

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

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State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT
STATE EMERGENCY RESPONSE
COMMISSION**

NOTICE OF MEETING

The State Emergency Response Commission will meet at 9 a.m. Tuesday, August 11, in the State Defense Building, 2800 S. Topeka Blvd., Topeka. The primary purpose of this meeting will be to appoint the local emergency planning committee members for each planning district.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 005641

State of Kansas

STATE CONSERVATION COMMISSION

NOTICE TO CONTRACTORS

Sealed bids for the construction of a 44,900 cubic yard detention dam, site E-4 in Bourbon County, will be received by the Marmaton Watershed Joint District No. 102 at the Agriculture Engineering Associates, Inc., 102 E. 2nd, Uniontown 66779, until 2 p.m. August 17. Bids will be opened at 2 p.m. on August 17 at the Agricultural Engineering Associates, Inc. office. A copy of the invitation for bids and plans and specifications can be obtained from Agricultural Engineering Associates, Inc., (316) 756-4845.

KENNETH F. KERN
Executive Director

Doc. No. 005635

State of Kansas

UNIVERSITY OF KANSAS

NOTICE TO BIDDERS

Sealed bids for items listed below will be received by the University of Kansas, Purchasing Office, Lawrence, until 2 p.m. C.D.T. on the date indicated and then will be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

MONDAY AUGUST 10, 1987
#88 0092

Ultrasonic welder for polyester encapsulation of library maps, with installation included.

GENE PUCKETT, C.P.M.
Director of Purchasing

Doc. No. 005640

State of Kansas

STATE CONSERVATION COMMISSION

NOTICE TO CONTRACTORS

Sealed bids for the construction of a 32,000 cubic yard detention dam, site 8-36 in Marshall County, will be received by the Vermillion Watershed District No. 70 at the office of Speaker-King Engineering, Inc., 125 W. 4th, Holton 66436, until noon August 17, or the Soil Conservation Service office, Route 3, Marysville 66508, until 2 p.m. August 17. Bids will be opened at 2 p.m. August 17 at the Soil Conservation Service office. A copy of the invitation for bids and plans and specifications can be obtained from Speaker-King Engineering, Inc., (913) 364-4309.

KENNETH F. KERN
Executive Director

Doc. No. 005634

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Phone: (913) 296-3489

State of Kansas

LEGISLATIVE DIVISION OF POST AUDIT

INVITATION FOR BIDS

Sealed bid proposals on five Legislative Division of Post Audit invitations for bids for financial-compliance audit work will be received until August 14. These invitations cover the following audit work:

Department of Health and Environment
 Department of Transportation
 Department of Education
 Adjutant General's Department
 Department on Aging
 Board of Agriculture
 Attorney General's Office
 Department of Wildlife and Parks
 Department of Commerce

Copies of the invitations for bids may be obtained by contacting the Legislative Division of Post Audit, 109 W. 9th, Suite 301, Topeka 66612, (913) 296-3792.

MEREDITH WILLIAMS
 Legislative Post Auditor

Doc. No. 005622

State of Kansas

SECRETARY OF STATE

EXECUTIVE APPOINTMENTS

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.

The following appointments were filed July 13 through July 24:

Barber County Attorney

Richard N. Raleigh, Box 248, Medicine Lodge 67104. Effective July 16, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Scott McQuin, resigned.

Dickinson County Sheriff

Carl D. McDonald, Route 5, Abilene 67410. Effective July 24, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Steve Britt, resigned.

Hamilton County Commissioner, 2nd District

Richard Helfrich, Coolidge 67836. Effective July 13, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds John L. Helfrich, deceased.

District Judge, 10th Judicial District, Division 15

Lawrence E. Sheppard, 6309 Milhaven Drive, Mission 66202. Effective July 22, 1987. Term expires

when a successor is elected and qualifies according to law. New position.

District Magistrate Judge, 14th District

David Casement, Route 2, Box 83, Sedan 67361. Effective July 13, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Wayne L. Jones, resigned.

State Bank Commissioner

W. Newton Male, P.O. Box 13, Augusta 67010. Effective August 18, 1987. Subject to Senate confirmation. Term expires August 17, 1991. Succeeds Eugene T. Barrett, Jr.

Kansas Coal Commission
 (New commission established by
 1987 Session Laws of Kansas,
 Chapter 203.)

Richard L. Carpenter, P.O. Box 477, Pleasanton 66075. Effective July 15, 1987. Term expires July 1, 1989. Appointed by the President of the Senate.

Corrections Ombudsman Board

Rep. Wanda Fuller, 2808 Sennett, Wichita 67211. Effective July 14, 1987. Term expires August 31, 1988. Succeeds J. Russell Jennings, resigned. Appointed by the Speaker of the House.

Kansas Development Finance Authority
 (Established by 1987 Session Laws of
 Kansas, Chapter 57.)

Carl Allen Bell III, President, 3143-H Randolph, Topeka 66611. Effective July 1, 1987. Serves at the pleasure of the Governor.

Advisory Committee on the Employment
 of the Handicapped

Arvis Meseke, 111 S. Garfield, Junction City 66441. Effective July 13, 1987. Term expires July 12, 1989. Appointed by the Speaker of the House.

Commission on Access to the Medically Indigent

Rep. Ed Rolfs, 800 Crestview Drive, Junction City 66441. Effective July 14, 1987. Appointed by the Speaker of the House.

Commission on Travel and Tourism

Rep. Dale Sprague, 1320 N. Walnut, Box 119, McPherson 67460. Effective July 14, 1987. Term expires January 9, 1989. Appointed by the Speaker of the House.

BILL GRAVES
 Secretary of State

State of Kansas

ATTORNEY GENERAL

Opinion No. 87-102

Procedure, Civil—Limitations of Actions—Actions Limited to Three Years. R. Kent Pringle, Erie City Attorney, Chanute, July 16, 1987.

Where a municipal utility passes on a supplier rate increase to its customers, and subsequently receives a refund upon disallowance of the increase, any liability of the municipal utility to distribute the refund to its customers (located within the municipality) is in the nature of a quasi-contractual obligation based on the doctrine of unjust enrichment. Accordingly, any action by a customer for a refund must be brought within three years. K.S.A. 60-512(1). Cited herein: K.S.A. 60-512; 66-104. TRH

Opinion No. 87-103

Taxation—Sales of Liquor by Clubs—Qualifications of Programs for Receipt of Tax Moneys. Senator Jeanne Hoferer, 18th District, Topeka, July 16, 1987.

1986 House Bill No. 2822, Section 3, raises the standard of K.S.A. 79-41a04(e) to the point that in order to receive moneys from the special alcohol and drug programs fund, a service or program must have at least one of the following as its principal purpose: alcoholism and drug abuse prevention and education; alcohol and drug detoxification; intervention in alcohol and drug abuse; or treatment of persons who are alcoholics or drug abusers or are in danger of becoming alcoholics or drug abusers. This language would allow for aid to programs aimed at family members and relatives, as long as the principal purpose of the program is one listed in the statute. Cited herein: K.S.A. 1986 Supp. 79-41a04(e). JLM

Opinion No. 87-104

Taxation—Floating and Federal Liens—Federal Non-Tax Liens. Rubie M. Scott, Johnson County Register of Deeds, Olathe, July 16, 1987.

Written instruments representing liens arising pursuant to the provisions of CERCLA; 42 U.S.C.S. § 9601 *et seq.*, or ERISA, 29 U.S.C.S. § 1001 *et seq.*, which are properly proved or acknowledged and certified, are entitled to recording by the register of deeds in the county in which the real property affected by the instrument is located. Such instruments which do not meet these initial filing requirements should be filed in the office of the clerk of the United States District Court for the district in which the real property is located. The filing fees prescribed by K.S.A. 28-115 are appropriate for the filing of such instruments, and the instruments should be filed so as to provide notice to third parties. Cited herein: K.S.A. 28-115; 58-2221; 79-2601; 79-2607; 79-2608; 26 U.S.C.S. § 6323; 29 U.S.C.S. §§ 1001, 1362, 1363, 1364, 1368; 42 U.S.C.S. §§ 9601, 9607. JLM

Opinion No. 87-105

Probate Code—Care and Treatment for Mentally Ill Persons—Emergency Detention; Authority of University Police Officers. Ted D. Ayres, General Counsel, Kansas Board of Regents, Topeka, July 16, 1987.

Although university police officers are considered law enforcement officers for many purposes, they are not included in the definition of law enforcement officers found in K.S.A. 1986 Supp. 59-2902(f). Therefore, they possess no law enforcement powers for purposes of taking mentally ill persons into custody without a warrant pursuant to Article 29, Care and Treatment for Mentally Ill Persons. Cited herein: K.S.A. 1986 Supp. 22-2202; 22-2401a; 59-2902; 59-2908; K.S.A. 76-726. JLM

Opinion No. 87-106

Soldiers, Sailors and Patriotic Emblems—Kansas Commission on Veterans' Affairs—Retroactive Reimbursement for Dependents. Stan Teasley, Executive Director, Kansas Commission on Veterans' Affairs, July 16, 1987.

K.S.A. 73-1218 provides that every state-supported institution of post-high school education "shall" provide enrollment, without charge of tuition or fees, to any eligible dependent of a person who died as a result of a service-connected disability suffered during the Vietnam conflict. The legislature's intent and purpose for drafting this statute was to allow *all* eligible dependents to attend state postsecondary institutions free of charge. Neither K.S.A. 73-1218, nor K.A.R. 97-5-1, the regulation which addresses the procedure to be followed in applying for benefits under K.S.A. 73-1218, contains language setting a date by which an application for benefits must be submitted. Accordingly, an eligible dependent who applies for retroactive educational benefits under K.S.A. 73-1218 must be reimbursed for fees and tuition, subject only to continued appropriations by the legislature. Cited herein: K.S.A. 73-1217; 73-1218; K.A.R. 97-5-1. BPA

Opinion No. 87-107

Taxation—Tax Assessments—Undivided Interests in Real Estate. Richard M. Smith, Linn County Attorney, Mound City, July 16, 1987.

