

KANSAS REGISTER



State of Kansas

JACK H. BRIER
Secretary of State

Vol. 3, No. 45

November 8, 1984

Pages 1349-1396

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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.

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



PHONE: 913/296-2236

State of Kansas

SECRETARY OF STATE**NOTICE**

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 1983 Supp. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of November 1, 1984 through November 30, 1984 shall be 14.81%.

In testimony whereof: I hereto set my hand and cause to be affixed my seal. Done at the City of Topeka, this 1st Day of November A.D. 1984.

JACK H. BRIER
Secretary of State

Doc. No. 002650

State of Kansas

COMMISSIONER OF INSURANCE**NOTICE OF HEARING**

TO THE POLICYHOLDERS OF CONSOLIDATED FARMERS MUTUAL INSURANCE COMPANY, THE POLICYHOLDERS OF MIDWEST FIRE AND CASUALTY COMPANY (MUTUAL), AND ALL OTHER INTERESTED PARTIES:

You are hereby notified of a formal hearing to be held in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, KS, November 13, 1984, at 2:00 p.m., to determine whether the application for the proposed merger of Midwest Fire and Casualty Company (Mutual), Wellington, Kansas, with and into Consolidated Farmers Mutual Insurance Company, Inc., Colwich, Kansas, should be approved by the Commissioner of Insurance.

Midwest Fire and Casualty Company (Mutual) and Consolidated Farmers Mutual Insurance Company, Inc. have requested the Commissioner of Insurance to approve the merger of the two companies pursuant to K.S.A. 40-1221.

Any interested parties may attend and will be given the opportunity to hear the details of the proposed merger, to present either oral or written testimony in favor or in opposition to the proposed merger, and to ask any questions relative to the merger.

FLETCHER BELL
Commissioner of Insurance

Doc. No. 002642

State of Kansas

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

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

KS841015-001-10664KS—Submission by the USDA Forest Service of the Record of Decision; Final Environmental Impact Statement, Vol's I and II; and the Land and Resource Management Plan. These documents pertain to the Comanche and Cimarron National Grasslands in Morton and Stevens counties in Kansas and the Pike and San Isabel National Forests in Colorado. The Record of Decision documents the approval of the Land and Resources Management Plan and right to Administrative Review by the Regional Forester; his decisions, recommendations, and rationale. It also identifies the environmentally preferable alternative. The Final EIS, prepared in response to public comment to the Draft EIS discloses physical, biological, social, and economic consequences of implementing the Plan and alternatives to it. The LRM Plan is a long range program for all natural resource management activities and establishes management requirements for the stated Forests and Grasslands. These documents are available at the office of the Single Point of Contact. No review required.

KS841029-001-13294KS—Notification of Intent to apply for \$200,000 for full designation as the Health Systems Agency for Kansas Health Systems Services Area II serving 25 counties in northeast Kansas. Contact Guillermo Barreto-Vega, Executive Director, Health Systems Agency of Northeast Kansas, Inc., 1195 S.W. Buchanan, Suite 101, Topeka, KS 66604, 913/233-3385. Formal review will be conducted upon submission of full application.

KS841031-001-13600FI—Application for carry-over funds for \$15,886 to provide Head Start home and center base services in Wichita, Grant, Finney, Sherman, Seward and Scott counties. Contact Jerry J. Coppel, Kansas Children's Service League, Box 517, Wichita, KS 67201, 913/942-4261. No review required.

LARRY E. WOLGAST, Ed.D.
Secretary of Human Resources

Doc. No. 002659

State of Kansas

LEGISLATURE

INTERIM AGENDA

Notice is hereby given to interested parties that the following legislative committee meetings have been scheduled during the period of November 12 through November 23, 1984.

DATE	ROOM	TIME	COMMITTEE	AGENDA
Nov. 13	514-S	10:00 a.m.	Joint Committee on	Agenda not available.
Nov. 14	514-S	9:00 a.m.	Administrative Rules and Regulations	
Nov. 13	527-S	10:00 a.m.	Legislative Educational	Agenda not available.
Nov. 14	527-S	9:00 a.m.	Planning Committee	
Nov. 13	531-N	10:00 a.m.	Special Committee on Public	Review of Proposals and directions to staff.
Nov. 14	531-N	9:00 a.m.	Health and Welfare	
Nov. 15	514-S	10:00 a.m.	House Standing Committee on	15th: Review of draft committee reports for Proposals 10 and 13. Remainder of day, committee discussion and possible action on Proposals 9 and 14. 16th: Committee discussion and possible action on Proposals 9 and 14.
Nov. 16	514-S	9:00 a.m.	Communications, Computers, and Technology	
Nov. 15	519-S	1:30 p.m.	Special Committee on	Committee action on Proposals No. 17 and 18.
Nov. 16	519-S	9:00 a.m.	Education	
Nov. 15	526-S	10:00 a.m.	Special Committee on Labor	Committee discussion and action on Proposals No. 29 and 30.
Nov. 16	526-S	9:00 a.m.	and Industry	
Nov. 15	522-S	9:00 a.m.	Special Committee on Local Government	Hearings on Proposal No. 36; Committee review of final report—Proposal No. 35.
Nov. 15	Hays, KS 123-S	10:00 a.m.	Joint Committee on State	Agenda not available.
Nov. 16		9:00 a.m.	Building Construction	
Nov. 19	519-S	9:00 a.m.	Special Committee on Commercial and Financial Institutions	Committee discussion and direction to staff for committee reports on Proposals No. 7 and 8.
Nov. 19	531-N	10:00 a.m.	Special Committee on Energy	Review and make final recommendations on Proposals No. 20, 21, 22 and 23.
Nov. 20	531-N	9:00 a.m.	and Natural Resources	
Nov. 19	526-S	10:00 a.m.	Special Committee on	Committee discussion on Proposals No. 43, 44 and 53.
Nov. 20	526-S	9:00 a.m.	Transportation	
Nov. 20	519-S	10:00 a.m.	Special Committee on	Agenda not available.
Nov. 21	519-S	9:00 a.m.	Agriculture	

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 002651

State of Kansas

SECRETARY OF STATE**NOTICE**

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the *Kansas Directory*. County officials are listed in the *Directory of County Officers*. Both directories are published by the Secretary of State's office and are available free of charge.

EXECUTIVE APPOINTMENTS

(Appointments filed October 15, through November 1, 1984.)

[Eff.: effective date; Repl.: replaces; Reapp.: Re-appointment; Exp.: Appointment expires.]

Appointments filed by the Governor**Accountancy, State Board of**

Frank D. Bradley, 712 Delaware, Ozawkie 66070. Eff. 10-16-84. Repl. Paul M. Steele. Exp. 7-31-87.

William E. Mangold, 6701 W. 65th Terr., Overland Park 66206. Eff. 10-16-84. Reapp. Exp. 7-31-84.

Donald L. Yerkes, 602 W. Mulberry, Independence 67301. Eff. 10-16-84. Reapp. Exp. 7-31-84.

Animal Health Board, Kansas

Roy Estes, R.R. 3, Atchison 66002. Eff. 10-16-84. Reapp. Exp. 7-31-87.

Loren Schmitt, Box 371, Scott City 67871. Eff. 10-16-84. Reapp. Exp. 7-31-87.

Corn Commission, Kansas

Martin Seidel, R.R. 1, Box 85B, McPherson 67460. Eff. 10-16-84. Repl. Laurel A. Dirks. Exp. 6-30-88.

Jim Sjogren, R. R. 2, Concordia 66901. Eff. 10-16-84. Reapp. Exp. 6-30-88.

E. Eugene Wolf, R.R. 2, Burrton 67020. Eff. 10-16-84. Reapp. Exp. 6-30-88.

Fire Protection Personnel Standards and Education, Governor's Commission on

David Lines, R.R. 1, Box 24, Perry 66073. Eff. 10-16-84. Reapp. Exp. 7-1-88.

Edward Redmon, 1148 Meadow Lane, Topeka 66604. Eff. 10-16-84. Reapp. Exp. 7-1-88.

Soybean Commission, Kansas

Willard V. Judd, R.R. 2, McCune 66753. Eff. 10-16-84. Reapp. Exp. 6-30-88.

Dale Peterson, R.R. 3, Box 180, Clifton 66937. Eff. 10-16-84. Repl. Byron Brooks. Exp. 6-30-88.

Loyd Ratts, R.R., St. John 67576. Eff. 10-16-84. Reapp. Exp. 6-30-88.

Wichita State University Board of Trustees

Othello H. Curry, Jr., 2200 N. Roosevelt, Wichita 67220. Eff. 10-26-84. Reapp. Exp. 6-30-87.

Ralph McCarty, Box 79, Turon 67583. Eff. 10-26-84. Reapp. Exp. 6-30-87.

Terry Scanlon, 254 N. Crestway, Wichita 67208. Eff. 10-26-84. Reapp. Exp. 6-30-87.

**Associate District Judge,
First Judicial District, Pos. 2**

Robert E. Davis, 1305 Olive, Leavenworth 66048. Eff. 10-19-84. Repl. John L. White, resigned. Will expire when a successor is elected and qualifies according to law.

**Appointment by the State
Board of Regents****Education Commission of the States**

Sandra L. McMullen, 1800 E. 56th, Hutchinson 67501. Repl. Dr. Patricia Caruthers.

JACK H. BRIER
Secretary of State

State of Kansas

ATTORNEY GENERAL**OPINION NO. 84-112**

Schools—School District Equalization and Related Acts—Increased Budget by Order of State Board of Tax Appeals. Alan F. Alderson, Attorney at Law, Topeka, October 25, 1984.

Pursuant to K.S.A. 72-7071(b), any increase in funds obtained by a school district by appeal to the State Board of Tax Appeals must be budgeted and expended exclusively for the purpose for which the increase is authorized. Thereafter, any such amount may not be budgeted or expended for a purpose different than the purpose for which an increase was initially obtained. Cited herein: K.S.A. 1983 Supp. 72-7055, as amended by L. 1984, ch. 285, § 5; K.S.A. 72-7071. RJB

OPINION NO. 84-113

Insurance—Kansas Automobile Injury Reparations Act—Motor Vehicle Liability Insurance; Applicability to Non-Resident Motorists. Bert Cantwell, Superintendent, Kansas Highway Patrol, Topeka, October 31, 1984.

As amended by L. 1984, ch. 174, § 2, K.S.A. 1983 Supp. 40-3104 requires any person operating a motor vehicle on a Kansas highway to display evidence of financial security, which is defined to mean documentation that the motor vehicle was covered by a policy of liability insurance. The statute is included within K.S.A. 40-3101 *et seq.*, the Kansas Automobile Injury Reparations Act, which has been construed to apply to non-resident motorists operating motor vehicles in Kansas. Accordingly, the provisions of K.S.A. 1983 Supp. 40-3104, as amended, including the penalty provisions for failure to produce evidence of financial security following the issuance of a citation, apply to non-resident motorists who operate motor vehicles in this state. Cited herein: K.S.A. 8-1604, as amended by L. 1984, ch. 174; K.S.A. 40-3103; K.S.A. 1983 Supp. 40-3104, as amended by L. 1984, ch. 174; K.S.A. 40-3106. JSS

ROBERT T. STEPHAN
Attorney General

Doc. No. 002646

(Published in the KANSAS REGISTER, November 8, 1984.)

**FRANKLIN COUNTY, KANSAS
REQUEST FOR BIDS**

Bids shall be taken for the elevator construction and other remodeling of the Franklin County Courthouse at 2:00 p.m. CST, Wednesday, November 14, 1984. Plans may be secured from the office of OSSMANN & Associates, Architects, 921 Topeka Ave., Topeka, KS 66612-1693.

CARL G. OSSMANN
Architect

Doc. No. 002636

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 Bldg., Topeka, KS, until 2:00 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, NOVEMBER 19, 1984

#26280

University of Kansas Medical Center, Kansas City and Statewide—CATHETERS, Class 07

#26308

University of Kansas, Lawrence; Kansas State University, Manhattan; and Department of Health and Environment, Topeka—ETHYL ALCOHOL, 200 PROOF AND 190 PROOF

#26309

University of Kansas, Lawrence—LABORATORY SOLVENTS

#26312

Emporia State University, Emporia—COPIER MAINTENANCE

#26315

Kansas State University, Manhattan—NURSERY STOCK

#59829

Department of Transportation, Topeka—PAPER-13 POUND BASIS WEIGHT—BOND

#59830

University of Kansas, Lawrence—VIDEO EQUIPMENT

#59842

Wichita State University, Wichita—COMPUTER ROOM ENVIRONMENTAL CONTROL SYSTEM

#59843

Kansas State University, Manhattan—DECOLLATOR AND DETACHER

#59845

Kansas Fish and Game Commission, Pratt—FISH NETS AND SEINES

#59848

Kansas State University, Manhattan—4-ROW PLANTER

#59849

Kansas State Industrial Reformatory, Hutchinson—SEWAGE PUMP

#59850

University of Kansas Medical Center, Kansas City—LABORATORY COMPUTER SYSTEM

#59851

Kansas State University, Manhattan—LIBRARY WORKSTATION

#59853

Kansas State University, Manhattan—WORKSTATION

#59865

Kansas State Penitentiary, Lansing—KITCHEN EQUIPMENT

#59866

Kansas Correctional Institute at Lansing, Lansing—FLOOR MACHINES

#59867

Kansas State University, Manhattan—DATA LOGGERS

#59868

Department of Transportation, Topeka—MARS NO. 700 PENS AND JEWELL REPLACEMENT POINTS

#59888

Department of Revenue, Topeka—CONTINUOUS FORMS—"CERTIFICATE OF TITLE"—TR-19T

#59889

Department of Transportation, Topeka—FURNISH AND INSTALL OVERHEAD STEEL DOORS

#59890

Department of Social and Rehabilitation Services, Topeka—ZIPPER

#59893

Kansas Public Employees Retirement System, Topeka—MICROFILMING SERVICES

TUESDAY, NOVEMBER 20, 1984

#A-4318(a)

Kansas State University, Manhattan—FURNISH UNINTERRUPTIBLE POWER SYSTEM FOR COMPUTER LOADS, RECONSTRUCTION OF NICHOLS GYM

#A-4999

Larned State Hospital, Larned—WINDOW SECURITY BAR INSTALLATION, DILLON BUILDING

#A-5019

Youth Center at Atchison, Atchison—CONCRETE PATIOS AND STAIR TUCKPOINTING OF SWIMMING POOL BUILDING

#26268 (Rebid)

Kansas Fish and Game Commission, Pratt—ROAD GRADING, TERRACE, AND WATERWAY CONSTRUCTION, Reno County

#26310

Department of Social and Rehabilitation Services, Topeka—JANITORIAL SERVICES, Coffeyville

#26311

University of Kansas Medical Center, Kansas City—BLOOD CELL PROCESSING SETS

#26313

University of Kansas Medical Center, Kansas City—CARDIAC CATHETER SUPPLIES

#59832

Kansas State University, Manhattan—ELECTRICAL SUPPLIES

#59852

Pittsburg State University, Pittsburg—WELDING EQUIPMENT

#59855

Department of Administration, Division of

Architectural Services, Topeka—WORD
PROCESSING SYSTEM

#59856

University of Kansas, Lawrence—WORD
PROCESSING

#59869

Osawatomie State Hospital, Osawatomie and Kansas
State Industrial Reformatory, Hutchinson—
MISCELLANEOUS MEAT

#59870

Department of Revenue, Topeka—PORTABLE
SCALES

#59871

Department of Revenue, Topeka—WINDOW
ENVELOPES-TR-59A

#59878

University of Kansas Medical Center, Kansas
City—MICROTOME

#59879

University of Kansas Medical Center, Kansas
City—HYPER-HYPOTHERMIA UNIT

#59880

University of Kansas Medical Center, Kansas
City—PULSE OXIMETER

#59891

Department of Revenue, Topeka—LABOR AND
MATERIALS TO REPAIR AND RENOVATE WEIGH
STATION SCALE PLATFORM

#59892

University of Kansas Medical Center, Kansas City;
Kansas State University, Manhattan; and Department
of Revenue, Topeka—CONTINUOUS FORMS

#59898

Kansas State Industrial Reformatory, Hutchinson—
DINING TABLES

#59899

Kansas State Industrial Reformatory, Hutchinson—
KITCHEN SUPPLIES

#59900

University of Kansas, Lawrence—FLOOR TILE
AND COVE BASE MOLDING

#59901

Wichita State University, Wichita—VIDEO
EQUIPMENT

WEDNESDAY, NOVEMBER 21, 1984

#A-0000 (PR. NO. 330)

University of Kansas Medical Center, Kansas
City—REMODEL BELL MEMORIAL CAFETERIA

#A-4996

Norton State Hospital, Norton—PROVIDE AIR
CONDITIONING SYSTEM FOR ACTIVITIES
BUILDING

#A-5158

Kansas State University, Manhattan—PROVIDE
PRE-ENGINEERED METAL BUILDING,
INSTALLATION FOR AGRONOMY RESEARCH
FARM

#59862

Wichita State University, Wichita—FLUORESCENT
LAMP

#59875

Kansas State Industrial Reformatory, Hutchinson—
TWO-WAY RADIO EQUIPMENT

#59876

University of Kansas Medical Center, Kansas
City—LAUNDRY HANDLING EQUIPMENT

#59881

University of Kansas Medical Center, Kansas
City—MICROSCOPES

#59882

University of Kansas Medical Center, Kansas
City—RADIOGRAPHIC TABLE AND OVERHEAD
X-RAY TUBE SUPPORT SYSTEM

#59902

Kansas State University, Manhattan—SOYBEAN
MEAL

#59903

Department of Corrections, Topeka and University
of Kansas, Lawrence—MICROCASSETTE
TRANSCRIBERS AND RECORDERS

#59904

Osawatomie State Hospital, Osawatomie—
INSTITUTIONAL BEDS

#59905

Kansas State University, Manhattan—CENTRAL
PROCESSING UNIT

TUESDAY, NOVEMBER 27, 1984

#A-4748

Rainbow Mental Health Facility, Kansas City—
LANDSCAPE PROJECT

#26314

University of Kansas Medical Center, Kansas City—
READY MIX CONCRETE

THURSDAY, NOVEMBER 29, 1984

#A-5134(a)

Kansas State University, Manhattan—CALL HALL
ROOFING SYSTEM REPLACEMENT

MONDAY, DECEMBER 3, 1984

#26307

Kansas State Historical Society, Topeka—
COLLECTION PROPERTY INSURANCE

TUESDAY, DECEMBER 4, 1984

#26306

Statewide—PRIMARY VENDOR FOR
LABORATORY ITEMS

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 002649

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Monday, November 26, 1984, at 9:30 a.m., at the Kansas Department of Health and Environment Conference Room, Building 321, Forbes Field, Topeka, KS, to consider the adoption of the following proposed permanent rules and regulations of the Department of Health and Environment.

K.A.R. 28-4-113 through K.A.R. 28-4-119a, concerning the licensure of day care homes and group day care homes, are amended. Major changes include adding a requirement for reporting all persons residing, working, or volunteering in the facility (implementing L. 1984, Chapter 225, Section 1); clarifying the type of car restraints to be used; detailing the items to be included in a mechanical check of car safety; and

(continued)

required day care homes to provide a specific amount of play space.

K.A.R. 28-4-187 and 28-4-189, concerning the licensure of day care referral agencies, are amended. Major changes include a requirement for reporting all persons residing, working, or volunteering in the facility (implementing L. 1984, Chapter 225, Section 1); and clarifying the transportation regulations relative to individual car restraints and mechanical safety check.

K.A.R. 28-4-420 through 28-4-441, concerning the licensure of child care centers, are amended. Major changes include adding a requirement for reporting all persons residing, working, or volunteering in the facilities; clarifying transportation regulations relative to individual car restraints and mechanical check of car safety; prohibiting smoking in the facility; and clarifying the unit size and staff/child ratio when children from infancy through school age are included in a

K.A.R. 28-4-374 through 28-4-376, concerning licensure of maternity centers, and K.A.R. 28-4-356, concerning licensure of detention centers for children and youth. The only major change prohibits smoking in the facility.

