

# KANSAS REGISTER

State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 6, No. 42

October 15, 1987

Pages 1505-1544

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State of Kansas  
**OFFICE OF THE GOVERNOR**  
 EXECUTIVE ORDER NO. 87-101  
 CONCERNING STATE TAXATION OF  
 FOREIGN DIVIDENDS AND GROSS-UPS

WHEREAS, Executive Order No. 87-91 issued January 8, 1987, excluded foreign dividends and gross-ups as defined in Section 78 of the Internal Revenue Code from the state corporate tax base; and

WHEREAS, 1987 House Bill 2177 eliminates gross-ups and 80% of foreign dividends from the corporate tax base effective for tax years beginning after December 31, 1987; and

WHEREAS, in light of the enactment of 1987 House Bill 2177 there exists much taxpayer confusion regarding the proper treatment of foreign dividends and gross-ups for tax year 1987; and

WHEREAS, it is imperative that corporate taxpayers be informed of the correct method of filing for corporate income tax purposes for tax year 1987.

NOW THEREFORE, in order to eliminate any confusion as to the proper treatment of foreign dividends and gross-ups for tax year 1987, I hereby rescind Executive Order No. 87-91.

This document shall be filed with the Secretary of State as Executive Order No. 87-101 and shall become effective immediately.

Dated September 28, 1987.

MIKE HAYDEN  
 Governor  
 BILL GRAVES  
 Secretary of State

Doc. No. 005846

State of Kansas  
**BOARD OF BARBER EXAMINERS**  
 NOTICE OF HEARING  
 ON PROPOSED  
 ADMINISTRATIVE REGULATIONS

A public hearing will be conducted at 1:30 p.m. Monday, November 2, at the board office, 717 S. Kansas Ave., Topeka, to consider the adoption of a new regulation as well as amendments to permanent regulations of the Kansas Board of Barber Examiners. The following is a brief summary of the new regulation and the proposed amendments.

61-1-19. Deletes wording of specific communicable or infectious diseases. The wording is generalized.

61-3-7. Adds minimum requirements for opening a barber school. Requires a certain number of students enrolled and minimum square feet to open a barber school.

61-3-22. Deletes the reference to night school.

61-3-26. New regulation which allows for night schools provided they are housed in the same location as the school or college of barbering.

There would be minimal fiscal impact of the proposed regulations on governmental agencies or units, private businesses or the general public. A fiscal impact statement may be obtained by writing the board office.

All interested parties may submit written comments prior to the hearing to the Kansas Board of Barber Examiners. All parties will be given a reasonable opportunity at the hearing to orally present their views in regard to adoption of the proposed regulations.

BOARD OF BARBER EXAMINERS

Doc. No. 005851

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Phone: (913) 296-3489

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of October 19 through November 1:

Date	Room	Time	Committee	Agenda
Oct. 19	123-S	10:00 a.m.	Joint Committee on State	19th: Review of Regents' institutions FY 1989 capital improvement requests. 20th: Presentation by Department of Administration and consultants on status of Capitol Complex master plan update. Presentation by the Regents' institutions on energy conservation alternatives and incentives; Presentation by the Department of Corrections on funding shortfall for the 120-bed housing unit at KCIL.
Oct. 20	123-S	8:30 a.m.	Building Construction	
Oct. 21	531-N	10:00 a.m.	Special Committee on	Agenda unavailable.
Oct. 22	531-N	9:00 a.m.	Local Government	
Oct. 22	527-S	10:00 a.m.	Special Committee on Public	Committee review of proposals and direction to staff.
Oct. 23	527-S	9:00 a.m.	Health and Welfare	
Oct. 22	519-S	10:00 a.m.	Special Committee on Transportation	Review of committee reports on Proposals 33 and 41; review Department of Revenue recommendations on Proposal 31 and review recommendations pertaining to odometer fraud, re: Proposal 32.
Oct. 23	123-S	10:00 a.m.	Legislative Post Audit	Legislative matters.
Oct. 26	519-S	10:00 a.m.	Special Committee on	Committee discussion of all interim proposals, including an update on Proposal No. 5—Corporate Farming Law.
Oct. 27	519-S	9:00 a.m.	Agriculture and Livestock	
Oct. 29	519-S	10:00 a.m.	Special Committee on	29th: Hearings on Freeport Exemption bill draft; committee decisions on all interim proposals. 30th: Committee decisions continued; discussion and instructions to staff on final committee report.
Oct. 30	519-S	9:00 a.m.	Assessment and Taxation	

WILLIAM R. BACHMAN  
 Director of Legislative  
 Administrative Services

## State of Kansas

**DEPARTMENT OF TRANSPORTATION****NOTICE TO CONTRACTORS**

It is the intent 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.S.T. November 19, 1987, and then publicly opened:

**DISTRICT ONE—Northeast**

**Wyandotte**—35-105 K-1775-03—I-35, 0.3 mile south of the Johnson-Wyandotte county line northeast to K-12 (Southwest Boulevard), 2.3 miles, grading, surfacing and bridge. (Federal Funds)

**Wyandotte**—35-105 K-2701-02—I-35 and 18th Street Expressway (U.S. 69) interchange, grading, surfacing and 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 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. 005837

## 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 will then be publicly opened. Interested bidders may call (913) 864-3416 for additional information.

**FRIDAY, OCTOBER 30, 1987**

#88 0288

Tabletop Ultracentrifuges for small samples, with multiple fixed angle.

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

Doc. No. 005852

## State of Kansas

**DEPARTMENT OF WILDLIFE  
AND PARKS****NOTICE OF MEETING**

The Department of Wildlife and Parks will meet at 7 p.m. Friday, October 23, at the Holiday Inn Holidome, 530 Richards Road, Manhattan. The agenda is as follows:

1. Approval of minutes from September 24 meeting;
2. Old business;
3. Future meeting times and locations;
4. Chairman Tomanek's report;
5. Secretary Meinen's report:
  - a. Order on fish length limits
  - b. Fiscal 1989 budget discussion
  - c. Procedure for commission input on future budgets
  - d. Department of Commerce cooperation
  - e. Elk season report
  - f. Conservation forum
  - g. Fiscal 1988 capital improvement projects
  - h. Report on 1987 park receipts
  - i. Cedar Bluff negotiation efforts
  - j. Hunting and fishing days
6. Other business;
7. Executive session;
8. Adjournment.

The meeting will continue at 9 a.m. October 24 at the Holidome.

Commission members have been invited to attend the annual meeting and associated social functions of the Kansas Wildlife Federation, which are scheduled for October 22-24 at the Holidome. The commissioners will also tour the Milford Lake Fish Hatchery the morning of October 24. The public is invited to attend.

**ROBERT L. MEINEN**  
Secretary of Wildlife  
and Parks

Doc. No. 005862

## State of Kansas

**DEPARTMENT OF REVENUE  
GOVERNOR'S TASK FORCE  
ON TAX REFORM**

**NOTICE OF MEETING**

The Governor's Task Force on Tax Reform will meet at 10 a.m. Tuesday, October 20, in the Department of Revenue conference room, second floor, Robert B. Docking State Office Building, Topeka. The tentative agenda includes a discussion of tax reform options, alternative minimum taxes and selected sales tax issues. Further information is available from Harley T. Duncan, Secretary of Revenue and chairperson of the Task Force.

HARLEY T. DUNCAN  
Secretary of Revenue

Doc. No. 005853

## State of Kansas

**ATTORNEY GENERAL**

**Opinion No. 87-144**

**Cities and Municipalities—Miscellaneous Provisions—Investment of Public Moneys by Governmental Subdivisions, Units and Entities.** Harold T. Walker, Kansas City City Attorney, Kansas City, October 5, 1987.

Under the provisions of K.S.A. 1986 Supp. 12-1675 and K.S.A. 1986 Supp. 17-5002, a municipal corporation may not invest its idle funds in time certificates of deposit or repurchase agreements with a federally chartered savings and loan association which has its home office outside the state of Kansas. Cited herein: K.S.A. 1986 Supp. 12-1675; K.S.A. 1986 Supp. 17-5002. TRH

**Opinion No. 87-145**

**Criminal Procedure—Criminal History Record Information—Dissemination of Criminal History Record Information; Disclosure of Pending Charges and Scheduled Court Date.**

**Laws, Journals and Public Information—Records Open to Public—Disclosure of Pending Charges and Scheduled Court Date.** Harold T. Walker, City Attorney, Kansas City, October 5, 1987.

Documents stating the charges filed against individuals in municipal court and specifying scheduled court dates are records available to the public under the Kansas Open Records Act. The custodian of these records has no discretion to withhold this information from public inspection. Cited herein: K.S.A. 1986 Supp. 21-3827; 22-4701; K.S.A. 22-4704; K.S.A. 1986 Supp. 22-4705; K.S.A. 22-4707; 45-215; 45-216; 45-217; 45-221, as amended by L. 1987, ch. 176, § 4. RLN

**Opinion No. 87-146**

**Waters and Watercourses—Water Districts; Rural Water Districts—Sale or Disposition of Rural Water**

**District Property.** Thomas J. Sloan, Administrative Assistant, Kansas Senate, Topeka, October 5, 1987.

K.S.A. 82a-619 expressly grants rural water districts the power to acquire real and personal property. A rural water district's power to sell property is implied from this express grant of power to acquire and hold property. No specific procedures exist for the sale of rural water district property. Accordingly, Douglas County Rural Water District No. 1 may sell or dispose of real or personal property as long as general requirements concerning any sale of municipally-owned property are observed. Cited herein: K.S.A. 82a-619. BPA

**Opinion No. 87-147**

**Counties and County Officers—Sheriff—Transporting Inmates to Civil Proceedings.**

**State Departments; Public Officers and Employees—Department of Corrections—Transportation of Inmates to Civil Proceedings.** Timothy J. Chambers, Reno County Attorney, Hutchinson, October 5, 1987.

The primary responsibility for transporting a prisoner to court in a civil case under a writ of *ad testificandum* lies with the custodian. In the absence of statutory or judicial direction, there is no authority to cause third parties who are neither custodians nor parties to the litigation to bear the costs of transporting a prisoner. Cited herein: K.S.A. 19-812; 60-1503; 75-5201; 28 U.S.C. §§ 2241 and 2243. GE

**Opinion No. 87-148**

**State Departments; Public Officers and Employees—Department of Social and Rehabilitation Services—Family and Children Trust Fund; Authorized Projects.** Bill Morris, Representative, 21st District, Wichita, October 5, 1987.

The legislative intent for the use of moneys in the family and children trust fund was to benefit local projects which relate to problems of families and children. The provider of the benefit need not be a local agency or organization. Moneys from the fund may be used for projects administered by a statewide agency or organization so long as those projects confer an actual benefit directly to community-based programs. Cited herein: K.S.A. 1986 Supp. 75-5328, as amended by L. 1987, ch. 352, § 1. MWS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 005860

## 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 surveying services for the parking facility #2 at the University of Kansas Medical Center, Kansas City.

Any questions or expressions of interest should be directed to Phyllis Fast, Division of Architectural Services, 625 Polk, Topeka 66603, (913) 233-9367, prior to October 30.

ANN K. COLGAN  
Acting Director, Division of  
Architectural Services

Doc. No. 005849

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES**

**NOTICE TO BIDDERS**

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**MONDAY, OCTOBER 26, 1987**

- #27024  
Kansas Correctional Industries—BROADCLOTH
- #27341  
Statewide—INSTITUTIONAL CLOTHING
- #27392  
University of Kansas Medical Center—  
HEMATOLOGY CONTROLS
- #27716  
Statewide—FREIGHT MANAGEMENT SERVICE
- #27721  
University of Kansas Medical Center—NURSERY  
STOCK
- #27722  
Winfield State Hospital and Training Center—  
CLINICAL CHEMISTRY REAGENTS  
AND DISPOSABLES
- #71289  
Kansas State Library—PRINTER,  
MICROCOMPUTER, CARDS
- #71290  
Department of Human Resources—COMPUTER  
SYSTEM/PRINTER/SOFTWARE
- #71291  
Kansas Highway Patrol—PATROL VEHICLES
- #71298  
University of Kansas Medical Center—X-RAY FILM
- #71353  
Department of Transportation—SUPPORTIVE  
SERVICE PROGRAM

**TUESDAY, OCTOBER 27, 1987**

- #A-5334-1  
University of Kansas—ELEVATOR/MECHANICAL  
SHAFT PARTITION, Strong Hall
- #A-5609 Revised  
Kansas Industries for the Blind—REPLACE  
HYDRAULIC DOCK LIFT
- #A-5785  
Youth Center at Topeka—SECURITY FENCE  
AROUND EXERCISE AREA, MOHAWK COTTAGE
- #27525  
Winfield State Hospital and Training  
Center—MISCELLANEOUS GROCERIES
- #27720  
Topeka State Hospital—LIQUID LAUNDRY  
SUPPLIES
- #71322  
Various agencies—VEHICLES, various locations
- #71355  
Kansas State University—GRAIN

**WEDNESDAY, OCTOBER 28, 1987**

- #27524  
University of Kansas—DECEMBER (1987) MEAT  
PRODUCTS
- #70648-A  
University of Kansas—PERSONNEL LIFT
- #71329  
Kansas Judicial Center—OFFICE FURNITURE

**THURSDAY, OCTOBER 29, 1987**

- #71344  
Department of Transportation—ASPHALTIC  
CONCRETE MIX, various locations
- #71356  
Kansas State University—FTI SYSTEM
- #71357  
University of Kansas—HPLC/  
SPECTROPHOTOMETER

**FRIDAY, OCTOBER 30, 1987**

- #71365  
Department of Revenue—PLAIN PAPER COPIER
- #71366  
University of Kansas—PLAIN PAPER COPIER
- #71367  
University of Kansas—DISK DRIVE
- #71377  
Kansas State University—TRACTORS
- #71378  
University of Kansas—LAW ENFORCEMENT  
INFORMATION/WORD PROCESSING SYSTEM
- #71379  
Department of Administration, Division of  
Budget—PLAIN PAPER COPIER

**TUESDAY, NOVEMBER 3, 1987**

- #A-5903  
Kansas Wildlife and Parks—FISH HATCHERY  
IMPROVEMENTS, Crawford County State Lake No. 2

**TUESDAY, NOVEMBER 24, 1987**

- #27390  
Kansas State University—WORKERS'  
COMPENSATION INSURANCE

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 005859

State of Kansas  
STATE CORPORATION COMMISSION

NOTICE OF  
MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, Docking State Office Building, Topeka 66612, (913) 296-3808 or 296-2110.

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

Applications set for October 27, 1987

Application for Extension of Certificate of Convenience and Necessity:

Atlas Tank Lines Company) Docket No. 155,581 M  
4645 N. Central )  
Expressway )  
Dallas, TX 75205 ) MC ID No. 127379

Applicant's Attorney: William Barker, 3401 S.W. Harrison, Topeka, KS 66611

Building and construction materials,

Between those points in Kansas on, south, and east of I-70 and U.S. 81, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

The Cooperative Union ) Docket No. 157,495 M  
Mercantile Company )  
100 Railroad Ave. )  
P.O. Box 274 )  
Grinnell, KS 67738 )

Applicant's Attorney: Clyde Christey, Southwest Plaza Bldg., Suite 202, 3601 W. 29th, Topeka, KS 66614

Grain, hay, feed, feed ingredients, salt, seeds, construction and building materials, fencing materials, fertilizers and propane,

Between all points and places in Kansas on and west of U.S. 81 and I-135.

