

# Kansas Register

Ron Thornburgh, Secretary of State

Vol. 16, No. 7 February 13, 1997 Pages 221-286

## In this issue . . .

Page

<b>Department of Human Resources</b>	
Notice of public forum .....	222
<b>Information Network of Kansas</b>	
Notice of meeting .....	222
<b>Pooled Money Investment Board</b>	
Notice of investment rates .....	222
<b>Kansas Workforce Investment Partnership</b>	
Notice of meeting .....	223
<b>Department of Administration</b>	
Public notice .....	223
<b>Department of Administration—Division of Architectural Services</b>	
Notice of commencement of negotiations for engineering services .....	223
<b>Advisory Committee on Hispanic Affairs</b>	
Notice of meeting .....	223
<b>Attorney General</b>	
Notice of available funding for child abuse and neglect grant programs .....	223
Opinions No. 97-7 through 97-16 .....	226
<b>Kansas Commission on Veterans' Affairs</b>	
Notice of meeting .....	224
<b>Department of Agriculture—Division of Weights and Measures</b>	
Notice of hearing on proposed administrative regulations .....	224
<b>Office of the Governor</b>	
Executive Order No. 97-3 .....	225
<b>Secretary of State</b>	
Executive appointments .....	225
Public notice .....	228
<b>Kansas State University</b>	
Notice to bidders .....	226
<b>Department of Revenue—Division of Taxation</b>	
Request for bids for oil and gas lease .....	227
<b>Legislative bills and resolutions introduced January 30-February 5</b> .....	228
<b>Department of Health and Environment</b>	
Notice concerning Kansas water pollution control permits .....	233
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases .....	236
<b>State Board of Technical Professions</b>	
Notice of meetings .....	237
<b>University of Kansas Medical Center</b>	
Notice to bidders .....	237
<b>Court of Appeals docket</b> .....	237
<b>Kansas Insurance Department</b>	
Notice of hearing on proposed administrative regulations .....	244
<b>State Corporation Commission</b>	
Notice of hearing .....	244
Notice of motor carrier hearings .....	245
<b>Notice of Note Sale</b>	
City of Manhattan .....	245
<b>State Banking Board</b>	
Notice of meeting .....	248
<b>Permanent Administrative Regulations</b>	
Department of Wildlife and Parks .....	248
Board of Examiners in Optometry .....	249
Social and Rehabilitation Services .....	251
<b>Index to administrative regulations</b> .....	281

## State of Kansas

## Department of Human Resources

## Notice of Public Forum

In an effort to provide convenient and useful career services to America's workers and employers, the U.S. Department of Labor will offer grants to states to develop locally driven one-stop career centers. One-stop centers will offer employment services, including access to education and training, through a single delivery system. These include labor exchange functions, Job Training Partnership Act (JTPA) programs, veterans' services, welfare to work, vocational rehabilitation, adult education, and Internet and other on-line services. The one-stop goal is to make the recruitment, training and hiring process easier and more efficient for both job seekers and employers.

A One-Stop Career Center Public Planning Workshop will be from 10 a.m. to 4 p.m. Friday, February 21, at the Independence Community College, Inge Theatre, Fine Arts Building, Independence. Participants in this public forum will assist in the planning phase of a one-stop career center model for Southeast Kansas. To RSVP, please call Peggy Riedle at 1-800-842-6063, ext. 4296, or Kathleen Roper at (316) 724-6796.

This public planning forum is the result of a partnership among the Kansas departments of Human Resources, Social and Rehabilitation Services, Commerce and Housing, Education and the Kansas Workforce Investment Partnership to seek federal grant funds for the State of Kansas to establish locally-driven one-stop centers throughout the state.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 018732

## State of Kansas

## Information Network of Kansas

## Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 2 p.m. Thursday, February 20, at Kansas Inc., 632 S.W. Van Buren, Suite 100, Topeka. The meeting is open to the public.

Charles R. Warren  
Chairman

Doc. No. 018712

## State of Kansas

## Pooled Money Investment Board

## Notice of Investment Rates

The following rates are published in accordance with K.S.A. 1995 Supp. 75-4210, as amended by 1996 Senate Bill No. 476. These rates and their uses are defined in K.S.A. 1995 Supp. 12-1675(b)(c)(d), and K.S.A. 1995 Supp. 75-4201(1) and 75-4209(a)(1)(B), as amended by 1996 Senate Bill 476.

Effective 2-17-97 through 2-23-97	
Term	Rate
0-90 days	5.17%
3 months	5.31%
6 months	5.47%
9 months	5.53%
12 months	5.61%
18 months	5.75%
24 months	5.87%
36 months	6.02%
48 months	6.13%

William E. Lewis  
Chairman

Doc. No. 018710

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## State of Kansas

**Kansas Workforce Investment Partnership****Notice of Meeting**

The Kansas Workforce Investment Partnership will meet at 10 a.m. Friday, February 21, at the Independence Community College, Inge Theatre, Fine Arts Building, Independence. The meeting is open to the public.

David L. Alexander  
Chair

Doc. No. 018731

## State of Kansas

**Department of Administration****Public Notice**

Under requirements of K.S.A. 65-34,117(c), as amended by 1996 House Bill No. 2966, records of the Division of Accounts and Reports show the unobligated balances are \$4,133,014.89 in the underground petroleum storage tank release trust fund and \$1,036,192.19 in the aboveground petroleum storage tank release trust fund at January 31, 1997.

Daniel R. Stanley  
Secretary of Administration

Doc. No. 018717

## State of Kansas

**Department of Administration  
Division of Architectural Services****Notice of Commencement of  
Negotiations for Engineering Services**

Notice is hereby given of the commencement of negotiations for "on-call" structural engineering services for the Division of Architectural Services. The selected firm or firms will provide services for small structural engineering projects for the division.

Questions regarding the scope of work should be directed to Barbara Schilling, Chief Architect, Design Section, Division of Architectural Services, (913) 233-9367, ext. 224.

If interested, an original and six copies of the SF 255 form (plus relevant attachments of information regarding similar projects) should be submitted. These submittals should be concise, relevant to the project and follow the State Building Advisory Commission guidelines for submittal. Copies of the guidelines have previously been distributed to firms; if copies of the guidelines are required, contact Gary Grimes, Division of Architectural Services, 625 Polk, Topeka, 66603, (913) 233-9367. Submittals not complying with the guidelines will be returned without consideration.

Expressions of interest and the SF 255 submittals should be received by Gary Grimes by 5 p.m. February 28.

Thaine Hoffman, AIA  
Director, Division of  
Architectural Services

Doc. No. 018736

## State of Kansas

**Advisory Committee on Hispanic Affairs****Notice of Meeting**

The Kansas Advisory Committee on Hispanic Affairs (KACHA), an entity within the Kansas Department of Human Resources, will conduct a board meeting from 2 to 4 p.m. Saturday, February 15, at the Salina Area SRS Office, 901 Westchester. The primary topic of discussion will be a proposed education project with the Salina schools. The public is invited to attend. Salina area legislators also have been invited. The meeting will follow the Salina LULAC meeting at 1 p.m. at the same location.

Wayne L. Franklin  
Secretary of Human Resources

Doc. No. 018715

## State of Kansas

**Attorney General****Notice of Available Funding for Child Abuse  
and Neglect Grant Programs**

Grant funds are available from the State Crime Victims' Assistance Fund Child Abuse and Neglect Grant Program for fiscal year 1998. The purpose of this grant program is to provide funds for ongoing operating expenses of programs (including court-appointed special advocate programs) providing temporary emergency shelter for victims of child abuse and neglect, counseling and assistance to those victims, or educational services directed at reducing the incidence of child abuse and neglect and diminishing its impact on the victim.

Available funds may be awarded to programs that meet the following requirements: duly registered with the Secretary of State; meet the requirements of Section 501 (c) of the Internal Revenue Code of 1986; have trustees or board of directors who represent the racial, ethnic and socioeconomic diversity of the county or counties served; meet normally accepted standards for nonprofit organizations; demonstrate ability to successfully administer programs; have obtained appropriate licensing or certification, or both; serve a significant number of residents of the county or counties served; and not unnecessarily duplicate services already adequately provided to county residents.

Each applicant must receive 50 percent or more of its funds from sources other than funds distributed through this fund. Other sources may be public or private.

Applications can be obtained from the Office of the Attorney General, 2nd Floor, Kansas Judicial Center, 301 W. 10th, Topeka, 66612-1597, (913) 296-2215 or 1-800-828-9745.

All grant applications are to be postmarked by Monday, March 24. No applications will be accepted after that date.

Carla J. Stovall  
Attorney General

Doc. No. 018719

## State of Kansas

## Kansas Commission on Veterans' Affairs

## Notice of Meeting

The Kansas Commission on Veterans' Affairs will meet at 1 p.m. Friday, February 28, in the State Banking Department conference room, third floor, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 73-1208b. The public is invited to attend.

Don Myer  
Executive Director

Doc. No. 018721

## State of Kansas

Department of Agriculture  
Division of Weights and MeasuresNotice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 9 a.m. Monday, April 14, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka, to consider proposed changes to the existing weights and measures regulations of the Division of Weights and Measures, Kansas Department of Agriculture (KDA).

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Administrative Services, Legal Section, Kansas Department of Agriculture, 901 S. Kansas Ave., Topeka, 66612. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

These amended regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and their economic impact follows.

**K.A.R. 99-25-1, and 99-40-47** — The adoption of the 1996 version of Handbook 44 and 130 to replace the 1995 version should not have any economic impact because the adoption of these handbooks will not increase or change the standards which are currently in effect. The regulation is not mandated by federal law as a requirement for participating in or implementing federally subsidized or assisted programs. The regulation has no cost to KDA, other governmental agencies, the regulated industry, or consumers.

**K.A.R. 99-25-2** — The department is revoking this regulation. The regulation had referenced retroactive and nonretroactive parts of the 1991 version of Handbook 44. This is no longer needed due to the adoption of the more current version of Handbook 44.

**K.A.R. 99-25-4** — Pursuant to L. 1996, Ch. 146, § 15 and L. 1996, Ch. 105, § 14, the department is requiring each technical representative to have four clock hours of continuing education per year regarding the following top-

ics: a) installation, calibration or repairing of devices; b) state weights and measures laws or regulations; c) applicable handbook standards; d) information required on the testing and reporting forms; or e) proper testing methods of devices. The department required that training conducted by someone other than KDA needs to be approved by the secretary in order to have it count towards the needed annual continuing education credits. According to discussions with various service companies, they are already participating in various training courses and therefore do not anticipate this regulation causing any economic impact to them or their business, since they will not be required to get the training only from KDA. The regulation is not mandated by federal law as a requirement for participating in or implementing federally subsidized or assisted programs. The amendment has no significant cost to KDA, other governmental agencies, the regulated industry, or consumers.

**K.A.R. 99-25-5** — This regulation is not different than the previous requirements except that the service company must maintain copies of the technical representative's records.

**K.A.R. 99-25-6; 99-25-7; 99-25-8** — Require the service company to notify the weights and measures office by telephone, fax or mail within 48 hours after finding a device which cannot be calibrated, repaired or adjusted. A hard copy of the report must be sent to the weights and measures office within seven days of the test.

**K.A.R. 99-27-1 through 99-27-5** — Establish the administrative procedures for assessing the civil penalties for specific violations; filing a complaint; answer to complaint; informal settlement; and specific requirements for an adjustment the amount of the proposed civil penalties.

**K.A.R. 99-30-5 and 99-31-5** — These timeframes were established by the legislature during the 1996 session pursuant to L. 1996, Ch. 146, § 15 and L. 1996, Ch. 105, § 14. The regulation is not mandated by federal law as a requirement for participating in or implementing federally subsidized or assisted programs.

**K.A.R. 99-30-6 and 99-31-6** — Placed in service reports shall be submitted to the director of the weights and measures program within 10 days (the old regulation allowed 15 days).

**K.A.R. 99-40-21 through 99-40-46** — These regulations are being revoked because the ASTM standards referenced in these regulations are covered under the adopted version of Handbook 130.

**K.A.R. 99-40-100, 99-40-101, 99-40-104 and 99-40-105** — These regulations are being revoked because they are covered under proposed regulations K.A.R. 99-27-1 through 5.

None of these amended regulations is expected to result in a significant fiscal impact to governmental entities.

Copies of the complete regulations and their economic impact statements may be obtained from the Administrative Services, Legal Section, Kansas Department of Agriculture, (913) 296-3848.

Allie Devine  
Secretary of Agriculture

Doc. No. 018723



## State of Kansas

## Office of the Governor

## Executive Order No. 97-3

WHEREAS, William Powers was murdered in his home in Garden City, Kansas, on or about November 4, 1996; and

WHEREAS, the offer of a reward will enhance the efforts of the agencies and officers involved in the investigation of this heinous crime;

NOW, THEREFORE, by virtue of the authority vested in me by K.S.A. 75-113, I, Bill Graves, Governor of the State of Kansas, do hereby offer a reward of five thousand dollars (\$5,000.00) for information leading to the arrest and conviction of the murderer or murderers of William Powers.

This document shall be filed with the Secretary of State as Executive Order No. 97-3, and shall become effective immediately.

Dated January 31, 1997.

Bill Graves  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 018711

## State of Kansas

## Secretary of State

## Executive Appointments

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office. The following appointments, which are effective immediately unless otherwise specified, were recently filed with the Secretary of State:

**District Magistrate Judge,  
22nd Judicial District**

**Don Sallee**, Route 2, Box 79, Troy, 66087. Effective February 15, 1997.

**Comanche County Treasurer**

**Patty Fose**, Courthouse, P.O. Box 776, Coldwater, 67029. Term expires when a successor is elected and qualifies according to law. Succeeds Velma Basnett, resigned.

**Behavioral Sciences Regulatory Board**

**Larry W. Hays**, 1618 Suncrest, McPherson, 67460. Term expires June 30, 1999. Succeeds James McLaughlin.

**State Building Advisory Commission**

**Stan Peterson**, 4629 S.E. Oak Bend Drive, Topeka, 66409. Term expires December 31, 1999. Reappointment.

**Advisory Commission for Children with  
Special Health Care Needs**

**Karin Rasmussen**, 1649 U.S. 24, Colby, 67701. Term expires February 27, 1999. Succeeds Mike Pollard.

**Robin Stone**, 901 W. B, Box 125, Plains, 67869. Term expires February 27, 1999. Succeeds Richard "Dick" Rock, resigned.

**Board of Emergency Medical Services**

**Johnna Lingle**, 7022 Caenen, Shawnee, 66216. Term expires May 31, 1998. Succeeds Karen McCulloh.

**Kansas Commission on Governmental  
Standards and Conduct**

**Chris Anne Hartley**, 608 E. 9th, Baxter Springs, 66713. Term expires February 1, 1999. Reappointed by the Speaker of the House.

**Mike Norris**, 6800 College Blvd., Suite 630, Overland Park, 66211. Term expires January 31, 1999. Appointed by the President of the Senate.

**William I. Koch Commission on Crime  
Reduction and Prevention**

**Gayle Edmunds**, Indian Alcoholism Treatment Services, 313 N. Seneca, Suite 109, Wichita, 67203. Serves at the pleasure of the Governor. Succeeds Brian Barents.

**David White**, 1333 S. 27th, Kansas City, 66106. Serves at the pleasure of the Governor. Succeeds Joseph Jennings.

**Kansas Council on the Future of  
Postsecondary Education**

(Created pursuant to 1995 Session Laws of Kansas, Chapter 233. Members serve at the pleasure of the Governor.)

**Dave Crockett**, 14 Norfolk Drive, Wichita, 67208.

**Donna Shank**, 420 Lilac Lane, Liberal, 67901.

**SRS Transition Oversight Committee**

**Sen. Paul Feleciano, Jr.**, 815 Barbara, Wichita, 67217. Appointed by the Chairman of the Senate Ways and Means Committee.

**Rep. Gerald Geringer**, 720 Rockledge Drive, Junction City, 66441. Appointed by the Speaker of the House.

**Rep. Carlos Mayans**, 1842 N. Valleyview, Wichita, 67212. Appointed by the Speaker of the House.

**Sen. Steve Morris**, 600 Trindle, Hugoton, 67951. Appointed by the Chairman of the Senate Ways and Means Committee.

**Sen. Larry D. Salmans**, 104 S. Logan, Hanston, 67849. Appointed by the Chairman of the Senate Ways and Means Committee.

**Kansas Turnpike Authority**

**Rep. Gary Hayzlett**, Chair, House Transportation Committee, 308 E. Russell Road, Lakin, 67860. Term expires January 11, 1999. Appointed by the Speaker of the House.

**Veterans' Memorial Advisory Committee**

**Curtis Doss, Sr.**, 1214 Bel Air Drive, Junction City, 66441. Serves at the pleasure of the Governor. Succeeds Leo Picking.

Ron Thornburgh  
Secretary of State

Doc. No. 018722

## State of Kansas

## Kansas State University

## Notice to Bidders

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. local time on the date indicated and then will be publicly opened. Interested bidders may call (913) 532-6214 or fax (913) 532-5632 for additional information.

Monday, February 24, 1997

#70177

Receiver/data loggers

William H. Sesler  
Director of Purchasing

Doc. No. 018720

## State of Kansas

## Attorney General

## Opinion No. 97-7

**Procedure, Civil—Asset Seizure and Forfeiture—Allocation of Forfeited Property to Law Enforcement Agency; Application to Kansas National Guard. Lt. Colonel John R. Mettner, Jr., Legal Advisor to the Adjutant General, Adjutant General's Office, Topeka, January 29, 1997.**

The Comprehensive Drug Abuse Prevention and Control Act of 1970 authorizes the transfer of forfeited property to any state or local law enforcement agency which participates directly in the seizure or forfeiture of the property. The Kansas National Guard is a law enforcement agency for the limited purpose of counter drug and drug interdiction operations when called into active service for that purpose by the Governor pursuant to K.S.A. 48-241. Cited herein: K.S.A. 48-241; 60-4101; 21 U.S.C. § 881. GE

## Opinion No. 97-8

**Public Health—Food, Drugs and Cosmetics—Exhibition of Title "Drugstore," "Pharmacy" or "Apothecary"; Use of Symbol "Rx."**

**Public Health—Regulation of Pharmacists—Definitions; "Pharmacy," "Drug Store" or "Apothecary"; Use of Symbol "Rx." Larry Froelich, Executive Director, Kansas State Board of Pharmacy, Topeka, January 29, 1997.**

The taking, use or exhibition of the symbol "Rx" is limited to licensed pharmacists and entities which employ licensed pharmacists. The taking, use or exhibition of that symbol by any other entity is prohibited. The federal Lanham Trademark Act does not preempt the Kansas prohibition against the use of that symbol by other than licensed pharmacists and entities which employ licensed pharmacists. Thus, registration of the symbol "Rx" as a service mark pursuant to the federal Lanham Trademark Act does not exempt a furniture refinishing and repairing company from compliance with that Kansas prohibition.

Cited herein: K.S.A. 65-636; 65-1626; 15 U.S.C. § 1051; 15 U.S.C. § 1057; 15 U.S.C. § 1121. CN

## Opinion No. 97-9

**Personal and Real Property—Public Buildings; Accessibility Standards for Public Buildings—Accessibility Standards for Public Buildings or Facilities; Religious Facilities. Porter K. Brown, Hutchinson City Attorney, Hutchinson, January 29, 1997.**

The Kansas Legislature has, through language set forth in K.S.A. 58-1301, exempted places of worship from application of the Kansas architectural accessibility standards. Cited herein: K.S.A. 58-1301; 42 U.S.C.A. § 2000a; 42 U.S.C.A. § 12101; 42 U.S.C.A. § 12181; 42 U.S.C.A. § 12182; 42 U.S.C.A. § 12187; 42 U.S.C.A. § 12188; L. 1992, ch. 208, §§ 1, 9. RDS

## Opinion No. 97-10

**Constitution of the State of Kansas—Bill of Rights—Religious Liberty; Use of Public Funds. William L. Frost, Manhattan City Attorney, Manhattan, January 30, 1997.**

A city may provide financial assistance to a social service agency that subscribes to certain religious tenets as long as the use of such funds conforms with the public purpose doctrine and the funds are not used to secure or maintain a place where any form of religious worship is conducted or where any religious doctrine is taught. Cited herein: Kan. Const., Bill of Rights, § 7; U.S. Const., Amendment I. MF

## Opinion No. 97-11

**Constitution of the State of Kansas—Finance and Taxation—System of Taxation; Classification; Exemption; Farm Machinery and Equipment.**

**Taxation—Property Exempt from Taxation—Farm Machinery and Equipment; Exclusive Use for Farming or Ranching. Representative Eugene L. Shore, 124th District, Johnson, January 30, 1997.**

The constitutional exemption from property taxation for farm machinery and equipment does not require that the property be used exclusively for farming. K.S.A. 1996 Supp. 79-201j does have an exclusive use requirement. In that the constitutional exemption postdates the statutory exemption, is broader than the statutory exemption, and the legislature is precluded from limiting self-executing constitutional exemptions such as this, an exemption for farm machinery and equipment may be granted even if the property is subject to more than one use. Cited herein: K.S.A. 79-201i; K.S.A. 1996 Supp. 79-201j; Kan. Const., Art. 11 § 1. JLM

## Opinion No. 97-12

**Legislature—Legislative Coordinating Council—General Powers and Functions; Nepotism Policy Not Violative of Equal Protection Clause. Senator Alicia L. Salisbury, 20th District, Topeka, February 5, 1997.**

Policy No. 50 of the Legislative Coordinating Council prohibiting the employment of legislators' immediate

family members by either house or any legislative staff agency is not facially violative of the Equal Protection Clause of the United States Constitution. Cited herein: K.S.A. 46-246a; 46-1202; 74-605; K.A.R. 19-40-4; U.S. Const., Amend. XIV. JLM

#### Opinion No. 97-13

**Schools—Transportation of Students—Transportation of Pupils; Authorization to Provide or Furnish.** Senator Don Steffes, 35th District, McPherson, February 5, 1997.

A unified school district may permit pupils of the school district to utilize the district's transportation services in order to arrive at a religious facility in which the pupils will attend catechism classes if such transportation occurs along the regular transportation routes designated by the unified school district, as required by state statute, and the same service is available for pupils seeking transportation to other religious or nonreligious facilities. The latter is required because a governmental preference of one religion over other religions or nonreligion is not permitted under the Establishment Clause of the First Amendment of the United States Constitution. Cited herein: K.S.A. 1996 Supp. 72-8302; K.S.A. 72-8303; 72-8305; U.S. Const., Amends. I; XIV; 20 U.S.C. § 1400. RDS

#### Opinion No. 97-14

**Counties and County Officers—Hospitals and Related Facilities—County Hospitals; Investment of Funds.**

**Cities and Municipalities—Miscellaneous Provisions—Investment of Public Moneys by Governmental Subdivisions, Units and Entities.** Steve W. Hirsch, Decatur County Attorney, Oberlin, February 5, 1997.

Based on the information provided, the Decatur County Hospital Board may not invest hospital funds in the Decatur County Economic Development Corporation's proposed for-profit retirement project. However, the board may purchase and operate a part of the retirement project as a limited care residential facility if the part of the project meets the requirements provided in K.S.A. 19-4601(e). Cited herein: K.S.A. 1996 Supp. 12-1675; K.S.A. 19-4601; 19-4608; 65-3501. DMV

#### Opinion No. 97-15

**Counties and County Officers—County Commissioners; Powers and Duties—Allowance of Claims Monthly.**

**Counties and County Officers—County Attorney—Claims and Accounts; Duties of County Attorney or Assistant or County Counsel in Certain Counties.** Steve L. Opat, Geary County Counselor, Junction City, February 5, 1997.

K.S.A. 19-716 requires the county counselor in certain counties, including Geary County, to individually examine and ascertain the correctness of each bill and account presented to the county for payment. The board of county commissioners in such counties is not statutorily required to individually review each bill and account presented for payment to the county, but is required by K.S.A. 19-208 to allow claims on a monthly basis at a meeting of such board of county commissioners. Cited

herein: K.S.A. 19-208; 19-716; L. 1984, ch. 99, § 2; L. 1972, ch. 74, § 1. DMV

#### Opinion No. 97-16

**Counties and County Officers—County Commissioners; Powers and Duties—Powers of Board of Commissioners.**

**Counties and County Officers—Sheriff—Deputies and Undersheriffs; Limitation of Personnel Action.** William W. Jeter, Ellis County Counselor, Hays, February 5, 1997.

The development of personnel policies that create implied contracts specifying tenure of county employees is properly within the purview of the statutory powers granted to a board of county commissioners. Any personnel action taken by a sheriff to terminate deputies and assistants is subject to county personnel policies and collective bargaining agreements and to any express or implied contracts arising out of such policies or agreements. Cited herein: K.S.A. 19-101; 19-101a, as amended by L. 1996, ch. 68, § 2; 19-212; 19-805. DMV

Carla J. Stovall  
Attorney General

Doc. No. 018735

State of Kansas

### Department of Revenue Division of Taxation

#### Request for Bids for Oil and Gas Lease

The Director of Taxation will receive bids for the leasing of oil and gas rights in and to the portion of the Arkansas Riverbed, the property of the State of Kansas, described as follows:

That portion of the Arkansas Riverbed described as Township 23 South, Range 17 West, Section 4: 21 acres and Section 5: 64.20 acres.

The bidding will be considered upon the amount of bonus, annual rental and royalty to be paid. Due to the cost of processing, no bids will be accepted for less than \$100 on small tracts of less than 100 acres.

Bids shall be submitted upon forms obtained from the Director of Taxation, Business Tax Bureau, 3rd Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

The lease will be made on forms provided by the state for a term of five years. The successful bidder will pay publication costs in the local paper and the Kansas Register.

Bids will be opened at the office of the Director of Taxation at 2 p.m. March 21. The Director of Taxation reserves the right to reject any and all bids and to readvertise.

Wayne Vennard  
Director of Taxation

Doc. No. 018718

## State of Kansas

## Secretary of State

## Public Notice

Pursuant to the provisions of K.S.A. 79-32,117h, the Consumer Price Index shall be increased 3.3 percent during the period January 1, 1997 through December 31, 1997.

Ron Thornburgh  
Secretary of State

Doc. No. 018714

## State of Kansas

## Legislature

## Legislative Bills and Resolutions Introduced

The following numbers and titles of bills and resolutions were recently introduced by the 1997 Legislature. Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N, State Capitol, 300 S.W. 10th Ave., Topeka, 66612, (913) 296-4096.

## Bills/Resolutions introduced January 30-February 5:

## House Bills

**HB 2131**, An act relating to public moneys; concerning depositories; amending K.S.A. 9-1401, 9-1403, 9-1406, 9-1407, 12-1676 and 17-5002 and K.S.A. 1996 Supp. 9-1402, 9-1405, 12-1675, 12-1677a and 12-1677b and repealing the existing sections, by Representative Huff.

**HB 2132**, An act concerning the state educational institutions; relating to residence of students for fee purposes; amending K.S.A. 1996 Supp. 76-729 and repealing the existing section, by Representative Myers.

**HB 2133**, An act concerning elections; relating to candidates for office; relating to nominations for office; relating to ballots; amending K.S.A. 22a-102, 25-308, 25-616 and 25-1903 and K.S.A. 1996 Supp. 25-105 and 25-306b and repealing the existing sections, by Committee on Governmental Organization and Elections.