All interested parties may submit written comments at any time prior to the hearing by addressing the Director, Bureau of Adult and Child Care Facilities, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 26, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statements may be obtained by writing: Bureau of Adult and Child Care Facilities, Department of Health and Environment, Forbes Field, Topeka, KS 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002657

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Wednesday, November 28, 1984, at 9:00 a.m., at the Kansas Department of Health and Environment, Conference Room, Building 321, Forbes Field, Topeka, KS, to consider the amendment of K.A.R. 28-39-83 for the licensure of adult care homes.

This regulation is being amended to establish a policy concerning smoking in adult care homes.

All interested parties may submit comments at any time prior to the hearing by addressing the Director, Bureau of Adult and Child Care Facilities, Kansas Department of Health and Environment, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulation. In order to give all parties an opportunity to speak, each participant will be limited to no more than five minutes for an oral presentation.

Following the hearing November 28, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to this proposed regulation.

A copy of the regulation and the fiscal impact statement may be obtained by writing to: Bureau of Adult and Child Care Facilities, Department of Health and Environment, Forbes Field, Topeka, KS 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002656

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

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

A public hearing will be held Tuesday, November 27, 1984, at 10:00 a.m., in the Auditorium of the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka, KS, to consider the adoption of proposed temporary and permanent rules and regulations of the Department of Health and Environment (K.A.R. 28-31-2, 28-31-3, 28-31-7, 28-31-8a, and 28-31-10 through 28-31-13).

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary, Kansas Department of Health and Environment, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard

to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 27, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Kansas Department of Health and Environment as the basis for making changes to these proposed regulations.

The proposed regulations implement H.B. 2740 passed during the 1984 Legislative Session, adopt by reference the Federal Hazardous Waste Management Regulations as in effect October 1, 1984, and revise monitoring fees for hazardous waste generators, treatment, storage, and disposal facilities.

Copies of the regulations and the fiscal impact statement may be obtained by writing: Bureau of Waste Management, Kansas Department of Health and Environment, Building 321, Forbes Field, Topeka, KS 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002629

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Wednesday, November 28, 1984, at 9:00 a.m., at the Topeka-Shawnee County Health Department Auditorium, 1615 W. 8th, Topeka, KS, to consider the adoption of the following proposed permanent regulations of the Department of Health and Environment.

K.A.R. 28-16-83 through 28-16-98 are new regulations establishing procedures, administrative functions and regulatory requirements for the Kansas Pretreatment Program. The regulations are authorized by and will be implementing K.S.A. 65-171d, effective May 1, 1985. The regulations will address subjects such as the entities regulated, program objectives, program definitions, relationship to local laws, categorical pretreatment standards, prohibited discharges, revision of categorical standards, development and administration of local programs by municipalities, reporting requirements, confidentiality of information, net/gross calculations and upset provisions.

All interested parties may submit written comments at any time prior to the hearing by forwarding them to Donald R. Carlson, Bureau of Water Protection, Bldg. 740, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentations to not more than five minutes.

Following the hearing all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statements may be obtained by writing: Donald R. Carlson, Bureau of Water Protection, Bldg. 740, Forbes Field, Topeka, KS 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002655

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Wednesday, November 28, 1984, at 9:00 a.m. at the Kansas Department of Health and Environment, Conference Room, Building 321, Forbes Field, Topeka, KS, to consider the adoption of proposed permanent regulations for the licensure of general hospitals.

These regulations are **K.A.R. 28-34-100 through 28-34-125** and will replace existing **K.A.R. 28-34-1 through 28-34-32** which will be revoked. These regulations will relate to all aspects of the administration, patient care and treatment, environment, and construction of the general hospital.

All interested parties may submit comments at any time prior to the hearing by addressing the Director, Bureau of Adult and Child Care Facilities, Kansas Department of Health and Environment, Forbes Field, Topeka, KS 66620. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to speak, each participant will be limited to no more than five minutes for an oral presentation.

Following the hearing November 28, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Health and Environment as the basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing to: Bureau of Adult and Child Care Facilities, Department of Health and Environment, Forbes Field, Topeka, KS 66620.

BARBARA J. SABOL
Secretary of Health
and Environment

Doc. No. 002633

State of Kansas

STATE BANK COMMISSIONER**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

The State Banking Department will hold a public hearing November 26, 1984, at 10:00 a.m. in the department's conference room, Jayhawk Tower, 700 Jackson, Suite 300, Topeka, KS, for the purpose of receiving public comments on temporary and permanent regulations, K.A.R. 17-18-1 through and including 17-18-4, regarding a bank's authority to purchase shares of open-end investment companies. In addition, the department will receive public comments on an amendment to the temporary and permanent regulation K.A.R. 17-17-2, regarding the definition of hedging.

All interested parties may submit written comments at any time prior to the hearing by addressing them to General Counsel, State Banking Department, 700 Jackson, Suite 300, Topeka, KS 66603. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, with regard to the adoption of the proposed regulations. Summaries of the regulations follow. Copies of the regulations and fiscal impact statement may be obtained by writing the General Counsel at the above address.

The following is a brief summary of the proposed regulations:

K.A.R. 17-17-2 defines hedging as a purchase or sale made not primarily for income or profit but as protection against a known risk.

K.A.R. 17-18-1 defines open-end investment company in accordance with the language of L. 1984, ch. 48, sec. 4(21).

K.A.R. 17-18-2 limits the purchase of shares of open-end investment companies to shares which are eligible for purchase by state banks, pursuant to K.A.R. 17-11-1 and shares which are purchased or sold at par.

K.A.R. 17-18-3 requires that the bank's board of directors establish a written policy containing procedures, standards and controls to ensure the investments are proper for the bank.

K.A.R. 17-18-4 provides that a bank's limitation on purchasing and holding shares in an open-end investment company is governed by K.S.A. 9-1101(7). In addition, the 15% investment limitation applies to the bank's pro rata holdings in a particular security held by each of the open-end investment companies in which the bank has invested.

EUGENE C. HEGARTY
State Bank Commissioner

State of Kansas

BOARD OF ACCOUNTANCY**NOTICE OF MEETING
AND HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The State Board of Accountancy will hold a regularly scheduled meeting Tuesday, November 27, 1984, at 8:30 a.m. The Board will also hold a public hearing on proposed administrative regulation amendments, revocations and filings that same date at 10:00 a.m. Both meetings will be held in Conference Room #237, 503 Kansas Ave., Topeka, KS.

All interested parties may submit written comments any time prior to the hearing by addressing them to the Board of Accountancy, 503 Kansas Ave., Room 236, Topeka, KS 66603. All interested parties will be given a reasonable opportunity to present their views, orally, in regard to the adoption of the proposed regulations. Immediately following the hearing November 27, the Board will consider all written and oral comments as a basis for making proposed amendments.

Following is a summary of the regulations being considered. Copies of the full regulations and a fiscal impact statement may be obtained by writing the Board of Accountancy at the above address.

K.A.R. 2-1-1 through 2-1-16 and **K.A.R. 2-5-1 through 2-5-5** are regulations concerning examinations and licensure of Licensed Municipal Public Accountants are being proposed revoked. New regulations are being proposed to cover portions of these regulations which are still statutorily valid.

K.A.R. 74-4-1 dealing with the permit fee is being amended to conform to the statutory requirements for biennial licensure rather than annual, and to include Licensed Municipal Public Accountants.

K.A.R. 74-4-7 through 74-4-9 concerning continuing education requirements are proposed to include Licensed Municipal Public Accountants.

K.A.R. 74-5-1, the Preamble to the Code of Professional Conduct, is proposed to be revoked since it is not regulatory in nature.

K.A.R. 74-5-2 (definitions), **74-5-101** (independence), **74-5-102** (integrity and objectivity), **74-5-201** (competence), **74-5-202** (auditing standards), **74-5-203** (accounting principles), and **74-5-407** (communications with the board) are being proposed amended to include Licensed Municipal Public Accountants.

K.A.R. 74-5-403 concerning advertising is being proposed to revoke the subsections (a) through (h) inclusively.

K.A.R. 74-8-3 concerning the registration fee to register professional associations with the Board is being proposed revoked as that information is contained elsewhere in the Kansas statutes.

K.A.R. 74-10-1 and **74-10-2** are proposed new regulations, under a new Article 10, to cover licenses, duration, renewal, administrative hearings, notices and grounds for revocation of Licensed Municipal Public Accountants.

GLENDIA SHERMAN
Board Secretary

Doc. No. 002632

Doc. No. 002654

State of Kansas

**BOARD OF VETERINARY
MEDICAL EXAMINERS****NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Tuesday, November 27, 1984 at 11:00 a.m., in the office of the Secretary-Treasurer of the Board of Veterinary Medical Examiners, R.R. 1, North K-61 Highway, Pratt, KS 67124. The purpose of the hearing will be to consider the adoption of proposed permanent regulations.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary-Treasurer's office. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the proposed regulation.

A copy of the regulation and the fiscal impact statement may be obtained from the Secretary-Treasurer's office.

K.A.R. 70-5-1 increases the license application fee for candidates taking the national board examination and clinical competency test.

EARL E. GATZ, D.V.M.
Secretary-Treasurer

Doc. No. 002631

State of Kansas

ABSTRACTERS' BOARD OF EXAMINERS**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Friday, November 30, 1984, at 9:00 a.m. at the office of the Executive Secretary, Abstracters' Board of Examiners, 112 E. Bramley, Jetmore, KS, to consider the temporary and permanent rules and regulations of the Abstracters' Board of Examiners.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Executive Secretary, Abstracters' Board of Examiners, 112 E. Bramley, Jetmore, KS 67854. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 30, 1984, all written and oral comments submitted by interested parties will be considered by the Executive Secretary as the basis for making changes to these proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing: Executive Secretary, Abstracters' Board of Examiners, Box 218,

Jetmore, KS 67854. Summaries of the regulations follow.

K.A.R. 85-3-2 relates to abstracters' bonds which must be on file with the county clerk in the county licensed.

K.A.R. 85-4-1 relates to fees charged for licenses.

K.A.R. 85-6-1 relates to amount of insurance an abstractor must have before being issued a license.

K.A.R. 85-7-1 relates to the examination fee/charged for taking abstracters' examination.

JOANNE CLARKE
Executive Secretary

Doc. No. 002627

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held to consider the State Corporation Commission's adoption of proposed temporary and permanent regulations for the conservation of crude oil and natural gas. The hearing will be held November 27, 1984, at 9:00 a.m., in the Conference Room of the Conservation Division, 200 Colorado Derby Building, 202 W. 1st, Wichita, KS.

All interested parties may submit written comments prior to the hearing by addressing them to the State Corporation Commission, Attention: David W. Nickel, Assistant General Counsel, 200 Colorado Derby Building, 202 W. 1st, Wichita, KS 67202. Written comments must be received by November 26, 1984. All interested parties will be given a reasonable opportunity at the hearing to orally present their views regarding the adoption of the proposed regulations. At a public meeting the Commission will consider all oral and written comments of interested parties as the basis for making changes to these proposed regulations. The meeting will be held November 30, 1984, at 8:30 a.m., in Hearing Room "A," State Office Building, 4th Floor, Topeka, KS.

Copies of the regulations and the fiscal impact statements may be obtained by writing to the State Corporation Commission, Conservation Division, 200 Colorado Derby Building, 202 W. First, Wichita, KS 67202, Attention: David W. Nickel. Summaries of the regulations follow.

K.A.R. 82-3-101 (Permanent Regulation). Amends the Definition section of the rules and regulations by adding four new definitions: freshwater, usable water, surface pipe, and conductor pipe.

K.A.R. 82-3-103 (Permanent Regulation). The amendment clarifies that the notice of an intention to drill both exploratory holes and discovery holes must be received by the Conservation Division at least five days before drilling is to begin. The amendment also clarifies the information required to be submitted with a notice of an intention to drill.

(continued)

K.A.R. 82-3-106 (Temporary and Permanent Regulation). The amendment updates the reference to Table 1 surface pipe requirements, effective September 15, 1984. The sentence structure has also been revised. It is necessary to issue this regulation as a temporary regulation to accomplish the adequate protection of fresh and usable water.

K.A.R. 82-3-108 (Temporary and Permanent Regulation). The amendment specifies the party who should provide notice to other parties affected by a well location hearing. The amendment also clarifies that the Commission may grant an allowable exception for wells with location exceptions. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-109 (Temporary and Permanent Regulation). The amendment specifies the party who should provide notice to other parties affected by a well spacing hearing. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-111 (Permanent Regulation). The amendment clarifies the alternatives open to an operator of a well, after operations have ceased for a period of 90 days. The amendment provides that the period of allowed inactivity on a temporarily abandoned well may be extended on a year-by-year basis.

K.A.R. 82-3-113 (Permanent Regulation). The amendment clarifies the manner in which an operator must notify the district office prior to plugging a well.

K.A.R. 82-3-123 (Permanent Regulation). The amendment provides that only one copy of the application must accompany any application for the commingling of production.

K.A.R. 82-3-124 (Temporary and Permanent Regulation). The amendment specifies the party who shall provide notice to other parties affected by any hearing concerning an application for a dual or multiple-completed well. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-135 (Temporary and Permanent Regulation). This new regulation causes the person who, or the agency, corporation or association which, initiates a hearing before the Commission to bear the burden of publishing notice of the hearing. The newspapers in which the notice must be published are designated. The method by which a person may receive notice of any hearing by second class mail is also specified. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-136 (Permanent Regulation). This new regulation causes the new operator to report any transfer in operator responsibility to the Conservation Division.

K.A.R. 82-3-137 (Permanent Regulation). This new regulation causes the operator to report to the Conservation Division any change in the purchaser of production subject to a proration order.

K.A.R. 82-3-138 (Permanent Regulation). This new regulation formalizes the documents which are required to be submitted with each new pool application.

K.A.R. 82-3-203 (Temporary and Permanent Regulation). The amendment specifies the party who shall provide notice to other parties affected by any hearing concerning an application for discovery oil allowables. The amendment clarifies the date when the period for the discovery allowable begins. Certain sentence structure was revised. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-311 (Temporary and Permanent Regulation). The amendment specifies the party who shall provide notice to other parties affected by any hearing concerning wells being drilled through gas storage formations. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-312 (Permanent Regulation). This new regulation formalizes the allowable for certain gas wells drilled to a depth of less than 2,000 feet and located less than 330 feet from any lease or unit boundary line. The Commission may grant allowable exceptions to protect correlative rights and prevent waste.

K.A.R. 82-3-401 (Temporary and Permanent Regulation). The amendment specifies the party who shall provide notice to other parties affected by any hearing concerning an application for a repressuring or disposal well. It is necessary to issue this regulation as a temporary regulation to implement K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

K.A.R. 82-3-405 (Permanent Regulation). The amendment clarifies that the date for testing any injection well, pursuant to this regulation, shall be agreed to both by the Commission/KDHE staff and the operator.

K.A.R. 82-3-408 (Permanent Regulation). The amendment provides that transfers of the authority for an injection well no longer need to be filed in triplicate.

K.A.R. 82-3-502 (Temporary and Permanent Regulation). The amendment specifies that the applicant shall provide notice of any hearing dates concerning NGPA (Natural Gas Policy Act) well classification applications. The applicant must also provide notice of NGPA well applications which are intended to be administratively granted. It is necessary to issue this regulation as a temporary regulation to effectuate K.S.A. 55-605 and 55-706, as amended by L. 1984, Ch. 203.

MICHAEL LENNEN
Chairman

Doc. No. 002644

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held by the State Corporation Commission of the State of Kansas November 26, 1984, at 10:00 a.m., at the Commission's office, Hearing Room "B," 4th Floor, State Office Building, Topeka, KS, for the purpose of receiving written comments and testimony on the Commission's proposed amendments to the motor carrier regulations.

Persons wishing to review a copy of the proposed amendments to the regulations may do so at the office of the State Corporation Commission, 4th Floor, State Office Building, Topeka, KS after November 8, 1984, between the hours of 7:50 a.m. and 4:50 p.m., Monday through Friday. The regulations will be available for review until the day of the hearing.

Persons wishing to receive a copy of the proposed amended regulations and the fiscal impact statement may do so by submitting a request in writing, after November 8, 1984, to the Administrator of the Transportation Division, State Corporation Commission, 4th Floor, State Office Building, Topeka, KS 66612. Persons requesting a copy of the revised regulations, in accordance with K.S.A. 45-204, will be required to compensate the State Corporation Commission for the cost of reproduction.

The following is a brief summary of the proposed amended regulations:

MOTOR CARRIER REGULATIONS

82-4-3. Amendment represents proposed substantive changes. The regulation proposes to adopt 49 CFR Parts 390, 391, 392, 393, 394, 395, 396, 397, 398 and 399, deal with motor carrier safety, with specific exclusions of portions in conflict with existing Kansas statutes and regulations; defines terms applicable to this regulation. This regulation is proposed to comply with the requirements for the State of Kansas to participate in the motor carrier safety assistance program.

82-4-17. Revoked (Temporary and Permanent).

82-4-19. Revoked (Temporary and Permanent).

82-4-20. Amendments represent substantive changes. The regulations proposed to adopt 49 CFR, Parts, 107.103(b), 107.105, 171, 172, 173, 177, and 178 which relate to the transportation of hazardous materials by motor carriers, with specific exclusion of portions in conflict with existing Kansas statutes and regulations. This regulation is proposed to comply with the requirements for the State of Kansas to participate in the Motor Carrier Safety Assistance Program. (Temporary and Permanent).

82-4-21. This regulation has been amended to implement the requirements for "local wreckers" authorized by SB 591, Sections 1 to 8 which as enacted during the 1984 legislative session. (Temporary and Permanent).

82-4-22. This regulation has been amended to implement the requirements for "local wreckers" autho-

rized by SB 591, Sections 1 to 8 which as enacted during the 1984 legislative session. (Temporary and Permanent).

82-4-27b. Revoked.

82-4-27c. New regulation proposed transfer of certificates and permits without hearing in cases involving transfer from proprietorships and partnerships to corporation as authorized by K.S.A. 66-1,115. (Permanent).

82-4-27d. Regulation explains the requirements for filing applications for temporary authority for common and contract carriers. (Permanent).

82-4-30b. This regulation has been amended to implement the requirements for "local wreckers" authorized by SB 591, Sections 1 to 8 which as enacted during the 1984 legislative session. (Temporary and Permanent).

82-4-33. This regulation has been amended to implement the requirements for "local wreckers" authorized by SB 591, Sections 1 to 8 which as enacted during the 1984 legislative session. (Temporary and Permanent).

82-4-38. This regulation has been amended to implement the requirements for "local wreckers" authorized by SB 591, Sections 1 to 8 which as enacted during the 1984 legislative session. (Temporary and Permanent).

82-4-65. Amendment to the protest requirements. No substantial changes are proposed. (Permanent).

82-4-86. This regulation has been proposed to implement the requirements for the "Fleet Inspection Program" authorized by SB 591, Section 9, which was enacted during the 1984 Legislative Session. (Temporary and Permanent).

MICHAEL LENNEN
Chairman

Doc. No. 002661

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Thursday, November 29, 1984, at 9:30 a.m. in Hearing Room "B," 4th Floor, State Office Building, Topeka, KS, to consider the adoption of proposed permanent regulations of the Kansas Corporation Commission.

All interested parties may submit written comments at any time prior to the hearing by addressing them to Michael Lennen, Chairman of the Corporation Commission, Attention: Shelley Hickman Clark, Hearing Examiner, 4th Floor, State Office Building, Topeka, KS 66612. Copies of the proposed permanent regulations and the fiscal impact statement may be obtained at the above address. Persons requesting a copy of the proposed regulations, in accordance with L. 1984, Ch. 282, § 2, will be required to compensate the Commission for the cost of reproduction. All interested parties

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will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations.

