

# KANSAS REGISTER

State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 2, No. 14

April 7, 1983

Pages 305-336

## IN THIS ISSUE . . .

### *Secretary of State*

Notice of Appointment of State Representative . . . . .	307
Usury Rate for April . . . . .	307
Notice of Intent to Select Land Surveyor . . . . .	307

<i>List of Legislative Bills Signed and Resolutions Adopted</i> . . . . .	307
---	-----

### *State Board of Nursing*

Official Board Meeting Dates for 1983 . . . . .	308
---	-----

### *Department of Health and Environment*

Public Notice . . . . .	308
Notice of Hearing . . . . .	308

### *Adjutant General's Department*

Notice of Commencement of Negotiations (Engineering Consultant Services) . . . . .	308
--	-----

### *Consumer Credit Commissioner*

Notice of Hearing on Proposed Administrative Regulations . . . . .	309
--	-----

### *State Board of Regents*

Notice of Hearing on Proposed Traffic Regulations . . . . .	309
---	-----

<i>Legislative Bills Introduced</i> . . . . .	310
---	-----

### *Department on Aging*

Request for Proposals for a Conference on Utility Costs . . . . .	311
---	-----

<i>Notice to Bidders for State Purchases</i> . . . . .	311
--	-----

### *Attorney General's Opinions*

Opinion No. 83-43 . . . . .	312
-----------------------------	-----

### *State Corporation Commission*

Notice of Applications for Railroad Agency Tests . . . . .	312
Notice of Motor Carrier Hearings . . . . .	313

(continued on next page)

**Social and Rehabilitation Services**

Summary of Temporary Administrative Regulations (effective April 1 and May 1) .....	317
Summary of Permanent Administrative Regulations (effective May 1) .....	321

**New State Laws Enacted**

HB 2168: Concerning the compilation, revision and recodification of municipal ordinances .....	332
Sub. for HB 2017: Relating to the determination of equalized tangible property valuation for computation of limitation on bonded indebtedness purposes .....	332
SB 74: Relating to credit unions; concerning dissolution or liquidation thereof .....	333
HB 2124: Relating to taxation of motor vehicles .....	334
SB 86: Concerning fees charged by the register of deeds .....	334
SB 103: Concerning municipal bonds; relating to the sale and refunding thereof .....	335

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



PHONE: 913/296-2236

Carol A. Bell  
 Publications Director

State of Kansas

SECRETARY OF STATE

NOTICE

A new State Representative has been appointed for the 73rd district, filling the vacancy created by the recent death of Reba L. Cobb.

The new Representative is: Dale M. Sprague. His home address is 402 Oak Park Drive; McPherson 67460. His business address is: 223 N. Main, Box 119; McPherson 67460. His telephone numbers in McPherson are: home—316/241-2789; and business—316/241-7112. Sprague, a Republican, is an attorney. He is married to Laurie M. Sprague.

JACK H. BRIER  
Secretary of State

State of Kansas

SECRETARY OF STATE

NOTICE

The following bills have been signed into law by the Governor, as of March 31, and transmitted to this office:

Senate Bills

8	27	36	54	84	120	321
16	30	45	61	85	312	322
20	34	49	74	119	314	337
24	35					

House Bills

2024	2032	2039	2080	2218	2443	2491
2025	2038	2056	2084	2221	2489	2492
2030						

The following bill has been vetoed by the Governor:

House Bill: 2175

The following resolutions have been adopted by the Legislature and transmitted to this office:

Senate Concurrent Resolutions: 1603, 1616, 1620, 1621, 1623.

House Concurrent Resolutions: 5002, 5005, 5006, 5007, 5010.

House Resolutions: 6001, 6002, 6003, 6004, 6005, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6040, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053.

Titles of the above bills and resolutions were listed in earlier editions of the *Kansas Register*, as they were introduced. Copies of enrolled (final) bills and resolutions are available from the Legislative Division of the Secretary of State's Office; State Capitol; Topeka 66612. Phone: 913/296-4557.

State of Kansas

SECRETARY OF STATE

NOTICE

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of 1983 House Bill No. 2489, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of April 1, 1983 through April 30, 1983 shall be 14.480%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 31st day of March, A.D. 1983.

JACK H. BRIER  
Secretary of State

Doc. No. 001041

State of Kansas

SECRETARY OF STATE

NOTICE OF INTENT  
TO SELECT LAND SURVEYOR  
FOR PROFESSIONAL SERVICES

Notice is hereby given to all interested parties that the Secretary of State, pursuant to K.S.A. 82a-201 *et seq.*, will select a land surveyor to survey the abandoned channel of the Kansas River as it existed immediately prior to the 1951 flood and the corresponding new channel created by that flood as either channel may be found in the NW ¼, Sec. 18, T.11 S., R.7E. in Riley County.

Any licensed surveyor who desires additional information about the survey to be performed or who wishes to be considered for selection to perform the survey should contact: John R. Wine, Jr., Legal Counsel; Secretary of State; State Capitol; Topeka, Kansas 66612; (913) 296-2236.

JACK H. BRIER  
Secretary of State

Doc. No. 001051

## State of Kansas

**STATE BOARD OF NURSING****OFFICIAL BOARD MEETING  
DATES FOR 1983**

Following is a list of official meeting dates for the Kansas State Board of Nursing for the calendar year 1983. All Board meetings are open to the public. Meetings are held at the Frank Carlson Federal Building, Room 202, 444 Southeast Quincy, Topeka, Kansas, and convene at 8 A.M.

April 27, 28, 29, 1983  
 May 18, 19, 20, 1983  
 June 15, 16, 1983  
 July 20, 21, 1983  
 September 7, 8, 9, 1983  
 October 19, 20, 1983  
 December 7, 8, 1983

LOIS RICH SCIBETTA, Ph.D., R.N.  
 Executive Administrator

Doc. No. 001036

## State of Kansas

**DEPARTMENT OF  
HEALTH AND ENVIRONMENT****PUBLIC NOTICE**

Certificate of Need Applications from Shawnee Mission Medical Center and Day Surgery, P.A., Shawnee Mission, Kansas, for free-standing ambulatory surgical units have been denied by the Kansas Department of Health and Environment. These decisions shall become effective on April 23, 1983, unless appealed to the District Court of Johnson County.

On March 28, 1983, the Kansas Department of Health and Environment filed Certificate of Need applications for the following facilities: St. Francis Regional Medical Center, Wichita, for the construction and replacement of medical nursing units, and Mt. Carmel Medical Center for the renovation/expansion of hospital and purchase of equipment. These applications will be available for public examination at the Health Systems Agency of Southeast Kansas, Inc., 355 North Waco, Wichita, Kansas, and the Kansas Department of Health and Environment, Topeka.

BARBARA J. SABOL  
 Secretary

Doc. No. 001047

## State of Kansas

**ADJUTANT GENERAL'S DEPARTMENT****NOTICE OF COMMENCEMENT OF  
NEGOTIATIONS FOR  
ENGINEERING CONSULTANT SERVICES**

Notice is hereby given of the Commencement of Negotiations for contracts for Engineering Consultant Services to investigate and analyze the existing heating, ventilation and air conditioning systems in Building 662, 190th CEF, Forbes Field (ANG), Topeka, Kansas.

Individuals or firms wishing to be considered for this project should contact Mr. Norman D. Moody, Division of Architectural Services, 625 Polk Street, Topeka, Kansas 66603, telephone number (913) 233-9367, prior to April 22, 1983.

RALPH T. TICE, MG, KSARNG  
 The Adjutant General

Doc. No. 001050

## State of Kansas

**DEPARTMENT OF  
HEALTH AND ENVIRONMENT****NOTICE OF PUBLIC HEARING**

Notice is hereby given to all interested parties that the Kansas Department of Health and Environment is applying to the Department of Health and Human Services, Public Health Service, for continued designation and funding as the State Health Planning and Development Agency for Kansas, pursuant to the provisions of P.L. 96-79, the *National Health Planning and Resources Development Act*, and K.S.A. 65-4701, *et seq.*, the *Kansas Health Planning and Development Act*. These laws provide that the State Health Planning and Development Agency shall conduct the health planning activities of the state, including administration of a Certificate of Need Program which applies to new institutional health services proposed to be offered or developed within the state.

Persons wishing to review the application may do so between the hours of 8:00 a.m. and 4:30 p.m. from April 8th to April 27th at the Office of Health Planning, Department of Health and Environment, Building 321, Forbes Field, Topeka, Kansas. Persons wishing to comment on the application should submit their comments in writing to Ronald E. Schmidt, Director, Office of Health Planning.

A hearing will be held on April 28, 1983, at 10:00 a.m., to inform the public on the application's content. All interested individuals and organizations are invited to attend this hearing in the Department of Health and Environment's Hearing Room, Building 740, Forbes Field, Topeka, Kansas.

BARBARA J. SABOL  
 Secretary

Doc. No. 001046

## State of Kansas

**CONSUMER CREDIT COMMISSIONER****NOTICE OF HEARING ON  
PROPOSED TEMPORARY  
ADMINISTRATIVE REGULATIONS**

You are hereby notified that the office of the Consumer Credit Commissioner will hold a public hearing at 10:00 a.m. on April 25, 1983, at 535 Kansas Avenue, Suite 1114, Topeka, Kansas on temporary regulation 75-6-26. All interested parties may present oral or written comments at the hearing. The proposed change in this regulation would have no fiscal impact.

The regulation to be adopted is as follows:

**75-6-26. Federal Truth-in-lending act requirements.** A creditor, including a person who in the ordinary course of business regularly extends or arranges for the extension of credit or offers to arrange for the extension of credit, shall disclose to the consumer the information required by title I of the consumer protection act (public law 90-321; 82 stat. 146), as amended, and any regulations issued pursuant to this act as of ~~February 15, 1982~~ March 21, 1983. (Authorized by and implementing K.S.A. 16a-6-117; effective, E-82-16, Aug. 12, 1981; amended T-83-2, Jan. 7, 1982; amended T-83-6, April 14, 1982; amended T )

DONALD O. PHELPS  
Consumer Credit Commissioner

Doc. No. 001039

## State of Kansas

**BOARD OF REGENTS****NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE REGULATIONS GOVERNING TRAFFIC AND PARKING ON THE ROADS, STREETS, DRIVEWAYS AND PARKING FACILITIES AT KANSAS STATE UNIVERSITY**

Notice is hereby given to all interested parties that on April 25, 1983, at 4:00 p.m. C.D.T., in the Student Union Building, Big 8 Room, Kansas State University, Manhattan, Kansas, a public hearing will be held concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Kansas State University. The following is a summary of the substance of the rules and proposed changes:

**I: General Parking Requirements**—The current regulations specify the general requirements for parking permits and the location where permits, applications and related information may be obtained. No amendments are proposed.

**II: Parking Permits**—The current regulations specify who is required to have permits, what type is required, cost and the period each permit is valid. The proposed amendments to the existing rules would clarify the definition of "student, faculty and staff"; add specifications for acquiring permits for a second vehicle, special visitor's permit at residence halls,

handicapped parking at special events, the reduction of permit costs for summer school, motorcycles and short term permits; and the increase in charges for lost or destroyed permits.

**III: Parking Hours**—The current regulations specify when parking permits are required in specific areas. The proposed amendment to the existing rules deletes the relaxing of these rules during times when regularly scheduled classes are not in session.

**IV: Parking Areas**—The current regulations specify where vehicles, motorcycles and bicycles may park. The proposed amendment to the existing rules would change the designation of one lot from Faculty/Staff to Student; one from Faculty/Staff/Student to Student and one from Faculty/Staff to Faculty/Staff/Student. It also adds the stipulation that handicapped permit holders may park in timed and loading zones as long as necessary, if handicapped parking is not available.

**V: Driving Regulation**—The current regulations regulate the conduct of vehicles, pedestrians and bicyclists. The proposed amendment to the existing rules further delineates rules for bicycles.

**VI: Enforcement/Misuse Fees/Penalties/Appeals**—The current regulation designates the types of violations, misuse fees, responsibilities of the owner and operator, the authority of the campus patrol officers, where misuse fees can be paid, penalties for non-payment and appeal procedures. The proposed amendment to the existing regulations adds moving violations to the current categories.

**VII: Use of Traffic Funds**—The current regulation specifies that parking fees and misuse fees may be used only for expenses related to enforcing these rules and regulations and planning, construction, maintenance and repair of parking facilities. The proposed amendment to the current regulation would change the title of the fund to "Parking Fees Fund" instead of Traffic Fund.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Gene B. Cross, Vice President for University Facilities, Kansas State University, Anderson Hall Room 122, Manhattan, Kansas 66506.