**HB 2134**, An act concerning governmental ethics; relating to gifts, hospitality and honoraria; amending K.S.A. 46-271 and K.S.A. 1996 Supp. 46-237 and repealing the existing sections, by Committee on Governmental Organization and Elections.

**HB 2135**, An act concerning state governmental ethics; relating to certain solicitations by state officers and employees, candidates and officers elect; amending K.S.A. 1996 Supp. 46-236 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2136**, An act relating to sales taxation; authorizing the issuance of blanket sales tax exemption certificates to political subdivisions; amending K.S.A. 1996 Supp. 79-3606 and repealing the existing section, by Representatives Wempe and Ballard.

**HB 2137**, An act concerning insurance coverage for immunizations; amending K.S.A. 1996 Supp. 40-2,102 and repealing the existing section, by Committee on Insurance.

**HB 2138**, An act concerning insurance, relating to mental illness coverage; amending K.S.A. 1996 Supp. 40-2,105 and repealing the existing section, by Committee on Insurance.

**HB 2139**, An act concerning the Kansas use law; amending K.S.A. 75-3317, 75-3319, 75-3320 and 75-3321 and repealing the existing sections, by Committee on Business, Commerce and Labor.

**HB 2140**, An act concerning building energy efficiency standards; amending K.S.A. 66-131a and repealing the existing section, by Committee on Utilities.

**HB 2141**, An act concerning school districts; disallowing the counting of certain pupils for purposes of computations under the school district finance and quality performance act; amending K.S.A. 1996 Supp. 72-1046a, 72-6407 and 72-6757 and repealing the existing sections, by Representatives Mason, Ballou and O'Connor.

**HB 2142**, An act concerning school district finance; affecting the determination of low enrollment weighting; amending K.S.A. 1996 Supp.

72-6412 and 72-6412a and repealing the existing sections, by Representatives Mason and Ballou.

**HB 2143**, An act concerning civil procedure; relating to wrongful death; amending K.S.A. 60-1903 and repealing the existing section, by Representatives Swenson, Flaharty, Garner, Howell, Nichols, O'Connor, Pauls, Powers and Spangler.

**HB 2144**, An act protecting policy holder information from release without written authorization; amending K.S.A. 40-2109 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2145**, An act relating to sales taxation; exempting sales to and by parent teacher organizations; amending K.S.A. 1996 Supp. 79-3606 and repealing the existing section, by Representatives Sharp, Benlon, Adkins, Alldritt, Ballard, Burroughs, Cox, Crow, Dillon, Dreher, Garner, Gilbert, Henderson, Kuether, J. Long, McKechnie, Reardon, Ruff, Showalter, Spangler, Stone, Storm, Thimesch, Toelkes and Tomlinson.

**HB 2146**, An act concerning higher education; providing for appointment of a commissioner thereof; prescribing the duties and functions of the commissioner; amending K.S.A. 74-3203, 74-3204, 74-3267a, 74-3293, 74-3294, 74-3299, 74-32,101, 74-32,102, 74-32,103, 74-32,106 and 75-2578 and K.S.A. 1996 Supp. 74-3272a, 74-3292, 74-3295, 74-3298, 74-32,104, 74-32,107, 74-32,113, 74-32,114, 74-32,115, 74-32,116, 74-32,118, 74-32,119, 74-32,132, 74-32,133, 74-32,134, 74-32,135, 74-32,138, 75-2935, 75-4740, 76-727 and 76-745 and repealing the existing sections, by Representatives Sloan and Tanner.

**HB 2147**, An act concerning teachers and administrators of school districts, area vocational-technical schools and community colleges; relating to contract nonrenewal or termination notification dates; amending K.S.A. 1996 Supp. 72-5411, 72-5437 and 72-5452 and repealing the existing sections, by Committee on Education.

**HB 2148**, An act concerning licensed masters level psychologists; relating to employment; amending K.S.A. 1996 Supp. 74-5362 and 74-5363 and repealing the existing sections, by Committee on Appropriations.

**HB 2149**, An act concerning state surplus property; relating to procedures for the disposition thereof; amending K.S.A. 1996 Supp. 75-6602 and repealing the existing section, by Committee on Appropriations.

**HB 2150**, An act concerning the department of corrections; relating to inmate employment and training; amending K.S.A. 1996 Supp. 75-5211 and repealing the existing section, by Committee on Appropriations.

**HB 2151**, An act concerning the employment security law; relating to the definition of certain terms; amending K.S.A. 1996 Supp. 44-703 and repealing the existing section, by Committee on Appropriations.

**HB 2152**, An act concerning campaign finance; prohibiting contributions and solicitations for contributions during certain time periods; amending K.S.A. 25-4153a and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2153**, An act relating to income taxation; concerning credits therefrom relating to costs of making a facility accessible to individuals with a disability; amending K.S.A. 1996 Supp. 79-32,175 and repealing the existing section, by Representative Welshimer.

**HB 2154**, An act amending the state certified and license real property appraisers act; relating to appraisers; amending K.S.A. 58-4102 and 58-4103 and repealing the existing sections, by Committee on Financial Institutions.

**HB 2155**, An act relating to state officers and employees; concerning a drug screening program for certain state officers and employees and certain applicants for state employment; amending K.S.A. 1996 Supp. 75-4362 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2156**, An act relating to severance taxation; exempting oil and gas produced from horizontal drilling therefrom; amending K.S.A. 1996 Supp. 79-4217 and repealing the existing section, by Committee on Taxation.

**HB 2157**, An act relating to property taxation; concerning the valuation of certain commercial and industrial machinery and equipment; amending K.S.A. 1996 Supp. 79-1439 and repealing the existing section, by Committee on Taxation.

**HB 2158**, An act relating to county roads; concerning certain construction and repair thereon; amending K.S.A. 68-1103 and repealing the existing section, by Committee on Transportation.

**HB 2159**, An act enacting the personal and family protection act; providing for licensure to carry certain concealed weapons; prohibiting certain acts and prescribing penalties for violations; amending K.S.A. 1996 Supp. 21-4201 and repealing the existing section, by Representatives Hayzlett, Aurand, Ballou, Compton, Donovan, Faber, Farmer, Flower,

Freeborn, Howell, Humerickhouse, Hutchins, Jennison, Kejr, Landwehr, Lloyd, Mason, Mayans, Mollenkamp, Morrison, Myers, Neufeld, O'Connor, Packer, Powell, Pugh, Ruff, Schwartz, Shore, Tanner and Weber.

**HB 2160**, An act making and concerning appropriations for the fiscal years ending June 30, 1998, and June 30, 1999, and for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 1996 Supp. 79-2959, 79-2964, 79-3425i and 79-34,147 and repealing the existing sections, by Committee on Appropriations.

**HB 2161**, An act concerning civil procedure; relating to subcontractors' liens; amending K.S.A. 1996 Supp. 60-1103b and repealing the existing section, by Committee on Judiciary.

**HB 2162**, An act concerning residential building contractors; creating implied warranties of habitability and workmanlike construction, by Committee on Judiciary.

**HB 2163**, An act concerning probate; relating to the disposal of certain tangible personal property; amending K.S.A. 59-623 and repealing the existing section, by Representative Carmody (By Request).

**HB 2164**, An act concerning community colleges; providing for payments of state capital outlay aid; amending K.S.A. 72-4440, 72-4441 and 72-4442 and repealing the existing sections, by Committee on Education.

**HB 2165**, An act concerning motor vehicles; relating to use of child car seats and seat belts; amending K.S.A. 8-1347, 8-2503, 8-2504 and 20-2801 and K.S.A. 1996 Supp. 8-1345 and 8-2118 and repealing the existing sections, by Representative O'Neal.

**HB 2166**, An act making and concerning appropriations for the fiscal years ending June 30, 1997, and June 30, 1998, and authorizing certain financing, for certain capital improvement projects for the state fair board, department of social and rehabilitation services, Kansas state school for the blind, Kansas state school for the deaf, department of corrections, state historical society, insurance department, department of administration, department of commerce and housing, state board of regents, Fort Hays state university, Kansas state university, Kansas state university—veterinary medical center, Kansas state university—extension systems and agriculture research programs, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, department of human resources, Kansas commission on veterans affairs, attorney general—Kansas bureau of investigation, Kansas highway patrol, adjutant general and department of wildlife and parks; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2167**, An act concerning driver's licenses; relating to a suspended license; amending K.S.A. 1996 Supp. 8-260 and repealing the existing section, by Representative Powell.

**HB 2168**, An act amending the uniform act for the simplification of fiduciary security transfers; relating to inheritance tax liens; amending K.S.A. 17-4911 and repealing the existing section, by Committee on Financial Institutions.

**HB 2169**, An act concerning crimes, punishment and criminal procedure; relating to the sentence of death; amending K.S.A. 21-4631, 21-4634, 21-4635 and 22-3705 and K.S.A. 1996 Supp. 21-3105, 21-4706 and 22-3717 and repealing the existing sections; also repealing K.S.A. 21-3439, 21-4622, 21-4623, 21-4624, 21-4625, 21-4626, 21-4627, 21-4629, 22-3704, 22-4001, 22-4002, 22-4003, 22-4004, 22-4005, 22-4006, 22-4009, 22-4011, 22-4012, 22-4013, 22-4014 and 22-4015, by Representatives Gilbert and Ruff and Alldritt, Farmer, Flaharty, Henderson, Kirk, Krehbiel, Larkin, Presta, Reardon, Samuelson, Sawyer, Spangler and Wells.

**HB 2170**, An act relating to motor vehicles; providing for distinctive license plates for veterans of the United States army, navy, air force, marine corps or coast guard, by Representatives Johnson, Wilk and Adkins, Allen, Ballou, Beggs, Bradley, Carmody, Compton, Cox, Crow, Dahl, Dreher, Franklin, Geringer, Glasscock, Haley, Helgerson, Huff, Humerickhouse, Jennison, Kejr, Lane, P. Long, Mayans, McClure, McKechnie, Mollenkamp, Morrison, Palmer, J. Peterson, Pugh, Ruff, Shore, Stone, Tanner, Tomlinson, Toplikar, Vickrey, Vining and Wilson.

**HB 2171**, An act concerning elections; relating to campaign finance; requiring the filing and disclosure of certain information; amending K.S.A. 1996 Supp. 25-4152 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2172**, An act relating to property taxation; concerning the exemption therefrom of certain business machinery and equipment; amending

K.S.A. 1996 Supp. 79-201w and repealing the existing section, by Committee on Taxation.

**HB 2173**, An act relating to property taxation; exempting therefrom property used for environmental pollution control by electric utilities, by Committee on Taxation.

**HB 2174**, An act concerning lotteries; providing for the operation of certain state-owned and operated lottery games at certain racetrack facilities; providing for disposition of revenues from such games; prohibiting certain acts and providing penalties for violations; amending K.S.A. 74-8701, 74-8702, 74-8704, 74-8706, 74-8711, 74-8716 and 74-8720 and K.S.A. 1996 Supp. 74-8710, 74-8718, 74-8719 and 74-8810 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2175**, An act concerning state officers; providing for the appointment by the governor of the commissioner of insurance and the state treasurer; amending K.S.A. 25-101, 25-101a, 25-4001 and 75-601 and K.S.A. 1996 Supp. 25-213, 40-102 and 75-3111a and repealing the existing sections; also repealing K.S.A. 25-101b and 40-106 and K.S.A. 1996 Supp. 75-3108, by Representative Mayans.

**HB 2176**, An act concerning professional corporations; relating to participation by social workers; amending K.S.A. 17-2710 and repealing the existing section, by Committee on Business, Commerce and Labor.

**HB 2177**, An act concerning electric service; relating to retail service areas; providing for determination of certain rates and charges; repealing K.S.A. 66-1,159 through 66-1,165, 66-1,168, 66-1,169a, 66-1,169c, 66-1,170 through 66-1,176, 66-1,176a, 66-1,176b and 66-1,176c and K.S.A. 1996 Supp. 66-1,158 and 66-1,169b, by Representative Sloan.

**HB 2178**, An act concerning the employment security law; relating to hearing procedures thereunder; amending K.S.A. 1996 Supp. 44-709 and repealing the existing section, by Representative Nichols.

**HB 2179**, An act concerning tax increment financing; providing for use thereof for residential purposes; amending K.S.A. 1996 Supp. 12-1771 and repealing the existing section, by Committee on Economic Development.

**HB 2180**, An act repealing K.S.A. 65-461, 65-462, 65-463, 65-464, 65-465, 65-466 and 65-467; concerning the certification of facilities providing services and care for post-acute trauma head-injured persons, by Committee on Health and Human Services.

**HB 2181**, An act establishing a cancer registry in the state of Kansas and providing for rules and regulations for the operation thereof, by Committee on Health and Human Services.

**HB 2182**, An act repealing K.S.A. 65-4801, 65-4802, 65-4803, 65-4804, 65-4805, 65-4806, 65-4807, 65-4808, 65-4809, 65-4811, 65-4815, 65-4816, 65-4817, 65-4818, 65-4819, 65-4820, 65-4821 and 65-4822; relating to the certificate of need program for health facilities, by Committee on Health and Human Services.

**HB 2183**, An act concerning the department of health and environment; licensed speech language pathologists and audiologists continuing education sponsors; amending K.S.A. 65-6501 and 65-6512 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2184**, An act concerning the department of health and environment; licensed dietitian continuing education sponsors; amending K.S.A. 65-5902 and K.S.A. 1996 Supp. 65-5913 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2185**, An act concerning department of health and environment; adult care home administrator continuing education sponsors; amending K.S.A. 1996 Supp. 65-3501 and 65-3503 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2186**, An act concerning crimes and punishment; relating to false identification documents; amending K.S.A. 21-3830 and repealing the existing section, by Committee on Judiciary.

**HB 2187**, An act concerning crimes and punishment; relating to lesser included crimes; amending K.S.A. 21-3107 and repealing the existing section, by Committee on Judiciary.

**HB 2188**, An act concerning the department of wildlife and parks; relating to improvement and development of certain state parks; long-term leases; taxation, by Representative Wempe.

**HB 2189**, An act relating to insurance; concerning the mandatory reinstatement of certain life insurance policies in case of mental incapacity of an insured, by Representative Tanner (By Request).

**HB 2190**, An act providing for funding of the Kansas silver haired legislature from income tax paid on social security income, by Representative Tanner (By Request).

(continued)



**HB 2191**, An act concerning crimes and punishment; relating to battery against a person on school property; amending K.S.A. 1996 Supp. 21-3443 and repealing the existing section, by Representative Tanner (By Request).

**HB 2192**, An act concerning the department on aging; relating to certain programs and activities thereof and funding therefor; making appropriations for the fiscal year ending June 30, 1998, by Representative Tanner (By Request).

**HB 2193**, An act concerning public health and welfare; relating to the funding of services and regulatory activities of the department on aging, department of social and rehabilitation services and department of health and environment; amending K.S.A. 1996 Supp. 75-3717 and repealing the existing section, by Representative Tanner (By Request).

**HB 2194**, An act concerning children and minors; relating to visitation rights of grandparents; amending K.S.A. 38-129 and K.S.A. 1996 Supp. 60-1616 and repealing the existing sections, by Representative Tanner (By request).

**HB 2195**, An act concerning juveniles; amending K.S.A. 1995 Supp. 38-1607, as amended by section 46 of chapter 229 of the 1996 Session Laws of Kansas, and 38-1663, as amended by section 81 of chapter 229 of the 1996 Session Laws of Kansas and K.S.A. 1996 Supp. 38-120 and repealing the existing sections, by Representative Tanner (By Request).

**HB 2196**, An act providing consumer choice of health care provider; enacting the patient protection act, by Representative Tanner (By Request).

**HB 2197**, An act concerning juveniles; relating to city ordinance violations; amending K.S.A. 1995 Supp. 38-1602, as amended by section 41 of chapter 229 of the 1996 Session Laws of Kansas, and repealing the existing section, by Representative Tanner.

**HB 2198**, An act relating to sales taxation; exempting purchases of certain water utilities; amending K.S.A. 1996 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2199**, An act concerning dentistry; relating to the dental practices act; concerning the practice of dental hygienists; definitions; amending K.S.A. 1996 Supp. 65-1423, 65-1444 and 65-1456 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2200**, An act concerning dentists and dentistry; relating to disciplinary actions and confidentiality; amending K.S.A. 1996 Supp. 65-1436 and repealing the existing section, by Committee on Health and Human Services.

**HB 2201**, An act relating to adult care homes; establishing a rating system therefor, by Representative Mayans.

**HB 2202**, An act relating to driver's licenses; concerning fire trucks; amending K.S.A. 1996 Supp. 8-234b and repealing the existing section, by Committee on Transportation.

**HB 2203**, An act relating to motor vehicles; concerning the filing of notice of security interest; amending K.S.A. 1996 Supp. 8-135 and repealing the existing section, by Committee on Transportation.

**HB 2204**, An act concerning local planning commissions; relating to comprehensive plan provisions addressing stormwater runoff; amending K.S.A. 12-747 and repealing the existing section, by Representatives Sloan, Flower and Tanner.

**HB 2205**, An act concerning civil procedure; relating to worthless checks; amending K.S.A. 1996 Supp. 60-2610 and repealing the existing section, by Committee on Judiciary.

**HB 2206**, An act concerning civil procedure; relating to costs; amending K.S.A. 60-2003 and repealing the existing section, by Committee on Judiciary.

**HB 2207**, An act concerning civil procedure for limited actions; relating to judgments; amending K.S.A. 61-1722 and repealing the existing section, by Committee on Judiciary.

**HB 2208**, An act concerning crimes and punishment; relating to domestic battery; amending K.S.A. 1996 Supp. 21-3412 and repealing the existing section, by Committee on Judiciary.

**HB 2209**, An act concerning criminal procedure; relating to forensic evidence; amending K.S.A. 22-3716 and repealing the existing section, by Committee on Judiciary.

**HB 2210**, An act concerning state officers and employees; relating to the state civil service; amending K.S.A. 1996 Supp. 75-2935 and repealing the existing section, by Committee on Appropriations.

**HB 2211**, An act concerning the Kansas parole board; amending K.S.A. 22-3707 and 22-3709 and repealing the existing sections, by Committee on Appropriations.

**HB 2212**, An act concerning salaries and compensation for state officers and employees; providing for modification of the pay plan;

amending K.S.A. 1996 Supp. 75-2938 and repealing the existing section, by Committee on Appropriations.

**HB 2213**, An act relating to Kansas State University; concerning elimination of Kansas State University—Salina, college of technology's separate agency status for budget purposes; amending K.S.A. 1996 Supp. 76-205 and repealing the existing section, by Committee on Appropriations.

**HB 2214**, An act concerning social welfare; medical assistance; resource determination; amending K.S.A. 1996 Supp. 39-709 and repealing the existing section, by Committee on Appropriations.

**HB 2215**, An act concerning county roads and highways; relating to county bidding procedures; amending K.S.A. 68-1113 and repealing the existing section, by Joint Committee on State Building Construction.

**HB 2216**, An act concerning townships; relating to compensation of township officers; amending K.S.A. 1996 Supp. 80-207 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2217**, An act concerning certified public accountants; relating to permits to practice; amending K.S.A. 1996 Supp. 1-310 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2218**, An act concerning certain special benefit districts; relating to the creation or enlargement thereof; amending K.S.A. 19-270 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2219**, An act concerning solid waste; relating to solid waste disposal areas exempt from certain requirements; amending K.S.A. 1996 Supp. 65-3406 and repealing the existing section, by Committee on Environment.

**HB 2220**, An act authorizing the establishment of state charter schools, by Committee on Education.

**HB 2221**, An act establishing the Kansas educational savings plan trust; creating a board of directors thereof; prescribing certain powers and duties; relating to investment income and payments of benefits, by Representative Powers.

**HB 2222**, An act concerning land surveys and land surveyors; relating to qualifications and duties of surveyors; amending K.S.A. 58-2003, 58-2005, 58-2011 and 74-7022 and repealing the existing sections, by Committee on Governmental Organization and Elections.

**HB 2223**, An act concerning cities; relating to improvements; amending K.S.A. 12-6a07 and repealing the existing section, by Committee on Governmental Organization and Elections.

**HB 2224**, An act concerning the state board of pharmacy; civil fines; amending K.S.A. 1996 Supp. 65-1658 and repealing the existing section, by Committee on Health and Human Services.

**HB 2225**, An act concerning the uniform controlled substances act; substances included in schedule IV; amending K.S.A. 1996 Supp. 65-4111 and repealing the existing section, by Committee on Health and Human Services.

**HB 2226**, An act concerning solid waste management; amending K.S.A. 65-3401, 65-3405, 65-3414 and 65-3415 and K.S.A. 1996 Supp. 65-3402, 65-3407, 65-3415, 65-3415a, 65-3415b and 65-3415c and repealing the existing sections; also repealing K.S.A. 65-3415c and 65-3422, by Committee on Environment.

**HB 2227**, An act relating to lobbying; prohibiting certain acts; amending K.S.A. 46-232 and repealing the existing section, by Representatives Vickrey and Nichols and Ballou, Benton, Boston, Bradley, Compton, Dahl, Donovan, Dreher, Farmer, Findley, Flora, Flower, Franklin, Freeborn, Glasscock, Hayzlett, Horst, Howell, Huff, Hutchins, Jennison, Johnson, Kejr, Phill Kline, Kuether, Landwehr, Lloyd, P. Long, Mason, Mays, McCreary, Mollenkamp, Myers, Packer, Palmer, J. Peterson, Powers, Presta, Pugh, Ruff, Samuelson, Sawyer, Showalter, Shultz, Spangler, Stoné, Swenson, Tanner, Toelkes, Toplikar, Vining, Wagler, Weber and Wilk.

**HB 2228**, An act concerning civil procedure; relating to design professional liens; amending K.S.A. 60-1102, 60-1103, 60-1103a, 60-1106 and 60-1110 and K.S.A. 1996 Supp. 60-1103b and repealing the existing sections, by Committee on Judiciary.

**HB 2229**, An act concerning criminal procedure; relating to search without search warrant; amending K.S.A. 22-2501 and repealing the existing section, by Committee on Judiciary.

**HB 2230**, An act concerning crimes and punishment; relating to pyramid promotional schemes, by Committee on Judiciary.

**HB 2231**, An act concerning crimes and punishment; relating to prima facie evidence of intent to permanently deprive; amending K.S.A. 21-



3702 and K.S.A. 1996 Supp. 22-2512 and repealing the existing sections, by Committee on Judiciary.

**HB 2232**, An act concerning expungement; relating to disclosure thereof to the securities commissioner; amending K.S.A. 1996 Supp. 12-4516 and 21-4619 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 21-4619b, by Committee on Judiciary.

**HB 2233**, An act concerning criminal procedure; relating to costs thereof; amending K.S.A. 1996 Supp. 12-4112 and 28-172d and repealing the existing sections; also repealing K.S.A. 1996 Supp. 28-172a, by Committee on Judiciary.

**HB 2234**, An act concerning school districts; authorizing adoption by boards of education of teacher reimbursement plans; providing state aid to school districts which adopt such plans, by Representative Swenson.

**HB 2235**, An act concerning the uniform interstate family support act; amending K.S.A. 23-9,101, 23-9,205, 23-9,207, 23-9,304, 23-9,305, 23-9,306, 23-9,307, 23-9,501, 23-9,502, 23-9,605, 23-9,606, 23-9,611 and 23-9,902 and repealing the existing sections, by Representative O'Neal.

**HB 2236**, An act relating to civil procedure; repealing limitations on actions for recovery of damages suffered as a result of childhood sexual abuse; amending K.S.A. 60-515 and repealing the existing section; also repealing K.S.A. 60-523, by Representative O'Neal.

**HB 2237**, An act concerning teachers; relating to hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5438, 72-5439, 72-5440, 72-5441, 72-5442, 72-5443, 72-5445 and 72-5446 and repealing the existing sections, by Committee on Education.

### House Concurrent Resolutions

**HCR 5006**, A concurrent resolution rejecting the Kansas City, Kansas, and Wyandotte county consolidation plan.

**HCR 5007**, A concurrent resolution directing the State Board of Education to undertake a study of school district organization and to render a blueprint for attainment of the optimal school district configuration.

**HCR 5008**, A proposition to amend sections 2, 4 and 7 of article 6 of the constitution of the state of Kansas, relating to education.

**HCR 5009**, A proposition to amend sections 2, 4 and 7 of article 6 of the constitution of the state of Kansas, relating to education.

**HCR 5010**, A concurrent resolution concerning public school finance.

**HCR 5011**, A concurrent resolution requesting the Kansas Legislature to enact legislation to prescribe more severe penalties for violations of laws in circumstances relating to abuse, neglect or exploitation of adults.

### House Resolutions

**HR 6004**, A resolution adopting permanent rules of the House of Representatives for the 1997-1998 biennium.

**HR 6005**, A resolution honoring the memory of Amelia Earhart.

**HR 6006**, A resolution in memory of Mr. Stan Rose.

**HR 6007**, A resolution memorializing Congress to revise certain laws which prohibit a disabled military veteran from receiving both full retirement pay and disability compensation benefits.

**HR 6008**, A resolution in memory of Colonel (Retired) E.W. "Bill" Hollenbeck.

**HR 6009**, A resolution requesting the State Corporation Commission to open a docket to further investigate the appropriateness of certain adjustments and fees proposed by KN Energy.

### Senate Bills

**SB 147**, An act relating to oil and gas; prescribing information to be included with payments to interest owners from sales of oil and gas, by Committee on Utilities.

**SB 148**, An act concerning oil and gas; relating to natural gas gathering systems; providing for regulation of certain entities; concerning certain natural gas public utilities and common carriers; amending K.S.A. 1996 Supp. 55-150 and repealing the existing section, by Committee on Utilities.

**SB 149**, An act concerning agriculture; creating the Kansas agricultural seed commission; establishing the powers and duties thereof, by Committee on Agriculture.

**SB 150**, An act concerning the Kansas open records act; providing an exception thereto; amending K.S.A. 1996 Supp. 45-221 and repealing the existing section; also repealing K.S.A. 1996 Supp. 45-221d, by Committee on Commerce.

**SB 151**, An act concerning consumer protection; relating to telephone solicitation; amending K.S.A. 50-670 and repealing the existing section, by Committee on Commerce.

**SB 152**, An act concerning the high performance incentive program; amending K.S.A. 1996 Supp. 74-50,131 and 74-50,134 and repealing the existing sections, by Committee on Commerce.

**SB 153**, An act making and concerning appropriations for the fiscal years ending June 30, 1997, and June 30, 1998, and authorizing certain financing, for certain capital improvement projects for the state fair board, department of social and rehabilitation services, Kansas state school for the blind, Kansas state school for the deaf, department of corrections, state historical society, insurance department, department of administration, department of commerce and housing, state board of regents, Fort Hays state university, Kansas state university, Kansas state university—veterinary medical center, Kansas state university—extension systems and agriculture research programs, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, Wichita state university, department of human resources, Kansas commission on veterans affairs, attorney general—Kansas bureau of investigation, Kansas highway patrol, adjutant general and department of wildlife and parks; authorizing the initiation and completion of certain capital improvement projects; and directing or authorizing certain disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

**SB 154**, An act concerning the Kansas public employees retirement system; relating to definitions; life insurance; survivor provisions; purchase of participating service credit; amending K.S.A. 1996 Supp. 20-2601, 74-4902, 74-4913, 74-4914e, 74-4919a, 74-4919c and 74-4919h and repealing the existing sections, by Joint Committee on Pensions, Investments and Benefits.