Following the hearing November 29, 1984, all written and oral comments submitted by interested parties will be considered by the Commission as the basis for making changes to these proposed regulations.

K.A.R. 82-1-204, 82-1-207, 82-1-215, 82-1-220, 82-1-230, 82-1-238 will be amended. K.A.R. 82-1-203 and 82-1-234 will be revoked. K.A.R. 82-1-239 is a new regulation.

The following is a brief summary of the proposed permanent regulations:

K.A.R. 82-1-203. Restricted Mail. Revoked, as this regulation is more properly contained in the definition section, which follows.

K.A.R. 82-1-204. Definitions. Conforms existing language to required format and, in subsection (m), offers a further definition of the duties and obligations of commission staff in promoting the public interest.

Subsection (n) expands the formal record to include the examiner's proposed report, exceptions and replies filed pursuant to new regulation 82-1-230(m).

Subsection (o) incorporates the definition of "restricted Mail." See K.A.R. 82-1-203, above.

K.A.R. 82-1-207. Ex parte communications. Clarifies the propriety of communications between the commission and technical staff in any matters pending before the commission, which would include rate cases and generic investigations.

Further, the rule against ex parte communications shall apply to staff counsel only in regard to adjudicatory proceedings before the commission, which may result in the imposition of fines or other sanctions.

K.A.R. 82-1-215. Copies of Pleadings. Increases from five to six the number of pleadings in all dockets except Class A and B utility rate cases, which are governed under a separate section.

K.A.R. 82-1-220. Complaints. Strengthens the commission's settlement procedures, including informal arbitration by a staff member appointed by the commission, applicable to those complaint cases in which the controversy affects only the parties involved, the period for intervention has run, and the issue has no direct or substantial impact upon the general public.

K.A.R. 82-1-230. Hearings; evidence and procedure. Sets up a procedure for the filing of the examiner's proposed report with the parties, affording them an opportunity to file exceptions to the report, and replies to the exceptions. The commission will make its decision based upon the proposed report, exceptions and replies to the exceptions. This procedure may be requested by any party, but the request must be made prior to the conclusion of the hearing. The request will be granted only upon a determination by the commission that the procedure will promote the interests of justice and will not cause unreasonable delay in the final determination of the matter.

K.A.R. 82-1-234. Hearings in lieu of dispositions. Revoked.

K.A.R. 82-1-238. Transcripts. Implements a procedure for the correction of errors in the transcript, to make it conform to the record. Clarifies the commis-

sion's authority to require that transcripts be purchased.

K.A.R. 82-1-239. Discovery. Allows discovery pursuant to the rules of civil procedure, on the commission's own motion or for good cause shown by the parties. Allows the commission to deviate from the rules of civil procedure to better serve the interests of justice. Explicitly provides that the authority of the commission staff to request information in the performance of its duties is not in any way diminished or modified by implementation of this rule.

JUDITH McCONNELL
Executive Secretary

Doc. No. 002653

State of Kansas

STATE CORPORATION COMMISSION

NOTICE OF HEARING ON PROPOSED PERMANENT ADMINISTRATIVE REGULATIONS

A public hearing will be held Thursday, November 29, 1984, at 9:00 a.m. at the offices of the State Corporation Commission, 4th Floor, State Office Building, Topeka, KS 66612, to consider the adoption of a proposed permanent regulation of the State Corporation Commission.

All interested parties may submit written comments at any time prior to the hearing by addressing them to Kansas Corporation Commission, Attention: Jeff Kennedy, Assistant General Counsel, 4th Floor, State Office Building, Topeka, KS 66612. Copies of the proposed permanent regulations and the fiscal impact statement may be obtained at the above address. Persons requesting a copy of the proposed regulation will be required to compensate the Commission for the cost of reproduction. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulation.

Following the hearing November 29, 1984, all written and oral comments submitted by interested parties will be considered by the Commission as the basis for making changes to this proposed regulation.

The following is a brief summary of the proposed permanent regulation:

K.A.R. 82-8-101. This regulation is being amended to update the standards which are incorporated by reference. These standards are the "National Electrical Safety Code," 1984 edition. The current regulation adopts the 1981 edition of the same standards by reference.

JUDITH McCONNELL
Executive Secretary

Doc. No. 002643

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held by the State Corporation Commission of the State of Kansas November 26, 1984, at 10:00 a.m., at the Commission's office, Hearing Room "B," 4th Floor, State Office Building, Topeka, KS, for the purpose of receiving written comments and testimony on the Commission's proposed amendments to the railroad rate regulations to comply with certification requirements under the Staggers Rail Act of 1980.

Persons wishing to review a copy of the proposed amendments to the regulations may do so at the office of the State Corporation Commission, 4th Floor, State Office Building, Topeka, KS after November 8, 1984, between the hours of 7:50 a.m. and 4:50 p.m., Monday through Friday. The regulations will be available for review until the day of the hearing.

Persons wishing to receive a copy of the proposed amended regulations and the fiscal impact statement may do so by submitting a request in writing, after November 8, 1984, to the Administrator of the Transportation Division, State Corporation Commission, 4th Floor, State Office Building, Topeka, KS 66612. Persons requesting a copy of the revised regulations, in accordance with K.S.A. 45-204, will be required to compensate the State Corporation Commission for the cost of reproduction.

The following is a brief summary of the proposed amended regulations:

INTRASTATE RAILROAD RATE REGULATIONS

K.A.R. 82-9-1, 82-9-2, 82-9-5, 82-9-6, 82-9-7, 82-9-8, 82-9-11, 82-9-16, 82-9-19, 82-9-23 and 82-9-24. These regulations have been amended in order for the State Corporation Commission to be certified by the Interstate Commerce Commission under the required provisions of the Staggers Rail Act of 1980. The proposed regulations conform to the federal regulations adopted by the Interstate Commerce Commission in the implementation of the Staggers Rail Act of 1980.

MICHAEL LENNEN
Chairman

Doc. No. 002662

State of Kansas

STATE CORPORATION COMMISSION**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held by the State Corporation Commission of the State of Kansas November 26, 1984, at 10:00 a.m., at the Commission's office, Hearing Room "B," 4th Floor, State Office Building, Topeka, KS for the purpose of receiving written comments and testimony on the Commission's amended railroad safety regulation.

Persons wishing to review a copy of the regulation may do so at the office of the State Corporation Commission, 4th Floor, State Office Building, Topeka, KS after November 8, 1984, between the hours of 7:50 a.m. and 4:50 p.m., Monday through Friday. The regulation will be available for review until the day of the hearing.

Persons wishing to receive a copy of the proposed amended regulation and the fiscal impact statement may do so by submitting a request in writing, after November 8, 1984, to the Administrator of the Transportation Division, State Corporation Commission, 4th Floor, State Office Building, Topeka, KS 66612. Persons requesting a copy of the revised regulation, in accordance with K.S.A. 45-204, will be required to compensate the State Corporation Commission for the cost of reproduction.

The following is a brief summary of the proposed regulation:

**RAILROAD HAZARDOUS MATERIAL
SAFETY REGULATIONS**

82-5-11. Amendments to represent substantive changes. The regulation proposes to adopt 49 CFR 171, 172, 173, 174, 177, 178 and 393.77 with specific exclusion of portion in conflict with existing Kansas statutes and regulations. (Temporary and Permanent)

MICHAEL LENNEN
Chairman

Doc. No. 002660

State of Kansas

**STATE CORPORATION COMMISSION
MINED-LAND CONSERVATION AND
RECLAMATION BOARD****NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Wednesday, November 28, 1984, at 10:00 a.m. at the Holiday Inn, Highway 69 North, Pittsburg, KS, to consider the adoption of proposed permanent regulations of the Kansas Mined-Land Conservation and Reclamation Board.

All interested parties may submit written comments
(continued)

at any time prior to the hearing by addressing them to the Chairman of the Mined-Land Conservation and Reclamation Board, Attention: Jon R. Wilson, Legal Counsel, 4th Floor, State Office Building, Topeka, KS 66612. Copies of the proposed permanent regulations and the fiscal impact statement may be obtained at the above address. Persons requesting a copy of the proposed regulations, in accordance with L. 1984, Ch. 282, § 2, will be required to compensate the Board for the cost of reproduction. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations.

Following the hearing November 28, 1984, all written and oral comments submitted by interested parties will be considered by the Board as the basis for making changes to these proposed regulations.

K.A.R. 47-2-75, 47-3-42, 47-5-16, 47-8-9, 47-9-1, and 47-15-8 will be amended. K.A.R. 47-5-6 to 47-5-15, inclusive, 47-15-2, 47-15-5, 47-15-6, 47-15-9 to 47-15-14, inclusive, and 47-15-16 will be revoked. All of these existing regulations incorporate by reference federal regulations promulgated to implement the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87). These existing regulations will be replaced by the proposed permanent regulations.

The following is a brief summary of the proposed permanent regulations:

K.A.R. 47-1-11. Relates to having permittees prepare and provide reports relative to surface coal mining and reclamation operations, as needed, to the Board.

K.A.R. 47-2-75. This regulation contains definitions of terms used in the Board's rules and regulations. It is amended to add the term "moist bulk density." No substantive changes have been made.

K.A.R. 47-3-42. This regulation identifies various material which must be included with each permit and the procedures for Board action on permits and applications. This regulation is amended to implement the Board's proposed blaster training and certification program and to amend newspaper advertisement requirements for permit applications and significant permit amendments.

K.A.R. 47-5-6 through 47-5-15. These regulations will be revoked. These regulations govern the area of civil penalties and will be replaced by K.A.R. 47-5-5a. No substantive changes have been made.

K.A.R. 47-5-5a. This regulation relates to the assessment, issuance, and rights of appeal of civil penalties. This regulation sets forth the revised test of K.A.R. 47-5-6 through 47-5-15 which will be revoked. No substantive changes have been made.

K.A.R. 47-5-16. This regulation relates to the final assessment and payment of civil penalties. This regulation is amended to clarify and update it. No substantive changes have been made.

K.A.R. 47-8-9. This regulation relates to bonding procedures. This regulation is amended to make it consistent with the governing statute. No substantive changes have been made.

K.A.R. 47-8-9a. This regulation relates to the general procedures for bond forfeitures. It is proposed to clar-

ify the Board's authority to allow a surety to complete a permittee's reclamation plan in lieu of ordering a bond forfeiture. No substantive changes have been made.

K.A.R. 47-9-1. This regulation relates to the performance standards in conducting coal mining and reclamation operations. This regulation incorporates by reference the Board's performance standards. There are three changes from the existing regulation which are proposed for surface and underground mining and reclamation operations: First, a blaster training and certification program will be established; second, increment boundary markers will be required; and third, the water quality standards and effluent limitations of 30 C.F.R. 816.42 (1983) will be adopted.

K.A.R. 47-9-2. This regulation relates to measures which the Board or its designated representatives may require for promoting revegetation of disturbed areas.

K.A.R. 47-9-3. This regulation provides the coal companies with greater flexibility in their operations by allowing alternate designs to be used, if approved by the Board.

K.A.R. 47-13-4. This regulation incorporates by reference portions of 30 C.F.R. Part 850 (1983) which governs the training and certification of blasters who use explosives in coal mining and reclamation operations.

K.A.R. 47-13-5. This regulation sets out the responsibilities of operators and blasters-in-charge in the use of explosive materials in coal mining and reclamation operations.

K.A.R. 47-13-6. This regulation requires all persons who seek a blaster certification to file proof of successful completion of a Board-approved blaster training program with the State Fire Marshal.

K.A.R. 47-15-1a. It incorporates by reference federal regulations that govern inspection and enforcement actions concerning surface coal mining and reclamation operations. No substantive changes have been made.

K.A.R. 47-15-2, 47-15-5, 47-15-6, 47-15-9 to 47-15-14, and 47-15-16. These regulations will be revoked. These regulations governed inspection and enforcement actions and they will be replaced by K.A.R. 47-15-1a. No substantive changes have been made.

K.A.R. 47-15-8. This regulation pertains to citizen requests for state inspections. This regulation will be amended to clarify and update it. No substantive changes have been made.

K.A.R. 47-15-17. This proposed regulation clarifies the Board's and its inspectors' authority to require the vegetative cover of a permit area to be cut to insure compliance with the law.

JUDITH McCONNELL
Executive Secretary

Doc. No. 002637

State of Kansas

**BEHAVIORAL SCIENCES
REGULATORY BOARD****NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing is scheduled for Thursday, November 29, 1984, from 3:30-5:00 p.m., in the board office conference room at 214 W. 6th, Room 203, Topeka, KS. Proposed temporary and permanent rules and regulations of the Behavioral Sciences Regulatory Board regarding the practice of social work will be considered.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the board office at the above address. All interested parties will be given a reasonable opportunity at the hearing to express their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the public hearing, all written and oral comments submitted by interested parties will be considered by the board as the basis for making changes to the proposed regulations.

Copies of the regulations and the fiscal impact statement may be obtained by writing to the board office at the above address.

MARY ANN GABEL
Executive Secretary

Doc. No. 002639

State of Kansas

BOARD OF PHARMACY**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The Kansas State Board of Pharmacy is in the process of amending, revoking, and/or adopting the following permanent regulations:

68-1-2. Grades required. This regulation is amended to reflect the examination grades required for registration by examination and registration by reciprocity.

68-1-3. Qualifying pharmaceutical experience. This regulation is amended to reflect that foreign pharmacy graduates who have successfully passed an equivalent examination may apply for registration as an intern.

68-8-1. Advertising. This regulation is amended to comply with current law regarding generic drug dispensing.

68-20-1. Definitions. This regulation is amended to conform with current law regarding the scheduling of controlled substances.

68-20-11. Applications for registration. This regulation is amended to provide that the expiration date of all registrants under paragraph (A)(6) shall be June of each year.

The full text, as well as the fiscal impact statement of each regulation set forth above, may be obtained from the Executive Director, Everett Willoughby, State Board of Pharmacy, 503 Kansas Ave., Suite 328, P.O. Box 1007, Topeka, KS 66603, 913/296-4056.

A public hearing will be held November 25, 1984, at the Sedgwick County Courthouse, Jury Room, 1st Floor, 525 N. Main, Wichita, KS 67203, from 1:00 p.m. until 3:00 p.m. Interested parties may present their views in open discussion or by submitting written comments to the Executive Director prior to the hearing.

EVERETT WILLOUGHBY
Executive Secretary

Doc. No. 002641

State of Kansas

GRAIN INSPECTION DEPARTMENT**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Monday, November 26, 1984, at 11:00 a.m., in the conference room of the Grain Inspection Department, 235 S. Topeka, Topeka, KS, to consider the adoption and revocation of proposed permanent rules and regulations of the Kansas State Grain Inspection Department.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Director, Kansas State Grain Inspection Department, P.O. Box 1918, Topeka, KS 66601. All interested parties will be given a reasonable opportunity to present their views, orally, on the proposed regulations during the hearing.

Copies of the full text of the regulations and the fiscal impact statements may be obtained by writing to the Director, Kansas State Grain Inspection Department, P.O. Box 1918, Topeka, KS 66601.

The following is a summary of the regulations:

K.A.R. 25-1-9: Revocation of this regulation was prompted by the passage of K.S.A. 34-2,109 and 34-2,110, which address the open storage on a yearly basis.

K.A.R. 25-4-1: Amendment to this regulation in wording and format are as requested by the U.S. Department of Agriculture, Federal Grain Inspection Service, to promote uniformity. There are no changes in the fees.

K.A.R. 25-4-4: Amendment to this regulation is to move the charges for special examinations and amending warehouse license from 25-4-1 to 25-4-4.

MARVIN R. WEBB
Director

Doc. No. 002647

State of Kansas

DEPARTMENT ON AGING**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Tuesday, November 27, 1984, at 9:00 a.m., in Room 313 of the State Capitol, Topeka, KS, to consider the adoption of proposed temporary and permanent rules and regulations of the Kansas Department on Aging.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Secretary, Kansas Department on Aging, 610 W. 10th, Topeka, KS 66612. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 27, 1984, all written and oral comments submitted by interested parties will be considered by the Secretary of Aging as the basis for making changes to these proposed regulations.

Summaries of the regulations follow. Copies of the regulations and the fiscal impact statement may be obtained by writing: Kansas Department on Aging, 610 W. 10th, Topeka, KS 66612.

There is no fiscal impact resulting from the adoption of any of the regulations that are summarized briefly as follows:

K.A.R. 26-1-1 contains definitions of words commonly used throughout the administrative regulations.

K.A.R. 26-1-2 through 26-1-3 include procedures for redesignation of planning and service area boundaries and area agencies on aging.

K.A.R. 26-1-4 contains the procedures to be utilized for public hearings to determine the needs, issues, and concerns of older persons.

K.A.R. 26-1-5 contains the procedure to be utilized by area agencies for the development of area plans.

K.A.R. 26-1-6 contains the procedures to be utilized in the operation of area agencies on aging.

K.A.R. 26-2-1 contains the procedure to be utilized in the notice of grant awards.

K.A.R. 26-2-2 prescribes that the department may enter into contracts for the provision of services to older persons in any planning and service area.

K.A.R. 26-2-3 contains the requirements to be utilized by grantees or contractors of the department in reporting to the department required data and information.

K.A.R. 26-2-4 contains the procedure and requirements for modification of approved grants or contracts.

K.A.R. 26-2-5 contains the procedures and requirements for assessments of performance and compliance with department grants and contracts.

K.A.R. 26-2-6 contains the basis to be utilized for the withholding of payments.

K.A.R. 26-2-7 contains the requirements to be utilized in closeout, suspension or termination of grants or subgrants.

K.A.R. 26-3-1 contains the practice to be utilized in contracting and granting.

K.A.R. 26-3-2 contains the policies and procedures to be utilized for subgrants.

K.A.R. 26-3-3 contains the requirements and procedures to be utilized for contracts for services.

K.A.R. 26-3-4 contains the responsibilities of area agencies when sub-granting or granting services under an area plan.

K.A.R. 26-3-5 contains the requirements and procedures to be utilized for modification of approved subgrants or contracts.

K.A.R. 26-3-6 contains the reporting requirements to be met by sub-grantees or contractors of area agencies.

K.A.R. 26-3-7 contains the policies and procedures for appeals from certain area agency decisions.

K.A.R. 26-4-1 contains the policies and requirements concerning the opportunity for a hearing regarding certain actions.

K.A.R. 26-4-2 contains the policies, requirements and makeup of the hearing panel.

K.A.R. 26-4-3 contains the procedures and requirements for a hearing.

K.A.R. 26-4-4 contains the procedures, policies and requirements for the decision of the secretary as it concerns the hearing panel.

SYLVIA HOUGLAND
Secretary of Aging

Doc. No. 002652

State of Kansas

**OFFICE OF THE
SECURITIES COMMISSIONER****NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held November 27, 1984, at 10:30 a.m., in Conference Room A, 109 W. 9th, Topeka, KS, to consider the adoption of proposed changes in an existing regulation of the Office of the Securities Commissioner. These changes will be adopted on a temporary and permanent basis.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Kansas Securities Commissioner, 503 Kansas Ave., Suite 212, Topeka, KS 66603. All interested parties will be given a reasonable opportunity to present their views, orally, on the proposals.

Copies of the full text of the proposed changes and the fiscal impact statement may be obtained from the Kansas Securities Commissioner.

The following is a summary of the proposed changes:

K.A.R. 81-1-1 contains definitions applicable to the Kansas Securities Act. All of the definitions are being amended to update language, form and style.

The definitions of "Isolated transaction" and "Fractional oil interests" are being deleted.

The definition of "Public offering" is being amended to include securities that are offered for sale by means of general solicitation including radio, public seminar, television and general telephone solicitation.