Also,

Between the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

Application for Certificate of Convenience and Necessity:

Dennis Chevrolet ) Docket No. 157,496 M  
Company, Inc. dba )  
Dennis Mazda Co. and )  
Dennis Subaru Co. )  
675 N. Rawhide )  
P.O. Box 431 )  
Olathe, KS 66061 )

Applicant's Attorney: None

Wrecked, disabled, repossessed and replacement motor vehicles and trailers,

Between all points and places in Jefferson, Douglas, Leavenworth, Wyandotte, Johnson, Franklin and Miami counties, Kansas.

\*\*\*\*\*

Application for Transfer of Certificate of Convenience and Necessity:

Leroy McConico, Jr., dba ) Docket No. 139,554 M  
Jonathan Transport )  
215 W. Insley )  
Bonner Springs, KS 66012 ) MC ID No. 117416  
TO:  
Nick's Transport, Inc.  
1150 E. Industrial Drive  
Mt. Vernon, MO 65712

Applicant's Attorney: Robert Barnes, 2700 City Center Square, 12th & Baltimore, P.O. Box 26010, Kansas City, MO 64196-6010

Diesel fuel and gasoline, including aviation fuel and jet fuel in bulk,

Between points and places in Johnson, Wyandotte, Shawnee and Sedgwick counties, on the one hand, and points and places in the counties of Johnson, Wyandotte, Shawnee, Leavenworth, Douglas, Dickinson, Geary, Riley, Wabaunsee, Nemaha and Lyon, on the other.

\*\*\*\*\*

Application for Abandonment of Certificate of Convenience and Necessity:

Mulvane-Beech Employees) Docket No. 123,983 M  
Transportation Corp. )  
614 Highland Park )  
Mulvane, KS 67110 ) MC ID No. 103197

Applicant's Attorney: None

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Gerald Wedel, dba ) Docket No. 157,497 M  
G & L Trucking )  
Route 2, Box 39 )  
Copeland, KS 67837 )

Applicant's Attorney: Charles Briscoe, Suite 304, Capitol Tower, 400 W. 8th, Topeka, KS 66603

(continued)

*Grain, feed, seed, fertilizer, fertilizer ingredients,*

Between all points and places in Gray, Meade, Clark, Ford, Finney, Haskell, Seward, Stevens, Grant, Morton and Stanton counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

**Applications set for October 29, 1987—**

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

Ronald F. Baker, dba ) Docket No. 157,498 M  
Ron Baker )  
Route 4 )  
Atchison, KS 66002 )

Applicant's Attorney: None

*Grain, feed, fertilizer and machinery,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Gerald A. Harrington, dba ) Docket No. 86,514 M  
Harrington Trucking )  
Route 1, Box 144 )  
Conway Springs, KS 67031 )

Applicant's Attorney: None

*Liquid fertilizer (except anhydrous ammonia),*

Between points and places in Hodgeman, Edwards, Gray, Ford, Kiowa, Meade, Clark, Rice, Harvey, Stafford, Reno, Pratt, Sedgwick, Kingman, Barber, Harper, Sumner, Butler, Cowley, Comanche, Finney, Ness, Pawnee, Seward and Lyon counties, Kansas.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

*Meat and meat by-products,*

Between points and places in Finney, Sedgwick, Ford and Lyon counties, Kansas.

Also,

Between points and places in the above described territory, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

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

John E. Jones Oil ) Docket No. 133, 737 M  
Co., Inc. )  
1016 S. Cedar )  
P.O. Box 546 )  
Stockton, KS 67669 ) MC ID No. 102187

Applicant's Attorney: Robert Tilton, P.O. Box 1337, 1324 Topeka Blvd., Topeka, KS 66601-1337

*Petroleum and petroleum products,*

From all petroleum pipelines and terminals to all points and places in the state of Kansas.

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

Mills Wholesale Meats ) Docket No. 137,640 M  
Co., Inc. )  
1024 W. 31st St. South )  
Wichita, KS 67217 ) MC ID No. 112253

TO:

Dupaco of Wichita, Inc.  
1410 E. 21st  
Wichita, KS 67214

Applicant's Attorney: None

*Meat, meat by-products and related food products,*

Between points and places in Sedgwick, Kingman, Reno, McPherson, Marion, Butler and Harvey counties.

Also,

Between all points and places in the aforesaid counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

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

Jimmie L. Martin, dba ) Docket No. 41,389 M  
J & L Service )  
Route 1, Box 54 )  
Pleasanton, KS 66075 ) MC ID No. 127365

TO:

Eddie M. Haynes, dba  
Ed's Wrecker Service  
709 Center  
Pleasanton, KS 66075

Applicant's Attorney: None

*Wrecked or disabled motor vehicles, trailers, farm tractors and self-propelled harvesting machines,*

Between all points and places in Linn County, that portion of Miami County south of U.S. 169 and K-68, that portion of Anderson County east of U.S. 59 and U.S. 169, that portion of Allen County east of U.S. 59 and north of U.S. 54, and that portion of Bourbon County north of U.S. 54.

Also,

Between all points and places within the above described territory, on the one hand, and all points and places within the state of Kansas, on the other hand.

\*\*\*\*\*

***Application for Extension of Certificate of Convenience and Necessity to Re-describe the Authority:***

Eddie M. Haynes, dba ) Docket No. 41,389 M  
Ed's Wrecker Service )  
709 Center )  
Pleasanton, KS 66076 )

Applicant's Attorney: None

*Wrecked or disabled motor vehicles, trailers, farm tractors and self-propelled harvesting machines,*

Between all points and places in Linn, Miami, Anderson, Allen and Bourbon counties, Kansas.



Also,  
Between all points and places within the above described territory, on the one hand, and all points and places within the state of Kansas, on the other hand.

\*\*\*\*\*

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

Charles Marcellus ) Docket No. 35,990 M  
1017 E. 8th )  
Liberal, KS 67901 ) MC ID No. 100372  
TO:  
Charles Marcellus,  
Mark Marcellus and  
Michael Marcellus, dba  
Marcellus House Moving  
1017 E. 8th  
Liberal, KS 67901

Applicant's Attorney: None

*Frame houses and buildings, in whole and in sections, not exceeding 50 feet by 80 feet in area and not exceeding 2½ stories in height, and grain bins, not exceeding 16 feet by 32 feet and not exceeding 15 tons in weight,*

Between all points and places within a 100-mile radius of Liberal, Kansas, on the one hand, and on the other, all points and places in the state of Kansas west of U.S. 81.

\*\*\*\*\*

**Application for Extension of Certificate of Convenience and Necessity to Re-describe the Authority:**

Charles Marcellus, ) Docket No. 35,990 M  
Mark Marcellus and )  
Michael Marcellus, dba )  
Marcellus House Moving )  
1017 E. 8th )  
Liberal, KS 67901 ) MC ID No. 100372

Applicant's Attorney: None

*Frame houses and buildings, grain bins and box cars,*

Between all points and places in the state of Kansas west of U.S. 81.

\*\*\*\*\*

Applications set for November 3, 1987

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

Roy Ussery, Jr. and ) Docket No. 157,500 M  
Nancy S. Ussery, dba )  
Ussery Motors )  
225 W. Hwy. 24 )  
Rossville, KS 66533 )

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers,*

Between all points and places in Shawnee, Jeffer-

son, Douglas, Osage, Linn, Wabaunsee, Pottawatomie and Jackson counties, Kansas.

Also,

Between all points and places in the above named counties, on the one hand, and on the other hand, all points and places in the state of Kansas.

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

Charles Louis Blanton and ) Docket No. 157,499 M  
Michael D. Dupuy, dba )  
El Dorado Towing and )  
Recovery Service & )  
Auto Repair )  
504 W. 6th )  
El Dorado, KS 67042 )

Applicant's Attorney: None

*Wrecked, disabled, repossessed and replacement motor vehicles and trailers,*

Between all points and places in Butler, Greenwood and Sedgwick counties, Kansas.

Also,

Between all points and places in Butler, Greenwood and Sedgwick counties, Kansas, on the one hand, and on the other hand, all points and places in the state of Kansas.

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

Henry Joseph Walters, dba ) Docket No. 142,152 M  
Rocket Delivery Service )  
213 Sunflower )  
Rose Hill, KS 67133 ) MC ID No. 119601

Applicant's Attorney: None

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

Joseph L. Hodgson, dba ) Docket No. 157,501 M  
Silver Dollar Trucking )  
Route 2, Box 23 )  
Little River, KS 67457 )

Applicant's Attorney: None

*Grain, feed, feed ingredients, fertilizer, salt and salt products, livestock, building materials, pipe and paper and paper products,*

Between all points and places east of U.S. 83 and west of K-99.

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ALFONZO A. MAXWELL  
Administrator  
Transportation Division

Doc. No. 005861

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

NOTICE CONCERNING KANSAS WATER POLLUTION CONTROL PERMIT

In accordance with K.A.R. 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review, applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the Environmental Protection Agency, and will, when issued, result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
Norland Plastics, Inc. 117 Baughman Haysville, KS 67060 Sedgwick County, Kansas Kansas Permit No. I-AR43-P001	Arkansas River via Cowskin Creek Arkansas River Basin	Cooling Tower Blowdown
		Fed No. KS-0081507

Description of facility: This facility melts plastic pellets and injects the plastic into steel molds to produce the final product. The discharge is cooling tower blowdown. This is an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28 (b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Frank Purcell Walnut Lumber Company, Inc. South 13th and Kaw River P.O. Box 5115 Kansas City, KS 66119 Wyandotte County, Kansas Kansas Permit No. I-KS27-P006	Kansas River Kansas River Basin	Boiler blowdown and lumberyard surface runoff.
		Fed. No. KS-0002950

Description of facility: This is a sawmill engaged in storage, sawing, steaming, and kiln drying of hardwood lumber. A septic tank system treats domestic wastewater. Boiler blowdown and lumberyard surface runoff are detained in a catch basin prior to discharge. This is an existing facility and previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Enron Corp. P.O. Box 160 Clifton, KS 66937 Clay County, Kansas Kansas Permit No. I-LR06-P001	Republican River Lower Republican River Basin	Boiler and cooling tower blowdown, water softener regenerate and floor drains.
		Fed. No. KS-0001988

Description of facility: Natural gas transmission system booster station. Wastewater is directed to a concrete settling basin which discharges to the Republican River. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Clemens Coal Company Mine No. 22 P.O. Box 299 Pittsburg, KS 66762 Crawford County, Kansas Kansas Permit No. I-MC27-P002	Dry Wood Creek via Cox Creek via unnamed tributary	Stormwater discharge and pit dewatering.
		Fed. No. KS-0079472

Description of facility: This is a coal mining operation with sedimentation ponds for containment of stormwater and active strip pit dewatering. This is

an existing facility and the previous limitations are continued. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Name and Address of Applicant	Waterway	Type of Discharge
Alternate Fuels Inc. Croweburg Mine #1 P.O. Box 1268 Pittsburg, KS 66762 Crawford County, Kansas Kansas Permit No. I-MC27-P001	Marais des Cygnes River via Cox Creek via unnamed tributary	Stormwater runoff and active strip pit dewatering flows.
		Fed. No. KS-0079529

Description of facility: Surface coal mining operation with sedimentation ponds for containment of stormwater runoff and strip pit dewatering flows. This is an existing facility and the previous limitations have been modified. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Persons may submit written comments on the proposed determinations to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to November 13 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-87-112/116) and name of applicant as listed when preparing comments. If no objections are received, the secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices, which are open from 8 a.m. to 4:30 p.m. Monday through Friday. These documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

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

Doc. No. 005858

State of Kansas

STATE BANK COMMISSIONER  
STATE BANKING BOARD

NOTICE OF MEETING

The State Banking Board will meet at 9:30 a.m. Monday, October 26, in the conference room of the State Banking Department, 700 Jackson, Suite 300, Topeka. The board reviews matters relating to its supervisory authority set forth in K.S.A. 9-1801 *et seq.*

W. NEWTON MALE  
State Bank Commissioner

Doc. No. 005850

State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

NOTICE CONCERNING  
UNDERGROUND INJECTION  
CONTROL PERMIT

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, a permit has been prepared for the continued use of one non-hazardous disposal well, within the state of Kansas, for the applicant described below.

Name and Address  
of Applicant

High Plains Corporation  
412 N. 1st  
Colwich, KS 67030  
County: Sedgwick

Well Location

NE NW SW 15-26-2W,  
Sedgwick County, Kansas  
2227' fsl and 4117' fel of SE/4

Kansas Permit No: KS-01-173-003

Well Identification: High Plains #1

Description of facility: This well is used for disposal of water softener regeneration waste and is of a non-hazardous nature.

Persons may submit comments to the proposed determinations to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to November 13 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-EG-57) and name of applicant as listed when preparing comments. If no objections are received, the secretary of Health and Environment will issue the final determination.

The applicant, proposed permit, fact sheets as appropriate, comments received, and other information are on file and may be inspected at Division of Environment offices, which are open from 8 a.m. to 4:30 p.m. Monday through Friday. These documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

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

Doc. No. 005856

State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENT

NOTICE CONCERNING  
UNDERGROUND INJECTION  
CONTROL PERMIT

In accordance with K.A.R. 28-46-7 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for the construction of one salt solution mining gallery consisting of five wells, within the state of Kansas, for the applicants described below.

Name and Address of Applicant

American Salt Company  
P.O. Box 498  
Lyons, KS 67554

Well Number	Well Location
E-90	NE NE SW 14-20-8W, Rice County, Kansas 2500' fsl and 3200' fel of SE/4
E-91	SE SE NW 14-20-8W, Rice County, Kansas 2750' fsl and 2950' fel of SE/4
E-92	NE NE SW 14-20-8W, Rice County, Kansas 2250' fsl and 2950' fel of SE/4
E-93	NW NE SW 14-20-8W, Rice County, Kansas 2250' fsl and 3450' fel of SE/4
E-94	SW SE NW 14-20-8W, Rice County, Kansas 2750' fsl and 3450' fel of SE/4

Description of facilities: These facilities are designed for the production of salt by solution mixing activities.

Persons may submit written comments on the proposed determinations to Bethel Spotts, Permit Clerk, Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to November 13 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-EG-58/62) and name of applicant as listed when preparing comments. If no objections are received, the Secretary of Health and Environment will issue the final determination.

The application, proposed permit, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices, which are open from 8 a.m. to 4:30 p.m. Monday through Friday.

These documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

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

Doc. No. 005857

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF INTENT TO DENY  
HAZARDOUS WASTE STORAGE PERMIT**

The Kansas Department of Health and Environment (KDHE) is proposing to deny a hazardous waste storage facility permit for Universal Motor Oils Company's facility, 901 Gilbert, Wichita.

Universal rented and serviced parts washers through its facility, which operated under EPA I.D. Number KSD980973549. The parts washers generated hazardous waste solvents (EPA Waste Code D001) which were stored in a tank at the facility. After a sufficient quantity of waste solvents had accumulated, they were shipped to a recovery facility in Colorado. In a letter dated February 11, 1986, Universal notified KDHE it intended to close the facility. On July 10, 1986, an approved closure plan was placed on public review for comment. No adverse comments were received. Closure of the facility was certified on January 26, 1987. All hazardous waste and contaminated equipment have been removed from the facility.

Universal has requested that the interim status for its facility be terminated. Kansas Administrative Regulation 28-31-9 requires KDHE to either issue or deny a permit in order to terminate a facility's interim status.