**SB 155**, An act concerning crimes and punishments; creating the crime of giving a check drawn against a closed account; prescribing penalties therefor, by Committee on Judiciary.

**SB 156**, An act concerning civil actions; relating to shoplifting; parents or guardians of minors; amending K.S.A. 60-3331 and repealing the existing section, by Committee on Judiciary.

**SB 157**, An act concerning sun screening devices on motor vehicles; relating to law enforcement officers and private detectives; amending K.S.A. 8-1749a and repealing the existing section, by Committee on Judiciary.

**SB 158**, An act concerning crimes, punishment and criminal procedure; directing judicial districts to establish own recognition-cash deposit pretrial release programs, by Committee on Federal and State Affairs.

**SB 159**, An act concerning alcoholic liquor; relating to certain distributors; amending K.S.A. 1996 Supp. 41-306 and 41-306a and repealing the existing sections, by Committee on Federal and State Affairs.

**SB 160**, An act authorizing the establishment of state charter schools, by Senators Lawrence, Bleeker, Brownlee, Clark, Hardenburger, Harrington, Jordan, Praeger, Ranson, Salisbury, Sallee, Steffes, Umbarger and Vidricksen.

**SB 161**, An act relating to property taxation; concerning appeals from appraised valuation determinations; amending K.S.A. 74-2426, 74-2437, 74-2439, 79-331, 79-1409, 79-1412a, 79-1426, 79-1458 and 79-1472 and K.S.A. 1996 Supp. 79-1404, 79-1404a, 79-1413a, 79-1437f, 79-1448, 79-1604, 79-1606 and 79-1608 and repealing the existing sections; also repealing K.S.A. 79-1470 and K.S.A. 1996 Supp. 79-1481, 79-1494, 79-1609, 79-1610 and 79-1611, by Committee on Assessment and Taxation.

**SB 162**, An act relating to property taxation; concerning the exemption therefrom for farm machinery and equipment; amending K.S.A. 1996 Supp. 79-201j and repealing the existing section, by Committee on Assessment and Taxation.

**SB 163**, An act concerning payment of wages of certain state officers and employees; amending K.S.A. 1996 Supp. 75-5515 and repealing the existing section, by Senators Sallee, Biggs, Corbin, Feleciano, Goodwin, Hardenburger, Hensley, Morris, Praeger and Steineger.

**SB 164**, An act concerning the board of nursing; licensees of the board; exempt licenses; fees; amending K.S.A. 65-1131, 65-4208 and 65-4921 and K.S.A. 1996 Supp. 65-1115, 65-1116, 65-1118, 65-1120, 65-1124, 65-1152 and 65-4203 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 165**, An act concerning the board of nursing; licensees thereof; continuing education; membership on the board; amending K.S.A. 65-1119 and 65-4206 and K.S.A. 1996 Supp. 65-1117, 65-4205 and 74-1106 and repealing the existing sections, by Committee on Public Health and Welfare.

**SB 166**, An act concerning lodging establishments; relating to rights and duties of innkeepers and guests, by Committee on Transportation and Tourism.

(continued)

**SB 167**, An act concerning drivers' licenses; relating to requirements for licensure, by Committee on Transportation and Tourism.

**SB 168**, An act designating the square dance as the official state folk dance of Kansas and the polka dance as the official state ethnic dance, by Committee on Transportation and Tourism.

**SB 169**, An act relating to drivers' licenses and nondriver identification cards; required contents; amending K.S.A. 8-1329 and K.S.A. 1996 Supp. 8-243 and repealing the existing sections, by Committee on Transportation and Tourism.

**SB 170**, An act concerning teachers; relating to hearings provided upon notice of nonrenewal or termination of contracts of employment; amending K.S.A. 72-5438, 72-5439, 72-5440, 72-5441, 72-5442, 72-5443, 72-5445 and 72-5446 and repealing the existing sections, by Committee on Education.

**SB 171**, An act concerning school district finance; revising the definition of local effort; amending K.S.A. 1996 Supp. 72-6410 and repealing the existing section, by Committee on Education.

**SB 172**, An act concerning school district finance; affecting determination of transportation weighting; amending K.S.A. 72-6411 and repealing the existing section, by Committee on Education.

**SB 173**, An act relating to the Kansas highway patrol; concerning the sale of personal sidearms, by Committee on Transportation and Tourism.

**SB 174**, An act concerning driving under the influence; relating to refusal to submit to a preliminary breath test; amending K.S.A. 1996 Supp. 8-1012 and 8-2118 and repealing the existing sections, by Committee on Transportation and Tourism.

**SB 175**, An act concerning foreign corporations; amending K.S.A. 17-7301 and 17-7505 and repealing the existing sections, by Committee on Commerce.

**SB 176**, An act concerning intoxicating liquors and beverages; relating to farm wineries; amending K.S.A. 41-308a and repealing the existing section, by Committee on Federal and State Affairs.

**SB 177**, An act relating to the corporation commission; time to issue reconsideration order; amending K.S.A. 1996 Supp. 66-118b and repealing the existing section, by Committee on Utilities.

**SB 178**, An act making and concerning appropriations for the fiscal years ending June 30, 1998, and June 30, 1999, and for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 1996 Supp. 79-2959, 79-2964, 79-3425i and 79-34,147 and repealing the existing sections, by Committee on Ways and Means.

**SB 179**, An act establishing English as the official language of the state; providing exceptions, by Senators Hardenburger, Becker, Bleeker, Bond, Brownlee, Clark, Corbin, Emert, Harrington, Harris, Huelskamp, Jordan, Kerr, Lawrence, Ranson, Sallee, Salmans, Schraad, Steffes, Tyson, Umbarger and Vidrickson.

**SB 180**, An act relating to school buses; requiring seat belts, by Committee on Transportation and Tourism.

**SB 181**, An act concerning school district finance; relating to determination of transportation weighting; amending K.S.A. 72-6411 and repealing the existing section, by Committee on Education.

**SB 182**, An act concerning school district finance; revising certain definitions; affecting determination of certain weightings; amending K.S.A. 72-6414 and K.S.A. 1996 Supp. 72-6407, 72-6410, 72-6412 and 72-6442 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 72-6412a and 72-6442a, by Committee on Education.

**SB 183**, An act relating to property taxation; concerning the exemption therefrom of certain business machinery and equipment; amending K.S.A. 1996 Supp. 79-201w and repealing the existing section, by Committee on Assessment and Taxation.

**SB 184**, An act authorizing cities located within Labette county to impose a retailers' sales tax; amending K.S.A. 1996 Supp. 12-188 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 185**, An act concerning the uniform commercial code; amending K.S.A. 1996 Supp. 84-9-413 and repealing the existing section, by Committee on Commerce.

**SB 186**, An act concerning the state educational institutions; relating to regulation and control of traffic and parking; amending K.S.A. 1996 Supp. 74-3213 and repealing the existing section, by Committee on Ways and Means.

**SB 187**, An act abolishing the corporation for change; relating to the transfer of duties and powers thereof; amending K.S.A. 20-1a11, K.S.A. 1995 Supp. 74-9501, as amended by section 127 of chapter 229 of the 1996 Session Laws of Kansas, and K.S.A. 1996 Supp. 38-1808, 75-2935, 75-2935b and 75-7024 and repealing the existing sections; also repealing K.S.A. 38-1801, 38-1802, 38-1803, 38-1805, 38-1806, 38-1809, 38-1810 and

38-1811 and K.S.A. 1996 Supp. 38-1804 and 38-1807, by Committee on Ways and Means.

**SB 188**, An act concerning registration of vehicles; providing for fees for satellite registration facilities; amending K.S.A. 1996 Supp. 8-145d and repealing the existing section, by Committee on Elections and Local Government.

**SB 189**, An act concerning residential building contractors; creating implied warranties of habitability and workmanlike construction, by Committee on Judiciary.

**SB 190**, An act concerning the state certified and licensed real property appraisers act; board actions on licenses and certificates; amending K.S.A. 58-4118 and 58-4123 and repealing the existing sections, by Committee on Elections and Local Government.

**SB 191**, An act concerning civil procedure; relating to subcontractors' liens; amending K.S.A. 1996 Supp. 60-1103b and repealing the existing section, by Committee on Judiciary.

**SB 192**, An act concerning crimes and punishment; relating to arson of a dwelling; amending K.S.A. 21-3718 and repealing the existing section, by Committee on Judiciary.

**SB 193**, An act concerning crimes and punishment; relating to sentencing; proof of offender's criminal history; amending K.S.A. 21-4715 and repealing the existing section, by Committee on Judiciary.

**SB 194**, An act establishing the office of county district attorney in certain counties; amending K.S.A. 22a-107 and repealing the existing section, by Committee on Judiciary.

**SB 195**, An act concerning crimes and punishment; relating to burglary of a dwelling; amending K.S.A. 21-3715 and repealing the existing section, by Committee on Judiciary.

**SB 196**, An act concerning licensed masters level psychologists; amending K.S.A. 1996 Supp. 74-5362, 74-5363 and 74-5366 and repealing the existing sections; also repealing K.S.A. 74-5363, as amended by section 124 of chapter 229 of the 1996 Session Laws of Kansas, by Committee on Public Health and Welfare.

**SB 197**, An act concerning the regulation of pharmacists; amending K.S.A. 65-1626, as amended by section 118 of chapter 229 of the 1996 Session Laws of Kansas, and repealing the existing section, by Committee on Public Health and Welfare.

**SB 198**, An act relating to pharmacists and pharmacies; prescription requirements; amending K.S.A. 1996 Supp. 65-1637 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 199**, An act concerning the state board of pharmacy, grounds for disciplinary actions; amending K.S.A. 1996 Supp. 65-1627 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 200**, An act concerning highways; providing for the implementation of a highway program, by Committee on Transportation and Tourism.

**SB 201**, An act concerning the practice of pharmacy; pharmacy technicians and students; medication profile record system information; persons engaged in pharmacy practice; amending K.S.A. 1996 Supp. 65-1642 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 202**, An act concerning licensed masters level psychologists; practice requirements; amending K.S.A. 1996 Supp. 74-5362 and 74-5363 and repealing the existing sections; also repealing K.S.A. 74-5363, as amended by section 124 of chapter 229 of the 1996 Session Laws of Kansas, by Committee on Public Health and Welfare.

**SB 203**, An act concerning crimes and punishment; relating to criminal trespass; amending K.S.A. 1996 Supp. 21-3721 and repealing the existing section, by Committee on Judiciary.

**SB 204**, An act relating to accident and health insurance; group and individual policies of insurance; amending K.S.A. 1996 Supp. 40-2209, 40-2209d and 40-2209f and repealing the existing sections, by Committee on Financial Institutions and Insurance.

**SB 205**, An act concerning townships; relating to certain financial statements; amending K.S.A. 1996 Supp. 80-410 and repealing the existing section, by Senators Clark, Barone, Biggs, Bleeker, Brownlee, Corbin, Hardenburger, Harrington, Huelskamp, Jordan, Karr, Lee, Morris, Sallee, Salmans, Steffes, Tyson and Umbarger.

**SB 206**, An act relating to property taxation; concerning the remediation of clerical errors; amending K.S.A. 79-1702 and repealing the existing section, by Committee on Assessment and Taxation.

**SB 207**, An act concerning the Kansas corporation commission; investigations and complaints; hearings; amending K.S.A. 66-1,191 and 66-1,234 and K.S.A. 1996 Supp. 66-101d, 66-101e, 66-1,192, 66-1,204, 66-1,205, 66-1,219, 66-1,220 and 66-1,235 and repealing the existing sections, by Committee on Utilities.

**SB 208**, An act enacting the interstate ozone transport oversight act; providing for legislative review and recommendations regarding cer-

tain interstate memoranda of understanding and agreements, by Committee on Energy and Natural Resources.

**SB 209**, An act relating to income taxation; concerning the definition of state for tax paid credit purposes; amending K.S.A. 79-32,111 and repealing the existing section, by Committee on Federal and State Affairs.

**SB 210**, An act authorizing the conveyance of certain real property between the Kansas military board and Mr. and Mrs. Jon Flickinger and authorizing the acceptance and conveyance of real property owned by Mr. and Mrs. Jon Flickinger to the Kansas military board, by Joint Committee on State Building Construction.

**SB 211**, An act concerning disease reporting; amending K.S.A. 65-118 and repealing the existing section, by Committee on Public Health and Welfare.

**SB 212**, An act concerning public utilities and common carriers; change in rates and schedules; amending K.S.A. 1996 Supp. 66-117 and repealing the existing section, by Committee on Utilities.

**SB 213**, An act concerning school district finance; relating to local option budgets; amending K.S.A. 1996 Supp. 72-6433 and repealing the existing section; also repealing K.S.A. 1996 Supp. 72-6433a, by Committee on Education.

**SB 214**, An act concerning law enforcement; relating to training center; sheriffs; qualifications and officer training requirements; amending K.S.A. 19-801b and 74-5617 and K.S.A. 1996 Supp. 74-5602, 74-5605, 74-5608a and 74-5616 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 74-5602a, by Committee on Judiciary.

**SB 215**, An act concerning effects of felony convictions on civil rights of convicted felons; maintenance of expungement records; amending K.S.A. 22-3722 and 43-158 and K.S.A. 1996 Supp. 21-4603d, 21-4611, 21-4615 and 21-4619 and repealing the existing sections; also repealing K.S.A. 1996 Supp. 21-4619b, by Committee on Judiciary.

**SB 216**, An act concerning civil procedure for limited actions; relating to application of code of civil procedure; renumbering of case; amending K.S.A. 61-1729 and repealing the existing section, by Committee on Judiciary.

**SB 217**, An act concerning emergency telephone services; relating to the financing thereof; amending K.S.A. 12-5303 and K.S.A. 1996 Supp. 12-5302 and repealing the existing sections, by Committee on Elections and Local Government.

**Senate Concurrent Resolutions**

**SCR 1605**, A concurrent resolution requesting the Department of Commerce and Housing to form a task force to investigate and research the viability of nonpsychoactive industrial hemp as an alternative crop.

**SCR 1606**, A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section, relating to certain weapons.

**SCR 1607**, A proposition to revise article 6 of the constitution of the state of Kansas, relating to education.

**SCR 1608**, A concurrent resolution urging the United States Environmental Protection Agency to maintain current air quality standards unless benefit and economic impact demonstrated.

**Senate Resolutions**

**SR 1807**, A resolution honoring the memory of Amelia Earhart.

**SR 1808**, A resolution congratulating and commending the Olathe North High School football team and Coach Gene Weir for winning the 1996 Class 6A State Football Championship in Kansas.

**SR 1809**, A resolution congratulating and commending Dr. Ron Wimmer.

**SR 1810**, A resolution congratulating and commending Nancy McRoberts.

**SR 1811**, A resolution memorializing Congress to revise certain laws which prohibit a disabled military veteran from receiving both full retirement pay and disability compensation benefits.

**SR 1812**, A resolution in memory of Colonel (Retired) E.W. "Bill" Hollenbeck.

Doc. No. 018709

**State of Kansas**

**Department of Health and Environment**

**Notice Concerning Kansas Water Pollution Control Permits**

In accordance with state regulations 28-16-57 through 63, 28-18-1 through 4, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared for discharges to the waters of the United States and the State of Kansas for the class of dischargers described below. The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a state water pollution control permit and national pollutant discharge elimination system authorization subject to certain conditions.

**Public Notice No. KS-AG-97-38/46**

Name and Address of Applicant	Legal Description	Receiving Water
Kan-Tex Feeders, Inc. 10925 S. Road P Ulysses, KS 67880	Sec. 15, 16, 21 & 22 T30S, R36W, Grant County	Cimarron River Basin

Kansas Permit No. A-CIGT-C002 Federal Permit No. KS-0036749  
This is an existing facility for 56,000 head (56,000 animal units) of cattle.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Cowtown Feeders, Inc. Bear Creek Feeders Facility P.O. Box 1088 Syracuse, KS 67878	SW/4, Sec. 35, T25S, R42W, Hamilton County	Cimarron River Basin

Kansas Permit No. A-CIHM-C001 Federal Permit No. KS-0088498  
This is an existing facility for 8,500 head (8,500 animal units) of cattle.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Raymond Fagen Route 1, Box 60 Spearville, KS 67876	NW/4, Sec. 22, T24S, R23W, Hodgeman County	Upper Arkansas River Basin

Kansas Permit No. A-UAHG-M001  
This is an existing facility for 120 head (168 animal units) of dairy cows.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Prime Pork, Inc. Shields Unit #3 440 N. Eagle Road Scott City, KS 67871	SE/4, Sec. 2, T17S, R29W, Lane County	Upper Arkansas River Basin

Kansas Permit No. A-UALE-S002

(continued)

This is an existing facility for 2,100 head (840 animal units) of swine.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Edwin A. and Betty H. Trober Living Trust 11158 29 Road Fowler, KS 67844	SW/4, Sec. 27, T31S, R26W, Meade County	Cimarron River Basin

Kansas Permit No. A-CIME-B004

This is an existing facility for 250 head (250 animal units) of cattle.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Allen Tucker Farm Box 333 Elkhart, KS 67950	NE/4, Sec. 5, T35S, R42W, Morton County	Cimarron River Basin

Kansas Permit No. A-CIMT-S001

This is an existing facility for 120 head (48 animal units) of swine.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
Krainbill Farms Victor Krainbill Route 1, Box 71 Bern, KS 66408	SE/4, Sec. 2, T1S, R13E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S014

This is an expansion facility for 2,400 head (640 animal units) of swine.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 0.5 acre inch per acre per year.

Name and Address of Applicant	Legal Description	Receiving Water
Ronald Korber Route 1, Box 34A Bern, KS 66408	SW/4, Sec. 12, T1S, R12E, Nemaha County	Missouri River Basin

Kansas Permit No. A-MONM-S009

This is an existing expansion facility for 1,350 head (540 animal units) and 400 head of beef cattle (200 animal units).

Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: None, existing controls adequate.

Name and Address of Applicant	Legal Description	Receiving Water
John Miller Route 8, Box 74 River Road Topeka, KS 66615	E/2, Sec. 5, T13S, R13E, Wabaunsee County	Kansas River Basin

Kansas Permit No. A-KSWB-S004

This is an expansion facility for 860 head (264 animal units) of swine.  
Wastewater Control Facilities: Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided which meets or exceeds KDHE minimum requirements.

Compliance Schedule: The waste management plan developed by the designer and approved by the department shall be adhered to as a condition of this permit. The plan calls for nutrient analysis of both liquids and solids with applications to meet crop nutrient needs. If wastes are not analyzed for nutrient content, wastewater shall be applied at not greater than 1.0 acre inch per acre per year.

### Public Notice No. KS-AG-97-014/024

Name and Address of Applicant	Waterway	Type of discharge
City of Burden P.O. Box 37 Burden, KS 67019	Silver Creek via unnamed tributary	Treated domestic wastewater

Kansas Permit No. M-AR14-0002 Federal Permit No. KS-0088455

Location: NW¼, Section 34, Township 31S, Range 6E, Cowley County.

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. The facility consists of a three-cell wastewater stabilization lagoon system. The proposed permit contains a schedule of compliance for the permittee to obtain the services of a KDHE-certified operator. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of discharge
N.R. Hamm Quarry, Inc. Gloss Quarry #6 P.O. Box 17 Perry, KS 66073	Marais des Cygnes River via 10 Mile Creek via unnamed tributary	Stormwater and pit dewatering

Kansas Permit No. I-MC32-PO01 Federal Permit No. KS-0085502

Location: SW¼, S16, T15S, R16E, Osage County

Name and Address of Applicant	Waterway	Type of discharge
N.R. Hamm Quarry, Inc. Koehler Quarry #34 P.O. Box 17 Perry, KS 66073	Blue River via Mill Creek	Stormwater and pit dewatering

Kansas Permit No. I-BB21-PO01 Federal Permit No. KS-0117315

Location: NE¼, S8, T2S, R4E, Washington County

Name and Address of Applicant	Waterway	Type of discharge
N.R. Hamm Quarry, Inc. Diehl Quarry #45 P.O. Box 17 Perry, KS 66073	Smoky Hill River via Terrapin Lake via Swenson Creek	Stormwater and pit dewatering

Kansas Permit No. I-SH08-PO02 Federal Permit No. KS-0083674

Location: NW¼, S25, T13S, R3E, Dickinson County

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. Schrick Quarry #83 P.O. Box 17 Perry, KS 66073	Kansas River via Stranger Creek via Crooked Creek via tributary to Mooney Creek	Stormwater and pit dewatering

Kansas Permit No.: I-KS50-PO01 Federal Permit No.: KS-0081604

Location: SW¼, S32, T7S, R20E, Jefferson County

Name and Address of Applicant	Waterway	Type of Discharge
N.R. Hamm Quarry, Inc. Sump Quarry #92 P.O. Box 17 Perry, KS 66073	Tuttle Creek Lake via West Faricy Creek	Stormwater and pit dewatering

Kansas Permit No.: I-LR11-PO02 Federal Permit No.: KS-0092584

Location: NW¼, S27, T6S, R4E, Clay County

**Name and Address of Applicant**

N.R. Hamm Quarry, Inc.  
Sedan Quarry #93  
P.O. Box 17  
Perry, KS 66073

**Waterway**

Caney River via  
Cedar Creek

**Type of Discharge**

Stormwater and  
pit dewatering

Kansas Permit No.: I-VE33-PO02 Federal Permit No.: KS-0092592

Location: SW¼, S2, T34S, R10E, Chautauqua County

Facility Descriptions: The proposed actions in Public Notices No. KS-97-015/020 are to reissue existing permits for operation of existing quarry wastewater treatment systems. These are limestone quarrying and crushing operations with no washing. The permit requirements are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria.

**Name and Address of Applicant**

N.R. Hamm Quarry, Inc.  
Pennington Quarry #66  
P.O. Box 17  
Perry, KS 66073

**Waterway**

Kansas River via  
Stranger Creek via  
unnamed tributary

**Type of Discharge**

Process water, pit  
dewatering and  
stormwater

Kansas Permit No.: I-KS13-PO02 Federal Permit No.: KS-0118486

Location: SW¼, S7, T8S, R21E, Leavenworth County

**Name and Address of Applicant**

N.R. Hamm Quarry, Inc.  
Grantville Quarry #77  
P.O. Box 17  
Perry, KS 66073

**Waterway**

Kansas River via  
unnamed tributary

**Type of Discharge**

Process water, pit  
dewatering and  
stormwater

Kansas Permit No.: I-KS86-PO01 Federal Permit No.: KS-0117463

Location: SE¼, S16, T11S, R17E, Jefferson County

**Name and Address of Applicant**

N.R. Hamm Quarry, Inc.  
Kufahl Quarry #79  
P.O. Box 17  
Perry, KS 66073

**Waterway**

Kansas River via  
Vermillion Creek  
via Indian Creek  
via unnamed  
tributary

**Type of Discharge**

Process water, pit  
dewatering and  
stormwater

Kansas Permit No.: I-KS79-PO02 Federal Permit No.: KS-0080977

Location: SE¼, S3, and NE¼, S10, T7S, R10E, Pottawatomie County

Facility Description: The proposed actions in Public Notices No. KS-97-021/024 are to reissue existing permits for operation of existing quarry wastewater treatment systems. These are limestone quarrying and crushing operations with some washing. On-site settling ponds treat washwater and stormwater runoff before they are discharged. The effluent limitations are pursuant to Kansas surface water quality standards, K.A.R. 28-16-28(b-f), and federal surface water criteria, and are technology based.

sludges and solids are disposed in accordance with a KDHE-Bureau of Waste Management—Solid Waste Permit. Stormwater runoff from the plant site drains to a borrow site near the two-cell brine pond. Biological process wastewater from the packing house operation is directed to a single-lined hypalon four-cell anaerobic lagoon, and single-lined hypalon-lined irrigation storage lagoon. The wastewater from the storage lagoon is land applied onto agricultural cropland. Process sludges/solids and paunch manure also are land applied to agricultural cropland.

Written comments on the draft permits must be submitted to the attention of Lisa Duncan for agricultural permits or to the permit clerk for all other permits, Kansas Department of Health and Environment, Division of Environment, Bureau of Water, J Street and 2 North, Forbes Field, Building 283, Topeka, 66620. All comments post-marked or received on or before March 14 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-97-38/46, KS-97-014/024, KS-ND-009) and the name of applicant as listed when preparing comments.

If no objections are received during the public notice period, 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 state regulation 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

The applications, proposed permits, 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 Kansas Department of Health and Environment offices, Building 283, Forbes Field, Topeka, from 8 a.m. to 5 p.m. Monday through Friday. The documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

James J. O'Connell  
Secretary of Health  
and Environment

Doc. No. 018726

**Public Notice No. KS-ND-97-009**

**Name and Address of Applicant**

IBP, Inc.  
c/o William Tolle  
P.O. Box 515  
Dakota City, NE 68731

**Legal Location**

SW¼, S2 and  
NW¼, S22,  
T24S, R34W,  
Finney County

**Type of Discharge**

Nonoverflowing  
with irrigation

Land Application Sites: Section 21, 22 and 27, T24S, R34W, Finney County

Kansas Permit No.: I-UA18-NP03, Holcomb Facility

Facility Description: The proposed action is to re-issue an existing permit for operation of an existing wastewater treatment facility. This facility is engaged in beef packinghouse and blue chrome hide tanning operations. The facility's process design capacity is 6,000 head/day, maximum. Brine wastewater is directed to a single-lined hypalon two-cell pond for evaporation and settling. The brine is directed from the two-cell brine pond to a deep disposal well. Injection of the brine into the disposal well is regulated under the UIC Permit No. KS-01-055-002. Hide chrome-contaminated tanning



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

Monday, February 24, 1997

32300

Youth Center at Beloit—Women's clothing

5428

Department of Health and Environment—Rebuild AMSCO autoclaves

5430

University of Kansas Medical Center—Research microscope

Tuesday, February 25, 1997

32296

Statewide—Thermal and spirit masters and spirit fluid

5420

Kansas State University—High volume network printer

5421

Kansas State University—SCBA

5429

Department of Health and Environment—Particulate monitor

5431

Kansas State University—Scintillation counter

Wednesday, February 26, 1997

32256

University of Kansas Medical Center—Air flotation devices

32257

Statewide—Mist inhalers

32258

University of Kansas Medical Center—Prescription bottles and caps

32299

Kansas State University—March (1997) meat products

5449

University of Kansas Medical Center—Furnish and install rack and decking

Thursday, February 27, 1997

32290

Department of Transportation—Bituminous plant mixture (District 1), various locations

32293

Kansas State University—Liquid helium (bulk purchase)

32302

Department of Wildlife and Parks—Earthmoving and compaction service (Cheney State Park)

5419

Department of Social and Rehabilitation Services—Furnish and install telecommunications

Friday, February 28, 1997

A-8129

University of Kansas—Clean and seal, Strong Hall

32298

Department of Agriculture—Revenue analysis

5432

Department of Transportation—Skid steer loader, Hutchinson

5433

Department of Transportation—100-ton hydraulic press, Hutchinson and Norton

5434

Kansas State University—Unix color workstations

5435

University of Kansas—X-window color terminals

5437

Fort Hays State University—Overhead doors (materials only)

5438

University of Kansas—Printed binders

Wednesday, March 5, 1997

A-8063

Pittsburg State University—Fire safety improvements, Tanner Hall/Annex

A-8181

University of Kansas—Relocate lounges for preservation department, Watson Library

Tuesday, March 11, 1997

A-8122

University of Kansas—Class lab improvements/Malott Hall, various rooms

Wednesday, March 12, 1997

5424

University of Kansas Medical Center—Aircraft engine overhaul

Monday, March 31, 1997

32304

Department of Administration—Aircraft insurance, executive aircraft

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## Request for Proposals

Tuesday, February 25, 1997

32294

Facilities maintenance management software system for the University of Kansas

Wednesday, March 26, 1997

32301

ID/debit card for the University of Kansas

John T. Houlihan  
Director of Purchases

Doc. No. 018733



State of Kansas

Board of Technical Professions

Notice of Meetings

The State Board of Technical Professions will conduct its regular board meeting Friday, February 28, at the Landon State Office Building, 900 S.W. Jackson, Topeka. The Professional Engineer and Land Surveyor Committee will meet in Room 108-N at 8:30 a.m., and the Architect and Landscape Architect Committee will meet in the board office, Room 507-N, at 10:30 a.m. The full board will meet at approximately 11:30 a.m. in Room 108-N (at the conclusion of the committee meetings). All meetings are open to the public.