The definition of "Application" is being amended to include reference to investment advisors.

Finally, the definition of "Control" and "controlling person" is being amended to include as a controlling person any person who owns 10% or more of the outstanding shares of any class or classes of securities of another person.

JOHN R. WURTH
Securities Commissioner

Doc. No. 002645

State of Kansas

BUREAU OF INVESTIGATION

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

The Kansas Bureau of Investigation hereby gives notice that a public hearing will be held at 3:00 p.m. November 26, 1984, at the Kansas Bureau of Investigation, 1620 Tyler, Topeka, KS to receive written or oral testimony concerning the proposed adoption of new regulations number 10-19-1 through 10-19-9. These regulations are intended to be adopted on a temporary and permanent basis.

Following the hearing November 26, 1984, all written and oral comments submitted by interested parties will be considered by the Director of the Kansas Bureau of Investigation as the basis for making changes to these proposed regulations.

Copies of the proposed regulations and the fiscal impact statement may be obtained by writing to the Kansas Bureau of Investigation, 1620 Tyler, Topeka, KS 66612.

Summaries of the new proposed regulations and amendments follow:

K.A.R. 10-19-1 through K.A.R. 10-19-9 relate to the collection and reporting of juvenile justice information to the central repository and set forth definitions, reportable events, accuracy and completeness, the obligation to report, forms for reporting, responsibility for reporting and implementation and administration of the juvenile justice information system. Adoption of these sections is necessary to implement the provisions of L. 1984, Chap. 115.

THOMAS E. KELLY
Director

Doc. No. 002634

State of Kansas

BOARD OF HEALING ARTS

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

A public hearing will be held Friday, November 30, 1984, at 3:30 p.m. at 503 Kansas Ave., Suite 500, Topeka, KS, to consider the adoption of proposed rules and regulations of the Kansas State Board of Healing Arts.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Board of Healing Arts, 503 Kansas Ave., Suite 500, Topeka, KS. All interested parties will be given a reasonable opportunity to present their views, orally, in regard to the adoption of the proposed regulations.

Following the hearing November 30, 1984, all written and oral comments submitted by interested parties will be considered by the Board of Healing Arts as a basis for making changes in these proposed regulations.

Copies of the regulations and a fiscal impact statement may be obtained by writing the Board of Healing Arts, 503 Kansas Ave., Suite 500, Topeka, KS. A summary of the regulations follow.

K.A.R. 100-6-2. Lists general qualifications for licensure.

K.A.R. 100-11-1. Lists fees as collected by the Board. This is proposed as a temporary and permanent regulation due to the change in costs of exams January 1, 1985.

K.A.R. 100-17-1 and 100-17-2 are revoked because of statutory changes.

K.A.R. 100-18a-1 deals with advertising of free offers.

K.A.R. 100-22-1 states that it is dishonorable conduct to refuse to supply patient records to another licensee.

K.A.R. 100-47-1 are newly drafted regulations covering continuing education requirements for physical therapists.

ELIZABETH CARLSON
Executive Secretary

Doc. No. 002630

State of Kansas

BOARD OF COSMETOLOGY**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Tuesday, November 27, 1984 at 2:00 p.m. in the offices of the Board of Cosmetology, 630 Kansas Ave., Topeka, KS to consider adoption of one permanent rule and regulation.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Kansas State Board of Cosmetology, 630 Kansas Ave., Topeka, KS 66603. All interested parties will be given reasonable opportunity to present their views, orally, on the adoption of the proposed regulations during the hearing.

Copies of the full text of the regulations and the fiscal impact statement may be obtained by writing to the board offices.

The following is a summary of the regulation:

K.A.R. 69-3-3. Will provide minimum requirements to establish a school of onychology.

HENRI FOURNIER
Executive Director

Doc. No. 002638

State of Kansas

DEPARTMENT OF REVENUE**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

Notice is hereby given that a public hearing will be held November 26, 1984, at 10:00 a.m., in the Office of the Kansas Department of Revenue, Secretary's Conference Room, State Office Building, Topeka, KS to consider the adoption of proposed temporary and permanent regulations of the Department of Revenue.

A copy of the full text of the proposed regulations and the fiscal impact statement may be obtained by contacting Ruth Ann Boten, Legal Services Bureau, Kansas Department of Revenue, State Office Building, Topeka, KS 66625.

All interested parties may submit written comments at any time prior to or at the hearing. All interested parties will be given a reasonable opportunity to present their views, orally, on the adoption of the proposed regulations during the hearing.

A summary of the proposed regulations is set forth below:

Ch. 92, Art. 3—Motor Fuel Tax and Transportation of Liquid Fuel—92-3-13 setting fees for the calibration of vehicles hauling fuels is revoked.

Ch. 92, Art. 5—Cigarette Tax—92-5-3 is amended to eliminate certain requirements in regard to sample packages of cigarettes. Amendments also make minor clean-up changes.

Ch. 92, Art. 23—Bingo—92-23-1 relating to inspection and preservation of books and records is revoked. **92-23-2** relating to sufficiency of taxpayer notices is revoked. **92-23-3** relating to examination and due dates of returns and license revocations is revoked. **92-23-9** is a new regulation prohibiting persons managing, operating or conducting a game from participating as a player in that game. **92-23-10** is a new regulation prescribing procedures for verification of winners of games. **92-23-11** is a new regulation prescribing procedures for the handling of cards. **92-23-12** is a new regulation prohibiting players from communicating numbers needed to win a game to a person conducting the game. **92-23-13** is a new regulation requiring display of objects utilized to determine the numbers called. **92-23-14** is a new regulation requiring the filing of schedules of sessions and notices of changes therein. **92-23-15** is a new regulation detailing certain requirements and procedures in regard to the establishment and use of trust accounts. **92-23-38** and **92-23-38a** are amended to make a number of technical and clean-up changes.

Ch. 92, Art. 26—Mineral Severance Tax—92-26-1 is a new regulation setting forth the method by which average daily production for oil and gas wells is to be calculated for exemption purposes.

Ch. 92, Art. 51—Titles and Registration—92-51-22 is amended to increase the time for payment of a vehicle registration fee from 15 to 30 days after assignment or reassignment of the manufacturer's certificate of origin or certificate of title to accord with amendments made by 1984 Senate Bill No. 893. **92-51-25** relating to requirements for applications for title on used, foreign vehicles is amended to accord with provisions of 1984 Senate Bill No. 591. **92-51-30** relating to applications for refunds of motor vehicle registration fees is amended to accord with provisions of 1984 Senate Bill No. 893. **92-51-35** establishes application requirements for prisoner of war number plates. **92-51-36** is a new regulation establishing standards for lettering farm trucks and farm truck tractors registered for gross weights of more than 54,000 pounds. **92-51-37** is a new regulation providing for reissuance of lost or stolen personalized license plates.

Ch. 93, Art. 4—Assessment-sales ratio study—93-4-1 defines urban and rural real estate for purposes of the assessment-sales ratio study.

HARLEY T. DUNCAN
Secretary of Revenue

Doc. No. 002658

State of Kansas

**DEPARTMENT OF REVENUE
DIVISION OF ALCOHOLIC
BEVERAGE CONTROL**

**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

A public hearing will be held Thursday, November 29, 1984, at 10:00 a.m., in Room 313-S of the State Capitol (Old Supreme Court Room) Topeka, KS, to consider the adoption of proposed changes in existing rules and regulations and proposed new rules and regulations of the Alcoholic Beverage Control Division.

All interested parties may submit written comments at any time prior to the hearing by addressing them to John A. Lamb, Director, Alcoholic Beverage Control Division, Kansas Department of Revenue, Topeka, KS 66625. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit oral presentation to not more than five minutes.

Following the hearing November 29, 1984, all written and oral comments submitted by interested parties will be considered by the Director of the Alcoholic Beverage Control Division and the Alcoholic Beverage Control Board of Review as a basis for making changes to these proposed regulations.

Copies of the proposed regulations and fiscal impact may be obtained by contacting the Alcoholic Beverage Control Division, Kansas Department of Revenue, Topeka, KS 66625, (913) 296-3946.

A summary of the regulations follow:

K.A.R. 13-5-2. Freight Determination. Proposed change will do away with the "30 pound rule."

K.A.R. 14-4-11. Manufacturer's and distributor's price lists; requirements for filing. Proposed change will delay distributors filing of affidavit affirming delivery of copy of price list with ABC to the 25th day of the month.

K.A.R. 14-4-14. Transportation of alcoholic liquor by distributors. Proposed change will expand to 14 days the period in which distributors shall offer no less than one day of delivery and deletes the minimum poundage requirement.

K.A.R. 14-6-2a. Capacities of containers. Adds 5 liter and 1/6 barrel for beer.

K.A.R. 14-6-4. Labels on containers of beer, nature. Proposed additions requires the name of the beer manufacturer/importer on the label of containers, and requires that prior to the shipment of any beer into the state, each label must be submitted in duplicate to the director.

K.A.R. 14-7-4. Alcoholic liquor other than beer; payment of tax; penalty; bond required; credit. Proposed addition would require any collateral submitted by a distributor in lieu of required bond to be deposited in an escrow account to be held by any recognized

professional escrow agent. The agreement is to be submitted on a form provided by the director and subject to the director's approval.

K.A.R. 14-8-4. Retail licensees; marking price on original packages; price listings on or near coolers; and price marking on point of sale materials. Proposed change will delete provision for retail licensees to affix to original container a price or inventory control paper tag.

K.A.R. 14-8-8. Signs advertising alcoholic liquor or certain signs bearing retail licensee's name prohibited. Proposed additions explain more fully what kinds of signs will be considered a violation.

K.A.R. 14-10-1. Trade practices between distributors and retailers. Proposed changes require distributors to keep records on licensed premises for a period of 5 years of all product displays and point of sale materials sold or given to retailers. Additions set a fair market value computation, and describes what can be considered "point of sale materials." It specifies that these materials are to be provided to the retailer at no cost. Additions also provide that while a distributor of liquor may stock and rotate its own products at a retail liquor store, it may not disturb any other distributor's products and may not rearrange all or part of a store.

K.A.R. 14-11-13. Revoked.

K.A.R. 14-11-4. Prohibited statements and restrictions in the advertising of domestic table wine. Proposed changes delete the prohibition against the words "bond," "bonded," "bottled in bond," "aged in bond" and similar phrases.

K.A.R. 14-11-21. Advertising by decorated or undecorated boxes, cartons, bags, etc., prohibitions. Proposed changes delete the prohibition against farm wineries selling, furnishing, giving, distributing or delivering to a licensed retailer or distributor display material of any kind.

K.A.R. 14-16-6. Service of order, decisions, directives and notices of director on licensees and applicants for licensees; refusal to accept mail. Proposed addition prohibits licensees from refusing to accept or sign for certified mail from the ABC.

K.A.R. 92-8-9a. Labels on containers of cereal malt beverage; nature. Requires cereal malt beverage containers to be so labeled. [NEW]

K.A.R. 92-8-18. Advertising by a retail seller of cereal malt beverage; brewer or wholesaler cannot pay for. [NEW]

K.A.R. 92-8-19. Inducements in exchange for exclusive brand at retail establishments prohibited. [NEW]

JOHN A. LAMB, Director
Division of Alcoholic Beverage Control

Doc. No. 002648

State of Kansas

PARK AND RESOURCES AUTHORITY**NOTICE OF HEARING
ON PROPOSED PERMANENT
ADMINISTRATIVE REGULATIONS**

The State Park and Resources Authority will hold a public hearing at 1:00 p.m., Tuesday, December 4, 1984, in Room 520, 503 Kansas Ave., Topeka, KS, on regulations proposed to be amended by the Authority. All interested parties may present oral or written comments at the hearing. Additional information on the public hearing or proposed regulations may be obtained by contacting the Park and Resources Authority office in Topeka.

The permanent regulations to be amended are as follows:

K.A.R. 33-1-20. Quiet Hours—Quiet hours shall be observed between the hours of 11 p.m. and 6 a.m.

K.A.R. 33-1-21. Written permission required to be obtained from the Director of the Kansas Park and Resources Authority or the Director's designated representative for any special events where a specified number of persons are attending and/or alcoholic beverages are present.

LYNN BURRIS, JR.
Director

Doc. No. 002663

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE OF HEARING
ON PROPOSED TEMPORARY
AND PERMANENT
ADMINISTRATIVE REGULATIONS**

Notice is hereby given to all interested parties that the Department of Social and Rehabilitation Services will hold an open meeting November 27, 1984, at 9:00 a.m., in the SRS Board Room, 6th Floor, State Office Building, Topeka, KS.

The scheduled agenda for the open meeting includes:

—Public hearing concerning certain administrative regulations to become effective on a temporary and/or permanent basis (January 1, 1985/May 1, 1985). A summary of the proposed regulations is set forth below.

I. Temporary Regulations.**A. Public Assistance Program.**

1. 30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. This regulation is being amended to expand the vulnerable groupings to include persons who are being released from medicaid approved psychiatric hospitals in accordance with approved discharge plans. In addition, it is proposed that special provisions be established for such persons to permit presumptive eligibility determinations and to

waive the requirements pertaining to 80% budgeting in K.A.R. 30-4-100(b)(1) and proration of the assistance payment in K.A.R. 30-4-140(a)(1). Assistance under this provision shall not exceed the month of discharge and the two following months.

B. Medicaid/Medikan Program—Client Eligibility.

1. 30-6-65. Automatic eligibles. This regulation is being amended to extend the four month automatic medical provision to families which lose eligibility for ADC, ADC-FC, or APW as a result, wholly or partly, of the collection or increased collection of support.

2. 30-6-103. Determined eligibles; protected income levels. This regulation is being amended to increase the protected income levels to reflect the anticipated cost of living adjustment in the SSI program for one and two persons in the assistance plan. The protected income level for three or more persons is being increased to retain an upward progression in the protected income levels based on family size.

3. 30-6-107. Property exemption. This regulation is being amended to increase the allowable nonexempt resource level from \$1,500.00 to \$1,600.00 for one person and from \$2,250.00 to \$2,400.00 for two or more persons.

4. 30-6-109. Personal property. This regulation is being amended to exempt for SSI cases the amount of a retroactive social security payment as a resource for six months following the month such payment was received.

II. Permanent Regulations.**A. General.**

1. 30-2-12. Fee for providing copies of agency documents and records to non-agency personnel. This regulation is being amended to set forth the following additional charges:

- (a) Supervision fee: Two dollars and fifty cents per quarter hour or portion thereof.
- (b) Computer programming fee: Eight dollars per quarter hour or portion thereof.
- (c) Computer usage fee: (1) General—\$1,103.00 per hour; and (2) medical management information system: as charged by fiscal agent.

2. 30-2-14. Release of information concerning providers, contractors, grantees and vendors. This regulation is being revoked.

3. 30-2-16. Permanency planning goals for title IV-E of the federal social security act. The temporary regulation effective October 1, 1984 is being promulgated as a permanent regulation.

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

1. 30-5-86a. Reimbursement for community mental health centers. This regulation is being amended to reflect technical changes.

C. Medicaid/Medikan Program—Adult Care Homes.

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

care home reimbursement definitions formerly included in sections 30-10-12 and 30-10-13.

2. 30-10-2. Standards for participation; skilled nursing facility. This regulation is being amended to prohibit adult care homes from developing private pay wings or segregating medicaid/medikan recipients to separate areas of the adult care home.

3. 30-10-3. Standards for participation; intermediate care facility and intermediate care facility for mental health. This regulation is being amended to prohibit adult care homes from developing private pay wings or segregating medicaid/medikan recipients to separate areas of the adult care home.

4. 30-10-4. Standards for participation; intermediate care facility for the mentally retarded or persons with related conditions. This regulation is being amended to prohibit adult care homes from developing private pay wings or segregating medicaid/medikan recipients to separate areas of the adult care home.

5. 30-10-7. Certification and recertification by physicians. This regulation is being amended to follow the federal regulation changes which changes the physician recertification to 30, 60 and 90 days, then every 60 days thereafter for skilled nursing facilities. For intermediate care facilities, the physician recertification has been changed to 60 days, then 180 days, then 12 months, 18 months, 24 months, then every 12 months thereafter.

Regulations 30-10-12 and 30-10-13 are being revoked and replaced with reformatted regulations. The regulations have been revised to simplify the material set forth in the revoked regulations and to reduce the length of each regulation.

The revised index of regulations is as follows:

- 30-10-14. Prospective reimbursement.
- 30-10-15a. Reimbursement.
- 30-10-15b. Financial data.
- 30-10-16. Reserved.
- 30-10-17. Cost reports.
- 30-10-18. Rates of reimbursement.
- 30-10-19. Rates; effective dates.
- 30-10-20. Payment of claims.
- 30-10-21. Reserve days.
- 30-10-22. Skilled utilization review services.
- 30-10-23a. Non-reimbursable costs.
- 30-10-23b. Costs allowed with limitations.
- 30-10-23c. Revenues.
- 30-10-24. Compensation of owners, spouses, and administrators.
- 30-10-25a. Assets acquired prior to July 18, 1984.
- 30-10-25b. Assets acquired on or after July 18, 1984.
- 30-10-26. Interest expense.
- 30-10-27. Central office costs.
- 30-10-28. Inpatient days.

A summary of substantive policy changes set forth in the above mentioned regulations is set forth below.

a. 30-10-14. Prospective reimbursement. The secretary is promulgating a new regulation to set forth a preamble to the adult care home reimbursement policies. The text of the proposed regulation is set forth below:

30-10-14. Prospective reimbursement. Providers

participating in the medicaid/medikan program shall be reimbursed for long term care services through rates that are reasonable and adequate to meet the patient-related costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable state and federal laws, regulations, and quality and safety standards.

b. 30-10-15b. Financial data. The material concerning the reduction or suspension of program payments is being amended to clarify procedures for applying penalties for providers who do not maintain adequate accounting records.

A reduction of payments due to inadequate accounting records will continue until the agency is assured that adequate records are maintained or 60 days from date of notification of the reduction to the lowest rate, whichever comes first. Failure to provide adequate records within the 60 day period will result in suspension from the program and recoupment of payments in excess of the lowest rate or rates for the period beginning with the rate effective date of the first rate computed from the cost report, subject to audit, and ending with the date of suspension from the program.

Satisfaction of any liabilities resulting from this action will be made in full before the suspension can be lifted for either the old or a new provider operating the facility involved. Recoupments from providers, related to the suspended provider, for any unpaid balance is not to jeopardize the care of the recipients in the respective facilities.

Evidence of financial insolvency will cause any waiting periods to be suspended and will allow the secretary of the agency to take immediate and appropriate action to protect the care and rights of the residents of any facility involved in this or any other action of non-compliance.

c. 30-10-17. Cost reports. Additional filing requirements are being added for providers on projection. Providers with more than one facility, with at least one filing on a projected cost basis, will be required to file an interim cost report for each facility on projection at the end of the provider's designated fiscal year for all related facilities. The method of allocation of central office costs to those facilities on projection is to be consistent with those used to allocate such costs to the related facilities for which historical cost reports are filed.

The material concerning penalties for the filing of cost reports is being amended to clarify the current penalties and add new ones. Providers filing after 10 days from the due date will have their rates reduced by 10% effective with the first day of the month following the due date. Failure to file a cost report by the last day of the month following the due date will cause the provider's rate for each level of care to be reduced to the lowest rate in the State for the appropriate level of care.

d. 30-10-18. Rates of reimbursement. The material concerning the filing of projected cost reports resulting from changes in the level of care or changes in

(continued)

ownership is being amended to establish new criteria and limitations.

When a provider is certified to provide an upgraded level of care such as skilled nursing care, intermediate care for the mentally retarded or mental health recipients, the projection period will now need to coincide with the provider's designated fiscal year and allow a new rate only for the upgraded level of care (in lieu of allowing a projected rate for the following 12-month period regardless of the provider's designated fiscal year). The projection period will coincide with the current fiscal year if the remaining portion of that period is equal to or greater than six months. If the remaining period is less than six months, the projection period will coincide with the provider's next full fiscal year. The interim rate for the upgraded level of care will be determined by the agency and is not to exceed the provider's current intermediate care rate by more than 5%.

