

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 13

March 29, 1984

Pages 473-504

<i>IN THIS ISSUE . . .</i>	<i>Page</i>
<i>Department of Human Resources</i>	
Notice of Review of Grant Applications	474
<i>Attorney General's Opinions</i>	
Opinion No. 84-25	475
<i>State Board of Agriculture</i>	
Requests for Comment on Proposed Special Need Registrations	475
<i>Consumer Credit Commissioner</i>	
Notices of Hearings on Proposed Administrative Regulations	475, 476
<i>Legislative Bills Introduced</i>	476
<i>Department of Administration</i>	
Notice of Commencement of Negotiations (Architectural Services)	477
<i>State Historical Society</i>	
Notice Regarding the Historic Preservation Program	477
<i>State Board of Nursing</i>	
Notice of Hearing on Proposed Administrative Regulations	477
<i>Children and Youth Advisory Committee</i>	
Notice of Meeting	478
<i>State Board of Indigents' Defense Services</i>	
Notice of Meeting	478
<i>Notice to Bidders for State Purchases</i>	478
<i>Department of Transportation</i>	
Notice to Consulting Engineers	479
Notice to Contractors	479
<i>Notices of Bond Sales</i>	
U.S.D. No. 361	482
City of Hutchinson	484
City of Winfield	486
<i>Permanent Administrative Regulations (effective May 1)</i>	
Social and Rehabilitation Services (summary of text)	488
<i>New State Laws Enacted</i>	
HB 2603: Concerning land surveys	497
HB 2789: Relating to taxation of gross earnings derived from money, notes and other evidence of debt	498
HB 3002: Concerning imprest funds	499
SB 518: Concerning grain warehouses	499
HB 2585: Concerning real property	502
<i>Kansas Facts</i>	502

State of Kansas

DEPARTMENT OF HUMAN RESOURCES**NOTICE OF REVIEW
OF GRANT APPLICATIONS**

The following applications for federal monies are in the process of review. More information can be obtained from the contact person listed. Comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Avenue, Topeka, Kansas 66603.

DHR031684-001-84060SN—Indian Education Entitlement Project to meet identified needs of Indian culture, remedial and academic instruction, physical education, health and nutrition, job readiness, and community liaison needs of Indian children in U.S.D. No. 501 for \$23,538. Comments due by April 16, 1984.

DHR032084-001-66451CK—Remedial action for Tar Creek site in Cherokee County, Kansas and Ottawa County, Oklahoma: plugging wells and construction projects to correct pollution of ground waters from abandoned zinc and lead mines. Funds from EPA Superfund. Contact Paul Sieminski, Project Officer, U.S. EPA, Region VI, InterFirst Two Bldg., 1201 Elm Street, Dallas, Texas 75270, (214) 767-9762. Comments due by April 19, 1984.

The following applications for federal monies under federal assistance programs have been reviewed and returned to the applicant for submission to the federal agencies involved.

KS840316-001-84073KS—The Linkage Component of the Kansas Educational Dissemination/Diffusion System, in a joint effort between the Kansas Department of Education and U.S.D. No. 259, Wichita, seeks \$153,344.34 to assist in funding the dissemination of information and training sessions with no less than six interactive satellite delivered video teleconferences. James H. Connett, Director-KEDDS/Link, Kansas

Department of Education, 120 East Tenth Street, Topeka, Kansas 66612, (316) 685-0271.

KS840316-002-14112JO—Environmental Review Clearance for loan guaranty for construction of HUD project, Waterford Place Condominiums, in Kansas City, Kansas. Project Phase I consists of 112 units ranging in price from \$39,900 to \$62,500 per unit. Never Fail, Jr., Never Fail Builders, Inc., P.O. Box 700540, Tulsa, Oklahoma 74170, (918) 299-8534.

KS840320-001-14158MI—Comprehensive Improvement Assistance Program by Paola Housing Authority for \$184,600 and \$167,000. Emergency Funds for roofing. David Jackson, AHMB/HUD/KCRO, 1103 Grand Avenue, Kansas City, Missouri 64106, (816) 374-6096.

KS840321-001-14158WY—Preapplication for CIAP by Kansas City, Kansas; cleared by KDED; request to see full application by Mid-America Regional Council. For \$1,517,590. David Jackson, AHMA/ HUD/KCRO, 1103 Grand Avenue, Kansas City, Missouri 64106, (816) 374-6096.

KS840322-001-14218KS—Kansas Small Cities Community Development Block Grant Program for allocation of \$16.7 million for "non-entitlement" communities to improve local economies in Kansas by encouraging the development of new jobs and businesses, assisting in the retention of viable businesses, and promoting strong local government roles in maintaining and improving basic community infrastructure. Mary Bogart, Kansas Department of Economic Development, Sixth Floor, 503 Kansas Avenue, Topeka, Kansas 66603, (913) 296-3485.

JERRY SHELOR
Secretary of Human Resources

Doc. No. 001990

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 1983 Supp. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State; State Capitol; Topeka, Kansas 66612. One-year subscriptions are \$47.50; single copies may be purchased, if available, for \$2.00 each. Second class postage paid at Topeka, Kansas.

ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register; Secretary of State; State Capitol; Topeka, Kansas 66612.

© Secretary of State of the State of Kansas 1984. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature, and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

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



PHONE: 913/296-2236

State of Kansas

ATTORNEY GENERAL

OPINION NO. 84-25

Criminal Procedure—Costs in Criminal Cases—Liability for Costs.**Cities and Municipalities—Code for Municipal Courts; General Provisions—Costs.** Howard Schwartz, Judicial Administrator, Topeka, March 20, 1984.

There is no statutory authority whereby a district magistrate judge or municipal court judge may assess a defendant for "room and board" costs associated with his or her confinement in a city or county jail. However, where the Legislature enacts a statute so providing, the state or a subdivision thereof may initiate proceedings against a prisoner for reimbursement of the expenses attributable to his incarceration. Cited herein: K.S.A. 1983 Supp. 8-1008, 8-1567, K.S.A. 12-4106, 12-4112, 12-4411, 12-4509, 21-4603, K.S.A. 1983 Supp. 22-3801, K.S.A. 22-3803, 28-172a(d). TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 001980

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Monsanto Agricultural Products Company, St. Louis, Missouri, has filed an application for a special local need registration for the herbicide ROUNDUP (EPA Reg. No. 40285-12). The purpose of the requested special local need registration is to allow the use of ROUNDUP in tank mixes with atrazine (EPA Reg. No. 201-410) and with BLADEX (EPA Reg. No. 201-279) for the control of volunteer wheat in fallow and reduced tillage systems in western Kansas. At present, this pesticide is federally registered to be applied on many crops and sites to control numerous annual and perennial weeds.

Information submitted by the registrant is on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local needs registration may do so on or before April 26, 1984. Written comments, data or other evidence should be submitted to Dale Lambley, Pesticide Law Administrator, Entomology Division, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612.

H. DEAN GARWOOD, Director
Entomology Division

Doc. No. 001988

State of Kansas

BOARD OF AGRICULTURE**REQUEST FOR COMMENT ON PROPOSED SPECIAL NEED REGISTRATION**

Notice is hereby given that pursuant to 7 U.S.C. 136v, Degesch America, Inc., Weyers Cave, Virginia, has applied for a special local need registration for the insecticide MAGTOXIN PELLETS-PREPAC (EPA Reg. No. 40285-12). The purpose of the requested special local need registration is to allow the use of MAGTOXIN PELLETS-PREPAC as spot fumigant in bins, on food processing equipment and related areas of mills, food and feed processing plants and related industries. At present, this pesticide is federally registered to be applied on raw agricultural commodities and on specified processed foods and animal feeds.

Information submitted by the registrant is on file with the Kansas State Board of Agriculture. Anyone wishing to present written comments, data or other evidence in support of or in opposition to the proposed special local needs registration may do so on or before April 26, 1984. Written comments, data or other evidence should be submitted to Dale Lambley, Pesticide Law Administrator, Entomology Division, Kansas State Board of Agriculture, 109 S.W. 9th Street, Topeka, Kansas 66612.

H. DEAN GARWOOD, Director
Entomology Division

Doc. No. 001989

State of Kansas

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

The office of the Consumer Credit Commissioner will hold a public hearing at 10:00 a.m. on April 16, 1984, at 217 S.E. 4th St., 4th Floor, Topeka, Kansas on temporary and permanent regulation 75-6-24. 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:

75-6-24. Adjustment in dollar amounts. The dollar amounts of ~~three hundred dollars (\$300)~~ and ~~one thousand dollars (\$1,000)~~ in K.S.A. 16a-2-401(2), shall be changed to ~~five hundred forty dollars (\$540)~~ \$570 and ~~one thousand eight hundred dollars (\$1,800)~~ \$1,900. (Authorized by and implementing K.S.A. 16a-2-401a; effective, E-79-9, April 20, 1978; effective May 1, 1979; amended, E-81-15, June 25, 1980; amended May 1, 1981; amended, T-83-16, July 1, 1982; amended May 1, 1983; amended, T-_____, _____)

DONALD O. PHELPS
Consumer Credit Commissioner

Doc. No. 001977

State of Kansas

CONSUMER CREDIT COMMISSIONER

NOTICE OF HEARING
ON PROPOSED TEMPORARY
ADMINISTRATIVE REGULATIONS

The office of the Consumer Credit Commissioner will hold a public hearing at 11:00 a.m. on April 16, 1984, at 217 S.E. 4th St., 4th Floor, 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. Any creditor who, in the ordinary course of business, regularly extends or offers to extend consumer 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 March 21, 1983 April 1, 1984. (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-84-10, May 25, 1983; amended, T-_____, _____.)

DONALD O. PHELPS
Consumer Credit Commissioner

Doc. No. 001978

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 15-21:

SB 853, by Committee on Ways and Means: An act concerning oil and gas wells, responsibility of land and surface owners for costs of plugging abandoned wells; amending K.S.A. 55-140 and repealing the existing section.

SB 854, by Committee on Federal and State Affairs: An act concerning the state military board; meetings; amending K.S.A. 48-215 and repealing the existing section.

SB 855, by Committee on Ways and Means: An act creating a commission on public-private responses to basic human services; providing for its membership, powers, duties and functions; and providing for staff support therefor.

SB 856, by Committee on Federal and State Affairs: An act amending the Kansas securities act; special investigators; conferring certain law enforcement powers and privileges; amending K.S.A. 17-1265 and repealing the existing section.

SB 857, by Committee on Federal and State Affairs: An act relating to the appointment of elected state officers and persons who have held an elected state office to an appointive state office; amending K.S.A. 46-234 and repealing the existing section.

SB 858, by Committee on Federal and State Affairs: An act concerning crimes and punishments; penalties and sentencing for certain crimes; amending K.S.A. 21-3701, 21-3704, 21-3707, 21-3708, 21-3710, 21-3711, 21-3720 and 21-3729 and K.S.A. 1983 Supp. 21-4501 and repealing the existing sections.

SB 859, by Committee on Federal and State Affairs: An act concerning securities; certain exemptions from securities registration requirements; amending K.S.A. 1983 Supp. 17-1262a and repealing the existing section.

SB 860, by Committee on Federal and State Affairs: An act concerning cosmetologists; relating to licensure; amending K.S.A. 1983 Supp. 65-1901 and 65-1904 and repealing the existing sections.

SB 861, by Committee on Ways and Means: An act concerning income tax; relating to

the tax credit for military retirement benefits; amending K.S.A. 1983 Supp. 79-32, 111b and repealing the existing section.

HB 3107, by Committee on Federal and State Affairs: An act concerning motor vehicles; voluntary inspection program; nonhighway vehicle titles; certificates of title; amending K.S.A. 8-198, as amended by section 1 of 1984 Senate Bill No. 288 and repealing the existing section.

HB 3108, by Committee on Ways and Means: An act concerning licensure of bonded warehousemen; amending K.S.A. 82-164 and repealing the existing section; also repealing K.S.A. 82-166.

HB 3109, by Committee on Ways and Means: An act relating to elections; concerning presidential electors; amending K.S.A. 25-610, 25-612, 25-615, 25-616 and 25-1310 and repealing the existing sections.

HB 3110, by Committee on Ways and Means: An act concerning the liquor enforcement tax; concerning the application thereof; amending K.S.A. 1983 Supp. 79-4101 and repealing the existing section and also repealing K.S.A. 1983 Supp. 79-4101a.

HB 3111, by Committee on Ways and Means: An act relating to the investment of funds of certain private persons, officers, corporations and organizations and governmental subdivisions; amending K.S.A. 1983 Supp. 17-5002 and repealing the existing section and also repealing K.S.A. 1983 Supp. 17-5002a.

HB 3112, by Committee on Ways and Means: An act concerning highways; designating the Robert B. Docking Memorial Highway; amending K.S.A. 68-1010 and repealing the existing section.

HB 3113, by Committee on Ways and Means: An act concerning the taxation of motor-vehicle fuels; amending K.S.A. 1983 Supp. 79-3408 and repealing the existing section.

HB 3114, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1985, June 30, 1986, June 30, 1987, and June 30, 1988, to initiate and complete certain capital improvement projects and to acquire certain equipment for the university of Kansas medical center, Kansas state university, Emporia state university, university of Kansas, Wichita state university and the state board of regents; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing disbursements and acts incidental to the foregoing; providing certain exemptions.

HCR 5088, by Representative Branson: A concurrent resolution concerning the life safety code; relating to child day care centers; modifying K.A.R. 22-3-1.

HCR 5089, by Representative Crowell: A proposition to amend sections 1 and 11 of article 1 of the constitution of the state of Kansas, relating to the office of the state treasurer.

HCR 5090, by Representatives Barkis, Adam, Blumenthal, Brady, Branson, Bussman, Charlton, Cribben, Dean, Dillon, Ediger, Erme, Francisco, L. Fry, Green, Grotewiel, Hamm, Harder, Helgerson, Hensley, Jarchow, M. Johnson, Justice, Laird, Leach, Love, Luzzatti, Mainey, Matlack, V. Miller, Murphy, Peterson, Reardon, Rezac, Rogers, Roper, Runnels, Schmidt, Shelor, Shriver, Solbach, Sughrue, Teagarden, Turnquist, Wagnon, P. Weaver, Darel Webb and Whitman: A concurrent resolution requesting the governor to establish a special task force on the Wolf Creek nuclear power plant.

HCR 5091, by Representatives Hoagland and Barkis: A concurrent resolution to suspend subsection (d) of Joint Rule 5 of the Senate and House of Representatives to consider and take final action on Senate Bill No. 601, relating to the offering and maintenance of educational programs by school districts.