The county may foreclose upon undivided interests in real estate which have been placed on the county's tax rolls as individual interests. Additionally, it lies within the discretion of the county clerk to assess these interests either jointly or individually. Cited herein: K.S.A. 79-426; K.S.A. 79-2801 *et seq.* JLM

ROBERT T. STEPHAN
Attorney General

Doc. No. 005636

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, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.D.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, AUGUST 10, 1987

- #27280
University of Kansas Medical Center—
ANTI-5-HETE ANTISERA
- #27288
University of Kansas Medical Center—CLINICAL
ANALYZER REAGENTS (BECKMAN ASTRA*)
- #69906
Kansas State University—GAMMA COUNTER
- #69907
Department of Transportation—OFFSET
DUPLICATOR
- #69908
University of Kansas—ASBESTOS CENTRAL
EQUIPMENT AND SUPPLIES
- #69933
Kansas State University—REPAIR TURBINE
GENERATOR
- #69934
Department of Social and Rehabilitation
Services—XENIX OPERATING SYSTEM, various
locations
- #69935
University of Kansas—#2 COVER PAPER—
OPAQUE
- #70015
University of Kansas—FURNISH LABOR AND
MATERIALS TO CLEAN BUILDING EXTERIORS
- #70021
Kansas State University—ASPHALT OVERLAY,
Colby
- #70036
Kansas State University—EDITING CONTROL
UNIT
- #70106
University of Kansas—FURNISH ALL LABOR AND
MATERIALS FOR ASPHALT PAVING, parking lots

TUESDAY, AUGUST 11, 1987

- #A-4823(d)
Kansas State University—WEBER ADDITION
PLAZA CONSTRUCTION
- #A-4823(a)
Kansas State University—WEBER ADDITION
PARKING LOT B1 IMPROVEMENT, Revised 1st
Rebid
- #27319
Statewide—COOKIES AND CRACKERS
- #27334
University of Kansas Medical Center and other state
agencies—PLASTIC AND RUBBER GOODS (CLASS
10)
- #27580
Statewide—CEREALS

#27675
University of Kansas Medical Center—FLOOR
CARE PRODUCTS

#69959
Kansas State University—COMMERCIAL
WASHING MACHINES

#69960
Kansas State University—HIGH VOLTAGE
AUTOMATIC POWER FACTOR CONTROL

#69961
Kansas State Penitentiary—FURNISH AND
INSTALL ROOFING SYSTEM

#69964
The Kansas Lottery, Kansas Highway Patrol, and
Department of Revenue—BODY ARMOR, various
locations

#69965
University of Kansas—HARDWARE/SOFTWARE

#69966
Kansas State University—HARDWARE/SOFTWARE

WEDNESDAY, AUGUST 12, 1987

#27297
Department of Transportation—AIC AGGREGATE,
MRA AGGREGATE

#69997
Kansas State University—STUDENT CHAIRS

#69998
Kansas State University—DRAFTING FURNITURE

#69999
Emporia State University—FURNISH LABOR AND
MATERIALS TO REPAIR BOILER INSTRUMENTS

#70007
Department of Administration, Self Insurance
Fund—ACTUARIAL SERVICES

THURSDAY, AUGUST 13, 1987

#27336
Kansas State University—BALED WOOD
SHAVINGS

#70019
Department of Human Resources—CONTINUOUS
MAILERS K-CNS 100

FRIDAY, AUGUST 14, 1987

#69983
University of Kansas—DINING ROOM SUPPLIES

#70041
Department of Administration, Division of
Information and Communication Systems—
UPGRADE OF TRANSPORTATION
CADD/CAM SYSTEM

#70049
Kansas Correctional Industries—DENIM

MONDAY, AUGUST 31, 1987

#70035
Department of Health and Environment—IN-SITU
SOIL-GAS SURVEYS

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 005638

State of Kansas
STATE CORPORATION COMMISSION
PUBLIC NOTICE

The State Corporation Commission has made revisions to the minimum depth requirements for salt water disposal wells, as contained in Revised Table II. The revisions strictly prohibit disposal into the Cedar Hills formation in all of Pratt, Stafford, Barber, Barton, Comanche, and Kiowa counties; the east half (E/2) of Range 18, all of Ranges 16 and 17 in Rush, Pawnee, and Edwards counties; and all of Township 27, 28 and 29 in Ranges 21 and 22, Ford County.

Any person or corporation affected by this order that deems it to be improper, unreasonable or contrary to law may apply by written petition for a hearing before the commission, pursuant to K.A.R. 82-1-232. The petition must be received by the executive director of the commission, 200 Colorado Derby Building, 202 W. 1st, Wichita 67202, no later than August 10.

SHARI M. FEIST
 Acting Director

Doc. No. 005625

(Published in the KANSAS REGISTER, July 30, 1987.)

NOTICE OF BOND SALE
\$144,000
City of Greensburg, Kansas
General Obligation Bonds
Series 1987
(Sewage Disposal)

Sealed Bids

Sealed bids for the purchase of \$144,000 principal amount of general obligation bonds, series 1987 (sewage disposal), of the city hereinafter described, will be received by the undersigned, city clerk of the city of Greensburg, Kansas, on behalf of the governing body of the city at City Hall, 239 S. Main, Greensburg, until 7:30 p.m. C.D.T. on Monday, August 10, 1987. All bids will be publicly opened and read at said time and place and will be acted upon by the city immediately thereafter. No oral or auction bids will be considered.

Bond Details

The bonds will consist of fully registered bonds without coupons in the denomination of \$5,000 (except one bond in the amount of \$4,000) or any integral multiple thereof. The bonds will be dated August 1, 1987, and will become due serially on December 1 in the years as follows:

Year	Principal Amount
1988	\$ 9,000
1989	15,000
1990	15,000
1991	15,000
1992	15,000
1993	15,000
1994	15,000
1995	15,000
1996	15,000
1997	15,000

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on June 1 and December 1 in each year, beginning on December 1, 1988.

Place of Payment and Bond Registration

The principal of and interest on the bonds will be payable in lawful money of the United States of America by check or draft of the Kansas State Treasurer, Topeka, Kansas (the paying agent and bond registrar). The principal of the bonds will be payable at maturity or upon earlier redemption to the registered owners upon presentation and surrender of the bonds at the office of the paying agent. Interest on the bonds will be paid by check or draft mailed by the paying agent to the persons in whose names the bonds are registered on the registration books maintained by the bond registrar at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date.

The city will pay for the fees of the bond registrar for registration and transfer of the bonds and will also pay for printing a reasonable supply of registered bond blanks. Any additional costs or fees that might be incurred in the secondary market, other than fees of

State of Kansas
BOARD OF MORTUARY ARTS
NOTICE OF HEARING
ON PROPOSED
ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 1 p.m. Friday, September 11, at the board's office, Suite 856, 900 Jackson, Topeka, to consider the adoption of proposed temporary and permanent new, amended and revoked rules and regulations of the Kansas Board of Mortuary Arts.

All interested parties may submit written comments prior to the hearing to the board's executive-secretary. All interested parties will be given a reasonable opportunity at the hearing to orally present their views in regard to the adoption of the proposed regulations.

The proposed regulations include: 63-1-1, Definitions; 63-1-3, Registration; 63-1-5, Requirements; 63-1-6, General Rules; 63-1-7 and 63-1-8, revoked; 63-1-12, Embalmer Renewals; 63-1-14 thru 18 and 63-1-20 thru 22, revoked; 63-2-8, revoked; 63-2-13, Funeral Director Exam; 63-3-10, Communicable Diseases; 63-3-13, Disinterred; 63-4-1, Fees; 63-5-1 and 2, Disciplinary Actions; 63-6-1 thru 8, Continuing Education.

Licensure fee increases, amendments authorized by H.B. 2135 of the 1987 Legislative Session, and the addition of two new articles will be included in the regulations listed.

Copies of the regulations and the fiscal impact statements may be obtained by writing to the board.

DOUGLAS "MACK" SMITH
 Executive Secretary

Doc. No. 005621

the bond registrar, will be the responsibility of the bondholders.

Redemption of Bonds Prior to Maturity

The bonds shall mature without the option of prior redemption.

Conditions of Bids

Proposals will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1 percent. No interest rate shall exceed the index of treasury bonds published by the weekly Credit Markets in New York, New York, on the Monday next preceding the day on which the bonds are sold, plus 2 percent. The difference between the highest rate specified and the lowest rate specified shall not exceed 1.5 percent. No supplemental interest payments will be authorized. No bid of less than the principal amount of the bonds and accrued interest will be considered. Each bid shall specify the total interest cost to the city during the life of the bond issue on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the city on the basis of such bid. Each bid shall also specify the average annual net interest rate to the city on the basis of such bid. Bidders shall specify in the bid form the prices (exclusive of accrued interest), expressed as a dollar price, at which the bidder intends that each maturity amount of the bonds shall be initially offered to the public (the initial reoffering prices).

Basis of Award

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

Authorization, Purpose and Security for the Bonds

The bonds are being authorized and issued to permanently finance various sewage disposal system improvements to the city. The bonds will be general obligations of the city payable as to both principal and interest from ad valorem taxes which may be levied without limitation upon all the taxable tangible property, real and personal, within the territorial limits of the city.

Internal Revenue Code of 1986

The Internal Revenue Code of 1986 was signed into law by the President of the United States on October 22, 1986. The provisions of the code regarding obligations of state and local units of government are generally effective for obligations such as the bonds issued after August 31, 1986. Certain of these provisions impose requirements on the city which must be met

subsequent to the issuance of the bonds by the city and, as a result, the city will and does hereby covenant that it will diligently undertake those steps necessary to maintain the tax-exempt status of the bonds. The city's failure to comply with such requirements could adversely affect the tax-exempt status of the bonds. Purchasers of the bonds should be aware that should the bonds lose their status as tax-exempt obligations as a result of the city's failure to comply with such requirements, the bonds are neither callable nor will the rate of interest on the bonds be adjusted to reflect such circumstances.

The code includes interest on tax-exempt obligations, such as the bonds, in the adjusted net book income of certain corporations for taxable years beginning after December 31, 1986, and includes, through 1989, in the calculation of alternative minimum taxable income one-half of the excess of a corporation's adjusted net book income over its alternative minimum taxable income (determined without regard to this adjustment and prior to reduction for certain net operating losses). After 1989, the use of "book income" will be replaced by "adjusted current earnings," with certain other adjustments. Furthermore, Section 59A of the code, as added by the Superfund Amendments and Reauthorization Act of 1986, provides for a new environmental tax generally based on corporate alternative minimum taxable income. The amount of the tax is equal to 0.12 percent of the excess of alternative minimum taxable income, without regard to net operating losses and the deduction for this tax, over \$2 million. The environmental tax is imposed whether or not the taxpayer is subject to the alternative minimum tax. The environmental tax, which is effective for taxable years beginning after December 31, 1986, may subject certain bondowners to additional taxation for interest earned on the bonds.