Betty L. Rose  
Executive Director

Doc. No. 018730

State of Kansas

University of Kansas Medical Center

Notice to Bidders

Sealed bids for the item listed below will be received by the University of Kansas Medical Center, Purchasing Department, 3901 Rainbow Blvd., Kansas City, KS 66160-7162, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call Peggy Davis at (913) 588-1115 for additional information.

Tuesday, February 25, 1997

727091

Asbestos waste removal

Barbara Lockhart  
Purchasing Director

Doc. No. 018724

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  
Wyandotte County Courthouse  
710 N. 7th, 3rd Floor - Division 1  
Kansas City, Kansas

Before Marquardt, P.J.; Rulon, J.; and Timothy G. Lahey, D.J., assigned.

Tuesday, February 18, 1997

10:00 a.m.

Case No.	Case Name	Attorneys	County
75,793	USA Products, Inc. a Kansas Corporation, Appellee, v. Michael L. McGinley, Appellant.	Kirk T. Ridgway Lawrence L. Ferree III J. Charles Droeger	Johnson
77,255	In the Interest of A.N.P., dob: 10/22/95.	Mark Davis Vernon Lewis District Attorney	Wyandotte
73,939	State of Kansas, Appellee, v. Humberto Martinez, Appellant.	Attorney General District Attorney Thomas Jacquinet	Wyandotte
75,748	State of Kansas, Appellee, v. Wayne D. Avant, Appellant.	Attorney General A. J. Stecklein Thomas W. Bartee	Wyandotte
76,172	Norma D. Sheffer, Surviving Legal Spouse of John J. Sheffer, Appellant, v. Young Management Corporation and Commercial Union Insurance Co.	Robert B. Van Cleave Kip A. Kubin	Work Comp

(continued)

3:00 p.m.

74,941	Angela Osborn, Individually, and as Special Administrator of the Estate of Chase Aaron Osborn, Deceased, v. Harry Roth, d/b/a Harry Roth Construction, et al., Appellees.	Melody L. Nashan Michael P. Oliver Gregory J. Abella David Greis Susan G. Saidian William T. Smith Joseph Mahoney	Johnson
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Wednesday, February 19, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
75,530	Jacob Kanatzar, Appellant, v. State of Kansas, Appellee.	Rebecca D. Brock Attorney General District Attorney	Wyandotte
74,103	State of Kansas, Appellee, v. Stefan Richardson, Appellant.	Attorney General Steven J. Obermeier Steven R. Zinn	Johnson
74,181	State of Kansas, Appellee, v. Jack T. Morgan, Appellant.	Attorney General Steven J. Obermeier Randall L. Hodgkinson	Johnson

## Summary Calendar—No Oral Argument

75,619	Cox Leasing, Appellee, v. North American Chills Equipment, Inc., Appellant.	James L. Hargrove Clifford L. Bertholf	Butler
74,996	State of Kansas, Appellee, v. Michael Shane Johnson, Appellant.	Attorney General County Attorney Rhonda Keylon Levinson	Saline
75,486	State of Kansas, Appellant, v. Abram John Apodaca, Appellee.	Attorney General County Attorney Mickey Carl Moorman	Finney
75,095 75,111	State of Kansas, Appellee, v. Marvin D. Lavin, Jr., Appellant.	Attorney General District Attorney Lisa Nathanson	Shawnee
75,375	State of Kansas, Appellee, v. Sheryl M. Lewis, Appellant.	Attorney General District Attorney Barry G. Albin	Wyandotte
73,905	State of Kansas, Appellee, v. Robert E. Coppage, Appellant.	Attorney General District Attorney Mary D. Prewitt	Wyandotte

Kansas Court of Appeals  
McPherson College  
1600 E. Euclid - Miller Library - Room 105  
McPherson, Kansas

Before Lewis, P.J.; Knudson, J.; and Marion Chipman, S.J., assigned.

Tuesday, February 18, 1997

1:30 p.m.

Case No.	Case Name	Attorneys	County
75,557	State of Kansas, Appellee, v. Thomas L. Likens, Jr., Appellant.	Attorney General Ty Kaufman Michael J. Helvey	McPherson
75,341	Intrim Helicopters, Inc., Appellee, v. Leslie Kitchenmaster, Appellant.	Larry G. Michel Leslie Kitchenmaster Dan E. Turner	Marion

2:45 p.m.

76,261	In the Matter of the Marriage of Mitzi Lorraine Steinmetz, Appellant, and Michael William Steinmetz, Appellee.	Susan C. Jacobson Paul W. Brown	Reno
77,540	Thorn Americas, Inc., Appellee, v. Robert Hoeffner, Appellant, and Associates Corporation of North American (a Texas Corporation), and Rentmart, Rent to Own, Inc.	Joseph W. Kennedy Eric B. Metz	Sedgwick

## Summary Calendar—No Oral Argument

74,936	State of Kansas, Appellee,	Attorney General	Sedgwick
74,937	v. Wayne R. Fisher, Appellant.	Debra S. Peterson Michael J. Helvey	
75,914	In the Matter of the Marriage of Karen Kay (Wishnuck) King, Appellee, and Stanley A. King, Appellant.	Richard W. Brown Ivan D. Krug	Stafford
76,304	Brian L. Brown, Sr., Appellant, v. Cosetta D. Frakes, Appellee.	Brian L. Brown, Sr., pro se Cosetta Frakes, pro se	Leavenworth
73,557	State of Kansas, Appellee, v. Jerry Auck, Appellant.	Attorney General Steven J. Obermeier Alice A. Craig	Johnson
75,176	State of Kansas, Appellee, v. Larry G. Tonihka, Appellant.	Attorney General Debra S. Peterson Debra J. Wilson	Sedgwick
74,896	State of Kansas, Appellee, v. James L. Garrett, Appellant.	Attorney General Debra S. Peterson Alan R. Welch	Sedgwick

## Wednesday, February 19, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
76,175	Brian Sader, Appellant, v. Ford A. Jacobs, Appellee.	Robert L. Pottroff C. Stanley Nelson	Dickinson
74,119	State of Kansas, Appellee, v. Rickey L. Adams, Appellant.	Attorney General Keith E. Schroeder Jessica R. Kunen Wendy L. Rhyne	Reno

10:45 a.m.

75,364	SBS Enterprises, Inc., and Calvin Sheppard, d/b/a CMS Driveaway, Appellees, v. Kansas Secretary of Human Resources, Appellant.	Randall C. Henry Glenn H. Griffith	Reno
75,510	Patsy A. Tharp, Appellee, v. Eaton Corporation and Self-Insured, Appellants, and Workers Compensation Fund.	Thomas E. Hammond Edward D. Heath, Jr. Scott J. Mann	Work Comp
75,660	Farmers State Bank, Simpson, Kansas, Appellee, v. FFP Operating Partners, LP, Appellant.	Don W. Noah Charley Laman	Mitchell

(continued)

Kansas Court of Appeals  
 Johnson County Courthouse  
 Chapter 61 Courtroom - 8th Floor  
 Cherry St. and Kansas Ave.  
 Olathe, Kansas

Before Royse, P.J.; Wahl, S.J.; and Steven R. Becker, District Judge, assigned.

Tuesday, February 18, 1997

1:00 p.m.

Case No.	Case Name	Attorneys	County
76,210	Malissa K. Dalke, Appellant, v. Allstate Insurance Co., Appellee.	F. Russell Peterson Frank C. Weidling	Johnson
76,156	T.J. Frike, Appellant, v. Jim Dandy's Auto Sales, Inc., Appellee.	David K. Duckers Kathleen M. Lynch Michael J. Peterson	Wyandotte
76,107	Stan Szczygiel, Appellant, v. State of Kansas, Appellee.	Michael Redmon Mark J. Sachse Attorney General District Attorney	Wyandotte
2:45 p.m.			
76,192	Alberta Brumley, et al., Appellants, v. David Wayne Lee and Safeco Insurance Company of America, Appellees.	Scott C. Nehrbass Paul Hasty, Jr.	Johnson
76,667	In the Matter of: C.A.B., d/o/b: 08/01/80.	Scott C. Gyllenborg Mary Stephenson Hosack	Johnson

Wednesday, February 19, 1997

9:00 a.m.

Case No.	Case Name	Attorneys	County
74,571	Cessna Aircraft Company and Sun Life Insurance Company of America, Appellees, v. Forbes Aviation, Inc., d/b/a Million Air- Topeka, et al., Metropolitan Topeka Airport Authority, Appellants.	Robert W. Cotter Patrick J. Kaine Donald L. Moler Michael P. Oliver Steven B. Doering Stephen Jones Wayne T. Stratton	Osage
75,318	State of Kansas, Appellee, v. Craig Allen Walker, Appellant.	Attorney General David L. Miller Alice A. Craig	Miami
10:30 a.m.			
75,427	Cynthia F. Renfro, Appellant, v. Leo T. McGrew, Appellee.	Thomas E. Foster Richard F. Modin	Wyandotte
75,544	State of Kansas, Appellee, v. Noe Ramirez, Appellant.	Attorney General District Attorney Thomas W. Bartee	Wyandotte

Summary Calendar—No Oral Argument

76,126	David A. Nelson, Jr., Appellant, v. Kansas Department of Transportation and State Self-Insurance Fund, Appellees.	Lelyn J. Braun Jeffrey K. Cooper	Work-Comp
76,419	Richard A. Walker, Jr., Appellant, v. Betty Lou Leach, Appellee.	Henry O. Boaten George F. Farrell, Jr.	Geary

73,568	State of Kansas, Appellee, v. Lawrence Brown, Appellant.	Attorney General Linus A. Thuston Randall L. Hodgkinson	Seward
75,625	Beverly California Corporation, et al., Appellants, v. State of Kansas, Kansas Department of Human Resources, et al., Appellees.	James G. Chappas James R. McEntire	Shawnee
75,153	State of Kansas, Appellee, v. Ronald Lee Phillips, Appellant.	Attorney General Debra S. Peterson Aronda Strutt Kerns	Sedgwick
75,815	Leroy James Hildebrandt, Appellant, v. David Fitzgerald, Appellee.	William J. Pauzaskie James O. Schwinn	Franklin

**Kansas Court of Appeals  
Hayden High School, 401 S.W. Gage  
Topeka, Kansas  
Before Brazil, C.J.; Gernon and Pierron, JJ.  
Tuesday, February 18, 1997**

Case No.	Case Name	Attorneys	County
<b>9:00 a.m.</b>			
75,177	State of Kansas, Appellee, v. Terry L. Vinsen, Appellant.	Attorney General Frank E. Kohl Randall L. Hodgkinson	Leavenworth
77,328	In the Interest of C.P. & K.P., Children Under the Age of 18.	District Attorney Rene M. Netherton Mark Ward	Shawnee
74,872	State of Kansas, Appellee, v. Norman A. Haga, Appellant.	Attorney General County Attorney Rick Kittel	Nemaha
<b>10:45 a.m.</b>			
75,650	Patrick M. Latta, Appellee, v. Continental Airlines Corporation and National Union Fire Insurance Company of New York, Appellants, and/or Kansas Workers Compensation Fund, Appellee.	Vincent A. Burnett Richard J. Liby Douglas M. Greenwald Anton C. Andersen Randall C. Henry	Work Comp
75,289	State of Kansas, Appellee, v. Terry L. Kirchoff, Appellant.	Attorney General Rodney H. Symmonds Alice A. Craig	Lyon

**Kansas Court of Appeals  
Court of Appeals Courtroom, Second Floor  
Kansas Judicial Center, 301 W. 10th St.  
Topeka, Kansas  
Before Brazil, C.J.; Gernon and Pierron, JJ.  
(The following cases are to be done by interactive video.)  
Wednesday, February 19, 1997**

Case No.	Case Name	Attorneys	County
76,257	Ivan D. Krug and Aleta Crabtree, Appellants, v. John Koriel, Appellee.	Robert P. Mahan Richard A. Boeckman	Rush

(continued)

76,226	In the Matter of the Estate of Arthur C. Soukup, Deceased.	Ron Svaty Jane M. Isern	Ellsworth
75,139	Dudrey Cattle Company, Inc., Appellee, v. J. W. Tanner, et al., Appellants.	Larry Keenan Gregory L. Bauer	Pawnee

## Summary Calendar—No Oral Argument

76,495	Isaiah J. Green, Jr., Appellant, v. Kansas Parole Board, et al., Appellees.	Michael G. Highland Lawrence Logback	Leavenworth
77,115	In the Interest of W.N.N., a Minor Under the Age of 18.	Alisa M. Arst Martin W. Bauer	Sedgwick
77,302	In the Interest of S.G., a Child in Need of Care.	Karen Black Terry L. Clark County Attorney Patrick H. Thompson	Saline
76,177	Stephen A. Stewart, Appellant, v. Michael A. Nelson, Warden, et al., Appellees.	Michael G. Coash Julie Riddle	Butler
75,118	State of Kansas, Appellee, v. Roger Allen Joiner, Appellant.	Attorney General County Attorney Rick Kittel	McPherson
74,758	State of Kansas, Appellee, v. Darrin P. Thorburn, Appellant.	Attorney General Debra S. Peterson Edward G. Collister, Jr. Jessica R. Kunen	Sedgwick
74,329 75,528 75,813	Steven Wickwire, Appellant, v. Governor of Kansas, et al., Appellees.	Paula D. Hofaker James W. Coder	Norton

Kansas Court of Appeals  
Old Sedgwick County Courthouse  
510 N. Main - 3rd Floor  
Wichita, Kansas

Before Green, P.J.; Elliott, J.; and Carl B. Anderson, Jr., D.J., assigned.

Tuesday, February 18, 1997

1:30 p.m.

Case No.	Case Name	Attorneys	County
75,192	State of Kansas, Appellee, v. Billy J. Pherigo, Appellant.	Attorney General Debra S. Peterson Debra J. Wilson	Sedgwick
75,155	State of Kansas, Appellee, v. Keith L. Porter, Appellant.	Attorney General Debra S. Peterson Jean K. Gilles Phillip	Sedgwick
75,115	State of Kansas, Appellee, v. Ellis D. Hardyway, Appellant.	Attorney General Debra S. Peterson Reid T. Nelson	Sedgwick

3:15 p.m.

77,258	In the Interest of S.M.M., d/o/b: 03/09/93, O.G., d/o/b: 11/20/95.	Paul Arabia Alma A. Heckler Barbara L. James H. Stephen Mosley Debra S. Peterson	Sedgwick
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75,156	State of Kansas, Appellee, v. Mike D. Province, Appellant.	Attorney General Debra S. Peterson Jean K. Gilles Phillip	Sedgwick
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Wednesday, February 19, 1997

9:30 a.m.

Case No.	Case Name	Attorneys	County
75,414	State of Kansas, Appellee, v. Charles J. Croney, Appellant.	Attorney General County Attorney Janine Cox	Pratt
74,935	State of Kansas, Appellee, v. Billy C. Littlejohn, Jr., Appellant.	Attorney General Debra S. Peterson Rick Kittel	Sedgwick

10:45 a.m.

75,402 75,403 75,404 75,405 75,907	State of Kansas, Appellee, v. Antonio Douglas, Appellant.  George M. Parsons and Linda M. Parsons, Appellees, v. Biscayne Valley Investors Limited, L.P., Formerly Biscayne-Valley Investors, Ltd.; Jetz Service Co., Inc.; The Mission Bank, et al., Appellants.	Attorney General Debra S. Peterson Edward G. Collister Jessica R. Kunen  Philip L. Bowman Phillip A. Miller	Sedgwick      Sedgwick
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**Summary Calendar—No Oral Argument**

75,292	Orion Security, Appellant, v. Charles McCalla, et al., Appellees.	Christopher T. Wilson Stacie Kennon Gram	Johnson
75,431	State of Kansas, Appellee, v. Ricky B. Leer, Appellant.	Attorney General Debra S. Peterson Mark T. Schoenhofer M. Walter Craig	Sedgwick
75,168	State of Kansas, Appellee, v. Earnest T. Johnson, Appellant.	Attorney General Michael B. Kearns Thomas Jacquinet	Riley
74,964	Gerhard Gerdes, et al., Appellee, v. City of Dodge City, Kansas, and Engineering Enterprises, Inc., a Foreign Corporation (Turner and Boisseau, Chartered), Appellant.	Harry Bleeker Julie A. Bedinghaus	Ford
74,893	State of Kansas, Appellee, v. Raymond M. Bell, Appellant.	Attorney General Debra S. Peterson Edward G. Collister, Jr.	Sedgwick
75,116	Christopher J. Hockman, Appellant, v. State of Kansas, Appellee.	Reid T. Nelson Attorney General County Attorney	Crawford

Carol G. Green  
Clerk of the Appellate Courts

## State of Kansas

## Kansas Insurance Department

Notice of Hearing on Proposed  
Administrative Regulations

A public hearing will be conducted at 10 a.m. Friday, April 18, in the third floor conference room, Kansas Insurance Department, 420 S.W. 9th, Topeka, to consider the adoption of proposed changes in existing rules and regulations.

The 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Anne Haught, Kansas Insurance Department, 420 S.W. 9th, Topeka, 66612-1678. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing.

A summary of proposed regulations and their economic impact follows.

**K.A.R. 40-1-19. Insurance companies; combination policies; requirements.** The purpose of this proposed regulation is to exempt certain rate filings from being submitted to the Insurance Department. There should be a minimal financial impact on both the insurance companies and the Insurance Department.

**K.A.R. 40-3-5. Fire and casualty insurance; rating organizations; filing of forms.** The proposed revisions to this regulation remove the requirement that licensed insurance companies that are members of or subscribe to a rating organization submit the policy declarations or forms that have been filed on their behalf by a rating organization. There shall be minimal financial impact.

**K.A.R. 40-3-26. Modification of rate filing requirements for individual risks.** The proposed changes to this regulation grant licensed insurance companies 60 days from the effective date of the insurance policy to submit consent to rate filings to the department instead of 30 days. The financial impact should be minimal.

**K.A.R. 40-3-27. Modification of rate filing requirements for individual risks; disapproval.** The proposed revisions to K.A.R. 40-3-27 delete subsection (b). Deleting this section will require insurers to continue to write the policy at the approved rate level rather than cancel a policy when the department disapproved rates that were submitted for approval. The economic impact should be minimal on companies which submit individual risk filings.

**K.A.R. 40-3-49. Fire and casualty insurance; modification of rate filing requirements; rates which cannot be practicably filed before use.** The proposed amendment to this regulation permits insurance companies 60 days rather than 30 days after the effective date of contract or contracts to which the rates apply in which to submit individual risk rate filings to the department. There is not expected to be any financial impact.

**K.A.R. 40-8-7. Excess lines insurance; agents; submission of affidavit required.** The purpose of the proposed revision to the regulation is to remove reference to the excess lines premium tax rate that was in effect prior to

July 1, 1992. The revisions also make the regulation easier to read and understand. There should be minimal financial impact on excess lines agents.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Anne Haught at (913) 296-2188.

Kathleen Sebelius  
Kansas Insurance Commissioner

Doc. No. 018728

## State of Kansas

## State Corporation Commission

## Notice of Hearing

Pursuant to K.S.A. 55-703, the State Corporation Commission has directed that an investigation be instituted and a hearing conducted to allow the following parties to determine the reasonable market demand for gas produced from the following fields for the period of April 1, 1997 through September 30, 1997; to determine the deliverability and acreage attributable to each of the wells therein; and to fix gas production percentages and quotas for wells within said fields. Evidence will be received at the hearing for the above purposes and for determining and fixing the allowables for each of the wells in the following fields for the stated proration period:

- Hugoton Gas Field in Finney, Grant, Gray, Hamilton, Haskell, Kearny, Morton, Seward, Stanton, Stevens and Wichita counties
- Panoma-Council Grove Gas Field in Finney, Grant, Hamilton, Haskell, Kearny, Morton, Stanton, Stevens, Wichita and Seward counties
- Glick (Mississippi) Gas Pool in Barber, Comanche and Kiowa counties
- Greenwood Gas Field in Morton County
- Shepard Conglomerate Gas Field in Stafford County

The hearing will be at 10 a.m. Thursday, March 20, at the Gateway Inn, 720 Pancake Blvd., Liberal. All transporters of gas produced from the above fields must furnish to the commission at the hearing their nominations from the above fields for the calendar month included in the stated proration period.

Further information may be obtained by contacting John McCannon or William J. Wix, Assistant General Counsel, State Corporation Commission, Conservation Division, Room 2078, Finney State Office Building, 130 S. Market, Wichita, 67202, (316) 337-6200.

Judith McConnell  
Executive Director

Doc. No. 018727

(Published in the Kansas Register February 13, 1997.)

**Summary Notice of Note Sale  
\$2,047,500**

**City of Manhattan, Kansas  
Notes, Series 1997-01 through 1997-05**

**(General obligation notes payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of note sale dated February 13, 1997, bids will be received by the accounting/treasury officer of the City of Manhattan, Kansas (the issuer), at City Hall, 1101 Poyntz, Manhattan, KS 66502-5460, until 2 p.m. February 20, 1997, for the purchase of \$2,047,500 principal amount of Temporary Notes, Series 1997-01 through 1997-05. No bid of less than 98.5 percent of the principal amount of the notes and accrued interest thereon to the date of delivery will be considered.

**Note Details**

At the option of the successful bidder, the notes will consist of fully registered notes in the denomination of \$5,000 or any integral multiple thereof, except one note of each series, registered under a book-entry only system administered through DTC, or consist of bearer instruments in denominations specified by the successful bidder. The notes will be dated March 15, 1997, and will become due on March 15, 1998. The notes will bear interest from the date thereof at rates to be determined when the notes are sold as hereinafter provided, which interest will be payable at maturity or earlier redemption.

**Paying Agent and Bond Registrar**

To be designated by the successful bidder.

**Delivery**

The issuer will pay for printing the notes and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or before March 17, 1997, at DTC or at such bank or trust company in the contiguous United States of America as may be specified by the successful bidder.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 1996 is \$192,507,743. The total general obligation indebtedness of the issuer as of the date of delivery of the notes, including the notes being sold but excluding temporary notes to be retired in conjunction therewith, is \$37,759,000.

**Approval of Notes**

The notes will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the notes will be furnished and paid for by the issuer and delivered to the successful bidder as and when the notes are delivered.

**Additional Information**

Additional information regarding the notes may be obtained from Laura Oakley, Accounting/Treasury Officer, City Hall, 1101 Poyntz, Manhattan, KS 66502-5460, (913) 587-2465, fax (913) 537-1583.

Dated February 13, 1997.

City of Manhattan, Kansas

Doc. No. 018734

**State of Kansas**

**State Corporation Commission**

**Notice of Motor Carrier Hearings**

Applications set for hearing are to be heard at 9:30 a.m. March 4 before the State Corporation Commission, 1500 S.W. Arrowhead Road, Topeka.

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, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (913) 271-3196 or 271-3146. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Your attention is invited to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

**Applications set for March 4, 1997**

**Application for Certificate of Public Service:**

Steve, Larry and Bill )  
Bloomfield, dba )  
Bloomfield Cattle Co. )  
2875 Frontier Road ) MC ID No.  
Clifton, KS 66937 ) 154041

Applicant's Attorney: None

*General commodities (except household goods and hazardous materials),*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Certificate of Public Service:**

Stan A. Botkin, dba )  
Botkin Farms )  
479 N. Eden Road ) MC ID No.  
Argonia, KS 67004 ) 154277

Applicant's Attorney: None

*General commodities (except household goods and hazardous materials),*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Abandonment of Public Service:**

Carpenter Service Co., Inc. )  
P.O. Box 585 ) MC ID No.  
Ulysess, KS 67880-0585 ) 119273

Applicant's Attorney: None

\*\*\*\*\*

**Application for Certificate of Public Service:**

Corner Garage, Inc. )  
421 E. 17th ) MC ID No.  
Goodland, KS 67735 ) 154042

Applicant's Attorney: None

(continued)

*Wrecked, disabled, repossessed and replacement vehicles,  
Between all points and places in the State of Kansas.*

\*\*\*\*\*

**Application for Certificate of Public Service:**

Central Auto Transport, Inc. )  
P.O. Box 129 ) MC ID No.  
Cassoday, KS 66842 ) 154043

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

*General commodities (except hazardous materials and  
household goods),*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Certificate of Public Service:**

Stanley M. Faimon, dba )  
S & B Trucking )  
HC 1, Box 12 ) MC ID No.  
Stratton, NE 69043-9703 ) 154262

Applicant's Attorney: None

*Wheat, corn, milo, sunflowers, prosomillet,*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Transfer of Public Service:**

Robert R. Gilmore, dba )  
Gilmore Tank Service )  
212 W. Ave. A ) MC ID No.  
Chase, KS 67524 ) 121686

To:

Robert S. Gilmore, dba  
Gilmore Tank Service  
204 Spruce  
Chase, KS 67524

Applicant's Attorney: None

*Salt water and tank bottoms,*

Between all points and places in the State of Kansas.

\*\*\*\*\*

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

Robert D. Gregory, dba )  
Elite Transportation Service )  
Route 2, Box 236 ) MC ID No.  
Alma, KS 66601 ) 154046

Applicant's Attorney: None

*Passengers and their baggage in charter party operations,*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Transfer of Certificate of Public Service:**

Fred Grunder )  
122 S. Main ) MC ID No.  
St. John, KS 67576 ) 101203

TO:

Grunder Trucking, Inc.  
122 S. Main  
St. John, KS 67576

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

*Livestock,*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Extension of Certificate  
of Public Service:**

Grunder Trucking, Inc. )  
122 S. Main ) MC ID No.  
St. John, KS 67576 ) 101203

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

*General commodities (except hazardous materials and  
household goods),*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Certificate of Public Service:**

Hackney Carriage, Inc. )  
1402 14th Ave. East, #205 ) MC ID No.  
West Fargo, ND 58078 ) 154288

Applicant's Attorney: None

*General commodities (except household goods and  
hazardous materials),*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Certificate of Public Service:**

Patrick D. Hafenstein )  
8521 W. 253rd ) MC ID No.  
Osage City, KS 66523 ) 154045

Applicant's Attorney: None

*General commodities (except household goods and  
hazardous materials),*

Between all points and places in the State of Kansas.