SR 1871, by Senator Montgomery: A resolution congratulating and commending the B & B (Baileyville and St. Benedict) High School boys' basketball team and its coach, Allen Pokorny, on winning the 1984 Class 1A State Basketball Championship in Kansas.

SR 1872, by Senator Montgomery: A resolution congratulating and commending the Nemaha Valley High School boys' basketball team and its coach, Dennis Getzlaff, on winning the 1984 Class 3A State Basketball Championship in Kansas.

SR 1873, by Senators Hein, Parrish and Pomeroy: A resolution commemorating the week of March 11 to 18, 1984, as "Camp Fire Birthday Week."

SR 1874, by Senator Winter: A resolution congratulating the Lawrence High School girls' basketball team for its outstanding achievement in winning the 1984 Class 6A state tournament and commending both the girls' and boys' basketball teams, their coaches and fans for their sportsmanship in the tournament.

SR 1875, by Senator Norvell: A resolution congratulating and commending the Fort Hays State University men's basketball team and its coach, Bill Morse, on winning the 1984 NAIA National Basketball Championship.

HR 6150, by Representative Guldner: A resolution commending the 1984 Syracuse High School boys' basketball team for being the first basketball team from Syracuse, Kansas, to play in the state tournament.

HR 6151, by Representatives D. Miller, Adam, Blumenthal, Branson, Bunten, Charlton, Chronister, Cloud, Dean, Dempsey, Ediger, Flottman, Foster, Friedeman, Heinemann, Hoagland, Long, Lowther, Meacham, Patrick, Roe, Roenbaugh, Rolfs, Runnels, Schweiker, Solbach, Spaniol, Sprague, Vancrum and Wunsch: A resolution congratulating and commending the University of Kansas men's basketball team on winning the 1984 Big 8 Conference Post-Season Tournament.

HR 6152, by Representative Roper: A resolution commending the 1984 Girard High School boys' basketball team for being the first basketball team from Girard, Kansas, to play in the state tournament in over ten years.

HR 6153, by Representative Wunsch: A resolution congratulating and commending the Pretty Prairie High School girls' and boys' basketball teams for their outstanding achievements in the 1984 state tournament.

HR 6154, by Representative Sallee: A resolution congratulating and commending the Troy High School boys' basketball team and its coach, Kevin Kelley, on winning the 1984 Class 2A State Basketball Championship in Kansas.

HR 6155, by Representative Reardon: A resolution congratulating and commending the Bishop Miege High School girls' basketball team and its coach, Terry English, on winning the 1984 Class 5A State Basketball Championship in Kansas.

HR 6156, by Representative Wunsch: A resolution congratulating and commending the city of Haven, Kansas, on being named "Tree City U.S.A." by the National Arbor Day Foundation.

HR 6157, by Representative Matlack: A resolution congratulating and commending the Andale High School girls' basketball team and its coach, Mike Sullivan, on winning the 1984 Class 4A State Basketball Championship in Kansas.

HR 6158, by Representative Branson: A resolution congratulating and commending Robert Wytenbach on winning the prestigious Marshall Scholarship to study at Oxford University in England.

HR 6159, by Representatives R. D. Miller, Hayden, L. Johnson, Littlejohn, Moomaw and Schmidt: A resolution congratulating and commending the Fort Hays State University men's basketball team and its coach, Bill Morse, on winning the 1984 NAIA National Basketball Championship.

State of Kansas

**DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES****NOTICE OF COMMENCEMENT
OF NEGOTIATIONS
FOR ARCHITECTURAL SERVICES**

Notice is hereby given of the commencement of negotiations for architectural services for exterior renovation of Building 684, located at Forbes Field, Topeka, Kansas.

The project includes fencing, construction of roof over trailer vans, new doors, walkways, outside security lights, infrared heaters and other electrical work. The estimated cost of the project is \$38,000.

Interested firms must maintain an office in Kansas and be staffed by one or more architects licensed by the Board of Technical Professions. Interested firms must also be on file with the Division of Architectural Services.

Any questions or expressions of interest should be directed to LTC Eldon E. Johnson, KSARNG, State Defense Building, 2800 Topeka Blvd., Topeka, Kansas, telephone (913) 233-7560, no later than April 13, 1984.

JOHN B. HIPPI, AIA
Director
Division of Architectural Services

Doc. No. 001983

State of Kansas

STATE HISTORICAL SOCIETY**NOTICE OF PREPARATION OF
PROCEDURES FOR INVOLVING CERTIFIED
LOCAL GOVERNMENTS IN THE
HISTORIC PRESERVATION PROGRAM**

Pursuant to the requirements of P.L. 96-515 and 36 C.F.R. Part 61, the Kansas State Historical Society has prepared draft procedures for implementation of the certified local government program in Kansas. That program would expand the national historic preservation program administered by the National Park Service nationwide and in Kansas by the State Historical Society to include eligible local governments.

Copies of the draft procedures may be obtained from the Historic Preservation Department, Kansas State Historical Society, 120 West 10th, Topeka, Kansas 66612, telephone (913) 296-3251. Comments and suggestions are requested on the draft procedures.

A public meeting will be held on Friday, April 20, 1984, at 10:00 a.m. in the second floor conference auditorium of the Kansas State Historical Society, 120 West 10th, Topeka, Kansas, to allow local governments and other interested parties to discuss the procedures and present comments.

JOSEPH W. SNELL
Executive Director

Doc. No. 001985

State of Kansas

BOARD OF NURSING**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held on Thursday, April 12, 1984, commencing at 1:00 p.m., in Room 202 of the Frank Carlson Federal Building, 444 S.E. Quincy, Topeka, Kansas, to consider adoption of proposed permanent and temporary regulations.

All interested parties may submit written comments any time prior to the hearing by addressing them to the Board of Nursing, 503 Kansas Avenue, Suite 330, Topeka, Kansas 66601. All interested parties will be given a reasonable opportunity to present their views on the adoption of the proposed regulations during the hearing.

The following is a summary of the regulations:

K.A.R. 60-3-109a. Standards of Practice. Defines the standards of practice for professional nurses and licensed practical nurses. To be adopted on a temporary and permanent basis.

K.A.R. 60-11-101 through 60-11-111. Advanced Registered Nurse Practitioner. The proposed regulations define the role of the advanced registered nurse practitioner, describe four categories of certification, including specific responsibilities. Requirements for certification, fees and the educational programs are included. These regulations will be considered for adoption on a temporary basis to expire May 1, 1985.

The following amended regulations will be considered for adoption on a temporary and permanent basis:

K.A.R. 60-11-103. Defines the qualifications of advanced registered nurse practitioner in the categories of nurse clinician or nurse practitioner, nurse anesthetist, nurse-midwife and clinical nurse specialist.

K.A.R. 60-11-104 through 60-11-107. Defines the functions of the advanced registered nurse practitioner in the expanded role of nurse clinician or nurse practitioner, nurse-midwife, nurse anesthetist or clinical nurse specialist.

K.A.R. 60-11-108. Defines the requirements for advanced registered nurse practitioner programs of study.

Copies of the full text of the regulations and fiscal impact statement may be obtained by writing to the Kansas State Board of Nursing, P.O. Box 1098, 503 Kansas Avenue, Suite 330, Topeka, Kansas 66601.

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

Doc. No. 001984

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
CHILDREN AND YOUTH ADVISORY
COMMITTEE****NOTICE OF MEETING**

Notice is hereby given to all interested parties that the statutorily created Children and Youth Advisory Committee will hold its regular meeting on April 9, 1984, at 1:30 p.m., in the Judicial Administrator's Conference Room (337), Judicial Center, 301 W. 10th Street, Topeka, Kansas.

GEORGENE WADE, Chairperson
Children and Youth Advisory Committee

Doc. No. 001986

State of Kansas

**STATE BOARD OF INDIGENTS'
DEFENSE SERVICES****NOTICE OF MEETING**

Notice is hereby given to all interested parties that the State Board of Indigents' Defense Services will hold its regular meeting on Friday, March 30, 1984, beginning at 9:00 a.m., in Room 537, 503 Kansas Avenue, Topeka, Kansas.

For further information, contact Mr. Ron Miles, Director, 503 Kansas Avenue, Suite 536, Topeka, Kansas 66603, (913) 296-4505.

RONALD E. MILES
Director

Doc. No. 001976

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 9, 1984

#25983 (Courtesy Bid)

Adjutant General's Department, Topeka—GRASS
MOWING SERVICE, Salina

#57133

University of Kansas, Lawrence—FURNISH AND IN-
STALL COOLING TOWER

#57134

University of Kansas Medical Center, Kansas City—
ANIMAL CAGE AND RACK WASHER

#57138

Department of Transportation, Topeka—ALUMINUM
EXTRUSHEET SPOT WELDED SIGN PANELS

#57139

University of Kansas, Lawrence—FURNISH AND IN-
STALL AN OXYGEN TRIM PACKAGE

#57140

Department of Transportation, Topeka—HOT-
APPLIED CRACK SEALANT, Salina

#57141

Wichita State University, Wichita—EVAPORATIVE
CONDENSER

#57142

Kansas State University, Manhattan—SOYBEAN
MEAL AND FERTILIZER

#57143

Kansas State University, Manhattan—STEAM TRAPS

#57144

University of Kansas, Lawrence—TRANSFORMER

#57145

Kansas State University, Manhattan—PLOT COM-
BINE, Southeast Kansas Experiment Station, Parsons

#57146

Wichita State University, Wichita—LATHE

#57147

Department of Transportation, Topeka—MOWER RE-
PAIR PARTS

#57166

Kansas State University, Manhattan—DISK DRIVE

#57170

University of Kansas, Lawrence—MINICOMPUTER
SYSTEM

TUESDAY, APRIL 10, 1984

#A-4695

Winfield State Hospital and Training Center, Win-
field—PROVIDE NEW ELECTRICAL TRANS-
FORMER IN THE "H" POWER PLANT FACILITY

#A-4820 and #A-4902

Department of Transportation, Topeka—BOILER
AND CHILLER REPLACEMENT, MATERIALS AND
RESEARCH CENTER, 2300 Van Buren

#25972

Larned State Hospital, Larned—SILVER RECOVERY
SERVICE

#25975

University of Kansas Medical Center, Kansas City—
FROZEN EGGS

#25980

Statewide—MICROCOMPUTER SYSTEMS

#25984

Department of Social and Rehabilitation Services, To-
peka—BOX SPRING FRAMES, Kansas City

#57150

Kansas State University, Manhattan—CENTRIFUGE
ROTOR

#57151

Kansas State University, Manhattan—LABORATORY
WATER SYSTEM

#57152

Kansas State University, Manhattan—GRATING
MONOCHROMATOR

#57153

Kansas State University, Manhattan—LOCK-IN ANA-
LYZER/AMPLIFIER

#57154

Department of Transportation, Topeka—RESIN, NIK-
LEPOXY INJECTON NO. 3 FOR PRESSURE GROUT-
ING, various locations

#57155

Department of Administration, Buildings and
Grounds, Topeka—FURNISH LABOR AND MATERI-
ALS TO REPLACE CHILLED WATER PUMPS

(continued)

(Published in the KANSAS REGISTER, March 29, 1984.)

#57176
Kansas State University, Manhattan—SAFETY PRO-
MOTIONAL NOVELTIES

#57188
Parsons State Hospital and Training Center, Parsons—
MICROCOMPUTER SYSTEMS

#57189
Kansas Fish and Game Commission, Pratt—PUBLI-
CATION OF "FISHING GUIDE" AND "SPORT FISH"
WEDNESDAY, APRIL 11, 1984

#A-4783
Norton State Hospital, Norton—REROOF SUPERIN-
TENDENT'S RESIDENCE AND STAFF COTTAGES

#57156
Kansas School for the Visually Handicapped, Kansas
City—MICROCOMPUTER SYSTEM

#57157
Fort Hays State University, Hays—TELEVISION
SETS

#57159
University of Kansas Medical Center, Kansas City—
ELECTRONIC THERMOMETERS

#57161
University of Kansas Medical Center, Kansas City—
MISCELLANEOUS MEATS

#57162
Kansas State Industrial Reformatory, Hutchinson—
DISHWASHING DETERGENT

#57177
University of Kansas, Lawrence—FLUORESCENCE
DETECTOR

#57179
University of Kansas Medical Center, Kansas City—
ULTRACENTRIFUGE ROTOR

THURSDAY, APRIL 12, 1984

#57164
University of Kansas Medical Center, Kansas City—
MICROCOMPUTER SYSTEMS

#57168
Kansas State University, Manhattan—FORESTRY
FIRE EQUIPMENT

#57171
Department of Transportation, Topeka—OSCILLO-
SCOPES, various locations

#57178
University of Kansas, Lawrence—ELECTRONIC
TEST EQUIPMENT

#57181
Department of Administration, Division of Printing,
Topeka—OFFSET ENVELOPES

#57190
Kansas State University, Manhattan—WHOLE MILO

#57191
University of Kansas, Lawrence—CHILLED WATER
CIRCULATING PUMP

FRIDAY, APRIL 13, 1984

#57165
University of Kansas, Lawrence—COLOR GRAPHICS
SYSTEMS

#57192
University of Kansas, Lawrence—STEREO BROAD-
CAST CARTRIDGE RECORDER

#57197
Kansas State University, Manhattan—LIGHT FIX-
TURES

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 001987

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (KDOT) is seeking to engage a qualified consultant engineering firm for a project in the following county:

Seward County—54-88 K 2355-01/BRF 038-1(50)—
Bridge design only of the bridge over the Cimarron
River at Arkalon.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already pre-qualified) by April 9, 1984.

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

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance record.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 001971

(Published in the KANSAS REGISTER, March 29, 1984.)

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, Kansas, until 10:00 a.m., April 19, 1984 and then publicly opened:

DISTRICT ONE

Atchison—3 U-0803-01—0.115 mile Grading, Concrete Pavement and Bridge, beginning at the intersection of 6th Street and US-59, then north on 6th Street in the City of Atchison (Federal Funds).

Atchison—116-3 K-0115-01—0.364 mile Grading, Bituminous Surfacing, and Bridge over the Delaware River, beginning approximately 1.3 miles east of the Atchison-Jackson County line, then east on K-116 (Federal Funds).

Atchison—116-3 K-0116-01—0.346 mile Grading, Bituminous Surfacing, and Bridge over Elk Creek, beginning approximately 0.5 mile east of the Atchison-Jackson County line, then east on K-116 (Federal Funds).

Douglas—23 C-1635-01—0.208 mile Grading and Bituminous Surfacing, beginning approximately at the west city limits of Leocompton, then east on County Highway FAS 214 in the City of Leocompton (Federal Funds).

(continued)

Douglas—23 C-1636-01—0.265 mile Grading and Bridge over Coon Creek, beginning approximately at the west edge of Lecompton, then west (Federal Funds).