A notice of intent to deny a permit is a type of draft permit subject to procedures set forth in K.A.R. 28-31-9, incorporating by reference 40 CFR Part 124, and is based upon the administrative record. The administrative record consists of the notice of intent to deny hazardous waste permit, the statement of basis which describes the reasons supporting the decision, the closure procedures, and data submitted by the facility.

The administrative record will be available for public review from October 19 through December 2 from 8 a.m. to 4:30 p.m. Monday through Friday at the KDHE Topeka offices, Building 740, Forbes Field, Topeka 66620; the KDHE Wichita district office, 3244 E. Douglas, Wichita 67208; and the U.S. Environmental Protection Agency—Region VII offices, 726 Minnesota Ave., Kansas City, KS 66101.

Comments and requests for additional information should be directed to John Paul Goetz, Bureau of Waste Management, at the KDHE Topeka office. Additional information may also be requested by phone at (913) 296-1607. All comments must be submitted in writing by December 2.

If comments are received which indicate a significant degree of public interest, a public hearing will be scheduled. Requests for a public hearing must be in writing and must state the nature of the issues to be raised at the hearing. Such requests must be submitted by December 2. The public notice and public hearing procedures may be found in K.A.R. 28-31-9, incorporating by reference 40 CFR Sections 124.11 and 124.12.

After considering all comments received, KDHE will make a final permit decision. If the determination

is substantially unchanged from that announced by this notice, KDHE will notify all persons submitting written comments or requesting the notice of final permit determination. If the determination is substantially changed from that announced by this notice, a new public notice will be issued and the public participation process will be reopened.

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

Doc. No. 005847

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF HEARING  
ON PROPOSED  
ADMINISTRATIVE REGULATIONS**

The Kansas Department of Health and Environment will conduct a public hearing at 10 a.m. Friday, November 13, in the auditorium of the Topeka-Shawnee County Health Department, 1615 W. 8th, Topeka, to consider the adoption of proposed temporary and permanent Kansas Department of Health and Environment rules and regulations. Following is a summary of the regulations:

**Amended Regulations**

K.A.R. 28-19-7, Definitions. This regulation was amended to define "Person" which is a term used in a new regulation, K.A.R. 28-19-53, and "Emission Limitation/Standard" required in order for the U.S. Environmental Protection Agency to consider K.A.R. 28-19-18, Stack Height, *et seq.* to be approvable. "Waste" has been redefined to be consistent with the definition as used by other bureaus in the department. No financial impact due to amendment of this regulation.

K.A.R. 28-19-8, Reporting Required. This regulation was amended for the purpose of lowering the reporting threshold for gaseous hydrocarbons under subsection (b)(6) for sources in areas of the state presently designated nonattainment for the national ambient air quality standard (NAAQS) for ozone. The state has been obligated to adopt volatile organic compounds (VOC) regulations because EPA has published control technique guidelines (CTG) documents for certain sources of VOC. These "CTG subject sources" must be regulated in ozone NAAQS non-attainment areas once the EPA has published the CTG. No direct financial impact due to amendment of this regulation.

K.A.R. 28-19-17f, Air Quality Models. EPA has changed the published guidelines for the proper conduct of mathematical pollutant dispersion modeling performed pursuant to the federal Prevention of Significant Deterioration (PSD) regulations, which have been adopted by reference by this state under K.A.R. 28-19-17, New Source Permit Requirements for Designated Attainment and Unclassified Areas. No financial impact due to amendment of this regulation.

K.A.R. 28-19-18, Stack Heights, *et seq.* These regulations, with amendments required, are now in effect

as temporary regulations under number T-88-2, January 23, 1987. There are no further amendments from those that are in the temporary regulation. These regulations are being presented as a requirement to incorporate the amendments as permanent regulations. No financial impact due to amendment of this regulation.

K.A.R. 28-19-19, Continuous Emission Monitoring. Most amendments are to clarify that the regulation addresses the complete continuous emission monitoring system and not just the monitor, the singular unit which receives and displays data from the complete monitoring system. Other amendments were to clarify enforceability, reporting and record keeping and compliance demonstration requirements. No financial impact due to amendment of this regulation.

K.A.R. 28-19-61, Definitions.

K.A.R. 28-19-62, Testing Procedures.

K.A.R. 28-19-63, Automobile and Light Duty Truck Surface Coating.

K.A.R. 28-19-64, Bulk Gasoline Terminals.

K.A.R. 28-19-65, Petroleum Liquid Storage Tanks.

K.A.R. 28-19-66, Petroleum Liquid Storage in External Floating Roof Tanks.

K.A.R. 28-19-69, Cutback Asphalt.

K.A.R. 28-19-70, Leaks from Gasoline Delivery Vessels and Vapor Collections Systems.

K.A.R. 28-19-71, Printing Operations.

K.A.R. 28-19-72, Gasoline Dispensing Facilities.

K.A.R. 28-19-73, Surface Coating of Miscellaneous Metal Parts and Products.

K.A.R. 28-19-74, Surface Coating of Metal Furniture.

K.A.R. 28-19-75, Solvent Metal Cleaning.

These regulations apply to those specific sources that are located in areas of the state, Johnson and Wyandotte counties, presently designated as non-attainment for the NAAQS for ozone. Certain existing source categories emitting VOC in ozone non-attainment areas are required under Section 172(B)(3) of the federal Clean Air Act to install "reasonably available control technology" (RACT) if a CTG for the source category has been published by the EPA. Many of the regulations listed have been in effect since September, 1980, others since May, 1987. The amendments are mandated by EPA and made a requirement for approval of the state implementation plan (SIP) for control strategy in the attainment of the ozone NAAQS. Recent policy changes in the EPA required that agency to review all the states regulations pertaining to VOC source control in light of the possibility that many of the areas in the country designated non-attainment for the ozone NAAQS will not be designated attainment until after the federal statutory deadline of December 31, 1987. Most of the amendments are concerned with strengthening the enforceability, reporting and recordkeeping requirements and compliance demonstration requirements. The added financial impact of these regulations would be associated with these requirements and the costs in monetary terms could not be predicted at this time, but would be within the realm of reasonableness.

Amendments to K.A.R. 28-19-73 and 28-19-74 combine the surface coating of miscellaneous metal parts and products and metal furniture under the one regulation, 28-19-73, because the control requirements for the two source categories are similar. 28-19-74 has been amended to be an entirely new regulation dealing with the source category of wool fiberglass manufacturing. Although the EPA has not published a CTG for this source category, Region VII EPA has mandated that the state adopt a regulation for this source category on the basis that the two existing sources which would be subject to this regulation have the potential to emit more than 100 tons VOC per year, termed a "major stationary source" by EPA, and the regulatory control of such major sources should be a necessary part of the state's control strategy for attainment of the ozone NAAQS. The two existing wool fiberglass manufacturing companies located in Wyandotte County, which would be subject to this regulation, are capable at this time of complying with the proposed VOC emission limit without any further costs to the companies for purchase and installation of emissions control equipment. There would, however, be a financial impact on the companies resulting from the regulatory requirements for reporting and record-keeping, monitoring and testing for compliance demonstration purposes. These companies believe that the costs to them to implement the requirements would range from \$96,000 to \$6,191,000 and annualized costs to continually comply with the requirements would range from \$25,000 to \$375,000.

K.A.R. 28-19-84 through 28-19-96, 28-19-98 through 28-19-108, 28-19-109, 28-19-119 through 28-19-121a, 28-19-123 through 28-19-125, 28-19-127 through 28-19-141, 28-19-149 through 28-19-151, 28-19-153 through 28-19-155, 28-19-158, 28-19-159. All of these regulations pertain to federal new source performance standards (NSPS) regulations adopted by the state by reference. The amendments are primarily for the purpose of changing the statement of reference to Title 40 CFR, Part 60, which is the document to which the state regulations refer in adoption of the federal regulations. K.A.R. 28-19-155 and 28-19-158 formerly adopted by reference federal national emission standards for hazardous air pollutants (NESHAPS) which the EPA has never approved for state implementation and enforcement and consequently, never enforced by the state. Amending these two regulations changes them to adopting by reference more federal NSPS regulations published in the July 1, 1986 edition of Title 40 CFR, Part 60, the subject of which are sulfur dioxide emissions from onshore natural gas processing plants and non metallic mineral processing plants. Any financial impact of these regulations is a result of federal government action, the state has only assumed the enforcement authority for them in accordance with the Section 111(c) of the federal Clean Air Act. Amendments to the regulations will not create any further financial impact than that which already exists.

#### New Regulations

K.A.R. 28-19-53, Fugitive Particulate Emissions.

(continued)

(Published in the KANSAS REGISTER, October 15, 1987.)

The department has in the past received numerous complaints from the residents of the state concerning smoke and dust from nuisance type sources, these being sources which do not lend well to regulatory control by means of a firmly established emission limit in terms of a weight per unit time or volume, concentration in weight per unit volume or attenuation of light transmission through a dust or smoke plume; the opaqueness of the plume. This regulation is being proposed for adoption so that the department has a more definitive method of requiring such nuisance sources to take some mitigating action to reduce or terminate impact on complainants when the department determines such action is warranted. No fixed financial impact of this regulation can be stated. Because of the broad scope to which this regulation could apply, the financial impact to any source owner or operator subject to this regulation could be minimal to very substantial.

K.A.R. 28-19-108a, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction Is Commenced After January 20, 1983. This is another federal NSPS which the state is adopting by reference and which was published in the July 1, 1986 edition of Title 40 CFR, Part 60. No financial impact due to amendment of this regulation.

Copies of the rules and regulations and a fiscal impact statement may be obtained by contacting L. C. Hinthier, Department of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001, (913) 296-1574.

All interested parties may submit comments prior to the hearing to the Secretary of Health and Environment, Forbes Field, Building 740, Topeka 66620-0001. All interested parties will be given a reasonable opportunity at the hearing to present their views, orally or in writing, in regard to the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to limit oral presentations to five minutes.

Following the hearing, all written and oral comments submitted by interested parties will be considered by the secretary as the basis for making changes in these proposals.

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

Doc. No. 005855

**NOTICE OF BOND SALE**  
**\$2,500,000**  
**General Obligation Road Improvement Bonds**  
**Series 1987**  
of  
**Harvey County, Kansas**  
(general obligation bonds payable  
from unlimited ad valorem taxes)

**Sealed Bids**

Sealed bids will be received by the undersigned, county clerk of Harvey County, Kansas, on behalf of the Board of County Commissioners at the Harvey County Courthouse, Main Street, P.O. Box 687, Newton, KS 67114, until noon Central Time on Monday, October 19, 1987, for the purchase of \$2,500,000 principal amount of general obligation road improvement bonds, Series 1987, of the county hereinafter described. All bids will be publicly opened and read at said time and place and will be acted upon by the governing body immediately thereafter. No oral or auction bids will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in denominations of \$5,000 or any integral multiple thereof, dated October 15, 1987, and becoming due serially on November 1 in the years as follows:

Year	Principal Amount
1988	\$ 55,000
1989	100,000
1990	125,000
1991	155,000
1992	175,000
1993	230,000
1994	255,000
1995	290,000
1996	475,000
1997	640,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on May 1, 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 Bank IV Wichita, N.A., Wichita, Kansas (the paying agent and bond registrar), to the registered owners thereof whose names are on the registration books of the bond registrar as of the 15th day of the month preceding each interest payment date. The bonds will be registered pursuant to a plan of registration approved by the county and the Kansas Attorney General.

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

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

The number, 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 county and bond registrar at least two weeks prior to the closing date. In the absence of such information, the county will deliver one bond per maturity registered in the name of the manager of the successful bidder. The initial reoffering price to the public by the original purchaser shall be furnished to the county at least one week prior to the closing date. A certificate setting forth such initial reoffering price to the public shall be furnished to the county by the original purchaser at closing.

#### **Redemption of Bonds Prior to Maturity**

Bonds maturing in the years 1988 to 1994, inclusive, shall become due without option of prior payment. At the option of the county, bonds maturing in the years 1995 and thereafter may be called for redemption and payment prior to maturity in whole or in part (selection of bonds within the same maturity to be by lot by the county in such equitable manner as it may determine) on November 1, 1994, or on any interest payment date thereafter at the redemption price of 102 percent (expressed as a percentage of the principal amount), plus accrued interest to the redemption date.

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

If the county shall elect to call any bonds for redemption and payment prior to the maturity thereof, the county shall give written notice of its intention to call and pay said bonds on a specified date, said notice to be mailed by United States registered or certified mail addressed to the registered owners of said bonds, to the Kansas State Treasurer, to the original purchaser of the bonds, and to the paying agent, each of said notices to be mailed not less than 30 days prior to the date fixed for redemption. If any bond be called for redemption and payment as aforesaid, all interest on such bonds shall cease from and after the date for which such call is made, provided funds are available for its payment at the price hereinbefore specified.

#### **Authority, Purpose and Security**

The bonds are being issued pursuant to K.S.A. 68-584, as amended by Charter Resolution No. 1987-1, for the purpose of paying the cost of certain road improvements in the county. The bonds and the interest thereon will constitute general obligations of the county, payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the county.

#### **Submission of Bids**

Bids must be submitted in sealed envelopes addressed to the undersigned county clerk and marked

"Bond Bid." Bids may be submitted by mail or delivered in person to the undersigned at the County Courthouse and must be received by the undersigned prior to noon Central Time on October 19, 1987.

#### **Bid Forms**

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

#### **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  $\frac{1}{8}$  or  $\frac{1}{20}$  of 1 percent. No interest rate shall exceed a rate equal to the index of treasury bonds published by 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 2 percent. No bid of less than the entire par value of the bonds and accrued interest thereon to the date of delivery will be considered and no supplemental interest payments will be authorized. Each bid shall specify the total interest cost to the county during the life of the bonds on the basis of such bid, the premium, if any, offered by the bidder, and the net interest cost to the county on the basis of such bid, all certified by the bidder to be correct, and the county will be entitled to rely on the certificate of correctness of the bidder. Each bid shall also specify the average annual net interest rate to the county on the basis of such bid.

#### **Basis of Award**

The award of the bonds will be made on the basis of the lowest net interest cost to the county, which will be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the county. If there is any discrepancy between the net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids providing for identical amounts for the lowest net interest cost are received, the governing body shall determine which bid, if any, shall be accepted, and its determination shall be final. The county reserves the right to reject any and all bids and to waive any irregularities in a submitted bid. Any bids received after noon Central Time on the date the bids are due will be returned to the bidder unopened.

#### **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 equal to 2 percent of the total amount of the bid (\$50,000), payable to the order of the county. If a bid is accepted, said check or the proceeds thereof will be held by the county until the bidder

(continued)

shall have complied with all of the terms and conditions of this notice. If a bid is accepted but the county shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder defaults in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the county as and for liquidated damages. No interest will be paid upon the successful bidder's good faith check.

**Bond Rating**

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

**Official Statement**

The county has prepared a preliminary official statement dated October 7, 1987, copies of which may be obtained from the county clerk or from the financial adviser. Upon the sale of the bonds, the county will adopt the final official statement and will furnish the successful bidder with a reasonable number of copies thereof without additional cost upon request. Additional copies may be ordered at the successful bidder's expense.

**Delivery and Payment**

The county will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before November 12, 1987, at such bank or trust company in the states of Kansas or Missouri, or New York City, as may be specified by the successful bidder. The successful bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litigation pending or threatened at the time of delivery of the bonds affecting their validity. Payment for the bonds shall be made in federal reserve funds, immediately subject to use by the county.