A projected cost report will need to be filed if a *new* provider makes capital improvements in excess of \$100,000.00 which (1) benefit patient care, (2) are required for recertification of the facility or (3) substantially reduce operating costs. When the new provider makes no change in the facility that meets one of the above three criteria, the new provider's rate will be based on the historical cost data of the previous owner or provider for the first 12 months of operation.

e. 30-10-23b. Costs allowed with limitations. The authorization for allowing costs related to administrative appeals and court litigation under certain circumstances is being deleted.

f. 30-10-24. Compensation of owners, spouses, and administrators. The material concerning compensation of owners, spouses and administrators is being amended to eliminate inconsistencies and inequities in owner's compensation limitations.

The patient related functions for which an owner or the owner's spouse can be reimbursed will be limited to those that are common to the industry and for which cost data is available. Creative job titles for administrative and supervisory duties performed by an owner or owner's spouse will be limited to the work activity included in the schedule of owner's salary limitations that most closely reflects the work activity performed, that is not simultaneously performed by a non-owner employee, multiplied by the percent of time determined in accordance with other paragraphs in the regulation. In no instance will the salary limit exceed the salary limit for an administrator.

The allocation of time of an owner or owner's spouse may not exceed 100% of the person's total work time for functions performed within a facility or for all facilities in which they have an ownership or management interest. An owner or owner's spouse will need to allocate a portion of the person's work time to other business interests or work activities in which they are involved regardless of the relationship to adult care home activities.

When professionally qualified owners or their spouses perform duties other than that for which they are professionally qualified, the costs are to be allocated and reported in the administrative cost center.

When salaries of the owners or their spouses, appropriately reported in other cost centers, exceed the salary limitations for those activities, the excess will be transferred to the administrative cost center subject to the owner/administrator compensation limitation. The excess salary will also be included in the costs used to compute the efficiency factor.

Management consulting fees will now be considered owner's compensation, subject to those limitations, when performed by related parties, current owners of the provider agreement, owners of the facility in a lessee-lessor relationship, and management consulting firms, lawyers, accountants and other professional people who have common ownership interests in other facilities, in this or other states, with the owners of the facility from which the consulting fee is received. This will also include owners who sell and enter into a management contract to operate the facility.

g. 30-10-25b. Assets acquired on or after July 18, 1984. The material concerning the treatment of assets acquired on or after July 18, 1984 is being amended to add the following limitations:

(a) For any asset in existence on July 18, 1984, the valuation of such asset for reimbursement purposes shall not exceed the lesser of the allowable acquisition cost of such asset to the owner of record on July 18, 1984 or the acquisition cost of such asset to the new owner.

(b) For any asset not in existence on July 18, 1984, the valuation of such asset for reimbursement purposes shall be the lesser of the acquisition cost of such asset to the first owner of record or the acquisition cost of such asset to the new owner.

(c) Costs attributable to the negotiation or settlement of the sale or purchase of any capital asset on or after July 18, 1984 shall not be allowable.

(d) Prorate the depreciation over the estimated useful life of the asset using the straight-line method for assets acquired prior to July 18, 1984 or the same estimated useful life as that used by the owner of record on July 18, 1984 for assets purchased on or after July 18, 1984.

(e) Limit lease agreements made on or after May 1, 1985 which cover the land, buildings, furniture, fixtures and equipment to the allowable medic-aid/medicaid program costs of ownership, without inflation, of the owner or lessor on May 1, 1985.

(f) Treat transactions involving sales-leaseback arrangements made on or after May 1, 1985 as a sale and a lease agreement.

h. 30-10-27. Central office costs. The material concerning central office costs is being amended to eliminate inconsistencies and inequities in applying limitations for owner's compensation included in central office costs. New reporting requirements for allocation of costs between facilities will be implemented.

D. Services for the Blind.

1. 30-12-16. Definitions. This regulation is being amended to make the definition of "visual impairment" more consistent with terminology used in eligibility requirements set forth in other material.

2. **30-12-20. Medical care.** This regulation is being amended to increase the amount of the income disregards used in determining applicable income.

3. **30-12-22. Vocational rehabilitation services.** This regulation is being amended to:

- (a) Delete a reference to a specific maintenance amount;
- (b) include an alternative cost basis that may be less than the rate established by the state board of regents; and
- (c) to allow flexibility in setting a date for the order of selection to be implemented since the date now listed no longer applies.

E. Licensing of Psychiatric Hospitals and Community Mental Health Centers; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons.

1. The Secretary is promulgating a new regulation concerning private psychiatric hospitals; additional organizational standards. The text of the proposed regulation is set forth below:

30-22-3a. Private psychiatric hospitals; additional organizational standards. Each hospital shall: (a) Have a governing body that has overall responsibility for the operation of the hospital;

(b) have a chief executive officer appointed by its governing body who shall be responsible for the overall administration of the hospital;

(c) have a single, organized professional staff that has the overall responsibility for the quality of all clinical care provided to patients and for the professional practices of its members, as well as for accounting therefor to the governing body. The manner in which the professional staff is organized shall be consistent with the hospital's documented staff organization and bylaws, policies, and the setting in which the services are provided. The professional staff bylaws, rules and regulations shall require, unless otherwise provided by law, that a licensed physician be responsible for diagnosis and all medical care and treatment. The organization of the professional staff, and its bylaws, rules and regulations, shall be approved by the governing body;

(d) prepare a written, annual budget which includes a statement of expected revenues and expenses and an integrated statement of the hospital's progress plan;

(e) have personnel policies which promote its objectives and provide qualified personnel during all hours of operation in numbers which are adequate to support the functions of the hospital and to provide quality care;

(f) provide staff development programs for administrative, professional, and support staff; and

(g) make library services available to meet the professional and technical needs of the facility's staff.

2. The Secretary is promulgating a new regulation concerning private psychiatric hospitals; additional program standards. The text of the proposed regulation is set forth below:

30-22-3b. Private psychiatric hospitals; additional program standards. Each hospital shall: (a) Formulate and specify its goals and objectives and describe its programs (including volunteer services, if any) in a written plan for professional services. The plan shall be written in such a manner that the hospital's performance can be measured;

(b) have a written statement of goals and objectives for each program and each patient population served;

(c) conduct a utilization review program;

(d) exhibit evidence of a well-defined, organized program designed to enhance patient care through ongoing, objective assessment of important aspects of patient care and correction of identified problems; and

(e) if conducting research with human subjects, have written policies which assure that a rigorous review is conducted with regard to the merits of each research project and the potential effects of the research procedures on the participants.

3. The Secretary is promulgating a new regulation concerning private psychiatric hospitals; additional treatment standards. The text of the proposed regulation is set forth below:

30-22-3c. Private psychiatric hospitals; additional treatment standards. Each hospital shall: (a) Maintain a written record for each patient;

(b) have a written plan designed to assure that the treatment planned and provided for each patient is evaluated and revised according to the needs of the patient;

(c) have written policies and procedures governing the intake process which specify the following:

(1) The information to be obtained for each applicant or referral for admission;

(2) the procedures for accepting referrals from outside agencies and organizations;

(3) the records to be kept regarding each applicant;

(4) the statistical data to be kept on the intake process; and

(5) the procedures to be followed when an applicant or a referral is found to be ineligible for admission;

(d) conduct a complete assessment of each patient, including a clinical consideration of the patient's needs;

(e) develop a written, individualized treatment plan for each patient. The plan shall be based on an assessment of such patient's clinical needs;

(f) require special, written justification prior to the implementation of the following treatment procedures:

(1) The use of restraints;

(2) the use of seclusion;

(3) the use of electroconvulsive therapy and other forms of convulsive therapy; and

(4) the performance of psychosurgery or other surgical procedures for intervention in or alteration of a mental, emotional, or behavioral disorder; and

(continued)

(g) assess and treat the dental needs of its patients.

4. The Secretary is promulgating a new regulation concerning private psychiatric hospitals; additional services. The text of the proposed regulation is set forth below:

30-22-3d. Private psychiatric hospitals; additional services. (a) Each hospital shall provide the following services except as noted:

(1) Dietetic services, if a hospital provides 24-hour care, has therapeutic goals related to the nutritional needs of patients, or has patients otherwise requiring such services;

(2) pastoral services, in accordance with the needs of its patients;

(3) pathology and laboratory services, in accordance with the needs of the patients, the size of the facility, the services offered, and the resources available in the community;

(4) pharmaceutical services provided by the hospital or by agreement; and

(5) radiology services provided by the hospital or by agreement.

(b) In addition to the services listed in subsection (a), inpatient, residential and partial-day facilities shall directly provide or make arrangements for the following services:

(1) Activity services to meet the physical, social, cultural, recreational, health maintenance, and rehabilitation needs of patients;

(2) educational services to meet patient needs for special education, patient needs related to learning difficulties resulting from either physical or emotional aspects of their mental illness, and patient needs for pre-vocational or vocational education necessary for re-integration into the community after treatment;

(3) speech-language, and hearing services to provide assessments of speech, language, or hearing when indicated and to provide counseling, treatment, and rehabilitation when needed; and

(4) counseling services concerning specific vocational needs.

5. The Secretary is promulgating a new regulation concerning private psychiatric hospitals; additional environmental management standards. The text of the proposed regulation is set forth below:

30-22-4a. Private psychiatric hospitals; additional environmental management standards. (a) Each building in which patients receive treatment or in which patients are housed overnight shall be designed, constructed, and equipped to reasonably protect patients, staff, and visitors from the hazards of fire, explosion, and panic.

(b) Each hospital shall:

(1) Establish a safety committee that includes representatives from all major services;

(2) establish an environment that enhances the positive self-image of patients and preserves their human dignity;

(3) develop written policies and procedures for maintaining a clean and safe environment;

(4) develop an infection-control program; and

(5) develop written policies and procedures for the handling, maintenance, and use of sterile supplies and equipment if such supplies and equipment are used by the hospital.

F. Licensing of Non-Medical Community Based Agencies Providing Services to Handicapped Adults.

1. **30-41-2. Licensing procedures.** This regulation is being amended to: (1) allow the agency 60 days to process an application for license renewal in order to be internally consistent with the 60 days the agency has to process any application; (2) disallow the issuance of two consecutive provisional licenses by the agency; and (3) reflect technical changes.

2. **30-41-4. Statement of programs offered.** This regulation is being amended to reflect technical changes.

3. **30-41-5. Terms of license.** This regulation is being amended to: (1) require the licensee to display the license at the facility in which the program is offered; or if the program is not located in a particular facility, to display the license at the licensee's principal place of business; and (2) reflect technical changes.

4. **30-41-6b. Personnel policies.** This regulation is being amended to: (1) reduce the maximum ratio of mental health clients to staff at residential facilities from 25 to one, to 15 to one; and (2) reflect technical changes.

5. **30-41-6f. Fiscal policies.** This regulation is being amended to: (1) require a licensee to maintain a current fee schedule; and (2) require a licensee to make financial arrangements before the time a client is admitted.

6. **30-41-6g. Client records.** This regulation is being amended to require the inclusion of the following in the client records:

(1) Signed consent for emergency treatment and contact persons in case of an emergency;

(2) evaluation information;

(3) an individual program plan with the following components:

(a) Client's name and birthdate;

(b) annual conference participants;

(c) list of assessment instruments;

(d) annual goals;

(e) recommended services;

(f) objectives;

(g) names and titles of persons responsible for assisting clients;

(h) starting date of service;

(i) projected completion date;

(j) methods;

(k) materials and equipment;

(l) barriers;

(m) signed documentation of the client's participation;

(n) documentation of training activities;

(o) date and reasons for termination; and

(p) semi-annual progress reports; and

(4) discharge summary.

7. The Secretary is promulgating a new regulation

concerning client policies. The text of the proposed regulation is set forth below:

30-41-6h. Client policies. (a) Clients, and as appropriate, parents or guardians shall be provided with an orientation concerning available services and agency policies. Each client shall be treated as a member of the peer group, sharing privileges, duties, and responsibilities according to the client's capacity; and receiving instruction and training according to the client's special abilities or limitations. Services shall be offered in the least restrictive environment for the client.

(b) The agency shall have current, written policies and procedures relating to discipline. Corporal punishment, restraints or punitive measures shall not be used.

(c) The agency shall have current, written policies and procedures regarding protection of clients from neglect and exploitation.

(d) The agency shall have a current, written grievance procedure. Clients shall not be used in campaigns or publicity efforts to raise funds without the understanding of the client, parent or guardian and without appropriate, signed release forms.

(e) Attendance and leave information regarding each client shall be maintained by the agency. The information shall denote the days and any portions of a day the client was in attendance.

8. The Secretary is reserving regulation 30-41-9.

9. The Secretary is promulgating a new regulation concerning adult day care. The text of the proposed regulation is set forth below:

30-41-10. Adult day care program content. An approvable adult day care program shall provide the following services: (a) Personal social adjustment;

(b) recreation and socialization;

(c) case management, including:

(1) Case finding and preparation;

(2) assessment and evaluation;

(3) individual program plan development;

(4) individual program plan implementation;

(5) individual program plan review and revision;

(6) placement and termination; and

(7) follow-up; and

(d) life skills and community living skills.

10. The Secretary is promulgating a new regulation concerning adult life skills training. The text of the proposed regulation is set forth below:

30-41-11. Adult life skills training program content. An approvable adult life skills training program shall provide the following services: (a) Life skills and community living skills;

(b) personal social adjustment;

(c) work, work habits, and work-related skills; and

(d) case management, including:

(1) Case finding and preparation;

(2) assessment and evaluation;

(3) individual program plan development;

(4) individual program plan implementation;

(5) individual program plan review and revision;

(6) placement and termination; and

(7) follow-up.

11. The Secretary is promulgating a new regulation concerning work activity. The text of the proposed regulation is set forth below:

30-41-12. Work activity program content. An approvable work activity program shall provide the following services: (a) Work, work habits, and work-related skills;

(b) personal social adjustment; and

(c) case management, including:

(1) Case finding and preparation;

(2) assessment and evaluation;

(3) individual program plan development;

(4) individual program plan implementation;

(5) individual program plan review and revision;

(6) placement and termination; and

(7) follow-up.

12. The Secretary is promulgating a new regulation concerning work adjustment. The text of the proposed regulation is set forth below:

30-41-13. Work adjustment program content. An approvable work adjustment program shall provide the following services: (a) Vocational counseling;

(b) work, work habits, and work-related skills;

(c) case management, including:

(1) Case finding and preparation;

(2) assessment and evaluation;

(3) individual program plan development;

(4) individual program plan implementation;

(5) individual program plan review and revision;

(6) placement and termination; and

(7) follow-up; and

(d) job readiness.

13. The Secretary is promulgating a new regulation concerning vocational education. The text of the proposed regulation is set forth below:

30-41-14. Vocational evaluation program content. An approvable vocational evaluation program shall provide the following services: (a) Assessment and evaluation; and

(b) case coordination, including:

(1) Case finding and preparation;

(2) placement and termination; and

(3) information and referral.

14. The Secretary is promulgating a new regulation concerning group living. The text of the proposed regulation is set forth below:

30-41-15. Group living program content. An approvable group living program shall provide the following services: (a) Life skills and community living skills;

(b) personal social adjustment; and

(c) case management, including:

(1) Case finding and preparation;

(2) assessment and evaluation;

(3) individual program plan development;

(4) individual program plan implementation;

(5) individual program plan review and revision;

(6) placement and termination; and

(7) follow-up.

15. The Secretary is promulgating a new regulation concerning semi-independent living. The text of the proposed regulation is set forth below:

(continued)

30-41-16. Semi-independent living program content. An approvable semi-independent living program shall provide the following services: (a) Life skills and community living skills;

- (b) personal social adjustment; and
- (c) case management, including:
 - (1) Case finding and preparation;
 - (2) assessment and evaluation;
 - (3) individual program plan development;
 - (4) individual program plan implementation;
 - (5) individual program plan review and revision;
 - (6) placement and termination; and
 - (7) follow-up.

16. The Secretary is promulgating a new regulation concerning independent living. The text of the proposed regulation is set forth below:

30-41-17. Independent living program content. An approvable independent living program shall provide the following services: (a) Information and referral;

- (b) advocacy;
- (c) case management, including:
 - (1) Case finding and preparation;
 - (2) assessment and evaluation;
 - (3) individual program plan development;
 - (4) individual program plan implementation;
 - (5) individual program plan review and revision;
 - (6) placement and termination; and
 - (7) follow-up; and
- (d) social services and counseling.

17. The Secretary is promulgating a new regulation concerning respite care. The text of the proposed regulation is set forth below:

30-41-18. Respite care program content. An approvable respite care program shall provide the following services: (a) Case coordination, including:

- (1) Case finding and preparation;
- (2) placement and termination; and
- (3) follow-up;
- (b) relief care; and
- (c) social services and counseling.

18. The Secretary is promulgating a new regulation concerning sleeping facilities. The text of the proposed regulation is set forth below:

30-41-19. Mandatory provision of adult residential sleeping facilities. Sleeping facilities shall be provided in the following programs: (a) Group living programs;

- (b) semi-independent living programs; and
- (c) respite care programs in those instances when care is provided outside of the client's home.

G. Support Enforcement.

1. The Secretary is promulgating a new regulation concerning support enforcement. The text of the proposed regulation is set forth below:

30-44-1. Fees for support enforcement and establishment services rendered to persons not receiving aid to families with dependent children. Any person not receiving aid to families with dependent children shall be charged an application fee of \$25.00, plus a recovery of costs fee equal to 4% of amounts of support collected, upon application of

such person for services relating to the location of parents, the establishment of paternity, and the establishment and enforcement of support obligations.

A copy of the proposed regulations and fiscal impact statement may be obtained prior to November 27, 1984 by contacting Mary Slaybaugh, Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, KS 66612, (913) 296-3969. Written comments may be submitted prior to such date. Such comments should be forwarded to Dr. Harder, Secretary of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, KS 66612.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary and/or permanent regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit his or her oral presentation to no more than three minutes.

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

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 002640

(Published in the KANSAS REGISTER, November 8, 1984.)

**NOTICE OF BOND SALE
CITY OF SALINA, KANSAS
(One Issue)
\$768,000**

**INTERNAL IMPROVEMENT BONDS
(General obligations, payable from unlimited
Ad Valorem Taxes)**

Sealed, written bids will be received by the Governing Body of the City of Salina, Kansas at the Office of the City Clerk, Suite 206, City-County Building, 300 West Ash Street, P. O. Box 746, Salina, Kansas, 67402-0746, on Monday, November 19, 1984, at or before 2:00 p.m., C.S.T., for the sale of \$768,000 Internal Improvement Bonds, for cash, at not less than par and accrued interest, at which time the bids will be publicly opened in Room 200 and read aloud. The contract for the sale of the bonds will be awarded by the Board of Commissioners at 4:00 p.m. on said day at the Regular Meeting of the Board of Commissioners.

Security of Bonds

All bonds will constitute general obligations of the City of Salina, Kansas (the "City"), the principal and interest on which will be payable in part from special assessments on property benefited but any specially assessed part not so paid and the remainder of said principal and interest will be paid from unlimited ad

valorem taxes which may be levied without limit as to rate or amount upon all the taxable tangible property within the territorial limits of the City. The bonds will not be subject to call prior to their maturity and will be known as Series P-231.

Details of Bonds

Said series will consist of 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. Said series will be dated December 1, 1984 and will mature serially as follows:

December 1, 1986	\$48,000
December 1, 1987	80,000
December 1, 1988	80,000
December 1, 1989	80,000
December 1, 1990	80,000
December 1, 1991	80,000
December 1, 1992	80,000
December 1, 1993	80,000
December 1, 1994	80,000
December 1, 1995	80,000

Interest on the bonds will be payable June 1, 1986 and thereafter semiannually on June 1, and December 1, in each year.

