that shall state the name of the person to whom payment was made;

(iii) A purpose of expenditure column that shall reflect the nature of the expenditure. When an expenditure is made by payment to an advertising agency, public relations firm, or political consultants for disbursement to vendors, the report shall show in detail the name of each vendor and the information required on this schedule with regard to each expenditure. Whenever a treasurer makes a disburse-

(continued)

ment which constitutes a contribution to another candidate or committee and when it is made up in whole or in part of dedicated funds, the treasurer shall disclose the names and addresses of those persons who dedicated the funds. The treasurer shall, in transferring any of these contributions, report the same information to the recipient; and

(iv) An amount column that shall reflect the aggregate amount of payment to the payee on the date of the entry.

(B) *Total amount.* A space shall be shown for the total amount of itemized and unitemized expenditures and disbursements during the reporting period. That amount shall be carried forward to the summary page.

(C) *Itemized expenditures and disbursements.* Each expenditure or disbursement of over \$50 made during the reporting period shall be itemized on this schedule. The columns of information required in subsection (c)(4)(A) shall be included in this schedule.

(D) *Unitemized expenditures and disbursements.* The aggregate total of all expenditures and disbursements of \$50 or less made during the reporting period shall be disclosed on this schedule.

(5) "Other transactions" schedule.

(A) *General.* All other reportable financial transactions made during the reporting period shall be disclosed on this accompanying schedule with reasonable specificity.

(B) *Accounts and loans payable.* All accounts and loans outstanding at the close of a reporting period shall be disclosed on this schedule. For each account or loan outstanding, the following shall be disclosed:

- (i) The date the debts or loans were contracted;
- (ii) The person to whom the debt or loan is owed;
- (iii) A description of the goods or services subject to debt or a description of the principal amount and terms of the loan; and

(iv) The amount outstanding at the close of the reporting period.

(C) *Loans receivable.* All loans receivable outstanding at the close of the reporting period shall be disclosed on this schedule. For each loan receivable, the following shall be disclosed: the date the loan agreement was completed; the person to whom the funds were loaned; the principal amount and terms of the loan; and the amount outstanding at the close of the reporting period. (Authorized by K.S.A. 25-4119a; implementing K.S.A. 25-4148; effective, E-76-56, Nov. 26, 1975; effective, E-77-29, June 3, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

#### Article 41.—STATEMENT OF SUBSTANTIAL INTERESTS

**19-41-1. Definitions.** For the purposes of this article, the following words and phrases are defined below. (a) "Combination of businesses" means any two or more businesses owned or controlled directly by the same interests.

(b) "Description of interests" means the type of ownership interest held, including common stock, preferred stock and limited partnership.

(c) "Other business interest" means any endeavor which produces income, including appraisals, consulting, authorships, inventing or the sale of goods and services. It is unnecessary for the purposes of this definition that the interest have a formal business name or formal business structure.

(d) "Type of business" means the nature of the business activity in which the entity engages including construction, retailing and manufacturing. (Authorized by K.S.A. 46-253; implementing K.S.A. 46-215 *et seq.*; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1983.)

**19-41-2. Substantial interests statement filings.** (a) The following factors shall be considered in determining which state officers and employees are subject to the substantial interests statement filing requirements in K.S.A. 46-247(c):

(1) Overtime payments to state officers and employees shall not be included in determining the amount of compensation.

(2) Compensation which will be earned in one year but paid in the next shall be attributed to the year of earning.

(3) For the purposes of K.S.A. 46-248(a)(3), employees receiving a salary increase after the annual filing date, due to a position reclassification, merit or cost of living increase, shall not be required to file until the next January 31.

(4) A state officer or employee who receives a promotion or agency transfer shall be considered to have received an appointment to state office for the purposes of K.S.A. 46-248(a)(3).

(5) "Principally teaching" means 50% or more of the individual's time is devoted to teaching credit and non-credit courses and related matters such as preparation for class, grading examinations, and serving as a sponsor for institution approved student activities. Administrative duties, or research funded by a research grant shall not constitute teaching.