**CUSIP Numbers**

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

**Assessed Valuation and Indebtedness**

The total assessed valuation of the taxable tangible property within the county, for the year 1986, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$106,918,284
Tangible valuation of motor vehicles .....	\$ 18,217,744
Equalized assessed tangible valuation for computation of bonded debt limitations .....	\$125,136,028

The total general obligation indebtedness of the county as of the date of the bonds, including the bonds being sold, is \$5,015,000.

**Legal Opinion and Tax Exemption**

All matters incidental to the authorization and issuance of the bonds are subject to the approval of Gilmore & Bell, Wichita, Kansas, bond counsel.

In the opinion of bond counsel, under existing law, the interest on the bonds (a) is excludable from gross income for federal income tax purposes and (b) is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations; however, it should be noted that with respect to corporations (as defined for federal income tax purposes), such interest is taken into account in determining adjusted net book income (adjusted current earnings for taxable years ending after 1989) for the purpose of computing the alternative minimum tax imposed on such corporations. The opinion set forth in clause (a) above is subject to the condition that the county comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the bonds in order that interest thereon be (or continue to be) excluded from gross income for federal income tax purposes. Failure to comply with certain of such requirements could cause the interest on the bonds to be so includable in gross income retroactive to the date of issuance of the bonds. The county has covenanted to comply with all such requirements.

Prospective purchasers of the bonds should be aware that (1) Section 265 of the code denies a deduction for interest on indebtedness incurred or continued to purchase or carry the bonds, except with respect to certain financial institutions (within the meaning of Section 265(b)(5) of the code), (ii) with respect to insurance companies subject to the tax imposed by Section 831 of the code, for taxable years beginning after December 31, 1986, Section 832(b)(5)(B)(i) reduces the deduction for loss reserves by 15 percent of the sum of certain items, including interest on the bonds; (iii) for taxable years beginning after December 31, 1986 and before January 1, 1992, interest on the bonds earned by some corporations could be subject to the environmental tax imposed by Section 59A of the code; (iv) for taxable years beginning after December 31, 1986, interest on the bonds earned by certain foreign corporations doing business in the United States could be subject to a branch profits tax imposed by Section 884 of the code; (v) passive investment income, including interest on the bonds, may be subject to federal income taxation under Section 1375 of the code for Subchapter S corporations that have Subchapter C earnings and profits at the close of the taxable year if greater than 25 percent of the gross receipts of such Subchapter S corporation is passive investment income; and (vi) Section 86 of the code requires recipients of certain Social Security and certain railroad retirement benefits to take into account, in determining gross income, receipts or accruals of interest on the bonds.

The bonds are "qualified tax-exempt obligations"



within the meaning of Section 265(b)(3) of the code, and, in the case of certain financial institutions (within the meaning of Section 265(b)(5) of the code), a deduction is allowed for 80 percent of that portion of such financial institution's interest expense allocable to interest on the bonds.

Bond counsel expresses no opinion regarding other federal tax consequences with respect to the bonds.

The bonds are exempt from intangible personal property taxes levied by Kansas counties, cities or townships.

A form of bond counsel's opinion which will be printed on the bonds and paid for by the county is contained in the official statement of the county with respect to the bonds.

#### Additional Information

Additional information regarding the bonds may be obtained from the county clerk or from the financial adviser, A.G. Edwards & Sons, Inc., One N. Jefferson, St. Louis, MO 63103, Attention: Amelia A. J. Bond, (314) 289-3000.

Dated October 5, 1987.

HARVEY COUNTY, KANSAS  
By Margaret Wright  
County Clerk  
Harvey County Courthouse  
Main Street  
P.O. Box 687  
Newton, KS 67114  
(316) 283-6900

Doc. No. 005845

### State of Kansas

## SOCIAL AND REHABILITATION SERVICES

### NOTICE OF HEARING ON PROPOSED ADMINISTRATIVE REGULATIONS

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, November 3, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Final suggestions concerning legislation.
- Public hearing concerning proposed permanent administrative regulations to become effective on May 1, 1988. The summary and fiscal or financial impact are set forth below. The fiscal impact statements have been figured on an annual basis. "Minimal" means that the estimated fiscal impact (savings or expenditures) is less than \$50,000.

An asterisk (\*) indicates that the material has previously been adopted or amended by the secretary on a temporary basis.

The regulations to be adopted are as follows:

#### A. General.

1. **30-2-16. Permanency planning goals for title IV-E of the federal social security act.** This regulation is being amended to change the date of the federal fiscal year permanency planning goals from October 1, 1986 to October 1, 1987.

**Fiscal Impact:** This regulation precludes the federal government from withholding approximately \$5,233,107 which the agency would otherwise receive under titles IV-B and IV-E of the federal social security act for federal fiscal year 1988.

#### B. Public Assistance Program.

1. **30-4-34. Program.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation change which deleted reference to the transitional general assistance (TGA) program. This program was abolished effective July 1, 1987.

**Fiscal Impact:** None.

2. **30-4-35. Application process.** This regulation is being amended to require a face-to-face interview at the time of application unless there is good cause to waive this requirement (Federal Mandate).

**Fiscal Impact:** Estimated cost savings of \$23,790.

3. **30-4-36. Redetermination of eligibility process.** This regulation is being amended to require a face-to-face interview at the time of a redetermination of eligibility unless there is good cause to waive this requirement (Federal Mandate).

**Fiscal Impact:** Estimated cost savings of \$15,593.

4. **30-4-41. Assistance planning.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation changes which:

- (a) Limited the definition of a caretaker relative to 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 (Federal Mandate);
- (b) expanded the essential person provision to include the needy spouse of a caretaker relative; and
- (c) added CWEP to the work related requirements that an essential person must meet.

**Fiscal Impact:**

- (a) None.
- (b) None.
- (c) None.

5. **30-4-54. Citizenship, alienage, and residence.** This regulation is being amended to:

(a)\* Adopt the May 1, 1987 temporary regulation changes which:

(1) provided that aliens who are granted permanent residence status pursuant to P.L. 99-603, the Immigration Reform and Control Act of 1986, shall be ineligible to receive assistance for a five-year period beginning on the date that the alien is granted temporary resident status (Federal Mandate);

(2) reflected several technical changes;

(b) clarify the citizenship provision described above to permit eligibility to persons to whom the five-year prohibition does not apply as provided in P.L. 99-603, the Immigration Reform and Control Act of 1986 (Federal Mandate); and

(c) clarify that residence shall be obtained until abandoned or established in another state.

**Fiscal Impact:**

- (a)(1) None.
- (a)(2) None.
- (b) None.
- (c) None.

(continued)

**6. 30-4-56. Transfer of property.** This regulation is being amended to reflect technical changes.

Fiscal Impact: None.

**7. 30-4-57. Job search requirements.\*** This regulation is being amended to:

(a) Adopt the July 1, 1987 temporary regulation change which permitted the agency to use a statement from a vocational rehabilitation counselor for purposes of establishing an incapacity exemption for a GAU recipient; and

(b) exempt the caretaker relative who is personally providing care for a child with only brief and infrequent absences from the child when the child is under age three. Previously this exemption was applicable when the child was less than six years of age.

Fiscal Impact:

(a) None.

(b) Minimal increase in expenditures.

**8. 30-4-62. Community work experience program requirements.\*** This regulation is being amended to adopt the November 1, 1987 temporary regulation change which exempts the caretaker relative who is personally providing care for a child with only brief and infrequent absences from the child when the child is less than age three. Previously this exemption was applicable when the child was less than six years of age.

Fiscal Impact: None.

**9. 30-4-74. Persons whose needs shall be considered with the needs of the ADC child.** This regulation is being amended to clarify that while the needs of certain parents and children who are not otherwise eligible for ADC shall be excluded in determining eligibility of the ADC child, the income and resources of such persons must be included in the eligibility determination, unless otherwise specified.

Fiscal Impact: None.

**10. 30-4-75. ADC work incentive program registration requirements.\*** This regulation is being amended to:

(a) Adopt the July 1, 1987 temporary regulation change which expanded the exemption for a caretaker relative of a child under the prescribed age to permit absence from the child for the purpose of employment or participation in an agency-approved work-related activity; and

(b) adopt the November 1, 1987 temporary regulation change which exempts the caretaker relative who is personally providing care for a child with only brief and infrequent absences from the child when the child is less than age three. Previously this exemption was applicable when the child was less than six years of age.

Fiscal Impact:

(a) None.

(b) None.

**11. 30-4-78. Eligibility factors specific to the APW program.** This regulation is being amended to reflect a technical change.

Fiscal Impact: None.

**12. 30-4-80. Eligibility factors specific to the ADC-**

**FC program.\*** This regulation is being amended to adopt the May 1, 1987 temporary regulation change which expanded the ADC-FC program to include an otherwise eligible child who has been granted temporary or permanent residence under the provisions of P.L. 99-603, the Immigration Reform and Control Act of 1986 (Federal Mandate).

Fiscal Impact: None.

**13. 30-4-90. Eligibility factors specific to the GA-unrestricted (GAU) program.** This regulation is being amended to:

(a)\* Adopt the July 1, 1987 temporary regulation changes which:

(1) expanded the GAU criteria to include the parent or parents of a child who has been removed from the home and placed in foster care, provided there is an agency-approved plan to return the child to the home;

(2) specified that only those alcohol and drug abuse facilities that are licensed or certified by Alcohol and Drug Abuse Services qualify as an alcohol and drug abuse facility for GAU purposes;

(b) expand the GAU criteria to include a child in a family group who is not otherwise eligible for assistance as a result of an established period of ineligibility resulting from the provisions of K.A.R. 30-4-56 (transfer of property), 30-4-57 (job search), 30-4-58 (potential employment), 30-4-62 (CWEP), 30-4-75 (WIN), or 30-4-110 (lump sum) provided there is an approved social service plan substantiating that the child is facing imminent removal from the home and placement into a foster care arrangement if assistance is not reinstated. Assistance shall be provided in accordance with the social service plan which shall not exceed the budget deficit for the family group;

(c) expand the GAU criteria to include a person who is a full-time high school student;

(d) expand the GAU criteria for persons who are physically incapacitated to permit eligibility when the individual's condition constitutes a substantial handicap to employment. Previously, the person's condition had to prevent employment;

(e) clarify that while the needs of certain persons who are not otherwise eligible for GAU shall be excluded in determining eligibility, the income and resources of such persons must be included in the eligibility determination, unless otherwise specified; and

(f) reflect technical changes.

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) Estimated cost savings of \$9,129.

(c) Estimated increased expenditure of \$207,688.

(d) Estimated increased expenditure of \$314,829.

(e) None.

(f) None.

**14. 30-4-91. Eligibility factors specific to the transitional GA (TGA) program.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation change which abolished the TGA program.

Fiscal Impact: None.

**15. 30-4-100. Payment standards for budgetary requirements in the ADC, ADC-FC, APW, GA and**

**GA-FC programs.** This regulation is being amended to:

(a)\* Adopt the July 1, 1987 temporary regulation change which:

(1) deleted reference to the special budgetary provisions for the TGA program that was abolished effective July 1, 1987;

(2) capped the household size at four persons when budgeting a GAU pro rata living arrangement; and

(b) deleted the exception to ADC and GAU budgeting that excludes the needs of a child who is temporarily absent from the home for the purpose of education and training. This change will require including the needs of the child in the budget plan in addition to budgeting the residential standard (Federal Mandate).

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) None.

**16. 30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation change which increased the energy supplement contained in the basic standard to \$12 per person.

Fiscal Impact: None.

**17. 30-4-102. Standards for children in foster care.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation changes which increased the foster family care standards by 3 percent.

Fiscal Impact: None.

**18. 30-4-106. General rules for consideration of resources, including real property, personal property, and income.** This regulation is being amended to:

(a)\* Adopt the July 1 temporary regulation changes which:

(1) provided that when a nonlegally responsible person in the home and not on the assistance plan contributes cash toward household expenses, the amount of the contribution to be counted shall be the net income realized by the household (Federal Mandate);

(2) reflected technical changes;

(b) clarify that the resources of all persons in the assistance plan and the resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-4-74(b) and 30-4-90(a)(5) shall be considered, unless otherwise specified; and

(c) reflect additional technical changes.

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) None.

(c) None.

**19. 30-4-108. Real property.** This regulation is being amended to:

(a) Remove the 40 acre limitation relative to the definition of the home;

(b) provide for the exemption of real property that is essential for employment or self-employment;

(c) provide for the exemption of real property that is

producing income that is consistent with its fair market value; and

(d) reflect technical changes.

Fiscal Impact:

(a) Estimated increased expenditure of \$231,696.

(b) Estimated increased expenditure of \$231,696.

(c) Estimated increased expenditure of \$231,696.

(d) None.

**20. 30-4-109. Personal property.** This regulation is being amended to expand the income producing property exemption to include all property, other than cash assets, which is essential for employment or self-employment and thereby delete the requirement that the property produce an annual adjusted gross income that is at least 40 percent of its gross market value.

Fiscal Impact: Estimated increased expenditure of \$231,696.

**21. 30-4-110. Income.** This regulation is being amended to:

(a)\* Adopt the July 1, 1987 temporary regulation change which:

(1) required that if a period of ineligibility is established in a federally-funded program, it shall also result in ineligibility for a state-funded program. However, the period of ineligibility established in a state-funded program shall not result in ineligibility for a federally funded program (Federal Mandate);

(2) reflected a technical change;

(b)\* adopt the January 1, 1988 temporary regulation change which expands the definition of "earned income" to include income-in-kind that is received as compensation in lieu of wages, salary or profit (Federal Mandate); and

(c) restrict the 185 percent gross income test to the prospective determination of eligibility.

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) None.

(c) Estimated increased expenditure of \$24,592.

**22. 30-4-111. Applicable income.** This regulation is being amended to:

(a)\* Adopt the May 1, 1987 temporary regulation change which:

(1) adopted the \$75 earned income disregard provision for a stepparent or a parent of a minor parent who is employed part time (Federal Mandate);

(2) extended the income disregard provisions for a stepparent or a parent of a minor parent to 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 (Federal Mandate);

(b) expand the \$30 and one-third earned income disregard provisions to all persons in an ADC or APW assistance plan;

(c) clarify that no earned income disregards are to be deducted from earnings which are not timely reported on the monthly status report form without good cause (Federal Mandate);

(continued)

(d) expand the provision of not allowing the earned income disregards to be applied to earnings when the client voluntarily requests assistance to be terminated for the primary purpose of avoiding receiving the \$30 and one-third disregard for four consecutive months. However, such month shall be counted in determining the four or 12 consecutive month time limitations provisions (Federal Mandate);

(e) provide that once an individual has received the appropriate earned income disregard for the specified time periods in a program in which the individual's needs were met through federal funds, the individual shall not again be eligible for the earned income disregards until after the individual has not received assistance in which the individual's needs were met with federal funds for 12 consecutive months. In addition, once an individual has received the appropriate earned income disregard for the specified time periods in a program in which the individual's needs were met through state-only funds, the individual shall not again be eligible for the earned income disregards until after the individual has not received assistance in which the individual's needs were met with state-only funds for 12 consecutive months;

(f) provide that if income from a recurring source resulted in suspension or termination due to an extra paycheck, the month of ineligibility does not interrupt the accumulation of consecutive months of the \$30 and one-third disregard, nor does it count as one of the consecutive months (Federal Mandate); and

(g) reflect technical changes.

Fiscal Impact:

- (a)(1) None.
- (a)(2) None.
- (b) Estimated increased expenditure of \$26,800.
- (c) None.
- (d) Estimated cost savings of \$1,608.
- (e) Estimated increased expenditure of \$12,864.
- (f) Estimated cost savings of \$40,200.
- (g) None.