Place of Payment

The principal of 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 (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 preceding May 15 or November 15 (the "Record Date"). The fees of the Bond Registrar for registration and transfer of the bonds shall be paid by the City.

Conditions of Bids

Proposals will be received on bonds bearing such rate or rates of interest as may be specified by the bidder, and the same rate shall apply to all bonds of the same maturity. Each interest rate shall be a multiple of one-eighth or one-twentieth of one percent. 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 (November 12, 1984), plus 2%, and the difference between the highest and lowest interest rate specified in any bid shall not exceed 2%. No bid of less than par and accrued interest will be considered. No more than five rates of interest will be considered, (a repeated rate is permitted). Purchasers shall submit their bids in writing, sealed, and marked "Bond Bid."

Basis of Award

All bids must state the average annual interest rate, the total interest cost, the premium, if any, and the net

interest cost, all certified by the bidder to be correct, and the City will be entitled to rely on such representations. 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.

Good Faith Deposit

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check in the amount of \$15,360.00, made payable to the order of the Treasurer of the City of Salina, Kansas. Such check, or the proceeds thereof, will be held by the Treasurer pending payment for and delivery of the bonds to the successful bidder. In the event the successful bidder shall fail to carry out its contract of purchase, the amount of said deposit shall be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder.

Delivery of and Payment of the Bonds

The City will pay for printing and registering the bonds, expenses of legal service rendered to the City in connection with the issuance of the bonds, and will deliver the bonds properly executed and registered to the successful bidder within 45 days from the date of sale at such bank or trust company located in Kansas or Missouri, as may be specified by the successful bidder, without cost to the successful bidder, or elsewhere at the expense of the successful bidder. Payment for the bonds shall be made in federal funds or other funds which shall be available to the City 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. The number, denomination of bonds, and names of the registered owners to be initially shown on the bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than November 30, 1984.

Legal Opinion

The bonds will be sold subject to the legal opinion of Stinson, Mag and Fizzell, Kansas City, Missouri, bond counsel, whose unqualified, approving opinion will be furnished and paid for by the City and will be printed on the bonds.

CUSIP Number

CUSIP identification numbers will be printed on said bonds. All expenses in relation to the printing of CUSIP numbers on said bonds and the CUSIP Service Bureau's charge for the assignment of said numbers will be the responsibility of and shall be paid for by the City.

Purpose

Series P-231 is being issued for the purpose of paying the cost of construction of storm sewers, water mains, sanitary sewers, and street improvements in the City of Salina, Kansas.

Bid Form

All bids shall be subject to the terms and conditions

(continued)

contained in this Notice of Bond Sale and must be made on the forms which may be obtained from the City Clerk. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The right is reserved to waive irregularities and reject any and all bids.

Assessed Valuation and Outstanding Bonded Debt

The assessed valuation of all taxable tangible property within the City of Salina, Kansas, as certified by the Saline County Clerk on August 25, 1984, is as follows:

Equalized assessed valuation of tangible property	\$107,447,669
Tangible valuation of motor vehicles—1983	25,447,930
Tangible valuation of motor vehicle dealers' inventory	\$ 1,663,380
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$134,558,979

The outstanding bonded indebtedness of the City of Salina, Kansas, as of December 1, 1984, including this issue of bonds in the amount of \$768,000, will be \$10,144,000. The City also has a Temporary Improvement Note outstanding in the principal amount of \$468,280, which will be paid with a portion of the proceeds of this issue. The City also has outstanding \$2,770,000 Water and Sewerage Advance Refunding Revenue Bonds.

Bond Ratings

The outstanding general obligation bonds of the City are rated "A-1" by Moody's Investors Service, Inc., and the City has applied for a rating on the bonds herein offered for sale.

Done by order of the Board of Commissioners of the City of Salina, Kansas this 5th day of November, 1984.

D. L. HARRISON
City Clerk

Doc. No. 002635

(Published in the KANSAS REGISTER, November 8, 1984.)

**NOTICE OF BOND SALE
CITY OF KANSAS CITY, KANSAS
\$6,070,000
INTERNAL IMPROVEMENT BONDS
(2 ISSUES)
SERIES "A" NO. 1,
SERIES "B" NO. 1
(general obligations, payable from
unlimited ad valorem taxes)**

Sealed bids will be received by City Clerk of Kansas City, Kansas (the "City"), in the Office of the City Clerk in the Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, until 10:00 a.m., C.S.T. on

TUESDAY, NOVEMBER 13, 1984

at which time and place said bids will be publicly opened and read for the purchase of \$6,070,000 aggregate principal amount of Internal Improvement Bonds (2 issues) Series "A" No. 1 and Series "B" No. 1 (the "Bonds"). All bids received will be reported to the City Council for determination of the best bid at a meeting of the Council to be held at said time, date and place.

Details of the Bonds

The Bonds will consist of 2 issues of \$725,000 principal amount of Internal Improvement Bonds, Series "A," No. 1 and \$5,345,000 principal amount of Internal Improvement Bonds, Series "B" No. 1. The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof, dated November 1, 1984, and becoming due serially on November 1 of each year in the principal amounts as follows:

Year	Series "A" No. 1 Principal Amount	Series "B" No. 1 Principal Amount	Total
1985	50,000	600,000	650,000
1986	50,000	600,000	650,000
1987	50,000	600,000	650,000
1988	50,000	500,000	550,000
1989	50,000	500,000	550,000
1990	50,000	500,000	550,000
1991	50,000	500,000	550,000
1992	50,000	500,000	550,000
1993	50,000	300,000	350,000
1994	50,000	300,000	350,000
1995	45,000	100,000	145,000
1996	45,000	100,000	145,000
1997	45,000	100,000	145,000
1998	45,000	100,000	145,000
1999	45,000	45,000	90,000
	<u>725,000</u>	<u>5,345,000</u>	<u>6,070,000</u>

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 November 1 and May 1 of each year, beginning on May 1, 1985.

Place of Payment and Bond Registration

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 "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 City and the Attorney General of the State of Kansas registered as either fully registered certificated bonds and/or uncertificated bonds. Consideration will be given to the successful purchaser's preference regarding the plan of registration; however, the City will make the final decision on the registration plan and the bid may not be conditioned on the plan of registration.

The City will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market 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 by November 23, 1984.

Redemption of Bonds

The Bonds maturing in the year 1995 and thereafter may, at the option of the City, be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on November 1, 1994, or on any interest payment date thereafter at a redemption price equal to 100% of the principal amount of Bonds so called for redemption, together with accrued interest thereon to date of redemption, without premium. In the event of any such redemption, the City will give notice of its intention to redeem and pay said Bonds on a specified date, the same being described by number and maturity, said notice to be given by publication in the *Kansas Register* at least 30 days prior to the date fixed for redemption, and by mailing said notice by United States certified mail addressed to the paying agent for the Bonds and to the original purchaser of the Bonds, at least 30 days prior to the date fixed for redemption.

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.

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. 12-6a01 to 12-6a17 inclusive, K.S.A. 10-123, K.S.A. 12-110c, all as amended, and Ordinance No. 58656 for the purpose of paying the cost of certain sewer improvements, water distribution district improvements, trafficways, airport improvements, fire equipment, bridge construction and judgments.

The Internal Improvement Bonds, Series "A," No. 1 will be general obligations of the City, payable as to both principal and interest from special assessments levied upon the property benefited by such improve-

ments and, if not so paid, from ad valorem taxes which may be levied without limitation as to rate or amount on all the taxable tangible property within the city.

The Internal Improvement Bonds, Series "B," No. 1 will be 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 on all the taxable tangible property within the City.

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 Bonds will be sold in one block on an "all or none" basis. 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 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 City during the life of the Bonds on the basis of such bid, the premium, if any, offered by the bidder, the net interest cost to the City 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 City, which shall 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 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 providing for identical amounts for the lowest net interest cost are received, the City shall determine which bid, if any, shall be accepted, and its determination shall be final.

Delivery of and Payment for the Bonds

The City will pay for printing and registering the Bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 45 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 City 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 litiga-

(continued)

tion 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 Gaar & Bell, Overland Park, Kansas, Bond Counsel, whose unqualified approving opinion will be furnished and paid for by the City, 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.

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 City.

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 \$121,400 (2% of the total par value of the Bonds), made payable to the order of the Treasurer of the City of Kansas City, Kansas, to secure the City from any loss resulting from the failure of the bidder to comply with the term 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 will be held by the City until the bidder has complied with all of the terms and conditions of this notice, at which time the check will be paid to or upon the order of the bidder. 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 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 City 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 forms which may be obtained from the City Clerk. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and reject any and all bids.

Submission of Bids

Bids must be submitted in sealed envelopes and addressed to the undersigned, City Clerk, Municipal Office Building, One Civic Center Plaza, Kansas City, Kansas 66101, 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 10:00 o'clock, A.M., C.S.T. on November 13, 1984.

Official Statement

The City has prepared an Official Statement dated October 18, 1984, copies of which may be obtained from the City Clerk. Upon the sale of the Bonds, at the request of the successful bidder, the City 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 assessed valuation of the taxable tangible property within the City for the year 1984 is \$405,583,319. The total general obligation bonded indebtedness of the City as of October 31, 1984, including the Bonds being sold, is \$31,605,000. In addition, the City has outstanding as of October 31, 1984, \$15,038,100 of temporary notes, of which \$8,525,800 will be retired out of the proceeds of the Bonds herein offered for sale, and other funding sources. Of the above total amount of indebtedness, \$10,915,688 is exempt from the statutory debt limits.

Bond Ratings

On April 15, 1984, the City of Kansas City, Kansas, issued \$26,725,000 of General Obligation Refunding Bonds, Series 1984. Such Bonds were insured by American Municipal Bond Assurance Corporation, causing such Bonds to be rated "AAA" by Standard & Poor's Corporation. The rating of the City's General Obligation indebtedness by Moody's Investors Service, Inc. remains unaffected by the refunding bonds and is "A-1." The City has applied to bond rating agencies for a rating on the Bonds herein offered for sale.

Dated this 18th day of October, 1984.

DAVID T. ISABELL
City Clerk/Director of Finance
Municipal Office Building
One Civic Center Plaza
Kansas City, Kansas 66101
(913-573-5260)

Doc. No. 002628

State of Kansas

SOCIAL AND REHABILITATION SERVICES**TEMPORARY ADMINISTRATIVE REGULATIONS**

(Approved by the State Rules and Regulations Board
October 15, 1984. Effective November 1, 1984.
Will expire May 1, 1985.)

**Article 4.—PUBLIC ASSISTANCE
PROGRAM**

30-4-40. Agency responsibility to applicants and recipients. (a) The agency, on the request of any applicant or recipient, shall explain the applicant or recipient's rights and responsibilities.

(b) The agency shall inform applicants and recipients of the following requirements placed upon the agency:

(1) Periodic redeterminations. The agency shall be required to make periodic redeterminations of eligibility if the application is approved.

(2) Fraud. The agency shall be required to investigate and refer for legal action any fraudulent application for or receipt of assistance.

(3) Public list. The agency shall be required to prepare and maintain a public list of cash recipients of GA, which shall be limited to name, address, and amount of cash assistance received.

(4) Release of confidential information. Unless otherwise prohibited by law, the agency shall be required to release confidential information when the release is directly related to:

(A) The administration of the SRS program;

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

(C) the reporting of a fugitive felon's address to local and state law enforcement officials. Such a report shall be made only when the law enforcement official furnishes the recipient's name and social security number and satisfactorily demonstrates that the individual is a fugitive felon, that the location or apprehension of the fugitive felon is within the law enforcement officer's official duties and that the request is made in the proper exercise of those duties; or

(D) the reporting to the appropriate law enforcement officials the intention of a recipient to commit a crime. Further, the agency shall be required to release confidential information concerning ADC, ADC-FC, and EA applicants and recipients under certain circumstances as specified in 42 U.S.C.A. 602(a)(9).

(5) Employment participation. Upon request, the agency shall be required to certify to an employer that an individual is an ADC recipient in order that the employer may receive an employment incentive tax credit pursuant to the tax reduction act of 1975, as amended. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended, T-85-26, Nov. 1, 1984.)

30-4-41. Assistance planning. (a) Definitions.

(1) "Family group" means the applicant or recipient and all individuals living together in which there is a relationship of legal responsibility or a caretaker relative relationship.

(2) "Caretaker relative" means the relative who is assigned the primary responsibility for the care and control of the child, either singly or, as in the case of a married couple, jointly. Caretaker relative status shall be extended to the adult relative of a minor parent when assistance is requested for the child of a minor parent.

(3) "Eligible relative" means a caretaker relative who is considered in the plan with the child. A stepparent shall not be considered as an eligible relative unless the stepparent is the only caretaker relative in the home and is financially eligible.

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

(5) "Essential person" means an individual in the home who:

(A) Does not otherwise qualify for ADC;

(B) is a stepparent spouse who meets the job search requirement or WIN requirement, or who is exempted from the requirements; or

(C) is in the degree of relationship for ADC purposes and whose presence is required for the care and supervision of a child under six years of age or for care and supervision of a person who has a medically determined condition which does not permit self-care, if care is not available from another person in the home.

(6) "Nonessential person" means an individual who does not meet the ADC criteria of being an eligible relative or an essential person. An individual shall not be included as a nonessential person if eligible for ADC.

(b) Persons in the family group shall be included or excluded from the assistance plan at the applicant's or recipient's request, except as provided in K.A.R. 30-4-74 for ADC purposes and K.A.R. 30-4-90(d) for GA purposes. The assistance plan shall consist of those members of the family group for whom assistance is requested and eligibility is determined. Any individual excluded from the assistance plan shall not be eligible in a separate assistance plan. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-4-53. Financial eligibility. Each applicant or recipient shall be financially eligible. Financial eligibility shall be determined on a calendar month basis. Each applicant or recipient shall be determined to be financially eligible if the client: (a) Owns property within the allowable limits;

(b) has income that does not exceed 185% of the public assistance standards. For ADC, APW and GA

(continued)

families in non-shared living arrangements, the standards set forth in K.A.R. 30-4-101 and 30-4-102 shall be used to determine the 185% level. For ADC and APW families in shared living arrangements, the standards set forth in K.A.R. 30-4-100(a)(2) shall be used to determine the 185% level. For GA families in shared living arrangements, the 185% level shall be determined using the pro rata share of the budgetary requirements set forth in K.A.R. 30-4-100(b)(3); and

(c) has a budgetary deficit after subtracting total applicable income from the public assistance standards. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-4-74. Persons whose needs shall be considered with the needs of the ADC child. The needs of the parents and all siblings who meet the criteria contained in K.A.R. 30-4-72 and K.A.R. 30-4-73, excluding step-siblings and SSI recipients, shall be included in determining the needs of the ADC child if the parents or siblings are living with the ADC child. If appropriate, the needs of a caretaker relative other than a parent and an essential person shall be considered with the needs of the ADC child. A needy and otherwise eligible caretaker relative shall not be excluded from the assistance plan if the eligible caretaker relative is temporarily absent from the home due to employment, illness or incapacity, providing the individual continues to maintain care and control of the child. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-85-26, Nov. 1, 1984.)

30-4-92 to 30-4-94. Reserved.

30-4-106. General rules for consideration of resources, including real property, personal property, and income. (a) Ownership for assistance purposes shall be determined by legal title. In the absence of a legal title, ownership shall be determined by possession.

(b) Resources shall be real and of a nature that the value can be defined and measured. Value of resources shall be established by the objective measurements set forth in paragraphs (1) and (2) below:

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property which shall be adjusted to reflect current market value. If the property has not been appraised, an estimate of its value shall be obtained from a real estate broker. If the market value as established by either of these processes is not satisfactory to the applicant or recipient or the agency, the individual or the agency may request an appraisal by two competent disinterested persons, one of whom shall be selected by the individual and the other by the agency. If these two are unable to

reach agreement, the average of the appraisals shall be used as the market value. The cost of the appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined by a reputable trade publication. If a publication is not available, an estimate shall be obtained from a reputable dealer. If there is a difference of opinion regarding the value of the property between the applicant or recipient or the agency, as established by either of these processes, the average of two estimates from reputable dealers shall be used.

(c) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property.

(e) Resources of all persons in the assistance plan shall be considered.

(f) The combined resources of husband and wife, if they are living together, shall be considered in determining eligibility of either or both for assistance, unless otherwise prohibited by law. A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of one of the couple for education or training, working, securing medical treatment, or visiting shall not be considered to interrupt the couple's living together. The full equity value of resources held in joint ownership shall, unless otherwise established, be considered available to the applicant or recipient.

(g) The resources of an ineligible parent and the income of a stepparent shall be considered in determining the eligibility of a minor child for assistance if the individual and child are living together.

(h) When any individual in the household, other than a stepparent or a parent of a minor parent, who does not have the legal responsibility to support a person in the plan voluntarily and regularly contributes cash to the recipient toward household expenses (including maintenance costs) only that amount over the appropriate assistance standard for one person shall be counted as income in the assistance plan.

(i) Despite subsections (f), (g), and (h) above, the resources of an SSI beneficiary shall not be considered in the determination of eligibility for assistance of any other person, except for burial assistance.

(j) The resources of an alien sponsor shall be considered in determining eligibility for the alien as prescribed by the secretary of health and human services pursuant to 45 CFR 233.51, effective September 21, 1981, which is adopted by reference. "Sponsor" shall include a public or private agency or organization.

(k) A conversion of real or personal property from one form to another shall not be considered as income to the applicant or recipient except for the proceeds from a contract for the sale of property.

(l) Income shall not be considered both as income and as property in the same month. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709;

effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-4-109. Personal property. (a) Definitions.

(1) "Personal property" means all property, excluding real property.

(2) "Cash assets" means money, investments, cash surrender or loan values of life insurance policies, trust funds, and similar items on which a determinate amount of money can be realized.

(3) "Other personal property" means personal effects, household equipment and furnishings, home produce, livestock, equipment, vehicles, inventory, and similar items on which a determinate amount of money can be realized.

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

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

(1) Personal effects;

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

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

(4) income producing property, including tools, equipment, machinery and livestock, if the annual adjusted gross income from their use is at least 40% of their gross market value. Adjusted gross income shall be determined by deducting, from the gross income, the expenses of cost of maintenance and cost of purchase;

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

(6) items for home consumption. The items shall consist of produce from a small garden consumed from day to day and any excess which may be canned or stored, and a small flock of fowl or livestock used to meet the food requirements of the family;

(7) one vehicle for each assistance family with a value in an amount not to exceed \$1,500.00;

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

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

(10) burial plots and funeral agreements as established by the secretary of health and human services. The effective date of this regulation shall be November 1, 1984. (Authorized by 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-4-110. Income. (a) Definitions.

(1) "Earned income" means income that is currently earned through the receipt of wages, salary, or profit,

from activities the individual engages in as an employer or as an employee with responsibilities that necessitate continuing activity on the individual's part. Earned income shall include the amount of the earned income tax credit (EITC) that is received by an individual.

(2) "Unearned income" means all income not earned.

(3) "Lump sum" means a non-recurring payment.

(b) Any client shall be ineligible when the total income without disregards exceeds 185% of the standards for budgetary requirements for the number of persons in the plan, except for:

(1) Income-producing costs of the self-employed listed in K.A.R. 30-4-111(d);

(2) the disregards for stepparents and the parent of a minor parent, as listed in K.A.R. 30-4-111(f);

(3) the income of a child received from a youth program funded by the job training partnership act of 1982, as specified in K.A.R. 30-4-113(l);

(4) the earned income of a child who is a full time student for a period not to exceed six months; and

(5) the first \$50.00 of child support payments received in a month. For purposes of this section, total income shall be regarded as the sum of all earned income, or adjusted gross income of the self-employed, with no exemptions, all nonexempt, unearned income and nonexempt, current support payments received and reported by the child support enforcement office.