(b) The phrase "general counsel" means those attorneys for state agencies to whom the agency turns for legal advice concerning the general operation of the agency. This definition shall include private attorneys hired on a contract basis to give legal advice, as well as in-house counsels for the state agency who are the chief legal counsel for the agency. The definition shall not include attorneys assigned to an agency by the attorney general from the attorney general's staff to serve as the agency's primary legal advisor unless the attorney is budgeted for by a separate agency or division, has permanent offices within the agency or division, or unless the individual falls under any other provision of K.S.A. 46-247. The definition shall not apply to private attorneys who are retained solely to handle specific litigation for an agency. In-house counsels other than the head of the legal division of a specific agency shall not be required to file unless the individual falls under any other provision of K.S.A. 46-247.

(c) All members of state councils, commissions, and boards who by statute are authorized to receive com-

pensation from the state shall file as provided in K.S.A. 46-248(a)(3). The filing requirement in K.S.A. 46-247(e) shall not include board members appointed by the judiciary, and appointees who serve without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. 75-3223. (Authorized by K.S.A. 46-253; implementing K.S.A. 46-221, 46-247; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

**19-41-3. Interests disclosed.** Each statement which shall be filed pursuant to K.S.A. 46-248 shall disclose the following: (a) The statement shall include the name, complete address, and telephone number of the individual filing. In addition, each statement shall disclose the elective office held; the office for which a candidate seeks election; the position of employment; the position to which the individual was appointed subject to senate confirmation; the state council, commission or board of which the individual is a member; or the agency to which the individual is a general counsel.

(b) Pursuant to K.S.A. 46-229(a), the name of the business and its address, the type of business, a description of the interest, and a description of how the interest is held between the individual and the individual's spouse shall be included in the statement. Disclosure of the number of shares or their value, in the case of a corporation, or the net worth, in the case of a proprietorship or partnership, shall not be required. The value or percentage of a business interest shall be determined as of the time of the required filing. The value assigned to a holding shall be the fair market value.

For the purposes of this provision, certificates of deposit, bank savings or checking accounts, passbook accounts in a savings and loan, shares in a credit union, life insurance policies, annuities, notes, bonds, debentures and mortgages shall not constitute "legal or equitable interests". Therefore, disclosure of these interests shall not be required under this provision. Ownership of other stocks and shares, including traded and closely held stocks, as well as shares in mutual funds, shall constitute legal or equitable interest for the purpose of this section.

(c) Under K.S.A. 46-229(b), the receipt of interests, dividends and mineral royalties shall not constitute "compensation" as the term is defined; disclosure of those matters shall not be required under this provision. The disclosure under this subsection shall include the name and address of the business or combination of the businesses, the type of business and a description of whether the compensation was received by the individual, the individual's spouse, or both.

(d) For the purposes of K.S.A. 46-229(c), the term "gift" shall include the provision of hospitality in the form of food and beverage. The disclosure under this subsection shall include the name and address of the donor.

(e) For the purposes of K.S.A. 46-229(e), the phrase

"client or customer" shall relate only to businesses or combinations of businesses. Disclosure of the amount of any fee shall not be listed. In the case of a partnership, it is the partner's proportionate share of the business and hence of the fee which is significant, without regard to expenses of the partnership. The disclosure under this subsection shall include the name of the client or customer and the address.

(f) Holding the position of administrator or executor of an estate shall not be considered reportable under K.S.A. 46-229(d). The disclosure under this subsection shall include the name and address of the business and the position held.

(g) Under K.S.A. 46-248(a)(1), the phrase "professional organization" refers to entities that engage in actual professional practice and shall not include professional associations. (Authorized by K.S.A. 46-253; implementing K.S.A. 46-248; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1982; amended May 1, 1983.)

#### Article 42.—REPRESENTATION CASE DISCLOSURE STATEMENTS

**19-42-1. Definitions.** For the purposes of this article, the following words and phrases have the following meanings:

(a) For the purposes of K.S.A. 46-226, "representation case" shall not include participation in providing goods and services to the state, nor representation of any person before the judicial branch of state government.

(b) "Employed in a representation case" means the person will receive compensation from the case and actually communicates with the state agency or an employee of the agency concerning the representation case or personally appears before the state agency. (Authorized by K.S.A. 46-253; implementing K.S.A. 46-226; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1983.)

**19-42-2.** (Authorized by K.S.A. 46-233(b), 46-237, 46-253; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; revoked May 1, 1983.)