Douglas—23 C-2014-01—2.472 miles Aggregate Base Course, beginning approximately 2.6 miles north of Baldwin City, then west on County Highway FAS 1375 (Federal Funds).

Jackson—43 C-1158-01—0.170 mile Grading and Bridge over the tributary to Straight Creek, beginning approximately 6.8 miles east and 2.3 miles north of Holton, then east (Federal Funds).

Johnson—435-46 M-1330-01—Bituminous Overlay, all ramps and loops at the Interchange of I-435 and US-69, plus through lanes on US-69 over I-435 between the ramps (a length of 0.45 mile), and the west ramps of the I-435 and US-169 Interchange, that portion not previously reconstructed (State Funds).

Johnson—10-46 M-1329-01—1.15 miles Concrete Pavement Patching, beginning at K-10 and Caenen Lake Road, then east on K-10 (State Funds).

Johnson—10-46 K-2114-01—2.40 miles Cold Milling and Bituminous Overlay, beginning approximately at the west abutment of the bridge on K-10 over I-35, then west on K-10 (State Funds).

Marshall—58 C-1468-01—0.179 mile Grading, beginning approximately 2.5 miles east and 2.7 miles south of Marysville, then south on County Highway FAS 1239 (Federal Funds).

Shawnee—89 C-1669-01—0.189 mile Grading and Bridge over the tributary to the Wakarusa River, beginning approximately 5.5 miles west of Auburn, then west on County Highway FAS 619 (Federal Funds).

Shawnee—70-89 M-1328-01—1.023 miles Concrete Pavement Patching and Bituminous Overlay, beginning at R.P. 364.352 (Golden Avenue Bridge), then east on I-70 to the beginning of Turnpike Maintenance at the bottom of the ramp (State Funds).

Wyandotte—132-105 K-1986-01—Repair of three bridges on 65th Street over K-132, K-132 over Francis Road and K-132 over Atchison, Topeka and Santa Fe Railroad tracks in the City of Kansas City (State Funds).

Wyandotte—70-105 M-1331-01—1.695 miles Bituminous Pavement Patching, beginning at the 18th Street Interchange, then east on I-70 (State Funds).

DISTRICT TWO

Clay—14 C-1041-01—0.189 mile Grading and Bridge over Five Creek, beginning approximately 5.0 miles west and 1.2 miles south of Clay Center, then south (Federal Funds).

Dickinson—21 U-0650-01—0.103 mile Grading and Bridge on NW Third Street over Mud Creek in the City of Abilene (Federal Funds).

Dickinson—70-21 K-2499-01—9.1 miles Latex Modified Slurry Seal, beginning at the Dickinson-Saline County line, then east on I-70 (State Funds).

Geary—70-31 K-2470-01—11.367 miles Bituminous Overlay (Shoulders), beginning approximately 0.8 mile west of the east Interchange of I-70 and K-18, then east on I-70, westbound shoulders (Federal Funds).

Jewell—45 C-1344-01—Bridge over Oak Creek, beginning approximately 4.5 miles east and 7.5 miles north of Burr Oak, then east (Federal Funds).

Jewell—45 C-1346-01—Culvert beginning approximately 7.1 miles east and 7.5 miles north of Burr Oak, then east on County Highway FAS 336 (Federal Funds).

Jewell—45 C-1343-01—Bridge over Troublesome Creek, beginning approximately 2.7 miles east of Burr Oak, then east (Federal Funds).

McPherson—59 C-1624-01—0.151 mile Grading and Bridge over Smoky Hill River, beginning approximately 1.5 miles east of Lindsborg, then east (Federal Funds).

McPherson—59 C-1569-01—0.094 mile Grading and Bridge over the tributary to Blaze Fork Creek, beginning approximately 5.0 miles north of Inman, then north (Federal Funds).

McPherson—59 C-1573-01—0.075 mile Grading and Bridge over Blaze Fork Creek, beginning approximately 2.0 miles east of Inman, then east (Federal Funds).

McPherson—59 C-1574-01—0.179 mile Grading and Bridge over Blaze Fork Creek, beginning approximately 2.7 miles south and 2.7 miles east of Inman, then east (Federal Funds).

Morris—64 C-1623-01—0.369 mile Grading and Bridge over Six Mile Creek, beginning approximately 9.4 miles west and 1.5 miles south of Wilson, then south (Federal Funds).

Saline—70-85 K-2472-01—15.3 miles Latex Modified Slurry Seal, beginning at a point on I-70 at the west side of the Junction of I-70 and I-135, then east on I-70 to the Saline-Dickinson County line (State Funds).

Washington—101 C-0740-01—0.284 mile Grading and Bridge over Cherry Creek, beginning approximately 2.0 miles west of Haddam, then south (Federal Funds).

DISTRICT THREE

Norton—69 C-1850-01—1.477 miles Bituminous Surfacing beginning approximately at the east edge of Norton, then east on County Highway FAS 502 (Federal Funds).

DISTRICT FOUR

Allen—1 C-1532-01—0.266 mile Grading and Bridge, beginning approximately 6.8 miles west of Savonburg, then north on County Highway FAS 6 (Federal Funds).

Anderson—2 C-1606-01—0.208 mile Grading and Bridge over Pottawatomie Creek, beginning approximately 0.5 mile east and 3.2 miles south of Harris, then south (Federal Funds).

Bourbon—6 C-1615-01—0.104 mile Grading and Bridge over Mill Creek, beginning approximately 4.6 miles north of Redfield, then north (Federal Funds).

Bourbon—69-6 K-0135-02—12.814 miles Concrete Pavement and Seeding, beginning approximately 0.05 miles north of the north city limits of Fort Scott, then north on US-69 to the Bourbon-Linn County Line (State Funds).

(continued)

Cherokee—11 C-1672-01—Widening of bridge over Crooked Creek located approximately 2.4 miles north and 3.1 miles west of Galena (Federal Funds).

Crawford—69-19 M-1327-01—11.174 miles AS-1 Shoulders, beginning at the north Junction of US-69 and K-57, then north on US-69 to the Crawford-Bourbon County line (State Funds).

Franklin—30 C-1325-01—4.012 miles Aggregate Base Course and Bituminous Surfacing, beginning approximately at Princeton, then east on County Highway FAS 259 (Federal Funds).

Franklin—30 C-1707-01—0.144 mile Grading and Bridge over Payne Creek, beginning approximately 4.5 miles east and 1.7 miles north of Williamsburg, then north (Federal Funds).

Franklin—30 C-1814-01—1.746 miles Aggregate Base Course, beginning approximately 4.4 miles north and 3.0 miles west of Ottawa, then west on County Highway FAS 260 (Federal Funds).

Labette—50 C-0854-01—0.315 mile Grading and Bridge over Labette Creek, beginning approximately 2.0 miles south and 1.0 mile west of Oswego, then west (Federal Funds).

Linn—69-54 K-0526-02—2.701 miles Concrete Pavement and Seeding, beginning at the Linn-Bourbon County line, then north on US-69 (State Funds). Bids on the seeding portion of the project will be received only from small business enterprises.

Neosho—67 C-1622-01—0.189 mile Grading and Bridge, beginning approximately 1.6 miles north and 2.3 miles west of Erie, then west on County Highway FAS 168 (Federal Funds).

Woodson—104 C-1581-01—0.462 mile Grading and Bridge over Duck Creek, beginning approximately 4.8 miles west and 9.1 miles north of Yates Center, then north (Federal Funds).

DISTRICT FIVE

Barber—4 C-1201-01—3.0 miles Bituminous Surfacing, beginning approximately 6.0 miles west of Hardtner, then west on County Highway FAS 30 (Federal Funds).

Barber—4 C-1711-01—0.179 mile Grading and Bridge over Mulberry Creek, beginning approximately 1.0 mile southeast of Sun City, then southeast (Federal Funds).

Barber—4 C-1712-01—0.075 mile Grading and Bridge, beginning approximately 0.7 mile east of Sun City, then southeast on County Highway FAS 32 (Federal Funds).

Butler—8 C-1807-01—0.227 mile Grading and Bridge over Rock Creek, beginning approximately 6.7 miles west and 1.6 miles south of Latham, then south (Federal Funds).

Butler—54-8 K-0152-02—7.441 miles Concrete Pavement and Seeding, beginning approximately 0.3 mile east of the east city limits of Augusta, then east on US-54 (State Funds).

Butler—96-8 K-1677-01—2.133 miles Grading, Bituminous Surfacing, Seeding, and two Bridges, beginning approximately 0.49 mile east of the east Junction of K-96 and US-54, then east on K-96 (State Funds).

Cowley—18 C-1162-01—2.451 miles Grading and Bituminous Surfacing, beginning approximately 2.45 miles south of Winfield, then north on County Highway FAS 5024 and FAS 161 (Federal Funds).

Cowley—77-18 K-0215-04—4.125 miles Grading, Bituminous Surfacing, Seeding and three Bridges, beginning at the north Junction of US-77 and K-15, then north on US-77 (State Funds). Bids on the R. C. Box bridge and the seeding portions of the project will be received only from small business enterprises.

Rush—83 C-1852-01—3.100 miles Subgrade Modification, beginning approximately at Loretta, then north on County Highway FAS 231 (Federal Funds).

Rush—83 C-1851-01—3.000 miles Subgrade Modification, beginning approximately 5.0 miles south of Alexander, then south on County Highway FAS 524 (Federal Funds).

Sedgwick—87 U-0883-01—0.075 mile Grading and Surfacing, intersection improvements at the intersection of Mosley Avenue and 17th Street in the City of Wichita (Federal Funds).

Sedgwick—54-87 U-0884-01—0.201 mile Grading and Plant Mix (Comm. Gr.), intersection improvement at the intersection of Kellogg (US-54) and Dugan Road in the City of Wichita (Federal Funds).

Sumner—96 C-1692-01—0.087 mile Grading and Bridge over the tributary of Blutt Creek, beginning approximately 0.8 mile north and 7.8 miles west of Caldwell, then west (Federal Funds).

Sumner—96 C-1718-01—0.075 mile Grading, Bituminous Surfacing and Bridge over Oak Creek, beginning approximately 0.8 miles west and 0.5 miles north of Wellington, then north (Federal Funds).

DISTRICT SIX

Seward—88 C-1514-01—2.498 miles Bituminous Base (Road Mix), beginning approximately 0.5 mile east of the Junction of County Highway FAS 939 and US-54, then east on County Highway FAS 939 (Federal Funds).

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

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP
Secretary of Transportation

Doc. No. 001972

(Published in the KANSAS REGISTER, March 29, 1984.)

NOTICE OF BOND SALE
\$525,000.00
CAPITAL OUTLAY LEVY BONDS
SERIES "A," 1984
UNIFIED SCHOOL DISTRICT NO. 361
(ANTHONY-HARPER)
HARPER COUNTY, KANSAS
(General obligations, payable from unlimited
ad valorem taxes)

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the Clerk of the Board of Education of Unified School District No. 361, Harper County, Kansas (the "School District") in the Office of said Board of Education, 124 North Jennings, Anthony, Kansas 67003, until 7:30 o'clock p.m., local time on

TUESDAY, APRIL 17, 1984

at which time and place said bids will be publicly opened and read for the purchase of \$525,000.00 aggregate principal amount of General Obligation Capital Outlay Levy Bonds (Series "A," 1984) (the "Bonds"). All bids received will be reported to the Board of Education for determination of the best bid at a meeting of the Board to be held at said time, date and place.

Details of the Bonds

The Bonds will consist of an issue of \$525,000.00 principal amount of General Obligation Capital Outlay Levy Bonds, Series "A," 1984. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated April 1, 1984, and becoming due serially on October 1 of each year in the principal amounts as follows:

Year	Principal Amount
1985	\$130,000
1986	\$130,000
1987	\$130,000
1988	\$135,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on October 1 and April 1 of each year, beginning on April 1, 1985.

Both principal and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the City of Topeka, Kansas, (the "Paying Agent" and the "Bond Registrar") to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date.

The Bonds will be registered in the Office of the Kansas State Treasurer pursuant to a plan of registration approved by the School District and the Attorney General of the State of Kansas, registered as either fully registered certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser"), may express its preference and serious consideration will be given to the successful purchaser's preference

regarding the plan of registration. The School District, however, will make the final decision on the registration plan and the bid may not be conditioned on the plan of registration.

The School District will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks as determined by the Registrar and Paying Agent. Any additional costs or fees that might be incurred in the secondary market will be the responsibility of the bondholder.

The type and denomination of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the School District by May 31, 1984.

Redemption of Bonds

None of said Bonds shall be callable for redemption prior to its stated maturity.

Authority, Purpose and Security for the Bonds

The Bonds are being issued pursuant to and in full compliance with the constitution and laws of the State of Kansas including K.S.A. 72-8801 *et seq.*, Article 1 of Chapter 10 and Chapter 49 of the 1983 *Kansas Session Laws*, for the purpose of paying the cost of certain school system improvements.

The Capital Outlay Levy Bonds, Series "A," 1984, will be general obligations of the School District payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the School District.

Conditions of Bids

Bids will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by the *Weekly Bond Buyer*, in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2%. No bid of less than the principal amount of the Bonds plus accrued interest thereon to the date of their delivery will be considered. Each bid shall specify the total interest cost to the School District on the basis of such bid, and the average annual net interest rate on the basis of such bid.

Basis of Award

The award of the Bonds shall be made on the basis of the lowest net interest cost to the School District, which shall be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the School District. If there is any discrepancy between said net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids which provide for identical amounts for

(continued)

the lowest net interest cost are received, the School District shall determine which bid, if any, shall be accepted, and its determination shall be final.

Delivery of and Payment for the Bonds

The School District will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 60 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder without cost to the successful bidder. Payment for the Bonds shall be made in federal reserve funds or other funds which shall be available to the School District on the same day the Bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the Bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

Legal Opinion

The Bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the School District, and will be printed on the Bonds and provided to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation and from Kansas intangible personal property taxes levied by counties, cities and townships.

CUSIP Numbers

It is anticipated that CUSIP identification numbers will be printed on certificated bonds, or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid for by the School District.

Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$10,500.00 (2% of the total par value of the Bonds) made payable to the order of the Treasurer of the Unified School District No. 361, Harper County, Kansas, to secure the School District from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the School District or held by the School District until the bidder has complied with all of the terms and conditions of this notice, at which time the

check will be deposited and credited to the order of the bidder. If a bid is accepted but the School District shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the School District as and for liquidated damages.