The code also requires property and casualty insurance companies, for taxable years beginning on or after January 1, 1987, to reduce the amount of their deductible underwriting losses by a percentage of the amount of tax-exempt interest received or accrued on obligations acquired after August 7, 1986.

With the exception of certain "qualified tax-exempt obligations," the code provides that banks and thrift institutions may not deduct any portion of the interest cost of purchasing or carrying tax-exempt obligations such as the bonds if such interest cost is incurred in taxable years ending after December 31, 1986, with respect to obligations acquired after August 7, 1986. The city does intend to designate the bonds as "qualified tax-exempt obligations" under Section 265 of the code.

Legal Opinion

The bonds will be sold subject to the legal opinion of Nichols and Wolfe Chartered, Topeka, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, printed on the bonds and delivered to the successful bidder when the bonds are delivered. Said opinion will also state that in the opinion of bond

(continued)

counsel, assuming continued compliance by the city with the provisions of the ordinance authorizing the issuance of the bonds and the code, under existing law, the interest on the bonds is exempt from federal income taxation.

Delivery and Payment

The city will pay for printing the bonds and will deliver the bonds without cost to the successful bidder, properly prepared, executed and registered, on or prior to September 15, 1987, at such bank or trust company in the state of Kansas or Kansas City, Missouri. Delivery elsewhere will be at the expense of the successful bidder. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing documents, including a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the city. The denominations of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the city and bond registrar not later than 4 p.m. C.D.T. on September 1, 1987. In the absence of such information, the city will deliver bonds in the denomination of each maturity registered in the name of the successful bidder.

The successful bidder shall furnish the city by 4 p.m. C.D.T. on September 1, 1987, a certificate acceptable to the city's bond counsel to the effect that (i) the successful bidder has made a bona fide public offering of the bonds at the initial reoffering prices, and (ii) a substantial amount of the bonds was sold to the public (excluding brokers and other intermediaries) at such initial reoffering prices. Such certificate shall state that (1) it is made on the best knowledge, information and belief of the successful bidder and (2) 10 percent or more in par amount of the bonds of each maturity was sold to the public at or below the initial reoffering prices (such amount being sufficient to establish the sale of a "substantial amount" of the bonds).

Good Faith Deposit

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of \$2,880 (2 percent of the bid) payable to the order of the city to secure the city from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid upon the deposit made by the successful bidder. Said check shall be returned to the bidder if the bid is not accepted. If a bid is accepted, said check shall be held by the city until the bidder shall have complied with all of the terms and conditions of this notice, at which time said check shall be returned to the successful bidder or deducted from the purchase price at the option of the city. If a bid is accepted but the city shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check shall 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 shall be retained by the city as and for liquidated damages.

CUSIP Numbers

CUSIP identification numbers will be printed on the 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 this notice. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid by the city.

Bid Forms

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

Submission of Bids

Bids must be submitted in sealed envelopes addressed to the undersigned city clerk and marked "Proposal for the Purchase of General Obligation Bonds." Bids may be submitted by mail or delivered in person to the undersigned at City Hall and must be received by the undersigned prior to 7:30 p.m. C.D.T. on Monday, August 10, 1987.

Assessed Valuation and Indebtedness

The total assessed valuation of the taxable tangible property within the city as of July 1, 1987 is \$4,426,729. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$212,000, including, as of the date of the bonds, temporary notes outstanding in the principal amount of \$200,000, of which \$200,000 will be retired out of the proceeds of the bonds herein offered for sale and other legally available funds of the issuer.

Dated July 27, 1987.

CITY OF GREENSBURG, KANSAS

Clay Smith

City Clerk

City Hall

239 S. Main

Greensburg, KS 67054

(316) 723-2751

Doc. No. 005624

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES

**NOTICE OF COMMENCEMENT
 OF NEGOTIATIONS
 FOR TECHNICAL SERVICES**

Notice is hereby given of the commencement of negotiations for technical services for a grounding test of the electrical system at the Chemistry/Biochemistry Building at Kansas State University, Manhattan.

The ground test will be performed on the driven ground rods, water pipe ground and building steel ground. All tests shall be independent and performed with a 3 or 4 point ground test machine.

Questions or expressions of interest should be directed to Myron Reed, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to August 14.

ANN K. COLGAN
 Acting Director, Division of
 Architectural Services

Doc. No. 005628

(Published in the KANSAS REGISTER, July 30, 1987.)

**NOTICE OF REDEMPTION
 Combined Sewer District No. 1
 Geary County, Kansas
 Sewer System Revenue Bonds
 Series SS 1982**

Notice is hereby given by the governing body of Combined Sewer District No. 1, Geary County, Kansas, that pursuant to the provisions of Paragraph 3 of Resolution 8-16-82 (h) of the governing body, said Combined Sewer District No. 1 of Geary County, Kansas will redeem and does hereby call for redemption and payment 10 of the revenue bonds above referred to, each bond in the amount of \$5,000 for a total of \$50,000. This call and redemption is at the face amount of the bond plus the accrued interest thereon to September 1, 1987.

The bonds to be redeemed and the serial numbers of the bonds to be redeemed are as follows:

44-43-42-41-40
 39-38-37-36-35.

On September 1, 1987, the bonds above described will be due and payable at the office of the Kansas State Treasurer, Topeka, Kansas, upon presentation and surrender of the bonds with any and all coupons maturing subsequent to September 1, 1987. From and after September 1, 1987, interest on the aforesaid bonds will cease to accrue.

Dated July 13, 1987.

Combined Sewer District No. 1
 Geary County, Kansas

Doc. No. 005626

State of Kansas
DEPARTMENT OF ADMINISTRATION
DIVISION OF ARCHITECTURAL SERVICES

**NOTICE OF COMMENCEMENT
 OF NEGOTIATIONS
 FOR ENGINEERING SERVICES**

Notice is hereby given of the commencement of negotiations for engineering services for electrical system improvements at the Kansas State Industrial Reformatory in Hutchinson.

Questions or expressions of interest should be directed to Norman Moody, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to August 14.

ANN K. COLGAN
 Acting Director, Division of
 Architectural Services

Doc. No. 005633

(Published in the KANSAS REGISTER, July 30, 1987.)

**NOTICE OF CALL FOR REDEMPTION
 to the holders of
 City of Wichita, Kansas
 Industrial Revenue Bonds
 Series XLII, 1973
 Dated September 1, 1973**

Notice is hereby given that pursuant to the provisions of Section 3 of Ordinance No. 32-880 of the city of Wichita, Kansas, the above mentioned bonds numbered 331 to 550, maturing on September 1, 1988 and thereafter, and all unmatured coupons appertaining thereto, have been called for redemption and payment on September 1, 1987 at the principal corporate trust office of BANK IV Wichita, National Association (formerly known as the Fourth National Bank and Trust Company, Wichita), P.O. Box 1122, 100 N. Broadway, Wichita, KS 67201.

On such redemption date there shall become due and payable on each of the above mentioned bonds the redemption price thereof equal to 100 percent of the principal amount of each bond, together with interest accrued to the redemption date with a premium equal to 3 percent of the principal amount of the bonds (upon the presentation and surrender of each such bond and all appurtenant coupons thereof). Interest shall cease to accrue on the bonds so redeemed from and after September 1, 1987.

Tax identification form W-9 or an exemption certificate is required or tax will be withheld from payment.

BANK IV Wichita, National Association
 Wichita, Kansas, as Trustee

Doc. No. 005639

(Published in the KANSAS REGISTER, July 30, 1987.)

(Published in the KANSAS REGISTER, July 30, 1987.)

**NOTICE OF REDEMPTION
to the holders of
Ford County, Kansas
Single Family Mortgage Revenue Bonds
1979 Series A 7.50%
(due September 1, 2004)
CUSIP #345267-AW-8**

Notice is hereby given that, pursuant to Section 3.01 of the Indenture dated as of September 1, 1979, \$55,000 principal amount of bonds has been drawn by lot for redemption at par on September 1, 1987 as follows:

**Coupons Bonds, \$5,000 each
1117**

The coupon bond with the March 1, 1988 and all subsequent coupons attached should be presented to one of the offices of the paying agents:

Continental Illinois National Bank and Trust Company of Chicago Attn: Corporate Trust Operations 30 N. LaSalle, 16th Floor Chicago, IL 60697	Kansas State Bank & Trust Company Attn: Trust Department 123 N. Market Wichita, KS 67202
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In addition to the coupon bond listed above, the following registered bonds have been called:

Bond No.	Present Amount of Bond	Amount Called
R202	\$335,000	\$15,000
R193	30,000	30,000
R197	85,000	5,000

The registered bonds should be presented to Continental Illinois National Bank and Trust Company at the address given above.

When a fully registered bond is redeemed in part, a new fully registered bond for the unredeemed portion will be issued and returned without charge.

Coupons for the September 1, 1987 interest should be detached and presented in the usual manner. Interest on the bonds or parts of bonds called for redemption will cease to accrue on September 1, 1987.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983, paying agents making payments of interest or principal on corporate securities or making payments of principal on municipal securities may be obligated to withhold 20 percent tax from remittances to individuals who have failed to furnish the paying agent with a valid taxpayer identification number. Holders of the above described securities who wish to avoid the imposition of this tax should submit certified taxpayer identification numbers when presenting their securities for collection.

Dated July 30, 1987.

FORD COUNTY, KANSAS
by Continental Illinois National Bank
and Trust Company of Chicago,
as Trustee

Doc. No. 005627

**NOTICE OF REDEMPTION
to the holders of
City of Wichita, Kansas
Industrial Revenue Bonds
(Safelite Industries, Inc.) Series LIV, 1975
Dated March 1, 1975**

Notice is hereby given pursuant to Section 3 of Bond Ordinance No. 33-771, that all bonds of the above issue numbered 94 to 220 inclusive, maturing March 1, 1988 to March 1, 1995 inclusive, are called for redemption and payment on September 1, 1987 at 102.5 percent of their principal amount thereof, plus accrued interest to September 1, 1987.