**19-42-3. Contents of statement.** (a) Each representation case disclosure statement shall contain the name, complete address, and telephone number of the individual filing the statement. If the individual is a state officer or employee other than a legislator, the identification shall include the title or position of the person and the state agency by which the person is employed. If the individual is a present or former legislator, the statement shall disclose whether the individual is or was a member of the house of representatives or of the senate and whether the individual is currently a member thereof or is an individual whose term expired within the past year.

(b) Each statement which is filed pursuant to K.S.A. 46-239 shall include the name, complete address, and

(continued)

telephone number of the employee and the name, complete address, and telephone number of the state agency before which the appearance will be made. In addition, the statements shall include a brief description of the purpose of the employment including the objective or goal sought by the employer and the method of determining and computing the compensation for the employment.

(c) Each statement which is filed pursuant to K.S.A. 46-233(b) shall include the name, complete address, and telephone number of the agency contracted with. In addition, the statements shall include a brief description of the purpose of the contract and the method of determining and computing the individual's income from the contract.

(d) Each representation case disclosure statement shall be dated by the individual filing the statement. (Authorized by K.S.A. 46-253; implementing K.S.A. 46-239; effective, E-77-7, March 19, 1976; effective, E-77-20, May 1, 1976; effective Feb. 15, 1977; amended May 1, 1980; amended May 1, 1983.)

KANSAS PUBLIC DISCLOSURE COMMISSION

Doc. No. 000978

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1982 Supp. 77-415 et seq. These regulations are scheduled to become effective May 1, 1983, but are subject to legislative review and may be modified or revoked by the Kansas Legislature prior to May 1. Any such legislative action will be reported in the Kansas Register. The May 5, 1983 issue of the Register will contain a complete index to regulations effective May 1, and any legislative actions on them.

STATE GRAIN INSPECTION DEPARTMENT ADMINISTRATIVE REGULATIONS

Article 4.—FEES AND CHARGES

25-4-1. Fees. The following fees shall be charged for the services rendered by this department, effective May 1, 1983:

Inspections

Table listing inspection fees: Hopper car—in or out, direct transfer \$11.00; Hopper car—reinspection 11.00; Extra sample secured at time of original, at request of applicant 3.50; New sample secured after time of original, at request of applicant 5.00; Boxcar—in or out, direct transfer 7.00; Boxcar—reinspection 7.00; Extra sample secured at time of original, at request of applicant 2.00; New sample secured after time of original, at request of applicant 3.00; All reinspections conducted on the basis of official file sample 4.00.

Table listing various inspection and service fees: Inspection of sample obtained by mechanical spout sampler at country points (Outside the switching limits where the department has an official inspection station)—white certificate (Plus sampling fee and mileage paid to sampler attendant) 6.00; Warehouse sample lot inspection—yellow certificate 6.00; Approving and check testing sampling equipment at country points and training and supervising elevator personnel—flat fee 40.00; Plus: Hourly rate 11.00; Mileage—portal to portal at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto; Report grade by telephone Call collect; Review visits: Hourly rate 11.00; Mileage—portal to portal at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto; Check testing sampling equipment at terminal points: Hourly rate 11.00; Minimum charge 11.00; Truck inspection—in or out 5.50; Truck—reinspection 5.50; Extra truck sample, at request of applicant 2.00; Bin inspection 5.00; Barges, in or out, per 1,000 bushels or fraction 2.50; Barge reinspection, per 1,000 bushels or fraction 2.50; Submitted sample inspection 4.00; Protein analysis per sample or reinspection conducted on the basis of official file sample 2.75; Factor analysis only, moisture 1.25; Each approved statement requested by applicant 2.25; Duplicate certificates 1.00; DHV count 3.00.

Charge for sampling, weighing and other services performed by state grain personnel upon request by the grain industry—overtime (over eight hours per day) including Saturdays, Sundays, and holidays, a minimum of two hours at \$11.00 per hour (pursuant to K.A.R. 1-5-25). Employees of the Kansas state grain inspection department who are called in to work on a regular day off or called back to work after a regular work schedule shall be paid a minimum of two hours pay at the appropriate rate. The industry that requests this service shall be charged a minimum of two hours.

Stowage Examinations When Requested by Applicant

Table listing stowage examination fees: Hopper cars and boxcars 2.25; Barges 5.50.