WILLIAM R. KAUFFMAN  
General Counsel  
Board of Regents

Doc. No. 001038

## 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 March 24-30:**

- SB 420**, by Committee on Ways and Means: An act concerning highways; relating to protection from flood waters from streams obstructed or redirected by improvements to highways.
- SB 421**, by Committee on Ways and Means: An act relating to the community corrections act; concerning charges for certain juveniles and felons; amending K.S.A. 1982 Supp. 75-52, 104 and repealing the existing section.
- SB 422**, by Committee on Ways and Means: An act relating to public employees retirement; concerning reemployment; amending K.S.A. 1982 Supp. 74-4917 and 74-4963 and repealing the existing sections.
- SB 423**, by Committee on Ways and Means: An act concerning the Kansas public employees retirement system; making the Kansas state high school activities association a participating employer under such system; relating to contributions to and benefits under the system.
- SB 424**, by Committee on Ways and Means: An act concerning vocational education; imposing certain restrictions on the establishment and designation of area vocational schools; amending K.S.A. 72-4412 and 72-4416, and repealing the existing sections.
- SB 425**, by Committee on Federal and State Affairs: An act concerning the definition of public utilities subject to state corporation commission jurisdiction; excluding certain natural gas pipelines therefrom; amending K.S.A. 66-104 and repealing the existing section.
- SB 426**, by Committee on Ways and Means: An act concerning product liability insurance; requiring certain reports relating thereto by insurers; repealing K.S.A. 40-1130 and 40-1131.
- SB 427**, by Committee on Ways and Means: An act concerning the state fire marshal; abolishing the fire marshal fee fund; repealing K.S.A. 75-1509.
- SB 428**, by Committee on Ways and Means: An act relating to public building commissions; authorizing lease of certain state property; amending K.S.A. 12-1758, 12-1764 and 76-3a16 and repealing the existing sections.
- SB 429**, by Committee on Ways and Means: An act concerning alcoholic liquors; relating to minimum mark-ups on certain sales; concerning certain taxes thereon; amending K.S.A. 41-1111 and K.S.A. 1982 Supp. 79-41a01, 79-41a02 and 79-41a03 and repealing the existing sections.
- SB 430**, by Committee on Ways and Means: An act concerning the department of health and environment; placing certain offices and positions within the unclassified service under the Kansas civil service act; amending K.S.A. 65-2405 and K.S.A. 1982 Supp. 75-5610 and 75-5631 and repealing the existing sections.
- SB 431**, by Committee on Ways and Means: An act relating to the state biologist; concerning the appointment thereof; amending K.S.A. 76-339 and repealing the existing section.
- SB 432**, by Committee on Ways and Means: An act concerning agriculture; relating to the wheat and grain commissions; providing for levy and assessment on wheat, corn and grain sorghum acquired under the federal payment-in-kind program; amending K.S.A. 2-2608 and 2-3007 and repealing the existing sections.
- SB 433**, by Committee on Ways and Means: An act concerning the state corporation commission; providing for the abolishment of certain funds and for transfers of moneys to the state general fund; creating the cost reimbursement fee fund; amending K.S.A. 66-1, 155, 66-1a01, 66-1502 and 66-1503 and K.S.A. 1982 Supp. 55-131, 55-140, 55-155, 55-161, 55-164, 55-609, 55-711, 55-901, 55-1204 and 66-1, 139 and repealing the existing sections; and also repealing K.S.A. 1982 Supp. 55-143.
- SB 434**, by Committee on Ways and Means: An act relating to insurance; concerning certain requirements for certain licenses; amending K.S.A. 40-3711 and K.S.A. 1982 Supp. 40-246f and repealing the existing sections.
- HB 2557**, by Committee on Ways and Means: An act relating to natural gas pipelines; declaring portions thereof to be common carriers; providing for powers and duties of the state corporation commission.
- HB 2558**, by Committee on Ways and Means: An act increasing the penalty for refusal to purchase a state park motor vehicle permit; amending K.S.A. 1982 Supp. 74-4509c and repealing the existing section.
- HB 2559**, by Committee on Ways and Means: An act concerning the department of health and environment; placing certain offices and positions within the unclassified service under the Kansas civil service act; amending K.S.A. 65-2405 and K.S.A. 1982 Supp. 75-5610 and 75-5631 and repealing the existing sections.
- HB 2560**, by Committee on Ways and Means: An act concerning motor vehicles; license plates; alteration of renewal cycle; amending K.S.A. 8-132, 8-134 and 8-147 and repealing the existing sections.
- HB 2561**, by Committee on Ways and Means: An act repealing K.S.A. 65-198, 65-199, 65-1, 100, 65-1, 101, 65-1, 102, 65-1, 103 and 65-1, 104; relating to assistance for persons with chronic renal diseases.
- HB 2562**, by Committee on Ways and Means: An act concerning the department of revenue; relating to attorneys therefor; amending K.S.A. 75-5121 and repealing the existing section.
- HB 2563**, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1983, and June 30, 1984, for university of Kansas medical center; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing.
- SCR 1626**, by Senators Morris, Burke, Mulich, Roitz, Steineger and Vidricksen: A proposition to amend Article 15 of the constitution of the state of Kansas by adding a new section thereto authorizing the legislature to provide for a state-operated lottery.
- SCR 1627**, by Senator Ehrlich: A concurrent resolution relating to the development of a special geriatric certification program for licensed practical nurses.

**SCR 1628**, by Senator McCray: A concurrent resolution requesting the Kansas Corporation Commission to compile and make available data on the number of households disconnected from utility service for home heating fuel because of inability to pay.

**HCR 5041**, by Representative Shelor: A concurrent resolution relating to excise tax and assessments on grain.

**HCR 5042**, by Representatives Hoagland and Weaver: A concurrent resolution providing for a joint session of the senate and house of representatives for the purpose of hearing a message from the governor.

**HCR 5043**, by Representative Polson: A concurrent resolution congratulating and commending the B & B High School football team and its coach, Ken Orgera, on winning the 1982 Class 1A State Football Championship in Kansas.

**HCR 5044**, by Representatives Charlton and Branson: A concurrent resolution proclaiming July 20 of each year as "Space Exploration Day" and the period of July 16 through July 24 of each year as "Kansas Space Observance."

**HCR 5045**, by Representatives Farrar, Arbuthnot, Aylward, Buehler, Campbell, DeBaun, Dempsey, Douville, Dyck, Eckert, Friedeman, L. Fry, B. Fuller, Guldner, Hamm, Harper, King, Kline, Laird, Littlejohn, Long, Louis, Mainey, D. Miller, Moomaw, Moore, K. Ott, Polson, Roenbaugh, Sallee, Sand, Schmidt, Schweiker, Shelor, Smith, Darrel Webb, Wilbert and Wisdom: A concurrent resolution regarding the use of values clarification and similar affective education teaching methods which promote situation ethics for the use of pupils in public schools; requesting that the local Boards of Education, in the exercise of their constitutional and statutory responsibility and authority, restrict the offering and use of values clarification and affective education teaching methods which promote situation ethics.

**SR 1829**, by Senators Pomeroy, Hein and Parrish: A resolution congratulating and commending the Hayden High School boys' basketball team and its coach, Ben Meseke, on winning the 1983 Class 4A State Basketball Championship in Kansas.

**SR 1830**, by Senators Feleciano, Daniels, Francisco, Hess, McCray and Morris: A resolution congratulating and commending Patrick J. Kraft on being chosen to receive the William M. Usdane Award for the Severely Handicapped Worker of the Year for 1982.

**SR 1831**, by Senators Ehrlich, Allen, Doyen, Cannon, Harder, Hayden, Karr, Montgomery, Mulich, Norvell and Talkington: A resolution requesting the Denver & Rio Grande Western Railroad to utilize existing Kansas terminal locations and present Kansas employees over the Kansas City-Pueblo route.

**SR 1832**, by Senators Werts and Roitz: A resolution congratulating Major General Ronald L. Watts on his February 4, 1983, promotion to the rank of Major General in the United States Army.

**HR 6049**, by Representative David Webb: A resolution urging the Governor to establish September 18 to September 25, 1983, as Kansas Prairie Week and establish the third week in September of each succeeding year as Kansas Prairie Week.

**HR 6050**, by Representative Wisdom: A resolution establishing April 5 through April 12, 1983, as Local Health Planning Volunteer Week.

**HR 6051**, by Representatives Hayden, Acheson, Adam, Apt, Arbuthnot, Aylward, Baker, Barkis, Barr, Blumenthal, Braden, Brady, Branson, Buehler, Bunten, Bussman, Campbell, Charlton, Chronister, Cloud, Cribbs, Crowell, Crumbaker, Dean, DeBaun, Dempsey, Dillon, Douville, Duncan, Dyck, Eckert, Ediger, Erne, Farrar, Flottman, Foster, Fox, Francisco, R. Frey, Friedeman, L. Fry, B. Fuller, W. Fuller, Goossen, Green, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Heinemann, Helgerson, Hensley, Hoagland, Holderman, Hoy, Jarchow, L. Johnson, M. Johnson, Justice, King, Kline, Knopp, Laird, Leach, Littlejohn, Long, Louis, Love, Lowther, Luzzati, Mainey, Matlack, Meacham, D. Miller, R. D. Miller, R. H. Miller, V. Miller, Moomaw, Moore, Murphy, Myers, Nichols, Niles, B. Ott, K. Ott, Patrick, Patterson, Peterson, Polson, Ramirez, Reardon, Reinhardt, Rezac, Roe, Roenbaugh, Rols, Roper, Rosenau, Runnels, Sallee, Sand, Schmidt, Schweiker, Shelor, Shriver, Smith, Solbach, Spaniol, Sughru, Sutter, Teagarden, Turnquist, Vancrum, Wagon, Walker, Weaver, Darrel Webb, David Webb, Whitaker, Wilbert, Wisdom and Wunsch: A resolution in memory of Reba L. Cobb.

**HR 6052**, by Representative Fox: A resolution congratulating Shawnee Mission East High School on its 25th anniversary.

**HR 6053**, by Representative Weaver: A resolution congratulating and commending Sheriff Charles E. Sharp, of the Cherokee County Sheriff's Department, for over 15 years' service to the citizens of Kansas in the field of law enforcement.

**HR 6054**, by Representative Lowther: A resolution congratulating Lynn Lang on being named Outstanding Young Kansas Educator for 1982 by the Kansas Jaycees.

**HR 6055**, by Representative Peterson: A resolution declaring certain investments of public moneys in corporations and banks supporting Poland to be contrary to principles of human rights and calling on the Pooled Money Investment Board and the Board of Trustees of the Kansas Public Employees Retirement System to disapprove such investments.

**HR 6056**, by Representative Justice: A resolution declaring certain investments of public moneys in corporations and banks supporting South Africa to be contrary to principles of human rights and social equality and calling on the Pooled Money Investment Board and the Board of Trustees of the Kansas Public Employees Retirement System to disapprove such investments.

**HR 6057**, by Representative Chronister: A resolution congratulating and commending Mrs. Betty Holliday, 1983 Kansas Mother of the Year.

**HR 6058**, by Representative Baker: A resolution congratulating and commending the Distributive Education Clubs of America, the Derby Senior High School DECA Chapter and the National Coalition to Prevent Shoplifting on their efforts to inform the public of the great expense incurred by society as a result of the crime of shoplifting.

**HR 6059**, by Representative Chronister: A resolution congratulating David Parker for being designated a Kansas Exporter of the Year by Kansas State University's International Trade Institute.

**HR 6060**, by Representatives Friedeman and Buehler: A resolution congratulating and commending the Great Bend Senior High School Madrigal Pop Group for being chosen to sing at the annual convention of the National Association of School Boards.

**HR 6061**, by Representative Friedeman: A resolution congratulating the Great Bend Senior High School debate squad for winning the Class 6A State Debate Tournament.

## State of Kansas

**DEPARTMENT ON AGING****REQUEST FOR PROPOSALS  
FOR A  
CONFERENCE ON UTILITY COSTS**

Applications to the Kansas Department on Aging are now being accepted for a grant which will be given to fund a one-day conference on utility costs, the control of these costs, and available alternatives. All aspects of the issue are to be considered, and addressed from the viewpoint of the elderly consumer.

Applications will be accepted through May 15, 1983. Necessary applications forms may be obtained by writing or calling Lorie Angelo, Kansas Department on Aging, 610 W. 10th, Topeka, KS 66612—Phone (913) 296-4986.

SYLVIA HOUGLAND  
Secretary of Aging

Doc. No. 001040

## 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, APRIL 18, 1983**

#25541

Statewide—SAFETY RAZOR BLADES

#53276

Kansas Park &amp; Resources Authority, Topeka—PICKUP

#53282

Kansas Technical Institute, Salina—MICROPROCESSOR EQUIPMENT

#53288

Kansas State University, Manhattan—REFLECTIVE PARKING PERMITS

#53294

University of Kansas Medical Center, Kansas City—SNAP-OUT Forms—2 COLORS "DIAGNOSTIC CHARGE CODE 414"

#53325

Department of Human Resources, Topeka—CONTROLLER UPGRADE

**TUESDAY, APRIL 19, 1983**

#25542

University of Kansas, Lawrence—CLEANING CHEMICALS AND SUPPLIES

#53283

Department of Transportation, Hutchinson—GRADER BLADES

#53284

Department of Transportation, Topeka—MOWER REPAIR PARTS

#53285

Department of Transportation—PLANT MIX, BITUMINOUS MIXTURE (COMMERCIAL GRADE), for Topeka area

#53286

University of Kansas, Lawrence—FUEL OIL #5

#53287

Kansas State Historical Society, Topeka—SHOP MACHINERY

#53290

Secretary of State, Topeka—UPGRADE OF COMPUTER SYSTEM

#A-4508

University of Kansas, Lawrence—REVISE AND IMPROVE VENTILATION IN CERAMICS LABORATORY OF ARTS AND DESIGN FACILITY

#A-4565

Department of Social &amp; Rehabilitation Services—REPLACE ROOFS ON DORMITORY BUILDING #191 AND POWER PLANT BUILDING #197 at Vocational Rehabilitation Center, Salina

**WEDNESDAY, APRIL 20, 1983**

#25544

Department of Social &amp; Rehabilitation Services—BOX SPRING FRAMES, for Kansas Industries for the Blind, Kansas City

#53297

Wichita State University, Wichita—FOLDER/INSERTER

# 53305

Department of Transportation, Hutchinson—JOINT FILLER MATERIAL FOR HIGHWAYS

#53306

Kansas State University, Manhattan—FERTILIZER, for Garden City Experiment Station

#53307

Kansas State University, Manhattan—HERBICIDE, for Garden City Experiment Station

#53308

Department of Transportation, Topeka—MAGNESIUM PHOSPHATE, CONCRETE SET 45

#53309

Kansas State University, Manhattan—AUTOMATIC SWIMMING POOL WATER TREATMENT CONTROL SYSTEM

#53310

Kansas Correctional Industries, Lansing—MINERAL SPIRITS AND XLOL JAR PAINT

#53328

Department of Transportation, Hutchinson—INERTIAL BARRIER, for Wichita

**THURSDAY, APRIL 21, 1983**

#25521

Statewide—TOOTHBRUSHES AND TOOTHPASTE

#25539

Statewide—AUTOMOTIVE SUPPLIES

#25543

University of Kansas, Lawrence—BOTTLED PROPANE GAS

#53311

Kansas State University, Manhattan—MICROCOMPUTER EQUIPMENT

#53324

Kansas State University, Manhattan—VETERINARY DRUGS AND SUPPLIES

#53329

Kansas Department of Revenue, Topeka—MAILING OF 1983 TAX BOOKLETS

#53332

Department of Transportation—GUARD RAIL, for Hutchinson and Great Bend

(continued)

#53333

Wichita State University, Wichita—TELEPHONE INTERCONNECTED RADIO PAGING TERMINAL

#53334

Department of Transportation—BITUMINOUS HOT MIX, COMMERCIAL GRADE, SIMILAR TO B.M.-2, for Norton

#53335

Kansas State University, Manhattan—STEAM CONTROL VALVES

#53336

Kansas State University, Manhattan—FORKLIFT TRUCK

#53337

Kansas State Industrial Reformatory, Hutchinson—PLUMBING SUPPLIES

#53338

Kansas State Fair, Hutchinson—BUILDING MATERIALS

#A-4503

Larned State Hospital, Larned—REPLACE AIR CONDITIONING EQUIPMENT IN MEYER BUILDING

#A-4602

Pittsburg State University, Pittsburg—HIGH ROOF REPLACEMENT FOR WEDE PHYSICAL EDUCATION FACILITY

**FRIDAY, APRIL 22, 1983**

#25545

Kansas Park & Resources Authority—COMMERCIAL GRADE AB-3, for El Dorado State Park

#53326

Department of Human Resources, Topeka—DISK STORAGE

#53331

Department of Transportation—MRA-A AGGREGATE, for various locations

#A-4524

Youth Center at Topeka, Topeka—ROOF REPLACEMENT FOR DINING ROOM, KITCHEN AND CONNECTING HALLWAY

**MONDAY, APRIL 25, 1983**

#25479-A

Governor's Office, Topeka—AIRCRAFT INSURANCE

#53330

University of Kansas, Lawrence—WORD PROCESSING SYSTEM

**TUESDAY, APRIL 26, 1983**

#25548

University of Kansas Medical Center, Kansas City; University of Kansas, Lawrence; Kansas State University, Manhattan—BLOOD BANK PRODUCTS

**MONDAY, MAY 16, 1983**

#25546

Kansas Highway Patrol—AIRCRAFT INSURANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001042

**State of Kansas**

**ATTORNEY GENERAL**

**OPINION NO. 83-43**

**Fences—Partition Fences—What Occupants Not Required To Contribute Towards Partition Fence.** Thomas H. Sullivan, Phillips County Attorney, Phillipsburg, March 25, 1983.