Coupon bonds with the March 1, 1988 and all subsequent coupons attached should be presented for payment to the Kansas State Bank & Trust Company as paying agent at 123 N. Market, P.O. Box 427, Wichita, KS 67201.

Interest on the bonds will cease to accrue September 1, 1987.

Coupons for September 1, 1987 should be detached and presented in the usual manner.

Dated July 30, 1987.

KANSAS STATE BANK & TRUST COMPANY
Wichita, Kansas
as Trustee and Paying Agent

Doc. No. 005631

(Published in the KANSAS REGISTER, July 30, 1987.)

**NOTICE OF REDEMPTION OF BONDS
OF THE CITY OF GARDNER, KANSAS**

Pursuant to Ordinance No. 1492 of the city of Gardner, Kansas, which authorized the issuance of \$1,555,000 original principal amount of a series of Junior Lien Hospital Revenue Bonds, Series 1982-A, dated December 1, 1982, notice is hereby given that the city intends to redeem and pay and will redeem and pay on September 1, 1987 at the office of the fiscal agent and paying agent, Boatmen's First National Bank of Kansas City, Collections Department, 14 W. 10th, Kansas City, MO 64105, all of the outstanding bonds of said series aggregating the principal amount of \$1,265,000, having stated maturities of December 1, 1987 through December 1, 1994, said bonds being numbered from R-59 to R-311, inclusive.

All of said bonds will be redeemed and paid on said date, at said place, by payment of a redemption price of 104 percent of the principal amount thereof together with accrued interest thereon to the date of redemption. All of said bonds so called for redemption and payment will cease to bear interest from and after September 1, 1987.

CITY OF GARDNER, KANSAS
Phyllis Thomen, Mayor
Del Dolisi, City Clerk

Doc. No. 005642

State of Kansas
DEPARTMENT OF TRANSPORTATION

NOTICE TO BIDDERS

Sealed bids on Quotation 6930 for the sale of used radio equipment, located in the K.D.O.T. yard, Hutchinson, will be received until 10 a.m. Thursday, August 13.

Bid blanks may be obtained from Farrell D. Maichel, Chief Procurement Officer, 7th Floor, Docking State Office Building, Topeka, or W. A. Culwell, District Engineer, Hutchinson.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005637

State of Kansas
DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Wyandotte—670-105 K-1655-01—Central Avenue ramps for I-670, 0.5 mile, bridge. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005623

State of Kansas
DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

DISTRICT ONE—Northeast

Douglas—23 C-2129-01—County road, 1.5 miles west and 2.3 miles north of the junction of U.S. 40 and K-10, then north, 0.1 mile, bridge replacement. (Federal Funds)

Jefferson—4-44 K-3025-02—K-4, Delaware River Bridge 20 at Valley Falls, bridge repair. (Federal Funds)

Jefferson—4-44 X-1299-02—K-4, Atchison, Topeka and Santa Fe Railway crossing southwest of Valley Falls, grading and surfacing. (Federal Funds)

Jefferson—44 C-2515-01—County road, 2.8 miles west and 2.3 miles south of Quenemo, then south, 0.1 mile, bridge replacement. (Federal Funds)

Johnson—35-46 K-2434-03—I-35, bridges 2 and 3 Local Road and bridges 4 and 5 Bull Creek, bridge widening. (Federal Funds)

Johnson—435-46 K-0456-09—I-435, ramps north-west and I-35 widening, grading and surfacing. (Federal Funds)

Johnson—46 U-0917-01—Nall Avenue at Rock Creek in Mission, bridge replacement. (Federal Funds)

Leavenworth—52 U-0980-01—3rd Street over Threemile Creek in Leavenworth, 0.1 mile, bridge replacement. (Federal Funds)

Nemaha—36-66 M-1496-01—U.S. 36, Marshall-Nemaha county line east to old west city limits of Seneca, 8.9 miles, patching. (State Funds)

Osage—70 C-2485-01—County road, 2.8 miles west and 2.3 miles south of Quenemo, then south, 0.1 mile, bridge replacement. (Federal Funds)

Osage—75-70 M-1497-01—U.S. 75, 675 feet north of the junction of K-31 and K-268 then north to four-lane, 9.5 miles, patching. (State Funds)

DISTRICT TWO—Northcentral

Geary—31 C-0701-1—County road, 2.0 miles west of K-177 and 1.5 miles south of I-70, then south, 0.3 miles, grading and culvert. (Federal Funds)

Jewell—28-45 K-2893-01—K-28, Columbus to Custer/Lincoln to east city limits of Jewell, 0.4 mile, curb and gutter repair. (State Funds)

Washington—15E-101 M-1459-01—K-15E, 3.4 miles north of the junction of K-15E and K-243, 0.1 mile, culvert. (State Funds)

DISTRICT THREE—Northwest

Graham—283-33 X-1307-02—U.S. 283, Union Pacific crossing of U.S. 283 south of Hill City, grading and surfacing. (Federal Funds)

Norton—69 C-2486-01—County road, 8.0 miles east

(continued)

and 1.5 miles north of Edmond, then north, 0.2 mile, bridge replacement. (Federal Funds)

Trego—70-98 M-1488-01—I-70, Trego-Gove county line east to U.S. 283, 14.0 miles, recycling. (State Funds)

DISTRICT FOUR—Southeast

Bourbon—6 C-2490-01—County road, 1.0 mile west of Fort Scott and old U.S. 54, then south and east, 0.7 mile, surfacing. (Federal Funds)

Labette—50 C-2488-01—County road, 0.5 mile west and 3.5 miles south of Parsons, then south, 0.1 mile, bridge replacement. (Federal Funds)

Montgomery—169-63 K-1797-01—U.S. 169, state line to south city limits of Coffeyville, 0.6 mile, grading, surfacing and bridge. (Federal Funds)

DISTRICT FIVE—Southcentral

Comanche—17 C-1127-01—County road, 3.2 miles east and 1.5 miles north of Wilmore, then east, 0.1 mile, bridge replacement. (Federal Funds)

Cowley—18 C-2487-01—County road, 1.5 miles south and 4.0 miles east of Udall, then east, 0.3 miles, bridge replacement. (Federal Funds)

Kingman—54-48 K-1877-01—U.S. 54, Pratt County line east to Kingman and 0.4 mile east of Kingman, 19.0 miles, grading, surfacing and bridge. (State Funds)

Kiowa—49 C-2364-01—County road, 5.9 miles north of Greensburg, then west, 0.2 miles, bridge replacement. (Federal Funds)

Reno—78 C-2173-01—County road, 2.7 miles north and 5.3 miles east of Pretty Prairie, then east, 0.1 mile, bridge replacement. (Federal Funds)

Sedgwick—135-87 M-1500-01—I-135, spot overlay from 85th Street north, 4.0 miles, overlay. (State Funds)

Sedgwick—87 U-1045-01—Oliver Street at East Fork Chisholm Creek, 0.2 mile, bridge replacement. (Federal Funds)

DISTRICT SIX—Southwest

Seward—88 C-2477-01—County road, 12.0 miles north of Liberal, then north, 0.4 miles, bridge replacement. (Federal Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn

to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005616

State of Kansas

DEPARTMENT OF TRANSPORTATION

NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.D.T. August 20, 1987, and then publicly opened:

DISTRICT TWO—Northcentral

Lincoln—284 53 M-1499-01—K-284, 2.6 miles east from the junction of K-14 and K-284 on the north side of the roadway, 0.95 mile, slide repair, guardrail removal or replacement and surface repair. (State Funds)

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

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS
Secretary of Transportation

Doc. No. 005643

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of August 3 through August 16:

Date	Room	Time	Committee	Agenda
August 3	123-S	10:00 a.m.	Legislative Post Audit	Legislative matters.
August 6	519-S	10:00 a.m.	Special Committee on Transportation	6th: Hearings on Proposal No. 41—Transportation of the Elderly and Handicapped (morning) and presentation on Proposal No. 33—Highway Project Priorities, including review of Governor's Highway Task Force recommendations (afternoon). 7th: Consideration of issues and presentations on Proposal No. 32—Vehicle Identification Number (VIN) Program Issue, Odometer Rollback, and Certain Disclosures.
August 7	519-S	9:00 a.m.		
August 6	531-N	10:00 a.m.	Special Committee on Public Health and Welfare	Agenda unavailable.
August 7	531-N	9:00 a.m.		
August 7	527-S	9:00 a.m.	Legislative Coordinating Council	Legislative matters.
August 10	514-S	10:00 a.m.	Special Committee on Energy and Natural Resources	Presentations on Proposal No. 12—Hazardous and Low-Level Radioactive Wastes (hazardous waste cleanup legislation).
August 11	514-S	9:00 a.m.		
August 11	423-S	10:00 a.m.	Special Committee on Ways and Means—SRS	Agenda unavailable.
August 12	423-S	8:00 a.m.		
August 11	531-N	10:00 a.m.	Legislative Budget Committee	Proposals No. 19 and No. 20 (details of agenda not set).
August 12	531-N	9:00 a.m.		
August 13	423-S	10:00 a.m.	Special Committee on Federal and State Affairs	Proposal No. 13—Selected Corrections Programs and Parole (main topic at this meeting will be community corrections).
August 14	423-S	9:00 a.m.		
August 13	514-S	10:00 a.m.	Special Committee on Judiciary	13th: Proposal No. 15—Administrative Procedure Act. 14th: Proposal No. 39—Corporate Takeover.
August 14	514-S	9:00 a.m.		

(continued)

August 13 519-S 10:00 a.m. Special Committee on
 August 14 519-S 9:00 a.m. Agriculture and Livestock

13th: Hearings on Proposal
 No. 1—Noxious Weed Law
 Review.
 14th: Hearings on Proposal
 No. 3—Wind-Blown Dust
 and Soil Erosion.