\*\*\*\*\*

**Application for Abandonment of Certificate  
of Public Service:**

Glen B. Henderson )  
Route 1, Box 130 ) MC ID No.  
Larned, KS 67550-9773 ) 102416

Applicant's Attorney: None

\*\*\*\*\*

**Application for Abandonment of Certificate  
of Public Service:**

J.B. Hunt Special )  
Commodities, Inc. )  
615 JB Hunt Corp. Drive ) MC ID No.  
Lowell, AR 72745 ) 143352

Applicant's Attorney: None

\*\*\*\*\*

Application for Certificate of Public Service:

Donald W. Jones, dba )
Don Jones )
3015 S. Halstead Road ) MC ID No.
Halstead, KS 67056 ) 154305

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Daniel Koster, dba )
Koster Trucking )
Route 2, Box 107 ) MC ID No.
Beloit, KS 67420 ) 154156

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Name Change of Certificate of Public Service:

Del Lambley, dba )
Lambley Harvesting )
P.O. Box 602 ) MC ID No.
Hooker, OK 73945 ) 140232
TO:
Del Lambley, dba
Lambley Trucking
P.O. Box 602
Hooker, OK 73945

Applicant's Attorney: None

General commodities (except household goods, Classes A and B explosives and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Lawrence Taxi Service, Inc. )
2201 W. 25th, Suite L ) MC ID No.
Lawrence, KS 66046 ) 154047

Applicant's Attorney: None

Passengers and their baggage in charter party operations,

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Abandonment of Certificate of Public Service:

Morrison Pork, L.L.C. )
1700 E. Iron Ave. ) MC ID No.
Salina, KS 67401 ) 129332

Applicant's Attorney: None

\*\*\*\*\*

Application for Certificate of Public Service:

John Nodine, dba )
John Nodine Trucking )
2 1/2 Miles West, Highway 96 ) MC ID No.
Leoti, KS 67861 ) 154158

Applicant's Attorney: None

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Certificate of Public Service:

Audrey T. Nutter )
Route 1, Box 575 ) MC ID No.
Byron, OK 73722 ) 102102

Applicant's Attorney: William Parker, 2212 N.W. 50th, Suite 163, Oklahoma City, OK 73112

General commodities (except household goods and hazardous materials),

Between all points and places in the State of Kansas.

\*\*\*\*\*

Application for Abandonment of Certificate of Public Service:

Dennis Uglow, dba )
Uglow Trucking )
P.O. Box 55 ) MC ID No.
Formoso, KS 66942-0055 ) 150086

Applicant's Attorney: None

\*\*\*\*\*

Application for Abandonment of Certificate of Public Service:

Robert A. Yahr, dba )
Service Oil Company )
326 S. 68th ) MC ID No.
Kansas City, KS 66111 ) 122135

Applicant's Attorney: None

\*\*\*\*\*

Don Carlile
Administrator
Transportation Division

Doc. No. 018729

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, March 17, in the conference room of the Office of the State Bank Commissioner, Suite 300, Jayhawk Tower, 700 S.W. Jackson, Topeka. The board reviews matters relating to its supervisory authority as set forth in K.S.A. 9-1801 et seq.

W. Newton Male  
State Bank Commissioner

Doc. No. 018716

State of Kansas

Department of Wildlife and Parks

Permanent Administrative Regulations

Article 2—FEES, REGISTRATIONS AND OTHER CHARGES

**115-2-1. Amount of fees. On and after July 1, 1997, the following fees shall be in effect:**

(a) Hunting licenses and permits.

Resident hunting license	15.00
Nonresident hunting license	65.00
Nonresident junior hunting license (under 16 years of age)	30.00
Resident big game hunting permit:	
General resident; elk permit	100.00
Landowner/tenant; elk permit	50.00
General resident; deer permit	30.00
Landowner/tenant; deer permit	15.00
Hunt-on-your-land; deer permit	10.00
Special hunt-on-your-own-land; deer permit	10.00
Special hunt-on-your-own-land; deer permit transfer fee	10.00
General resident; antelope permit	40.00
Landowner/tenant; antelope permit	20.00
Hunt-on-your-land; antelope permit	10.00
General resident; turkey permit (1-bird limit)	20.00
General resident; turkey permit (2-bird limit)	25.00
Landowner/tenant; turkey permit (1-bird limit)	10.00
Landowner/tenant; turkey permit (2-bird limit)	15.00
Hunt-on-your-land; turkey permit (1-bird limit)	10.00
Hunt-on-your-land; turkey permit (2-bird limit)	15.00
Antelope preference point service charge	5.00
Game tag:	
Second and subsequent deer tag	10.00
Second and subsequent turkey tag	10.00
Nonresident big game hunting permit:	
Nonresident landowner; antelope permit	60.00
Nonresident landowner; elk permit	250.00
Nonresident; turkey permit (1-bird limit)	30.00
Nonresident; turkey permit (2-bird limit)	35.00
Nonresident landowner; deer permit	50.00
Nonresident; deer permit (buck only or any deer)	200.00
Nonresident; deer permit (antlerless only)	50.00
Nonresident; deer permit (application fee)	5.00
48-hour waterfowl hunting permit	20.00
Field trial permit; game birds	20.00
Lifetime hunting license	240.00
or eight quarterly installment payments of	35.00
Migratory waterfowl habitat stamp	3.00
Special dark goose hunting permit	5.00
Sandhill crane hunting permit—validation fee	5.00
Disabled person hunt from a vehicle permit	3.00

(b) Fishing licenses and permits.

Resident fishing license	15.00
Nonresident fishing license	35.00
24-hour fishing license	3.00
Lifetime fishing license	240.00
or eight quarterly installment payments of	35.00
Five-day nonresident fishing license	15.00
Institutional group fishing license	100.00
Special nonprofit group fishing license	50.00
Trout permit	7.50

(c) Combination hunting and fishing licenses and permits.

Resident combination hunting and fishing license	30.00
Resident lifetime combination hunting and fishing license	440.00
or eight quarterly installment payments of	60.00
Nonresident combination hunting and fishing license	90.00

(d) Furharvester licenses.

Resident furharvester license	15.00
Resident junior furharvester license	7.50
Nonresident furharvester license	250.00
Resident fur dealer license	100.00
Nonresident fur dealer license	400.00
Field trial permit; furbearing animals	20.00

(e) Commercial licenses and permits.

Controlled shooting area hunting license	13.00
Resident mussel fishing license	75.00
Nonresident mussel fishing license	1,000.00
Mussel dealer permit	200.00
Missouri river fishing permit	25.00
Game breeder permit	10.00
Controlled shooting area operator license	200.00
Commercial dog training permit	20.00
Commercial guide permit	50.00
Associate guide permit	25.00
Commercial fish bait permit	20.00
Commercial prairie rattlesnake harvest permit (without a valid Kansas hunting license)	20.00
Commercial prairie rattlesnake harvest permit (with a valid Kansas hunting license or exempt from such license requirement)	5.00
Commercial prairie rattlesnake dealer permit	75.00
Prairie rattlesnake round-up event permit	25.00

(f) Collection, scientific, importation, rehabilitation, and damage-control permits.

Scientific, educational or exhibition permit	10.00
Raptor propagation permit	0
Rehabilitation permit	0
Wildlife damage control permit	0
Wildlife importation permit	10.00
Threatened or endangered species—special permits	0

(g) Falconry.

Apprentice permit	100.00
General permit	200.00
Master permit	300.00
Testing fee	50.00

(h) Miscellaneous fees.

Duplicate license, permit, stamp, and other issues of the department	5.00
Special departmental services, materials, or supplies	At cost
Vendor bond	
For bond amounts of \$5,000 & less	50.00
For bond amounts of \$5,000 & more	50.00
plus \$6.00 per additional \$1,000.00 coverage or any fraction thereof.	

(Authorized by and implementing K.S.A. 32-807 and K.S.A. 1995 Supp. 32-988; effective Dec. 4, 1989; amended



Sept. 10, 1990; amended Jan. 1, 1991; amended June 8, 1992; amended Oct. 12, 1992; amended April 11, 1994; amended Aug. 29, 1994; amended June 5, 1995; amended Aug. 21, 1995; amended Feb. 28, 1997.)

#### Article 30.—BOATING

##### **115-30-3. Personal flotation devices; requirements.**

(a) "PFD" means any type I, II, III, IV or V personal flotation device approved by the United States coast guard for use on recreational vessels.

(b) Each vessel shall have at least one type I, II, or III PFD on board for each individual in the vessel and at least one type I, II or III PFD on board for each individual being towed.

(c) To meet the "servicable condition" requirement of K.S.A. 32-1119, each required PFD shall meet the requirements defined by 33 C.F.R. 175.23, as in effect on April 29, 1996, and shall be of the appropriate size and type for the individual to whom it is assigned.

(d) In addition to the provisions of subsection (b), each vessel 16 feet or greater in length, except canoes and kayaks, shall have at least one type IV PFD on board.

(e) A type V personal flotation device may be used to satisfy requirements of subsections (b) or (d) if these conditions are met:

- (1) the device is United States coast guard approved;
- (2) the device is labeled for the activity for which the recreational vessel is being used;
- (3) the device is used in accordance with requirements on the label; and
- (4) the device is used in accordance with the requirements in its owner's manual if the label refers to the manual.

(f) To meet the "readily accessible" requirement of K.S.A. 32-1119, each required PFD shall be in open view and shall not be stowed in locked or closed compartments or be inside plastic or other packaging material. (Authorized by and implementing K.S.A. 32-1119; effective Oct. 22, 1990; amended March 20, 1995; amended Feb. 28, 1997.)

**115-30-6. Boating; adoption by reference of certain code of federal regulations.** The following parts and sections of the federal rules and regulations promulgated by the United States coast guard are hereby incorporated by reference as the rules and regulations of the department.

(a) "Identification of boats": 33 C.F.R. section 181 Subpart C, including sections 181.21, 181.23, 181.25, 181.27, and 181.29, each as in effect on August 1, 1984; sections 181.31 and 181.33, both as in effect on July 1, 1988; and section 181.35, as in effect on August 1, 1984;

(b) "Definitions": 33 C.F.R. section 183.3, except the definitions of "sailboat" and "vessel," as in effect on June 30, 1996.

(c) "Applicability": 33 C.F.R. section 183.31 as in effect on November 1, 1972;

(d) "Maximum weight capacity: inboard and inboard-outdrive boats": 33 C.F.R. section 183.33 as in effect on November 1, 1972;

(e) "Maximum weight capacity: outboard boats": 33 C.F.R. section 183.35 as in effect on January 13, 1977;

(f) "Maximum weight capacity: boats rated for manual propulsion and boats rated for motors of two horsepower or less": 33 C.F.R. section 183.37 as in effect on November 1, 1972;

(g) "Persons capacity: inboard and inboard-outdrive boats": 33 C.F.R. section 183.39 as in effect on April 3, 1985;

(h) "Persons capacity: outboard boats": 33 C.F.R. section 183.41 as in effect on April 3, 1985;

(i) "Persons capacity: boats rated for manual propulsion and boats rated for motors of 2 horsepower or less": 33 C.F.R. section 183.43 as in effect on August 1, 1980;

(j) "Applicability": 33 C.F.R. section 183.51 as in effect on November 1, 1972;

(k) "Horsepower capacity": 33 C.F.R. section 183.53 as in effect on August 1, 1987;

(l) "Requirements": 46 C.F.R. section 25.35-1 as in effect on August 28, 1991; and

(m) "Tanks and engine spaces": 46 C.F.R. section 25.40-1 as in effect on October 18, 1995. (Authorized by and implementing K.S.A. 32-1119 and K.S.A. 32-1126; effective Oct. 22, 1990; amended Feb. 28, 1997.)

Steven A. Williams  
Secretary of Wildlife  
and Parks

Doc. No. 018725

#### State of Kansas

### Board of Examiners in Optometry

#### Permanent Administrative Regulations

#### Article 5.—LICENSES

**65-5-9. Suspension, termination or denial of licensee's authority to practice when found in contempt of court pursuant to subsection (f) of K.S.A. 20-1204a.** (a)

(1) Within 30 days after receipt of a court-ordered notice and a copy of the court order finding an individual in contempt of court in a child support proceeding, the individual shall be notified by the board in writing of the board's intent to suspend, deny or withhold renewal of a license and of the individual's rights and duties under K.S.A. 1995 Supp. 74-147.

(2) If the notice accompanied by the court order provides inadequate information identifying the person in contempt, the person serving the notice shall be promptly contacted by the board for additional information. The 30-day notice shall commence when sufficient information identifying the person to contact is received.

(b) Notice to licensee. The written notice issued by the board shall inform the licensee of the following:

(1) The board's intent to deny, refuse to renew, or suspend a license commencing six months after the date the notice is issued unless the licensee furnishes to the board a court order releasing the individual from the contempt citation; and

(2) If the individual does not furnish the release before the expiration of the six-month period, proceedings will be commenced by the board to deny the issuance, refuse

(continued)

to renew, or to suspend the license following the summary procedure stated in K.S.A. 1995 Supp. 77-537 and amendments thereto.

(c) Temporary license.

(1) If an individual has applied for issuance or renewal of a license and is otherwise eligible, a temporary license shall be issued by the board and shall accompany the notice issued pursuant to subsection (b). The temporary license shall be valid for six months after the date of the notice issued pursuant to subsection (b).

(2) If a licensee is eligible to request renewal of a license and has previously received the notice required by subsection (b), the temporary license shall be valid only for the remainder of the six-month period that commenced upon issuance of the notice.

(3) The temporary license shall include a date of issuance and a date of expiration.

(4) A temporary license shall not be extended except that the temporary license may be extended by the board for up to 30 days to prevent extreme hardship for a patient of the licensee.

(5) The licensee shall obtain a release from the court which found the individual in contempt before the permanent license may be issued or renewed by the board.

(6) The release shall be furnished to the board before the expiration of the temporary license. If the release is not furnished within the six-month period of time, the temporary license shall expire and summary proceedings to deny issuance shall be commenced by the board or renewal of the permanent license may be refused by the board.

(d) Hearing.

(1) If the licensee does not provide a copy of the release pursuant to paragraph (c)(5) to the board within the six-month time period, the permanent license shall be denied, refused for renewal or suspended by the board in accordance with the summary proceedings of K.S.A. 1995 Supp. 75-537 and amendments thereto.

(2)(A) The issues at the hearing shall be limited to the following:

- (i) the identity of the individual;
- (ii) the validity of the notices pursuant to K.S.A. 1995 Supp. 74-147; and
- (iii) the validity of any additional conditions imposed by the board if such conditions are otherwise subject to review.

(B) The board shall not have jurisdiction over any issues related to child support.

(3) If the board issues an order denying, refusing to renew, or suspending a permanent license of an individual pursuant to this subsection, the individual may apply for reinstatement of the application or license, as appropriate, if the individual furnishes a court order releasing the individual from the contempt citation and it is determined by the board that the individual is otherwise eligible for a license.

(e) Fees. If a license is denied, refused for renewal or suspended, any fees paid by the individual shall not be refunded. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 1995 Supp. 74-146 and K.S.A. 1995 Supp. 74-147; effective Feb. 28, 1997).

**65-5-10. Glaucoma licenses.** (a) Each applicant for a glaucoma license shall file a completed application with the secretary-treasurer on a form prescribed by the board and shall submit the following information with the application:

(1) proof that the applicant maintains professional liability insurance in an amount of \$1,000,000.00;

(2) proof that the applicant has completed an approved course of glaucoma instruction;

(3) evidence that the applicant has completed a co-management period of at least 24 months; and

(4) evidence that the applicant has co-managed not less than 20 diagnoses of suspected or confirmed glaucoma, of which not less than 10 are confirmed diagnoses of glaucoma.

(b) For the purposes of this paragraph, an "approved course of glaucoma instruction" shall be the 24-hour course in glaucoma management offered by the University of Missouri—Saint Louis School of Optometry, as that course existed on May 9, 1996, and any course which has been determined by the board to have a comparable content.

(c) Co-management.

(1) Each participating licensee shall file with the board a co-management treatment plan report, on a form prescribed by the board, as soon as reasonably practical after a diagnosis of suspected or confirmed adult open angle glaucoma is made. For the purposes of this regulation, "participating licensee" means a licensee who participates in co-management, as defined by K.S.A. 65-1501a(r) and amendments thereto, during a co-management period, as defined by K.S.A. 65-1501a(s) and amendments thereto.

(2) Each participating licensee's co-management period shall begin on the day the board receives the participating licensee's first co-management treatment plan report.

(3) During the co-management period, any participating licensee may prescribe topical ocular pharmaceuticals for treatment of adult open angle glaucoma only in accordance with an approved treatment plan which is signed by the co-managing ophthalmologist.

(4) On or before May 31 of each year, each participating licensee shall file a completed annual report on a form approved by the board providing all information required by the board regarding each co-managed case.

(5) All documents and information filed with or provided to the board or an interprofessional advisory committee created by the board in connection with co-management shall be subject to the peer review privilege. Disclosure of co-management documents and information to the board or an interprofessional advisory committee created by the board shall not operate as a waiver of the optometrist-patient or physician-patient privilege. (Authorized by K.S.A. 74-1504(a)(6); implementing K.S.A. 65-1501, as amended by L. 1996, Ch.95, § 1, K.S.A. 65-1501a, as amended by L. 1996, Ch.95, § 2, K.S.A. 65-1505, as amended by L. 1996, Ch.95, § 3, K.S.A. 1995 Supp. 65-4915(b), and K.S.A. 65-1525; effective Feb. 28, 1997.)

Larry D. Stoppel, O.D.  
President

Doc. No. 018713

## State of Kansas

## Social and Rehabilitation Services

Permanent Administrative  
Regulations

## Article 4.—PUBLIC ASSISTANCE PROGRAM

**30-4-34. Program.** (a) The public assistance program. The public assistance program shall include the following types of assistance:

- (1) temporary assistance for families (TAF);
- (2) foster care assistance, which shall include the federal financial participation-foster care (FFP-FC) and non-federal financial participation-foster care (non-FFP-FC) programs;

(3) general assistance (GA).

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104 and K.S.A. 1995 Supp. 39-7,122, K.S.A. 1995 Supp. 39-7,123, as amended by L. 1996, Ch. 253, Sec. 7, K.S.A. 1995 Supp. 39-7,124 through 39-7,133, K.S.A. 1995 Supp. 39-709, 39-7,104, 39-7,105, 39-7,107; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-6-10-91, July 1, 1991; amended Dec. 30, 1994; amended April 1, 1995; amended Aug. 1, 1995; amended March 1, 1997.)

**30-4-35w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-40. Agency responsibility to applicants and recipients.** (a) On the request of any applicant or recipient, the applicant's or recipient's rights and responsibilities shall be explained by the agency.

(b) Each applicant and recipient shall be informed of the following requirements placed upon the agency.

(1) Periodic redeterminations. Periodic redeterminations of eligibility shall be made if the application is approved.

(2) Fraud. Any fraudulent application for or receipt of assistance shall be investigated and referred for legal action.

(3) Public list. A public list of cash recipients of GA, which shall be limited to name, address, and amount of cash assistance received, shall be prepared and maintained.

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

(A) The administration of the public assistance program;

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

(C) the reporting of a fugitive felon's address to local and state law enforcement officials. Such a report shall be made only when the law enforcement official furnishes

the recipient's name and social security number and satisfactorily demonstrates that the individual is a fugitive felon, that the location or apprehension of the fugitive felon is within the law enforcement officer's official duties and that the request is made in the proper exercise of those duties;

(D) the reporting of an applicant's or recipient's intention to commit a crime to the appropriate law enforcement officials; or

(E) release of confidential information concerning TAF and foster care applicants and recipients under certain circumstances as required under 42 U.S.C.A. 602(a)(9).

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1987; amended March 1, 1997.)

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

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

(2) "Mandatory filing unit" means all persons in the family group whose needs or resources are required to be considered in determining eligibility and amount of payment as outlined in K.A.R. 30-4-70(e) for TAF purposes and K.A.R. 30-4-90 for GA purposes. If the agency is unable to determine who is required to be a member of the mandatory filing unit as a result of an applicant's or recipient's failure to cooperate in providing necessary information or in complying with an eligibility requirement that is within the applicant's or recipient's control, those persons who would otherwise be required to be in the mandatory filing unit had the applicant or recipient cooperated shall be ineligible for assistance.

(3) "Caretaker" means any of the following persons:

(A) the parent or parents, including the parent or parents of an unborn child; or

(B) the person who is assigned the primary responsibility for the care and control of the child as one of the following representatives:

(i) a guardian, conservator or a relative, as defined in K.A.R. 30-4-70(b); or

(ii) a legal custodian, when based on an approved social service plan.

Caretaker status shall be extended to the spouse of a non-parental caretaker.

(4) "Eligible caretaker" means a caretaker who is considered in the plan with the child.

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

(b) The assistance plan shall consist of those members of the mandatory filing unit and any other persons in the family group for whom assistance is requested and eligibility is determined. Any individual excluded from the assistance plan shall not be eligible in a separate assistance plan.

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as

(continued)

amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended July 1, 1991; amended Jan. 2, 1992; amended March 1, 1997.)

**30-4-41w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-52. Act in own behalf.** (a) Emancipated minor. "Emancipated minor" means a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has been given or acquired the right to manage personal affairs in one of the following ways:

(1) By court action that conferred the rights of majority on the minor;

(2) by an oral or written agreement that terminates the rights of parental control, the parents' right to claim the minor's earnings, and the parents' legal obligation to support the minor, unless the actions of the parties are contrary to the agreement; or

(3) by actions of the minor that terminate the rights mentioned in paragraph (2) above.

(b) Ability to act on own behalf. Each applicant or recipient shall be legally capable of acting on his or her own behalf. Incapacitated persons or minors shall not be eligible to receive assistance unless a caretaker applies for assistance on that person's behalf. Emancipated minors shall be eligible to receive assistance on their own behalf. When the emancipation is not based on court action or marriage and an emancipated minor becomes dependent on a parent for support or comes under parental control, the minor shall no longer be considered emancipated.

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993; amended Oct. 1, 1993; amended March 1, 1997.)

**30-4-52w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 1; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-53.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 1985 Supp. 39-708c; implementing K.S.A. 1985 Supp. 39-708c, 39-709; effective May 1, 1981; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; revoked March 1, 1997.)

**30-4-53w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-54w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-50. Assistance eligibility, general.** (a) General requirements. The requirements set forth in K.A.R. 30-4-51 through 30-4-64, inclusive, shall apply to the TAF, foster care, and GA programs except as noted.

(b) Time-limited assistance. When an adult member of a family group has received TAF, including similar assistance received in any other state, for any 60 calendar months beginning on and after October 1, 1996, the family group shall not be provided with further assistance under TAF.

(c) Denial of assistance for fugitive felons and probation and parole violators. Assistance shall not be provided to a fugitive from justice by reason of a felony conviction or charge, or to a person who is violating a condition of probation or parole imposed under federal or state law.

(d) Denial of assistance for felony drug-related convictions. Assistance shall not be provided to a person convicted after August 22, 1996 of a felony offense involving the possession, use, or distribution of a controlled substance.

(e) Requirements for special projects. Certain eligibility requirements may be waived by the secretary and additional eligibility requirements for all, or designated areas, of the state may be adopted by the secretary for the purpose of utilizing special project funds or grants or for the purpose of conducting special demonstration or research projects.

(f) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 39-719b, K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-10-1-96, Oct. 1, 1996; amended Jan. 17, 1997; amended March 1, 1997.)

**30-4-50w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-55. Cooperation.** (a) Establishment of eligibility. Each applicant, recipient, or ineligible caretaker shall cooperate with the agency in the establishment of eligibility as provided in K.A.R. 30-4-39. Failure to provide information necessary to determine eligibility shall render the family group ineligible for assistance.

(b) Monthly status report. Each recipient shall file a monthly status report on or before the fifth day of each calendar month. An additional five calendar days shall be allowed as an administrative period, before the report is considered to be untimely, to allow for delays in mail service, weekends, and holidays.

(c) Social security number. Each applicant or recipient shall provide the agency with the applicant's or recipient's social security number. Failure to provide the number, or failure to apply for a number if the applicant or recipient has not previously been issued a number,

shall render the applicant or recipient ineligible for assistance.

(d) Paternity and support.

(1) The caretaker who is applying for or receiving assistance shall cooperate with the agency in establishing the paternity of any child born out of wedlock for whom assistance is claimed, and in obtaining support payments for the caretaker and for any child for whom assistance is claimed. Failure to cooperate in any assistance program administered by the secretary where paternity and support cooperation is required shall render the mandatory filing unit of which the child is a member ineligible for assistance unless the caretaker demonstrates good cause for refusing to cooperate. The period of ineligibility shall be as follows:

(A) for the first failure, until the caretaker cooperates; and

(B) for any subsequent failure, two months or until the person cooperates, whichever is longer.

(2) Cooperation shall include the following actions:

(A) Appearing at the local child support enforcement office, as necessary, to provide information or documentation needed to establish the paternity of a child born out of wedlock, to identify and locate the absent parent, and to obtain support payments;

(B) appearing as a witness at court or at other proceedings as necessary to achieve the child support enforcement objectives;

(C) forwarding to the child support enforcement unit any support payments received from the absent parent that are covered by the support assignment;

(D) establishing and maintaining an agreement to repay assigned support that was retained by the caretaker; and

(E) providing information, or attesting to the lack of information, under penalty of perjury.

(e) Potential resources. Each applicant or recipient shall cooperate with the agency in obtaining any resources due the applicant, recipient, or child for whom assistance is claimed and shall cooperate with the group health plan enrollment process in accordance with K.A.R. 30-6-55(f). Failure to cooperate without good cause shall render ineligible for assistance the mandatory filing unit of which the applicant, recipient, or child for whom assistance is claimed is a member.

(f) Third party resources. Each applicant or recipient shall cooperate with the agency in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program. Failure to cooperate without good cause shall render the applicant or recipient ineligible for assistance.

(g) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Chapter 229, Sec. 104, and K.S.A. 39-719b; effective May 1, 1981; amended May 1, 1982; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended Jan. 4, 1993; amended March 1, 1997.)

**30-4-55w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and 39-709, as amended by L. 1994, Chapter 265, Section 8; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-58.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, K.S.A. 39-719b; effective May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended, T-89-5, Jan. 21, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; revoked March 1, 1997.)

**30-4-58w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and 39-709, as amended by L. 1994, Chapter 265, Section 8; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-59. Strikes.** (a) An applicant or recipient shall be ineligible for assistance if the person is participating in a strike. If the applicant or recipient is a legally responsible caretaker, the mandatory filing unit of which that individual is a member shall be ineligible for assistance.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended March 1, 1997.)

**30-4-59w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-60w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and 39-709, as amended by L. 1994, Chapter 265, Section 8; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-61. Supplemental security income benefits.** (a) An applicant or recipient receiving supplemental security income benefits shall be ineligible for assistance. A caretaker shall not be denied eligibility for assistance for the reason that a child is receiving supplemental security income benefits. This provision shall not be applicable to a foster care child placed in a foster family home.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709, K.S.A. 39-719b; effective May 1, 1981; amended March 1, 1997.)

**30-4-61w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-63.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c, 39-7103; effective, T-30-7-29-88, July 29, 1988; effective Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct.

(continued)



28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996; revoked March 1, 1997.)