The responsibility to comply with K.S.A. 29-101 and 29-301 is relieved by K.S.A. 29-309 only if a landowner or occupier does not want his/her land enclosed and the land is used or occupied in common with the adjoining landowner or occupier. County commissioners, acting in their capacity as fence viewers, may order adjoining landowners to contribute to the cost of erection and maintenance of a partition fence unless both requirements of K.S.A. 29-309 are satisfied. Cited herein: K.S.A. 29-101, 29-301, 29-309. RVE

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001037

**State of Kansas**

**STATE CORPORATION COMMISSION**

**NOTICE OF APPLICATIONS FOR  
RAILROAD AGENCY TESTS**

**Galena, Military and Chetopa, Kansas**

On March 16, 1983, the Missouri-Kansas-Texas Railroad Company filed an application to proceed with a Service System Test for an order authorizing and permitting it to discontinue the services of its agents at its stations located at Galena, Military and Chetopa, Kansas. The Commission will examine Docket 136,966-R on May 1, 1983, to determine if more than 50% of the consignees and consignors protest or if the protestants generate more than 50% of the total agency revenue. If the 50% level of protest is exceeded in either category the application will be set for hearing. If the protests do not exceed the 50% level the Test Period will be effective May 16, 1983, AS MANDATED BY K.S.A. 1982 Supp. 66-112.

**Solomon, Lincoln Center, Tescott, Beverly, Vesper,  
Sylvan Grove, Quartzite, Shady Bend  
and Culver, Kansas**

On March 23, 1983, the Union Pacific Railroad Company filed an application to proceed with a Service System Test and for an order authorizing and permitting it to discontinue the services of its agents at its stations located at Solomon, Lincoln Center, Tescott, Beverly, Vesper, Sylvan Grove, Quartzite, Shady Bend and Culver, Kansas. The Commission will examine Docket 137,173-R on May 17, 1983, to determine if more than 50% of the consignees and consignors protest or if the protestants generate more than 50% of the total agency revenue. If the 50% level of protest is exceeded in either category the application will be set for hearing. If the protests do not exceed

(continued)



the 50% level the Test Period will be effective June 1, 1983, AS MANDATED BY K.S.A. 1982 Supp. 66-112.

WILLIAM E. GREEN  
Transportation Administrator

Doc. No. 001043

State of Kansas

**STATE CORPORATION COMMISSION**

**NOTICE PERTAINING TO  
MOTOR CARRIER HEARINGS  
BEFORE THE  
STATE CORPORATION COMMISSION**

Applications set for hearing are to be heard before the *State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m. unless otherwise noticed.*

This list does not include cases previously assigned hearing dates for which parties of record have received notice.

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas, 66612, or telephone (913) 296-3352 or 296-2110.

Your attention is invited to Kansas Administrative Regulations (K.A.R.) 82-1-228, "Rules of Practice and Procedure Before the Commission."

**Applications set for May 3, 1983—  
TOPEKA, KANSAS**

**Application for Contract Carrier Permit:**

Dan Dugan Transport Co. ) Docket No. 136,782 M  
P.O. Box 946 )  
Sioux Falls, SD 57117 )

Applicant's Attorney: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

*Feed, feed ingredients and grain under a continuing contract with Cargill, Inc.,*

Between points & places in the state of Kansas. Under continuing contract with Cargill, Inc., of Minneapolis, MN.

\*\*\*\*\*

**Application for Extension of Certificate of  
Convenience and Necessity:**

Matador Service, Inc. ) Docket No. 23,157 M  
P.O. Box 2256 )  
Wichita, KS 67201 ) Route No. 1516

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka KS 66612

*Fertilizer and petroleum related products,  
Between all points & places in KS.*

*Grain,*

From all points & places in KS to points in Saline, Sedgwick, Shawnee, Reno, Barton & Wyandotte Counties, KS.

**Application for Certificate of Convenience  
and Necessity:**

H. J. Wagner, dba ) Docket No. 136,931 M  
Wichita South & West )  
115 Ave. "A" E. )  
P.O. Box 482 )  
Kingman, KS 67068 )

Applicant's Attorney: None

*Steel, pipe, and steel articles,*

Between Pratt County & Kingman County, KS, on the one hand, and, on the other, the state of Kansas. Also,

*Unmanufactured agricultural commodities, and natural products, processed, but not manufactured,*

Between points in an area bounded on the West by U.S. Hwy 283, to a point at U.S. Hwy 56; bounded on the North by U.S. Hwy 56, to a point east at U.S. Hwy 77; bounded on the East by U.S. Hwy 77, to a point at the KS-OK border; bounded on the South by the KS-OK border, to the point of beginning at U.S. Hwy 283, on the one hand, and, on the other, the state of Kansas.

\*\*\*\*\*

**Applications set for May 4, 1983—  
TOPEKA, KANSAS**

**Application for Transfer of Certificate of  
Convenience and Necessity:**

Leavenworth Tonganoxie ) Docket No. 12,459 M  
Lines, Inc. )  
Rt. 1 )  
Tonganoxie, KS ) Route No. 444

TO:

LTL Distribution, Inc., dba  
Leavenworth Tonganoxie Lines  
Rt. 1, Box 135A  
Tonganoxie, KS 66086

Applicant's Attorney: Robert L. Loughbom, 748 Ann, Kansas City, KS 66101

*For the transportation of property for hire,*

Between Tonganoxie, KS & Kansas City, MO through Basehor, Victory Junction, Piper & Kansas City, KS.

*General commodities,*

Between Tonganoxie & McLouth, KS, serving all intermediate points within 10 miles of McLouth, KS, over KS State Hwys 16, 92, 76 & 90 & return using some routes.

\*\*\*\*\*

**Application for Extension of Certificate of  
Convenience and Necessity:**

McCarty Truck Line, Inc. ) Docket No. 135,043 M  
17th & Harris )  
Trenton, MO 64683 ) Route No. 20923

Applicant's Attorney: Alex M. Lewandowski, Suite 600 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105-1961

(continued)

To transport general commodities (except Classes A and B explosives, commodities in bulk, household goods and articles which, because of size and weight, require the use of special equipment),

Between Sedgwick, Reno, McPherson & Saline Counties, KS, on the one hand, and, on the other, all points & places in the state of Kansas.

Application for Extension of Certificate of Convenience and Necessity:

Kindsvater, Inc. ) Docket No. 39,747 M
P.O. Box 1027 )
Dodge City, KS 67801 ) Route No. 3718
Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

Fertilizer,

Between all points & places in KS west of KS Hwy 99.

Restricted, however, to transport no traffic to points in Chautauqua County.

Fertilizer,

Between Lawrence in Douglas County, KS, on the one hand & points in KS on & west of KS Hwy 99, on the other hand.

Restricted, however, to transport no traffic to points in Chautauqua County.

Grain,

Between all points & places in KS west of US Hwy 81 & US Interstate Hwy 135.

Also,

Between all points & places in KS west of US Hwy 81 & US Interstate Hwy 135, on the one hand, & points & places in the state of KS, on the other hand.

Propane,

From all refineries, pipeline terminals, & points of supply in KS to points in KS west of US Hwy 81 & US Interstate Hwy 135.

\*\*\*\*\*

Applications set for May 5, 1983— TOPEKA, KANSAS

Application for Transfer of Certificate of Convenience and Necessity:

Tommy Wayne Cox, dba ) Docket No. 78,657 M
Tommy Cox )
Box 550 )
Johnson, KS 67855 ) Route No. 7284

TO:
Millard D., Steven D., and
William C. Peterson, dba
Bill Peterson Trucking
Box J
Hugoton, KS 67951

Applicant's Attorney: Eugene W. Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

Hay, grain, processed and unprocessed feed and seed,

Between all points & places in Morton, Stevens, Seward, Stanton, Grant, Haskell, Hamilton, Kearny,

Finney, Greeley, Wichita & Scott Counties on the one hand;

Also,

Between all points & places in Morton, Stevens, Seward, Stanton, Grant, Haskell, Hamilton, Kearny, Finney, Greeley, Wichita & Scott Counties on the one hand, & all points & places in the state of Kansas on the other hand.

\*\*\*\*\*

Application to Transfer a Portion of Certificate of Convenience and Necessity:

James, Brian & Jeff ) Docket No. 90,914 M
Seltman, dba 3S Bar )
Trucking )
Box 125 )
Alexander, KS 67513 ) Route No. 8687

TO:

Shane & Kevin Mullen, dba
K & S Trucking
Leoti, KS 67861

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

Seed,

Between points & places within Sheridan, Graham, Rooks, Osborne, Gove, Trego, Ellis, Russell, Lincoln, Ellsworth, Scott, Lane, Ness, Rush, Barton, Rice, Finney, Hodgeman, Pawnee, Edwards, Stafford, Gray, Ford, Kiowa, Pratt, Clark, Comanche Counties; that portion of Thomas County south of US Hwy 83/383 & US Hwy 24 & east of KS Hwy 25; that portion of Logan County east of KS Hwy 25; that portion of Wichita County east of KS Hwy 25; that portion of Kearny County east of KS Hwy 25 & north of US Hwy 50; that portion of Haskell County north of US Hwy 160 & east of US Hwy 83/160; that portion of Meade County north of US Hwy 54 & US Hwy 160; that portion of Barber County north of US Hwy 160; that portion of Kingman County north of KS Hwy 42, west of KS Hwy 14, north of US Hwy 54 & west of KS Hwy 17; that portion of Reno County west of KS Hwy 17 & KS Hwy 61; that portion of McPherson County west of KS Hwy 61 & US Hwy 81; that portion of Saline County west of US Hwy 81 & south of US Hwy 40; that portion of Mitchell County west of KS Hwy 14 & south of US Hwy 24; that portion of Smith County west of US Hwy 281 & south of US Hwy 36; that portion of Phillips County south of US Hwy 36, west of US Hwy 183 & south of US Hwy 383; that portion of Norton County south of US Hwy 383 & that portion of Decatur County south of US Hwy 383.

Also,

Between points & places in the state of Kansas.

(continued)

**Application for Certificate of Convenience and Necessity:**

Alvin E. Kraus ) Docket No. 136,932 M  
RR 2, Box 122 )  
Burlingame, KS 66413 )

Applicant's Attorney: None

*Grain, farm and industrial machinery,*

Between all points & places in the state of Kansas.

\*\*\*\*\*

**Applications set for May 10, 1983—  
TOPEKA, KANSAS**

**Application for Extension of Certificate of Convenience and Necessity:**

Bingham Trans., Inc. ) Docket No. 105,615 M  
2005 E. Ave. )  
Baxter Springs, KS 66713 ) Route No. 11619

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L Topeka, KS 66612

*Dry bulk commodities, except grain and fertilizer and gypsum,*

Between points & places in KS east of US Hwy 281. Also,

Between points & places in KS east of US Hwy 281 on the one hand, & points & places in the state of KS, on the other hand.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Yoder Elevator, Inc. ) Docket No. 136,934 M  
101 E. Lawrence )  
Box 105 )  
Yoder, KS 67585 )

Applicant's Attorney: Paul Dugan, 2707 W. Douglas, Wichita, KS 67213

*Grain, feed, feed ingredients, seed, and dry fertilizer,*

TO, FROM AND BETWEEN: All points & places in Sedgwick, Reno, McPherson, & Saline Counties, KS, on the one hand; & all points & places within the state of Kansas on the other;

and,

TO, FROM AND BETWEEN: All points & places within Sedgwick, Reno, McPherson, & Saline Counties, KS.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Duane Spears, dba ) Docket No. 136,933 M  
Spears Trucking )  
Rt. 2, Box 70 )  
Osborne, KS 67473 )

Applicant's Attorney: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

*Livestock,*

Between points in Osborne, Smith, Phillips, Rooks,

Ellis, Russell, Mitchell, Jewell & Lincoln Counties, KS, and

Between points in Osborne, Smith, Phillips, Rooks, Ellis, Russell, Mitchell, Jewell & Lincoln Counties, KS, on the one hand, & on the other, points in KS.

\*\*\*\*\*

**Applications set for May 11, 1983—  
TOPEKA, KANSAS**

**Application for Extension of Certificate of Convenience and Necessity:**

Robert E. Ingram, dba ) Docket No. 132,102 M  
Ingram Trucking )  
P.O. Box 31 )  
Montezuma, KS 67867 ) Route No. 19764

Applicant's Attorney: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202

*Grain, dry feed, dry feed ingredients, seeds and dry fertilizer,*

Between all points & places in the state of Kansas.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

GTL Truck Lines, Inc. ) Docket No. 136,935 M  
2027 10th St. )  
P.O. Box 513 )  
Gering, NE 69341 )

Applicant's Attorney: John E. Jandera, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

*Such commodities as are dealt in or used by wholesale and retail grocery companies,*

Between the facilities of Nash-Finch Co. located in KS.

Also,

Between the facilities of Nash-Finch Co. located in KS, on the one hand, & on the other, points in KS.

\*\*\*\*\*

**Application for Certificate of Convenience and Necessity:**

Mid America Express, Inc. ) Docket No. 136,914 M  
8730 Grant )  
Overland Park, KS 66212 )

Applicant's Attorney: Eugene W. Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

*General commodities,*

Between all points in KS, over irregular routes, transporting no shipments exceeding 100 pounds.

\*\*\*\*\*

**Application set for May 12, 1983—  
TOPEKA, KANSAS**

**Application for Extension of Certificate of Convenience and Necessity:**

Hamilton's Transports, Inc. ) Docket No. 32,045 M  
139 W. Hall )  
Oberlin, KS 67749 ) Route No. 2922

(continued)

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

*Liquid fertilizer solutions,*

Between points in KS west of US Hwy 81 & US Interstate Hwy 135.