WILLIAM R. BACHMAN
 Director of Legislative
 Administrative Services

Doc. No. 005632

State of Kansas SOCIAL AND REHABILITATION SERVICES

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 4.—PUBLIC ASSISTANCE PROGRAM

30-4-34. Program. The public assistance program includes: aid to dependent children (ADC), aid to dependent children-foster care (ADC-FC), emergency assistance to needy families with children (EA), aid to pregnant women (APW), general assistance-unrestricted (GAU), general assistance-foster care (GA-FC), and burial assistance (BA). The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-88-14, July 1, 1987.)

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 two parents, 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 or the spouse of the eligible relative who meets the job search requirement, CWEP 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 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 July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987.)

30-4-57. Job search requirements. (a) Each recipient, unless exempted, shall be required to participate, if assigned, in an agency-approved job club or related activity and agree to seek and accept available employment. Any recipient may volunteer to participate in an agency-approved job club or related activity. A person shall not be required to spend more than 320 hours per year in job search activities.

(b) Exemptions. The persons listed below shall be exempt from the job search requirement:

(1) Persons registered for the work incentive program;

(2) for ADC and ADC-FC, any child who is under age 16 or attending school full time; or for GA, any child under age 16, or any child between the ages of 16 and 18 who is attending school full-time. The definition of full-time is the same as for ADC eligibility;

(3) any person who is ill or injured. The illness or injury shall be of a nature which temporarily prevents entry into employment and shall be established by medical information from an official source;

(4) any person who is incapacitated. There shall be a medically determined physical or mental impairment which by itself, or in conjunction with age, prevents employment and which is expected to continue at least 30 days. A person shall meet one of the following criteria to be considered physically or mentally incapacitated under this provision:

(A) The incapacity shall be established by eligibility for OASDI or SSI benefits based on disability.

(B) The incapacity shall be established by a written or oral statement of a psychologist, optometrist or a person licensed by the board of healing arts, within the scope of that person's professional competence, or by a written, team-diagnostic evaluation from an agency, including the veteran's administration, vocational rehabilitation, or a mental health clinic. In addition, a statement from a vocational rehabilitation counselor may be used to establish incapacity for a GAU recipient. When an individual claims exempt status due to incapacity, but medical verification is needed to establish the incapacity, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified. If verification is not provided because of a legitimate delay in obtaining an examination by or a consultation with a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days;

(5) any person who is age 65 or over;

(6) any person who is too remote from potential employers. The criterion of remoteness is met when potential employers are located two miles or more from the person's home and when transportation is not available. If the person has transportation available, round trip travel time of more than two hours, exclusive of time required to transport a child to and from a child care facility, qualifies as too remote;

(7) any person whose presence is required at home because of a verified, medically determined condition of another member of the home whose condition does not permit self-care, and when the care is not available from another person in the home;

(8) any woman who is at least six months pregnant;

(9) any parent or other relative personally providing care for a child under six years of age with only brief and infrequent absences from the child, except when the absence is for the purpose of employment or an agency-approved, work-related activity;

(10) for ADC, any parent or other caretaker of a child who is deprived for a reason other than the unemployment of a parent when another adult relative in the plan is actively seeking employment;

(11) for ADC-UP, any parent if the other parent is the principal wage earner and is actively seeking employment;

(12) any person who is employed full-time or any person who has a physical or mental impairment and who is working to that person's capacity. Full-time is determined as at least 30 hours per week, with gross earnings, or adjusted gross earnings for the self-employed, that are equal to or in excess of \$100.00 per week;

(13) any person who is attending high school full-time;

(14) any person who is residing in a licensed or certified alcohol and drug abuse facility;

(15) any person participating in vocational rehabilitation program training; and

(16) any person for whom searching for employment is inconsistent with home responsibilities. When a person who has responsibility for care and supervision of children states that the person cannot meet the requirement because of home responsibilities, the agency shall consider the effect of searching for employment on necessary care and supervision of the children. This exemption shall not apply if it is established that adequate and satisfactory plans can be developed for providing care and supervision of the children during periods of absence from the home.

(c) Job search reimbursement. Any person who is assigned to and who participates in an agency-approved job club or related activity on either a mandatory or voluntary basis shall be reimbursed for job-seeking transportation and day care expenses pursuant to K.A.R. 30-4-120(a)(2).

(d) Penalty. A first-time failure of a nonexempt ADC or ADC-FC person to meet the job search requirements, without good cause, shall render the individual ineligible for assistance for three months and a subsequent failure shall result in ineligibility for six months. A first time failure of a nonexempt GA person, or a principal wage earner in ADC-UP, to meet the job search requirements without good cause shall render the individual, and all persons for whom that individual is legally responsible, ineligible for three months and a subsequent failure shall result in ineligibility for six months. If the person becomes exempt during the penalty period, the penalty shall not be delayed or waived. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 29, 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 May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

30-4-75. ADC work incentive program registration requirements. (a) An applicant, recipient, or essential person, unless exempted, shall register for and participate in manpower services, training, and employment (WIN).

(b) Exemptions. The WIN office may request a review of the exempt status of any individual and shall state the specific reasons for the request. Within 30 days of the receipt of the request, the agency shall review the exempt status of the individual and file a report with the WIN office. If the agency fails to file the report within the 30-day period, the WIN office may exempt the individual. However, an agency decision regarding the exempt status of an individual shall be binding upon the WIN office. The persons listed below shall be exempt from WIN participation:

(continued)

(1) A child who is under age 16 or attending school full time. The definition of full time is the same as for ADC eligibility;

(2) a person who is ill or injured. The illness or injury shall temporarily prevent entry into employment or WIN training and shall be established by medical information from an official source. The basis for exempt status shall be documented and the exempt status shall be redetermined every 30 days;

(3) a person who is incapacitated. There shall be a medically determined physical or mental impairment which by itself, or in conjunction with age, prevents employment or WIN training. Incapacity for WIN participation shall be established in the same manner as ADC incapacity. When an individual claims exempt status due to incapacity, but medical verification is needed to establish this, the individual shall be regarded as temporarily exempt for a period not to exceed 30 days while the individual's status is being verified. However, if verification is not provided because of a legitimate delay in the individual's being seen by a medical practitioner, the temporary exemption period shall be extended for a period not to exceed 15 days. An applicant or recipient who is determined to be exempt from participation because of incapacity shall be referred to vocational rehabilitation (VR). Acceptance of the referral shall be optional. These individuals shall be referred to VR even though they may volunteer to participate in WIN;

(4) a person who is age 65 or over;

(5) a person who is so remote from a work incentive project that effective participation is precluded. This includes persons who would have to travel more than two hours per day round trip by reasonable public or private transportation to participate in a WIN project, exclusive of the time necessary to transport a child to and from a child care facility;

(6) a person who is living in a non-WIN county;

(7) a person whose presence is required at home because of a verified medically determined condition of another member of the household, whose condition does not permit self-care, and when care is not available from another person in the home. The duration of the exemption shall coincide with the need for care of the other family member;

(8) a parent or other relative personally providing care for a child under the age of six with only brief and infrequent absences from the child, except when the absence is for the purpose of employment or an agency-approved, work-related activity;

(9) a woman who is at least six months pregnant;

(10) a parent or other caretaker of a child who is deprived for a reason other than the unemployment of a parent when another adult relative in the home has not refused to participate in the program or to accept employment without good cause;

(11) for ADC-UP, a parent, provided that the other parent who is the principal wage earner is participating; and

(12) a person who is employed full time. Full time is determined as 30 hours per week.

(c) Registration procedures. WIN registration shall be accomplished by the applicant or recipient signing

the application for assistance. The signing of the application registers the individual and all non-exempt persons in the assistance plan for WIN. A mandatory registrant who refuses to participate shall be ineligible for assistance. Mandatory registrants who are determined by the WIN office to have failed to participate without good cause shall be ineligible for assistance. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 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 May 1, 1983; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program. (a) Each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50, and the specific eligibility requirements set forth below, to be eligible for GAU.

(1) Each applicant or recipient and the members of the assistance family group for whom the applicant or recipient is legally responsible, shall be ineligible for GAU if the applicant or recipient:

(A) Is eligible for a federal program; or

(B) has been rendered ineligible for a federal program due to a voluntary action on the part of the applicant or recipient.

(2) Each applicant or recipient and the members of the assistance family for whom the applicant or recipient is legally responsible shall be ineligible for GAU if the applicant or recipient:

(A) Refuses to accept a referral to the vocational rehabilitation program;

(B) is eligible for vocational rehabilitation program services and has refused services; or

(C) has been rendered ineligible for vocational rehabilitation program services due to a voluntary action on the part of the applicant or recipient.

(3) Each applicant or recipient, and the members of the assistance family for whom the applicant or recipient is legally responsible, shall be ineligible for GAU if the applicant or recipient:

(A) Is eligible for vocational rehabilitation program benefits related to maintenance; or

(B) has been rendered ineligible for these benefits due to a voluntary action on the part of the applicant or recipient.

(4) Each applicant or recipient and all persons for whom the applicant or recipient is legally responsible, if living together, shall be within at least one of the following categories to be eligible for GAU:

(A) Parents and their minor children who are living together provided the parents are not voluntarily unavailable for employment. A person shall not be considered voluntarily unavailable for employment if the person is attending high school full-time or is participating in an agency-approved work related activity. Assistance under this provision may not be denied solely because a person is participating in post-secondary education or training activities during other than normal working hours. Assistance under this provision shall also be granted to non-ADC children

who are living with a guardian or a personal representative who is not within the degree of relationship for ADC;

(B) a person who has been determined to be physically incapacitated as set forth in K.A.R. 30-4-57(b)(4), or determined to be incapacitated by a vocational rehabilitation counselor;

(C) a person who has been medically or psychologically determined to be mentally retarded;

(D) a person who has been medically or psychologically determined to be mentally ill to the extent that the condition constitutes a substantial handicap to gainful employment and who is actively participating in a treatment program. A statement from a vocational rehabilitation counselor may be used to determine eligibility under this provision;

(E) a person whose presence is required at home because of a verified, medically determined condition of another member of the home whose condition does not permit self-care, and when the care is not available from another person in the home;

(F) a person who is participating in vocational rehabilitation program training;

(G) a person who is residing in a licensed or certified alcohol and drug abuse facility;

(H) a person who is age 55 or older;

(I) a woman who is pregnant and not eligible for APW. If married, her husband shall also be included in the same assistance plan if they are living together. Neither the pregnant woman nor her husband shall be voluntarily unavailable for employment; or

(J) a parent or parents of a child who has been removed from the home and placed in foster care, provided that there is an agency-approved plan to return the child to the home.