**30-4-63w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c, 39-7,103, and K.S.A. 1994 Supp. 39-7,104, 39-7,105, and 39-7,107; effective Dec. 30, 1994; amended Aug. 1, 1995; revoked March 1, 1997.)

**30-4-64. Work program requirements.** Each applicant or recipient of public assistance, unless exempted, shall be required to seek and retain employment and, if assigned, participate in one or more components of the work program. Any exempt applicant or recipient may volunteer for participation in the program. The geographic areas in the state and the public assistance programs in which work program requirements are to be enforced shall be designated by the secretary. The administration of the work program shall be within the limits of appropriations. (a) Exemptions. The persons listed below shall be exempt from the work requirements:

(1) any person who is ill or incapacitated, when determined by a physician or psychiatrist that the condition prevents the individual from engaging in employment for at least 30 days;

(2) any person who is age 17 or younger unless the person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent;

(3) any person who is 60 years of age or older;

(4) any person who is needed in the household because another member of the household requires the person's presence due to illness or incapacity and no other appropriate member of the household is available to provide the needed care;

(5) any parent or other caretaker who is personally providing care for a child under age one. Only one person in a case may be exempt on the basis of providing care for a child under age one. This exemption shall not be claimed under the following circumstances:

(A) when a custodial parent or pregnant woman under age 18 does not possess a high school diploma or its equivalent;

(B) when the other parent, stepparent or caretaker in the home is exempt from the work program requirements for another reason and is available and capable of providing child care; or

(C) when both parents of the child are present, except as noted in paragraph (a)(5)(B) of this regulation.

(b) Participation requirements. Each applicant or recipient shall seek and retain employment and, if assigned, shall participate in one or more components of an agency-approved, work-related program directed toward a plan of self-sufficiency. The work program may include the following components.

(1) Job search. Each assigned person shall participate in job search activities, which may include agency-approved job clubs and supervised and unsupervised job search activities.

(2) Work experience. Each assigned person shall participate in work experience activities, which may include the opportunity to regain work skills, learn new skills, test interests and skills on the job, gain a work history, and obtain a work reference.

(3) Education and training. Each assigned person shall participate in education and training activities that are aimed at facilitating a person's movement toward self-sufficiency and employment retention. Education and training activities may include vocational training, adult basic education, literacy training, general educational development, and post-secondary education and training.

(4) Work supplementation. Each assigned person shall participate in a work supplementation program in which an employer receives a wage subsidy from money diverted from public assistance grants for employing participants.

(5) Job readiness. Each assigned person shall participate in job readiness activities, which may include employment counseling and life skills.

(6) Community service. Each assigned person shall participate in community service activities.

(c) Support costs. Payment of support costs shall be provided to participants. Support costs may include the following:

(1) transportation expenses for each person participating in a work program activity in accordance with an agency-approved plan;

(2) day care expenses, as necessary for the person to participate in a work program activity in accordance with an agency-approved plan; and

(3) education and training costs for each participant based on an agency-approved plan, which may include tuition, books, and fees.

(d) Transitional expenses. Payment for transitional expenses may be provided to each participant who loses eligibility for TAF due to the participant's employment. Transitional expenses may include the following:

(1) transportation expenses necessary for the participant to continue employment in accordance with an agency-approved plan; and

(2) child care expenses necessary for the participant to continue employment in accordance with an agency-approved plan.

(e) Penalty.

(1) A person who is required to participate in the work program shall be ineligible for assistance if one of the following circumstances occurs in any assistance program administered by the secretary in which work program participation is required:

(A) if the person fails without good cause to participate in the program;

(B) if the person refuses without good cause a bona fide referral for or offer of employment;

(C) if the person terminates employment without good cause;

(D) if the person is terminated from employment by voluntarily making oneself unacceptable without good cause; or

(E) if the person reduces earnings without good cause.

(2) The period of ineligibility shall be as follows:

(A) for the first instance, until the person cooperates; and

(B) for any subsequent instance, two months or until the person cooperates, whichever is longer.

If the person is an adult, the mandatory filing unit of which the person is a member shall also be ineligible.

(f) Good cause. Each individual who presents verification that the individual meets one or more of the fol-

lowing criteria shall be determined to have good cause for failing to participate in the work program:

(1) The individual is exempt from participation in the program;

(2) the individual was incapable of performing the activity;

(3) performance of the activity was so dangerous or hazardous according to occupational safety and health administration (OSHA) standards as to make a refusal to perform the activity or termination of the activity a reasonable one;

(4) child care or day care for an incapacitated individual living in the same home is necessary for an individual to participate or continue to participate in the program and the care is not available;

(5) the total daily commuting time to and from home to the activity to which the individual is assigned exceeds two hours, not including the transporting of a child to and from a child care facility. If a longer commuting distance is generally accepted in the community, the round trip commuting time shall not exceed the generally accepted community standards;

(6) the failure occurred in the month the individual's pregnancy was terminated or the two following months.

(g) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 39-7,103; effective Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; revoked, T-30-7-2-90, July 2, 1990; amended, T-30-7-2-90, July 2, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended, T-30-6-10-91, July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Oct. 1, 1993; amended Aug. 1, 1995; amended July 1, 1996; amended March 1, 1997.)

**30-4-64w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c, 39-7,103, and K.S.A. 1994 Supp. 39-7,104 and 39-7,105; effective Dec. 30, 1994; amended Aug. 1, 1995; revoked March 1, 1997.)

**30-4-65w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and K.S.A. 1994 Supp. 39-7,126; effective Aug. 1, 1995; revoked March 1, 1997.)

**30-4-70. Eligibility factors specific to the TAF program.** To be eligible for TAF, each applicant or recipient shall meet the applicable general eligibility requirements of K.A.R. 30-4-50 and the specific eligibility requirements set forth below.

(a)(1) Child in family. To be eligible for TAF, the applicant or recipient's family group shall include at least one eligible child. If the only child in the family group is an SSI recipient, the family group may qualify for assistance.

(2) For purposes of this regulation, "child" means a child who is under the age of 18, including an unborn child.

(b) Living with a caretaker. For the family group to be eligible for TAF, the eligible child or children shall be residing with one or more of these individuals:

(1) any blood relative who is within the fifth degree of kinship to the child, including any of the following relatives:

(A) parents;  
 (B) siblings;  
 (C) nephews;  
 (D) nieces;  
 (E) aunts;  
 (F) uncles; and  
 (G) persons of preceding generations who may be denoted by prefixes of grand, great, great-great, or great-great-great;

(2) a stepfather, stepmother, stepbrother, or stepsister;  
 (3) a legally adoptive parent or parents or another relative or relatives of adoptive parents as noted in subparagraphs (1) or (2) above;

(4) a guardian or conservator or a legal custodian when based on an approved social service plan; or

(5) a spouse of any persons named in the above groups or a former spouse of any of those persons if marriage is terminated by death or divorce.

(c) Temporary absence. Any person who is out of the home temporarily for a period of 90 days or less shall remain eligible.

(d) Assignments of support. Each caretaker who is applying for or receiving TAF on his or her own behalf or on behalf of any other family member shall assign to the secretary any accrued, present, or future rights to support from any other person that the caretaker may have on his or her own behalf, or on behalf of any other family member for whom the caretaker is applying for or receiving TAF.

(e) Persons in the family group whose needs shall be considered.

(1) The needs of each child who meets the criteria of subsection (a) of this regulation and the needs of the child's parent, stepparent or both shall be included in the determination of assistance.

(2) The needs of an eligible child's caretaker, other than a parent or stepparent shall be considered in the determination of assistance if requested. If the caretaker's needs are included, the caretaker's spouse and any children of the caretaker who meet the criteria of subsection (a) of this regulation shall also be considered.

(3) In determining eligibility, the needs of each of the following caretakers and children shall be excluded, while the resources of these caretakers and children shall be included, unless the resources are specifically exempt:

(A) any SSI recipient;  
 (B) any person who is ineligible due to the receipt of lump sum income;  
 (C) any person who is ineligible due to a sanction;  
 (D) any child whose needs are met through foster care payments;

(E) any alien who is ineligible because of the citizenship and alienage requirements or sponsorship provisions;

(F) unborn children;  
 (G) a teen parent, as defined in subsection (g) of this regulation; and

(H) any person denied assistance based on the provisions of K.A.R. 30-4-50(c) or (d).

(f) Teen parents under age 18. A parent under age 18 of a child at least 12 weeks of age shall not be eligible for assistance under these circumstances:

(1) the parent is unmarried; and

(continued)

(2) the parent has not obtained a high school diploma or its equivalent, or is not working toward attainment of a high school diploma or its equivalent.

(g) The effective date of this regulation shall be March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 39-719b, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended July 1, 1989; amended March 1, 1997.)

**30-4-70w.** This rule and regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c, 39-719b, and L. 1994, Chapter 265, Section 7; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-71.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 1980 Supp. 39-708c; implementing K.S.A. 1980 Supp. 39-708c, 39-709, 39-719b; effective May 1, 1981; revoked March 1, 1997.)

**30-4-71w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and 39-719b; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-72.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; revoked March 1, 1997.)

**30-4-72w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 7; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-73.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by L. 1992, Chapter 322, Sec. 5; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990; amended Oct. 1, 1990; amended Oct. 1, 1992; amended May 3, 1993; revoked March 1, 1997.)

**30-4-74.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; revoked March 1, 1997.)

**30-4-74w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 7; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-75.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; revoked March 1, 1997.)

**30-4-80.** Eligibility factors specific to the FFP-FC program. Each child, as defined in K.A.R. 30-4-70, shall meet the eligibility requirements set forth below. In addition, if the child of an FFP-FC recipient and the FFP-FC recipient are living together in the same foster care living arrangement, the recipient's child shall be deemed to meet the eligibility requirements of the FFP-FC program. (a) General eligibility requirements. Each child shall meet the general eligibility requirements of K.A.R. 30-4-50.

(b) Removed from the home of a relative. The child shall have been removed from the home of a relative as a result of a judicial determination, or the child shall have lived with the relative within six months before the month in which the proceedings were initiated and shall have been placed in a foster home or child care facility as a result of this determination.

(c) Child in need. The child's eligibility shall be determined on a calendar-month basis. Total budgetary requirements shall be compared with total applicable income. If there is a deficit, the child shall be determined to be in need if the child owns property with a value not in excess of allowable limits.

(d) Court order. A written order of commitment shall be issued giving the secretary care, custody, and control of the child.

(e) Case plan. The child shall have a case plan designed to achieve placement in the least restrictive setting available and in close proximity to the parents' home. The case plan shall be consistent with the best interest and special needs of the child.

(f) Administrative review. The child's status shall be reviewed periodically but not less than once every six months. The review shall be open to the participation of the parents of the child. The review shall be conducted by a panel of appropriate persons; the panel shall include at least one person who is not responsible for the case management of either the child or the parents under review. The administrative review shall determine the future status of the child including whether the child should be returned to the parent, continued in foster care for a specified period, placed for adoption, or continued in foster care on a permanent or long-term basis.

(g) Living arrangement. The child shall be living in a foster family home or a private, nonprofit child care facility. The home or facility shall be approved by the agency for placement.

(h) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-88-10, May 1, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended March 1, 1997.)

**30-4-85a.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c; implementing K.S.A. 1995 Supp. 39-709; effective, T-84-9, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended July 1, 1989; amended Oct. 1, 1989; amended April 1, 1990; amended June 1, 1993; amended, T-30-9-16-93, Sept. 16, 1993; amended Nov. 8, 1993; amended Jan. 31, 1996; amended July 1, 1996; revoked March 1, 1997.)



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

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

(A) the applicant or recipient is eligible for a federal program; or

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

(2) Each applicant or recipient and each person for whom the applicant or recipient is legally responsible, if living together, shall be within at least one of the following categories to be eligible for GA:

(A) a person whose presence is required at home because another member of the home has a verified condition that meets the criteria in paragraph (a)(2)(B) and that does not permit self-care, if the care is not available from another person in the home; or

(B) a person who has been medically or psychologically determined to be physically or mentally incapacitated based on one of the following conditions:

(i) fractures or soft tissue injuries requiring at least 12 months of surgical management to restore function or preventing full weight-bearing for at least 12 months;

(ii) amputation of a lower extremity when the amputation involves hip disarticulation, when the amputation is at or above the tarsal region due to peripheral vascular disease or diabetes mellitus, or when the amputation results in an inability to use a lower prosthesis for at least 12 months;

(iii) permanent loss of use of any two limbs;

(iv) active inflammatory arthritis, corroborated by laboratory results, persisting at least three months despite prescribed treatment;

(v) arthritis, demonstrated on x-ray, with inability to stand or walk unassisted, surgical reconstruction or arthrodesis preventing full weight-bearing for at least 12 months, or gross deformity and functional limitation of joints in both arms;

(vi) osteomyelitis or septic arthritis of a major bone or joint persisting at least five months despite prescribed treatment;

(vii) ankylosis or fixation of the spine at 30 or more degrees flexion, as confirmed by x-ray;

(viii) osteoporosis with either multiple vertebral fractures that are not due to trauma, or at least 50 percent compression of vertebral body that is not due to trauma;

(ix) marked difficulty standing or walking that is expected to persist for at least 12 months;

(x) blindness with either best corrected central visual acuity of 20/100 in the better eye, or constriction of visual fields to 25 degrees or less in each eye;

(xi) best corrected visual efficiency of 26 percent or less in the better eye;

(xii) total bilateral ophthalmoplegia that is confirmed by ocular motility studies;

(xiii) deafness with aided speech discrimination of 40 percent or less in the better ear;

(xiv) permanent inability to produce intelligible, sustainable speech by any means;

(xv) labyrinthine-vestibular dysfunction with frequent vertiginous episodes and hearing loss;

(xvi) chronic skin disorders involving the hands, feet, axillae, perinium, or extensive body areas that are resistant to treatment and result in severe functional limitations;

(xvii) chronic pulmonary insufficiency that is confirmed on x-ray, is due to any cause and is accompanied by one of these conditions: restriction of vital capacity or of both one-second forced expiratory volume and maximum voluntary ventilation to 35 percent or less of expected values, as shown by pulmonary function studies; reduction of the diffusing capacity of the lungs for carbon monoxide to 35 percent or less of expected values; a severe, chronic impairment of gas exchange, as confirmed by arterial blood gas studies; cyanosis, dyspnea at rest, chronic wheezing and rhonchi, and use of accessory muscles of breathing; or a documented need for 24-hour supplemental oxygen;

(xviii) asthma or other episodic pulmonary impairments with severe prolonged attacks that require intensive treatment and that occur at intervals averaging at least every two months and with prolonged expiration, wheezing, and rhonchi between attacks, despite prescribed treatment;

(xix) congestive heart failure with persistence for three months despite treatment, cor pulmonale, or persistent, severe left ventricular hypertrophy;

(xx) ischemic heart disease with ongoing angina resulting in severe functional limitations;

(xxi) cardiac arrhythmias with repeated, uncontrolled syncopal episodes;

(xxii) peripheral vascular disease with persistent ulceration despite treatment, or with amputation or other manifestations causing severe functional limitations;

(xxiii) hypertensive end-organ damage resulting in severe functional limitations;

(xxiv) uncompensated cardiomyopathy with left ventricular ejection fraction of 30 percent or less;

(xxv) documented need for a heart transplant;

(xxvi) other congenital or acquired heart disease with severe functional limitations due to cardiac dysfunction;

(xxvii) proven stricture, stenosis, or obstruction of the esophagus with weight loss sustained at a level indicative of malnutrition;

(xxviii) proven peptic ulcer disease with recurrent ulceration that is persistent despite prescribed treatment after definitive surgery, inoperable fistula formation, demonstrated recurrent obstruction, or weight loss sustained at a level indicative of malnutrition;

(xxix) chronic liver disease with any of these related conditions: esophageal varices resulting in massive bleeding or requiring a shunt, significantly elevated serum bilirubin persisting for at least three months, recurrent or persistent ascites associated with persistent hypoalbuminemia, proven hepatic cell necrosis or inflammation, or documented need for a liver transplant;

(xxx) chronic inflammatory disease of the digestive system with persistent or recurrent systemic manifestations resulting in severe functional impairment, with obstruction due to an intractable abscess, fistula formation

(continued)

or stenosis, or with significant and persistent weight loss sustained at a level indicative of malnutrition;

(xxxii) disorders of the pituitary, thyroid, parathyroid, or adrenal cortex that are resistant to treatment and that result in severe functional impairment;

(xxxiii) diabetes mellitus with either severe neuropathy resulting in marked difficulty standing, walking, or using the hands, or with frequent episodes of ketoacidosis despite treatment;

(xxxiv) impaired renal function persisting for at least five months due to chronic, progressive disease with elevation of serum creatinine to four mg. per 100 ml. or greater, with creatinine clearance of 29 liters per 24 hours or less, or with severe complications that require chronic dialysis or renal transplant;

(xxxv) nephrotic syndrome accompanied for three or more months by anasarca and serum albumin of 3.0 gm. per 100 ml. and proteinuria of at least 3.5 grams per 24 hours, or by anasarca and proteinuria of at least 10 grams per 24 hours;

(xxxvi) acute leukemia or the acute phase of chronic leukemia;

(xxxvii) documented need for a bone marrow transplant;

(xxxviii) chronic anemia with hematocrit persisting below 30 percent that requires blood transfusions each two months on average or is due to a chronic gastrointestinal disorder;

(xxxix) myeloma or myelofibrosis with radiologically demonstrated bony involvement and intractable bone pain;

(xl) myeloma with severe, persistent hypercalcemia or significant levels of plasma cells in peripheral blood;

(xli) coagulation defects, including chronic thrombocytopenia with persistence of severely decreased platelet count, and hemorrhagic disorders with recent spontaneous hemorrhage or intracranial bleeding;

(xlii) chronic polycythemia not controllable by treatment with severe, persistent functional impairment due to hemorrhage or thrombosis;

(xliii) sickle cell disease with sickle cell crises occurring each three months on average, with chronic anemia and a hematocrit persisting below 30 percent, or requiring frequent extended hospitalization;

(xliv) recurrent systemic bacterial infections within the past four months due to myelofibrosis, chronic leukemia, or chronic granulocytopenia with absolute neutrophil counts persisting below 1000 cells per cubic millimeter;

(xlv) HIV infection with presence of opportunistic disease or severe functional impairment;

(xlvi) morbid obesity of at least 100 percent over desired weight with sustained skeletal, cardiovascular, or respiratory disease resulting in functional limitations;

(xlvii) systemic lupus erythematosus or progressive systemic sclerosis with recurrent visceral manifestations resulting in severe functional impairment;

(xlviii) polymyositis, polyarteritis or other collagen vascular disease with severe involvement of affected body systems resulting in severe functional impairment;

(xlix) organic brain syndrome persisting for three or more months with severe functional limitations that prevent the performance of employment;

(l) mental retardation;

(1) functional psychotic disorders causing severe functional limitations that preclude competitive employment and require ongoing psychiatric or psychological treatment;

(li) other severe and persistent mental illness that is not controllable by medications or other treatment, that causes severe functional limitations precluding competitive employment, and that requires ongoing psychiatric or psychological treatment;

(lii) any seizure disorder that is not controllable by medications with either major motor seizures occurring on an average of one each two months despite at least three months of treatment or with minor motor seizures occurring on an average of one each week despite at least three months of prescribed treatment;

(liii) cerebral palsy with mental retardation, severe emotional lability, abnormal behavior, severely limited ability to communicate, or severe limitations in motor functioning;

(liv) any other chronic neurological disease that is not controllable by treatment, or persistent manifestations of central nervous system insult, when the disease or insult results in any of these conditions: a severely limited ability to stand, walk, or use the hands; a persistent, severe difficulty swallowing or breathing; a severe expressive or receptive aphasia resulting in severely decreased ability to communicate; or frequent acute exacerbations of the disease resulting in severe functional limitations;

(lv) histologically malignant brain tumors, as proven by a pathology report, or other brain tumors causing severe functional limitations despite treatment;

(lvi) lymphoma that is not controlled despite treatment or metastatic disease of a lymph node from an undeterminable primary site;

(lvii) hormone-dependent or isotope-sensitive malignancies or sarcoma of soft parts that are not currently controlled despite treatment;

(lviii) solid malignancies that are not hormone-dependent or isotope-sensitive, with evidence of active disease, and that have any of these qualities: are inoperable, unresectable, or incompletely excised; are recurrent after radical surgery; are metastatic beyond the regional lymph nodes; are not controlled despite treatment; or are generally considered uncontrollable by established medical or surgical procedures;

(lvix) permanent residuals of neoplastic disease resulting in severe functional impairment; or

(lx) one or more other medically determinable impairments that prevent the performance of gainful employment, that are expected to last 12 months or longer or to result in death in less than 12 months, and that are not controllable by medication, surgery, or other treatment within 12 months of onset, excluding alcoholism, drug addiction or other impairments that can be controlled through treatment;

(3) The needs of the applicant or recipient and each person for whom the applicant or recipient is legally responsible shall be included in the same assistance plan, if living together, except for persons who are not otherwise eligible. In determining eligibility, the needs of each of the following persons in the family group who are not otherwise eligible shall be excluded while the resources of those persons shall be included, unless the resources are specifically exempt:

- (A) any SSI recipient;
- (B) any person who is ineligible due to the receipt of lump sum income;
- (C) any person who is ineligible due to a sanction; and
- (D) any alien who is ineligible because of the citizenship and alienage requirements or sponsorship provisions.

(b) A presumptive eligibility determination shall be made for each person who is being released from a medicaid-approved psychiatric hospital or from the Larned correctional mental health facility in accordance with an approved discharge plan. Minimally, the presumptive determination shall be based on available information concerning the person's income and resources. The general eligibility requirements of K.A.R. 30-4-50 may be waived until a formal eligibility determination is completed. Assistance provided shall equal 100 percent of the applicable GA budgetary standards, and the provision of subsection (a)(1) of K.A.R. 30-4-140 shall be waived. Assistance under this provision shall not extend beyond the month of discharge and the two following months, except that assistance under this provision may be extended by the department beyond the three-month limitation for good cause.

(c) Each applicant or recipient who refuses to authorize the department to file for and claim reimbursement from the social security administration for the amount of GA provided to the individual pending a determination of eligibility for the supplemental security income program shall be ineligible for GA.

(d) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Dec. 31, 1992; amended, T-30-2-15-93, Feb. 15, 1993; amended June 1, 1993; amended July 1, 1994; amended Jan. 1, 1997; amended March 1, 1997.)

**30-4-90w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective Dec. 30, 1994; amended Jan. 1, 1997; revoked March 1, 1997.)

**30-4-95. Eligibility factors specific to the non-FFP-FC program.** Each child shall meet the eligibility requirements set forth below to be eligible for the non-FFP-FC program. (a) A written order of commitment without guardianship shall have been issued giving the secretary care, custody, and control of the child.

(b) The child shall meet one of the following conditions:

- (1) Is under the age of 18;
- (2) Is under the age of 21 and a full-time student in a secondary school or equivalent level of vocational or technical training; or

(3) Is under the age of 21 and participating in an approved independent living plan.

(c) The child shall be ineligible for FFP-FC.

(d) The child shall be in need. The child's eligibility shall be determined on a calendar-month basis. Total budgetary requirements shall be compared with total applicable income. If there is a deficit, the child shall be determined to be in need if the child owns property with a value not in excess of allowable limits.

(e) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended Sept. 26, 1988; amended March 1, 1997.)

**30-4-96. Funeral assistance (FA) program.** Assistance may be provided for funeral expenses upon the death of a recipient under the TAF, GA, or medical assistance programs. (a) Funeral expenses. Funeral expenses shall include the cost of the following:

- (1)(A) the preparation of the body;
- (B) the purchase of a minimum casket;
- (C) the transportation within the trade area; and
- (D) a service; or
- (2) expenses for a cremation.

(b) Application. Each request for funeral assistance shall be made within six months after the date of death or the date the body is released by a county coroner.

(c) Treatment of resources.

(1) When a decedent, at the time of death, was not living with a child of the decedent who was under age 21, the spouse of the decedent, or an adult disabled child of the decedent, the total estate of the decedent shall be considered available. This provision shall not be applicable in situations in which there were separate living arrangements because of the need for institutional care. The estate shall not be allowed any exemptions.

(2) Eligibility for assistance shall be based on the assets of the family group as of the calendar month in which the decedent died under these circumstances:

(A) When a decedent was living, at the time of death, with a child of the decedent who was under age 21, the spouse of the decedent, or an adult disabled child of the decedent; or

(B) when there were separate living arrangements from one of the persons specified in subparagraph (c)(2)(A) of this regulation because of the need for institutional care.

(3) The total amount of proceeds on any life insurance policy on the decedent shall be considered available if the policy was owned by the decedent, the spouse of the decedent, or the parent of the decedent if the decedent was a child under age 21.

(4) Death benefits from SSA, VA, railroad retirement, KPERS, or other burial funds shall be considered available.

(d) Resource limit. If the value of the resources considered available in accordance with subsection (c) of this regulation does not exceed \$2,000, assistance may be provided. If the resource value exceeds \$2,000, the decedent shall be ineligible for assistance.

(continued)

(e) Assistance provided. If the decedent is eligible, the amount of funeral assistance provided shall be \$550, except that the total cost of funeral expenses, including the \$550 payment, shall not exceed \$2,000. If the total cost exceeds \$2,000, no assistance shall be provided.

(f) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended April 1, 1990; amended Sept. 30, 1994; amended July 1, 1996; amended March 1, 1997.)

**30-4-100. Payment standards for budgetary requirements in the TAF, GA, and foster care programs.** The basic and shelter standards contained in K.A.R. 30-4-101 and 30-4-102, and the designated special requirements set forth in K.A.R. 30-4-120, shall be used in determining total budgetary requirements for the TAF, GA, and foster care programs. An applicant or recipient shall not be eligible to have a standard included in the computation of the applicant's or recipient's budgetary requirements if the agency or another state's assistance program has issued the applicant or recipient a payment for the same maintenance items in the same calendar month. (a) TAF and foster care program budgeting shall be predicated upon the total number of persons in the assistance plan.

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

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

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

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

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

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

- (A) 60% reduction for one person in the plan;
- (B) 50% reduction for two persons in the plan;
- (C) 40% reduction for three persons in the plan;
- (D) 35% reduction for four persons in the plan;
- (E) 30% reduction for five persons in the plan; and
- (F) 20% reduction for six or more persons in the plan.

(b) GA program budgeting. Budgeting shall be predicated upon the total number of persons in the household. For purposes of budgeting, a "household" means one or more persons living as an economic unit and sharing in any of the maintenance items included in the basic standard or shelter standard.

(1) The budgetary standards, excluding the amount designated as an energy supplement, for each applicant or recipient shall equal 80% of the total budgetary requirements except for the following individuals:

- (A) Any person receiving care or supervision;
- (B) Any person who is participating in vocational rehabilitation program training; and
- (C) Any person residing in specialized living arrangements.

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

(3) For each person residing in a living arrangement other than that specified in paragraph (2) above, the basic and shelter standards shall be computed as follows:

(A) The standards set forth in K.A.R. 30-4-101 shall be used to determine the basic and shelter standards for the number of persons in the household, to a maximum of four persons.

(B) The applicable standard shall be divided by the number of persons in the household, to a maximum four persons. The result shall be multiplied by the number of persons in the assistance plan to establish the basic and shelter standards.