*Anhydrous ammonia,*

From all pipeline terminals & manufacturing plants & storage facilities in KS, to points & places in KS west of US Hwy 81 & US Interstate Hwy 135.

*Propane,*

From all refineries, pipeline terminals & points of supply in KS to points in KS west of KS Hwy 183 & north of KS Hwy 96.

*Gasoline and diesel fuel,*

From all refineries & pipeline terminals & points of supply in KS to points in KS west of KS Hwy 14.

\*\*\*\*\*

**Applications set for May 24, 1983—  
TOPEKA, KANSAS**

***Application for Certificate of Convenience  
and Necessity:***

Paul F. Jacobson ) Docket No. 136,937 M  
RR 1 )  
Waverille, KS 66548 )

Applicant's Attorney: None

*Grain (wheat, corn, milo, soybeans, corn, oats),*

Between all points & places in Marshall County, KS. Also,

Between all points & places in Marshall County, KS, on the one hand & all points & places in Shawnee, Lyons, Saline, Johnson, and Atchison Counties, KS, on the other.

\*\*\*\*\*

***Application for Certificate of Convenience  
and Necessity:***

Clyde McClafin, dba ) Docket No. 136,936 M  
A-1 Auto Service & )  
Used Cars )  
235 W. D. )  
Kingman, KS 67068 )

Applicant's Attorney: None

*Wrecked and disabled vehicles, and light trucks not  
over 2 tons in weight,*

Between all points & places in the state of KS.

\*\*\*\*\*

**Applications set for May 25, 1983—  
TOPEKA, KANSAS**

***Application for Certificate of Convenience  
and Necessity:***

Lawrence J. Klimek ) Docket No. 136,938 M  
2115 N. Howard )  
Grand Island, NE 68801 )

Applicant's Attorney: None

*Grain,*

Between all points & places in KS.

\*\*\*\*\*

***Application for Certificate of Convenience  
and Necessity:***

Ivan L. Harvey, dba ) Docket No. 136,947 M  
ICF Truck Line )  
Kansas City, KS 66103 )

Applicant's Attorney: None

*Livestock, agricultural commodities, farm equip-  
ment, building materials, rock, sand, gravel, coal,*

Between all points & places in KS.

\*\*\*\*\*

**Application set for May 26, 1983—  
TOPEKA, KANSAS**

***Application for Extension of Certificate of  
Convenience and Necessity:***

Haynes Transport Co., Inc. ) Docket No. 26,050 M  
RR 2, Box 9 )  
Salina, KS 67401 ) Route No. 1895

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

*Fertilizer,*

Between points & places in KS.

Restricted, however, to transport no traffic destined to the counties of Lyon, Osage, Douglas, Miami, Franklin, Coffey, Anderson, Linn, Woodson, Allen, Bourbon, Wilson, Neosho, Crawford, Chautauqua, Montgomery, Labette & Cherokee.

*Fertilizer,*

Between Lawrence in Douglas County, KS, on the one hand, & points in KS except the counties of Lyon, Osage, Douglas, Miami, Franklin, Coffey, Anderson, Linn, Woodson, Allen, Bourbon, Wilson, Neosho, Crawford, Chautauqua, Montgomery, Labette & Cherokee, on the other hand.

*Gasoline and diesel fuel,*

Between all refineries, pipeline terminals & supply points in KS, on the one hand, & points in KS north & west of US Interstate Hwy 35 & east of US Hwy 83, on the other hand.

*Propane,*

From all refineries, pipeline terminals & points of supply in KS to points in KS east of US Hwy 183 & west of US Hwy 75.

*Soybean oil,*

From Wichita in Sedgwick County & Emporia in Lyon County to points & places in KS.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 001044

## State of Kansas

**SOCIAL AND REHABILITATION SERVICES****SUMMARY OF TEMPORARY  
ADMINISTRATIVE REGULATIONS**

(Effective April 1 and May 1, 1983.  
Will expire May 1, 1984.)

This summary outlines the Secretary's actions concerning the adoption of new regulations and the amendment and revocation of current regulations on a temporary basis. Some of the changes modify or rescind certain amendments or revocations to the Secretary's administrative regulations that were otherwise scheduled to become effective on a permanent basis May 1, 1983 and are published in today's *Kansas Register* immediately following this summary.

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.

Certain of the amendments to the administrative regulations are only technical in nature (typographical, etc.). Such corrections do not affect policy and therefore are not mentioned in this summary.

**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. 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 in TGA will be the same as for GAU except that the standard and maximum payment will not exceed \$100.00 for a single person or \$175.00 for a married couple 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 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

(continued)

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% reduction 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). 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 and the scope of services for adult MediKan Program recipients is being limited. The Division of Medical Programs is being given the authority to lock-in adult MediKan program recipients.

The specific scope of service limitations are 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) chiropractic services—\$1.00 per visit;
- (3) pharmacy services—\$1.00 per prescription, new and refill;
- (4) physician office visits—\$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;
- (4) diagnostic computerized axial tomography scans and ultrasonic studies;
- (5) chemo and radiation therapy;
- (6) renal dialysis for recipients who cannot utilize home dialysis;
- (7) psychiatric partial hospitalization pursuant to item 20;
- (8) prior authorized rehabilitative therapies if there are no home health agency services available; and
- (9) laboratory services which have been accepted for inclusion on a laboratory procedure listing which has been adopted and distributed by the agency to eligible providers of service.

(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) medically necessary substance abuse treatment services as approved by the division of medical programs;
- (6) fourteen days for psychiatric care per acute psychotic episode; and
- (7) 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. Coverage will be limited to laboratory services which have been accepted for inclusion on a laboratory procedure listing which has been adopted and distributed by the agency to eligible providers of service.

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

- (1) Six hours of prior authorized psychological testing and evaluation in any three consecutive calendar years.
- (2) 480 units of outpatient psychotherapy per calendar year.
- (3) psychiatric partial hospitalization pursuant to item 20.

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;

(continued)

- (3) outpatient hospital services;
- (4) 12 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 except as set forth in items 2 and 4;
- (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 drugs, supplies and devices which have been accepted for inclusion on any formulary listing for adult medikan program recipients which has been adopted and distributed by the agency to eligible providers of service.
10. Scope of dental services. Dental services will not be covered for adult medikan program recipients.
11. Scope of chiropractic services. Coverage will be limited to 12 visits per calendar year.
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 six hours of prior authorized psychological testing and evaluation during any three consecutive calendar years.
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 funded by the department of health and environment.
20. Scope of psychiatric day treatment and partial hospitalization programs. Coverage will be limited to: (1) 120 hours per calendar month unless prior approval for an extended program has been granted by the division of medical programs; and (2) services provided by a community mental health center or a general hospital.
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 assistance) 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) Non-participating hospitals. Subject to the provisions of section (c) of paragraph 2, the per diem rate will be the mean per diem rate of those participating Kansas hospitals which fall below the mean per diem rate of all participating Kansas hospitals as calculated in section (b) 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.

(continued)

(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 chair person. Finally, the agency may reim-

burse 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 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.

(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 perspective 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).

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).

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

9. 3-5-100. 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 168 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).

(continued)



(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 or lessor 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. 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 an interest other than that of a passive creditor 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. The provisions of this paragraph will only be applicable if the cost records of a provider do not reflect the depreciation

basis of an asset in accordance with generally accepted accounting principles and the historical cost records of a purchased asset are not available or are incomplete.

(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.

The full text of the above-mentioned temporary administrative regulations have not been published because of their length and the expense of publication. Copies of the full text may be obtained by contacting the Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969.

ROBERT C. HARDER  
Secretary

Doc. No. 001048

### 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.

## DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

### ADMINISTRATIVE REGULATIONS

The full text of the following administrative regulations have not been published, at the request of the Department of Social and Rehabilitation Services, because of their length and the expense of publication. Copies of the full text may be obtained by contacting Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969.

Please note that some of these regulations are superseded by new temporary regulations noted in the document immediately preceding this summary.

### SUMMARY OF ADMINISTRATIVE REGULATIONS ADOPTED BY THE SECRETARY OF SOCIAL AND REHABILITATION SERVICES AT AN OPEN MEETING HELD ON DECEMBER 10, 1982 TO BECOME EFFECTIVE MAY 1, 1983

(continued)

**A. General**

1. **30-2-12. Fee for providing copies of agency documents and records to non-agency personnel.** This regulation is being amended to increase the search and certification fee from \$1.00 to \$2.50 per quarter hour.

2. **30-2-16. Permanency planning goals for title IV-E of the federal social security act.** The Secretary is promulgating a new regulation to set forth the agency's permanency planning goal for federal fiscal year 1984. The agency plans to have no more than 550 children who have been in foster care placements in excess of 24 consecutive months receiving federal funding during the course of the year. Further, the regulation sets forth the steps to be utilized by the agency to achieve the above-stated goal. (Federal Mandate)

**B. Public Assistance Program**

1. **30-4-34. Program.** This regulation is being amended to:

a. Set out the Aid to Pregnant Women (APW) program as a separate program that is distinct from the ADC program; and

b. Delete reference to the Emergency Assistance Program.

2. **30-4-36. Redetermination of eligibility process.** This regulation is being amended to reflect a change in the frequency of redeterminations from six months to 12 months for ADC cases and from three months to six months for ADC-UP cases.

3. **30-4-41. Assistance planning.** This regulation is being amended to replace the employment registration requirement for a stepparent spouse who is included as an essential person with the new job search requirement set forth in K.A.R. 30-4-57.

4. **30-4-50. Assistance eligibility, general.** This regulation is being amended to:

a. Incorporate the new eligibility requirement related to participation in the Community Work Experience Program set forth in K.A.R. 30-4-62;

b. Make the general eligibility requirements set forth in K.A.R. 30-4-51 through 30-4-62, inclusive, applicable to the Aid to Pregnant Women (APW) program; and

c. Authorize the Secretary to waive certain eligibility requirements or adopt additional eligibility requirements for all, or designated portions of the state, for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.

5. **30-4-53. Need.** This regulation is being amended to:

a. Change the name of the regulation to "Financial Eligibility"; and

b. Set forth the following three criteria that a client must meet to be financially eligible:

- own property not in excess of allowable limits;
- have income not in excess of 150% of the public assistance standard; and
- have a budgetary deficit.

6. **30-4-56. Assignment or transfer of property.** This regulation is being amended to:

a. Reduce the maximum equity value of property that can be transferred without affecting eligibility to \$500.00 (previously the policy allowed for transfers of \$500.00 for one person and \$1,000.00 for two or more persons to be excluded from consideration);

b. Require that multiple transfers that occur within a calendar month be treated as a single transfer; and

c. Allow a client to transfer legal title to property without affecting eligibility if the client can substantiate that his or her name had been placed on the title of property by the owner solely for the sake of convenience and that the client would otherwise have no interest in the property. Factors to be considered will include the source and use of the property. This policy will not be applicable to the transfer of jointly owned resources between legally responsible persons.

7. **30-4-57. Job search requirements.** This regulation is being amended to delete the employment registration requirements and substitute job search requirements in lieu thereof. The job search provision will require a recipient, unless exempt, to furnish five verifications of attempts to obtain employment each month or participate in an agency approved job club or related activity. A recipient will not be required to spend more than 320 hours per year in job search activities. Reimbursement for job seeking expenses will be allowed pursuant to K.A.R. 30-4-120(j).

Exemptions to the job search requirement will parallel current employment registration exemptions with the following exceptions:

a. Wherever the phrase "job service center" appears, "potential employer" will be substituted. Wherever the word "registered" appears, "actively seeking employment" will be substituted;

b. An exemption will be allowed if searching for employment is inconsistent with home responsibilities for care and supervision of children. This exemption will not be allowed if adequate and satisfactory plans could be developed for such care and supervision in the person's absence; and

c. An exemption will be allowed for persons residing in a licensed or certified alcohol and drug abuse facility.

A first time failure to meet the job search requirements without good cause will result in ineligibility for three months and a second time failure will result in ineligibility for six months. In ADC, the penalty will be applied to the individual. In ADC-UP and GA, the penalty will be applied to the individual and all persons for whom he or she is legally responsible.

8. **30-4-58. Potential employment.** This regulation is being amended to:

a. Extend the existing potential employment penalty of ineligibility from one month to three months for a first time failure and from one month to six months for a second time failure;

b. Delete the good cause provisions related to (1) remoteness, (2) participation in vocational rehabilitation program training, and (3) home responsibilities

(continued)

since persons who meet these criteria are already exempt from the job search requirements; and

c. Clarify the good cause criterion related to hazardous work as being in accordance with OSHA standards.

**9. 30-4-62. Community work experience program requirements.** The Secretary is promulgating a new regulation concerning mandatory client participation in community work experience programs. The purpose of the CWEP program is to provide work experience for adult recipients to enhance their ability to obtain employment. The CWEP project sites will closely parallel the GA work projects currently in place across the state.

Non-exempt ADC and GA adults will be required to participate in a CWEP program as a condition of eligibility.

Exemptions from the CWEP requirements will parallel the exemptions for job search with the following exceptions:

a. No exemption will be allowed for WIN registration;

b. The wording "potential employer" will be replaced by "CWEP project." Whenever the phrase "actively seeking employment" appears, "participating" will be substituted;

c. For ADC, a person who is employed 80 hours or more per month will be exempt; and, for GA, a person who is employed 30 hours or more per week will be exempt;

d. A person required to participate will be exempt if either an appropriate project is not available or the assignment will be less than two days; and

e. A person who is participating in a job club or related activity approved by the agency will be exempt.

If exempt, a person may volunteer to participate.

CWEP projects will not subsidize private enterprise and will be developed with public funded organizations and with not-for-profit corporations providing assistance to needy persons. Projects will be required to meet the following criteria:

a. Serve a useful public purpose;

b. Not result in the displacement of persons currently employed or the filling of established, unfilled position vacancies;

c. Not related to political, electoral, or partisan activities;

d. Provide reasonable work conditions and not be in violation of applicable health and safety standards;

e. Not interfere with or be in response to a bona fide labor dispute; and

f. Not violate existing labor agreements.

The agency will be responsible for providing medical and subsistence assistance for a participant who is injured on a project or becomes ill or incapacitated as a result of participation. Such participants will be referred to Vocational Rehabilitation for services.

The number of hours to be worked will be determined by dividing the amount of assistance paid by the federal minimum wage. A recipient will not be required to work in any month longer than is neces-

sary to work out assistance received and will also be assured the equivalent of one working day each week to seek employment.