Weights

Table listing weight-related fees: Hopper car or boxcar—in, out, or direct transfers 6.00; Barges, in or out, per 1,000 bushels or fraction 2.25; Truck or wagonload (in only)—each 6.00; House transfers per 1,000 bushels or fraction 1.50; Weigh-up, annual, per 1,000 bushels or fraction 1.00; In weighing, sacked cars, per manhour 11.00; Out weighing, sacked cars, with count, per manhour 11.00; Out weighing, sacked cars, with count and weight each sack, per manhour 11.00; Hopper scale per test 75.00; Hopper scale per F.G.I.S. test, plus hourly charge on site 75.00; Hopper scale at unofficial points, plus mileage and per diem 75.00; Mileage charge for special trips by the hopper testing scale truck, portal to portal, per mile 45; Labor of scale inspector for repair work outside regular inspecting or adjusting of scale, per hour 11.00; Charge per hour for sampler or weigher, by special arrangement, per each man 11.00; Warehouse examiners for special or requested examination of warehouse, each examiner, per diem expense plus, per hour 15.00; Mileage—portal to portal at the rate per mile determined by the secretary of administration pursuant to K.S.A. 75-4607 or amendments thereto; Charge for amending warehouse license 25.00.

(continued)



Edible Bean Inspection Service

Edible bean inspection (official car sample), per certificate 15.00  
 Edible bean inspection (official truck sample), per certificate 10.00  
 Edible bean inspection (submitted sample), per certificate 7.00  
 Edible bean inspection sampling fee, check weighing, or  
 checkloading, per hour 11.00

(Authorized by K.S.A. 34-103a, 34-2,100; implementing K.S.A. 34-103a, 1982 Senate Bill 584; effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-7, Feb. 20, 1968; amended Jan. 1, 1969; amended, E-69-7, May 28, 1969; amended Jan. 1, 1970; amended, E-71-26, June 18, 1971; amended Jan. 1, 1972; amended, E-72-8, Feb. 26, 1972; amended Jan. 1, 1973; amended, E-74-27, June 26, 1974; amended, E-74-51, Sept. 30, 1974; amended May 1, 1975; amended, E-78-10, March 24, 1977; modified, L. 1978, ch. 448, May 1, 1978; modified, L. 1980, ch. 345, May 1, 1980; amended May 1, 1981; amended May 1, 1982; amended, T-83-20, July 21, 1982; amended May 1, 1983.)

MARVIN R. WEBB  
 Director

Doc. No. 000981

(Published in the KANSAS REGISTER, March 10, 1983.)

FIRST NATIONAL BANK OF TOPEKA

PUBLIC NOTICE

The First National Bank of Topeka, Topeka, Kansas, as Trustee under the Indenture of Trust, as amended, dated as of May 1, 1980, between the City of Wamego, Kansas, and said Trustee, hereby states that pursuant to Article XIII of said Indenture of Trust (i) it holds \$46,860,000 principal amount of United States of America Treasury Bills, maturing April 28, 1983; (ii) the aforesaid obligations are held in trust and are irrevocably set aside exclusively for the payment at maturity on May 1, 1983, of \$45,000,000 principal amount of Pollution Control Revenue Bonds of the City of Wamego, Kansas, together with interest thereon to said maturity date at the rate of 8 1/4% per annum, and (iii) said Indenture of Trust has been released in accordance with the provisions of Section 1302 of said Indenture of Trust.

THE FIRST NATIONAL BANK OF TOPEKA,  
 as Trustee

Doc. No. 000992

(Published in the KANSAS REGISTER March 10, 1983.)

### SENATE BILL No. 45

AN ACT concerning the distribution of revenue derived from a countywide retailers' sales tax; amending K.S.A. 12-192 and repealing the existing section.

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

Section 1. K.S.A. 12-192 is hereby amended to read as follows: 12-192. (a) All revenue received by any county treasurer from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the county treasurer shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) except as provided by paragraph (3), ~~one-half~~ <sup>1/2</sup> of all revenue received by the county treasurer from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, *except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county*, or (3) one-half of all revenue received by the county treasurer of Geary county from countywide retailers' sales taxes levied in any year shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county less the population residing on a military reservation bears to the total population of the county less the population residing on a military reservation, and second to the cities in the proportion that the population of each city bears to the total population of the county less the population residing on a military reservation. All revenue retained by the county shall be paid into the general fund of the county.