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, T-84-8, April 1, 1983; amended May 1, 1983; amended, T-84-9, May 1, 1983; amended May 1, 1984; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended July 1, 1989; amended March 1, 1997.)

**30-4-100w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 359, Section 1; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-101. Standards for persons in own home, other family home, specialized living, commercial board and room, or commercial room-only living arrangements.** A monetary standard shall be deemed to address the costs of day-to-day expenses and certain special expenditures. (a) Basic standard. The basic standards shall be those set forth below. The basic standards include \$18.00 per person as an energy supplement.

PERSONS IN PLAN

1	2	3	4
\$132.00	\$217.00	\$294.00	\$362.00

For each additional person, add \$61.00.

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

Standard.	Group I		
	\$92.00		
Allen	Gove	Norton	
Anderson	Graham	Osborne	
Atchison	Grant	Ottawa	
Barber	Greeley	Phillips	
Barton	Greenwood	Pottawatomie	
Bourbon	Hamilton	Pratt	
Brown	Harper	Rawlins	
Chase	Haskell	Republic	
Chautauqua	Hodgeman	Rooks	

	Cherokee	Jackson	Rush
	Cheyenne	Jewell	Russell
	Clark	Kearny	Saline
	Clay	Kingman	Scott
	Cloud	Labette	Sheridan
	Coffey	Lane	Smith
	Comanche	Lincoln	Stafford
	Cowley	Linn	Stanton
	Crawford	Logan	Stevens
	Decatur	Lyon	Sumner
	Dickinson	Marion	Thomas
	Doriphan	Marshall	Trego
	Edwards	Meade	Wabaunsee
	Elk	Mitchell	Wallace
	Ellis	Montgomery	Washington
	Ellsworth	Morris	Wichita
	Finney	Nemaha	Wilson
	Ford	Neosho	Woodson
	Geary	Ness	
	<b>Group II</b>	<b>Group III</b>	<b>Group IV</b>
	<b>\$97.00</b>	<b>\$109.00</b>	<b>\$135.00</b>
<b>Standard.</b>	Franklin	Butler	Douglas
	Gray	Jefferson	Harvey
	Kiowa	Leavenworth	Johnson
	Morton	McPherson	
	Pawnee	Miami	
	Seward	Osage	
	Sherman	Reno	
		Rice	
		Riley	
		Sedgwick	
		Shawnee	
		Wyandotte	

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Chapter 229, Section 104; implementing K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Jan. 1, 1986; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-88-2, Feb. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended, T-30-5-1-90, May 1, 1990; amended, T-30-8-28-90, Aug. 30, 1990; amended, T-30-12-28-90, Dec. 28, 1990; amended April 1, 1991; amended, T-30-6-10-91, July 1, 1991; amended Oct. 28, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Oct. 13, 1995; amended March 1, 1997.)

**30-4-102. Standards for children in foster care.** The standards below shall be used for children in foster care.

(a) The cost of care for any child placed in a care facility shall be an amount established by the secretary.

(b) The foster care standards shall also be used to meet the maintenance needs of a child of a foster care recipient if the recipient and the child are living together in the same foster care living arrangement.

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 39-708c, amended by L. 1996, Ch. 229, Sec. 104,

K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-84-8, April 1, 1983; amended, T-84-9, May 1, 1983; amended, T-84-11, July 1, 1983; amended May 1, 1984; amended, T-85-19, July 1, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended, T-86-42, Dec. 18, 1985; amended May 1, 1986; amended, T-87-44, Jan. 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-2-28-90, Jan. 2, 1990; amended May 1, 1990; amended March 1, 1997.)

**30-4-105.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 1982 Supp. 39-708c; implementing K.S.A. 1982 Supp. 39-708c, 39-709; effective May 1, 1981; amended May 1, 1983; revoked March 1, 1997.)

**30-4-105w.** This rule and regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Sections 5, 8, and 13; effective Dec. 30, 1994; revoked March 1, 1997.)

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

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

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property, which shall be adjusted to reflect current market value. If the property has not been appraised or if the market value as determined above is not satisfactory to the applicant or recipient or the agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined by a reputable trade publication. If a publication is not available, or if there is a difference of opinion regarding the value of the property between the applicant or recipient and the agency, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

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

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

(continued)



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

(e) Except as provided in subsection (h) and (l), nonexempt resources of all persons in the assistance plan and the nonexempt resources of persons who have been excluded from the assistance plan pursuant to K.A.R. 30-4-70(e)(3) and 30-4-90(a)(3) shall be considered.

(f) Except as provided in subsection (h), the combined resources of husband and wife, if they are living together, shall be considered in determining the eligibility of either or both for assistance, unless otherwise prohibited by law. A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of one of the couple for education or training, working, securing medical treatment, or visiting shall not be considered to interrupt the couple's living together.

(g) When any individual who lives in the household but is not in the mandatory filing unit voluntarily and regularly contributes cash to a recipient toward household expenses, including maintenance costs, the net income realized by the household shall be counted.

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

(i) The resources of an alien sponsor and the sponsor's spouse shall be considered in determining eligibility for the alien.

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

(k) Income shall not be considered both as income and as property in the same month.

(l) Despite subsection (e) above, the resources of a child whose needs are met through foster care payments shall not be considered.

(m) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 38-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended March 1, 1997.)

**30-4-106w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing

K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-108. Real property.** (a) Definitions.

(1) "Home" means the house or shelter in which the applicant or recipient is living or from which the applicant or recipient is temporarily absent, as well as the tract of land and contiguous tracts of land upon which the house and other improvements essential to the use or enjoyment of the home or located. Tracts of land shall be considered to be contiguous if lying side by side, except for streets, alleys, or other easements. The home shall not include pieces of property that touch only at the corners.

(2) "Other real property" means any of the following types of property:

(A) real property other than a home;

(B) a home from which an applicant or recipient has been temporarily absent for at least 12 months; or

(C) a home to which an applicant or recipient will be unable to return.

(b) Treatment of real property. The equity value of non-exempt real property shall be considered as a resource.

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

(1) The home;

(2) other real property that is essential for employment or self-employment; and

(3) other real property that is producing income consistent with its fair market value.

(d) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended May 1, 1988; amended Sept. 26, 1988; amended March 1, 1997.)

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

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

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

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

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

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

(1) Personal effects;

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

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

(4) income-producing property, other than cash assets, that is essential for employment or self-employment or that is producing income consistent with its fair market



value. Income-producing property may include tools, equipment, machinery, and livestock;

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

(6) items for home consumption, which shall consist of the following:

(A) produce from a small garden consumed from day to day and any excess which may be canned or stored; and

(B) a small flock of fowl or livestock that is used to meet the food requirements of the family;

(7) one vehicle for each assistance family. Additional vehicles may be exempt if used over 50% of the time for employment or self-employment, if used as the family's home, or if specially equipped for use by a handicapped person;

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

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

(10) burial plots and funeral agreements that meet conditions established by the secretary of health and human services and approved by the secretary of social and rehabilitation services;

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

(12) escrow accounts established for families participating in the family self-sufficiency program through the department of housing and urban development. Interest earned on the accounts shall also be exempted as income.

(d) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended Oct. 1, 1992; amended March 1, 1997.)

**30-4-109w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 8; effective Dec. 30, 1994; revoked March 1, 1997.)

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

(1) "Earned income" means income, in cash or in kind, that an applicant or recipient currently earns, through the receipt of wages, salary, or profit, from activities in which the individual engages as an employer or as an employee with responsibilities that necessitate continuing activity on the individual's part.

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

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

(b)(1) A client shall be ineligible when the total income without disregards exceeds 185% of the standards for budgetary requirements when budgeted prospectively for the number of persons in the plan. The following types of income shall be excluded from total income:

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

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

(C) the earned income of a child under age 18 who is a student in elementary or secondary school or who is working towards attainment of a G.E.D.; and

(D) the first \$50.00 of child support or child support in combination with spousal support received in a month.

(2) For purposes of this regulation, total income shall be regarded as the sum of all earned income, or adjusted gross income of the self-employed, with no exemptions, all nonexempt, unearned income and nonexempt, current support payments received and reported by the child support enforcement office.

(c) Treatment of income.

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

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

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

(4) When a recipient is eligible on a prospective basis and there is no budgetary deficit resulting from retrospective budgeting, the assistance payment shall be suspended. If the recipient is eligible for the month following the month of suspension, retrospective budgeting shall be reinstated.

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

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

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

(continued)

based on the income earned during two or more representative months.

(d) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended March 1, 1997.)

**30-4-110w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

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

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

(A) Ninety dollars for each employed person;

(B) the earned income disregards of \$30.00 and  $\frac{1}{3}$  of the remaining income, for the following persons in a TAF or foster care assistance plan:

(i) Each applicant who had received assistance in one of the four preceding months and who had not had the disregards applied to the applicant's income for the periods of time specified in subparagraph (B) (ii) of this subsection; and

(ii) each recipient. The  $\frac{1}{3}$  disregard shall continue for a period of time not to exceed four consecutive months and the \$30.00 disregard shall continue for a period not to exceed 12 consecutive months; and

(C) reasonable expenses for child care or expenses for the care of an incapacitated person.

(i) The amount of deductible dependent care shall not exceed \$200.00 per month per person for persons under age two or \$175.00 per month per person for persons age two or older. The dependent shall be included in the assistance plan before the deduction is allowed.

(ii) For cases subject to retrospective budgeting during the first and second months of employment, the cost of child care may be met by the agency, directly or through reimbursement, based on an agency-approved plan. In such cases, the child care disregard may be applied to offset income received during the first and second months of employment when determining the amount of the payment for the corresponding payment months. Under these circumstances, the disregard shall not be applied to income used to determine the amount of the payment for the two months following the month in which child care ceases.

(2)(A) Once an individual has received the appropriate earned income disregard for the time period specified above in subparagraph (1) (B) (ii) in a program through which the individual's needs were met with federal

funds, the individual shall not again be eligible for the earned income disregards specified in subparagraph (1) (B) (ii) above until the individual has ceased to receive federally funded assistance for 12 consecutive months.

(B) Once an individual has received the appropriate earned income disregard for the time period specified above in subparagraph (1) (B) (ii) in a state-funded program, the individual shall not again be eligible for the earned income disregards until after the individual has ceased to receive state-funded assistance for 12 consecutive months.

(C) If the client would have been eligible to receive the earned income disregard in any month, but did not receive it due to the client's failure to comply with an eligibility or procedural requirement or due to the provisions of subsection (c), the month the client would have been eligible for the disregard shall be counted in determining the four-consecutive-month and 12-consecutive-month periods. If income from a recurring source resulted in suspension or termination of assistance payments due to an extra paycheck, the month of ineligibility shall not interrupt the accumulation of consecutive months of the \$30.00 and  $\frac{1}{3}$  disregard, nor shall it count as one of the consecutive months.

(c) The earned income disregards specified in subsection (b) shall not be applicable to earnings that are not reported in a timely manner on the monthly status report form without good cause or under these circumstances:

(1) the individual has terminated employment or has reduced earnings without good cause within the 30-day period preceding the payment month for applicants or the report month for recipients;

(2) the individual has refused without good cause to accept a bona fide offer of employment within the 30-day period preceding the payment month for applicants or the report month for recipients; or

(3) the individual voluntarily requests assistance to be terminated for the primary purpose of avoiding receipt of the \$30.00 and  $\frac{1}{3}$  disregard for four consecutive months.

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

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

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

(3) If a business is being conducted from a location other than the applicant or recipient's home, the expenses for business space and utilities shall be considered income-producing costs.

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

(5) If payments increase the equity in equipment, vehicles, or other property, the payments shall not be considered income-producing costs.

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

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

(8) Insurance payments on equipment, vehicles, or other property shall be allowed if the payments directly relate to the business.

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

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

(e) The applicable income for a person in the home whose income is required to be considered and who is not included in the assistance plan shall equal all nonexempt, unearned income and gross earnings, or adjusted gross earnings of the self-employed, without the application of any income disregards, unless otherwise prohibited by law.

(f) The income of an alien's sponsor and the sponsor's spouse shall be considered in determining eligibility and the amount of the assistance payment for the alien.

(g) All net unearned income of persons included in the assistance plan shall be applicable unless exempted. Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. The principles set forth in subsection (d) of this regulation regarding the calculation of income-producing costs shall be applicable.

(h) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104 and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended May 1, 1991; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended March 1, 1997.)

**30-4-111w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 13; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-112w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 5; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-113. Income exempt as applicable income.** The following types of income shall be exempt as applicable income in the determination of the budgetary deficit: (a) earned income of a child who is under the age of

18 years if the child is a student in elementary or secondary school or is working towards attainment of a G.E.D.

(b) lump sum income;

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

(d) unearned income-in-kind;

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

(f) tax refunds and rebates, except for earned income tax credits in accordance with K.A.R. 30-4-112(y);

(g) incentive payments received by renal dialysis patients;

(h) home energy assistance furnished on the basis of need by a federally regulated or state-regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, nonprofit organization, by a supplier of home heating oil or gas, or by a municipal utility company that provides home energy;

(i) income of a child received from a youth program funded by the job training partnership act of 1982;

(j) housing assistance from federal housing programs;

(k) assistance payments in the month received;

(l) the first \$50.00 of child support or child support in combination with spousal support received in a month;

(m) support payments received following the effective date of the assignment of support rights to the agency. However, reported current support which is in excess of the amount exempted in subsection (l) of this section and which, if prospectively treated as nonexempt income, would result in ineligibility, or a support refund disbursed by the agency to the recipient, shall not be exempt income;

(n) up to \$2,000.00 per year of income received by an individual Indian that is derived from leases or other uses of an individually owned trust or restricted lands;

(o) Veterans administration (VA) aid and attendance and housebound allowances;

(p) VA payments resulting from unusual medical expenses; and

(q) interest income that does not exceed \$50.00 per month.

(r) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104 and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended May 1, 1991; amended

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July 1, 1991; amended Sept. 30, 1994; amended Dec. 30, 1994; amended March 1, 1997.)

**30-4-113w.** This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-4-120.** Special needs for applicants and recipients of TAF. (a) The expenses for the following special needs shall be added to the basic and shelter standards as outlined in K.A.R. 30-4-100 to compute the budgetary requirements for applicants and recipients under the conditions as specified.

(1) Temporary out-of-home care for children. The cost of temporary, out-of-home care may be allowed under the following conditions:

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

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

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

(2) Conservator or personal representative expense. The fee of the legally appointed conservator for conservatorship or the personal representative fee for service shall be allowed under the following conditions:

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

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

(3) Special household and childrearing expenses. Costs for special household and childrearing expenses may be allowed in an amount that does not exceed the highest allowable basic and shelter standard, as outlined in K.A.R. 30-4-100. Payment for these expenses shall be derived from donor funds that are earmarked for the family or otherwise designated to the family by a donor. The following expenses may be covered under this provision:

(A) Repair or replacement of household items;

(B) replacement of essential clothing;

(C) special needs related to pregnancy or newborn child;

(D) special school expenses for children; and

(E) other essential household expenses or expenses resulting from a catastrophe.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-33, Dec. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July

29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended Aug. 1, 1995; amended Jan. 1, 1997; amended March 1, 1997.)

**30-4-120w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective Dec. 30, 1994; amended August 1, 1995; amended Jan. 1, 1997; revoked March 1, 1997.)

**30-4-122a.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1992 Supp. 39-708c, implementing K.S.A. 1992 Supp. 39-708c, 39-709, as amended by 1993 SB 317; effective, T-84-9, March 29, 1983; effective May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended May 1, 1987; amended June 1, 1993; amended, T-30-9-16-93, Sept. 16, 1993; amended Nov. 8, 1993; revoked March 1, 1997.)

**30-4-130. Types of payments.** Public assistance payments shall be issued in accordance with the provisions set forth below. (a) Money payment. Payments shall be available through the state electronic benefit transfer system or, in certain circumstances, by check or warrant immediately redeemable at par. Payments shall be made with no restriction on the use of the funds. All payments shall be money payments, except for the following types of payments:

(1) Payments pursuant to the foster care programs;

(2) work program support costs and transitional expenses in accordance with K.A.R. 30-4-64 (c) and (d);

(3) protective payments; and

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

(b) Who may receive money payments. The following persons may receive money payments:

(1) a caretaker;

(2) a recipient;

(3) a personal representative; or

(4) substitute payee.

A minor shall not receive a money payment unless emancipated.

(c) Protective payments in the TAF and GA programs.

(1) If any caretaker persistently mismanages the money payment to the detriment of any child for whom assistance is claimed and if an approved service plan is on file, a protective payment, in lieu of a money payment to the caretaker, shall be issued to a substitute payee.

(2) If a substitute payee is unavailable, a protective vendor payment shall be issued.

(3) If the caretaker has been removed and all reasonable efforts to identify a suitable protective payee have failed, protective payments shall not be required.

(d) Substitute payee.

(1) Appointment and dismissal. Each substitute payee shall be appointed as assisted by the agency. The payee may be terminated by the agency if the payee's services are no longer needed or if the payee is not giving satis-

factory service. A payee shall be removed only after a careful evaluation of the payee's performance has been made.

(2) (A) Who may be substitute payee. An individual selected to be a substitute payee may be a relative, friend, neighbor, or member of a religious or community organization. The following persons shall not serve as substitute payees:

- (i) the agency's area director;
- (ii) the supervisor of the agency worker;
- (iii) the agency's worker determining financial eligibility;
- (iv) the agency's special investigative or resource staff;
- (v) the staff handling the fiscal process for the client;

or

- (vi) the landlord, grocers, or vendors of goods or services dealing directly with the client.

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

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

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

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

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

(D) the ability to maintain close contacts with the caretaker and child by virtue of living near the caretaker or having transportation available; and

(E) responsibility and dependability.

(4) Payee-recipient relationship. Each payee may make decisions about the expenditure of the assistance payment. The payee may expend the payment in any of the following ways:

(A) spend the money for the family;

(B) supervise the recipient's use of the money; or

(C) give a portion of the money to the recipient to spend for certain expenses and pay for other expenses of the recipient.

(5) Payee-agency relationship. Each payee shall assure the agency that the money is spent for the children's benefit. The payee's responsibility to the agency shall be set forth in writing with one copy for the payee and one for the agency.

(A) This written agreement shall cover the following areas:

(i) the plans for accounting;

(ii) use of the assistance funds; and

(iii) reporting on the general progress made.

(B) The agreement shall be supplemented by the following:

(i) discussions of the payee's responsibility;

(ii) a statement of the purpose of the plan;

(iii) a description of the nature and frequency of reports;

(iv) a statement of the rights of the recipient; and

(v) a statement of the confidential nature of the relationship.

(6) Periodic review of cases. Each money payment mismanagement case shall be reviewed at least every six months to determine which of the following actions will be taken:

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

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

(C) develop another plan for the care of the child or children if necessary, including any of the following options:

(i) placement with another relative;

(ii) seeking appointment of a guardian; or

(iii) placement in a foster home.

(7) Discontinuance of protective payments. Protected payments shall be discontinued when the caretaker has demonstrated an ability to manage the money payment or after a period of two years has lapsed, whichever comes first. Payment may continue for any additional time reasonably necessary to complete a substitute plan for the care of the child.

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

(1) Appointment of personal representative. A person who meets the following qualifications shall be recommended to the court as a personal representative by the agency.

(A) The person shall not be an employee of the agency.

(B) The person shall not benefit directly from the assistance payment.

(C) The person shall meet the criteria set forth in paragraph (d)(2)(A) of this regulation.

(2) Dismissal of personal representative. A recommendation to the court to dismiss a personal representative shall be made by the agency if the client demonstrates that the client no longer requires a personal representative, or if the personal representative is failing to execute the responsibilities set forth in this regulation, in which instance a substitute personal representative shall be recommended by the agency.

(3) Responsibility of personal representative. Each personal representative shall be responsible to the court, the agency, and the recipient. Each personal representative shall make an annual accounting to both the court and the agency. A more frequent accounting may be required by the agency or the court in the form and at the times prescribed by the agency or the court. Each personal representative shall maintain a confidential relationship with the applicant or recipient and shall consult with the applicant or recipient concerning the applicant's or recipient's

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ipient's requirements, resources, and the use of the money payment.

(4) Periodic review. The necessity of continuing the appointment of a personal representative shall be reviewed semiannually. Consideration shall be given to whether or not the recipient's ability to manage personal affairs has improved or if other changes in the recipient's circumstances or living arrangements make it possible for the recipient to manage without the help of a personal representative.

(f) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 59-2801 *et seq.*, K.S.A. Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104 and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-6-10-91, July 1, 1991; amended Oct. 1, 1993; amended July 1, 1996; amended March 1, 1997.)

**30-4-130w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 39-708c; implementing K.S.A. 59-2801 *et seq.*, K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

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

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

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

(b) Underpayments. Underpayments shall be promptly corrected.

(c) Overpayments. Overpayments shall be promptly corrected. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. The assistance payment shall not be reduced below an amount that, when added to liquid resources, total earned income with no disregards or exemptions, and nonexempt unearned income, is less than 90 percent in TAF or 80 percent in GA of the budgetary requirement for the number of persons in the assistance plan. Recovery procedures shall not be initiated by the agency pending the disposition of a welfare fraud referral.

(d) Disqualification penalties.

(1) Each individual found to have committed fraud, either through an administrative disqualification hearing or by a court of appropriate jurisdiction, or who has signed either a waiver of right to an administrative disqualification hearing or a disqualification consent agreement in any case referred for prosecution, shall be ineligible for assistance as set forth below.

(A) If the individual is found to have made a fraudulent statement or representative with respect to the iden-

tity or place of residence of the individual in order to receive multiple benefits simultaneously, the individual shall be ineligible for a period of 10 years.

(B) For all other fraudulent acts, the individual shall be ineligible for one of the following periods of time:

(i) 12 months for the first violation;

(ii) 24 months for the second violation; and

(iii) permanently for the third violation.

A court may impose an additional 18-month disqualification period for the first and second convictions on criminal cases only. If a court fails to impose a disqualification period, the disqualification periods outlined above shall be imposed unless they are contrary to the court order.

(2) Upon determination of fraud, an applicant shall be denied assistance. A recipient shall be terminated from assistance no later than the first day of the second month following the month the notice of disqualification is sent.

(e) Discontinuance of assistance payments. Assistance payments shall be discontinued when the recipient no longer meets one or more of the appropriate eligibility factors.

(f) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 39-719b, K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended, T-83-38, Nov. 23, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended July 1, 1989; amended May 1, 1992; amended March 1, 1997.)

**30-4-140w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by K.S.A. 39-708c; implementing K.S.A. 39-719b and 39-708c; effective Dec. 30, 1994; amended August 1, 1995; revoked March 1, 1997.)

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

**30-6-34. Program.** (a) The medical assistance program shall include applicants and recipients classified as automatic eligibles and determined eligibles.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1984; amended Dec. 30, 1994; amended March 1, 1997.)

**30-6-35w.** This regulation shall be revoked on and after March 1, 1997 (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

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

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

(2) "Caretaker" means any of the following persons:



(A) the parent or parents, including the parent or parents of an unborn child; or

(B) the person who is assigned the primary responsibility for the care and control of the child as one of the following representatives:

(i) a guardian, conservator, or legal custodian; or

(ii) a relative as defined in paragraph (a)(4) of this regulation.

(3) "Eligible caretaker" means a caretaker who is considered in the plan with the child.

(4) "Relative" means any of the following individuals:

(A) any blood relative who is within fifth degree of kinship to the child, including any of these relatives:

(i) parents;

(ii) siblings;

(iii) nephews;

(iv) nieces;

(v) aunts;

(vi) uncles; and

(vii) persons of preceding generations who may be denoted by prefixes of grand, great, great-great, or great-great-great;

(B) a stepfather, stepmother, stepbrother, or stepsister;

(C) a legally adoptive parent or parents or another relative or relatives of adoptive parents as noted in subparagraphs (1) and (2) above;

(D) a spouse of any person named in the above groups or a former spouse of any of those persons, if marriage is terminated by death or divorce.

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

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

(c) In institutional living arrangements, each person shall have a separate assistance plan unless one of the following exceptions applies:

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

(2) The person's income and resources are considered available to both members of a couple as set forth in K.A.R. 30-6-106(f); or

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

(d) Any person who is ineligible for medical assistance because of a penalty provision shall be excluded from that person's family group medical assistance plan.

(e) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch.

229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended April 1, 1990; amended March 1, 1997.)

**30-6-41w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-50w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-52. Act on own behalf.** (a) Emancipated minor. "Emancipated minor" means a person who is age 16 or 17 and who is or has been married, or a person who is under the age of 18 and who has been given or acquired the right to manage personal affairs in one of the following ways:

(1) by court action that conferred the rights of majority on the minor;

(2) by an oral or written agreement that terminates the rights of parental control, the parents' right to claim the minor's earnings, and the parents' legal obligation to support the minor, unless the actions of the parties are contrary to the agreement; or

(3) by actions of the minor that terminate the rights mentioned in paragraph (2) above.

(b) Ability to act on own behalf. Each applicant or recipient shall be legally capable of acting on his or her own behalf. Incapacitated persons or minors shall not be eligible for medical assistance unless a caretaker, medical representative, representative payee for social security benefits, or a responsible adult with whom a child resides as a result of an approved social service plan applies for assistance on the person's behalf. Emancipated minors shall be eligible to receive medical assistance on their own behalf. When the emancipation is not based on court action or marriage and an emancipated minor becomes dependent on a parent for support or comes under parental control, the minor shall no longer be considered emancipated.

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Chapter 229, Sec. 104 and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended May 1, 1984; amended Jan. 4, 1993; amended Sept. 30, 1994; amended March 1, 1997.)

**30-6-52w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 1; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-53w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Chap-

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ter 229, Section 104; effective Dec. 30, 1994; amended July 19, 1996; amended Jan. 1, 1997; revoked March 1, 1997.)

**30-6-54w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-55. Cooperation.** (a) Establishment of eligibility. Each applicant, recipient, or ineligible caretaker shall cooperate with the agency in the establishment of eligibility. Failure to provide information necessary to determine eligibility shall render the family group ineligible for medical assistance as provided in K.A.R. 30-6-39.

(b) Potential resources. Each applicant or recipient shall cooperate with the agency in obtaining any resources due the applicant, recipient, or any other person for whom assistance is claimed. Failure to cooperate without good cause shall render the applicant or recipient ineligible for medical assistance.

(c) Social security number. Each applicant or recipient shall provide the agency with the applicant's or recipient's social security number. Failure to provide the number, or failure to apply for a number if the applicant or recipient has not previously been issued a number, shall render the applicant or recipient ineligible for assistance.

(d) Paternity and support. Each applicant or recipient shall cooperate with the agency in establishing the paternity of any child born out of wedlock for whom assistance is claimed, and in obtaining support payments for the applicant or recipient and for any child for whom assistance is claimed. Failure to cooperate shall render the applicant or recipient ineligible for assistance unless the individual demonstrates good cause for refusing to cooperate. Cooperation shall include the following actions:

(1) Appearing at the local child support enforcement office, as necessary, to provide information or documentation needed to establish the paternity of a child born out of wedlock, to identify and locate the absent parent, and to obtain support payments;

(2) appearing as a witness at court or at other proceedings as necessary to achieve the child support enforcement objectives;

(3) forwarding to the child support enforcement unit any support payments received from the absent parent that are covered by the support assignment; and

(4) providing information, or attesting to the lack of information, under penalty of perjury.