Participants will be reimbursed for work related transportation expenses at the rate of \$15.00 for assignments of less than 10 days and \$25.00 for assignments of 10 or more days.

There will be ineligibility when a nonexempt adult fails to complete a CWEP assignment without good cause or is terminated from a project with good cause. The period of ineligibility will be three months for a first time failure and six months for a second time failure. In ADC, the penalty will apply only to the individual. In ADC-UP and GA, the penalty will apply to the individual and all persons for whom he or she is legally responsible.

**10. 30-4-72. ADC child.** This regulation is being amended to delete coverage for an unborn child. However, the needs of a pregnant woman will continue to be recognized pursuant to K.A.R. 30-4-78.

**11. 30-4-73. Deprivation in ADC.** This regulation is being amended to:

a. Clarify that absence of a parent based solely on active military service will not constitute deprivation in ADC (Federal Mandate);

b. Delete the ADC 90 day reconstruction period when an absent parent returns or when an incapacitated person's condition has improved; and

c. Delete the 30 day ADC-UP reconstruction period following the parent's return to work.

**12. 30-4-75. ADC work incentive program registration requirements.** Technical amendments. This regulation is not being amended to delete the WIN exemption for a woman who is six months pregnant. This exemption was deleted by the temporary regulation adopted by the Secretary on June 8, 1982. Since then, the federal agency has again reinterpreted the provision whereby a state can exempt a woman who is six months pregnant on the basis that such pregnancy is of an incapacitating nature for WIN program purposes.

**13. 30-4-78. Eligibility factors specific to the APW program.** The Secretary is promulgating a new regulation concerning Aid to Pregnant Women (APW). To be eligible for the APW program, a woman will have to meet the following requirements:

a. Meet the general eligibility requirements of K.A.R. 30-4-50;

b. Be at least six months pregnant; and

c. Be apparently eligible for ADC in the month in which the child is expected to be born (in her own behalf or in behalf of the child).

**14. 30-4-80. Eligibility factors specific to the ADC-FC program.** This regulation is being amended to require that each ADC-FC case have a case plan and that the case status be reviewed on at least a six month basis by a panel to determine whether the child should be returned to the parent, continued in foster care for a specified period, placed for adoption, or continued in foster care on a permanent or long-term basis. (Federal Mandate)

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15. **30-4-85. Eligibility factors specific to the EA program.** This regulation is being revoked.

16. **30-4-90. Eligibility factors specific to the GA program.** This regulation is being amended to:

- a. Delete the work project and work and training program requirements (replaced with CWEP); and
- b. Deny GA eligibility to persons eligible for a federal program.

17. **30-4-97. Eligibility factors specific to the TA program.** This regulation is being amended to restrict the transportation provision to assist transients to the closer of their place of residence or the nearest major city of the adjoining state in the direction of the individual's residence.

18. **30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs.** This regulation is being amended to:

- a. Place the term "Payment" in front of the title to the regulation;

- b. Include the APW program for budgeting purposes;

- c. Recognize the need for a shelter standard to be included in all assistance plans;

- d. In ADC and APW, provide for a percentage reduction of the shelter standard in assistance plans where the family home is being shared with other persons not in the assistance plan (this provision will not be applicable when the only person excluded from the assistance plan is an SSI recipient to whom the ½ reduction is applied because he or she lives in the household and receives support and maintenance in kind). The percentage reduction will be as follows: 60% for a one person plan, 50% for a two person plan, 40% for a three person plan, 35% for a four person plan, 30% for a five person plan, and 20% for a plan of six or more persons;

- e. In GA, have the budgetary standards equal 80% of the basic and shelter standards except for persons receiving care or supervision, families in which an adult is assigned to a CWEP project, and families in which a person is participating in vocational rehabilitation program training. The 80% provision is presently set forth in K.A.R. 30-4-140 and the 80% calculation is based on the budget deficit; and

- f. Include special requirements as set forth in 30-4-120 in the computation of budgetary requirements for applicants and recipients.

19. **30-4-101. Standards for persons in own or other family home.** This regulation is being amended to reflect a 3% increase in the basic and shelter standards. (Temporary became effective July 1, 1982).

20. **30-4-102. Standards for persons in room, board, specialized living or care.** This regulation is being amended to reflect a 2% increase in the foster family care rates. (Temporary became effective July 1, 1982).

21. **30-4-105. Resources.** This regulation is being amended to make the resource provisions applicable to the Aid to Pregnant Women (APW) program.

22. **30-4-106. General rules for consideration of re-**

**sources including real property, personal property, and income.** This regulation is being amended to:

- a. State that in the absence of legal title of resources, ownership will be determined by possession;

- b. Require that the full equity value of resources held in joint ownership be considered available to the applicant or recipient unless otherwise established (currently only the pro rata share of jointly held resources is considered available);

- c. State that the conversion of real or personal property from one form to another will not be considered as income with the exception of the proceeds from a contract for the sale of property; and

- d. State that income will not be considered as both income and as property in the same month.

23. **30-4-107. Property exemption.** This regulation is being amended to clarify that ownership of property with an equity value in excess of the allowable resource level will not result in ineligibility providing the client is making bona fide and documented efforts to dispose of the property at a reasonable market value.

24. **30-4-108. Real property.** This regulation is being amended to exempt a contract from the sale of property providing that the proceeds from the contract are considered as income.

25. **30-4-109. Personal property.** This regulation is being amended to:

- a. Expand the equipment and machinery exemption to include other income producing property including tools and livestock;

- b. Provide that the stock and inventory of the self-employed that are reasonable and necessary in the production of goods and services will be exempt;

- c. Provide that the proceeds from the sale of a home will be exempt if the proceeds from the sale are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within 12 months of the sale (this provision is currently contained in K.A.R. 30-4-112); and

- d. Revise the list of exempted personal property to: (1) add equipment and machinery if the annual adjusted gross income from their use is at least 40% of their gross market value. Adjusted gross income will be determined by deducting from the gross income the expenses of cost of maintenance and cost of purchase; and (2) clarify that tools in use must be necessary for the maintenance of house or garden.

26. **30-4-110. Income.** This regulation is being amended to:

- a. Require, for the purpose of retrospective budgeting, that income be of a continuous nature in order for it to be counted in determining eligibility and the amount of payment for the first and second retrospective months;

- b. Modify the lump sum income policy to include the needs of any person whose income is being considered in establishing a period of ineligibility when such person is not included in the assistance plan. If a stepparent whose needs are not included in the assistance plan receives a lump sum payment, the step-

(continued)

parent's income deductions and disregards will be deducted prior to determining the period of ineligibility; and

c. Require that the current support payments received and reported by the child support enforcement agency be counted in determining total income for the purpose of the 150% income limit provision. (Federal Mandate)

27. 30-4-111. **Applicable income.** This regulation is being amended to require the counting of any earned income tax credit that a stepparent is receiving in determining the amount of applicable income and that the \$30.00 and  $\frac{1}{3}$  earnings disregard be extended to the APW program. (Federal Mandate)

28. 30-4-112. **Income exempt from consideration as income and as a cash asset.** This regulation is being amended to:

a. Delete the exemption related to the income from the sale of the home as this provision is being incorporated in K.A.R. 30-4-109;

b. Clarify that death benefits are exempt as income and as a cash asset only when the benefit is used toward the cost of burial;

c. Clarify that a one-time payment or a portion of a one-time payment from a settlement for repair or replacement of property or other settlement including legal services and medical insurance payments is exempt as income and as a cash asset when the payment is used for the intended purpose within six months of its receipt;

d. State that assistance payments will be exempt as income and as a cash asset in the month received; and

e. Exempt assigned support only if it would not result in ineligibility were such support treated as non-exempt income.

29. 30-4-113. **Income exempt as applicable income.** This regulation is being amended to:

a. Clarify that the earned income tax credit is not exempt from consideration as a tax refund or rebate; and

b. Provide that interest credited to a checking account will be exempt from consideration as income in the month received (currently this provision applies only to interest from savings accounts).

30. 30-4-120. **Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GA and GA-FC.** This regulation is being amended to:

a. Make the regulation applicable to the APW program;

b. Change the existing special allowances (with the exception of home repairs) to special requirements which will be used in determining the budgetary requirements for both applicants and recipients;

c. Establish a work related special allowance for persons assigned to participate in the CWEP program in the amount of \$15.00 for assignments of less than 10 days and \$25.00 for assignments of 10 or more days (when excess expenses are documented by the client, the \$15.00 standard will be increased to cover actual costs not to exceed \$25.00);

d. Establish a special allowance for job seeking expenses in the amount of \$15.00 for persons who are

required to job search (when excess expenses are documented by the client, the \$15.00 standard will be increased to cover actual costs not to exceed \$25.00); and

e. Change the title of the regulation to "Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GA and GA-FC."

31. 30-4-122. **Special allowances for emergency assistance.** This regulation is being revoked.

32. 30-4-123. **Special allowances for recipients of transient assistance.** This regulation is being amended to limit the amount of the TA allowance for necessary transportation to the closer of the recipient's place of residence or the nearest major city of the adjoining state in the direction of the individual's residence.

33. 30-4-130. **Types of payments.** This regulation is being amended to:

a. Require protective payments when the caretaker relative has been removed from the assistance plan as a result of a penalty for failing to meet the job search requirement pursuant to K.A.R. 30-4-57 or the CWEP participation requirement pursuant to K.A.R. 30-4-62; and

b. Delete reference to the Emergency Assistance Program.

34. 30-4-140. **Payments.** This regulation is being amended to:

a. Require that the money payment be rounded down to the nearest whole dollar; and

b. Require that the money payment for the month of application be prorated from the date of application through the end of the month.

**C. Provider Participation, Scope of Services, and Reimbursement for the Medicaid (Medical Assistance) Program**

1. 30-5-58. **Definitions.** This regulation is being amended to:

a. Delete the term ambulatory surgery center;

b. Delete the term approved educational activities;

c. Clarify the definition of comparable outpatient service as a service that is provided in a hospital that is comparable to a service provided in a physician's office or ambulatory surgical center;

d. Clarify the definition of medical supplies as supplies not generally useful to a person in the absence of illness or injury, prescribed by a physician and used in the home and certain institutional settings;

e. Clarify the definition of outpatient treatment as services provided by the outpatient department of a hospital, a facility that is not under the administration of the hospital, or a physician's office;

f. Expand the definition of physical therapy to physical therapists registered in the jurisdiction in which the service is provided;

g. Add the definition of physician extender—"means a person licensed as a physician's assistant or advanced registered nurse practitioner in the jurisdiction where the service is provided";

h. Delete the term prescription order;

i. Clarify the definition of primary diagnosis as the

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most significant diagnosis related to the services rendered;

j. Clarify the definition of psychiatric partial hospitalization program;

k. Add the definition of swing bed—"means a hospital bed that can be used interchangeably as either hospital, skilled nursing facility, or intermediate care facility bed with reimbursement based on the specific type of care provided";

l. Add the definition of lock-in—"means the restriction of a recipient's access to medical services through limiting the use of the medical identification card to designated medical providers";

m. Add the definition of primary care network—"means a service delivery control system in which a physician, group practice, or clinic acts as a primary care provider and is responsible for initiating or approving specified medical services for participating recipients";

n. Clarify the definition of psychiatric day treatment program; and

o. Change the definition of orthotics and prosthetics to indicate that they must be provided by a "trained" orthotist or prosthetist.

2. **30-5-64. Prior authorization.** This regulation is being amended to negate reimbursement for any services resulting from unauthorized treatment.

3. **30-5-70. Recipient eligibility for the payment of specific medical expenses.** This regulation is being amended to:

a. Clarify that cosmetic, pioneering, or experimental services and follow-up services resulting from complications are uncovered; and

b. Clarify that services rendered by a provider not designated as a lock-in provider for a recipient who is locked in to designated providers due to abuse or participation in a primary care network are uncovered. This exclusion does not apply to emergency services.

4. **30-5-71. Co-pay requirements.** This regulation is being amended to:

a. Increase co-pay to \$1.00;

b. Add physician office visits (per visit);

c. Exclude services provided to residents in intermediate care and skilled nursing facilities (Federal Mandate);

d. Exclude services provided to children under 18 (Federal Mandate);

e. Exclude services provided to recipients enrolled in health maintenance organizations (Federal Mandate);

f. Exclude family planning services (Federal Mandate); and

g. Exclude services related to pregnancy (Federal Mandate).

5. **30-5-81. Scope of hospital services.** This regulation is being amended to:

a. Clarify that psychotherapy directed by a psychiatrist or hospital staff under the direction of a psychiatrist must be provided on a daily basis;

b. Clarify that seclusion rooms will not be covered;

c. Limit reimbursement to services rendered only

on days of stay that are determined to be medically necessary;

d. Clarify that reimbursement will not be made for room accommodations provided on days of discharge;

e. Add long term care services in swing beds;

f. Require prior authorization for 30 day substance abuse treatment; and

g. Change 21 day limit for psychiatric admission to limits specified by the Division of Medical Programs.

6. **30-5-81b. The basis of reimbursement for hospital services.** This regulation is being amended to add reimbursement provisions for swing beds pursuant to 42 CFR 447.251 through 447.265, 447.271, 447.272, and 447.280.

7. **30-5-83. Scope of services for ambulatory surgical centers.** This regulation is being amended to delete reference to the code of federal regulations and change terminology from surgery to surgical.

8. **30-5-83a. Reimbursement for ambulatory surgical centers.** This regulation is being amended to delete reference to the code of federal regulations and change terminology from surgery to surgical.

9. **30-5-84. Scope of alternate services to inpatient care.** This regulation is being amended to clarify new home and community based services.

10. **30-5-84a. Reimbursement for alternate services to inpatient care.** This regulation is being amended to limit rates to a maximum of adult care home rates with the exception of psychiatric day treatment and partial hospitalization.

11. **30-5-85a. Reimbursement for independent laboratory services.** This regulation is being amended to delete Medicare rates as the base for computation and substitute the range of charges in lieu thereof.

12. **30-5-86. Scope of services by community mental health centers.** This regulation is being amended to:

a. Delete day treatment for alcohol and drug abuse programs as a covered service since such services are to be directly funded by ADAS;

b. Limit psychological testing and evaluation to six hours in any two consecutive calendar years and require prior authorization;

c. Refer to separate day treatment and partial hospitalization regulations (30-5-110);

d. Clarify that services within the scope of applicable licensure laws must be provided by a psychiatrist, masters degree psychologist, masters degree social worker, masters degree psychiatric nurse, or individual certified by the community mental health association professional standards committee; and

e. Limit outpatient psychotherapy to a total number of units within ranges specified by the Secretary during a calendar quarter.