(5) The needs of the applicant or recipient and all persons for whom the applicant or recipient is legally responsible shall be included in the same assistance plan, if living together, except for persons who are not otherwise eligible. Such persons include:

(A) SSI recipients;

(B) persons who are ineligible due to the receipt of lump sum income;

(C) persons who are ineligible due to a sanction;

(D) minor parents whose needs are met through foster care payments; and

(E) aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions.

(b) A presumptive eligibility determination shall be made for persons who are being released from a medicaid-approved psychiatric hospital in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. Assistance provided shall equal 100% of the applicable GAU budgetary standards and the provision of subsection (a)(1) of K.A.R. 30-4-140 shall be waived. Assistance under this provision shall not exceed the month of discharge and the two following months. The department may extend

assistance under this provision beyond such three-month limitation for good cause.

(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GAU provided the individual pending a determination of eligibility for the supplemental security income program shall be ineligible for GAU. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

30-4-91. This regulation is revoked effective July 1, 1987. (Authorized by and implementing K.S.A. 39-708c; effective, T-84-8, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; revoked, T-88-14, July 1, 1987.)

30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and GA-FC programs. The standards contained in K.A.R. 30-4-101 and 30-4-102, and the designated special requirements set forth in K.A.R. 30-4-120, shall be used in determining total budgetary requirements. An applicant or recipient shall not be eligible to have a standard included in the computation of the applicant's or recipient's budgetary requirements if the agency or another state's assistance program has issued the applicant or recipient a payment for the same maintenance items in the same calendar month. (a) ADC, APW, GAU pregnant women and GAU cases with one or more children included in the assistance plan budgeting. Budgeting shall be predicated upon the total number of persons in the assistance plan.

(1) The basic standard and 100% of the shelter standard shall be used when:

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

(B) the only person in the home not in the plan is an SSI recipient to whom the $\frac{1}{3}$ reduction is applied because the person lives in the household and receives support and maintenance in kind;

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

(D) all persons in the plan are in a specialized living, commercial board and room, or commercial room-only living arrangement.

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

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

(continued)

- (B) 50% reduction for two persons in the plan;
- (C) 40% reduction for three persons in the plan;
- (D) 35% reduction for four persons in the plan;
- (E) 30% reduction for five persons in the plan; and
- (F) 20% reduction for six or more persons in the plan.

(b) GAU program budgeting for single persons or married couples with no children included in the assistance plan. Budgeting shall be predicated upon the total number of persons in the household. For budgeting, a household consists of one or more persons living as an economic unit and sharing in any of the maintenance items included in the basic standard or shelter standard. The basic and shelter standards shall be used for all persons in the assistance plan who are maintaining their own home, sharing a family home with others or living in a specialized living, commercial board and room, or commercial room-only living arrangement.

(1) The budgetary standards, excluding the amount designated as an energy supplement, shall equal 80% of the total budgetary requirements with the following exceptions:

- (A) Persons receiving care or supervision;
- (B) assistance plans in which a person has been assigned to a community work experience program;
- (C) assistance plans in which a person is participating in vocational rehabilitation program training;
- (D) persons residing in specialized living arrangements; and
- (E) assistance plans in which a person is participating in an agency-approved work-related activity.

(2) For persons living alone, maintaining a separate household, or residing in a specialized living, commercial board and room, or commercial room-only living arrangement, the basic and shelter standards shall be used.

(3) For persons residing in a living arrangement other than that specified in paragraph (2) above, the basic and shelter standards shall be computed as follows: the standards set forth shall be used to determine the basic and shelter standards for the number of persons in the household, except that the household size shall be budgeted at four persons when there are four or more persons in the household. This figure divided by the number of persons in the household, not to exceed four persons, times the number of persons in the assistance plan equals the basic and shelter standards.

(c) Exceptions to ADC and GAU budgeting.

(1) In ADC and GAU, if a recipient child is temporarily absent from the home due to the illness of another member of the household or the incarceration of the caretaker relative and the appropriate foster care standard established by the secretary is being used, needs of the child shall be removed from the computation of the budgetary standard.

(2) In ADC and GAU, if a recipient child is temporarily absent from the home due to education or training and the residential standard established by the secretary is used, needs of the child shall be removed from the computation of the budgetary standard. The effective date of this regulation shall be July 1, 1987.

(Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987.)

30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements. A monetary standard addresses the costs of day to day expenses and certain special expenditures. (a) Basic standard. The basic standards are set forth below. The basic standards include \$12.00 per person as an energy supplement.

PERSONS IN PLAN			
1	2	3	4
\$125.00	\$203.00	\$274.00	\$335.00

For each additional person, add \$55.00.

(b) Shelter standard. A standard has been established for shelter based on location in the state. The county shelter standards are set forth below.

Standard.	Group I	Group II	
	\$76.00	\$86.00	\$86.00
	Allen	Anderson	Logan
	Barber	Atchison	Lyon
	Bourbon	Barton	Marshall
	Chase	Brown	McPherson
	Chautauqua	Cheyenne	Miami
	Cherokee	Clark	Mitchell
	Comanche	Clay	Morris
	Cowley	Cloud	Nemaha
	Crawford	Coffey	Ness
	Edwards	Decatur	Norton
	Elk	Dickinson	Osborne
	Finney	Doniphan	Ottawa
	Greenwood	Ellis	Phillips
	Harper	Ellsworth	Pottawatomie
	Labette	Ford	Rawlins
	Marion	Geary	Republic
	Meade	Gove	Rice
	Montgomery	Graham	Rooks
	Neosho	Grant	Rush
	Pratt	Greeley	Russell
	Reno	Hamilton	Saline
	Stafford	Haskell	Scott
	Stanton	Hodgeman	Sheridan
	Sumner	Jackson	Smith
	Wilson	Jewell	Stevens
	Woodson	Kearny	Thomas
		Kingman	Trego
		Lane	Wabaunsee
		Lincoln	Wallace
		Linn	Washington
			Wichita
	Group III	Group IV	Group V
Standard.	\$97.00	\$109.00	\$135.00
	Franklin	Butler	Harvey
	Gray	Douglas	Johnson
	Kiowa	Jefferson	
	Morton	Leavenworth	
	Pawnee	Osage	
	Seward	Riley	
	Sherman	Sedgwick	
		Shawnee	
		Wyandotte	

The effective date of this regulation shall be July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 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, T-85-19, July 1, 1984; amended May 1, 1985;

amended, T-86-19, July 1, 1985; amended, T-86-42, Dec. 18, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987.)

30-4-102. Standards for children in foster care. The standards below shall be used for children in foster care. (a) The cost of care for any child placed in a care facility other than a foster family home shall be as established by the secretary.

(b) The foster care standard shall be used in ADC and GAU only if an approved service plan is on file which documents that the child is temporarily absent from the home because of illness of another member of the household or incarceration of the caretaker.

(c) The residential standard shall be used only if an approved service plan is on file which documents that the child is temporarily absent from the home because of basic education or training, if the training results in gainful employment.

Standards for Foster Family Care

	Monthly Rate	Daily Rate
Infant through 4 years	\$189.00	\$ 6.22
5 through 11 years	\$256.00	\$ 8.41
12 years and older	\$324.00	\$10.66

The effective date of this regulation shall be July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-84-8, April 1, 1983; amended, T-84-9, May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Dec. 18, 1985; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987.)

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, 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 or if the market value as determined above is not satisfactory to the applicant or recipient or the agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or 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, or if there is a difference of opinion regarding the value of the property between the applicant or recipient and

the agency, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(c) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available. A resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

(d) (1) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. This paragraph (1) shall expire July 1, 1987.

(2) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-legally responsible person may be excluded from consideration if the applicant or recipient can demonstrate that the applicant or recipient has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to acting as an agent for the other person. This paragraph (2) shall become effective July 1, 1987.

(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.

(g) The resources of an ineligible parent, the income of a stepparent, or the income of a parent of a minor parent 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, the amount of the contribution to be counted shall be the net income realized by the household.

(i) Despite subsections (f), (g), and (h) above, the

(continued)

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, October 1, 1985 edition, 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 July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

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, the parent of a minor parent, and an alien 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 or child support in combination with spousal support 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 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 period of ineligibility shall be recalculated with respect to the remaining months of the established period of ineligibility if the applicant or recipient incurs, becomes responsible for, and pays allowable medical expenses which, if subtracted from the lump sum payment, would result in a shorter period of

ineligibility. If a period of ineligibility is established in a federally-funded program, it shall also result in ineligibility for a state-funded program. A period of ineligibility established for a state-funded program shall not result in ineligibility for a federally-funded program. The effective date of this regulation shall be July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-88-14, July 1, 1987.)

30-4-112. Income exempt from consideration as income and as a cash asset. The following income shall be exempt, except as provided in K.A.R. 30-4-110(b): (a) Grants or loans to any under-graduate student for educational purposes that are made or insured under any programs administered by the commissioner of education;

(b) loans and grants obtained and used for purposes of meeting needs not related to current living costs;

(c) the value of the coupon allotment under the food stamp program;

(d) the value of the U.S. department of agriculture donated foods;

(e) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for children under the national school lunch act, as amended;

(f) benefits received under title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(g) Indian judgment funds distributed or held in trust, including interest and investment income accrued on such funds while held in trust and purchases made with such funds;

(h) payments to natives under the Alaska native claims settlement act, to the extent the payments are exempt from taxation under section 21(a) of that act;

(i) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of domestic service act of 1973;

(j) payments to individual volunteers under title I, sec. 404(g) of Public Law 93-113 when the director of ACTION determines that the value of such payments, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage;

(k) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(l) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefit is used toward the cost of burial;

(m) a one-time payment or a portion of a one-time payment from a cash settlement for repair or replace-

ment of property or for legal services, and medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(n) money held in trust by VA for a child which VA determines may not be used for subsistence needs;

(o) retroactive corrective assistance payments in the month received or in the following month;

(p) income directly provided by vocational rehabilitation;

(q) benefits from special government programs at the discretion of the secretary, including energy assistance programs, and VA aid and attendance and housebound allowances;

(r) assistance provided by another agency or organization that complements, but does not duplicate assistance provided by the agency; and

(s) reimbursements for out-of-pocket expenses in the month received and the following month. The effective date of this regulation shall be July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 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 May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU and GA-FC. (a) Special allowances. The following special allowances shall be issued to otherwise eligible recipients under the conditions as specified.