**23. 30-4-112. Income exempt from consideration as income and as a cash asset.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation which:

(a) Expanded the exemption of complementary assistance to that assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency without regard to its usage;

(b) expanded the provision related to grants and loans to exempt such income when it is for the purpose of meeting needs not related to current living costs (Federal Mandate); and

(c) reflected technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.

**24. 30-4-113. Income exempt as applicable income.** This regulation is being amended to:

(a)\* Adopt the January 1, 1988 temporary regulation change which restricts the income-in-kind exemption to unearned income-in-kind (Federal Mandate);

(b) expand the exemption pertaining to support payments to include all support payments that are subject to assignment. Recovery of support payments retained in violation of the assignment will become the responsibility of the Child Support Enforcement agency; and

(c) change the provision pertaining to reported current support which is in excess of the amount exempted in subsection (o) of this section and which, if treated as nonexempt income, would result in ineligibility to a prospective determination. Currently, such support is budgeted both prospectively and retrospectively in determining eligibility.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) Estimated increased expenditure of \$24,592.

**25. 30-4-120. Special allowances and requirements for applicants and recipients of ADC, ADC-FC, APW, GAU, TGA and GA-FC.** This regulation is amended to:

(a)\* Adopt the July 1, 1987 temporary regulation changes which:

(1) deleted reference to the TGA program in the title;

(2) expanded the special requirements section to provide for expenses associated with an agency-approved plan for education and training;

(b) standardize the CWEP transportation allowance at \$30 without regard to the length of assignment; and

(c) standardize the job search transportation allowance at \$25 for persons who are required to participate in job search for one to four weeks. An additional \$25 allowance is to be provided to a person who is required to participate in job search for five through eight weeks.

Fiscal Impact:

- (a)(1) None.
- (a)(2) None.
- (b) Estimated increased expenditure of \$42,720.
- (c) Estimated increased expenditure of \$2,880.

**26. 30-4-130. Types of payments.** This regulation is being amended to reflect a technical change by correcting a cross reference.

Fiscal Impact: None.

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

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

(a) Delete the definition of "emergency care" and replace it with the definition of "emergency services" which reads "those services provided after the sudden onset of a medical condition manifested by symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part";

(b) delete the word "psychiatric" from the term "psychiatric partial hospitalization"; and

(c) add the following new definitions:

"Early and periodic screening, diagnosis and treatment (EPSDT) program participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone an EPSDT medical screening in accordance with a specified screening schedule in order to ascertain physical and mental defects and to provide treatment which corrects or ameliorates defects and chronic conditions found.

"Early and periodic screening, diagnosis and treatment (EPSDT) dental only participant" means an individual under the age of 21 who is eligible for medicaid, and who has undergone only an EPSDT dental screening in accordance with a specified screening schedule in order to ascertain dental defects and to provide treatment which corrects or ameliorates dental defects and chronic dental conditions found.

"Early and periodic screening, diagnosis and treatment (EPSDT) vision only participant" means an individual less than age 21 who is eligible for medicaid, and who has undergone only an EPSDT vision screening in accordance with a specified screening schedule in order to ascertain vision defects and to provide treatment which corrects or ameliorates vision defects and chronic vision conditions found.

"Home care services" means the housekeeping and the personal care provided by home care workers employed by the department of social and rehabilitation services to medicaid recipients who are unable to maintain their homes in livable conditions or to medicaid recipients who need assistance in accomplishing the activities of daily living.

"Targeted case management services" means those services to assist medicaid recipients with gaining access to necessary medical care, and which are provided by a case manager with credentials specified by the department of social and rehabilitation services.

"Uncollectable overpayment to an out-of-business provider" means any amount which is due from a provider of medical services who has ceased all practice or operations for any medical services as an individual, a partnership or a corporate identity, and who has no assets capable of being applied to any extent toward a medicaid overpayment, or the amount which is due is less than its collection and processing costs.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.

**2. 30-5-59. Provider participation requirements.** This regulation is being amended to:

(a) Clarify that unless otherwise specified by the secretary, the specifications contained within the text of the regulation are conditions for participation in and payment from the medicaid/medikan program;

(b) add that providers shall include the composition of available services as information to be updated as necessary on the provider application form;

(c) require providers to maintain records for five years from the date of service so as to disclose fully the extent of the services provided and for the determination and establishment of reimbursement rates, and that standardized definitions, accounting, statistics,

and reporting practices which are widely accepted in the provider's field shall be followed;

(d) clarify that providers shall furnish any information that the department of social and rehabilitation services, its designee or the department of health and human services may request to assure proper payment, substantiate claims for payments and to complete determinations of overpayments;

(e) add that providers shall permit the department of social and rehabilitation services, its designee or the department of health and human services to examine any records and documents that are necessary to ascertain information about payment. These records shall include matters of the provider's ownership, organization and operation, including documentation as to whether transactions occurred between related parties; fiscal, medical and other recordkeeping systems; documentation of asset acquisition, lease, sale or other action; franchise or management arrangements; costs of operation, amounts of income received by source and purpose; and a statement of changes in financial position; and

(f) add that out-of-state durable medical equipment and medical supply providers shall be enrolled if there is a provider service representative located in Kansas (the text of this section was formerly contained in K.A.R. 30-5-70).

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.
- (e) None.
- (f) None.

**3. 30-5-65. Filing limitations for medical claims.** This regulation is being amended to:

(a) Add that each claim for payment shall be submitted within six months of the date of service (the text of this section was formerly contained in K.A.R. 30-5-70); and

(b) add that claims determined payable because of agency error shall be an allowable exception to the filing limitations.

Fiscal Impact:

- (a) None.
- (b) None.

**4. 30-5-70. Payment of medical expenses for eligible recipients.** This regulation is being amended to:

(a) Add that services in excess of medicaid/medikan program limitations shall be covered for foster care or adoption support recipients when approved by the agency;

(b) add that payment for out-of-state services shall include medical services in excess of the limitations of the state of residence for those for whom Kansas has initiated adoption support agreements;

(c) add that payment for medical services shall be made after approval when it has been determined by the agency that an agency administrative error has been made;

(d) move the six months claim filing limitation to K.A.R. 30-5-65;

(continued)

(e) move the requirement pertaining to the enrollment of out-of-state durable medical equipment and medical supply providers to K.A.R. 30-5-59; and

(f) make technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.
- (e) None.
- (f) None.

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

(a) Change the title of the regulation to read "Co-payment requirements";

(b) add a co-payment of \$1 for nonemergency visits in an outpatient general hospital;

(c) change the methodology for the non-institutional co-payment requirements to a range of potential co-payments pursuant to 42 CFR 447.54:

Average Medicaid/Medikan Payment for Services	Maximum Co-Payment Chargeable To Recipient
\$10.00 or less	\$ .50
\$10.01 to \$25.00	\$1.00
\$25.01 to \$50.00	\$2.00
\$50.01 or more	\$3.00

(d) add the following services as being subject to co-payment: audiological office visits; community mental health center outpatient psychotherapy visits; durable medical equipment items; home health home visits; local health department visits; outpatient general hospital surgeries; and podiatric office visits;

(e) add that co-payment shall not apply to emergency services, and to recipients aged 18 to less than 22, or aged 65 or older who are inpatients in a state psychiatric facility (Federal Mandate); and

(f) make technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) Estimated increased expenditure of \$279,919.
- (d) Estimated cost savings of \$184,421.
- (e) None.
- (f) None.

**6. 30-5-75. Scope of services for eligible aliens.\***

The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**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.

Fiscal Impact: None.

**7. 30-5-76. Scope of and reimbursement for dental and optometric services for job preparation program recipients.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

**30-5-76. Scope of and reimbursement for dental and optometric services for job preparation program recipients.** The scope of dental and op-

tometric services for job preparation program recipients shall be in excess of the scope of dental and optometric services covered by the medic-aid/medikan program if prior authorization is granted. Reimbursement for dental and optometric services for job preparation program recipients which are in excess of medicaid/medikan covered services shall be at the medicaid reimbursement rate.

Fiscal Impact: None.

**8. 30-5-81. Scope of hospital services.** This regulation is being amended to:

(a) Add that non-emergency visits in place of physician's office visits shall be considered as physician's office visits and shall be counted against the physician office visit limitation; and

(b) make technical changes.

Fiscal Impact:

- (a) Estimated cost savings of \$24,200.
- (b) None.

**9. 30-5-81t. Hospital change of ownership.** This regulation is being amended to provide that if a business entity fails to provide 60 days notice of change of ownership to the agency, the business entity forfeits all rights to appeal payment rates pursuant to K.A.R. 30-5-81s.

Fiscal Impact: None.

**10. 30-5-83a. Reimbursement for ambulatory surgical centers.\*** This regulation is being amended to change the reimbursement methodology to reasonable fees as related to customary charges shall be paid except no fee shall be paid in excess of the range maximums.

Fiscal Impact: None.

**11. 30-5-84. Scope of home and community based services.** This regulation is being amended to:

(a) Delete as a covered service the provision of home health aide services provided by home health agencies;

(b) change "non-medical attendant care for independent living" to "medical attendant care";

(c) replace references to "non-medical attendant care for independent living" and "homemaker services approved by the agency" with "home care services"; and

(d) make technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.

**12. 30-5-84a. Reimbursement for home and community based services.** This regulation is being amended to add case managers and home care worker services as exceptions to the reimbursement methodology.

Fiscal Impact: None.

**13. 30-5-86. Scope of services by community mental health centers.** This regulation is being amended to:

- (a) Limit outpatient psychotherapy to 32 hours per

calendar year per recipient when provided by a community mental health center, physician, psychologist, or any combination of these providers unless the recipient is an EPSDT program participant;

(b) clarify that outpatient psychotherapy shall be 40 hours per calendar year for EPSDT program participants when provided by a community mental health center, physician, psychologist, or any combination of these providers unless provided pursuant to a plan approved by the agency and prior authorized;

(c) add that outpatient psychotherapy shall be covered with prior authorization when provided concurrently by the same provider with both targeted case management services and partial hospitalization services;

(d) add that targeted case management services shall be limited to an amount per calendar year per recipient as specified by the secretary; and

(e) clarify that services shall be provided by a psychologist who is a licensed doctoral psychologist or a registered master's level psychologist.

Fiscal Impact:

- (a) Will be provided later.
- (b) None.
- (c) None.
- (d) None.
- (e) None.

**14. 30-5-86a. Base rate reimbursement for community mental health centers.** This regulation is being amended effective July 1, 1988, to:

(a) Change the title of the regulation to "Reimbursement for community mental health centers"; and

(b) change the reimbursement methodology to reasonable fees as related to customary charges shall be paid except no fee shall be paid in excess of the range maximum, and the range of charges shall provide the base for computations.

Fiscal Impact:

- (a) None.
- (b) None.

**15. 30-5-86b. Existing provider rates for community mental health centers.** This regulation is being revoked effective July 1, 1988.

Fiscal Impact: None.

**16. 30-5-86c. New provider rates for community mental health centers.** This regulation is being revoked effective July 1, 1988.

Fiscal Impact: None.

**17. 30-5-86d. Financial recordkeeping for community mental health centers.** This regulation is being revoked effective July 1, 1988.

Fiscal Impact: None.

**18. 30-5-86e. Modification of prospective rates for community mental health centers.** This regulation is being revoked effective July 1, 1988.

Fiscal Impact: None.

**19. 30-5-87. Scope of early and periodic screening, diagnosis, and treatment (EPSDT).** This regulation is being amended to:

(a) Add prior authorized respiratory therapy pro-

vided by a home health agency as a covered service; and

(b) clarify that EPSDT medical screenings may be provided by physicians, registered nurses certified to do comprehensive health assessments, or by a facility under the supervision of a physician or registered nurse; that dental screenings may be provided by dentists; and that vision screenings may be provided by ophthalmologists or optometrists.

Fiscal Impact:

- (a) None.
- (b) None.

**20. 30-5-87a. Reimbursement for early and periodic screening, diagnosis and treatment (EPSDT).\*** This regulation is being amended to provide that reimbursement shall be at a fee for service as established by the secretary.

Fiscal Impact: None.

**21. 30-5-88. Scope of physician services.** This regulation is being amended to:

(a) Increase psychotherapy services to 32 hours per calendar year per recipient (unless the recipient is an EPSDT program participant) when the service is provided by a physician, psychologist, community mental health center, or any combination of these providers;

(b) increase psychotherapy services to 40 hours per calendar year for EPSDT program participants when the service is provided by a physician, psychologist, community mental health center, or any combination of these providers;

(c) add that psychotherapy shall be covered with prior authorization when provided concurrently by the same provider with both targeted case management services and partial hospitalization services; and

(d) make technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.

**22. 30-5-89. Scope of home health services.** This regulation is being amended to add prior authorized respiratory therapy for EPSDT program participants as a covered service.

Fiscal Impact: None.

**23. 30-5-92. Scope of pharmacy services.** This regulation is being amended to clarify that pharmacy services related to noncovered transplant procedures shall not be covered.

Fiscal Impact: None.

**24. 30-5-100. Scope of dental services.** This regulation is being amended to:

(a) Clarify that dental services shall be covered for EPSDT program participants or EPSDT dental only participants;

(b) add that both an EPSDT medical screening and an EPSDT dental screening shall be required for dental services to participants less than age three, and for orthodontia services;

(c) add that emergency dental services as specified

(continued)

by the secretary shall be covered for adult medicaid program recipients; and

(d) delete the language which provided that the guideline by which decisions of utilization are made for other medicaid recipients shall be the principle of the relief of pain and suffering.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) Estimated increased expenditure of \$665,961.
- (d) None.

**25. 30-5-102. Scope of optometric and optical services.** This regulation is being amended to add as a covered service medical treatment pursuant to K.S.A. 65-1501 as amended.

Fiscal Impact: None.

**26. 30-5-103. Scope of podiatric services.** This regulation is being amended to limit the number of office visits to 12 per calendar year for non-EPSDT program participants.

Fiscal Impact: None.

**27. 30-5-104. Scope of psychological services.** This regulation is being amended to:

(a) increase outpatient psychotherapy to 32 hours per calendar year per recipient (unless the recipient is an EPSDT program participant) when it is provided by a psychologist, physician, community mental health center, or any combination of these providers;

(b) increase outpatient psychotherapy to 40 hours per calendar year for EPSDT program participants when it is provided by a psychologist, physician, community mental health center, or any combination of these providers; and

(c) add that psychotherapy shall be covered with prior authorization when provided concurrently by the same provider with both targeted case management services and partial hospitalization services.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.

**28. 30-5-106a. Reimbursement for ambulance services.\*** This regulation is being amended to delete the limitation that reimbursement shall be limited to the base charge, a charge per mile, stand-by or waiting charges, and approved ancillary services.

Fiscal Impact: None.

**29. 30-5-109. Scope of services in free-standing inpatient psychiatric facilities.** This regulation is being amended to delete the requirement that free-standing psychiatric facility services be provided only by state facilities or community mental health centers.

Fiscal Impact: Estimated increased expenditure of \$201,600.

**30. 30-5-109a. Reimbursement for free-standing psychiatric facilities.** This regulation is being amended to change the reimbursement methodology to the lesser of cost or a maximum rate as specified by the secretary.

Fiscal Impact: None.

**31. 30-5-110. Scope of psychiatric partial hospital-**

**ization programs.** This regulation is being amended to:

(a) Change the title of the regulation to "Scope of partial hospitalization programs"; and

(b) reduce the number of covered hours to a maximum of 1560 hours per recipient per calendar year.