13. **30-5-86a. Reimbursement for community mental health centers.** This regulation is being amended to:

a. State that rates will be based on the patient related costs submitted by the provider for their fiscal year ended on or before December 31, 1981, adjusted by an inflation factor determined by the Secretary.

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The rates will be limited to the lesser of the computed rate, the highest fee charged to an paid by private patient resources within the catchment area, or the range of maximums established by the Secretary; and

b. Provide that base rates for new providers will be computed in the same manner as base rates for new providers of psychiatric day treatment and partial hospitalization programs in 30-5-110a (a) through (c).

**14. 30-5-88. Scope of physician services.** This regulation is being amended to:

a. Limit office visits to two per month. Psychiatric visits are limited to three hours per month for EPSDT participants;

b. Delete the \$284.00 maximum monthly cost for programs in which office visits to psychiatrists exceed three hours per month and substitute a range maximum established by the Secretary;

c. Clarify that reimbursement will not be made for inpatient services which were provided on days of hospital stay determined to not be medically necessary;

d. Clarify limitations on services by physician extenders to: nursing home visits, recertifications, routine annual medical history and physical, subsequent day hospital visits, routine standard home visit, and standard office visit;

e. Delete the requirement that diagnostic radiological and laboratory services be provided in a physician's office; and

f. Limit psychological testing and evaluation to six hours in any two consecutive calendar years and require prior authorization.

**15. 30-5-88a. Reimbursement for physician services.** This regulation is being amended to:

a. Delete Medicare rates as the base for computation and substitute the range of charges in lieu thereof; and

b. Clarify that reimbursement for physician extender services are limited to 75% of what is allowed for the physician billing the service.

**16. 30-5-89. Scope of home health services.** This regulation is being amended to clarify that nursing care shall be provided by a registered nurse.

**17. 30-5-89a. Reimbursement for home health services.** This regulation is being amended to add reimbursement for nursing care and delete reimbursement for psychiatric nursing care.

**18. 30-5-90. Scope of substance abuse services.** This regulation is being amended to delete material set forth in other regulations and delete day treatment and partial hospitalization programs as covered services since such programs are to be directly funded by ADAS.

**19. 30-5-90a. Reimbursement for substance abuse services.** Technical amendments.

**20. 30-5-94. Reimbursement for pharmacy services.** This regulation is being amended to:

a. Provide additional limitations on pharmacy professional fee determinations. The proposal adds as a limitation to individual fee assignment and reimbursement levels the lowest professional fee multi-

plied by a factor of 1.075 accepted from third party payers other than the Kansas Medicaid (Medical Assistance) program;

b. Allow the agency the option to limit professional fee assignment through utilization of a multiple regression analysis based on cost study data from all pharmacy cost reports. Individual pharmacy providers with data which exceeds regression analysis norms by a factor greater than 1.0 standard deviations shall be selected for evaluation; and

c. Set the deadline for submission of delinquent costs reports for fee determination as August 15 of each year.

**21. 30-5-100. Scope of dental services.** This regulation is being amended to:

a. Clarify the scope of dental services;

b. Clarify that certain services as designated by the Division of Medical Programs will be limited to EPSDT program participants; and

c. Delete specific reference to dentures.

**22. 30-5-101. Scope of chiropractic services.** This regulation is being amended to:

a. Clarify that chiropractors must be licensed to practice in the jurisdiction where the service is provided; and

b. Limit treatment to the diathermy modality.

**23. 30-5-101a. Reimbursement for chiropractic services.** This regulation is being amended to delete Medicare rates as the base for computations and substitute the range of charges in lieu thereof.

**24. 30-5-102. Scope of optometric examinations and optical services.** This regulation is being amended to:

a. Delete reference to visual training therapy;

b. Limit examinations to once every four years with exception of EPSDT participants and medical conditions;

c. Limit examinations of medical conditions to two per month;

d. Limit refraction and coordination testing to one service per four years with exception of EPSDT participants;

e. Limit eyeglasses to one every four years for severe medical conditions and employment/job readiness with exception of EPSDT and cataract surgery. Eyeglasses will be provided within one year of cataract surgery. Second and subsequent eyeglasses for EPSDT participants must meet criteria specified by the Secretary; and

f. Delete dollar limits on frames.

**25. 30-5-103a. Reimbursement for podiatrists services.** This regulation is being amended to delete Medicare rates as the base for computations and substitute the range of charges in lieu thereof.

**26. 30-5-104. Scope of psychologists services.** This regulation is being amended to:

a. Limit services to special plans for EPSDT participants and to psychological testing and evaluation;

b. Delete the \$284.00 maximum monthly cost for programs in which office visits to psychologists exceed three hours per month and substitute a range maximum established by the Secretary; and

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c. Limit psychological testing and evaluation to six hours per patient in any two consecutive calendar years and require prior authorization.

**27. 30-5-106a. Reimbursement for ambulance services.** This regulation is being amended to delete Medicare rates as the base for computations and substitute the range of charges in lieu thereof.

**28. 30-5-107. Scope of non-ambulance medical transportation services.** This regulation is being amended to:

a. Clarify that trips must be 50 miles or more one-way;

b. Exclude emergency or urgent trips from the above limitation; and

c. Add an exemption if the trip is for an adult care home resident to receive services not available in the adult care home.

**29. 30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics.** This regulation is being amended to:

a. Clarify that durable medical equipment (DME) must be the most economical to meet the recipient's needs;

b. Clarify that used equipment will be covered if there is a warranty guarantee specified by the Division of Medical Programs;

c. Indicate that certain DME as designated by the Division of Medical Programs will be the property of the Medicaid (Medical Assistance) program;

d. Require that orthotic and prosthetic dealers be trained; and

e. Limit DME to participants in the EPSDT program, recipients who require DME for life support, recipients who require the DME for employment, or recipients who would require higher cost care if DME was not provided.

**30. 30-5-108a. Reimbursement for durable medical equipment, medical supplies, orthotics, and prosthetics.** This regulation is being amended to delete available Medicare rates as the base for computations and substitute the range of charges in lieu thereof.

**31. 30-5-109. Scope of services in free-standing inpatient psychiatric facilities.** This regulation is being amended to limit inpatient psychiatric facilities to state and community mental health center facilities in Kansas.

**32. 30-5-110. Scope of psychiatric day treatment and partial hospitalization services.** The Secretary is promulgating a new regulation to set forth current policy concerning the scope of day treatment and partial hospitalization services. Further, services related to alcohol and drug abuse will no longer be covered since such services are to be directly funded by ADAS.

**33. 30-5-110a. Reimbursement for psychiatric day treatment and partial hospitalization services.** The Secretary is promulgating a new regulation to set forth current policy concerning reimbursement for psychiatric day treatment and partial hospitalization services. Further facilities will now be required to maintain separate accounting records from other programs unless approval to do otherwise is obtained from the

Division of Medical Programs. Reimbursement will be limited to range maximums established by the Secretary. Material related to depreciation expense costing in excess of \$300.00 is being revised to \$500.00.

#### **D. Medicaid (Medical Assistance) Program—Client Eligibility**

**1. 30-6-41. Assistance planning.** This regulation is being amended to:

a. Delete coverage for an unborn child since an unborn is not recognized as a child for ADC purposes; and

b. Clarify that in institutional living arrangements, each person will have a separate assistance plan with the following exceptions:

(1) When the person's protected income level is being computed as if the person were maintaining independent living arrangements;

(2) When the person's income and resources are considered available to both members of a couple pursuant to K.A.R. 30-6-106(f); or

(3) When a couple is residing in the same long term care home and only one spouse has income.

**2. 30-6-50. Determined eligibles; general eligibility factors.** This regulation is being amended to allow the Secretary the ability to waive certain eligibility requirements or adopt additional eligibility requirements for all, or designated portions of the state, for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.

**3. 30-6-53. Financial eligibility.** This regulation is being amended to:

a. Allow the use of a separate three month eligibility base period to determine eligibility for the three months prior to the month of application;

b. Delete the restriction of not counting the costs of care in non-Title XIX approved facilities against the spenddown to permit the agency to allow for the costs of certain Home and Community Based Services as approved under the waiver; and

c. Change the name of the regulation to "Financial Eligibility."

**4. 30-6-56. Assignment or transfer of property.** This regulation is being amended to:

a. Reduce the maximum equity value of property that can be transferred without affecting eligibility to \$500.00 (previously the policy allowed for transfers of amounts not in excess of applicable protected resource standards to be excluded from consideration);

b. Require that multiple transfers that occur within a calendar month be treated as a single transfer; and

c. Allow a client to transfer legal title to property without affecting eligibility if the client can substantiate that his or her name had been placed on the title of property by the owner solely for the sake of convenience and that the client would otherwise have no interest in the property. Factors to be considered will include the source and use of the property. This policy will not be applicable to the transfer of jointly owned resources between legally responsible persons.

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**5. 30-6-57. Job search requirements.** This regulation is being amended to delete the employment registration requirements and substitute job search requirements in lieu thereof. The job search provision will require a recipient, unless exempt, to furnish five verifications of attempts to obtain employment each month or participate in an agency approved job club or related activity. A recipient will not be required to spend more than 320 hours per year in job search activities.

Exemptions to the job search requirement will parallel current employment registration exemptions with the following exceptions:

a. Wherever the phrase "job service center" appears, "potential employer" will be substituted. Wherever the word "registered" appears, "actively seeking employment" will be substituted;

b. An exemption will be allowed if searching for employment is inconsistent with home responsibilities for care and supervision of children. This exemption will not be allowed if adequate and satisfactory plans could be developed for such care and supervision in the person's absence; and

c. An exemption will be allowed for persons residing in a licensed or certified alcohol and drug abuse facility.

A first time failure to meet the job search requirements without good cause will result in ineligibility for three months and a second time failure will result in ineligibility for six months. The penalty will be applied to the individual, except that in MA related to ADC-UP and GA, the penalty will be applied to the individual and all persons for whom he or she is legally responsible.

**6. 30-6-58. Potential employment.** This regulation is being amended to:

a. Extend the existing potential employment penalty of ineligibility from one month to three months for a first time failure and from one month to six months for a second time failure;

b. Delete the good cause provisions related to (1) remoteness, (2) participation in vocational rehabilitation program training, and (3) home responsibilities since persons who meet these criteria are already exempt from the job search requirements; and

c. Clarify the good cause criterion related to hazardous work as being in accordance with OSHA standards.

**7. 30-6-65. Automatic eligibles.** This regulation is being amended to:

a. Exclude the receipt of an extra pay check solely due to an additional pay period or the receipt of EITC from consideration as increased earned income for the purpose of the extended four month medical provision;

b. Clarify that a person determined by SSA to retain SSI recipient status, although not currently receiving an SSI benefit, is automatically eligible for MA; and

c. Delete reference to the Emergency Assistance Program.

**8. 30-6-72. ADC child.** This regulation is being amended to delete coverage for an unborn child.

However, the needs of a pregnant woman will continue to be recognized pursuant to K.A.R. 30-6-78.

**9. 30-6-73. Deprivation in ADC.** This regulation is being amended to:

a. Clarify that absence of a parent based solely on active military service will not constitute deprivation in ADC;

b. Delete the ADC 90 day reconstruction period when an absent parent returns or when an incapacitated person's condition has improved; and

c. Delete the 30 day ADC-UP reconstruction period following the parent's return to work.

**10. 30-6-78. Medicaid (title XIX) determined eligibles—eligibility factors specific to aid to pregnant women (APW).** The Secretary is promulgating a new regulation concerning Aid to Pregnant Women (APW). To be eligible for the APW program, a woman will have to meet the following requirements:

a. Meet the general eligibility requirements of K.A.R. 30-6-50; and

b. Be pregnant.

c. Be apparently eligible for MA related to ADC in the month in which the child is expected to be born (in her own behalf or in behalf of the child).

**11. 30-6-80. Medicaid (title XIX) determined eligibles—eligibility factors specific to children in foster care (FFP-FC).** This regulation is being amended to allow Indian children in the care, custody and control of the Four Tribes Social Service Child Placing Agency to be determined eligible under this regulation.

**12. 30-6-103. Determined eligibles; protected income levels.** This regulation is being amended to reduce the one person protected income level for MA to the \$285.00 standard used to determine SSI eligibility.

**13. 30-6-106. General rules for consideration of resources including real property, personal property, and income.** This regulation is being amended to:

a. State that in the absence of legal title of resources, ownership will be determined by possession;

b. Require that the full equity value of resources held in joint ownership be considered available to the applicant or recipient unless otherwise established (currently only the pro rata share of jointly held resources is considered available);

c. State that the conversion of real or personal property from one form to another will not be considered as income with the exception of the proceeds from a contract for the sale of property; and

d. State that income will not be considered as both income and as property in the same month.

**14. 30-6-107. Property exemption.** This regulation is being amended to:

a. Clarify that ownership of property with an equity value in excess of the allowable resource level will not result in ineligibility providing the client is making bona fide and documented efforts to dispose of the property at a reasonable market value;

b. Reduce the allowable resource level in MA cases to \$1,500.00 for one person and \$2,250.00 for two or more persons.

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15. **30-6-108. Real property.** This regulation is being amended to exempt a contract from the sale of property providing that the proceeds from the contract are considered as income.

16. **30-6-109. Personal property.** This regulation is being amended to:

a. For non-SSI, add income-producing property (tools, equipment, machinery and livestock) to the list of exempted personal property if the annual adjusted gross income from their use is at least 40% of their gross market value. Adjusted gross income will be determined by deducting from the gross income the expenses of cost of maintenance and cost of purchase;

b. Provide that the stock and inventory of the self-employed that are reasonable and necessary in the production of goods and services will be exempt;

c. Provide that the proceeds from the sale of a home will be exempt if the proceeds from the sale are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within 12 months of the sale (this provision is currently contained in K.A.R. 30-6-112);

d. For SSI, exempt a burial plot as established by the Secretary of Health and Human Services for the SSI program (Federal Mandate);

e. For SSI, exempt a burial contract as established by the Secretary of Health and Human Services for the SSI program (Federal Mandate); and

f. Clarify that tools in use must be necessary for the maintenance of house or garden.

17. **30-6-110. Income.** This regulation is being amended to:

a. Provide that all earned and unearned income received in the three months prior to the month of application for MA shall be considered in determining financial eligibility for the prior period except that income from self-employment shall be averaged (Federal Mandate); and

b. Provide that for the current eligibility base period, intermittent and lump sum payments will be considered as income in the base period in which it is received or the following base period when timely notice requirements necessitate it.

18. **30-6-111. Applicable income.** Technical amendments.