(c) Treatment of income.

(1) A prospective (estimated income), retrospective (actual income received), or income average budgetary method shall be used to determine eligibility and the amount of payment for persons with income.

(2) Prospective budgeting shall be used to determine initial eligibility and the amount of payment for the first two consecutive months. The estimate shall reflect the income received and the income expected to be received in each calendar month. Prospective budgeting shall also be used until the time retrospective or income average budgeting is instituted and to determine ongoing eligibility beginning with the third consecutive month.

(3) For eligible persons, as determined by prospective budgeting methods, retrospective budgeting shall be used to determine the amount of payment and ongoing eligibility beginning with the third consecutive month. Retrospective budgeting utilizes actual income received in a second prior month, reported in the first prior month, to determine eligibility and the amount of assistance for the payment month. Income shall be of a continuous nature in order to be considered in determining the amount of payment and eligibility for the first and second retrospective month. When income is received on a twice a month or monthly basis, the income shall be viewed as being received by the client on the day that the payment is ordinarily scheduled.

(4) When there is prospective eligibility and there is no budgetary deficit resulting from retrospective budgeting, payment shall be suspended. If there is

(continued)

eligibility for the month following the month of suspension, retrospective budgeting shall be reinstated.

(5) When there is prospective ineligibility and the agency has reason to believe that the period of ineligibility will be only for one month, assistance shall continue using retrospective budgeting.

(6) When assistance is reinstated for the month following termination or suspension, retrospective budgeting shall be reinstated.

(7) Intermittent income or income from self-employment shall be considered and averaged. Intermittent income shall be divided by the proper number of months to establish the monthly amount. For self-employed persons with monthly income, the income average shall be based on at least two representative months' income.

(8) Lump sum income shall be counted as income in the month received or in the month in which it is expected to be received. When the lump sum payment added to all other applicable income received, or expected to be received, results in no budgetary deficit, a period of ineligibility shall be calculated by the following method: the total of the lump sum payment and all other income received, or expected to be received, in that month divided by the budgetary requirement for the number of persons in the assistance plan and any person whose income is being considered shall equal the whole number of ineligible months. Any remaining amount shall be considered in the first month following the period of ineligibility. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-4-111. Applicable income. (a) Applicable income shall be the amount of earned and unearned income to be subtracted from budgetary requirements in determining budgetary deficit.

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

(1) Seventy-five dollars for each employed person;

(2) reasonable and not excessive expenses for child care or expenses for the care of an incapacitated person. The amount of dependent care to be deducted shall not exceed \$160.00 per person for full time employment or \$110.00 for part time employment. The dependent shall be included in the assistance plan before the deduction is allowed.

(c) Gross earned income or the adjusted gross income from self-employment shall not be reduced when the recipient:

(1) Has failed to file the monthly status report form without good cause;

(2) has terminated employment or has reduced earnings without good cause within a period of not less than 30 days preceding the payment month; or

(3) has refused without good cause to accept a bona fide offer of employment within the 30 day period preceding the payment month.

(d) For self-employed persons, adjusted gross earned income equals gross earned income less cost of the production of the income. Income-producing costs include only those expenses directly related to the actual production of income. The following guidelines shall be used by the agency in calculating the cost of the production of the income:

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

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

(3) If a business is being conducted from a non-home location, business space and utilities shall be considered as income-producing costs.

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

(5) Any payments that increase the equity in equipment, vehicles, or other property shall not be considered as an income-producing cost.

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

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

(8) Insurance payments on equipment, vehicles, or other property shall not be considered as an income-producing cost unless the insurance coverage is mandated by law or creditor. Only that portion of the insurance payment which is directly related to the business shall be allowed.

(9) Inventories and supplies that are reasonable and required for the business shall be considered as income-producing costs.

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

(e) In ADC, ADC-FC, APW, GA-FC and for children receiving GA, the applicable earned income shall be further reduced by the ADC earned income disregards by subtracting \$30.00 and 1/3 of the remainder, for:

(1) Applicants who had received assistance in one of the four preceding months and who had not had the disregards applied to their income for the periods of time specified in paragraph (2) of this subsection; and

(2) recipients. The disregards shall continue for a period of time not to exceed four consecutive months for the 1/3 disregard and 12 consecutive months for the \$30.00 disregard. The earned income disregard shall not be reinstated for a recipient until the expiration of 12 consecutive months during which the individual did not receive cash assistance. If the client would

have been eligible to receive the earned income disregard in any month, but did not receive it due to the client's failure to comply with an eligibility or procedural requirement, the month shall be counted in determining the four and 12 consecutive month periods.

(f) Applicable earned and unearned income of a stepparent or the parent of a minor parent not included in the assistance plan. In determining eligibility and the amount of payment, the applicable income to be counted shall equal: gross income or the adjusted gross income of the self-employed less the following items:

(1) Seventy-five dollars of earned income if employed full time;

(2) fifty dollars if employed part time;

(3) the standards for budgetary requirements of the stepparent or the parent of a minor parent and dependents in the same household who are claimed by the stepparent for internal revenue service purposes and who are not in the assistance plan;

(4) amounts paid by the stepparent or the parent of a minor parent to persons not living in the same household and claimed as dependents for internal revenue service purposes; and

(5) alimony or child support payments to individuals not living in the household which are made by the stepparent or the parent of a minor parent.

(g) For a legally responsible person in the home who is not included in the assistance plan, all nonexempt, unearned income and gross earnings or adjusted gross earnings of the self-employed, shall be considered without the application of any income disregards, unless otherwise prohibited by law.

(h) Attribution of a sponsor's income to the alien. The income of an alien's sponsor shall be considered in determining eligibility and the amount of payment for the alien as prescribed by the secretary of health and human services.

(i) Applicable, unearned income of persons included in the assistance plan. All net, unearned income shall be applicable unless exempted. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-26, Nov. 1, 1984.)

30-4-113. Income exempt as applicable income. The following income shall be exempt as applicable income in the determination of the budgetary deficit:

(a) Earned income of a recipient child if the child is under the age of 18 years and a full time student or if the child is a part time student and is not a full time employee;

(b) earned income of a recipient child who is 18 years of age and a full time student;

(c) irregular, occasional or unpredictable gifts;

(d) work incentive payments in WIN;

(e) income in kind;

(f) foster care standard payments;

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

(h) tax refunds and rebates other than the earned income tax credit;

(i) interest credited to a checking or savings account;

(j) incentive payments received by renal dialysis patients;

(k) home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, non-profit organization, by a supplier of home heating oil or gas, or by a municipal utility company which provides home energy, if the assistance provided is based on need;

(l) income of a child received from a youth program funded by the job training partnership act of 1982, except that earned income received under the program shall only be exempt for a period of six months;

(m) housing assistance from federal housing programs;

(n) assistance payments in the month received;

(o) the first \$50.00 of child support payments received in a month; and

(p) support payments received and forwarded to the agency following the effective date of the assignment of support rights to the agency. However, reported current support which is in excess of the amount exempted in paragraph (o) of this section and which, if treated as nonexempt income, would result in ineligibility, or a support refund, disbursed by the agency to the recipient, shall not be exempt income. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-4-130. Types of payments. Public assistance payments shall be issued in accordance with the provisions set forth below. (a) Money payment. Payments shall be in cash, or by check or warrant immediately redeemable at par, and shall be made with no restriction on the use of the funds. All payments shall be money payments, except:

(1) Payments pursuant to the ADC-FC and GA-FC programs;

(2) special allowances;

(3) protective payments; and

(4) subsistence allowances for GA clients residing in specialized living arrangements in which there is a current approved provider agreement with the secretary.

(continued)

(b) Who may receive money payments. The following persons shall be eligible to receive money payments: caretaker relative, recipient, conservator, personal representative, or substitute payee. A minor shall not receive a money payment unless emancipated.

(c) Protective payments in the ADC and GA programs. If any caretaker relative persistently mismanages the money payment to the detriment of any child for whom assistance is claimed and if an approved service plan is on file, a protective payment, in lieu of a money payment to the caretaker relative, shall be issued to a substitute payee. Protective payments shall also be made when the caretaker relative has been removed from the assistance plan pursuant to K.A.R. 30-4-55(d), 30-4-55(e), 30-4-57(c), 30-4-62(h) and 30-4-75(d). If a substitute payee is unavailable, a protective vendor payment shall be issued. If the caretaker relative has been removed and all reasonable efforts to identify a suitable protective payee have failed, protective payments shall not be required.

(d) Substitute payee.

(1) Appointment and dismissal. The agency shall have the responsibility for appointing and assisting each substitute payee, for terminating the payee's services when no longer needed, and for removal of any payee who is not giving satisfactory service. Such a payee shall be removed only after a careful evaluation of the payee's performance has been made.

(2) (A) Who may be substitute payee. Individuals selected to serve in this capacity may be a relative, a friend, a neighbor, or a member of a religious or community organization. The following persons shall not serve as a substitute payee: The area director, worker supervisor, the worker determining financial eligibility, special investigative or resource staff, staff handling fiscal process for the client, or the landlord, grocers or vendors of goods or services dealing directly with the client.

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

(3) Criteria for selection. Each substitute payee shall demonstrate:

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

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

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

(D) that the substitute payee either lives near the caretaker relative or has transportation so that close contacts with the caretaker relative and child are maintained;

(E) that the substitute payee is a responsible and dependable person.

(4) Payee-recipient relationship. Each payee shall have authority to make decisions about the expenditures of the assistance payment. The payee may spend the money for the family or may supervise the recipient's use of it, or the payee may give a portion of the funds to the recipient to spend for certain expenses and may pay for other requirements for the recipient.

(5) Payee-agency relationship. Each payee shall have responsibility for assuring the agency that the money is spent for the children's benefit. The payee's responsibility to the agency shall be set forth in writing with a copy for the payee and one for the agency. This written agreement shall cover the plans for accounting, use of the assistance funds, and reporting on the general progress made. The agreement shall be supplemented by discussions of the payee's responsibility, the purpose of the plan, the nature and frequency of reports, the rights of the recipient, and the confidential nature of the relationship.

(6) Periodic review of cases. All money payment mismanagement cases shall be reviewed quarterly to determine whether to:

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

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

(C) develop another plan for the care of the child or children if necessary, including placement with another relative, seeking appointment of a guardian, or placement in a foster home.

(7) Discontinuance of protective payments. Protective payments, except money payment mismanagement cases, shall be discontinued only when the caretaker relative or recipient has complied with the appropriate program requirements which established the basis for the protective payment. Money payment mismanagement cases shall be discontinued when the caretaker relative has demonstrated an ability to manage the money payment or after a period of one year has lapsed, whichever comes first. However, payment may continue for such additional time as is reasonably necessary to complete a substitute plan for the care of the child. In no event shall the payment continue for more than a total of 15 months.

(e) Special personal representative. The agency shall file a petition for the appointment of a personal representative only if the need for an appointment is clearly established, and the agency has counseled with the applicant or recipient concerning the money management problems. The agency shall file confidential reports with the appropriate court as requested.

(1) Appointment of personal representative. The agency shall recommend, to the court, a person who is not an employee of the agency, who would not benefit directly from the assistance payment, and who meets the criteria set forth in paragraph (d)(2)(A) for selection of a substitute payee.

(2) Dismissal of personal representative. The agency shall recommend to the court that a personal

representative be dismissed if the client demonstrates that he or she no longer requires a personal representative, or if the personal representative is failing to execute the responsibilities set forth in this section, in which instance the agency shall recommend a substitute personal representative.

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

(4) Periodic review. The agency shall review semi-annually the necessity of continuing the appointment of a personal representative. The agency shall consider whether the recipient's ability to manage personal affairs has improved or if other changes in the recipient's circumstances or living arrangements make it possible for the recipient to manage without the help of a personal representative.

(5) Delivery of warrants. All money payments issued shall be delivered by mail to the address of the payee unless the payee requests otherwise. If the payee requests a different mode of delivery, the agency shall consider the appropriateness of the request. In appropriate instances, including emergencies or repeated thefts from the mailbox, the agency shall deliver the warrant in person to the payee. No materials shall be included in the envelope containing the warrant except those directly related to the administration of SRS programs. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 59-2801 *et seq.*, K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-85-26, Nov. 1, 1984.)

30-4-140. Payments. (a) Payment amounts. Payments shall equal the budgetary deficit, which shall be rounded down to the nearest dollar, except as set forth below:

(1) Payments for the month of application shall equal the budgetary deficit which shall be prorated beginning with the date of application through the end of the month. This amount shall be rounded down to the nearest dollar. A standard 30 day month shall be used.

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

(b) Underpayments. Underpayments shall be promptly corrected.

(c) Overpayments. Overpayments shall be promptly corrected. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal

action. The assistance payment shall not be reduced below an amount which, when added to liquid resources, total earned income with no disregard or exemptions and nonexempt unearned income, is less than 90% in ADC or 80% in GA of the budgetary requirement for the number of persons in the assistance plan. The agency shall not initiate recovery procedures pending the disposition of a welfare fraud referral to the fraud and recovery section.

(d) Discontinuance of assistance payments. Assistance payments shall be discontinued when the recipient no longer meets one or more of the appropriate factors of eligibility. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 39-719b, K.S.A. 1983 Supp. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-85-26, Nov. 1, 1984.)

Article 6.—MEDICAL ASSISTANCE PROGRAM—CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-41. Assistance planning. (a) Definitions.

(1) "Family group" means the applicant or recipient and all individuals living together in which there is a relationship of legal responsibility or a caretaker relative relationship.

(2) "Caretaker relative" means the relative who is assigned the primary responsibility for the care and control of the child.

(3) "Eligible relative" means a caretaker relative who is considered in the plan with the child. A stepparent shall not be considered as an eligible relative unless the stepparent is the only caretaker relative in the home and is financially eligible.

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

(b) In independent living arrangements, persons in the family group shall be included or excluded from the assistance plan at the applicant's or recipient's request, except as provided in K.A.R. 30-6-74 for ADC purposes. The assistance plan shall consist of those members of the family group for whom assistance is requested and eligibility is determined. Eligibility for medical assistance shall not be denied for the reason that an application for medical assistance is made on behalf of a deceased person. Any individual excluded from the medical assistance plan shall not be eligible in a separate medical assistance plan, except that SSI recipients shall have a separate medical assistance plan.

(c) In institutional living arrangements each person shall have a separate assistance plan with the following exceptions:

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

(2) when the person's income and resources are

(continued)

considered available to both members of a couple as set forth in K.A.R. 30-6-106(f); or

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

(d) Any person who is ineligible for medical assistance because of a penalty provision shall be excluded from that person's family group medical assistance plan. The effective date of this regulation shall be November 1, 1984. (Authorized by K.S.A. 1983 Supp. 39-708c; implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-6-65. Automatic eligibles. To be automatically eligible for medical assistance, each person shall be:

(a) Legally entitled to and receiving SSI benefits and shall meet the general eligibility requirements of residence;

(b) legally entitled to and receiving state (Kansas) supplemental payments related to SSI;

(c) determined by SSA to retain recipient status, although not currently receiving an SSI benefit;

(d) receiving public assistance (excepting emergency assistance) pursuant to article 4 of this chapter;

(e) not receiving public assistance for one of the following reasons:

(1) The person is eligible for less than \$10.00;

(2) the amount of recovery of an overpayment is greater than the budget deficit; or

(3) the person is eligible using prospective budgeting, but ineligible due to retrospective accounting of income;

(f) included in the assistance plan of a family which was receiving ADC, ADC-FC, or APW in at least three of the six months immediately preceding the month in which the family became ineligible for ADC, ADC-FC, or APW and which became ineligible solely because of increased earned income or increased hours of employment. Automatic eligibility for the medical assistance program shall continue for the four months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW as long as a family member is employed and the family and the person remains ineligible for ADC, ADC-FC, or APW solely because of increased earned income or increased hours of employment. The receipt of an extra pay check due to an additional pay period within a calendar month shall not constitute an increase in earnings;

(g) mandated to receive inpatient treatment for tuberculosis;

(h) one who is not a public assistance recipient but is receiving maintenance payments from youth services;

(i) (1) included in the assistance plan of a family which became ineligible for ADC, ADC-FC, or APW solely because of the termination of the earned income disregards as provided in K.A.R. 30-4-111(e). Automatic eligibility for the medical assistance pro-

gram shall continue for the nine months immediately subsequent to the last month in which the family was eligible (legally entitled) to receive ADC, ADC-FC, or APW;

(2) any family which became ineligible for ADC, ADC-FC, or APW prior to October 1, 1984 solely because of the termination of the earned income disregards as provided in K.A.R. 30-4-111(e) shall be automatically eligible for the medical assistance program if:

(A) an application is made no later than the sixth month following the month in which the final federal regulations governing this provision are promulgated by the secretary of health and human services; and

(B) the family would have been continuously eligible from the last month in which the family was eligible to receive ADC, ADC-FC, or APW to the month of application had the earned income disregards been applied. Automatic eligibility for the medical assistance program shall continue for the nine months, including the month of application; or

(j) a non-ADC eligible child born on or after October 1, 1983 who is under five years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-6-74. Persons whose needs are to be considered with the needs of the ADC child. The needs of the parents and all siblings who meet the criteria contained in K.A.R. 30-6-72 and 30-6-73, excluding step-siblings and SSI recipients, shall be included in determining the needs of the ADC child if the parents or siblings are living with the ADC child. An otherwise eligible caretaker relative other than a parent who is living with an eligible child shall not be excluded from participation in the medical assistance program on the basis that the individual is not incapacitated, or solely because the individual has a spouse. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, T-85-26, Nov. 1, 1984.)

30-6-79. Children under age five determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below to be eligible for medical assistance related to children under age five. (a) A child shall be born on or after October 1, 1983 and shall be under five years of age.

(b) A child shall not be eligible for any other medical assistance program with federal financial participation (FFP). The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective, T-85-26, Nov. 1, 1984.)

30-6-106. General rules for consideration of resources, including real property, personal property, and income. (a) Ownership for assistance purposes shall be determined by legal title. In the absence of legal title, ownership shall be determined by possession.

(b) Resources, to be real, shall be of a nature that the value can be defined and measured. Value of resources shall be established by the objective measurements set forth in paragraphs (1) and (2) below.

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property which shall be adjusted to reflect current market value. If the property has not been appraised, an estimate of its value shall be obtained from a real estate broker. The average of the estimates shall be used as the market value. If the market value of the property is not satisfactory to the applicant or recipient or the agency, the individual or the agency may request an appraisal by two competent, disinterested persons, one of whom shall be selected by the individual and the other by the agency. If these two are unable to reach agreement, the average of the appraisals shall be used as the market value. The cost of the appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined by a reputable trade publication. If a publication is not available, an estimate shall be obtained from a reputable dealer. If there is a difference of opinion regarding the value of the property between the agency and the individual, as established by either of these processes, the average of two estimates from reputable dealers shall be used.

(c) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property.

(e) Resources of all persons in the assistance plan shall be considered.

(f) The combined resources of husband and wife, if they are living together, shall be considered in determining eligibility of either or both for the medical assistance program, unless otherwise prohibited by law. A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of either the husband or the wife for education or training, working, securing medical treatment or visiting shall not be considered to interrupt the couple's living together. A husband and wife shall not be considered as living together when they are physically separated and not maintaining a common life, or when one or both enter into a care situation, whether or not the facility is medicaid approved. Despite the above provision, if both spouses are eligible and are applicants or recipients and one or both enter a care situation, their income and resources shall be considered to be available to each other for the first six months beginning with the month of entry into the care situation. The full equity value of resources held in joint ownership

shall, unless otherwise established, be considered available to the applicant or recipient.

(g) The resources of an ineligible parent and the income of a stepparent shall be considered in determining the eligibility of a minor child for the medical assistance program if the individual and child are living together.