(1) Community work experience program. An allowance standard for work-related transportation expenses shall be issued in an amount of \$20.00 for assignments of less than 10 days and \$30.00 for assignments of 10 days or more in which the person is scheduled to work. When excess work transportation expenses are documented by any person, the \$20.00 standard shall be increased to cover actual costs up to, but not in excess of, \$30.00. Additional allowances shall be issued based on an agency-approved plan for day care and other expenses related to participation.

(2) Job search. An allowance standard for job-seeking transportation expenses shall be issued in the amount of \$15.00 to each person who is assigned to, and who participates in, an agency-approved job club or related activity. When excess job-seeking transportation expenses are documented by any person, the \$15.00 standard shall be increased to cover actual costs, which shall not exceed \$25.00. An additional allowance for day care expenses shall be issued based on an agency-approved plan.

(b) Special requirements. The following special requirements shall be added to the basic and shelter standards set forth in K.A.R. 30-4-100 to compute the budgetary requirements for applicants and recipients under the conditions as specified.

(1) Moving expense. The cost of moving to a new location to take employment, in an amount not to exceed \$100.00, shall be allowed if other funds are not

(continued)

available to meet the costs and the recipient has employment which meets at least 75% of the family's basic and shelter standards. Moving costs shall include transportation costs of moving household goods for the individual and family to the job location.

(2) Temporary out-of-home care for children. The cost of temporary out-of-home care may be allowed if:

(A) The child is temporarily absent from the home due to the illness of another member of the household, or the incarceration of the caretaker relative;

(B) the temporary absence is only for a portion of a calendar month; and

(C) there is an approved service plan. The amount to be allowed shall be the foster care standard.

(3) Clothing for persons entering care facilities, not applicable to ADC-FC or GA-FC foster family care. The cost of an initial clothing supply, in an amount not to exceed \$150.00, shall be allowed if the applicant or recipient is being placed in a care facility on a permanent basis and the person requires an initial clothing supply.

(4) Travel and subsistence to and from child care facilities. If there is an approved service plan, the costs of travel and subsistence shall be allowed for the applicant or recipient and the person providing the transportation for a preplacement visit, admission or home visit, or for the relatives who are required to visit a child. The transportation shall not be related to discharge from a state institution.

(5) Home visits from a child care facility. The costs of a visit to a relative's home or foster family home on a planned trial basis shall be allowed based on an approved service plan. The amount and the length of the visit allowed shall be established in the social service plan.

(6) Special requirements related to ADC-FC and GA-FC. Certain special requirements for various costs for children in ADC-FC and GA-FC shall be allowed based on an approved service plan.

(7) Conservator or personal representative expense. The fee of the legally appointed conservator for conservatorship or the personal representative fee for service shall be allowed if:

(A) The conservator or personal representative charges for those services; and

(B) the conservator or personal representative is not the spouse, parent, or child of the incapacitated person. The amount allowed by the court, or the charge made by the conservator or personal representative, to a maximum of 5% of the person's cash payment or \$8.00, whichever is greater, shall be allowed.

(8) Education and training. If there is an agency-approved plan, the education and training costs shall be allowed for the applicant or recipient. The effective date of this regulation shall be July 1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-75. Scope of services for eligible aliens. The scope of services shall be limited to emergency medical services for otherwise eligible aliens pursuant to K.A.R. 30-6-54 who do not qualify under the citizenship and alienage requirements. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c; effective, T-88-14, July 1, 1987.)

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, either singly, or as in the case of two parents, jointly.

(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 and 30-6-79. 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 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 July

1, 1987. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

30-6-65. Automatic eligibles. To be automatically eligible for medical assistance, each person shall meet the general eligibility requirement of K.A.R. 30-6-63 and 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 supplemental payments from Kansas 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. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d);

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

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

(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. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). 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 and 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) 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 as a result, in whole or in part, of collection or increased collection of support. Such recipients shall meet the general eligibility requirement of K.A.R. 30-6-55(d). 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 and legally entitled to receive ADC, ADC-FC, or APW as long as the family

remains ineligible for ADC, ADC-FC, or APW due to such collection or increased collection of support;

(h) mandated to receive inpatient treatment for tuberculosis;

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

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

(k) a non-ADC eligible child who is under 18 years of age and who meets the ADC income and resource requirements pursuant to article 4 of this chapter;

(l) a child born to a mother eligible for and receiving medicaid at the time of birth for a period of up to one year. The child shall remain eligible so long as such mother remains eligible for medicaid and the child remains in the same household with the mother;

(m) a child receiving foster care payments under title IV-E, regardless of the state making payment

(n) a child for whom an adoption assistance agreement under title IV-E is in effect, even if assistance payments are not being made or the adoption assistance agreement was entered into with another state. Automatic eligibility begins when the child is placed for adoption even if an interlocutory decree of adoption or a judicial decree of adoption has not been issued; or

(o) a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 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, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; T-88-14, July 1, 1987.)

30-6-103. Determined eligibles; protected income levels. (a) Independent living.

(1) The protected income level for persons in independent living arrangements shall be based on the total number of persons in the assistance plan and the legally responsible persons in the family group who are not included in the plan.

(2) The protected income levels for independent living shall also be used when an applicant or recipient:

(continued)

- (A) Enters a medicaid-approved facility;
 (B) is absent from the home for medical care for a period not to exceed three months to allow for maintaining their independent living arrangements; or
 (C) is in the home- and community- based services program.

(3) The following table shall be used to determine the protected income level for persons in independent living.

PERSONS IN INDEPENDENT LIVING
 (Per Month)

1	2	3	4
\$341.00	\$460.00	\$465.00	\$470.00

The protected income level for additional persons shall be the sum of the basic standard for a like public assistance family plus the maximum state shelter standard.

(b) Institutional living arrangements. For persons residing in institutional settings, the protected income level shall be \$25.00 except as noted in paragraph (2) of subsection (a).

(c) Specialized living arrangements. The protected income level for persons residing in approved, specialized living arrangements, including adult family homes, home- and community-based congregate care facilities, and child care facilities, shall be as established by the secretary. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 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, T-84-11, July 1, 1983; amended, T-84-36, Dec. 21, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987.)

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 or if the market value as determined above is not satisfactory to the applicant or recipient or the agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or 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, or if

there is a difference of opinion regarding the value of the property between the agency and the individual, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(c) (1) Resources shall be considered available both when actually available and when the applicant or recipient has the legal ability to make them available. A resource shall be considered unavailable when there is a legal impediment that precludes the disposal of the resource. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment unless it is determined that the cost of pursuing legal action would be more than the applicant or recipient would gain or the likelihood of succeeding in the legal action would be unfavorable to the applicant or recipient.

(2) For the purpose of this subsection, a revocable or irrevocable trust, established by an applicant or recipient or their spouse, shall be considered available to the applicant or recipient up to the maximum value of the funds which may be made available under the terms of the trust in behalf of the applicant or recipient if:

(A) That applicant or recipient is a beneficiary; and

(B) the trustees are permitted to exercise any discretion with respect to distribution to the applicant or recipient.

(d) (1) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. This paragraph (1) shall expire July 1, 1987.

(2) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly-owned real property and the full value of jointly-owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-legally responsible person may be excluded from consideration if the applicant or recipient can demonstrate that the applicant or recipient has no ownership interest in the resource, has not contributed to the resource, and that any access to the resource by the applicant or recipient is limited to acting as an agent for the other person. This paragraph (2) shall become effective July 1, 1987.

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

(f) (1) 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.

(2) 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.

(3) 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, including either a medicaid-approved or non-approved care facility or a home- and community-based services care arrangement. If only one spouse is an applicant for or recipient of SSI and one or both enter a care situation, their resources shall be considered available to each other in the month in which the care arrangement begins. Thereafter, only the resources that are actually made available to the applicant or recipient shall be considered. If both spouses are applicants for or recipients of SSI and one or both enter a care situation, the following provisions apply:

(A) Income shall be considered available to each other for the month in which the care situation begins. Their income shall continue to be considered available to each other for the following six months if they share the same room in a care situation; and

(B) real and personal property shall be considered available to each other for the month in which the care situation begins and the six following months.

(g) The resources of an ineligible parent, the income of a stepparent, or the income of a parent of a minor parent 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, the amount of the contribution to be counted shall be the net income realized by the household.

(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 and as approved by the secretary of social and rehabilitation 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 July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

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, contracts from the sale of property, 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;

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

(8) 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;

(9) 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;

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

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

(12) 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;

(13) 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

(continued)

treatment of a specific medical problem, or if specially equipped for use by a handicapped person;

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

(15) 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;

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

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

(18) 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 three months of the sale; and

(19) for SSI, a retroactive social security payment received by the applicant or recipient or an ineligible legally responsible person for the six months following the month of receipt. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 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, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

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 and, except as noted in subparagraph (a)(4) of this section, for all legally responsible persons in the home who are excluded from 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; and

(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 be allowed if such payments are directly related to the business.

(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) In determining eligibility and the amount of payment, the applicable earned and unearned income of a stepparent or the parent of a minor parent not included in the assistance plan or of an alien who is a parent of an ADC child and who is excluded from the assistance plan due to the provisions of P.L. 99-603, the Immigration Reform and Control Act of 1986, shall equal gross income less the following items:

(A) Seventy-five dollars of earned income;

(B) the protected income level for the above-referenced persons and dependents in the same household who are claimed by such persons for internal revenue service purposes and who are not in the assistance plan;

(C) amounts paid by such persons to persons not living in the same household who are claimed as dependents for internal revenue service purposes; and

(D) alimony or child support payments to individuals not living in the household which are made by such persons.

(5) 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 regulation 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 or in the home- and community-based service program:

(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 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 in accordance with K.A.R. 30-6-112 and 30-6-113. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-86-9, May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987.)