(b) For purposes of subsection (a), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(c) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax shall be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax, except when the county which does not levy a countywide sales tax has within its bounds a portion of the Fort Riley military reservation, the city in the county which levies the tax shall be exempt from this requirement. In every other case, all revenue received by a city from the proceeds of a city or countywide retailers' sales tax shall be deposited in the general fund of such taxing subdivision.

(d) Prior to March 1 of each year, the director of taxation shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

Sec. 2. K.S.A. 12-192 is hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body February 3, 1983.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE February 24, 1983.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED March 7, 1983.

JOHN CARLIN  
*Governor.*

### STATE OF KANSAS

Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 7th day of March, 1983.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER March 10, 1983.)

### Substitute for HOUSE BILL No. 2084

AN ACT concerning social welfare; relating to eligibility for certain assistance; powers and duties of the secretary of social and rehabilitation services; amending K.S.A. 39-702 and K.S.A. 1982 Supp. 39-708c and 39-709 and repealing the existing sections.

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

Section 1. K.S.A. 39-702 is hereby amended to read as follows: 39-702. The following words and phrases when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section:

(a) "Secretary" shall mean means the secretary of social and rehabilitation services.

(b) "Applicants" shall mean means all persons who, as individuals, or in whose behalf requests shall be made of the secretary for aid or assistance.

(c) "Social welfare service" as used in this act shall be deemed to may include such functions as giving assistance, the prevention of public dependency, and promoting the rehabilitation of dependent persons or those who are approaching public dependency.

(d) "Assistance" as used in this act shall be deemed to include includes such items or functions as the giving or providing of money, food stamps or coupons, food, clothing, shelter, medicine, or other materials, the giving of any service, including instructive or scientific, and the providing of institutional care, which may be necessary or helpful to the recipient in providing the necessities of life for the recipient and the recipient's dependents. The definitions of social welfare service and assistance in this section shall be deemed as partially descriptive and not limiting.

(e) "Aid to families with dependent children" shall mean means financial assistance with respect to or on behalf of a dependent child or dependent children and includes financial assistance for any month to meet the needs of the relative with whom any dependent child is living.

(f) "Medical assistance" shall mean means the payment of all or part of the cost of necessary: (1) Medical, remedial, rehabilitative or preventive care and services which are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act and furnished by health care providers who have a current approved provider agreement with the secretary, and (2) transportation to obtain care and services which are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act.

(continued)

(g) "Dependent children" means needy children under the age of 18, or who are under the age of 21 19 and are full-time students regularly attending a school in grade 12 or below or regularly attending a course in secondary schools or the equivalent educational program or are full-time students in a program of vocational or technical training, other than a course provided by or through a college or university, designed to fit them for gainful employment if they may be reasonably expected to complete the training before attaining age 19, who have been deprived of parental or guardian support or care by reasons of the death, continued absence from the home, unemployment, or physical or mental incapacity of a parent or guardian, and who are living with any blood relative, including those of the half-blood, and including first cousins, nephews, nieces uncles, aunts, and persons of preceding generations are denoted by prefixes of grand, great, or great-great, and including the spouses or former spouses of any persons named in the above groups, in a place of residence maintained by one or more of such relatives as their own home. The secretary may adopt rules and regulations which extend the deprivation requirement under this definition to include being deprived of parental or guardian support or care by reason of the unemployment of a parent or guardian. The term "dependent children" shall also include includes children who would meet the foregoing requirements except for their removal from the home of a relative as a result of judicial determination to the effect that continuation therein would be contrary to the welfare of such children, for whose placement and care the secretary is responsible, who have been placed in a foster family home or child care institution as a result of such determination and who received aid to dependent children in or for the month in which court proceedings leading to such determination were initiated, or would have received such aid in or for such month if application had been made therefor, or in the case of a child who had been living with a relative specified above within six months prior to the month in which such proceedings were initiated, would have received such aid in or for such month if in such month such child had been living with and removed from the home of such a relative and application had been made therefor.

(h) "The blind" shall mean means not only those who are totally and permanently devoid of vision, but also those persons whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(i) "General assistance" shall mean means financial assistance in which the cost of such financial assistance is not participated in by the federal government. General assistance may be limited to transitional assistance in some instances as specified by rules and regulations adopted by the secretary.

(j) "Recipient" shall mean means a person who has received assistance under the terms of this act.