(h) When any individual in the household, other than a stepparent or a parent of a minor parent, who does not have the responsibility to support a person in the plan voluntarily and regularly contributes cash to the recipient toward household expenses (including maintenance costs) only that amount over that person's pro rata share of the protected income level for the household shall be counted as income in the assistance plan.

(i) Despite subsections (f), (g), and (h) above, the resources of an SSI beneficiary shall not be considered in the determination of eligibility for medical assistance of any other person.

(j) The resources of an alien sponsor shall be considered in determining eligibility for the alien as prescribed by the secretary of health and human services. "Sponsor" shall include a public or private agency or organization.

(k) The conversion of real and personal property from one form to another shall not be considered as income to the applicant or recipient except for the proceeds from a contract for the sale of property.

(l) Income shall not be considered both as income and as property in the same month. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-6-109. Personal property. (a) Definitions.

(1) "Personal property" means all property, excluding real property.

(2) "Cash assets" mean money, investments, cash surrender or loan values of life insurance policies, trust funds, and similar items on which a determinate amount of money can be realized.

(3) "Other personal property" means personal effects, household equipment and furnishings, home produce, livestock, equipment, vehicles, inventory, and similar items on which a determinate amount of money can be realized.

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

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

(1) Personal effects;

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

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

(4) stock and inventory of self-employed persons that are reasonable and necessary in the production of goods and services;

(continued)

(5) items for home consumption. These items shall consist of produce from a small garden consumed from day to day and any excess which may be canned or stored, and a small flock of fowl or livestock which are used to meet the food requirements of the family;

(6) cash assets which are traceable to income exempted as income and as a cash asset;

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

(8) for non-SSI, income-producing property, including tools, equipment, machinery and livestock, if the annual adjusted gross income from its use is at least 40% of its gross market value. Adjusted gross income shall be determined by deducting, from the gross income, the expenses of cost of maintenance and cost of purchase;

(9) for non-SSI, one vehicle for each assistance family with a value in an amount not to exceed \$1,500.00;

(10) for non-SSI, burial plots and funeral agreements as established by the secretary of health and human services;

(11) for SSI, insurance not exceeding \$1,500.00 face value, owned by any applicant or recipient family member. Face value shall not include and shall not be increased by accumulated dividends, but shall be decreased by an outstanding policy loan. If the total face value of insurance policies owned by any one individual exceeds \$1,500.00, the total cash surrender value of those policies shall be a nonexempt resource;

(12) for SSI, one vehicle for each assistance family. Additional vehicles shall be exempt if shown to be essential for employment, for self-support, for medical treatment of a specific medical problem, or if specially equipped for use by a handicapped person;

(13) for SSI, any personal property of a blind or disabled person which is covered by an approved plan of self-support;

(14) for SSI, the equity value of income-producing personal property, other than cash assets, if:

(A) The equity value of income-producing personal property plus the equity value of income-producing real property does not exceed \$6,000; and

(B) a net annual return of at least 6% of the total equity is produced;

(15) for SSI, burial plots as established by the secretary of health and human services for the SSI program;

(16) for SSI, any burial contract as established by the secretary of health and human services for the SSI program; and

(17) for SSI, proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within 6 months of the sale. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May

1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-6-110. Income. (a) Definitions.

(1) "Earned income" means income that is currently earned by any applicant or recipient, through the receipt of wages, salary, or profit, from activities the individual engages in as an employer or as an employee with responsibilities that necessitate continuing activity on the individual's part. Earned income shall include the amount of the earned income tax credit (EITC) that is received by an individual under section 3507(a) of the internal revenue code of 1954.

(2) "Unearned income" means all income not earned.

(b) Treatment of income. Income, except as specified below, shall be classified as income in the eligibility base period in which it is received; thereafter, it shall be classified as a cash asset.

(1) Prior eligibility. Income received in the three prior months shall be considered in the determination of prior eligibility except that self-employment income shall be averaged.

(2) Current eligibility. Income shall be considered prospectively to determine eligibility beginning with the month of application. All income received or reasonably expected to be received shall be considered in determining the countable income for the eligibility base period. Income from self-employment shall be considered and averaged. Intermittent income and lump sum payments shall be considered as income in the eligibility base period in which it is received or in the following base period when timely notice requirements necessitate such a delay. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-6-111. Applicable income. Applicable income means the amount of earned and unearned income which is compared with the appropriate protected income level to establish financial eligibility. (a) Non-SSI. Applicable earned income shall be determined as follows:

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

(A) Seventy-five dollars for each employed person;

(B) reasonable and not excessive expenses for child care or expenses for the care of an incapacitated person. The amount of dependent care to be deducted shall not exceed \$160.00 per person for full time employment or \$110.00 for part time employment. The dependent shall be included in the assistance plan before the deduction is allowed.

(2) Gross earned income, or the adjusted gross income from self-employment, shall not be reduced when the recipient:

(A) Has terminated employment or reduced earnings without good cause within 30 days preceding the month of eligibility; or

(B) has refused without good cause to accept a bona fide offer of employment within the 30 day period preceding the month of eligibility.

(3) For self-employed persons, adjusted gross earned income shall equal gross earned income less cost of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. These costs shall be verified. The following guidelines shall be used by the agency in calculating the cost of the production of the income:

(A) The intent of the medical assistance program is not to subsidize the payment of debts, the setting up of an individual in business, or a nonprofit activity, or to treat income on the basis of IRS policies.

(B) Any losses suffered from self-employment shall not be deducted from other income nor shall the net loss of a business be considered as an income-producing cost.

(C) If a business is being conducted from a non-home location, business space and utilities may be considered as income-producing costs.

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

(E) Any payments that increase the equity in equipment, vehicles, or other property shall not be considered as an income-producing cost.

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

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

(H) Insurance payments on equipment, vehicles, or other property shall not be considered as an income-producing cost unless it is verified that the insurance coverage is mandated by law or creditor. Only that portion of the insurance payment which is directly related to the business shall be allowed.

(I) Inventories and supplies that are reasonable and required for the business may be considered as income-producing costs.

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

(4) Applicable earned and unearned income of a stepparent or the parent of a minor parent not included in the assistance plan. In determining eligibility and the amount of payment, the applicable income to be counted shall equal gross income less the following items:

(A) Seventy-five dollars, if employed full time;

(B) fifty dollars, if employed part time;

(C) the protected income level for the stepparent or the parent of a minor parent and dependents in the same household who are claimed by the stepparent or

the parent of a minor parent for internal revenue service purposes and who are not in the assistance plan;

(D) amounts paid by the stepparent or the parent of a minor parent to persons not living in the same household and claimed as dependents for internal revenue service purposes; and

(E) alimony or child support payments to individuals not living in the household which are made by the stepparent or the parent of a minor parent.

(5) For a legally responsible person in the home who is not included in the assistance plan, all nonexempt unearned income and gross earnings, or adjusted gross earnings of the self-employed, shall be considered without the application of any income disregards, unless otherwise prohibited by law.

(6) Attribution of a sponsor's income to the alien. The income of an alien's sponsor shall be considered in determining eligibility and the amount of payment for the alien as prescribed by the secretary of health and human services.

(b) SSI. Applicable earned income shall be determined as follows:

(1) Wages. The applicable earned income shall be gross income less income disregards, if applicable.

(2) Self-employment. The applicable earned income shall be the adjusted gross income less income disregards, if applicable. The principles set forth in paragraph (a)(2) of this subsection in regard to adjusted gross income shall be applicable to calculations made pursuant to this paragraph.

(c) SSI income disregards.

(1) The following disregards shall apply to persons in independent living:

(A) The first \$20.00 of any nonexempt, unearned income; and

(B) an applicable earned income disregard calculated as follows: gross earned income minus [(any portion of the unearned income disregard that exceeds monthly earned income) plus (\$65.00 of monthly earned income) plus (½ times the remainder of the monthly earned income)] equals applicable earned income disregard.

(2) The following disregards shall apply to persons in long term care or in the home and community based service program and who are employed:

(A) Seventy-five dollars, if employed full time; and

(B) fifty dollars, if employed part time.

(d) Applicable unearned income of persons included in the assistance plan. All net, unearned income shall be applicable unless exempted. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

30-6-113. Income exempt as applicable income.

The following income shall be exempt as applicable income in the determination of eligibility: (a) Income in kind;

(b) foster care standard payments;

(continued)

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

(d) assistance payments in the month received;

(e) home energy assistance furnished by a federal or state regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, non-profit organization, by a supplier of home heating oil or gas, or by a municipal utility company which provides home energy, if the assistance provided is based on need;

(f) income of a child received from a youth program funded by the job training partnership act of 1982, except that earned income received under the program shall only be exempt for a period of six months;

(g) incentive payments received by renal dialysis patients;

(h) for non-SSI, earned income of a recipient child if the child is under the age of 18 years and a full time student or if the child is a part time student and is not a full time employee;

(i) for non-SSI, earned income of a recipient child who is 18 years of age and a full time student;

(j) for non-SSI, irregular, occasional, or unpredictable gifts;

(k) for non-SSI, work incentive payments in WIN;

(l) for non-SSI, tax refunds and rebates other than the earned income tax credits;

(m) for non-SSI, support payments covered by an assignment of support rights related to ADC and ADC-FC and forwarded to the agency. However, a support refund, disbursed by the agency to the client, shall not be exempt;

(n) for non-SSI, housing assistance from federal housing programs;

(o) for non-SSI, interest credited to a checking and savings account;

(p) for non-SSI, the first \$50.00 of child support payments received in a month;

(q) for SSI, refund of taxes paid on real property or on food purchases;

(r) for SSI, irregular or infrequent earned income if it totals no more than \$10.00 a month or \$30.00 a quarter;

(s) for SSI, irregular or infrequent, unearned income if it totals no more than \$20.00 a month or \$60.00 a quarter;

(t) for SSI, 1/3 of child support payments received by an eligible child from an absent parent;

(u) for SSI, earnings of an unmarried child who is a student under 22 years of age up to \$400.00 a month. This exemption shall not exceed \$1,620.00 a year;

(v) for SSI, work expenses of a blind recipient;

(w) for SSI, impairment-related work expenses of a disabled recipient;

(x) for SSI, incentive allowances and reimbursements for individuals in training to provide support

services under the jobs training partnership act (JTPA) program administered by state and local subdivisions;

(y) for SSI, the difference between the social security benefit entitlement in August, 1972, and the entitlement in September, 1972, for persons who were receiving cash assistance through the programs of AABD or ADC in September, 1972 and who were entitled to a social security benefit in September, 1972. This exemption shall apply only if the exemption establishes eligibility without a spenddown;

(z) for SSI, the amount of any cost of living increase to a social security benefit entitlement received in or after the month of July, 1977, for any individual or family who, at the time of the increase was eligible for SSI and MA;

(aa) for SSI, income allocated and expended by an adult in an institutional living arrangement for the support of the adult's spouse or minor children. The income allocation shall not exceed the amount necessary to bring their income up to the protected income level appropriate to their living arrangement; and

(bb) for SSI, SSI payments to which the person is not legally entitled that are subject to SSI recovery. The effective date of this regulation shall be November 1, 1984. (Authorized by and implementing K.S.A. 1983 Supp. 39-708c, K.S.A. 1983 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Nov. 1, 1984.)

ROBERT C. HARDER
Secretary of Social
and Rehabilitation Services

Doc. No. 002604

State of Kansas

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 84-76

OFFER OF REWARD

WHEREAS, James Vogelsang and Andrew Vogelsang, both age 2, and Tammey Mooney, age 18, all of Arlington, Reno County, Kansas, were shot and killed on or about October 29, 1984; and

WHEREAS, said killings appear to have been heinous crimes and homicides in violation of the laws of the State of Kansas.

NOW THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, John Carlin, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the apprehension and conviction of the perpetrators of these crimes.

This document shall be filed with the Secretary of State as Executive Order No. 84-76, and shall become effective immediately.

Dated November 5, 1984.

JOHN CARLIN
Governor

Attest: JACK H. BRIER
Secretary of State

Doc. No. 002664

KANSAS FACTS

KANSAS: GOVERNMENT IS STABLE
AND PROGRESSIVE

"When anything is going to happen in this country, it happens first in Kansas."

—William Allen White

The state government of Kansas is based in Topeka, which has served as the state capital since 1861. Topeka was named the permanent capital only after a great deal of disagreement.

The first capital of Kansas was Fort Leavenworth, where territorial Governor Andrew Reeder had his headquarters. Other state capitals during the territorial period were Shawnee Mission, Pawnee, Leecompton, Minneola, Leavenworth and Lawrence. Some of those towns served as the capital several times—the capital changed whenever the territorial leaders decided to move it.

Kansas became a state January 29, 1861. In November of that year an election was held to decide on a capital and Topeka was selected over Lawrence and several other cities. In later years there were several attempts to move the capital to a more central location, but none came close to succeeding.

A progressive yet cautious spirit has always characterized the government of Kansas. The state has led the country in many important areas. Kansas government has changed to meet contemporary needs; yet it has retained those things which are "tried and true" and which continue to be necessary, effective and efficient.

Kansas is one of the few states in the nation that does not issue revenue bonds to finance general government activities. A "cash-basis law" requires that the State operate strictly on the money available. Bond issues are allowed for capital improvements, such as major roads and buildings.

Kansas leaders have never been afraid to try new ways of doing things. The state pioneered in the use of the direct primary election. It was Senator Joseph L. Bristow, the first United States Senator nominated in Kansas under that system, who introduced in Congress the resolution which put direct election of U.S. Senators into the U.S. Constitution. Prior to that time Senators were not elected by the people, but were chosen by the state Legislatures.

Kansas was the first state to create a Legislative Council to carry on legislative functions when the lawmaking body is not in session.

State government operations are located in several main buildings in Topeka:

The *Capitol* houses the Governor, Lieutenant Governor, Secretary of State, Division of the Budget, Department of Administration main offices, and the State Library. The Legislature meets in the Capitol and each Senator and Representative has an office there. Offices directly attached to the Legislature are also in the building.

The *State Office Building*, a 12-story structure completed in 1957, is located adjacent to the Capitol. The Office Building houses a number of state agen-

cies. A 544-foot underground tunnel connects the building with the Capitol.

The *Kansas Judicial Center*, completed in 1978, is a modern building which houses the offices of the state courts and the Attorney General.

In the event of a national emergency or disaster, the Governor and other state officials would be evacuated to the *State Defense Building* about 2 miles south of the Capitol. The Defense Building, completed in 1977, is specially designed for use in any disaster. The building has an emergency operations center, its own generator, water supplies, and blast resistance and radiation shielding. Offices of the Kansas National Guard and the Emergency Preparedness Division are located there.

Several *other buildings* in Topeka have been leased or purchased by the State of Kansas as needed to house state agencies.

A number of state agencies also have *local offices in communities throughout the state*.

Kansas has the traditional three branches of government.

LEGISLATIVE

The State Senate and the House of Representatives make up the *Legislative Branch*. There are 40 Senators and 125 Representatives, all elected by the voters of Kansas. Each Senator represents approximately 58,982 people and each House member represents about 18,874 Kansans. Senators serve four-year terms and representatives serve for two years. The Legislature, which meets annually has the responsibility to create, amend or repeal state laws, appropriate money to be spent by state government, revoke or amend rules and regulations of state agencies and departments and approve or disapprove proposed amendments to the state and federal constitution.

A "Legislative Improvement Award" was presented to the Kansas Legislature in 1976. The award was given by Legis 50/The Center for Legislative Improvement " . . . to recognize the progress made in strengthening the legislative institution in order to provide better representation for the people of the state of Kansas."

Since the late 1960's, the Legislature has made great progress towards becoming a truly efficient and effective lawmaking body.

One major reform enacted in recent years is the lengthening and expanding of legislative sessions to allow more time and flexibility. Sessions are now limited to 90 days in even-numbered years and are unlimited in odd-numbered years, although generally they are held to 90 days.

Organizational meetings are now held every other years, following election of new legislators, before the session begins. Legislative officers are chosen at that time, and the meetings give freshman lawmakers a chance to get oriented.

Pre-filing of legislative bills between sessions, carry-over of bills from one session to the next in non-election years, and committee meetings between

(continued)

sessions are reforms which have helped to increase flexibility and provide better workload distribution.

Restructuring and improvement of support services have been vital elements in the legislative revamping. All legislators now have offices in the Capitol available throughout the year, and clerical services are provided during sessions. The legislative leaders have full-time administrative and clerical staffs. The Revisor of Statutes' Office, the Division of Legislative Administrative Services and other support offices have been strengthened.

Increased pay for legislators has made service in the lawmaking body more attractive to and possible for qualified citizens.

Strong ethics legislation has been adopted to regulate legislative lobbying by special interest groups.

EXECUTIVE

The *Executive Branch* includes the elected state officers provided for in the Kansas Constitution: Governor, Lieutenant Governor, Secretary of State, Attorney General, and the ten members of the State Board of Education. Other elected state officers are the Commissioner of Insurance and State Treasurer. All serve four-year terms.

All offices in the Executive Branch are either directly or indirectly controlled by one of the elective officers, or are special agencies created by the Legislature to function independently within state government.

The Executive Branch offices exist to enforce or carry out the laws enacted by the Legislative Branch.

The structure of the executive branch has evolved over the years to its present form. Governors and legislatures have made changes as necessary through executive re-organization orders, constitutional amendments, and legislation.

Major state agencies are now headed by cabinet-level secretaries. In recent years, the efficiency of state government has been increased by combining similar agencies and abolishing antiquated, unnecessary ones.

In 1978, the Legislature adopted a "Sunset Law," which automatically abolishes specified state agencies at certain times. When an agency is due to be abolished, it may only be continued by receiving renewed statutory authority. The Legislature has the power to abolish any state agency (except constitutional offices) at any time.

Kansas was the third state in the country to establish a position of Ombudsman for Corrections. The Ombudsman serves as a liaison between the Department of Corrections and the inmates of the correctional institutions. He investigates complaints and works with corrections authorities to resolve problems.

A Kansas Energy Office was established to deal with modern energy problems.

A Public Disclosure Commission administers recent laws which mandate strict ethics in government.

The Legislative Division of Post Audit was created to audit each state agency periodically to review the legality, efficiency and appropriateness of the

agency's operations. Post Audit is responsible to the Legislature and reports its findings and recommendations to that body.

The Crime Victims Reparations Board, created in 1978, provides compensation to certain victims of crime.

JUDICIAL

The state's *Judicial Branch*, which interprets state laws, is headed by the Supreme Court, with a Chief Justice and six justices. The Supreme Court is the highest court in Kansas. The Court of Appeals is a middle court between the Supreme court and the District courts. The Court of Appeals has a Chief Judge and six judges, and there are 31 district courts throughout Kansas presided over by 70 judges. Each judicial district also has associate district judges and/or district magistrate judges, as prescribed by law.

Supreme Court Justices and Court of Appeals Judges are appointed by the Governor. Each time a vacancy exists the Supreme Court Nominating Commission submits names of several qualified nominees for the Governor to pick from. The justices stand for retention by public vote every six years, and the judges do the same every four years. The Justices and Judges must retire at age 70 or as soon thereafter as they finish serving their term.

District Judges, Associate District Judges, and District Magistrate Judges are elected locally. Most are selected on a non-partisan ballot, although some districts have opted for partisan elections.

LOCAL GOVERNMENT

Kansas has 105 counties and 625 incorporated cities.

Eighteen cities operate under the commission form of government; 11 have a mayor-council-manager system; 29 have a commission-manager system; and 557 operate under the mayor-council plan.

Local government in Kansas has some colorful history. In the early days of statehood, "county seat wars" took place. Being named the county seat could help to insure the future of a town, so there was a great deal of competition for that designation. During the county seat wars records were stolen, ballot boxes were tampered with, and shooting and bloodshed took place. In Stevens County six men were killed and the militia was sent in to restore order.

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