19. **30-6-112. Income exempt from consideration as income and as a cash asset.** This regulation is being amended to:

a. Delete the exemption related to the income from the sale of the home as this provision is being incorporated in K.A.R. 30-6-109;

b. Clarify that death benefits are exempt as income and as a cash asset only when the benefit is used toward the cost of burial;

c. Clarify that a one-time payment or a portion of a one-time payment from a settlement for repair or replacement of property or other settlement including legal services and medical insurance payments is exempt as income and as a cash asset when the payment is used for the intended purpose within six months of its receipt; and

d. State that assistance payments will be exempt as income and as a cash asset in the month received.

20. **30-6-113. Income exempt as applicable income.** This regulation is being amended to:

a. Clarify that the earned income tax credit is not exempt from consideration as a tax refund or rebate; and

b. Provide that interest credited to a checking account will be exempt from consideration as income in the month received (currently this provision applies only to interest from savings accounts).

21. **30-6-120. Eligibility prior to the month of application.** This regulation is being amended to allow a determination of eligibility for medical assistance prior to the month of application for applicants who do not meet the eligibility requirements (categorical) in the application month. (Federal Mandate)

#### E. Adult Care Home Program.

1. **30-10-1a. Adult care home program definitions.** This regulation is being amended to:

a. Expand the definition of intermediate care facility for the mentally ill by deleting the term "for recipients 65 years of age and older with a diagnosis of mental illness";

b. Delete the term physician extender; and

c. Add the definition annual psychological evaluations or re-evaluations in intermediate care facilities for the mentally retarded means—"a review of the previous pertinent psychological material to determine if it is current with the present status." An annual evaluation is to be completed within a month of the independent program plan or program planning conference.

2. **30-10-2. Standards for participation; skilled nursing facility.** This regulation is being amended to include reference to 42 CFR 405 subpart K.

3. **30-10-3. Standards for participation; intermediate care facility and intermediate care facility for the mentally ill.** This regulation is being amended to include reference to 42 CFR 441 subpart C.

4. **30-10-4. Standards for participation; intermediate care facility for the mentally retarded or persons with related conditions.** This regulation is being amended to include reference to 42 CFR 435 subpart K.

5. **30-10-6. Admission procedure.** This regulation is being amended to include reference to 42 CFR 456 subpart D and the following is being added: "For intermediate care facilities for the mentally retarded, psychological testing shall be completed in the three months prior to admission or within the month of admission, if the recipients have not had testing completed within the past five years."

6. **30-10-7. Certification and recertification by physicians.** This regulation is being amended to include reference to 42 CFR subparts D and E.

7. **30-10-8. Medical review in skilled nursing facilities and independent professional review in intermediate care facilities, intermediate care facilities for the mentally retarded, and intermediate care facilities for the mentally ill.** This regulation is being amended to include reference to 42 CFR 405 subpart K and 42 CFR 441 subparts C and D.

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8. **30-10-9. Utilization review of adult care homes.** Technical amendments.

9. **30-10-11. Personal needs fund.** This regulation is being amended to delete reference to 42 CFR 447.

10. **30-10-12(b)(3)(ii). Oxygen.** This subsection is being amended to delete reimbursement for the disbursement of oxygen.

11. **30-10-12(b)(4)(A)(ii). Costs not related to patient care.** This subsection is being amended as follows: If a provider appeals the agency's action or initiates civil action against the agency and the final decision is only partially in favor of the provider, only ½ the costs related to the appeal or court action shall be considered related to patient care.

12. **30-10-12(d). Reserve days.** This subsection is being amended to reduce reimbursement for hospital stays from 15 to 10 days.

13. **30-10-12(f). Payment for utilization review services.** This subsection is being amended to set maximums for services provided by physicians and registered nurses.

14. **30-10-13(a)(2)(D). Suspension or reduction of program payments to a provider.** This subsection is being amended to reference K.A.R. 30-5-60 in lieu of K.A.R. 30-10-10.

15. **30-10-13(b)(4)(C)(iv). Establishment of cost basis on purchase of facilities as an ongoing operation.** This subsection is being amended as follows: The purchaser's cost basis in property will be the same as the seller's basis in property. Major improvements and repairs to the buildings, new furniture, fixtures, and equipment, made or purchased after the sale has been completed, shall have a cost basis for depreciation purposes equal to the cost incurred. Payments on lease agreements covering the land, buildings, furniture, fixtures and equipment shall be limited to the costs of ownership of the last owner, who was also a provider in the medicaid (medical assistance) program. The costs of ownership shall include property and real estate taxes, interest, property insurance and depreciation.

#### F. Services for the Blind.

1. **30-12-22. Vocational rehabilitation services.** This regulation is being amended to:

a. Limit the waiver of the applicant's contribution to the following services: counseling and guidance services, diagnostic or related services, and placement and follow-up services; and

b. Delete the term "disabled" from the third item set forth in the priority service list and in lieu thereof substitute the term "handicapped." (Federal Mandate)

#### G. Vending Facilities Operated by the Division of Services for the Blind.

1. **30-13-23. Title to equipment and stock.** This regulation is being amended to allow operators to own any equipment and stock purchased by the division if such arrangement is set forth in the vending facility agreement entered into by the operator and the division.

#### H. Security and Traffic Control for State Institutions Operated by Mental Health and Retardation Services.

1. **30-20-4. Appointment of security officers.** This regulation is being revoked.

2. **30-20-9. Rules of the road.** This regulation is being amended to update the material adopted by reference.

#### I. Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Other Handicapped Persons.

1. **30-22-10. Application for state financing.** This regulation is being amended to:

a. Permit the agency to conduct annual verification audits in regard to income and disbursement;

b. Authorize the Secretary to withdraw funds from any program which is not being substantially administered according to the annual budget; and

c. Authorize the Secretary to withhold payments for cause.

#### J. State Youth Centers Operated by Social and Rehabilitation Services.

1. **30-25-1.** This regulation is being revoked.

2. **30-25-2. Persons eligible for admission to a state youth center.** This regulation is being amended to make the provisions of this regulation applicable to all youth centers operated by Youth Services.

3. **30-25-3 through 30-25-9.** These regulations are being revoked.

#### K. State Hospitals.

1. **30-26-1. State hospital districts.** This regulation is being amended to add the Rainbow Mental Health Facility located in Kansas City to the list of state hospitals.

#### L. Oil and Gas Leases on Institutional Properties.

1. **30-27-2. Bidders; notice; form of bids.** This regulation is being amended to allow publication in the Kansas register.

2. **30-27-4. Indemnity bonds.** This regulation is being amended to increase the indemnity bond from \$25,000.00 to \$50,000.00.

#### M. Alcohol and Drug Safety Action Program.

1. **30-31-13. Alcohol and drug safety action program assessment fee.** The Secretary is promulgating a new regulation to set the monetary amount to be assessed against each person who pleads nolo contendere or is convicted of a violation of K.S.A. 8-1567, as amended by L. 1982, ch. 144, § 5, during fiscal year 1984 at \$110.00.

The full text of the above-mentioned administrative regulations have not been published because of their length and the expense of publication. Copies of the full text may be obtained by contacting Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969.

ROBERT C. HARDER  
Secretary

(Published in the KANSAS REGISTER April 7, 1983.)

## HOUSE BILL No. 2168

AN ACT concerning the compilation, revision and recodification of municipal ordinances; amending K.S.A. 12-3015 and repealing the existing section.

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

Section 1. K.S.A. 12-3015 is hereby amended to read as follows: 12-3015. The following terms shall have the meanings herein prescribed:

(a) "Compilation" ~~shall include~~ *includes* the collecting, assembling and organizing of existing ordinances of the city; and ~~publishing publication thereof~~ in ~~permanent permanently bound or loose-leaf book form~~;

(b) "codification" ~~(revision and codification)~~ *shall include* the compilation *and revision* of the general ordinances of the city; the changing of ~~such sections as~~ *are deemed advisable*; the omission of ~~such sections as~~ *are deemed unnecessary*; and the addition of new provisions ~~as desired~~; *the passing of changed and new provisions according to subject matter as separate ordinances or the adopting; and the adoption of the whole by an adopting ordinance and publication in permanently bound or loose-leaf book form.*

The codification may ~~but need not~~ contain citations to sections of previous ordinances retained or modified ~~and~~. All titles, effective sections and signatures of *ordinances* may be omitted. The codification may contain annotations to statutes, cross-references and ~~such other matter as~~ *that* may make the code more useful. The codification may incorporate by reference standard or model codes or ordinances, state regulations and statutes as authorized by K.S.A. 12-3009, 12-3010, 12-3011 and 12-3012, and amendments thereto. The ordinance adopting the codification shall recite that the codification was authorized by ordinance, *and that it was made in the conformity with K.S.A. 12-3014 and 12-3015, and amendments thereto; and when such. When the ordinance and the codification, along with a certificate of the city clerk that the same are true and correct copies are published in book form of fifty (50) or more copies, the codification shall take effect and shall import absolute verity and be received in evidence in all courts and places without further proof.*

One ~~(1)~~ copy of the published book shall be kept on file with the "ordinance books" and constitute an "ordinance book." A loose-leaf code of ordinances, published pursuant hereto may be kept current by the periodic preparation of loose-leaf supplements, ~~in which case new pages may be inserted for omitted sections, amended sections, sections or ordinances passed in the interim and new provisions.~~ Whenever any ordinance expresses the intent of the governing body that it may be made a part of such loose-leaf code and the same is thereafter included in a supplement to such code, such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the governing body. ~~A copy of such book shall be kept on file with the "ordinance books" and constitute an "ordinance book."~~ The governing body shall make provision for furnishing insertions in loose-leaf compilations or codes to city personnel, purchasers, and others having copies of the original compilation or code.

*At least three copies of the published book shall be kept on file in the office of the city clerk and kept available for inspection by the public at all reasonable business hours.*

Sec. 2. K.S.A. 12-3015 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 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 23, 1983.

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

APPROVED April 4, 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 4th day of April, 1983.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER April 7, 1983.)

## Substitute for HOUSE BILL No. 2017

AN ACT relating to the determination of equalized tangible property valuation for computation of limitation on bonded indebtedness purposes; repealing K.S.A. 1982 Supp. 79-5113.

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

Section 1. In the year 1983, and each year thereafter, the county clerk shall add the taxable value of each motor vehicle, as shown on the application for registration for the previous year or as otherwise established in the manner prescribed by K.S.A. 1982 Supp. 79-5105, and amendments thereto, the assessed valuation in 1982 of farm machinery and equipment exempted from property taxation as of January 1, 1983, and the assessed valuation in 1982 of business aircraft exempted from property taxation as of January 1, 1983, to the equalized assessed tangible valuation on the tax roll of each taxing subdivision in which such motor vehicle, farm machinery and equipment or business aircraft had acquired tax situs. The resulting total shall constitute the equalized assessed tangible valuation of the taxing subdivision for the computation of limitations upon bonded indebtedness and for all other purposes except the levying of taxes and the computation of limitations thereon.

Sec. 2. K.S.A. 1982 Supp. 79-5113 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 HOUSE, and passed that body February 17, 1983.

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

Passed the SENATE March 24, 1983.

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

APPROVED April 4, 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 4th day of April, 1983.

JACK H. BRIER  
*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER April 7, 1983.)

## SENATE BILL No. 74

AN ACT relating to credit unions; concerning dissolution or liquidation thereof; amending K.S.A. 17-2230 and repealing the existing section.

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

Section 1. K.S.A. 17-2230 is hereby amended to read as follows: 17-2230. (a) *Voluntary.* At a meeting especially called to consider the matter, a majority of the entire membership may vote to dissolve the credit union, provided a copy of the notice was mailed to the administrator at least ~~ten (10)~~ 10 days prior thereto. Any member not present at such meeting may, within the next ~~twenty (20)~~ 20 days, vote in favor of dissolution by signing a statement in form approved by the administrator and such vote shall have the same force and effect as if cast at such meeting. The credit union shall thereupon immediately cease to do business except for the purposes of liquidation, and the ~~president executive officer of the board~~ and secretary of the board shall, within five (5) days following such meeting, notify the administrator of intention to liquidate and shall include a list of the names of the directors and officers of the credit union together with their addresses. Any credit union which has voted to enter into voluntary dissolution may by action of its board of directors make a written application to the administrator for the appointment of a receiver and the administrator shall then exercise such powers of appointment, control and supervision of a receiver as is provided where a credit union is insolvent.

(b) *Involuntary.* If it shall appear that any credit union is bankrupt or insolvent, or that it has violated any of the provisions of this act, the administrator may, after holding a hearing or giving adequate opportunity for a hearing, order such credit union to correct such condition and shall grant it a reasonable time under the circumstances of the case within which to comply, and failure to do so shall afford grounds for revocation of the corporate charter. When the administrator finds that a credit union is insolvent ~~he forthwith~~ the administrator shall appoint a receiver therefor, and require ~~him~~ the receiver to give such bond as ~~he~~ the administrator deems proper. The administrator also shall fix reasonable compensation for the receiver but the same shall be subject to approval of the district court of the county wherein such credit union is located upon application of any party in interest. The administrator may appoint ~~as receiver any person, the Kansas credit union league as such receiver, or the insurer or guarantee corporation required under K.S.A. 17-2246, and amendments thereto, for the credit union involved. Such receiver shall follow the liquidation procedure set out herein.~~ Any receiver appointed shall make a complete report to the administrator covering ~~his~~ the acts and proceedings as such receiver. The administrator may remove for cause any receiver and appoint a successor. The receiver, under the direction of the administrator, shall take charge of any insolvent credit union and all of its assets and property, and liquidate the affairs and business ~~thereof~~ for the benefit of its creditors and shareholders ~~as provided in this section. Such~~ The receiver may sell or compound all bad and doubtful debts and sell all the property of any such credit union upon such terms as the administrator shall approve. The administrator shall have the general supervision of all the acts of the receiver. All claims of creditors and shareholders must be filed with the receiver within one (1) year after the date of ~~his~~ the receiver's appointment, and if any shareholder claim or creditor claim is not so filed then it shall be barred from participation in the estate and assets of any such credit union. The receiver of any insolvent credit union may borrow money and pledge the assets of such insolvent credit union but only upon prior written approval of the administrator. At least once each year the administrator shall examine every credit union in the hands of the receiver and copies of such examination reports shall be available to any interested shareholder or creditor by written request made to the administrator. Every receiver shall submit the records and affairs of such credit union to an examination by the administrator or ~~his~~ the administrator's assistant and examiners whenever ~~he~~ the receiver is requested to do so.

The receiver of any credit union shall make reports to the administrator in the same manner as required of other credit unions.

(c) *Liquidating procedure.* The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets, and doing all acts required in order to wind up its business and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted.