(k) "Intake office" shall mean means the place where the secretary shall maintain an office for receiving applications.

(l) "Adequate consideration" shall mean means consideration equal, or reasonably proportioned to the value of that for which it is given.

(m) "Transitional assistance" means a form of general assistance in which as little financial assistance as one payment may be made during each period of 12 consecutive calendar months to an eligible and needy person and all other persons for whom such person is legally responsible.

Sec. 2. K.S.A. 1982 Supp. 39-708c is hereby amended to read as follows: 39-708c. (a) The secretary of social and rehabilitation services shall develop state plans, as provided under the federal social security act, whereby the state cooperates with the federal government in its program of assisting the states financially in furnishing assistance and services to eligible individuals. The secretary of social and rehabilitation services shall undertake to cooperate with the federal government on any other federal program providing federal financial assistance and services in the field of social welfare not inconsistent with this act. The secretary is not required to develop a state plan for participation or cooperation in all federal social security act programs or other federal programs that are available. The secretary of social and rehabilitation services shall also have the power and it

shall be the secretary's duty, but is not required, to develop a state plan in regard to assistance and services in which the federal government does not participate.

(b) The secretary shall have the power and duty to determine the general policies relating to all forms of social welfare which are administered or supervised by the secretary and to adopt the rules and regulations therefor. No rule and regulation shall be adopted which will require partiality in the amount of the public assistance or medical assistance to be given to persons of this state having approximately equal need.

(c) The secretary shall hire, in accordance with the provisions of the Kansas civil service act, such employees as may be needed, in the judgment of the secretary, to carry out the provisions of this act. The secretary shall advise the governor and the legislature on all social welfare matters covered in this act.

(d) The secretary shall establish and maintain intake offices throughout the state. The secretary may establish and create area offices to coordinate and supervise the administration of the intake offices located within the area. The number and location of intake offices and area offices shall be within the discretion of the secretary, except that the secretary shall maintain at least one intake office in each county. Each intake office shall be open at least 12 hours of each working week on a regularly scheduled basis. The secretary shall supervise all social welfare activities of the intake offices and area offices. The secretary may lease office or business space, but no lease or rental contract shall be for a period to exceed 10 years. A person desiring public assistance, or if such person is incapable or incapacitated, a relative, friend, personal representative or conservator of such person shall make application at the intake office. When it is necessary, employees may take applications elsewhere at any time. The applications shall contain a statement of the amount of property, both personal and real, in which the applicant has an interest and of all income which the applicant may have at the time of the filing of the application and such other information as may be required by the secretary. When a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for assistance unless otherwise prohibited by law. The form of application, the procedure for the determination of eligibility and the amount and kind of assistance or service shall be determined by the secretary.

(e) The secretary shall provide special inservice training for employees of the secretary and may provide such training as a part of the job or at accredited educational institutions.

(f) The secretary shall establish an adequate system of financial records. The secretary shall make annual reports to the governor and shall make such reports as required by federal agencies.

(g) The secretary shall sponsor, operate or supervise work projects or community work and training experience programs whereby recipients of assistance shall work out a part or all of their assistance and conserve work skills and develop new skills. The compensation credited to recipients for such work projects and work and training programs shall be based upon an hourly rate equal to or in excess of the federal minimum wage hourly rate existing on the effective date of this act. The programs shall be administered by the secretary. In the programs, the secretary shall provide protection to the recipient under the workmen's compensation act or shall provide comparable protection and may enter into cooperative arrangements with other public officials and agencies or with private not-for-profit corporations providing assistance to needy persons in developing, subject to the approval of the secretary, the programs under this section. Any person who refuses without good cause to accept suitable employment in which such person is able to engage shall be ineligible for benefits under the social welfare acts of the state of Kansas during the time such person refuses to accept such employment.

(h) The secretary may receive, have custody of, protect, administer, disburse, dispose of and account for federal or private commodities, equipment, supplies and any kind of property, including food stamps or coupons, which are given, granted,

(continued)

loaned or advanced to the state of Kansas for social welfare works, and for any other purposes provided for by federal laws or rules and regulations or by private devise, grant or loan, or from corporations organized to act as federal agencies, and to do all things and acts which are necessary or required to perform the functions and carry out the provisions of federal laws, rules and regulations under which such commodities, equipment, supplies and other property may be given, granted, loaned or advanced to the state of Kansas, and to act as any agent of the federal government when designated as such, and do and perform all things and acts that may be required by the federal laws or rules and regulations not inconsistent with the act.