Bid Forms

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the bid forms which may be obtained from the Clerk of the School District, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The School District reserves the right to waive irregularities and to reject any and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes and addressed to the undersigned, Clerk of U.S.D. No. 361, 124 North Jennings, Anthony, Kansas 67003, and marked "Bid For the Purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 7:30 o'clock, p.m., local time on April 17, 1984.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the School District for the year 1983 is \$43,073,454.00, including motor vehicle valuation and motor vehicle dealers' inventory valuation of \$12,257,105.00. The total general obligation bonded indebtedness of the School District as of December 31, 1983, including the bonds being sold, is \$1,365,000.00.

Bond Ratings

The outstanding general obligation bonds of the School District have not been rated and the School District has not applied for a rating on the Bonds herein offered for sale.

DATED this 20th day of March, 1984.

JANE WARBINTON
Clerk of the Board of Education
124 North Jennings
Anthony, Kansas 67003
(316) 842-5183

Doc. No. 001979

(Published in the KANSAS REGISTER, March 29, 1984.)

NOTICE OF BOND SALE
\$390,000
INTERNAL IMPROVEMENT BONDS
SERIES A-97
OF THE
CITY OF HUTCHINSON, KANSAS
 (General Obligation Bonds payable from
 Unlimited Ad Valorem Taxes)

Sealed Bids. Sealed bids will be received by the undersigned, City Clerk of the City of Hutchinson, Kansas (the "City"), on behalf of the Commission at City Hall, 125 E. Avenue "B," P.O. Box 1567, Hutchinson, Kansas 67504-1567, until 10:00 a.m., Central Standard Time, on

TUESDAY, APRIL 10, 1984

for the purchase of \$390,000 principal amount of Internal Improvement Bonds, Series A-97 (the "Bonds"), of the City hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the Governing Body immediately thereafter.

Bond Details. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated May 1, 1984, and becoming due serially on May 1 in the years as follows:

Year	Principal Amount	Year	Principal Amount
1985	\$20,000	1995	\$20,000
1986	20,000	1996	20,000
1987	20,000	1997	20,000
1988	20,000	1998	20,000
1989	20,000	1999	20,000
1990	20,000	2000	20,000
1991	20,000	2001	20,000
1992	20,000	2002	20,000
1993	20,000	2003	15,000
1994	20,000	2004	15,000

The Bonds will bear interest at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 1985.

Place of Payment and Bond Registration. The principal of and interest on the Bonds will be payable in lawful money of the United States of America by check or draft of the Treasurer of the State of Kansas, Topeka, Kansas (the "Paying Agent" and "Bond Registrar"), to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date. The Bonds will be registered pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas. The Bonds may be registered as fully registered certificated bonds or uncertificated (book entry) bonds at the option of each registered owner.

The City will pay for the fees of the Bond Registrar for registration and transfer of the Bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be

incurred in the secondary market, other than fees of the Bond Registrar, will be the responsibility of the bondholders.

The type and denominations of the Bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City and Bond Registrar at least two weeks prior to the closing date.

Redemption of Bonds Prior to Maturity. Bonds maturing in the years 1985 to 1995, inclusive, shall become due without option of prior payment. At the option of the City, Bonds maturing in the years 1996 to 2004, inclusive, may be called for redemption and payment prior to maturity in whole or in part in inverse order of maturity (selection of bonds within the same maturity to be by lot by the City in such equitable manner as it may determine) on May 1, 1995, or on any interest payment date thereafter at the redemption prices (expressed as percentages of the principal amount) plus accrued interest to the date of redemption:

Redemption Dates	Redemption Price
May 1, 1995, and November 1, 1995	103%
May 1, 1996, and November 1, 1996	102%
May 1, 1997, and November 1, 1997	101%
May 1, 1998, and thereafter	100%

Whenever the City is to select the Bonds for the purpose of redemption, it shall, in the case of Bonds in denominations greater than \$5,000, if less than all of the Bonds then outstanding are to be called for redemption, treat each \$5,000 of face value of each such fully registered Bond as though it were a separate Bond of the denomination of \$5,000.

If the City shall elect to call any Bonds for redemption and payment prior to the maturity thereof, the City shall give written notice of its intention to call and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said Bonds, to the State Treasurer of Kansas, and to the manager or managers of the underwriting account making the successful bid, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any Bond be called for redemption and payment as aforesaid, all interest on such Bond shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

Conditions of Bids. Proposals will be received on the Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to the "20 Bond Index" of tax exempt municipal bonds published by *The Credit Market* (formerly *The Weekly Bond Buyer*) in New York, New York, on the Monday next preceding the day on which the Bonds are sold, plus 2%. The differ-

(continued)

ence between the highest rate specified and the lowest rate specified shall not exceed 2½%. No bid of less than the par value of the Bonds and accrued interest thereon to the date of delivery will be considered, and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the City during the life of the Bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the City on the basis of such bid. Each bid shall also specify the average annual net interest rate to the City on the basis of such bid.

Basis of Award. The award of the Bonds will be made on the basis of the lowest net interest cost to the City, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the City. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the Governing Body shall determine which bid, if any, shall be accepted, and its determination shall be final.

Authority, Purpose and Security. The bonds are being issued pursuant to K.S.A. 12-6a01 to 12-6a17 and amendments thereto, inclusive, for the purpose of paying the cost of certain street, alley, parking lot and sewer improvements. The Bonds and the interest thereon will constitute general obligations of the City, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the City.

Legal Opinion. The Bonds will be sold subject to the legal opinion of GAAR & BELL, Overland Park, Kansas, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City, printed on the Bonds and delivered to the successful bidder as and when the Bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the Bonds is exempt from federal income taxation and from Kansas intangible personal property taxes.

Delivery and Payment. The City will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder within 45 days after the date of sale at such bank or trust company in the State of Kansas or Kansas City, Missouri as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the purchaser. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in federal reserve funds, immediately subject to use by the City.

Good Faith Deposit. Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$7,800 payable to the order of the City to secure the City from any loss resulting from the failure of the bidder to comply with the terms of its bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if its bid is not accepted. If a bid is accepted, said check will be held by the City until the bidder shall have complied with all of the terms and conditions of this Notice, at which time the check will be returned to the successful bidder or paid to its order at the option of the City. If a bid is accepted but the City shall fail to deliver the Bonds to the bidder in accordance with the terms and conditions of this Notice, said check will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this Notice, the proceeds of such check will be retained by the City as and for liquidated damages.

CUSIP Numbers. It is anticipated that CUSIP identification numbers will be printed on certificated Bonds or assigned to uncertificated Bonds, but neither the failure to print such number on or assign such number to any Bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on the Bonds will be paid by the City.

Bond Rating. The outstanding general obligation bonds of the City are rated "A1" by Moody's Investor Service, Inc., and the City has applied for rating on the Bonds herein offered for sale.

Bid Forms. All bids must be made on forms which may be procured from the City Clerk. No additions or alterations in such forms shall be made and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and to reject any or all bids.

Submission of Bids. Bids must be submitted in sealed envelopes addressed to the undersigned City Clerk, and marked "Proposal for the Purchase of Internal Improvement Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 10:00 A.M., Central Standard Time, on April 10, 1984.

Official Statement. The City has prepared a Preliminary Official Statement dated March 20, 1984, copies of which may be obtained from the City Clerk. Upon the sale of the Bonds, the City will adopt the final Official Statement dated May 1, 1984, and, at the request of the successful bidder, will furnish the successful bidder with a reasonable number of copies thereof without additional cost. Additional copies may be ordered by the successful bidder at its expense.

Assessed Valuation and Indebtedness. The total as-

(continued)

sessed valuation of the taxable, tangible property within the City for the year 1983 is \$121,680,095. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds being sold, is \$23,593,000. Temporary notes in the principal amount of \$462,000 will be retired out of proceeds of the Bonds and other available funds.

Additional Information. Additional information regarding the Bonds may be obtained from the City Clerk.

DATED this 20th day of March, 1984.

CITY OF HUTCHINSON, KANSAS

By VERNON STALLMAN, CMC,

Director of Finance/City Clerk

City Hall

125 East Avenue "B"

P.O. Box 1567

Hutchinson, KS 67504-1567

(316/665-2614)

Doc. No. 001982

(Published in the KANSAS REGISTER, March 29, 1984.)

**NOTICE OF BOND SALE
\$340,000
GENERAL OBLIGATION BONDS
OF THE
CITY OF WINFIELD, KANSAS**

THE CITY OF WINFIELD, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, WINFIELD, KANSAS, until 7 o'clock P.M., C.S.T., on

Monday, April 2, 1984

for \$340,000 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 139 Bonds will be dated as of April 1, 1984, and shall mature on April 1 in each of the years and in the amounts set forth below. Such Bonds shall be fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of Bonds maturing in each year. The Bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date	Principal Amount	Maturity Date
\$20,000	April 1, 1989	\$30,000	April 1, 1994*
20,000	April 1, 1990	30,000	April 1, 1995*
25,000	April 1, 1991	35,000	April 1, 1996*
25,000	April 1, 1992	40,000	April 1, 1997*
30,000	April 1, 1993	40,000	April 1, 1998*
		45,000	April 1, 1999*

**OPTIONAL REDEMPTION:* Bonds due April 1, 1994, to April 1, 1999, inclusive, are callable for redemption on April 1, 1993, or any interest payment date thereafter, in inverse numerical order at par and accrued interest to date of redemption plus a premium (expressed as a percentage of principal amount) as set out below:

*Redemption Period
(Dates Inclusive)*

Redemption Premium

April 1, 1993 through October 1, 1994

1%

April 1, 1995 through October 1, 1996

½%

April 1, 1997 and thereafter

0%

Notice of any call for redemption will be mailed to the registered owners of such Bonds to be redeemed at the address shown on the registration books maintained by the bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the Bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest will be payable semi-annually, commencing April 1, 1985, and each October 1 and April 1 thereafter. The principal of, and premium, if any, on the Bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas, in the City of Topeka, Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the Bonds for payment and cancellation. Interest on the Bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the Bonds shall be paid by the City.

Types of Bids and Interest Rates

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding five (5) different interest rates or four (4) interest rate changes, as may be specified by the bidder. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). The difference between the highest and lowest interest rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum rate allowed by Kansas law; said maximum rate being two percent (2%) above the "Bond Buyer's 20 Bond Index" of tax exempt municipal bonds, published in New York, New York on the Monday next preceding the day on which the Bonds are sold, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental interest rates will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at the CITY HALL, WINFIELD, KANSAS 67156, ATTENTION: DON DRENNAN, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to

(continued)

rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF WINFIELD, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

Basis for Award

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Delivery

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The number, denomination of Bonds, and names of the initial registered owners to be initially printed on the Bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than April 17, 1984. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or about May 1, 1984, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of any pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

Security

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each Bond and a manually signed original will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The

cost of this legal opinion and the expense of printing the Bonds and legal opinion will be paid by the City. Said legal opinion will state in part substantially that the Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City; and that, under existing law, the interest on said bonds is exempt from present Federal income taxation and the Bonds are exempt from intangible personal property taxes levied by Kansas cities, counties or townships. The Bonds are being issued for the purpose of paying the City's share of the cost of street improvements in the City of Winfield, Kansas.

Financial Information

Assessed valuation figures for the City of Winfield, Kansas for the year 1983, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property	\$22,804,025
Tangible Valuation of Motor Vehicles ...	5,068,648
Tangible Valuation of Motor Vehicle Dealers' Inventory	500,583
Assessed Valuation of Farm Machinery and Equipment (1982)	225
Assessed Valuation of business Aircraft (1982)	10,290
Equalized Assessed Tangible Valuation for Computation of Bonded Debt	\$28,383,771

The total general obligation bonded indebtedness of the City of Winfield, Kansas, including this issue of Bonds, is \$2,315,254. The City of Winfield, Kansas has Temporary Notes outstanding in the amount of \$224,330; none of which will be retired by the proceeds of this issue.

Further Information

Ranson & Company, Inc., acting as financial advisor, may be contacted at Suite 610, 120 South Market, Wichita, Kansas 67202, telephone (316) 262-2651, for additional information regarding these Bonds.

Dated this 19th day of March, 1984.

DON DRENNAN
City Clerk
Winfield, Kansas

Doc. No. 001975

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. 1983 Supp. 77-415 *et seq.* *These regulations are scheduled to become effective May 1, 1984, 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 3, 1984 issue of the *Register* will contain a complete index to regulations effective May 1, and any legislative actions on them.

The full text of the following administrative regulations has not been published because of its 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.

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

A. Public Assistance Program

1. **30-4-34. Program.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendment: The listing of burial assistance as a separate program.

2. **30-4-35. Application process.** This regulation is being amended to allow the agency the maximum 45 days allowed by federal regulation to approve or deny an application for assistance.

3. **30-4-38. Rights of applicants and recipients.** This regulation is being amended to reflect technical changes.

4. **30-4-39. Responsibilities of applicants and recipients.** This regulation is being amended to reflect technical changes.

5. **30-4-41. Assistance planning.** This regulation is being amended to adopt the provisions in K.A.R. 30-4-90(d) which requires that parents and children be in the same assistance plan in order to be eligible for GAU.

6. **30-4-52. Act in own behalf.** This regulation is being amended to:

- (a) Include the marriage of a 16 or 17 year old person as another condition of emancipation; and
- (b) indicate that an oral or written agreement by itself will no longer be sufficient to prove emancipation if the parties are actually acting contrary to same.

7. **30-4-53. Financial eligibility.** The temporary

regulation effective May 1, 1983 is being promulgated as a permanent regulation.

8. **30-4-56. Assignment or transfer of property.** This regulation is being amended to permit reducing the amount of the uncompensated value by the paid or incurred medical expenses accumulated from the date of the transfer to the month of application in determining the period of ineligibility.

9. **30-4-57. Job search requirements.** This regulation is being amended to:

- (a) Require recipients, unless exempted, to participate (if assigned) in an agency-approved job club or related activity;
- (b) allow volunteers to participate in an agency-approved job club or related activity and be reimbursed for expenses in the same manner as mandatory participants;
- (c) expand the exemption related to the care of a child under age six with only brief or infrequent absences to exempt the parent or other caretaker relative for the purpose of holding employment or participating in an agency-approved work related activity;
- (d) expand the exemption related to full-time employment to include a mentally or physically impaired person who is working to his or her full capacity;
- (e) restrict the definition of full-time to mean at least 30 hours per week with gross earnings, or adjusted gross earnings for the self-employed, that are equal to or in excess of \$100.00 per week;
- (f) clarify the penalty provision to state the penalty is applied to all persons for whom there is legal responsibility only when the principal wage earner in an ADC-UP case fails to meet the job search requirements; and
- (g) impose the penalty without delay or waiver even if a person becomes exempt during the penalty period.