The board of directors, or the receiver shall use the assets of the credit union to pay in the following order: ~~First,~~ (1) Expenses incidental to liquidation including any surety bond that may be required; ~~second,~~ (2) remaining liabilities other than shareholdings; and ~~third,~~ (3) the assets then remaining, if any, shall be distributed to the savings held by each member as of the date dissolution was voted.

As soon as the board or the receiver determines that all assets from which there is a reasonable expectancy of realization have been liquidated and distributed as set forth in this section, they shall execute a certificate of dissolution on a form prescribed by the administrator and file same with the register of deeds of the county wherein the credit union had its registered office, who shall, after recording and indexing same, forward it to the administrator, whereupon such credit union shall be dissolved. The administrator shall furnish a copy of the certificate of dissolution to the secretary of state.

Sec. 2. K.S.A. 17-2230 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 23, 1983.

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

Passed the HOUSE March 24, 1983.

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

APPROVED March 31, 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 1st day of April, 1983.

(SEAL)

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER April 7, 1983.)

(Published in the KANSAS REGISTER April 7, 1983.)

HOUSE BILL No. 2124

SENATE BILL No. 86

AN ACT relating to taxation of motor vehicles; concerning vehicles subject to taxation; amending K.S.A. 1982 Supp. 79-5101 and repealing the existing section.

AN ACT concerning fees charged by the register of deeds; amending K.S.A. 28-115 and 79-2607 and repealing the existing sections.

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

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

Section 1. K.S.A. 1982 Supp. 79-5101 is hereby amended to read as follows: 79-5101. As used in this act the term "motor vehicle" means and includes all motor vehicles required to be registered under the provisions of article 1 of chapter 8 of the Kansas Statutes Annotated and amendments thereto, except: (1) (a) Motor vehicles assessed and taxed by the director of property valuation under the provisions of chapter 79, article 6a, of the Kansas Statutes Annotated, and amendments thereto; (2) (b) motor vehicles of public service companies whose property is assessed by the director of property valuation under the provisions of article 5a of chapter 79 of the Kansas Statutes Annotated, and amendments thereto; (3) (c) motor vehicles owned by a manufacturer of motor vehicles which are returned for taxation purposes by the manufacturer on an average inventory basis under the provisions of article 10 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto; (4) (d) motor vehicles owned or possessed by motor vehicle dealers which are taxed under the provisions of K.S.A. 1982 Supp. 79-1016 et seq. and amendments thereto; (5) (e) mobile homes; (6) (f) motor vehicles having a gross vehicle weight of more than 12,000 pounds; and (7) (g) motor vehicles owned by the state, any municipality or political subdivision of the state which is exempt are exempted from property taxation under K.S.A. 1982 Supp. 79-201a the provisions of the Kansas Statutes Annotated or the Kansas constitution.

Section 1. K.S.A. 28-115 is hereby amended to read as follows: 28-115. The register of deeds of the several counties of the state each county shall charge and collect the following fees for his or her services:

Table with 2 columns: Description of service and Fee amount. Includes items like recording deeds, mortgages, tax liens, etc.

For any filing or service provided for in the uniform commercial code, the amount therein provided, shall be charged and collected. No fee shall be charged or collected for any filing made by the department of revenue as required under the provisions of the Kansas inheritance tax act, and amendments thereto. All fees enumerated in this section, except those charged for the filing of liens and releases of tax liens under the internal revenue laws of the United States, shall be due and payable before the register of deeds shall be required to do the work; and. If the register of deeds shall fail to collect any of the fees herein provided for in this section, the amount of such the fees at the end of each quarter shall be deducted from the register's salary herein provided for. The register of deeds shall bill the United States department of internal revenue on the last day of each month for the amount of fees accrued in the filing and releasing of federal tax liens. If the name or names of the signer or signers or any notary public to any instrument to be recorded are not plainly typed or printed under the signatures affixed to said the instrument, the register of deeds shall charge and collect a fee of one dollar (\$1.00) \$1 in addition to all other fees provided in this section.

All fees herein provided for in this section shall be paid by the register of deeds to the county treasurer and covered deposited into the general fund of the county.

Sec. 2. K.S.A. 79-2607 is hereby amended to read as follows: 79-2607. The register of deeds shall accept, file and record such notice notices and releases without prepayment of any fee, but lawful fees shall be added to the amount of such the liens and releases and shall be collected in accordance with the provisions of K.S.A. 1977 Supp. 28-115, and amendments thereto. Such Any lien shall be satisfied of record upon presentation of a certificate of discharge thereof by the internal revenue collector.

Sec. 3. K.S.A. 28-115 and 79-2607 are hereby repealed.

Sec. 4. 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 15, 1983.

SENATE concurred in HOUSE amendments March 23, 1983. ROSS O. DOYEN President of the Senate. LU KENNEY Secretary of the Senate.

(continued)

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 4, 1983.

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

Passed the SENATE March 23, 1983.

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

APPROVED April 4, 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 4th day of April, 1983.

JACK H. BRIER Secretary of State.

(SEAL)

Passed the HOUSE as amended March 22, 1983.  
 MIKE HAYDEN  
*Speaker of the House.*  
 GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 1, 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 1st day of April, 1983.

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

(Published in the KANSAS REGISTER April 7, 1983.)

SENATE BILL No. 103

AN ACT concerning municipal bonds; relating to the sale and refunding thereof; amending K.S.A. 10-102, 10-106, 10-116a, 10-427 and 10-427a and repealing the existing sections; also repealing K.S.A. 10-432.

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

Section 1. K.S.A. 10-102 is hereby amended to read as follows: 10-102. "Municipal bonds," as *Unless otherwise expressly provided, when used in this chapter and all acts amendatory 10 of the Kansas Statutes Annotated, and amendments thereto, unless otherwise expressed in such amendment, shall mean and include "municipal bonds" means and includes all bonds issued by any municipality which constitute a general obligation of the municipality, except railroad aid bonds.*

Sec. 2. K.S.A. 10-106 is hereby amended to read as follows: 10-106. Municipal bonds shall be sold at public sale as follows: The officers having charge of the sale of the bonds shall publish a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued, in the Kansas register and in a newspaper designated by the secretary of state, which is printed and published in Topeka, Kansas. Except for the notice published in the Kansas register, the notice shall be published not less than 10 days nor more than 30 days before the sale and shall contain the following information: (a) The date, time and place at which a public auction will be held or at which written sealed bids will be received and considered for the sale of the bonds for cash at not less than par and accrued interest; (b) the date of issue, total par value and denomination of the bonds being sold; (c) the dates and amounts of maturities of the bond issues; (d) the dates on which interest on the bonds shall become due and payable; (e) the place or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (f) a statement that a good faith deposit in the form of a certified or cashier's check in the amount of 2% of the total par value of the bonds being sold shall accompany each bid or in the case of public sale at auction the same shall be furnished by each bidder; (g) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (h) the assessed valuation of the municipality; and (i) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid. The rate of interest may be omitted in advertising and the bidders requested to specify the lowest interest rate or rates on the bonds at which they will pay not less than par and accrued interest.

If sold at public sale with sealed bids, purchasers shall submit

their bids in writing, sealed, for all or any part of the bonds, and each bid shall be accompanied by a certified check for 2% of the total amount of the bid. In case any purchaser, whose bid is accepted, fails to carry out the contract, the deposit shall be forfeited to the municipality issuing the bonds. Sealed bids shall be opened publicly and only at the time and place specified in the notice. At the time and place specified, the bonds shall be sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, however, any or all bids may be rejected. No contract for the sale of the bonds shall be made except on bids submitted as provided in this section. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. The provisions of this section relating to the public sale of bonds shall not apply to bonds secured solely and only by revenues, bonds sold, pursuant to written agreement, to the government of the United States of America or any bureau, department, instrumentality or agency thereof, *bonds issued pursuant to K.S.A. 10-427 et seq., and amendments thereto, and all bonds of the same series or which are issued simultaneously with such bonds and bond sales where the total amount of the issue does not exceed \$100,000. In such cases, the bonds may be sold at public or private sale as the officers having charge of the sale of such bonds determine. The practice of providing more than one issue within a twelve-month period for any one project is prohibited unless the project engineer or architect certifies that it is necessary to do so for the orderly construction progress of the project.*

Sec. 3. K.S.A. 10-116a is hereby amended to read as follows: 10-116a. Any municipal or quasi-municipal corporation which has issued or may hereafter issue revenue bonds under the laws of the state of Kansas, may issue, without an election, revenue bonds pursuant to the provisions of this ~~act~~ section to refund any revenue bond issue or issues, or part thereof, ~~which have been outstanding for more than one year.~~ The principal amount of any issue of ~~such~~ refunding revenue bonds shall not exceed the aggregate amount of: (a) The principal amount of the revenue bonds being refunded; (b) the amount of any interest which has accrued thereon or interest that will accrue to the date of payment of the bonds being refunded; (c) the amount of any premium required to be paid should ~~such~~ the bonds be called for redemption and payment; (d) expenses of the municipal or quasi-municipal corporation deemed by the governing body to be necessary for the issuance of the refunding bonds; and (e) expenses incident to the payment of the bonds being refunded. ~~Such~~ The refunding revenue bonds may be sold or exchanged for the bonds being refunded either as a whole or in installments at any time or times, either at, before, or after the maturity of the bonds being refunded. If ~~such~~ the refunding revenue bonds are sold more than six (6) months prior to the maturity or earliest prior redemption date of the bonds being refunded, the proceeds derived from ~~such~~ the sale, together with any other moneys on hand, shall be placed in escrow under a trust agreement with a Kansas bank having full trust powers. ~~Said~~ The proceeds and moneys shall be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America, ~~and which obligations shall mature or be subject to redemption by the holders thereof not later than the respective dates when the proceeds of said the obligations together with the interest accruing thereon and any other moneys or investments held in escrow will be required for the purposes intended. Said~~ The trust agreement shall pledge or assign the moneys and investments ~~so~~ held in trust for the payment of the principal of the revenue bonds being refunded and may pledge or assign the moneys and investments ~~so~~ held in trust for the payment of the interest on the revenue bonds being refunded and any redemption premium thereon. The trust agreement may pledge or assign any of ~~such~~ the obligations or other moneys or investments, or interest accruing thereon, ~~so~~ held in trust, which are in excess of the amount of ~~such~~ the obligations and other moneys and investments ~~so~~ held which is equal to the amount of the principal of the bonds to be refunded which comes due on the date for which the bonds have been called for redemption or irrevocable instructions to all the

(continued)

bonds for redemption have been given and any redemption premium thereon, for the payment of the principal of and interest on any or all of ~~such the~~ refunding revenue bonds and any redemption premium thereon, and shall contain provisions for protecting and enforcing the rights and remedies of the holders of ~~such the~~ revenue bonds. ~~No bonds shall be issued under the authority of this section to refund any refunding revenue bonds issued under this section unless at that time all previous bonds refunded under the authority of this section shall have been paid. Such~~ The refunding revenue bonds issued pursuant to this ~~act section~~ shall not be general obligations of ~~such the~~ municipal or quasi-municipal corporation, except as herein provided, and insofar as the same may be made applicable the issuance of ~~such the~~ refunding revenue bonds, the security thereof, and the rights, duties and obligations of the municipal or quasi-municipal corporation in respect thereof, shall be governed by the laws governing such matters with respect to the bonds being refunded and all other laws generally applicable to revenue bonds issued in this state by ~~such the~~ municipal or quasi-municipal corporation.

Sec. 4. K.S.A. 10-427 is hereby amended to read as follows: 10-427. Every municipality of the state of Kansas is hereby authorized and empowered to refund any bonds of ~~such the~~ municipality ~~which have been outstanding for more than one year, and for such purpose to and may issue~~ refunding bonds of ~~such the~~ municipality, ~~to therefor. The municipality shall be~~ governed by and subject to the provisions of article 1 of chapter 10 of the Kansas Statutes Annotated, and ~~any~~ amendments thereto, so far as the same may be consistent with the provisions of this act. The principal amount of any issue of ~~such any~~ refunding bonds shall not exceed the aggregate amount of: (a) The principal amount of the issue or issues or part thereof being refunded; (b) the amount of any interest which has accrued or will accrue to the date of payment of the bonds being refunded; (c) the amount of any redemption premium required; (d) expenses of the municipality deemed by the governing body to be necessary for the issuance of the refunding bonds; and (e) in the event the proceeds from the sale of the refunding bonds are to be placed in escrow and invested, the interest to accrue on ~~such the~~ refunding bonds from the date of delivery to the first or any subsequent available redemption date or dates selected by the governing body of the municipality, or to the date or dates of maturity, whichever ~~shall be is~~ determined by the governing body to be most advantageous or necessary to the municipality.

Sec. 5. K.S.A. 10-427a is hereby amended to read as follows: 10-427a. (a) Refunding bonds issued under the authority of ~~this act K.S.A. 10-427, and amendments thereto,~~ may be sold or exchanged for the bonds being refunded either as a whole or in installments at any time ~~or times~~ either at, before, or after the maturity of the bonds being refunded; ~~but no bonds shall be refunded prior to their maturity unless the aggregate amount of the issue or issues being refunded hereunder exceeds one million dollars (\$1,000,000).~~ Such bonds shall be exempt from statutory limitations of bonded indebtedness and shall not be included in computing the total bonded indebtedness of the municipality for the purpose of applying any statute limiting the bonded indebtedness of ~~such the~~ municipality.

(b) If ~~such~~ refunding bonds are sold more than six ~~(6)~~ months prior to the maturity or earliest prior redemption date of the bonds being refunded, the proceeds derived from ~~such the~~ sale, together with any other moneys on hand, shall be placed in escrow under a trust agreement with a *Kansas* bank having full trust powers ~~which is located in such municipality, if such municipality is a city or county, or within the county in which all or any portion of such municipality is located if it is other than a county or city. Said.~~ The proceeds and moneys shall be invested in direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America; ~~and which obligation shall mature or be subject to redemption by the holders thereof not later than the respective dates when the proceeds of said the obligations together with the interest accruing thereon and any other moneys or investments held in escrow will be required for the purposes intended. Said~~ The trust agreement shall pledge or assign the

moneys and investments ~~so~~ held in trust for the payment of the principal of and the interest on the bonds being refunded and any redemption premium and shall contain provisions for protecting and enforcing the rights and remedies of the holders of ~~such the~~ bonds.

Sec. 6. K.S.A. 10-102, 10-106, 10-116a, 10-427, 10-427a and 10-432 are hereby repealed.

Sec. 7. 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 15, 1983.

SENATE concurred in HOUSE amendments March 23, 1983.  
ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE as amended March 22, 1983.  
MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 4, 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 4th day of April, 1983.

JACK H. BRIER  
*Secretary of State.*

(SEAL)



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