Fiscal Impact:

- (a) None.
- (b) None.

**32. 30-5-110a. Reimbursement for psychiatric partial hospitalization programs.** This regulation is being amended to:

(a) Change the title of the regulation to "Reimbursement for partial hospitalization programs"; and

(b) change the reimbursement methodology to reasonable fees as related to customary charges shall be paid except no fee shall be paid in excess of the range maximum, and the range of charges shall provide the base for computations.

Fiscal Impact:

- (a) None.
- (b) None.

**33. 30-5-112. Scope of local health department services.** This regulation is being amended to:

(a) Add nursing assessment performed by a registered nurse as a covered service; and

(b) delete the word "communicable" from the phrase "services to detect, diagnose and treat specific communicable diseases."

Fiscal Impact:

- (a) Estimated cost savings of \$12,500.
- (b) None.

**34. 30-5-113. Scope of advanced registered nurse practitioner services.** The secretary is promulgating a new regulation concerning the scope of advanced registered nurse practitioner services. The text of the proposed regulation is set forth below:

**30-5-113. Scope of advanced registered nurse practitioner services.** (a) Advanced registered nurse practitioner services shall be covered for medicaid/medikan recipients when provided by an advanced registered nurse practitioner who is certified pursuant to K.A.R. 60-11-103.

(b) Covered services shall include the following:

(1) Anesthesia services provided by certified registered nurse anesthetists;

(2) obstetrical services provided by nurse midwives;

(3) EPSDT screenings when certified by the department of health and environment; and

(4) targeted case management for technology dependent children.

Fiscal Impact: Estimated cost savings of \$71,385.

**35. 30-5-113a. Reimbursement for advanced registered nurse practitioner services.** The secretary is promulgating a new regulation concerning the reimbursement for advanced registered nurse practitioner services. The text of the proposed regulation is set forth below:



30-5-113a. Reimbursement for advanced registered nurse practitioner services. Reasonable fees as related to customary charges shall be paid for advanced registered nurse practitioner services except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations.

Fiscal Impact: None.

**36. 30-5-114. Scope of targeted case management services.** The secretary is promulgating a new regulation concerning the scope of targeted case management services. The text of the proposed regulation is set forth below:

30-5-114. Scope of targeted case management services. (a) Targeted case management services shall be covered for medicaid/medikan recipients.

(b) Covered services shall include the following:

- (1) Referral for assessment;
- (2) referral for treatment if appropriate according to the assessment; and
- (3) assistance with gaining access to needed medical services.

Fiscal Impact: None.

**37. 30-5-114a. Reimbursement for targeted case management services.** The secretary is promulgating a new regulation concerning the reimbursement for targeted case management services. The text of the proposed regulation is set forth below:

30-5-114a. Reimbursement for targeted case management services. Reasonable fees as related to customary charges shall be paid for targeted case management services, except no fee shall be paid in excess of the range maximum. The range of charges shall provide the base for computations.

Fiscal Impact: Estimated increased expenditure of \$15,600.

**38. 30-5-150. Co-pay requirements for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Co-payment requirements for medikan program recipients";

(b) clarify that co-payment requirements shall be the same for both medicaid and medikan program recipients;

(c) cross reference K.A.R. 30-5-71; and

(d) make technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.

**39. 30-5-151. Scope of hospital services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of hospital services for medikan recipients";

(b) clarify that hospital services shall be the same

for both medicaid and medikan program recipients with the exception of psychiatric services which are limited to specific diagnoses for medikan recipients; and

(c) cross reference K.A.R. 30-5-81.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.

**40. 30-5-152. Scope of rural health clinic services for adult medikan recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of rural health clinic services for medikan recipients";

(b) add coverage of rural health clinic services for medikan recipients the same as medicaid recipients; and

(c) cross reference K.A.R. 30-5-82.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.

**41. 30-5-154. Scope of services by community mental health centers for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of community mental health center services for medikan program recipients";

(b) clarify that community mental health center services shall be the same for both medicaid and medikan recipients with the exceptions that outpatient psychotherapy shall be limited to 24 hours per calendar year per medikan recipient when provided by a community mental health center, physician, psychologist, or any combination of these providers, and that psychological testing shall be prior authorized and limited to six hours per three consecutive calendar years per medikan recipient; and

(c) provide that targeted case management services and partial hospitalization services shall be limited to amounts specified by the secretary for medikan recipients; and

(d) cross reference K.A.R. 30-5-86.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.

**42. 30-5-156. Scope of physician services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of physician services for medikan program recipients";

(b) clarify that physician services shall be the same for both medicaid and medikan recipients with the exception of outpatient psychotherapy which is limited to 24 hours per calendar year per medikan recipient when provided by a physician, psychologist, community mental health center, or any combination of these providers; and

(continued)

(c) cross reference K.A.R. 30-5-88.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**43. 30-5-157. Scope of home health services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of home health services for medikan program recipients";

(b) clarify that home health services shall be the same for both medicaid and medikan recipients; and

(c) cross reference K.A.R. 30-5-89.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**44. 30-5-159. Scope of dental services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of dental services for medikan program recipients";

(b) add coverage of dental services for medikan recipients which is identical to the coverage for adult medicaid recipients; and

(c) cross reference K.A.R. 30-5-100.

Fiscal Impact:

(a) None.

(b) Estimated increased expenditure of \$50,000.

(c) None.

**45. 30-5-160. Scope of chiropractic services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of chiropractic services for medikan program recipients";

(b) clarify that chiropractic services shall be the same for both medicaid and medikan recipients; and

(c) cross reference K.A.R. 30-5-101.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**46. 30-5-161. Scope of podiatric services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of podiatric services for medikan program recipients";

(b) clarify that podiatric services shall be the same for both medicaid and medikan recipients; and

(c) cross reference K.A.R. 30-5-103.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**47. 30-5-162. Scope of psychological services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of psychological services for medikan program recipients";

(b) clarify that psychological services shall be the same for both medicaid and medikan recipients with the exceptions that outpatient psychotherapy shall be limited to 24 hours per calendar year per medikan recipient when provided by a psychologist, physician, community mental health center, or any combination of these providers; psychological testing and evaluation shall be limited to six hours in any three consecutive calendar years for medikan recipients; and targeted case management and partial hospitalization services shall be limited to amounts specified by the Secretary for medikan recipients; and

(c) cross reference K.A.R. 30-5-104.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**48. 30-5-163. Scope of services for the hearing impaired under the adult medikan program.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of hearing services for medikan program recipients";

(b) add coverage of hearing services for medikan recipients the same as for medicaid and medikan recipients; and

(c) cross reference K.A.R. 30-5-105.

Fiscal Impact:

(a) None.

(b) Estimated increased expenditure of \$2,200.

(c) None.

**49. 30-5-167. Scope of services in free-standing inpatient psychiatric facilities for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of services in free-standing inpatient psychiatric facilities for medikan program recipients"; and

(b) replace the 14 days per acute psychotic episode limitation for medikan recipients with the same limitations for medicaid recipients by cross referencing K.A.R. 30-5-109.

Fiscal Impact:

(a) None.

(b) None.

**50. 30-5-168. Family planning services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Family planning services for medikan program recipients";

(b) clarify that family planning services shall be the same for both medicaid and medikan recipients; and

(c) cross reference K.A.R. 30-5-88(b)(5).

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**51. 30-5-169. Scope of psychiatric partial hospitalization programs for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of partial hospitalization programs for medikan program recipients";

(b) clarify that partial hospitalization program services shall be the same for both medicaid and medikan recipients with the exception that no more than 720 hours per calendar year of partial hospitalization program services hours shall be allowed for medikan recipients unless prior approval for an extended program has been granted by the division of medical programs;

(c) cross reference K.A.R. 30-5-110; and

(d) make technical changes.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.
- (d) None.

**52. 30-5-170. Scope of services for ambulatory surgical centers for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of services for ambulatory surgical center for medikan program recipients";

(b) clarify that ambulatory surgical center services shall be the same for both medicaid and medikan recipients; and

(c) cross reference K.A.R. 30-5-83.

Fiscal Impact:

- (a) None.
- (b) None.
- (c) None.

**53. 30-5-171. Scope of substance abuse services for adult medikan program recipients.** This regulation is being amended to:

(a) Change the title of the regulation to read "Scope of substance abuse services for medikan program recipients"; and

(b) clarify that substance abuse services shall be the same for both medicaid and medikan recipients.

Fiscal Impact:

- (a) None.
- (b) None.

#### D. Medicaid/Medikan Program—Client Eligibility.

**1. 30-6-35. Application process.** This regulation is being amended to require a face-to-face interview for non-SSI cases at application unless there is good cause to waive this requirement (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$11,476 (\$5,124 state funds and \$6,352 federal funds).

**2. 30-6-36. Redetermination of eligibility process.** This regulation is being amended to reflect technical changes and to require a face-to-face interview for non-SSI cases at the time of a redetermination of eligibility unless there is good cause to waive this requirement (Federal Mandate).

Fiscal Impact: Estimated cost savings of \$7,650 (\$3,415 state funds and \$4,235 federal funds).

**3. 30-6-41. Assistance planning.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation change which limited the definition of a caretaker relative to 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 (Federal Mandate).

Fiscal Impact: None.

**4. 30-6-54. Citizenship, alienage and residence.** This regulation is being amended to:

(a)\* Adopt the May 1, 1987 temporary regulation changes which:

(1) provided that aliens who are granted either temporary or permanent residence status pursuant to P.L. 99-603, the Immigration Reform and Control Act of 1986, shall be regarded as meeting the citizenship and alienage requirement (Federal Mandate);

(2) provided that an otherwise eligible alien who does not qualify under the alienage requirements shall be eligible for emergency medical care pursuant to P.L. 99-509, the Omnibus Budget Reconciliation Act of 1986 (Federal Mandate);

(3) reflected several technical changes; and

(b) clarify that only those aliens for whom assistance can be granted pursuant to P.L. 99-603 are eligible for assistance (Federal Mandate).

Fiscal Impact:

- (a)(1) None.
- (a)(2) None.
- (a)(3) None.
- (b) None.

**5. 30-6-56. Transfer of property.** This regulation is being amended to reflect technical changes.

Fiscal Impact: None.

**6. 30-6-57. Job search requirements.\*** This regulation is being amended to exempt the caretaker relative who is personally providing care for a child with only brief and infrequent absences from the child when the child is less than age three. Previously this exemption was applicable when the child was less than six years of age.

Fiscal Impact: Minimal increase in expenditures.

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

(a) Adopt the May 1, 1987 temporary regulation change which eliminated medical assistance for TGA recipients; and

(b) adopt the July 1, 1987 temporary regulation change which deleted reference to the TGA program.

Fiscal Impact:

- (a) None.
- (b) None.

**8. 30-6-74. Persons whose needs are to be considered with the needs of the ADC child.** This regulation is being amended to clarify that while the needs of certain parents and children who are not otherwise eligible for ADC shall be excluded in determining eligibility of the ADC child, the income and resources of such persons must be included in the eligibility determination, unless otherwise specified.

Fiscal Impact: None.

**9. 30-6-78. Medicaid (title XIX) determined eligibles—eligibility factors specific to aid to pregnant women (APW).** This regulation is being amended to reflect technical changes.

Fiscal Impact: None.

(continued)

**10. 30-6-79. Non-ADC child determined eligibles.** This regulation is being amended to clarify that the needs of certain non-ADC siblings who are not otherwise eligible shall be excluded in determining the eligibility of the non-ADC child. However, the income and resources of certain non-ADC siblings shall be included in determining eligibility of the non-ADC child unless specified otherwise. Such siblings include: SSI recipients; siblings who are ineligible due to the receipt of lump sum income; siblings who are ineligible due to a sanction; minor parents whose needs are met through foster care payments; and aliens who are ineligible because of the citizenship and alienage requirements or sponsorship provisions.

Fiscal Impact: None.

**11. 30-6-103. Determined eligibles; protected income levels.\*** This regulation is being amended to adopt the July 1, 1987 temporary regulation change which increased the protected income level for two persons to \$460 and for three persons to \$465 (Federal Mandate).

Fiscal Impact: None.

**12. 30-6-106 General rules for consideration of resources, including real property, personal property and income.** This regulation is being amended to:

(a) Adopt the July 1, 1987 temporary regulation changes which:

(1) Provided that when a nonlegally responsible person in the home and not on the assistance plan contributes cash toward household expenses, the amount of the contribution to be counted shall be the net income realized by the household (Federal Mandate);

(2) limited the consideration of combined real and personal property of a husband and wife when both are applicants or recipients and one or both are in a care situation for the month the care situation begins and the following six months to those instances in which both spouses are aged, blind, or disabled (Federal Mandate);

(b) clarify that the resources of all persons in the assistance plan and the resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-6-74(b) and 30-6-79(c) shall be considered, unless otherwise specified; and

(c) reflect technical changes.

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) None.

(c) None.

**13. 30-6-107. Property exemption.\*** This regulation is being amended to adopt the January 1, 1988 temporary regulation change which increases the allowable resource standard from \$1,800 to \$1,900 for one person and from \$2,700 to \$2,850 for two or more persons. (Federal Mandate.)

Fiscal Impact: Estimated increased expenditures of \$6,000.

**14. 30-6-108. Real property.** This regulation is being amended for non-SSI cases to:

(a) Remove the 40 acre limitation relative to the definition of the home;

(b) provide for the exemption of real property that is essential for employment or self-employment; and

(c) provide for the exemption of real property that is producing income that is consistent with its fair market value.

Fiscal Impact:

(a) Estimated increased expenditure of \$586,968 (\$424,524 state funds and \$162,444 federal funds).

(b) Estimated increased expenditure of \$586,968 (\$424,524 state funds and \$162,444 federal funds).

(c) Estimated increased expenditure of \$586,968 (\$424,524 state funds and \$162,444 federal funds).

**15. 30-6-109. Personal property.** This regulation is being amended to:

(a)\* Adopt the July 1, 1987 temporary regulation change which specified for SSI that a retroactive social security payment received by an applicant or recipient or an ineligible legally responsible person is exempt for the six months following the month of receipt (Federal Mandate); and

(b) for non-SSI, expand the income producing property exemption to include all property, other than cash assets, which is essential for employment or self-employment and thereby delete the requirement that the property produce annual adjusted gross income that is at least 40 percent of its gross market value.

Fiscal Impact:

(a) None.

(b) Estimated increased expenditure of \$586,968 (\$424,524 state funds and \$162,444 federal funds).

**16. 30-6-110. Income.\*** This regulation is being amended to adopt the January 1, 1988 temporary regulation change which expands the definition of "earned income" to include income-in-kind that is received as compensation in lieu of wages, salary or profit (Federal Mandate).

Fiscal Impact: None.

**17. 30-6-111. Applicable income.\*** This regulation is being amended to:

(a) Adopt the May 1, 1987 temporary regulation change which:

(1) adopted the \$75 earned income disregard provision for a stepparent or a parent of a minor parent who is employed part time (Federal Mandate);

(2) extended the income disregard provisions for a stepparent or a parent of a minor parent to 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 (Federal Mandate); and

(b) adopt the July 1, 1987 temporary regulation change which reflected technical changes.

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) None.