10. **30-4-58. Potential employment.** This regulation is being amended to:

- (a) Clarify that the WIN penalty in ADC-UP situations is applied to all persons for whom there is legal responsibility only when the principal wage earner in the ADC-UP case fails to meet the WIN requirements; and
- (b) indicate that the penalty will not be delayed or waived because the person becomes exempt during the penalty period.

11. **30-4-60. Living in public institution.** This regulation is being amended to reflect technical changes.

12. **30-4-62. Community work experience program requirements.** This regulation is being amended to:

- (a) Add a person who has a physical or mental

(continued)

impairment and is working to the person's capacity to the list of exemptions.

- (b) Allow extended and frequent absences when the absence is for employment purposes in exempting any parent or other relative personally providing care for a child under the age of six.
- (c) Clarify that the penalty is applicable to all persons for whom there is legal responsibility only when the principal wage earner in an ADC-UP case fails to meet the work assignment.
- (d) Indicate that the penalty will not be delayed or waived because the person becomes exempt during the penalty period.

13. 30-4-85a. Eligibility factors specific to the EA program. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendments:

- (a) Expand coverage to disasters beyond natural disasters; and
- (b) require that the application for EA be filed within 30 days of the disaster or the eviction or potential eviction.

14. 30-4-90. Eligibility factors specific to the GA unrestricted (GAU) program. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendments:

- (a) The GAU provision for parents with children is being limited to those instances in which the parents have not voluntarily rendered themselves unavailable for employment; and
- (b) a person will not be considered voluntarily unavailable for employment if the person is attending high school on a full-time basis.

15. 30-4-91. Eligibility factors specific to the transitional GA (TGA) program. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

16. 30-4-96. Eligibility factors specific to the burial assistance (BA) program. The Secretary is promulgating a new regulation to establish the eligibility requirements for BA as a separate program. The eligibility requirements that are currently contained in K.A.R. 30-4-121 have been adopted except for the following changes:

- (a) The cost of an outside container may be considered either as a cemetery expense or a funeral expense;
- (b) the provision for out-of-trade area transportation has been deleted as a funeral expense; and
- (c) the provisions related to the living arrangement of the decedent at the time of death have been amended to require that the income and resources of a legally responsible person must be considered in situations where the decedent was not living with a legal dependent or a legally responsible person because of the need

for institutional care. The cost of institutional care will be deducted in determining the countable income.

17. 30-4-97. Eligibility factors specific to the TA program. This regulation is being revoked.

18. 30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA, and GA-FC programs. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

19. 30-4-102. Standards for persons in room, board, specialized living or care. The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation.

20. 30-4-106. General rules for consideration of resources including real property, personal property, and income. This regulation is being amended to:

- (a) Require the use of an adjustment factor to be applied to the uniform appraisal value to establish real property values;
- (b) require the value of personal property to be established by an estimate of one reputable dealer in the absence of a reputable trade publication;
- (c) count contributions made by a nonlegally responsible person (other than a stepparent) in the home that is above the assistance standard for one person; and
- (d) consider the resources of an SSI person in determining eligibility for burial assistance.

21. 30-4-107. Property exemption. The temporary regulation effective October 1, 1983 is being promulgated as a permanent regulation.

22. 30-4-108. Real property. This regulation is being amended to clarify that the home continues to be exempt if the client is only temporarily absent for a period not to exceed 12 months.

23. 30-4-109. Personal property. This regulation is being amended to shorten the period of time that conserved proceeds from the sale of a home can be considered exempt to the month received or the following month.

24. 30-4-110. Income. This regulation is being amended to:

- (a) Disregard the portion of a child's income which is received from a youth program funded by the Job Training Act of 1982 as applicable income except that the disregard of earned income will only be applied for a six month period;
- (b) permit the continuation of retrospective budgeting following a one month suspension due to either a prospective or retrospective determination of ineligibility for payment; and
- (c) permit the use of more than three months' income in averaging self-employment income.

(continued)

25. 30-4-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to:

- (a) Delete reference to settlements based on court decisions as an example of income that is exempt as a special government program benefit;
- (b) move the exemptions related to assistance payments received and assigned support payments to K.A.R. 30-4-113;
- (c) add an exemption of assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency if the assistance is used for the intended purpose; and
- (d) extend all exemptions to applicants as well as recipients.

26. 30-4-113. Income exempt as applicable income. This regulation is being amended to:

- (a) Disregard the portion of a child's income which is received from a youth program funded by the Job Training Act of 1982 as applicable income except that the disregard of earned income will only be applied for a six month period;
- (b) drop the reference to CETA from the exemption of work incentive payments;
- (c) delete the exemption of earned income from the youth demonstration program;
- (d) exempt housing assistance from federal housing programs;
- (e) exempt assistance payments in the month received;
- (f) exempt assigned support; and
- (g) exempt home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, a private nonprofit organization, a supplier of home heating oil or gas, or a municipal utility company which provides home energy if the assistance provided is based on need.

27. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU, and GA-FC. This regulation is being amended to:

- (a) Authorize job seeking expenses for any volunteers participating in an agency-approved job club or related activity; and
- (b) restrict the work expense allowance for CWEP and job search to transportation expenses.

28. 30-4-121. Special allowances for burial expenses. This regulation is being amended to:

- (a) Move the eligibility requirements to K.A.R. 30-4-96; and
- (b) increase the maximum allowances for funeral and cemetery expenses as noted below.

Casket Size	Allowance
Oversize casket	\$850.00
Adult casket	750.00
Casket, 5'	650.00
Casket, 4' to 4'6"	450.00
Casket, 3' to 3'6"	350.00
Casket, 2' to 2'6"	250.00
Infant casket, 1'9"	150.00

Cemetery expenses will not exceed \$250.00

If an outside container is required, an additional \$150.00 will be added to the above amounts.

29. 30-4-122a. Special allowances for EA. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

30. 30-4-123. Special allowances for recipients of transient assistance. This regulation is being revoked.

B. Medicaid/Medikan Program—Provider Participation, Scope of Services, Reimbursement

1. 30-5-58. Definitions. This regulation is being amended to clarify the following terms: "Physician extender" and "related to the community mental health center."

2. 30-5-61. Suspension of payments to medical providers. This regulation is being revoked and repromulgated as two separate regulations: 30-5-61a and 30-5-61b.

3. 30-5-61a. Withholding of payments to medical providers. The only substantive change in the material set forth in this new regulation is to allow the withholding of payments whenever the agency has been notified by the Department of Health and Human Services to withhold all or part of the federal share from payment to a medical provider.

4. 30-5-61b. Suspension of payment liability to medical providers. There are no substantive changes in the material set forth in this new regulation.

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

- (a) Grant the Division of Medical Programs the authority to lock adult medikan program recipients into designated providers;
- (b) further limit the scope of services for adult medikan program recipients as set forth in 30-5-150 through 30-5-172; and
- (c) further limit the scope of services for adult medicaid program recipients as set forth in 30-5-156, 30-5-160, and 30-5-161.

(continued)

6. **30-5-71. Co-pay requirements.** This regulation is being amended to:

- (a) Exempt services billed through Medicare crossover claims and recipients participating in the home and community based services program from any co-pay requirements; and
- (b) add the following to the list of services covered by co-pay requirements:
 - (1) Outpatient general hospital services—\$10.00 per visit;
 - (2) ambulatory surgery center services—\$10.00 per visit;
 - (3) inpatient general hospital services—\$25.00 per admission; and
 - (4) inpatient free-standing psychiatric facility services provided by a non-state facility—\$25.00 per admission.

7. **30-5-81. Scope of hospital services.** This regulation is being amended to:

- (a) Clarify that outpatient ambulance services are covered under 30-5-106 and 30-5-106a and not under 30-5-81 or 30-5-81a and 30-5-81b;
- (b) delete elective surgery (except for sterilization operations) as a covered service;
- (c) delete the requirement that inpatient drug and alcohol programs be certified by alcohol and drug abuse services;
- (d) 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;
- (e) require that all services be ordered by a physician;
- (f) delete the prior authorization requirement for the 30 day substance abuse program; and
- (g) state that certain non-Kansas hospitals may be required to submit documentaton of medical necessity if the stay exceeds the 75th percentile.

8. **30-5-81a. Participation in the hospital prospective payment system.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

9. **30-5-81b. The basis of reimbursement of hospital services.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

10. **30-5-81c. Definitions.** The temporary revocation of this regulation on March 29, 1983 is being made effective on a permanent basis.

11. **30-5-81d. Hospital prospective payment system review committee.** The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendment: If an alternate becomes unavailable, one of the remaining alternates of the same affiliation as the primary alternate may represent the absent member.

12. **30-5-81e through 30-5-81p.** The temporary revocation of the above mentioned regulations on March 29, 1983 is being made effective on a permanent basis.

13. **30-5-81q through 30-5-81s.** The temporary regulations effective March 29, 1983 are being promulgated as permanent regulations with the following amendment: Require that a request for per diem rate modification be filed within 60 days of being established unless there are unusual circumstances or within 60 days of the occurrence underlying the request, whichever comes later.

14. **30-5-83. Scope of services for ambulatory surgical centers.** This regulation is being amended to limit coverage to nonelective surgical services except for elective sterilizations.

15. **30-5-86. Scope of services by community mental health centers.** This regulation is being amended to:

- (a) Delete the term "day treatment";
- (b) specify that an admission evaluation may not exceed five hours per calendar year and may include a physical examination;
- (c) specify that the first three hours of testing associated with admission will not require prior authorization;
- (d) specify that services performed by a psychologist must be performed by a psychologist with a masters degree in clinical psychology; and
- (e) require that certifications by the Kansas Association of Community Mental Health Center Director professional standards committee be approved by the agency.

16. **30-5-87. Scope of early and periodic screening, diagnosis, and treatment (EPSDT).** This regulation is being amended to:

- (a) Make the list of services non-inclusive;
- (b) require that health and developmental histories and physical examinations be comprehensive in nature;
- (c) require that vision and hearing testing and laboratory services be appropriate under the circumstances;

(continued)

- (d) require direct referral for dental screening services;
- (e) limit coverage to recipients under 18 years of age; and
- (f) require that referrals include—diagnosis and treatment for defects in vision and hearing, including eyeglasses and hearing aids; and dental care needed for relief of pain and infections, restoration of teeth and maintenance of dental health; and appropriate immunizations.

17. 30-5-88. Scope of physician services. This regulation is being amended to:

- (a) Limit coverage for non-psychiatric office visits to 12 per calendar year;
- (b) limit coverage for psychiatric office visits to 24 hours per calendar year except for EPSDT program participants;
- (c) delete elective surgery (except for sterilizations) as a covered service;
- (d) clarify that the term "technicians" means medical technicians;
- (e) add family planning services and materials provided by a county health department as covered services; and
- (f) delete the limitations on psychological testing and evaluation.

18. 30-5-94. Reimbursement for pharmacy services. This regulation is being amended to specify that individual pharmacy providers with data which exceed selected regression analysis norms by a factor greater than 1.0 standard deviation shall have allocated cost data relative to the selected norm limited to a value at 1.0 standard deviation above the norm.

19. 30-5-95. Cost report requirement for pharmacy services. This regulation is being amended to assign a \$0.00 professional fee to pharmacies that elect not to file a cost report or prescription survey when required.

20. 30-5-100. Scope of dental services. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation.

21. 30-5-101. Scope of chiropractic services. The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendment: Limit office visits to 12 per calendar year.

22. 30-5-104. Scope of psychologists' services. This regulation is being amended to specify that:

- (a) The first three hours of testing and evaluation associated with the treatment of a psychologist or psychiatrist or admission to a community mental health center treatment program, ICF-MR hospital or residential treatment facility for children will not require prior authorization; and
- (b) limit office visits to 24 hours per calendar year

in lieu of an average of two hours of individual therapy or two hours of group therapy or any combination of these per month.

23. 30-5-106. Scope of ambulance services. This regulation is being amended to delete the use of ambulances for the non-emergency transporting of persons confined to wheelchairs as a covered service.

24. 30-5-107. Scope of non-ambulance medical transportation services. This regulation is being amended to:

- (a) Expand the scope of services to cover trips for participants in the home and community based services program;
- (b) indicate that transportation services include the transporting of persons confined to wheelchairs; and
- (c) have the words private and public (except for public motor carrier) changed respectively to the words commercial and non-commercial.

25. 30-5-108. Scope of services for durable medical equipment, medical supplies, orthotics, and prosthetics. This regulation is being amended to allow provision of wheelchairs and other necessary equipment and supplies to program recipients who are residents of intermediate care facilities for the mentally retarded.

26. 30-5-110. Scope of psychiatric partial hospitalization programs. This regulation is being amended to limit coverage to 2080 hours per calendar year and to delete the term "day treatment."

27. 30-5-110a. Reimbursement for psychiatric partial hospitalization programs. This regulation is being amended to delete the term "day treatment."

28. 30-5-111. Screening, evaluation, and referral services for persons ineligible to participate in the medicaid/medikan program. The temporary regulation effective October 1, 1983 is being promulgated as a permanent regulation.

29. 30-5-150. Co-pay requirements for adult medikan program recipients. The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation with the following amendment: Waiver of co-pay requirements for persons participating in the home and community based services program.

30. 30-5-151. Scope of hospital services for adult medikan program recipients. The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendment: Add elective sterilization operations as a covered service.

31. 30-5-152. Scope of rural health clinic services for adult medikan program recipients. The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

(continued)

32. 30-5-154. Scope of services by community mental health centers for adult medikan program recipients. The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

33. 30-5-155. Scope of early and periodic screening, diagnosis and treatment services for adult medikan program recipients. The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

34. 30-5-156. Scope of physician services for adult medikan program recipients. The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation with the following amendments: (1) Add elective sterilization operations as a covered service; and (2) make the regulation applicable to adult medicaid program recipients.

35. 30-5-157. Scope of home health services for adult medikan program recipients. The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

36. 30-5-158. Scope of pharmacy services for adult medikan program recipients. The temporary regulation effective April 1, 1983 is being promulgated as a permanent regulation.

37. 30-5-159. Scope of dental services for adult medikan program recipients. The temporary regulation effective April 1, 1983 (as modified by 1983 SCR 1632) is being promulgated as a permanent regulation.

38. 30-5-160 through 30-5-172. The temporary regulations effective April 1, 1983 are being promulgated as permanent regulations with the following amendments:

- (a) Expand the scope of coverage for psychologists' services to be the same as for adult medicaid program recipients except that psychological testing and evaluation will be limited to six hours of testing during any three consecutive calendar years;
- (b) exempt the first three hours of testing and evaluation associated with admissions to a community mental health center treatment program, ICF-MR, or hospital from the prior authorization requirement;
- (c) add family planning services provided by a family planning clinic or physician as a covered service;
- (d) add elective sterilization operations provided by an ambulatory surgical care center as a covered service; and
- (e) make 30-5-160 and 30-5-161 applicable to adult medicaid program recipients.