(i) The secretary may assist other departments, agencies and institutions of the state and federal government and of other states under interstate agreements, when so requested, by performing services in conformity with the purpose of this act.

(j) The secretary shall have authority to lease real and personal property whenever such property is not available through the state or a political subdivision of the state, for carrying on the functions of the secretary.

(k) All contracts shall be made in the name of "secretary of social and rehabilitation services," and in that name the secretary may sue and be sued on such contracts. *The grant of authority under this subsection shall not be construed to be a waiver of any rights retained by the state under the 11th amendment to the United States constitution and shall be subject to and shall not supercede the provisions of any appropriations act of this state.*

(l) All moneys and property of any kind whatsoever received from the Kansas emergency relief committee or from any other state department or political subdivision of the state shall be used by the secretary in the administration and promotion of social welfare in the state of Kansas. Such property may be given, loaned or placed at the disposal of any county, city or state agency engaged in the promotion of social welfare.

(m) The secretary shall prepare annually, at such time and in such form as the governor may direct, a budget covering the estimated receipts and expenditures of the secretary for the ensuing year.

(n) The secretary shall have authority to make grants of funds, commodities or other needed property to local units of government under such rules and regulations as the secretary may adopt for the promotion of social welfare in such local units of government.

(o) The secretary shall have authority to sell any property in the secretary's possession received from any source whatsoever for which there is no need or use in the administration or the promotion of social welfare in the state of Kansas.

(p) The secretary shall adopt a seal.

(q) The secretary shall initiate or cooperate with other agencies in developing programs for the prevention of blindness, the restoration of eyesight and the vocational rehabilitation of blind persons, and shall establish a division of services for the blind. The secretary may initiate or cooperate with other agencies in developing programs for the prevention and rehabilitation of other handicapped persons.

(r) The secretary shall develop a children and youth service program and shall administer or supervise program activities including the care and protection of children who are deprived, defective, illegitimate, wayward, miscreant, delinquent, children in need of care, juvenile offenders or children in danger of becoming juvenile offenders. The secretary shall cooperate with the federal government through its appropriate agency or instrumentality in establishing, extending and strengthening such services and undertake other services to children authorized by law. Nothing in this act shall be construed as authorizing any state official, agent or representative, in carrying out any of the provisions of this act, to take charge of any child over the objection of either of the parents of such child or of the person standing *in loco parentis* to such child except pursuant to a proper court order.

(s) The secretary shall develop plans financed by federal funds or state funds or both for providing medical care for needy persons. The secretary in developing any such plan, may enter

into an agreement with an agent or intermediary, for the purpose of performing certain functions, including the making of medical payment reviews, determining the amount due the medical vendors from the state, in accordance with standards set by the secretary, preparing and certifying to the secretary, lists of medical vendors and the amounts due them and other related functions as may be determined by the secretary. The secretary may also provide such medical, remedial, preventive or rehabilitative care and services by the payment of premiums to the federal social security system for the purchase of such supplemental medical insurance benefits as may be provided by the federal social security act and amendments thereto.

(t) The secretary shall carry on research and compile statistics relative to the entire social welfare program throughout the state, including all phases of dependency, defectiveness, delinquency and related problems; develop plans in cooperation with other public and private agencies for the prevention as well as treatment of conditions giving rise to social welfare problems.

(u) The secretary may receive grants, gifts, bequests, money or aid of any character whatsoever, for state welfare work. All moneys coming into the hands of the secretary shall be deposited in the state social welfare fund provided for in this act.

(v) The secretary shall have power to enter into agreements with other states or the welfare department of other states, in regard to the manner of determining the state of residence in disputed cases, the manner of returning persons to the place of residence and the bearing or sharing of the costs.

(w) The secretary shall perform any other duties and services necessary to carry out the purposes of this act and promote social welfare in the state of Kansas, not inconsistent with the state law.

(x) The secretary shall establish payment schedules for each group of health care providers. Any payment schedule established by the secretary shall be based, as appropriate, on either reasonable charges, reasonable costs or prospective rates and shall be subject to the federal social security act and state law and to rules and regulations adopted under that act and law. The secretary, on an annual basis, shall review any payment schedule established under this section with representatives of the appropriate group of health care providers and with representatives of recipient advocate groups.