30-6-112. Income exempt from consideration as income and as a cash asset. Exempted income shall be: (a) Grants or loans to any undergraduate student for educational purposes that are made or insured under any programs administered by the commissioner of education;

(b) loans and grants obtained and used for purposes of meeting needs not related to current living costs;

(c) the value of the coupon allotment under the food stamp program;

(d) the value of the U.S. department of agriculture-donated foods;

(e) the value of supplemental food assistance received under the child nutrition act of 1966, as amended, and the special food service program for children under the national school lunch act, as amended;

(f) benefits received under title VII, nutrition program for the elderly, of the older Americans act of 1965, as amended;

(g) Indian judgment funds distributed or held in trust, including interest and investment income accrued on such funds while held in trust and purchases made with such funds;

(h) payments to natives under the Alaska native claims settlement act, to the extent the payments are exempt from taxation under section 21(a) of that act;

(i) payments provided to individual volunteers serving as foster grandparents, senior health aides and senior companions, and to persons serving in the service corps of retired executives and active corps of executives under titles II and III of domestic service act of 1973;

(j) payments to individual volunteers under title I, sec. 404(g) of Public Law 93-113 when the director of ACTION determines that the value of such payments, adjusted to reflect the number of hours such volunteers are serving, is less than the federal minimum wage;

(k) payments received under the uniform relocation assistance and real property acquisition policies act of 1970;

(l) death benefits from SSA, VA, railroad retirement, or other burial insurance policy when the benefit is used toward the cost of burial;

(m) money held in trust by VA for a child which VA determines may not be used for subsistence needs;

(n) retroactive corrective assistance payments in the month received or in the following month;

(o) income directly provided by vocational rehabilitation;

(p) benefits from special government programs at the discretion of the secretary, including energy assistance programs and VA aid and attendance and housebound allowances;

(q) reimbursements for out-of-pocket expenses in the month received and the following month;

(r) for non-SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be expended for the intended purpose within six months of its receipt;

(s) for non-SSI, assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency;

(t) for SSI, a one-time payment or a portion of a one-time payment from a cash settlement for the repair or replacement of property or for legal services, medical costs or other required obligations to a third party, if the payment is expended or committed to be

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expended for the intended purpose within nine months of its receipt. This time period may be extended for good cause;

(u) for SSI, in kind support, vouchers, or cash assistance for food, clothing, or shelter provided by public or private organizations or agencies, if the assistance is based on need;

(v) for SSI, income necessary for fulfillment of an approved plan to achieve self-support established for a blind or disabled person;

(w) for SSI, assistance furnished in connection with a presidentially declared disaster and any interest earned on the assistance for the first nine months;

(x) for SSI, interest which is paid on excluded burial funds and left to accumulate;

(y) for SSI, proceeds from any bona fide and legal loan requiring repayment; and

(z) for SSI, housing assistance from federal housing programs operated by state and local subdivisions. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 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 May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

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;

(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) interest credited to a checking or saving account;

(i) irregular, occasional, or unpredictable monetary gifts not to exceed \$30.00 per person in any calendar quarter;

(j) tax refunds and rebates other than earned income tax credits;

(k) 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;

(l) for non-SSI, earned income of a recipient child who is 18 years of age and a full-time student;

(m) for non-SSI, work incentive payments in WIN;

(n) 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;

(o) for non-SSI, housing assistance from federal housing programs;

(p) for non-SSI, the first \$50.00 of child support or child support in combination with spousal support received in a month;

(q) for SSI, refund of taxes paid on real property or on food purchases;

(r) for SSI, $\frac{1}{3}$ of child support payments received by an eligible child from an absent parent;

(s) 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;

(t) for SSI, work expenses of a blind recipient;

(u) for SSI, impairment-related work expenses of a disabled recipient;

(v) 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;

(w) 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;

(x) for SSI, the amount of all social security cost of living adjustments for a person who was concurrently receiving SSI and social security after April, 1977 and who would be eligible for SSI if the cost of living adjustments received since that person was last eligible for SSI were not considered as income;

(y) 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;

(z) for SSI, SSI payments to which the person is not legally entitled that are subject to SSI recovery;

(aa) for SSI, child support collected by the agency and paid as a \$50.00 or less pass-through of child support;

(bb) for SSI, the amount of the December, 1983 increase in social security disabled widow or widower benefits resulting from the changes in the actuarial reduction formula and all subsequent cost of living adjustments for a person who was concurrently receiving SSI and social security disabled widow and widower benefits under section 202(e) or 202(f) of the social security act provided that:

(1) The person became ineligible for SSI due solely to the 1983 actuarial increase;

(2) the person has continuously received social security disabled widow or widower benefits since the 1983 actuarial increase was first received;

(3) the person would be currently eligible for SSI if it were not for the 1983 actuarial increase and all subsequent cost of living adjustments; and

(4) the person makes application for medical assistance under this provision prior to July 1, 1987;

(cc) for SSI, reparation payments made under the Republic of Germany's federal law for compensation of nationalist socialist persecution. This paragraph (cc) shall become effective July 1, 1987; and

(dd) for SSI, the amount of the social security adult disabled child benefit for an otherwise eligible SSI person age 18 or older who:

(1) Was receiving SSI benefits that began prior to age 22; and

(2) loses SSI eligibility due solely to the person becoming eligible for the adult disabled child benefits or an increase in the adult disabled child benefits. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987.)

Article 46.—CHILD ABUSE AND NEGLECT

30-46-1. Definitions. (a) "Alleged perpetrator" means the person identified in the initial report or during the investigation as the person suspected of perpetrating a reported act of abuse, neglect or sexual abuse.

(b) "Confirmed abuse, neglect or sexual abuse" means that the report has been validated by a preponderance of the evidence.

(c) "Confirmed perpetrator" means the person who has been identified by a preponderance of the evidence to have committed a confirmed act of abuse, neglect or sexual abuse.

(d) "Investigation" means the gathering and assessing of information sufficient to determine if a child has been abused, neglected or sexually abused.

(e) "Report of suspected abuse, neglect or sexual abuse" means information received by the agency or law enforcement that a child is suspected of being abused, neglected or sexually abused. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 65-516, as amended by 1987 HB 2488; effective, T-88-14, July 1, 1987.)

30-46-2. Right to interview. Each alleged perpetrator shall have the right to be interviewed before a proposed finding is issued under K.A.R. 30-46-3. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 65-

516, as amended by 1987 HB 2488; effective, T-88-14, July 1, 1987.)

30-46-3. Notice of proposed finding. (a) Before any person is identified as a confirmed perpetrator, a written notice of the proposed finding shall be sent to the person by the agency. The notice shall state specifically the reasons for the finding and shall offer the alleged perpetrator an opportunity to reply to the proposed finding before the finding becomes final. The notice shall specify that the alleged perpetrator may appear in person before the area manager of the area in which the alleged act was committed or that area manager's designee or may reply in writing or both. The notice shall specify the date, time and place by or at which the alleged perpetrator may reply in writing or appear, or both. Such date shall be not less than five calendar days nor more than 10 calendar days following the date the notice was personally delivered or mailed to the alleged perpetrator.

(b) The area manager or the designee of the area manager shall not have been involved in the investigation of the alleged abuse, neglect or sexual abuse. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 65-516, as amended by 1987 HB 2488; effective, T-88-14, July 1, 1987.)

30-46-4. Notice of final decision. Following the alleged perpetrator's response to the opportunity to reply to the proposed finding, or upon expiration of the time for such a reply if no reply is made, the area manager or the designee of the area manager shall notify the alleged perpetrator, in writing, of the final decision on the proposed finding. The notice shall set forth the reasons for the finding and shall inform the confirmed perpetrator of the perpetrator's right to appeal the decision in accordance with K.A.R. 30-7-26, et seq. within 30 calendar days from the date the notice was personally delivered or mailed to the perpetrator. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 65-516, as amended by 1987 HB 2488; effective, T-88-14, July 1, 1987.)

30-46-5. Central registry. The name of a confirmed perpetrator may not be entered into the agency's central registry until such person has exhausted or failed to exercise the appeal process set forth in K.A.R. 30-7-26, et seq. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 65-516, as amended by 1987 HB 2488; effective, T-88-14, July 1, 1987.)

30-46-6. Expungement of confirmed perpetrator from central registry. (a) Application for expungement.

(1) Any person who has been identified as a confirmed perpetrator of abuse, neglect or sexual abuse may apply in writing to the secretary to have his or her name expunged from the central registry when three years have passed since the most recent incident, when there has been a change in circumstances or when new information is presented.

(2) Each application for expungement shall be re-

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ferred to the expungement review panel. The panel shall consist of the commissioner of youth services or the commissioner's designee, the chief legal counsel or the counsel's designee, and a representative of the public appointed by the secretary. The commissioner of youth services or the commissioner's designee shall chair the panel.

(3) The panel shall convene a review hearing at which time the applicant may present evidence supporting expungement of the applicant's name from the central registry. The SRS area office which conducted the original investigation may also present evidence in support of or in opposition to the application at this hearing.

(4) Decisions of the review panel shall be by majority vote. The panel shall consider the following factors in making its decision:

(A) The nature and severity of the confirmed act of abuse, neglect or sexual abuse;

(B) the number of previous reports and confirmations of abuse, neglect or sexual abuse involving the applicant;

(C) the age of the applicant at the time of the confirmed abuse, neglect or sexual abuse;

(D) changes in circumstances of the applicant; and

(E) actions taken by the applicant to prevent the reoccurrence of acts of abuse, neglect or sexual abuse.

(5) Unless a request for continuance is granted, the review hearing shall be conducted within 30 days from the date the application for expungement is received by the agency. A written notice shall be sent to the applicant and the area office by the commissioner of youth services or the commissioner's designee at least 10 days prior to the hearing. The notice shall state the day, hour, and place of the hearing. Continuances may be granted only for good cause.

(6) The panel shall render a written decision within 60 days from the date the matter is ready for decision. The decision shall be in writing, shall set forth the reasons therefor, and inform an applicant of the applicant's right to appeal an adverse decision in accordance with K.A.R. 30-7-26, et seq., within 30 days from the date the decision was personally delivered or mailed to the applicant.

(b) Expungement by the agency. The secretary or designee of the secretary may cause records to be expunged from the central registry when 18 years have passed since the most recent incident. The effective date of this regulation shall be July 1, 1987. (Authorized by and implementing K.S.A. 39-708c, 65-516, as amended by 1987 HB 2488; effective, T-88-14, July 1, 1987.)

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

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