C. Medicaid/Medikan Program—Client Eligibility

1. 30-6-34. Program. This regulation is being amended to reflect technical changes.

2. 30-6-35. Application process. This regulation is

being amended to delete as an exception to the 45 day time limit for the application process the request for a postponement of 30 days by the applicant.

3. 30-6-39. Responsibilities of applicants and recipients. This regulation is being amended to reflect technical changes.

4. 30-6-41. Assistance planning. This regulation is being amended to delete the provision which excludes the needs of an unborn child from the protected income standard.

5. 30-6-50. Determined eligibles; general eligibility factors. This regulation is being amended to reflect technical changes.

6. 30-6-51. Assistance eligibility, general. This regulation is being amended to reflect technical changes.

7. 30-6-52. Act in own behalf. This regulation is being amended to:

- (a) Include the marriage of a 16 or 17 year old person as another condition of emancipation; and
- (b) indicate that an oral or written agreement will no longer be sufficient to prove emancipation if the parties are actually acting contrary to same.

8. 30-6-53. Financial eligibility. This regulation is being amended to allow the cost of social services designated as medical services under the Home and Community Based Services (HCBS) program to reduce the spenddown requirement.

9. 30-6-56. Assignment or transfer of property. This regulation is being amended to clarify that paid or incurred medical expenses accumulated from the date of the property transfer to the beginning of the initial eligibility base period are allowable to reduce the amount of the uncompensated value when determining the special spenddown.

10. 30-6-57. Job search requirements. This regulation is being amended to:

- (a) Require recipients, unless exempted, to participate (if assigned) in an agency-approved job club or related activity;
- (b) allow volunteers to participate in an agency-approved job club or related activity and be reimbursed for expenses in the same manner as mandatory participants;
- (c) expand the exemption related to the care of a child under age six with only brief or infrequent absences to exempt the parent or other caretaker relative for the purpose of holding employment or participating in an agency-approved work related activity;
- (d) expand the exemption related to full-time employment to include a mentally or physically impaired person who is working to his or her full capacity;

(continued)

- (e) restrict the definition of full-time to mean at least 30 hours per week with gross earnings, or adjusted gross earnings for the self-employed, that are equal to or in excess of \$100.00 per week;
- (f) clarify the penalty provision to state the penalty is applied to all persons for whom there is legal responsibility only when the principal wage earner in an ADC-UP case fails to meet the job search requirements; and
- (g) impose the penalty without delay or waiver even if a person becomes exempt during the penalty period.

11. 30-6-58. Potential employment. This regulation is being amended to:

- (a) Clarify that the penalty in ADC-UP situations is applied to all persons for whom there is legal responsibility only when the principal wage earner in the ADC-UP case fails to meet the potential employment requirements; and
- (b) indicate that the penalty will not be delayed or waived because the person becomes exempt during the penalty period.

12. 30-6-60. Living in a public institution. This regulation is being amended to reflect technical changes.

13. 30-6-65. Automatic eligibles. This regulation is being amended to:

- (a) Delete coverage for transients;
- (b) reinstate language indicating no automatic eligibility for recipients of emergency assistance;
- (c) provide automatic MA eligibility for recipients not receiving a grant because the agency is recovering an overpayment; the grant is less than \$10.00; or there is prospective eligibility but no grant due to retrospective budgeting; and
- (d) delete the provision that excluded EITC as earned income for purposes of receiving the four-month extended medical benefit.

14. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the one person protected income level for persons in independent living to \$315.00 a month.

15. 30-6-106. General rules for consideration of resources including real property, personal property, and income. This regulation is being amended to:

- (a) Require the use of an adjustment factor to be applied to the uniform appraisal value to establish real property values; and
- (b) require the value of personal property to be established by an estimate of one reputable dealer in the absence of a reputable trade publication.

16. 30-6-107. Property exemption. This regulation is being amended to:

- (a) For SSI, determine the value of resources using the value of the resources as of the first moment of the first day of the month;
- (b) establish a disposal period of six months for real property and three months for personal property; and
- (c) make the provision that permits the granting of assistance pending a recipient's bona fide efforts to dispose of excess property at a reasonable market value only applicable to SSI related cases.

17. 30-6-108. Real property. This regulation is being amended to clarify that:

- (a) For both non-SSI and SSI, the home continues to be exempt if the client is only temporarily absent for a period not to exceed 12 months; and
- (b) for SSI, the home continues to be exempt if a disabled dependent relative remains in the home when the recipient enters an institutional living arrangement.

18. 30-6-109. Personal property. This regulation is being amended to:

- (a) Reformat the listing of property exemptions that apply to the SSI and non-SSI coverage groups; and
- (b) for non-SSI, shorten the period of time that conserved proceeds from the sale of a home can be considered exempt to the month received or the following month.

19. 30-6-110. Income. This regulation is being amended to reflect technical changes.

20. 30-6-111. Applicable income. This regulation is being amended to include the provision for the earned income disregard in long-term care of \$75.00, if employed full time, and \$50.00, if employed part time.

21. 30-6-112. Income exempt from consideration as income and as a cash asset. This regulation is being amended to reformat the listing of exemptions. In addition, the following exemptions have been added or revised:

- (a) For non-SSI, assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency, if the assistance is used for the intended purpose;
- (b) for SSI, housing assistance from federal housing programs run by state and local subdivisions;
- (c) for SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within nine months of its receipt. This time period may be extended for good cause;

(continued)

- (d) for SSI, in kind support, vouchers, or cash assistance for food, clothing, or shelter provided by public or private organizations or agencies, if the assistance is based on need;
- (e) for SSI, income necessary for fulfillment of an approved plan to achieve self support established for a blind or disabled person;
- (f) for SSI, assistance furnished in connection with a presidentially declared disaster and any interest earned on the assistance for the first nine months;
- (g) for SSI, interest which is paid on excluded burial funds and left to accumulate;
- (h) for SSI, proceeds from a bona fide and legal loan requiring repayment for a time period not to exceed three months beginning with the month of receipt;
- (i) delete reference to settlements based on court decisions vis-a-vis income that is exempt as a special government program benefit;
- (j) extend all exemptions to applicants as well as recipients; and
- (k) transfer the material related to assistance payments received and assigned support payments to 30-6-113.

22. 30-6-113. Income exempt as applicable income. This regulation is being amended to:

- (a) Reformat the listing of exemptions;
- (b) limit the exemption for interest credited to a checking and savings account to non-SSI cases; and
- (c) add the following disregards and exemptions:
 - (1) Assistance payments in the month received;
 - (2) for non-SSI, housing assistance from federal housing programs;
 - (3) for non-SSI, support payments covered by an assignment of support rights related to ADC and ADC-FC and forwarded to the agency, except when the agency disburses a support refund to the client;
 - (4) for SSI, refund of taxes paid on real property or on food purchases;
 - (5) for SSI, irregular or infrequent earned income if it totals no more than \$10.00 a month or \$30.00 a quarter;
 - (6) for SSI, irregular or infrequent unearned income if it totals no more than \$20.00 a month or \$60.00 a quarter;
 - (7) for SSI, one third of child support payments received by an eligible child from an absent parent;
 - (8) for SSI, earnings (up to \$400.00 a month, but not more than \$1,620.00 a year) of an unmarried child who is a student under 22 years of age;
 - (9) for SSI, work expenses of a blind recipient;

- (10) for SSI, impairment related work expenses of a disabled recipient;
- (11) for SSI, incentive allowances and reimbursements for individuals in training to provide support services under the JTPA programs. In addition, the exemptions for tax refunds and rebates and irregular occasional or unpredictable gifts have been restricted to non-SSI cases;
- (12) the portion of a child's income which is received from a youth program funded by the Job Training Act of 1982 as applicable income except that the disregard of earned income will only be applied for a six month period; and
- (13) home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, a private nonprofit organization, a supplier of home heating oil or gas, or a municipal utility company which provides home energy if the assistance provided is based on need.

23. 30-6-140. Payment amounts. This regulation is being amended to delete the penalty provision related to the GA medically needy program.

D. Medicaid/Medikan Program—Adult Care Homes

1. 30-10-1a. Adult care home program definitions. The term "Intermediate care facility for the mentally ill . . ." is being amended to read "Intermediate care facility for mental health."

2. 30-10-1b. Adult care home facilities. This regulation is being amended to reflect technical changes.

3. 30-10-1e. Bond. The Secretary is promulgating a new regulation concerning the requiring of a bond in certain instances. The text of the regulation is "As a prerequisite for participation in the medicaid/medikan program as an adult care home provider, the owner or lessee, at the request of the agency, shall file a bond to protect the financial interests of the agency. The bond shall be in a form and amount as prescribed by the agency. Any bond shall not exceed \$100,000.00."

4. 30-10-3. Standard for participation; intermediate care facility and intermediate care facility for mental health. This regulation is being amended to reflect technical changes.

5. 30-10-6. Admission procedure. This regulation is being amended to reflect technical changes.

6. 30-10-7. Certification and recertification by physicians. The temporary regulation effective July 1, 1983 is being promulgated as a permanent regulation.

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

(continued)

for mental health. This regulation is being amended to reflect technical changes.

8. 30-10-9. Utilization review of adult care homes. This regulation is being amended to reflect technical changes.

9. 30-10-11. Personal needs fund. This regulation is being amended to update material adopted by reference and add 42 CFR 405.1121(m) and 442.311 to such material.

10. 30-10-12. Reimbursement. This regulation is being amended to:

- (a) Revise the reserve day policy to allow for 21 days per state mental institution admission because of an acute condition for residents from an ICF-MH;
- (b) reduce the number of therapeutic reserve days from 18 to 12 per calendar year for those persons residing in an ICF or SNF; and
- (c) reduce the number of therapeutic reserve days from 30 to 15 for those persons residing in an ICF-MR.

11. 30-10-13. Prospective reasonable cost-related reimbursement. The temporary regulation effective May 1, 1983 is being promulgated as a permanent regulation with the following amendments: (1) The failure of a provider to submit a cost report will cause its payment rate or rates to be adjusted to the greater of the provider's current rate or rates less 10% or to the lowest rate paid for the level or levels of care in which the provider participates in the medicaid/medikan program; (2) any bed days paid for by the patient or any other party on behalf of the patient before an admission date will not be counted as a patient day; and (3) the treatment of costs may include a current use value of the provider's fixed assets used in patient care.

E. Mental Health and Retardation Services

1. 30-23-8. Who shall sign application. This regulation is being amended to reflect technical changes.

F. Alcohol and Drug Safety Action Program

1. 30-31-13. Alcohol and drug safety action program assessment fee. This regulation is being revoked.

G. Non-Medical Community Based Agencies Providing Services to Handicapped Adults.

1. The certification regulations set forth in Article 42 are being revoked. Certain items as set forth below are being transferred to the licensing regulations set forth in Article 41.

- (a) The transfer of the definitions of the terms "annual goal" and "objective" to 30-41-1.
- (b) The transfer of the general admission policies to 30-41-6a.

(c) The transfer of the following client record items to 30-41-6h (a new regulation): application for admission, financial agreement, accident reports, health status, and confidentiality of record.

(d) The transfer of fiscal policies to 30-41-6f.

(e) The transfer of personnel policies to 30-41-6b.

2. The following amendments are being made to the above mentioned transferred material.

(a) Clients records—Require that documentation of health status, etc., by a medical practitioner be on a bi-annual basis in lieu of annually.

(b) Fiscal policies—Delete the requirement that an agency's bookkeeping system be approved by the department's audit section and in lieu thereof insert the requirement that such bookkeeping system meet industry standards, safeguard the agency's funds and assets, and generate financial reports in accordance with generally accepted accounting principles.

(c) Personnel policies—Allow an agency employee who is a blood relative to be a guardian or conservator if the proposed ward is an agency client.

3. 30-41-1. Definitions. The following definitions are being amended: Adult day care, adult life skills training, community living program, corporal punishment, day care, group living, independent living, residential services, respite care, semi-independent living, vocational evaluation, work activity or adjustment services, work evaluation, and work training and adjustment.

4. 30-41-6d. Health policies. The term "dairy" products is being amended to the term "milk and milk" products.

5. 30-41-6e. Insurance policies. This regulation is being amended as follows:

Each agency shall maintain liability insurance in an amount not less than \$25,000.00 per occurrence and not less than an annual aggregate of \$75,000.00. Each agency, for the protection of its clients, shall also maintain professional liability coverage for legal liability arising out of the rendering or failure to render professional services by the agency or its staff. This coverage shall be in an amount of not less than \$25,000.00 per claim with an annual aggregate of \$75,000.00.

6. 30-41-7b(b). Buildings, general. This regulation is being amended to require that deficiencies noted by a fire inspector be corrected within 30 days from the date of inspection.

H. Corporate Guardians

1. 30-43-1. The Secretary is promulgating a new regulation concerning corporate guardians. The text of the proposed regulation is set forth below:

(continued)

30-43-1. Certification of corporate guardians. (a) Each corporation requesting to be certified as suitable to perform the duties of a guardian shall make application on forms prescribed by the secretary. Each corporation, along with its application, shall furnish the agency with a copy of its articles of incorporation, an organizational chart, including the names of the board of directors, a current financial statement, and a detailed plan of operation concerning its functions as a corporate guardian. The corporation shall update the information provided on the application and attachments, as necessary.