(y) The secretary shall maintain a system of centralized payment for all welfare expenditures.

Sec. 3. K.S.A. 1982 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended.* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended shall ~~may~~ be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal legislation.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas. If any person transfers or assigns property without adequate consideration or for the purpose of becoming eligible for assistance (A) within the two-year period immediately preceding the application if the value of the property so transferred or assigned is \$12,000 or less or (B) within a period of time in excess of two years, as established by rules and regulations of the secretary, if the value of the property so transferred or assigned is in excess of \$12,000, such person shall thereby become ineligible to receive assistance for such period of time as the value of

(continued)

the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health. If any person without the consent of the secretary assigns or transfers property without adequate consideration while on the assistance rolls, after making application for assistance or while receiving assistance, such person shall thereby become ineligible to receive assistance for such period of time as the value of the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health.

(b) *Assistance to families with dependent children.* Assistance shall be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a) of this section, who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children.

(c) *Applying for or receiving aid to families with dependent children constitutes an automatic assignment of support rights and limited power of attorney.* By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary of social and rehabilitation services, on behalf of the state, any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. The assignment shall remain in full force and effect so long as such person is an applicant or recipient of such aid or until such other time as the secretary of social and rehabilitation services and the applicant or the recipient of such aid may agree. Upon the discontinuance of such aid, the assignment shall remain in effect as to unpaid support obligations due and owing at the time of the discontinuance of such aid until the claim of the secretary of social and rehabilitation services for repayment of the unreimbursed portion of such aid is satisfied. By applying for or receiving aid to dependent children assistance the applicant or recipient is also deemed to have appointed the secretary of social and rehabilitation services, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by social and rehabilitation services the secretary in behalf of any person applying for or receiving or having received such assistance. This limited power of attorney shall be effective from the date social and rehabilitation services the secretary approves the application for aid and shall remain in full force and effect as to the respective support rights herein assigned to the secretary under this subsection (c). The secretary retains the power to endorse all drafts, checks, money orders or other negotiable instruments representing support to which the secretary retains a partial claim pursuant to subsection (c) of K.S.A. 39-754 and amendments thereto.

(d) *Eligibility requirements for general assistance, the cost of which is not participated in by the federal government.* Subject to the additional requirements below, assistance shall (1) General assistance may be granted to any needy person who does eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(1) *Has (A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to an adult or family in which all legally responsible family members meet the criteria established by such rules and regulations of the secretary. Where a husband and wife are living together the*

combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(2) *Is (B) To qualify for general assistance in any form a needy person must be a citizen of the United States or is an alien lawfully admitted to the United States and who is must be residing in the state of Kansas except that assistance shall be granted to a transient person pending verification of residence, but in no event shall such assistance be given for a period exceeding 30 days in any twelve-month period.*

(2) *General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment.*

(3) *In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first-time failure to complete such a work assignment requirement shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.*

(4) *If any person transfers or assigns property without adequate consideration or for the purpose of becoming eligible for any form of general assistance (A) within the two-year period immediately preceding the application if the value of the property so transferred or assigned is \$12,000 or less or (B) within a period of time in excess of two years, as established by rules and regulations of the secretary, if the value of the property so transferred or assigned is in excess of \$12,000, such person shall thereby become ineligible to receive any form of general assistance for such period of time as the value of the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health. If any person without the consent of the secretary assigns or transfers property without adequate consideration while on the assistance rolls after making application for assistance or while receiving assistance, such person shall thereby become ineligible to receive assistance for such period of time as the value of the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health. If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720, such person shall thereby become ineligible to receive any form of general assistance under the provisions of this subsection (d). If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become ineligible to receive any form of general assistance under the provisions of this subsection (d). Such assistance shall be known as general assistance.*

(e) *Requirements for medical assistance for which federal moneys or state moneys or both are expended.* When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person

(continued)

who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303, and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(f) *Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or whose health would be endangered by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

Sec. 4. K.S.A. 39-702 and K.S.A. 1982 Supp. 39-708c and 39-709 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 21, 1983.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE March 2, 1983.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED March 8, 1983.

JOHN CARLIN  
*Governor.*

STATE OF KANSAS  
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 8th day of March, 1983.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

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