**18. 30-6-112. Income exempt from consideration as income and as a cash asset.\*** This regulation is being amended to:

(a) Adopt the July 1, 1987 temporary regulation change which:

(1) expanded the exemption of complementary assistance to that assistance provided by another agency or organization that complements but does not duplicate assistance provided by the agency without regard to its usage;

(2) expanded the provision related to grants and loans to exempt such income when it is for the purpose of meeting needs not related to current living costs (Federal Mandate); and

(b) for SSI, adopt the January 1, 1988 temporary regulation change which exempts any portion of any financial assistance funded under title IV of the Higher Education Act of 1965, as amended, or under Bureau of Indian Affairs Student Assistance Programs which is made available for tuition fees, books, supplies, transportation and miscellaneous personal supplies (Federal Mandate).

Fiscal Impact:

(a)(1) None.

(a)(2) None.

(b) None.

**19. 30-6-113. Income exempt as applicable income.**

This regulation is being amended to:

(a)\* Adopt the July 1, 1987 temporary regulation change which added an additional exemption for SSI to disregard the amount of the social security adult disabled child benefit for an otherwise eligible SSI person age 18 or older who was receiving SSI benefits that began prior to age 22 and who 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 (Federal Mandate);

(b)\* adopt the January 1, 1988 temporary regulation change which restricts the income-in-kind exemption to unearned income-in-kind (Federal Mandate); and

(c) reflect a technical change.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

**E. Medicaid/Medikan Program—Adult Care Homes.**

**1. 30-10-1a. Adult care home program definitions.**

This regulation is being amended to change the following definitions:

(a) "Inspection of care review and medical review of intermediate care and skilled nursing facilities" means a yearly, resident-oriented review of only medicaid/medikan recipients, conducted by a team from the agency consisting of a nurse, a social worker and a medical doctor, to determine whether those recipients' needs are being met. (This replaces the definition for "independent professional review.")

(b) "Intermediate care facility (ICF)" means a facility which has met state licensure standards and which provides health-related care and services, prescribed by a physician, to residents who require 24 hours a day, seven days a week, licensed nursing supervision for ongoing observation, treatment or care for long term illness, disease, or injury.

(c) "Related parties" means a relationship between

two or more parties in which one party has the ability to influence another party of the transaction to the extent that one or more of the transacting parties might be prevented from fully pursuing its own separate interests. Related parties includes parties related by family, business or financial association, or by common ownership or control. Transactions between related parties shall not be considered to have arisen through arms-length negotiations. Transactions or agreements that are illusory or a sham shall not be recognized.

(d) "Organization costs" mean those costs directly incidental to the creation of the corporation or other form of business. These costs are intangible assets in that they represent expenditures for rights and privileges which have value to the enterprise. The services inherent in organization costs extend over more than one accounting period and should be amortized over a period of not less than 60 months from the date of incorporation.

This regulation is being further amended to add the following new definitions:

(e) "Non-working owners" means any individual or organization having 5 percent or more interest in the provider and does not perform a patient-related function for the adult care home.

(f) "Non-working related party" means any related party as defined in K.A.R. 30-10-1a(p) who does not perform a patient-related function for the adult care home.

(g) "Owner/related party compensation" means salaries, drawings, consulting fees or other payments paid to or on the behalf of any owner with 5 percent or more interest in the provider or any related party as defined in K.A.R. 30-10-1a(p), whether the payment is from a sole proprietorship, partnership, corporation, or non-profit organization.

(h) "Projection status" means a provider who has been assigned a previous provider's rate for a set period of time or one who is allowed to submit a projected cost report. The provider shall submit a historic cost report at the end of the projection period to be used for a settlement of the interim rates and to determine a prospective rate.

(i) "Projected cost report" means a cost report submitted to the agency by a provider for a 12-month period of time. The projected cost report is based on an estimate of the costs, revenues, resident days and other financial data for the 12-month period of time.

(j) "Survey correction budget" means a budget of the estimated costs for a 12-month period needed to correct state and federal deficiencies found in intermediate care facilities for the mentally retarded.

(k) "Provider" means the operator of the adult care home specified in the provider agreement.

Fiscal Impact: None.

**2. 30-10-1b. Adult care home facilities.** This regulation is being amended to:

(a) Provide that failure to submit a timely notification shall result in the new provider assuming responsibility for any overpayment made to the previous provider before the transfer. This shall not release the

(continued)

previous provider of responsibility for such overpayment.

(b) Change the term "ownership" to "provider" for purposes of clarity.

Fiscal Impact:

(a) None.

(b) None.

**3. 30-10-2. Standards for participation; skilled nursing facility.** This regulation is being amended to delete subsection (d) which provides for five working days notice when the recipient is admitted to a hospital and the facility has decided not to re-admit the recipient. The Department of Health and Environment will enforce this item under K.A.R. 28-39-78(a)(3).

Fiscal Impact: None.

**4. 30-10-3. Standards for participation; intermediate care facility and intermediate care facility for mental health.** This regulation is being amended to delete subsection (c) which provides for five working days notice when the recipient is admitted to a hospital and the facility has decided not to re-admit the recipient. The Department of Health and Environment will enforce this item under K.A.R. 28-39-78(a)(3).

Fiscal Impact: None.

**5. 30-10-4. Standards for participation; intermediate care facility for the mentally retarded or persons with related conditions.** This regulation is being amended to delete subsection (c) which provides for five working days notice when the recipient is admitted to a hospital and the facility has decided not to re-admit the recipient. The Department of Health & Environment will enforce this item under K.A.R. 28-39-78(a)(3).

Fiscal Impact: None.

**6. 30-10-9. Utilization review of adult care homes.** This regulation is being amended to add new subsection (e) to read as follows:

Any adult care home that has recipients found to be inappropriately placed by the inspection of care team shall be responsible for providing transportation for the recipient or recipients to a more appropriate placement facility.

Fiscal Impact: None.

**7. 30-10-11. Personal needs funds.** This regulation is being amended to make technical changes and to add "or conservator" after the word "guardian" in subsection (i).

Fiscal Impact: None.

**8. 30-10-15a. Reimbursement.** This regulation is being amended to:

(a) Change independent professional review teams to inspection of care review teams; and

(b) provide that payment for a work activity program in an ICF-MR or an ICF-MH facility shall be included in the per diem reimbursement.

Fiscal Impact:

(a) None.

(b) Estimated increased expenditure of \$100,000.

**9. 30-10-15b. Financial data.** This regulation is

being amended under subsection (c) to read as follows:

"(c) Adequate cost data and cost finding. Providers shall provide adequate cost data on the cost report. This cost data shall be the actual expenses of the facility. Estimates of costs are not allowable except on projected cost reports submitted pursuant to K.A.R. 30-10-17. The cost data shall be based on the accrual basis of accounting and may include a current use value of the provider's fixed assets used in patient care."

Fiscal Impact: None.

**10. 30-10-17. Cost reports.** This regulation is being amended to:

(a) Provide that cost reports must be received by the agency no later than the close of business on the last day of the third month following the close of the period covered by the report and that cost reports from each provider with more than one facility must be received on the same date;

(b) provide that an extension of time for submitting a cost report to be received by the agency must be requested in writing and must be received by the agency prior to the due date of the cost report;

(c) provide that if the cost report has not been received by the agency by the close of business on the due date, the provider's current rate shall be reduced to the lowest rate in the state for the level of care in which the provider participates;

(d) delete subsection (f)(4) which pertains to a penalty for the late filing of a historical cost report for the period covered by a projected cost report due to the fact this issue is addressed in another regulation; and

(e) provide that an interim settlement, based on a desk review of the historical cost report for the projection period, shall be determined within 60 days after the provider is notified of the new rate determined from such cost report.

Fiscal Impact:

(a) None.

(b) None.

(c) None.

(d) None.

(e) None.

**11. 30-10-18. Rates of reimbursement.** This regulation is being amended to:

(a) Change the term "change of ownership" to "change of provider" for purposes of clarity;

(b) provide that a retroactive settlement will be made based on the variances between the interim payment rates and the historic rates from the first cost report filed by the new provider subject to K.A.R. 30-10-18(a)(2); and

(c)\* change subsection (h) of this regulation to read as follows:

(h) Projected survey correction budget to meet survey requirements.

(1) Intermediate care facilities for the mentally retarded (ICF-MR) required by a state or federal certification survey to incur additional operating costs in excess of \$125,000, for facilities with more than 15 beds and \$40,000, for facilities with 15 beds or less to

meet certification requirements, shall be allowed to file a projected survey correction budget.

The projected survey correction budget shall be based on a proposed budget for the survey corrections for the provider's most immediate future 12-month period. The projection period shall end on the last day of a calendar month. Copies of the survey deficiencies shall be attached to the projected survey correction budget.

(2) The projected survey correction budget shall be reviewed for reasonableness and appropriateness by the agency before the rate or rates are established for the projection period. The projected budget items which are determined to be unreasonable or not appropriate to the survey corrections shall be excluded.

(3) A reasonable add-on to the per diem rate already in effect shall be determined from the reviewed correction budget. The increases to the per diem rate shall not be limited by K.A.R. 30-10-18(a)(2).

(4) Within three months after the end of the projection period, the provider shall submit sufficient documentation for audit of its actual expenditures for the survey corrections. The add-on adjustments shall be reduced for any amounts of the survey correction budget not spent for purposes reasonable and appropriate to the survey corrections. (Federal Mandate.)

Fiscal Impact: Estimated increased expenditure of \$4,000,000.

**12. 30-10-19. Rates; effective dates.** This regulation is being amended under subsection (a) to read as follows:

(a) Effective date of per diem rates for existing facilities. The effective date of a new rate that is based on information and data in the adult care home cost report shall be the first day of the second calendar month following the month the complete cost report is received by the agency.

Fiscal Impact: None.

**13. 30-10-21. Reserve days.** This regulation is being amended under subsection (b)(3) to read as follows:

(b)(3) The periods of hospitalization for acute conditions shall not exceed 10 days per any single hospital stay and for residents from an intermediate care facility for mental health and 21 days per state mental institution admission or admission to a psychiatric ward in a general hospital or private psychiatric hospital.

Fiscal Impact: Estimated increased expenditure of \$8,000.

**14. 30-10-23a. Non-reimbursable costs.** This regulation is being amended to include nine additional expense or cost items that shall not be allowed. These additional items include:

- (a) oxygen;
- (b) vending machine and related supplies;
- (c) board of director costs;
- (d) resident personal purchases;
- (e) barber and beauty shop expenses;
- (f) advertising for patient utilization;
- (g) public relations expenses;
- (h) penalties, fines, and late charges; and

(i) prescription drugs.

Fiscal Impact: None.

**15. 30-10-24. Compensation of owners, spouses, related parties and administrators.** This regulation is being amended under subsection (a) to read as follows:

(a) Non-working owners and related parties. Remunerations paid to non-working owners or other related parties, as defined in subsections (p), (q), (r), (s), (ee) and (ff) of K.A.R. 30-10-1a, shall not be considered an allowable cost regardless of the name assigned to the transfer, accrual, or the type of provider entity making the payment. Each payment shall be separately identified and reported as owner compensation in the non-reimbursable and non-patient related expense section of the cost report.

Fiscal Impact: None.

**16. 30-10-25. Real and personal property fee.** This regulation is being amended to add a new subsection (e)(1) to read as follows:

(e)(1) Providers shall be allowed to request a property fee re-basing if the following capital expenditure thresholds are met for related equipment and/or projects:

- (A) \$25,000 for facilities with 50 or fewer beds; or
- (B) \$50,000 for facilities with 51 or more beds.

(2) The per diem from the components (i.e. interest and depreciation) of the capital expenditures shall be added to the property allowance per diem originally established.

(3) The revised property allowance shall be used to determine the property value factor. The revised property value factor shall be based on the existing arrays.

Fiscal Impact: Estimated increased expenditure of \$200,000.

**17. 30-10-29. Reimbursement for 24-hour nursing care.** This regulation is being amended to delete the language providing that the pass-through shall not exceed 12 months.

Fiscal Impact: None.

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

**1. 30-22-30. Application for state financing of community mental health centers.\*** This regulation is being amended to read as follows:

30-22-30. Application for state financing of community mental health centers. (a) Community mental health centers may apply for state financing under L. 1987, Ch. 249, Sections 1 through 12 by submitting an annual budget request to the secretary of social and rehabilitation services.

(b) Budget requests shall be submitted to the secretary by July 1 of each year unless a delay is granted in writing.

(c) Budgets shall be submitted on forms and according to instructions prescribed by the secretary.

(continued)

(d) When an existing program is adequately serving a geographic area, a duplicate program shall not be requested in the budget of a center. Reasonable efforts shall be made to make the existing service available to all citizens in the area through contractual agreement with the provider of the existing service, if necessary.

(e) When a new program is to be implemented by a center, the center must notify the secretary 45 days in advance of program initiation in order to receive approval as a non-duplicate program in the center catchment area. In determining whether a new program duplicates an existing program, the secretary will consider pre-existing programs in the center catchment area and the availability of the pre-existing programs to all groups of catchment area citizens.

(f) As soon as state appropriation bills are signed into law, the amount available for each center that has submitted a budget shall be determined by the secretary. The amount shall be equal to the amount that the center's average grant would have been under the Kansas community mental health assistance act for the fiscal years ending on June 30, 1986, June 30, 1987, and June 30, 1988, if such act had not been repealed and if appropriations for the fiscal year ending June 30, 1988 to finance grants under such act had remained constant from the previous fiscal year plus each mental health center's pro rata share of any increase in moneys, including any inflation adjustments appropriated for such purpose. The amounts so determined shall be paid to the centers in four payments on July 1, October 1, January 1 and April 1.

(g) Each center shall submit a quarterly report within 30 working days after the end of each calendar quarter. The report shall be on forms and in such detail as prescribed by the secretary.

(h) Each center shall file a copy of its annual audit report that has been certified by an independent auditor.

(i) Underpayments, overpayments or payments exceeding the maximum allowed by statute shall be subtracted from or added to the payment made on April 1.

(j) The secretary may withdraw funds from any center for one or more of the following reasons:

(1) Not being substantially administered according to the annual budget;

(2) loss of license granted in accordance with the provisions of K.S.A. 75-3307b and amendments thereto; or

(3) net loss in a new program which did not receive approval by the secretary and which is found to be a duplicate program within the center catchment area. The secretary shall verify the amount of income and disbursements related to such programs in determining any net loss with audits conducted by auditors of the department of social and rehabilitation services. The amount withdrawn will be equal to the net loss of

the program determined after each 12 months of operation.

(k) The secretary may withhold payments from a center or facility for one or more of the following reasons:

(1) Failure to submit required reports;

(2) unreasonable delay in the submission of required reports; or

(3) other good cause.

(1) Quarterly payments described in subsection (e) will be made to a new or realigned community mental health center catchment area only after each new or realigned catchment area has been approved in accordance with K.A.R. 30-22-13 and 30-22-14. The financial plan required in K.A.R. 30-22-13(c)(6) shall include a new or revised budget as required in subsection (c).

(m) Special purpose grants may be awarded by the secretary if appropriated by the legislature for that purpose. The secretary shall consider legislative intent and identified local needs in awarding such grants.

Fiscal Impact: None.