(b) To be eligible for certification, each corporation shall:

- (1) Provide proof of corporate stability;
- (2) provide proof of financial solvency;
- (3) have access to qualified professionals to provide consultation concerning the needs of the wards for whom the corporation is acting as guardian;
- (4) have access to an attorney to provide necessary legal services in relationship to its guardian responsibilities;
- (5) maintain liability insurance coverage of at least \$25,000.00 per occurrence for the protection of the wards from corporate negligence;
- (6) provide orientation and in-service training, as approved by the agency, to persons working with wards and their supervisors. No person may serve as a supervisor or be directly responsible for a ward unless that person has attended the required orientation or in-service training sessions, as appropriate;
- (7) assign a specific individual to be directly responsible for each ward. No person shall be directly responsible for more than 15 wards;
- (8) assign a supervisor to each person who is directly responsible for a ward. No supervisor shall have more than 10 supervisees;
- (9) not assign a person to be a supervisor or to work with wards if that person has ever been:
 - (A) Convicted of a felony or crime against persons;
 - (B) removed as a guardian or conservator by the court for cause; or
 - (C) relieved of responsibilities in the guardianship program by a corporation for cause;
- (10) ensure that the person assigned the direct responsibility for a ward lives within 50 miles of the ward, has an active involvement with the ward and makes contact with the ward, as necessary, encourages appropriate interaction of immediate family members, relatives, and friends with the ward, and effectively carries out the corporation's guardianship responsibility to the ward. The person who is assigned responsibility for a ward shall contact the ward at least once each week and shall meet in person with the ward at least once each month. If a ward's mental status is diminished to the extent that the ward cannot communicate with the person assigned to the ward,

the weekly contact shall be with a person who has day to day contact with the ward or who supervises such activities;

(11) designate back-up persons for each person assigned to a ward and maintain a 24 hour telephone system, at no cost to the ward, to ensure coverage in an emergency;

(12) ensure that a ward is not used in a fund raising or publicity campaign without the approval of the agency;

(13) have a written grievance procedure for wards;

(14) assign a specific staff person to act on behalf of the corporation to carry out the corporation's guardianship responsibility for each ward for whom the corporation is acting as guardian;

(15) maintain a file and case log for each ward;

(16) furnish reports to the agency, as requested;

(17) report serious injuries of wards to the agency within 72 hours of their occurrence;

(18) notify the agency if a supervisor or person working with a ward is:

(A) Convicted of a felony or crime against persons;

(B) removed as a guardian or conservator by the court for cause; or

(C) relieved of responsibilities in the guardianship program by a corporation for cause; and

(19) allow the agency to have access to wards and their records.

(c) Hearings to revoke certification shall be conducted pursuant to K.A.R. 30-7-26 *et seq.*

ROBERT C. HARDER

Secretary of Social and Rehabilitation Services

Doc. No. 001925

(Published in the *KANSAS REGISTER*, March 29, 1984.)

HOUSE BILL No. 2603

AN ACT concerning land surveys; relating to filings with the secretary of state; amending K.S.A. 58-2011 and repealing the existing section.

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

Section 1. K.S.A. 58-2011 is hereby amended to read as follows: 58-2011. (a) Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a copy of the *report of the completed survey* and references to the corner or accessory with the secretary of state and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the secretary of state, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of state.

(b) Any person engaged in an activity in which a United States public land survey corner or any related accessory is likely to be altered, removed, damaged or destroyed shall have a person qualified to practice land surveying establish such reference points as necessary for the restoration, reestablishment or replacement of the corner or accessory. The land surveyor shall file a reference report with the secretary of state and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within 30 days of the date the references are made. At the time of filing such report with the

(Published in the KANSAS REGISTER, March 29, 1984.)

HOUSE BILL No. 2789

AN ACT relating to taxation of gross earnings derived from money, notes and other evidence of debt; concerning the tax situs thereof; repealing K.S.A. 12-1,103.

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

Section 1. (a) Gross earnings derived from money, notes and other evidence of debt which is received or receivable by any individual arising out of, or acquired in the conduct of, business transacted by such person in this state shall be presumed to have been received or receivable at the individual's place of domicile within this state or, if there is no such place of domicile, then at the place or places at which any of the money, notes or other evidence of debt of the individual have acquired a situs within this state.

(b) Gross earnings derived from money, notes and other evidence of debt which is received or receivable by any firm, association or corporation arising out of, or acquired in the conduct of, business transacted by such firm, association or corporation in this state shall be presumed to have been received or receivable at the principal business office of such firm, association or corporation located within this state or, if there is no such office, then at the place or places at which any of the money, notes or other evidence of debt of the firm, association or corporation have acquired a situs within this state.

(c) The presumption created in subsections (a) and (b) may be rebutted by substantial evidence that the person, firm, association or corporation otherwise entitled to receive the gross earnings from money, notes or other evidence of debt has relinquished possession and control over such money, notes or other evidence of debt and the gross earnings therefrom, and that the money, notes or other evidence of debt and the gross earnings therefrom have been localized at, and integrated with the business of, some location in this state other than that specified in subsection (a) or (b).

Sec. 2. K.S.A. 12-1,103 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 13, 1984.

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

Passed the SENATE March 14, 1984.

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

APPROVED March 21, 1984.

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 26th day of March, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

secretary of state, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of state.

(c) Upon completion of the activity likely to alter, remove, damage or destroy the public land survey corner or related accessory, the land surveyor shall review the survey corner and its accessories. If the survey corner or any accessory has been altered, removed, damaged or destroyed, the land surveyor shall replace the corner or accessory with a survey monument and file a restoration report with the secretary of state and the county surveyor in the county or counties in which it existed. If the survey corner and accessories are not damaged during the activity, a restoration report so stating shall be filed with the secretary of state and county surveyor's office. Such report shall be filed within 30 days after the activity is completed. At the time of filing such report with the office of the secretary of state the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of state.

(d) Failure to comply with the filing requirements of this section shall be grounds for the suspension or revocation of the land surveyor's license.

(e) The secretary of state may produce, reproduce and sell maps, plats, reports, studies and records relating to land surveys. The secretary of state shall charge a fee in an amount to be fixed by rules and regulations of the secretary for the furnishing of information retrieved from records filed pursuant to this section and for reproductions or copies of maps, plats, reports, studies and records filed in such office.

(f) All moneys collected by the secretary of state under the provisions of this section shall be paid to the state treasurer on or before the last day of each month. Upon receipt thereof the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the land survey fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants approved by the secretary of state or a person designated by the secretary of state and shall be used only for the purpose of paying the costs incurred in administering the provisions of this act.

Sec. 2. K.S.A. 58-2011 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 13, 1984.

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

Passed the SENATE March 14, 1984.

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

APPROVED March 21, 1984.

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 26th day of March, 1984.

JACK H. BRIER
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, March 29, 1984.)

(Published in the KANSAS REGISTER, March 29, 1984.)

HOUSE BILL No. 3002

AN ACT concerning imprest funds; relating to uses thereof; amending K.S.A. 75-3072 and repealing the existing section.

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

Section 1. K.S.A. 75-3072 is hereby amended to read as follows: 75-3072. (a) *Subject to subsection (b)*, imprest funds established by or under this act may be used to provide for transactions which demand immediate attention and may also be used to provide advance payments for such purposes of not to exceed ~~three thousand dollars (\$3,000)~~ \$3,000 or such lesser amount as is in the particular imprest fund.

(b) In no event may any such imprest fund be used to pay regular employees or current accounts which are payable monthly, *except that imprest funds may be used to pay amounts to employees to correct payroll errors in accordance with procedures and limitations adopted therefor by the director of accounts and reports and approved by the secretary of administration. In accordance with procedures and limitations adopted by the director of accounts and reports and approved by the secretary of administration, imprest funds may be increased above the amounts specified by K.S.A. 75-3057 to 75-3078, inclusive, and amendments thereto, when, in the judgment of the secretary of administration, such increase is reasonably necessary in order to pay amounts from the imprest funds to correct payroll errors.* In no case may moneys be advanced from any such fund when not in actual liquidation of an obligation, except as specifically authorized by this or any other statute.

(c) In the event advance payments or payments to correct payroll errors are made from any such imprest fund, the agency shall make reports thereof in compliance with such procedures as the director of accounts and reports may require.

Sec. 2. K.S.A. 75-3072 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 29, 1984.

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

Passed the SENATE March 14, 1984.

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

APPROVED March 21, 1984.

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 26th day of March, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

SENATE BILL No. 518

AN ACT concerning grain warehouses; relating to requirements for licensure of certain warehouses; reviving and amending K.S.A. 34-229 and K.S.A. 1982 Supp. 34-228 and 34-230 and repealing the existing sections; also repealing K.S.A. 1982 Supp. 34-228, as amended by section 1 of chapter 137 of the 1983 Session Laws of Kansas, K.S.A. 34-229, as amended by section 2 of chapter 137 of the 1983 Session Laws of Kansas, and K.S.A. 1982 Supp. 34-230, as amended by section 3 of chapter 137 of the 1983 Session Laws of Kansas.

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

Section 1. K.S.A. 1982 Supp. 34-228 is hereby revived and amended to read as follows: 34-228. (a) Any person desiring to engage in business as a public warehouseman in this state shall, before the transaction of any such business, ~~present make written application to the director of the state grain inspection department, on a form designated by the director, a written application~~ for a license for each separate warehouse (or in case, if the applicant owns more than one warehouse at one point, then all of such warehouses may be incorporated in one application) at which such the person desires to ~~do~~ engage in such business ~~and~~. The application for a license shall be on a form designated by the director and shall contain the individual name and address of each person interested as principal in the business (and in case, if the business is operated or to be operated by a corporation, setting forth the names of the president and secretary) ~~and further setting forth a complete certified financial statement of recent date on a blank furnished by the director, and such further information as the director may require.~~

(b) Every application for a public warehouse license shall be accompanied by a current financial statement. The statement shall include such information as required by the director to administer and enforce the public warehouse laws of this state, including but not limited to a current balance sheet, statement of income (profit and loss), statement of retained earnings and statement of changes in financial position. The applicant shall certify under oath that the statement as prepared accurately reflects the financial condition of the applicant as of the date specified and presents fairly the results of operations of the applicant's public warehouse business for the period specified. The financial statement shall be prepared in accordance with generally accepted accounting principles and shall be accompanied by: (1) A report of audit or review conducted by an independent certified public accountant or an independent public accountant in accordance with standards established by the American institute of certified public accountants and the accountant's certifications, assurances, opinions, comments and notes with respect to the statement; or (2) a compilation report of the financial statement, prepared by a grain commission firm or management firm which is authorized pursuant to rules and regulations of the federal commodity credit corporation to provide compilation reports of financial statements of warehousemen.

The director, upon request of an applicant, may grant a waiver of the requirements of this subsection for a period of not more than 90 days if the applicant furnishes evidence of good and substantial reasons for the waiver.

(c) (1) Every applicant for a license to operate one or more public warehouses and every person licensed to operate one or more warehouses shall at all times maintain total net worth liable for the payment of any indebtedness arising from the conduct of the warehouse or warehouses equal to at least \$20 per bushel of the storage capacity of the warehouse or warehouses except: (A) No person shall be granted a license or shall continue to be licensed unless the person has a net worth of at least \$25,000 and (B) any deficiency in net worth required above the \$25,000 minimum may be supplied by an increase in the amount of the applicant's or licensee's bond as provided by K.S.A. 34-229 and amendments thereto.

(2) In determining total net worth: (A) Credit may be given for insurable property such as buildings, machinery, equipment and merchandise inventory only to the extent that the property is protected by insurance against loss or damage by fire and (B) capital stock, as such, shall not be considered a liability.

(continued)

(d) No license shall be issued to a person or entity not previously licensed in this state and making application for an original license who, in this state or any other jurisdiction, within the 10 years immediately prior to the date of the application of the person or entity for a license, has been convicted of or has pleaded guilty or nolo contendere to any crime which would constitute:

- (1) Embezzlement;
- (2) any felony defined in article 37 of chapter 21 of the Kansas Statutes Annotated;
- (3) unauthorized delivery of stored goods;
- (4) any felony defined in chapter 34 of the Kansas Statutes Annotated; or
- (5) a violation of the United States warehouse act (7 U.S.C. 241 et seq.).

(e) The director may investigate any applicant making application for an original license for the purpose of determining if such person would be qualified to receive such license under the provisions of this section.

(f) Every application for a public warehouse license shall be accompanied by a license fee which shall be determined and fixed by the director by rules and regulations. Prior to determining and fixing such the license fees, the director shall consider recommendations thereon by the state grain advisory commission. Such The license fees shall not be more than the amounts shown on in the following fee schedule:

Capacity in Bushels	ANNUAL FEE	
		Not more than
1 to 100,000	\$350.00	\$350
100,001 to 150,000	375.00	375
150,001 to 250,000	400.00	400
250,001 to 300,000	425.00	425
300,001 to 350,000	450.00	450
350,001 to 400,000	475.00	475
400,001 to 450,000	500.00	500
450,001 to 500,000	525.00	525
500,001 to 600,000	550.00	550
600,001 to 700,000	575.00	575
700,001 to 800,000	600.00	600
800,001 to 900,000	625.00	625
900,001 to 1,000,000	650.00	650
1,000,001 to 1,750,000	675.00	675
1,750,001 to 2,500,000	1,000.00	1,000
2,500,001 to 5,000,000	1,250.00	1,250
5,000,000 5,000,001 to 7,500,000	1,500.00	1,500
7,500,001 to 10,000,000	1,700.00	1,700
10,000,001 to 12,500,000	1,850.00	1,850
12,500,001 to 15,000,000	2,000.00	2,000
15,000,001 to 17,500,000	2,150.00	2,150
17,500,001 to 20,000,000	2,300.00	2,300
For each 2,500,000 bushels or fraction over 20,000,000 bushels	250.00	250

Whenever a licensed warehouseman purchases or acquires additional facilities, such the warehouseman may, if such warehouseman is, if otherwise qualified, may acquire a license for the remainder of an unexpired license period by paying to the director a license fee computed as follows: If the unexpired license period is nine months or more, the annual fee; if the unexpired license period is more than six months and less than nine months, 75% of the annual fee; if the unexpired license period is more than three months and not more than six months, 50% of the annual fee; and if the unexpired license period is three months or less than three months, 25% of the annual fee. Nothing herein contained in this subsection shall be construed to authorize a refund for any unused portion of an issued license.

(g) Every public warehouse licensee shall be entitled to one complete examination of such the licensee's warehouse by the department each year, without further costs. The cost of additional examinations when requested by the warehouseman shall be charged to the warehouseman requesting such the examination. The director, at the director's discretion, may make additional examinations of a warehouse and if a discrepancy is found on any such that examination, or if one was found on making the last previous examination, the cost of such the examination shall be paid by the warehouseman.

Sec. 2. K.S.A. 34-229 is hereby revived and amended to read as follows: 34-229. (a) Every applicant for a public warehouse license shall promptly, upon notification by said the director of

the amount of bond required, file with said the director his a bond with good corporate surety qualified under the laws of the state of Kansas in a sum computed as follows: Capacity of the warehouse times by adding together: (1) The amount, up to \$200,000, obtained by multiplying the closing cash grain price per bushel, less \$.25, of No. 2 hard ordinary wheat in Kansas City on the first Monday in April of each year, less twenty-five cents (25) per bushel times fifteen percent (15%) up to a sum of two hundred thousand dollars (\$200,000), and above two hundred thousand dollars (\$200,000) add times 15% of the warehouse capacity; and (2) the amount obtained by multiplying said that cash grain price per bushel less twenty-five cents (25) times one percent (1%) times capacity \$.25 times 1% of the warehouse capacity in excess of that capacity used to compute the first two hundred thousand dollars (\$200,000) \$200,000 of the amount of the bond: Provided, That. In no event shall said the bond be for an amount less than ten thousand dollars (\$10,000); Said \$10,000.

(b) If an applicant for a license or a licensee at any time does not have the total net worth required by K.S.A. 1982 Supp. 34-228 and amendments thereto, an amount equal to the deficiency shall be added to the amount of the bond required by subsection (a).

(c) The bond shall be in favor of the state of Kansas for the benefit of all persons interested, their legal representatives, attorneys, or assigns; and shall be conditioned for on the faithful performance of all his the licensee's duties as such a public warehouseman; and of such additional obligations as may be assumed by the warehouseman under contracts with a federal agency relating to storage of grain in each warehouse. Any person injured by the breach of any obligation of such the warehouseman may commence suit on such the bond in any court of competent jurisdiction to recover damages he may have that the person has sustained: Provided, Any suit so instituted, but any suit commenced shall either be a class action or shall join as parties plaintiff or parties defendant or other persons who may be affected by such suit on said the bond. In case any person shall make application

(d) If a person applies for licenses for two (2) or more separate public warehouses in this state, he the person may give a single bond covering all such the applications, and the amount of such the bond shall be the total amounts which would be required for the several applications if separate bonds were given: Provided, however, That. In computing the amount of such the single bond the warehouseman may add together the capacity of all warehouses to be covered thereby by the bond and use such the aggregate capacity for the purpose of computing said the bond. Where If a warehouseman elects to provide such a single bond for a number of warehouses, the total assets of all such the warehouses shall be subject to liabilities of each individual warehouse.

(e) Whenever said director shall determine the director determines that any bond given by any warehouseman is inadequate and insufficient security against any loss that might arise under the terms of such bonds, it shall be the duty of said director to require such additional bond or bonds as he shall deem the bond, the director shall require any additional bond that the director considers necessary to provide adequate security; and in any case where said director shall deem. If the director considers the financial condition of the surety upon any warehouseman and his the warehouseman's bond to be of impaired financial condition, it shall be his duty to impaired, the director shall require a any substituted or addition additional bond as he shall deem that the director considers necessary.

(f) In all actions hereafter commenced in which judgment is rendered against any surety company on any surety bond furnished under the provisions of this section, if it appears from the evidence that such the surety company has refused without just cause to pay such the loss upon demand without just cause, the court in rendering such judgment shall allow the plaintiff a reasonable sum as attorney's fee attorney fees to be recovered and collected as a part of the costs: Provided, That. When a tender is made by such the surety company before the commencement of the action in which judgment is rendered and the

(continued)

amount recovered is not in excess of such the tender, no such costs shall be allowed.

Sec. 3. K.S.A. 1982 Supp. 34-230 is hereby revived and amended to read as follows: 34-230: (a) Upon receiving such the application and ~~bond financial statement required by this act~~, it shall be the duty of the director of the state grain inspection department to *shall* make an investigation and inspection of the warehouse or warehouses covered by such the application, and if such. *The director may issue a license to the applicant if:*

(1) *The applicant furnishes the bond required by this act;*

(2) *the warehouse or warehouses be are found suitable for the proper storage of grain for which a license is applied for, and that such warehouseman agrees, as a condition to the granting of a license, to comply with and abide by all the terms of this act, and the rules and regulations prescribed thereunder, the director is authorized to issue to the applicant a license to operate a public warehouse. Every such; and*

(3) *the applicant complies with all requirements for licensure prescribed by this act and rules and regulations adopted under this act.*

(b) *Every license shall be dated; and shall expire one year from and after the date of its issuance, and shall designate the name of the licensee and the location of such the licensed warehouse or warehouses.*

(c) *Each license shall expire one year from the date of its issuance except that, for the purpose of equitably distributing application dates of warehouse licenses throughout each calendar year, the director may issue licenses for periods longer than one year but not longer than two years. Licenses for periods longer than one year shall be charged the annual license fee, plus a monthly ~~pro rata~~ fee in proportion to the annual license fee for the number of months the license is issued beyond one year.*

(d) *Any licensee making application under this section for renewal of a license shall submit such the application, together with prerequisite data and requirements of the department the licensee's financial statement and any additional information required, at least 30 days prior to the date of expiration of the licensee's current license, and. For each day less than the 30 days that the licensee is late in submitting the application and required information, the licensee shall be penalized an additional fee of ~~\$3.00~~ \$3. Every such license shall be at all times during the operation of such bonded warehouse*

(e) *The license shall be posted in a conspicuous place in the office room of such the licensed warehouse at all times during the operation of the warehouse.*

(f) *If the holder of any public warehouseman's license shall be a licensee is convicted of any violation of the provisions of this act; or if the director shall determine determines that any holder a licensee does not comply with any requirement for licensure or has violated any of the penal provisions provision of this act; or any of the rules and regulations adopted by the director under the provisions of under this act, such the director may at such the director's discretion suspend or ~~cancel~~ and revoke the license of such holder the licensee. All proceedings for the suspension, ~~cancellation~~ or revocation of licenses shall be before the director. No such license shall be ~~so~~ suspended; ~~canceled~~ or revoked except after hearing by the director with reasonable notice to the licensee and an opportunity to appear and defend. The director may temporarily suspend the a license of such holder for good and reasonable cause before notice of hearing and but the licensee shall be entitled to a hearing on such the temporary suspension without undue delay. Whenever the director shall suspend, ~~cancel~~ or revoke suspends or revokes any license, the director shall prepare an order so providing which shall be signed by the director or ~~some~~ a person designated by the director, and the order shall state the reason or reasons for such the suspension; ~~cancellation~~ or revocation. The order shall be sent, by certified mail, by the director to the licensee at the address of the licensed warehouse licensed.*

(g) *Within 30 days after the mailing of the order, The licensee, if dissatisfied with the order of the director, may appeal to the district court of the county in which the warehouse licensed is located. At the time of the filing of the appeal, the*

party appealing shall give a bond for costs conditioned that the party shall prosecute the appeal without delay and pay all costs assessed against such party. The appeal shall be taken by filing, with the clerk of the district court of the proper county, a written notice stating that the party appeals to the district court and alleging the pertinent facts upon which such appeal is grounded. Jurisdiction to hear and determine such appeals is hereby conferred upon the district courts of this state. The transcript of the proceedings had at the hearing before the director shall be admissible in evidence. Appeals may be taken from the district court to the supreme court by the licensee or by the director as in civil cases except that the director shall not be required to give a bond on appeal. The final decision made in such appeal shall be entered as a judgment as in other civil cases against the licensee or against the director, as the case may be. In hearing and considering any such appeal, the court shall not enforce or give effect to any rule or regulation which it shall find to be unreasonable, arbitrary or capricious. Any such appeal to the district court shall not suspend nor revoke any order of the director during the pendency of such appeal unless the district court shall upon application, notice and hearing suspend the operation of such order during the pendency of such appeal. Any such appeal to the supreme court shall not suspend nor revoke any decision or order of the district court during the pendency of such appeal unless the supreme court shall, upon application, notice and hearing, suspend the operation of such decision or order during the pendency of such appeal in the manner provided by law.

Sec. 4. K.S.A. 34-229 and K.S.A. 1982 Supp. 34-228 and 34-230, as those sections are revived, and K.S.A. 1982 Supp. 34-228, as amended by section 1 of chapter 137 of the 1983 Session Laws of Kansas, K.S.A. 34-229, as amended by section 2 of chapter 137 of the 1983 Session Laws of Kansas, and K.S.A. 1982 Supp. 34-230, as amended by section 3 of chapter 137 of the 1983 Session Laws of Kansas, are hereby repealed.

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

I hereby certify that the above BILL originated in the SENATE, and passed that body January 26, 1984.

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

Passed the HOUSE March 14, 1984.

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

APPROVED March 21, 1984.

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 26th day of March, 1984.

(SEAL)

JACK H. BRIER
Secretary of State.

(Published in the KANSAS REGISTER, March 29, 1984.)

HOUSE BILL No. 2585

AN ACT concerning real property; relating to certain mortgages and deeds of trust.

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

Section 1. Any mortgage or deed of trust against real property located in this state recorded on or after January 1, 1947, and before January 1, 1951, or referred to or described in any instrument of record within such period shall be void, unless, prior to July 1, 1984, the owner and holder thereof files, in the office of the register of deeds of the county in which the property is located, an affidavit stating: (a) The name and address of the owner and holder thereof; (b) the nature of the claim; (c) the amount due on the claim; (d) the date of the last payment on the claim; and (e) a description of the property. This section shall not apply to or affect mortgages, deeds of trust or liens against real property of railroad corporations recorded after January 1, 1890. Infancy, incompetency or nonresidency shall not affect the operation of this act.

Sec. 2. 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 6, 1984.

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

Passed the SENATE March 14, 1984.

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

APPROVED March 26, 1984.

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 26th day of March, 1984.

JACK H. BRIER
Secretary of State.

KANSAS FACTS

LAND AND NATURAL RESOURCES

Located in the heart of the nation, Kansas is a 208 by 411 mile rectangle. It rises from less than 700 feet above sea level in its southeastern corner to more than 4,100 feet at its western border and has a total of 82,264 square miles. Kansas ranks 14th among the states in geographic size. Because of its distance from east to west, Kansas has a great variation of climate, terrain, soil, native plants and animals, although most of the state lies within a region generally called the Great Plains.

The original Kansas Territory included portions of what is now Colorado west to the Continental Divide. Pike's Peak was in Kansas at that time.

The geographic center of the contiguous 48 states of the United States is located near Lebanon, in Smith County in north central Kansas. Of more scientific interest is the North American geodetic datum, established in Osborne County, forty miles south and east

of the historic geographical center. This geodetic datum is the controlling point for all land surveys in the United States, Canada and Mexico.

Kansas has a varied climate with an average annual temperature of 55 degrees. Normal annual precipitation ranges from slightly more than 40 inches in the southeastern counties to less than 20 inches in the western counties. From 70 to 77 percent of the annual precipitation falls between April 1 and September 30. The overall average annual rainfall for the state is about 27 inches a year.

Although Kansas is often considered a dry state, it has five river systems, and over 50,000 streams which are large enough to be named. The Missouri, the Kaw and the Arkansas Rivers are considered navigable, although the Missouri is the only river in Kansas on which there is a considerable amount of river traffic. A number of springs in the state were important sources of water for early travelers through Kansas. There are many lakes in the state, most of which are man-made. Osage County is the only county in the U.S. which has two federal reservoirs.

Kansans enjoy as many as 300 clear or partly clear days over the western half of the state and around 275 such days in the eastern half.

Kansas is a windy state. Dodge City in western Kansas is the windiest city in the United States with an average wind speed of 14 m.p.h.

Kansas is part of the Interior Plains country composed of the Interior Low Plateau, Central Lowland and Great Plains provinces. The western two-thirds of Kansas is in the Great Plains province which extends for thousands of miles along the east side of the Rocky Mountains. The Great Plains province has two sections: the Dissected High Plains and the High Plains.

The more varied landscape of the eastern third of the state is in the Central Lowlands province with three sections: Osage Plains, Dissected Till Plains, and the Arkansas River Lowlands.

The Flint Hills extend north and south across the east central part of the state, covering an area about 50 miles wide. Bluestem grass growing in the Flint Hills makes it a unique grazing land, and the area also contains oil and gas.

The soils of Kansas are among the best in the world. These soils have come from decomposition of underlying rock formations or have been transported into the region by water, wind or ice.

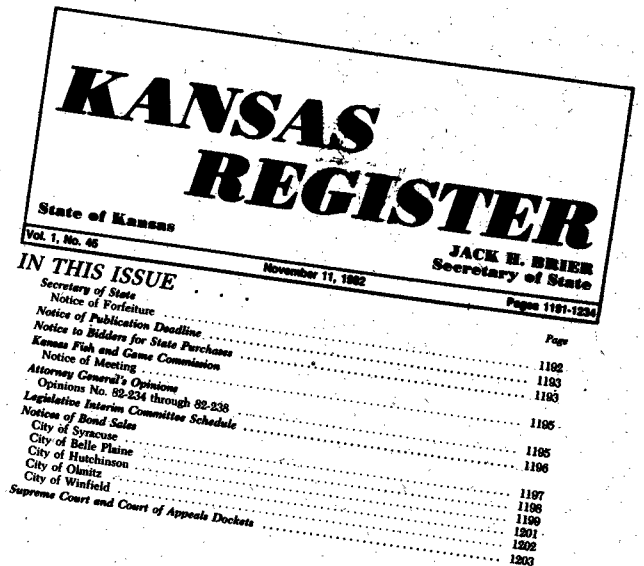
Kansas ranks among the top ten mineral-producing states in the nation. There is an abundance of petroleum and natural gas—Kansas ranks 7th in the nation in petroleum production. Leading mineral resources in Kansas, by total dollar value of production:

petroleum	coal
natural gas	building stone
propane, helium	sand and gravel
cement	clay and shale products
salt	

Limestone is an important resource in Kansas and has been used extensively for buildings and early day fenceposts. Limestone is also the basis for a large cement manufacturing industry.

NOW AVAILABLE . . .

**CUSTOM-MADE
LOOSELEAF BINDERS
for the
KANSAS REGISTER**



We are pleased to announce that custom-made *Kansas Register* binders are now available!

These binders will hold your copies of the *Kansas Register* attractively for permanent use. They are highest quality, durable, casebound Swing Hinge® binders made by McBee Loose Leaf Binder Products. (A Swing Hinge® binder has more capacity and allows for easier interfiling than standard ring binders.) They feature dark blue cloth covering and gold imprinting. Each three-inch binder will hold up to a year's worth of *Register* issues.

Order your binders today!

Kansas Register binders. . . \$14.00 each includes shipping and handling.

CLIP AND MAIL

Dear Secretary Brier: Please send _____ *Kansas Register* binders.
(Quantity)

Price: \$14.00 each, includes shipping and handling.

AMOUNT ENCLOSED \$ _____

SHIP TO:

Shipping is by
U.P.S. Delivery Service;
STREET ADDRESS
IS NECESSARY.

Mail order, WITH PAYMENT, to: *Kansas Register*; Secretary of State; State Capitol; Topeka, KS 66612.

KANSAS REGISTER
Secretary of State
State Capitol
Topeka, Kansas 66612

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$47.50 ea.
TOTAL ENCLOSED _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no more than 4 address lines.)

Zip code must be included

THIS SPACE FOR REGISTER OFFICE USE ONLY, PLEASE	
CODE _____	REC. NO. _____
EXPIRES _____	ENTERED BY _____

MAIL FORM WITH PAYMENT TO: "Kansas Register"; Secretary of State; State Capitol; Topeka, KS 66612

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address here:

MAIL TO: "Kansas Register"; Secretary of State; State Capitol; Topeka, KS 66612