**2. 30-22-32. Application for state financing of community mental retardation facilities under the community mental retardation facilities assistance act.** This regulation is being amended to add a fifth condition that a client must meet before the client shall be eligible and shall generate program units for a facility. This new condition that must be met by the client is as follows:

(5) is accepted for a program by the facility on a "first-come, first-serve basis in order of the time at which an application for admission was made to such facility on behalf of the client, except that a client accepted for a program by a facility on other than a first-come, first-serve basis because of a family crisis occasioned by family circumstances shall constitute a full-time equivalent client." A family crisis occasioned by family circumstances must be considered on an individual basis. Standards and guidelines shall be established by each agency board of directors and shall upon request of the secretary be made available for review by the secretary. The standards and guidelines established by the agency board of directors shall specify to the extent known the types of family crises most likely to necessitate admission to a facility and shall establish criteria for determining the appropriateness of such admission. Standards and guidelines for defining family crises shall specify family situations which make it impossible or extremely difficult for the family unit to provide or continue provision of that care and programming which the client needs based on the client's current behavior, functioning and medical needs. Age, health, transportation and financial capabilities of responsible family members, as well as client needs, shall be valid considerations in determining crises situations.

Fiscal Impact: None.

**G. Alcohol and Drug Abuse Treatment Programs.**

**1. 30-31-2. Classification of treatment components of services.** This regulation is being amended to:



(a) Change subsection (g) to read as follows:

Diagnostic and referral program. A diagnostic and referral program is a program which offers services which evaluates, identifies or examines the existence or nonexistence of an individual's alcohol or drug abuse problem, which may include the specific nature of the individual's alcohol or drug abuse problem. Upon having assessed an abuse problem, the services of such program may include recommendations to the individual regarding the appropriate plan for treatment including but not limited to assistance in obtaining treatment commensurate with the individual's needs.

(b) Reflect technical changes.

Fiscal Impact:

(a) None.

(b) None.

**2. 30-31-3. License requirements.\*** This regulation is being amended to make technical changes and to provide that a standard renewable license may be issued for one, two or three years, or a portion thereof.

Fiscal Impact: None.

**3. 30-31-4. Application procedures.\*** This regulation is being amended to make technical changes and to provide that an application for license shall be accompanied by a check payable to the Department of Social and Rehabilitation Services in the amount of \$25 per treatment component, not to exceed \$100.

Fiscal Impact: Minimal increase in revenue to the agency.

## H. Child Abuse and Neglect.

**1. 30-46-1. Definitions.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

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.

Fiscal Impact: None.

**2. 30-46-2. Right to interview.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

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.

Fiscal Impact: None.

**3. 30-46-3. Notice of proposed finding.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

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 or the area manager's designee of the area in which the alleged act was committed 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.

Fiscal Impact: None.

**4. 30-46-4. Notice of final decision.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

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.

Fiscal Impact: None.

**5. 30-46-5. Central registry.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

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.

Fiscal Impact: None.

**6. 30-46-6. Expungement of confirmed perpetrator from central registry.\*** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

(continued)

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 for expungement of the applicant's name 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 referred 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 rec-

ords to be expunged from the central registry when 18 years have passed since the most recent incident.

Fiscal Impact: None.

#### I. Adult Abuse, Neglect or Exploitation.

1. 30-51-1. Definitions. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-1. 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 exploitation.

(b) "Confirmed abuse, neglect or exploitation" 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 exploitation.

(d) "Investigation" means the gathering and assessing of information sufficient to determine if an adult has been abused, neglected or exploited.

(e) "Report of suspected abuse, neglect or exploitation" means information received by the agency or law enforcement that an adult is suspected of being abused, neglected or exploited.

Fiscal Impact: None.

2. 30-51-2. Right to interview. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-2. Right to interview. Each alleged perpetrator shall have the right to be interviewed before a proposed finding is issued under K.A.R. 30-51-3.

Fiscal Impact: None.

3. 30-51-3. Notice of proposed finding. The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-3. 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. In self-neglect cases, notices shall not be sent to the victim. 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 social service chief or the chief's designee of the area in which the alleged act was committed 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 social service chief or the designee of the social service chief shall not have been in-

volved in the investigation of the alleged abuse, neglect or exploitation.

Fiscal Impact: None.

**4. 30-51-4. Notice of final decision.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-4. 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 social service chief or the designee of the social service chief 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.

Fiscal Impact: None.

**5. 30-51-5. Central registry.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-5. 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.

Fiscal Impact: None.

**6. 30-51-6. Expungement of confirmed perpetrator from central registry.** The secretary is promulgating a new regulation. The text of the regulation is set forth below:

30-51-6. 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 exploitation may apply in writing to the secretary for expungement of the applicant's name 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 referred to the expungement review panel. The panel shall consist of the commissioner of adult 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 adult 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 exploitation;

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

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

(D) changes in circumstances of the applicant; and

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

(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 adult 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 five years have passed since the most recent incident.

Fiscal Impact: None.

A copy of the proposed regulations and the complete fiscal impact statements may be obtained prior to November 3 by contacting Mary Slaybaugh, Legal Services, 6th Floor, Docking State Office Building, Topeka 66612, (913) 296-3969. Written comments may be submitted prior to such date to Winston Barton, Secretary of Social and Rehabilitation Services, at the same address.

Interested persons will be given reasonable opportunity at the hearing to present their views and arguments on the adoption of the proposed temporary regulations. Presentations should be in writing whenever possible. Depending on the number of persons wanting to speak, the department may require that each participant limit oral presentation to three minutes.

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

WINSTON BARTON  
Secretary of Social and  
Rehabilitation Services

## State of Kansas

## OFFICE OF JUDICIAL ADMINISTRATION

## COURT OF APPEALS DOCKET

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

Kansas Court of Appeals  
 Courtroom 301, Saline County Courthouse  
 300 W. Ash, Salina, Kansas

Before Abbott, C.J.; Steven P. Flood, District Judge, assigned;  
 and Barry A. Bennington, District Judge, assigned.

Thursday, October 22, 1987

10:30 a.m.

Case No.	Case Name	Attorneys	County
60,284	Terry Duane Outland, Appellant, v. State of Kansas, Appellee.	Benjamin C. Wood Steven R. Zinn  Mickey W. Mosier Attorney General	Saline
60,411	City of Salina, Appellee, v. Verna J. Vonfange, Appellant.	Gary Denning, Assistant City Attorney  James L. Sweet	Saline
59,908	Dewey Barr and Valerie Barr, v. Terminix International, Inc., Appellees.	Steven Hornbaker  D. Lee McMaster	Saline
1:00 p.m.			
60,634	In the Matter of the Marriage of Camille Vossman and Dan J. Vossman.	Larry S. Vernon Ron Ludwig G. H. Griffith	Mitchell
59,777	Traders State Bank, Appellant, v. Douglas J. Rominger, Paula K. Rominger, Maxine I. Porter, and Carol Rominger, Appellees.	Don W. Noah  Curtis A. Frasier	Mitchell
60,427	Guaranty State Bank & Trust Company, Beloit, Appellee, v. Richard E. Willmeth, Elizabeth Willmeth, <i>et al.</i> , Appellants, v. Harry W. Gantenbein and Curtis A. Frasier, Partners.	James T. Graves  Don W. Noah  Robert M. Adrian	Jewell
60,404	Marilyn Cormack, Appellant, v. American Family Mutual Insurance Co., Appellee.	Doug Thompson  Robert M. Adrian	Dickinson
60,166	First Bank & Trust, Appellee, v. Robert L. Novak, aka Robert Lee Novak; Maleta J. Novak, aka Maleta Jane Novak; Frank Novak Jr.; and Opal L. Novak, aka Opal Louise Novak, Appellants.	Aubrey C. Linville  William E. Metcalf  Dan E. Turner	Cloud
60,374	Sarah J. Dickey, Appellee, v. David Dickey and Cheryl Dickey, Appellants.	Dan D. Boyer  John Black	Saline

Friday, October 23, 1987

9:00 a.m.

Case No.	Case Name	Attorneys	County
60,295	Board of County Commissioners, Dickinson County, Kansas, Appellee, v. William F. Cramer III, Appellant.	Keith Hoffman, County Attorney  Jauane J. Bleau	Dickinson

60,342	Lawrence Luthi and Patricia Luthi, Appellants, v. Kenneth Weeks and Patricia Weeks, Appellees.	Robert C. Johnson  Jauane J. Bleau Ellen Mitchell	Dickinson
60,021	In the Matter of the Estate of Maggie Alexander, Deceased.	Dan H. Myers Walter P. Robertson Robert L. Constable	Clay
60,226	Dr. J. T. Garner, Appellant, v. Waldemar Iwert, <i>et al.</i> , Appellees.	Dr. J. T. Garner, <i>pro se</i>  John Eyer, County Attorney J. Franklin Hummer Ann L. Hoover	Washington
59,945	Eleanor Rapp, Appellant, v. J. H. Shears' Sons, Inc., and City of McPherson, Appellees.	John W. Johnson  J. Franklin Hummer James P. Mize	McPherson
60,092	In the Matter of the Marriage of Susan Jean Lyon and Lester Kyle Lyon.	Jauane J. Bleau Jo Lynne Justus	Ottawa

**Kansas Court of Appeals**  
Court of Appeals Courtroom, 2nd Floor, Judicial Center  
Topeka, Kansas

Before Davis, P.J.; Briscoe and Six, JJ.

Tuesday, October 27, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
60,207	In the Matter of the Marriage of Carole McDiffett and William McDiffett.	Jerold E. Berger Robert E. Keeshan	Shawnee
60,083	Leland Williams, <i>et al.</i> , Appellees, v. Casad Oil Corp., <i>et al.</i> , Appellants.	Jeffery A. Chanay  William E. Metcalf	Shawnee
59,949	Randall Ernest Shaffer, Appellant, v. Frank D. Taff, Appellee.	William Scott Morris  Myron L. Listrom	Shawnee
60,355	St. Louis Southwestern Railway Co., Appellant, v. Kansas Corporation Commission, Appellee.	Mark L. Bennett, Jr.  John J. Rosacker Don Frigon	Shawnee
60,171	Excel Corporation, Appellant, v. Kansas Department of Human Resources, Labor Management Relations and Employment Standards Division and Monte K. Russell, Appellees.	Robert D. Overman  Karl V. Kozad	Shawnee
1:30 p.m.			
60,360	State of Kansas, Appellee,  v. James E. Spencer, Appellant.	Gene Olander, District Attorney Sue Carpenter, Assistant District Attorney Attorney General  Benjamin C. Wood Steven R. Zinn	Shawnee
60,532	State of Kansas, Appellee,  v. Carl M. McManus, Appellant.	Gene Olander, District Attorney Attorney General  Jessica R. Kunen Benjamin C. Wood	Shawnee
60,664	State of Kansas, Appellee,  v. Stephen L. Buckland, Appellant.	Gene Olander, District Attorney Attorney General  Lucille Marino Benjamin C. Wood	Shawnee

(continued)

60,779	State of Kansas, Appellee,  v. Delbert E. Davidson, Appellant.	Kenneth Smith, Assistant District Attorney Attorney General  John C. Humpage	Shawnee
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Wednesday, October 28, 1987  
9:30 a.m.

Case No.	Case Name	Attorneys	County
59,954	In the Matter of the Marriage of June A. Wangerin and Richard L. Wangerin, Jr.	Jacqueline S. Reid Karl G. Johnson Scott T. Manion	Shawnee
60,017	Fred L. Mattox, Appellant, v. Department of Transportation, Appellee.	G. H. Griffith  Lisa E. Schwinn Brandon L. Myers	Shawnee
60,290	Kenneth Godfrey Aviation, Inc., Appellee, v. Gary Smith, Shawnee County Appraiser, Appellant. William M. Smith, Appellee, v. Gary Smith, Appellant.	Alan F. Alderson  Douglas F. Martin	Shawnee
59,857	M. L. McCue and Kathleen McCue, Appellees, v. Allied Enterprises, Inc., Appellant.	Adrian Farver  Roger L. Brazier	Shawnee
59,992	In the Matter of the Marriage of M. E. Hobbs and R. D. Hobbs.	Gary Conwell C. Bruce Works	Shawnee

Kansas Court of Appeals  
District Courtroom 1, 3rd Floor, Memorial Building  
Chanute, Kansas

Before Brazil, P.J.; Rees and Elliott, JJ.

Tuesday, October 27, 1987  
10:30 a.m.

Case No.	Case Name	Attorneys	County
60,496	State of Kansas, Appellee,  v. Ronald D. Hunter, Appellant.	Russell Canaday, Assistant County Attorney Attorney General  Daryl D. Ahlquist	Montgomery
60,568	In the Matter of the Estate of Ida May Whetzel, Deceased, Emery Eugene Whetzel, Deceased, and Wanda Mallon, Deceased.	Daryl D. Ahlquist Richard G. Tucker Steven L. Stapleton	Labette
59,822	Ronald L. King, Appellant, v. Morgan Brothers, et al., Appellees.	Steven L. Stapleton  Richard L. Hines	Neosho
1:00 p.m.			
60,055	Shannon Oyler, Minor, et al., Appellees, v. American Family Mutual Insurance Co., Appellant.	W. J. Fitzpatrick  Robert L. Eastman	Montgomery
60,259	First National Bank of Neodesha, Appellee, v. Maudeva Hall, dba Neodesha Inn, et al., Appellants.	Harry L. Depew  David K. Clark Gregory A. Lee R. D. Canaday Charles O. Thomas Robert L. Gowdy Lawrence D. Greenbaum	Wilson
60,729	Bank IV Pittsburg, N.A., Appellee, v. Lawrence Photographic, Inc., Appellant.	Phillip A. Miller  Fred Spigarelli	Crawford

60,422	Dolores L. Bierbrodt and David C. Bierbrodt, Sr., Appellants, v. Parsons Commercial Bank, Appellee.	Stanley L. Basler  David K. Markham	Labette
60,203	C. R. "Pat" Thurman and Vera Thurman, Appellees, v. George A. Fager and Home State Bank, Appellants.	Timothy J. Grillot  Mark T. Lair Michael D. Irvin	Neosho

Wednesday, October 28, 1987  
9:00 a.m.

Case No.	Case Name	Attorney	County
60,338	Larry W. Stewart, Appellant, v. Mamie E. Stewart, Appellee.	Patrick S. Bishop  Blake Hudson	Bourbon
60,504	Dennis Peters and Pamela Sue Peters, Appellees, v. Robert Buscher, v. Frederick P. Hoffman and Barbara L. Hoffman, Appellants, Citadel Bank, Hirabhai Patel and Bhanuben Patel.	Glenn E. Casebeer  Frederick G. Apt, Jr.  Morris D. Hildreth  Jeffery A. Chubb	Montgomery
(60,121) (60,554)	O. L. Carney and Mary Ellen Carney, Appellees, v. Jack Gebhardt, Priscilla Gebhardt, Robert A. Simmermon, and Citizens National Bank of Fort Scott, Appellants.	Forrest E. Short  James L. Wisler C. John Lozano Richard M. Smith David Mullies	Linn
60,635	John M. Eastburn and Esther Eastburn, Appellants, v. Christopher Redmond, Trustee in Bankruptcy for David R. Victorino, M.D., Allen County Bank & Trust, Elmer Tatsch, Oil Serv. Inc., Top Wireline Service Inc., and C & M Drilling Inc., Appellees.	James L. Wisler  Dennis M. Feeney	Anderson
60,302	Tommy L. Grooms & Lyle English, dba Eureka Pump & Supply, Appellees, v. Kansas Power and Light Company and Hurst Systems, Inc., Appellants. Kansas Power & Light Company, v. H.S.I. Communications, Inc. H.S.I. Communications, Inc., v. Kansas Power & Light Company.	John L. Carmichael  Camille Q. Bradford  George E. Erickson, Jr.	Greenwood
60,039	In the Matter of the Guardianship and Conservatorship of Wilma F. Bryan.	Marian M. Burns Wendell Barker, Gdn. A/L	Franklin

LEWIS C. CARTER  
Clerk of the Appellate Courts

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