(e) Third party resources. Each applicant or recipient shall cooperate with the agency in identifying and providing information to assist the agency in pursuing any third party who may be liable to pay for medical services under the medical assistance program. Failure to cooperate without good cause shall render the applicant or recipient ineligible for medical assistance.

(f) Group health plan enrollment. Each applicant or recipient who is otherwise eligible shall cooperate with the agency in enrolling in a group health plan offered by the applicant's or recipient's employer if the agency has determined that such plan is cost effective. To be cost effective, the amount paid for premiums, co-insurance, de-

ductibles, other cost-sharing obligations under the group health plan, and any additional administrative costs shall be less than the amount paid by the agency for an equivalent set of medicaid services. Failure to cooperate without good cause shall render the applicant or recipient ineligible for medical assistance.

(g) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, T-86-9, May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended Jan. 1, 1990; amended May 1, 1992; amended March 1, 1997.)

**30-6-55w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 8; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-56w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-59. Strikes.** (a) An applicant or recipient shall be ineligible for participation in the medical assistance program if the applicant or recipient is participating in a strike. If that individual is a legally responsible caretaker, the individual and all persons for whom the individual is legally responsible shall be ineligible for participation in the medical assistance program.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended March 1, 1997.)

**30-6-59w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-60w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and 39-709, as amended by L. 1994, Chapter 265, Section 8; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-65. Automatic eligibles.** (a) To be automatically eligible for medical assistance, a person shall meet the general eligibility requirements of K.A.R. 30-6-50 and K.A.R. 30-6-106(c)(2) and shall be within one of the following categories:

(1) a person who is legally entitled to and receiving SSI benefits and who is in compliance with the general eligibility requirements regarding residence;

(2) a person who is legally entitled to and receiving state supplemental payments from Kansas related to SSI;

(3) a person who is determined by the SSA to retain recipient status, although not currently receiving an SSI benefit;

(4) a person who is receiving public assistance, pursuant to article 4 of this chapter;

(5) a person who is not receiving public assistance for one of the following reasons:

(A) the person is eligible for less than \$10.00 of public assistance;

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

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

(6) a person who is included in the assistance plan of a family that was receiving TAF or foster care assistance in at least three of the six months immediately before the month in which the family became ineligible for TAF or foster care assistance as a result, in whole or in part, of collection or increased collection of support. Automatic eligibility for the medical assistance program shall continue for the four months immediately after the last month in which the family was eligible and legally entitled to receive TAF or foster care assistance, as long as the family remains ineligible for TAF or foster care due to collection or increased collection of support;

(7) a person who is mandated to receive inpatient treatment for tuberculosis;

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

(9) a child who is under 18 years of age and who meets the TAF income and resource requirements pursuant to article 4 of this chapter;

(10) a child born to a mother who is eligible for and receiving medicaid at the time of birth, for a period of up to one year, under the following conditions:

(A) the child shall remain eligible so long as the mother remains eligible for medicaid or would be eligible for medicaid if still pregnant; and

(B) the child shall remain in the same household with the mother;

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

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

(13) a child for whom a non-title IV-E adoption assistance agreement is in effect between the state and the adoptive parents and who cannot be placed without medical assistance because the child has special needs for medical or rehabilitative care; or

(14) a person who is included in the assistance plan of a family that meets the following conditions for transitional medical services:

(A) the family has received TAF in three of the six months immediately before the first month of transitional medical services; and

(B) the family has lost eligibility for TAF due solely to one of the following factors:

(i) increased earned income or hours of employment of the caretaker; or

(ii) termination of the earned income disregards as provided in K.A.R. 30-4-111(b)(1)(B)(ii). Assistance under

this provision shall be provided for a period not to exceed 12 months.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709, K.S.A. 39-7,103; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-84-8, March 29, 1983; amended May 1, 1983; amended, T-84-9, March 29, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended, T-86-19, July 1, 1985; amended May 1, 1986; amended, T-87-5, May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-29, Nov. 1, 1986; amended, T-87-44, Jan. 1, 1987; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-30-7-29-88, July 29, 1988; amended Sept. 26, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended, T-30-1-2-90, Jan. 2, 1990; amended, T-30-2-28-90, Jan. 2, 1990; amended, T-30-3-29-90, April 1, 1990; amended, T-30-7-2-90, Aug. 1, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Jan. 7, 1991; amended May 1, 1991; amended Jan. 2, 1992; amended July 1, 1996; amended March 1, 1997.)

**30-6-65w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c, 39-7,103 and L. 1994, Chapter 265, Section 9; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-70.** Medicaid determined eligibles; eligibility factors specific to temporary assistance for families (TAF). (a) A child shall meet the applicable general eligibility requirements of K.A.R. 30-6-50 and shall be under 18 years of age to be eligible for the medical assistance program related to TAF.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended March 1, 1997.)

**30-6-70w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 7; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-72.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; revoked March 1, 1997.)

**30-6-72w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 7; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-73.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1991 Supp. 39-708c, as amended by 1992 SB 182, Sec. 5; effective May 1, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended, T-83-38, Nov. 23, 1982; amended May 1, 1983; amended May 1, 1986;

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amended July 1, 1989; amended Oct. 1, 1989; amended Feb. 1, 1990; amended Jan. 7, 1991; amended Oct. 1, 1992; revoked March 1, 1997.)

**30-6-77w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-78w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-79.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c, K.S.A. 1988 Supp. 39-709, as amended by L. 1989, Ch. 125, Sec. 1; effective, T-85-26, Oct. 15, 1984; effective May 1, 1985; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended April 1, 1990; revoked March 1, 1997.)

**30-6-81w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-82w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-85w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-86w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-87w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-94w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-103w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; effective Dec. 30, 1994; amended Dec. 29, 1995; amended Jan. 1, 1997; revoked March 1, 1997.)

**30-6-105.** This rule and regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1985 Supp. 39-708c, 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended May 1, 1982; amended May 1, 1986; revoked March 1, 1997.)

**30-6-105w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-106.** General rules for consideration of resources, including real property, personal property, and income. (a) For purposes of determining eligibility for assistance, legal title shall determine ownership. In the absence of legal title, possession shall determine ownership.

(b) Resources, to be real, shall be of a nature that the value can be defined and measured. The objective measures set forth in paragraphs (1) and (2) below shall establish the resources' value.

(1) Real property. The value of real property shall be initially determined by the latest uniform statewide appraisal value of the property, which shall be adjusted to reflect current market value. If the property has not been appraised or if the market value as determined above is not satisfactory to the applicant, recipient, or agency, an estimate or appraisal of its value shall be obtained from a disinterested real estate broker. The cost of obtaining an estimate or appraisal shall be borne by the agency.

(2) Personal property. The market value of personal property shall be initially determined using a reputable trade publication. If a publication is not available, or if there is a difference of opinion regarding the value of the property between the agency and the individual, an estimate from a reputable dealer shall be used. The cost of obtaining an estimate or appraisal shall be borne by the agency.

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

(2) For SSI, real property shall be considered unavailable as long as it cannot be sold for one of the following reasons:

(A) The property is jointly owned and its sale would cause undue hardship because of the loss of housing for the other owner or owners; or

(B) the owner's reasonable efforts to sell the property have been unsuccessful.

(d) The resource value of property shall be that of the applicant's or recipient's equity in the property. Unless otherwise established, the proportionate share of jointly owned real property and the full value of jointly owned personal property shall be considered available to the applicant or recipient. Resources held jointly with a non-legally responsible person may be excluded from consideration if the applicant or recipient demonstrates that the following conditions exist:

(1) the applicant or recipient has no ownership interest in the resource;

(2) the applicant or recipient has not contributed to the resource; and

(3) any access to the resource by the applicant or recipient is limited to those duties performed while the applicant or recipient is acting as an agent for the other person.

(e) Nonexempt resources of all persons in the assistance plan shall be considered in determining eligibility.

(f) (1) The combined resources of husband and wife, if they are living together, shall be considered in determining the eligibility of either or both for the medical assistance program, unless otherwise prohibited by law.

(2) A husband and wife shall be considered to be living together if they are regularly residing in the same household. Temporary absences of either the husband or the wife for education, training, working, securing medical treatment, or visiting shall not interrupt the period of time during which the couple is considered to be living together.

(3) A husband and wife shall not be considered to be living together when they are physically separated and not maintaining a common life, or when one or both enter into an institutional living arrangement, including either a Medicaid-approved or non-approved medical facility or a home- and community-based services care arrangement.

(A) If only one spouse enters an institutional living arrangement, the provisions of subsection (m) below shall apply.

(B) If both spouses enter an institutional living arrangement, the combined resources of the husband and wife shall be considered available to both for the month in which the institutional arrangement begins.

(g) The resources of an ineligible parent shall be considered in determining the eligibility of a minor child for the medical assistance program if the parent and child are living together, except that such resources shall not be considered for children in an institutional or home- and community-based services arrangement beginning with the month following the month the arrangement begins.

(h) When any individual in the household who does not have the responsibility to support a person in the plan voluntarily and regularly contributes cash to the recipient toward household expenses, including maintenance costs, the net income realized by the household shall be counted as an available resource.

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

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

(k) Income shall not be considered to be both income and property in the same month.

(l) Despite subsection (e) above, the resources of a child whose needs are met through foster care payments shall not be considered in determining eligibility.

(m) When one spouse enters an institutional living arrangement and the other spouse remains in the community, and an application for medical assistance is made on behalf of the institutionalized spouse, the following provisions shall apply.

(1) The separate income of each spouse shall not be considered to be available to the other beginning in the month the institutional arrangement begins. Unless it is

otherwise established that less or more than this value is available,  $\frac{1}{2}$  of the income that is paid in the names of both spouses shall be considered available to each. Income that is paid in the name of either spouse, or in the name of both spouses and the name of another person or persons, shall be considered available to each spouse in proportion to the spouse's interest, unless it is otherwise established that less or more than this value is available.

(2) (A) A monthly income allowance for the community spouse shall be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or in a spenddown status for persons in home- and community-based services arrangements.

(B) The income allowance for the community spouse, when added to the income already available to that spouse, shall not exceed 150 percent of the official federal poverty income guideline for two persons plus the amount of any excess shelter allowance. "Excess shelter allowance" means the amount by which the community spouse's expenses for rent or mortgage payments, taxes and insurance for the community spouse's principal residence, plus the food stamp standard utility allowance, exceeds 30 percent of 150 percent of the federal poverty income guideline amount referred to above.

(C) The maximum monthly income allowance that can be provided under this provision shall be \$1,500.00. The \$1,500.00 limitation shall be increased at the beginning of each calendar year by the same percentage as the percentage increase in the consumer price index for all urban consumers between September, 1988 and the September before the calendar year involved.

(D) If a greater income allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(3) A monthly income allowance for each dependent family member shall be deducted from the income of the institutionalized spouse in determining the amount of patient liability for persons in institutional living arrangements or in a spenddown status for persons in home- and community-based services arrangements.

(A) "Dependent family member" means a person who is a minor or dependent child, dependent parent, or dependent sibling of either spouse and who lives with the community spouse.

(B) The allowance for each member shall be equal to  $\frac{1}{3}$  of 150 percent of the official federal poverty income guideline for two persons.

(C) An allowance for a dependent family member shall not be provided if the family member's gross income is in excess of 150 percent of the federal poverty income guideline for two persons.

(4) If the spouse is institutionalized on or after September 30, 1989, the real and personal property of both spouses shall be considered in determining the eligibility of the institutionalized spouse, based on the amount of property in excess of the community spouse property allowance as set forth in paragraph (m) (6) below, whether or not such allowance will be made.

(A) If the excess property is within the allowable resource standards of K.A.R. 30-6-107, the institutionalized spouse shall be eligible.

(continued)



(B) In the month following the first month of eligibility for the institutionalized spouse, only the property of the institutionalized spouse shall be considered available in determining continuing eligibility, except for property to be transferred in accordance with paragraph (m)(6) below.

(5) If the spouse was institutionalized before September 30, 1989, the real and personal property of each spouse shall be considered available to the other in the month in which the institutional arrangement began. Thereafter, the property of each spouse shall not be considered available to the other.

(6) The institutionalized spouse may make available to the community spouse a property allowance that, when added to the property already available to the community spouse, would be equal to  $\frac{1}{2}$  of the total value of the property owned by both spouses as of the first period of continuous institutionalization beginning on or after September 30, 1989.

(A) This property allowance shall not exceed \$60,000.00, and shall be no less than \$12,000.00. Both the \$12,000.00 and \$60,000.00 standards shall be increased at the beginning of each calendar year by the same percentage as the percentage increase in the consumer price index for all urban consumers between September, 1988 and the September before the calendar year involved.

(B) If a greater property allowance is provided under a court order of support or through the fair hearing process, that amount shall be used in place of the above limits.

(7) The amount of property received by the community spouse as a result of the property allowance determined in paragraph (m)(6) shall not be considered in determining the eligibility of the institutionalized spouse, except as provided in paragraph (m)(4) above. If the institutionalized spouse will be eligible based upon transferring sufficient property to the community spouse to equal the amount of the property allowance, the institutionalized spouse shall be given up to 90 days from the date of application to transfer the property. Additional time may be allowed for good cause. Pending disposition of the property, the institutionalized spouse shall be eligible during this time period if all other eligibility factors are met.

(n) The resources of an alien sponsor and the sponsor's spouse shall be considered in determining eligibility for the alien.

(o) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990; amended, T-30-10-1-90, Oct. 1, 1990; revoked, T-30-11-29-90, Jan. 2, 1991; amended Jan. 7, 1991; amended, T-30-12-28-90, Jan.

2, 1991; amended, T-30-3-1-91, March 1, 1991; amended May 1, 1991; amended July 1, 1991; amended, T-30-8-9-91, Aug. 30, 1991; amended Oct. 28, 1991; amended Jan. 2, 1992; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993; amended Oct. 1, 1993; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended Feb. 6, 1995; amended Dec. 29, 1995; amended March 1, 1997.)

**30-6-106w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708; effective Dec. 30, 1994; amended February 6, 1995; amended Dec. 29, 1995; revoked March 1, 1997.)

**30-65-107w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-108. Real property. (a) Definitions.**

(1) "Home" means the house or shelter in which the applicant or recipient is living or from which the applicant or recipient is temporarily absent, as well as the tract of land and contiguous tracts of land upon which the house and other improvements essential to the use or enjoyment of the home are located. Tracts of land shall be considered to be contiguous if lying side by side, except for streets, alleys, or other easements. Pieces of property that touch only at the corners shall not be considered to be contiguous.

(2) For non-SSI, "other real property" means any of the following types of property:

(A) Real property other than a home;

(B) a home from which an applicant or recipient has been temporarily absent for at least 12 months; or

(C) a home to which an applicant or recipient will be unable to return.

(3) For SSI, "other real property" means any of the following types of property:

(A) Real property other than a home; or

(B) a home from which an applicant or recipient has been absent and does not intend to return.

(4) For persons entering institutional living situations, the home shall become other real property after three months unless the absence is determined to be temporary, or a spouse, dependent child, or another dependent relative remains in the home.

(b) Treatment of real property. The equity value of nonexempt real property shall be considered as a resource.

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

(1) The home;

(2) other real property that is essential for employment or self-employment; and

(3) other real property that is producing income consistent with its fair market value.

(d) This regulation will take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 29, 1981; amended May 1, 1982; amended May 1, 1983; amended



May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-20, Sept. 1, 1986; amended May 1, 1987; amended May 1, 1988; amended Sept. 26, 1988; amended, T-30-5-1-90, May 1, 1990; amended, T-30-7-2-90, Aug. 30, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended March 1, 1997.)

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

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

(2) "Cash assets" means the following resources:

- (A) money;
- (B) investments;
- (C) cash surrender or loan values of life insurance policies;
- (D) trust funds; and
- (E) similar items on which a determinate amount of money can be realized.

(3) "Other personal property" means the following:

- (A) personal effects;
- (B) household equipment and furnishings;
- (C) home produce;
- (D) livestock;
- (E) equipment;
- (F) vehicles;
- (G) inventory;
- (H) contracts from the sale of property; and
- (I) similar items on which a determinate amount of money can be realized.

(b) Treatment of personal property. Personal property, unless exempted, shall be considered a resource. Trust funds shall be subject to subsection (c).

(c) Treatment of trust funds. For purposes of determining an individual's eligibility for assistance or the amount of assistance, the following rules shall apply to trust funds. The term "trust" shall include any legal instrument or device that is similar to a trust, including an annuity. The term "assets" shall be defined as specified in K.A.R. 30-6-56(a)(3).

(1) In the case of a revocable trust, the value of the trust shall be considered a resource available to the individual. Payments from the trust to or for the benefit of the individual shall be considered to be income. Any other payments made from the trust shall be considered under the property transfer provisions of K.A.R. 30-6-56.

(2) Irrevocable trusts.

(A) If there are any circumstances under which payment from an irrevocable trust could be made to the individual or for the benefit of the individual, the portion of the trust from which payment could be made shall be considered as a resource available to the individual. Payments made from the trust to the individual or for the benefit of the individual shall be considered income. Any other payments made from the trust shall be considered under the property transfer provisions of K.A.R. 30-6-56.

(B) Any portion of the trust from which no payment could be made to the individual under any circumstances shall be considered as of the date of establishment of the trust, or if later, the date on which payment to the individual was restricted or foreclosed, under the property transfer provisions of K.A.R. 30-6-56.

(3) An individual shall be considered to have established a trust if assets of the individual were used to form all or part of the trust and if any of the following individuals established the trust, other than by will:

- (A) the individual or the individual's spouse;
- (B) any person, including a court or administrative body, with legal authority to act in place of or on behalf of the individual or the individual's spouse; or
- (C) any person, including any court or administrative body, acting at the direction or upon the request of the individual or the individual's spouse.

(4) If the corpus of the trust includes assets of any other person or persons, the provisions of this subsection shall apply to the portion of the trust attributable to the assets of the individual.

(5) The provisions of this subsection shall apply without regard to the purposes for which the trust was established, whether or not the trustees have or exercise any discretion under the trust, any restrictions on when or whether distributions may be made from the trust, or any restrictions on the use of distributions from the trust.

(6)(A) The provisions of this subsection shall not apply to a trust that contains the assets of an individual under age 65 who meets the blindness or disability criteria of K.A.R. 30-6-85 and that is established for the benefit of the individual by a parent, grandparent, legal guardian of the individual, or a court. The state shall receive all amounts remaining in the trust upon the death of the individual, up to an amount equal to the total medical assistance paid on behalf of the individual.

(B) The provisions of this subsection shall not apply to a trust containing the assets of an individual who meets the blindness or disability criteria of K.A.R. 30-6-85 if the trust meets the following criteria:

- (i) the trust is established by a non-profit association;
- (ii) a separate account is maintained for each beneficiary of the trust;
- (iii) accounts in the trust are established solely for the benefit of individuals who meet the blindness or disability criteria of K.A.R. 30-6-85; and

(iv) each account in the trust is established by that individual, the parent, grandparent, or legal guardian of the individual, or by a court. The state shall receive all amounts remaining in the individual's account upon the death of the individual up to an amount equal to the total medical assistance paid on behalf of the individual.

(7) The provisions of this subsection shall be waived if it is determined that a waiver is necessary to avoid undue hardship on the individual. A finding of undue hardship may be granted if the individual verifies that the following conditions have been met:

- (A) the individual has exhausted all legal remedies for gaining access to the principal or income of the trust;
- (B) all otherwise available assets have been expended to meet living and medical expenses; and
- (C) the individual's health or life would be endangered if the individual was deprived of medical care.

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

- (1) personal effects;

(continued)

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

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

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

(5) items for home consumption, which shall consist of the following:

(A) produce from a small garden consumed from day to day and any excess that may be canned or stored; and

(B) a small flock of fowl or livestock that is used to meet the food requirements of the family;

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

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

(8) one vehicle for each assistance family. Additional vehicles may be exempt if used over 50% percent of the time for employment or self-employment, if used as the family's home, if needed for medical treatment of a specific medical problem, or if specially equipped for use by a handicapped person;

(9) income-producing personal property, other than cash assets, that is essential for employment or self-employment or producing income consistent with its fair market value. Income-producing property may include the following items:

(A) tools;

(B) equipment;

(C) machinery; or

(D) livestock;

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

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

(12) for non-SSI, escrow accounts established for families participating in the family self-sufficiency program through the department of housing and urban development. Interest earned on such accounts shall also be exempted as income;

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

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

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

(16) for SSI, any burial contract that meets conditions established by the secretary of health and human services

for the SSI program and approved by the secretary of social and rehabilitation services;

(17) for SSI, proceeds from the sale of a home if the proceeds are conserved for the purchase of a new home and the funds so conserved are expended or committed to be expended within three months of the sale;

(18) for SSI, a retroactive social security payment received by the applicant or recipient or an ineligible legally responsible person for the nine months following the month of receipt; and

(19) for SSI, pension funds owned by an applicant's or recipient's spouse or parent if the spouse or parent is not an applicant for or recipient of SSI.

(e) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709, effective May 1, 1981; amended, E-82-11, June 17, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended, T-83-17, July 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended, T-85-34, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended, T-30-5-1-90, May 1, 1990; amended, T-30-7-2-90, Aug. 30, 1990; revoked, T-30-8-14-90, Oct. 1, 1990; amended Oct. 1, 1990; amended Oct. 1, 1992; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended, July 1, 1994; amended Jan. 1, 1997; amended March 1, 1997.)

**30-6-105w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Chapter 229, Section 104; effective Dec. 30, 1994; amended Jan. 1, 1997; revoked March 1, 1997.)

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

(1) "Earned income" means income, in cash or in kind, that an applicant or recipient currently earns, through the receipt of wages, salary, or profit, from activities in which the individual engages as an employer or as an employee with responsibilities that necessitate continuing activity on the individual's part.

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

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

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

(2) Current eligibility. Income shall be considered prospectively to determine eligibility, beginning with the month of application. All income received or reasonably expected to be received shall be considered in determining the applicable income for the eligibility base period. Income from self-employment and intermittent income shall be considered and averaged. Intermittent income shall be divided by the proper number of months to establish the monthly amount. Intermittent income shall be

considered as income beginning with the eligibility base period in which it is received.

(c) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104; K.S.A. 1995 Supp. 39-709; effective May, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 1, 1990; amended March 1, 1997.)

**30-6-110w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-111. Applicable income.** "Applicable income" means the amount of earned and unearned income that is compared with the appropriate protected income level to establish financial eligibility. (a) Non-SSI. All earned income shall be considered applicable income unless exempted in accordance with K.A.R. 30-6-112 and K.A.R. 30-6-113. Applicable earned income shall be determined as follows.

(1) Applicable earned income for persons included in the assistance plan, and for all persons in the home whose earned income must be considered and who are excluded from the assistance plan, shall equal gross earned income, or the adjusted gross earned income from self-employment, less the following items:

- (A) \$90.00 per month for each employed person; and
- (B) reasonable and not excessive expenses for child care or expenses for the care of an incapacitated person. The amount of deductible dependent care shall not exceed \$200.00 per month per person for persons under age two or \$175.00 per month per person for persons age two or older. The dependent shall be included in the assistance plan before the deduction is allowed.

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

(A) The medical assistance program shall not treat income on the basis of internal revenue services (IRS) policies and shall not be used to either subsidize the payment of debts, or set up an individual in a business or a non-profit activity.

(B) If losses are suffered from self-employment, the losses shall not be deducted from other income nor shall the net loss of a business be considered as an income-producing cost.

(C) If a business is being conducted from a location other than the applicant's or recipient's home, the expenses for business space and utilities shall be considered as income-producing costs.

(D) If a business is being conducted from a person's own home, shelter and utility costs shall not be consid-

ered as income-producing costs unless the person can verify that those costs are clearly distinguishable from operation of the home.

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

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

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

(H) Insurance payments on equipment, vehicles, or other property shall be allowed if the payments directly relate to the business.

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

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

(b) SSI. Applicable earned income shall be determined as follows:

(1) Wages. All earned income shall be considered applicable income except that the provisions of K.A.R. 30-6-112 and K.A.R. 30-6-113 shall apply to persons in an independent living arrangement or in the home- and community-based service program. The applicable earned income shall be gross income less income disregards, if applicable.

(2) Self-employment. The applicable earned income for a self-employed person shall equal the adjusted gross earned income less income disregards, if applicable. The principles set forth in paragraph (a)(2) of this regulation regarding adjusted gross earned income shall apply to calculations made pursuant to this paragraph.

(c) SSI income disregards.

(1) For persons in an independent living arrangement or in the home- and community-based service program, the following disregards shall apply:

(A) the first \$20.00 of any nonexempt, unearned income; and

(B) an applicable earned income disregard calculated as follows: gross earned income minus any portion of the unearned income disregard that exceeds monthly earned income, plus \$65.00 of monthly earned income, plus 1/2 of the remainder of the monthly earned income.

(2) For persons in long term care who are employed, an applicable earned income disregard shall be calculated as follows: gross earned income minus \$65 of monthly earned income plus 1/2 of the remainder of the monthly earned income.

(d) Applicable unearned income.

(1) All net unearned income shall be considered to be applicable income except that the provisions of K.A.R. 30-6-112 and K.A.R. 30-6-113 shall apply to persons in an independent living arrangement or in the home- and community-based service program.

(2) The provisions of K.A.R. 30-6-113 (a), (i), (j), (w), (x), (bb), (ee), and (hh) shall apply to persons in long-term care.

(continued)

(3) Net unearned income shall equal gross unearned income less the costs of the production of the income. Income-producing costs shall include only those expenses directly related to the actual production of income. The principles set forth in paragraph (a)(2) of this regulation regarding the calculation of income-producing costs shall apply.

(e) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended, T-86-9, May 1, 1985; amended May 1, 1986; amended May 1, 1987; amended, T-88-10, May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Dec. 16, 1987; amended May 1, 1988; amended Oct. 1, 1989; amended Jan. 2, 1990; amended April 1, 1990; amended May 1, 1991; amended July 1, 1994; amended Dec. 30, 1994; amended Aug. 1, 1995; amended March 1, 1997.)

**30-6-111w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and K.S.A. 39-7,131; effective Dec. 30, 1994; amended August 1, 1995; revoked March 1, 1997.)

**30-6-112w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c and L. 1994, Chapter 265, Section 5; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-113. Income exempt as applicable income.** The following types of income shall be exempt as applicable income in the determination of eligibility: (a) unearned income-in-kind;

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

(c) assistance payments in the month received;

(d) home energy assistance furnished on the basis of need by a federally regulated or state-regulated entity whose revenues are primarily derived on a rate-of-return basis, by a private, nonprofit organization, by a supplier of home heating oil or gas, or by a municipal utility company that provides home energy;

(e) income of a child received from a youth program funded by the job training partnership act of 1982;

(f) incentive payments received by renal dialysis patients;

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

(h) tax refunds and rebates, except for earned income tax credits for non-SSI in accordance with K.A.R. 30-6-112 (y);

(i) VA aid and attendance and housebound allowances;

(j) VA payments resulting from unusual medical expenses;

(k) up to \$2,000.00 per year of income received by an individual Indian that is derived from leases or other uses of an individually owned trust or restricted lands;

(l) lump sum income;

(m) earned income of a child who is under the age of 18 years if the child is a student in elementary or secondary school or is working towards attainment of a G.E.D.;

(n) interest income that does not exceed \$50.00 per month;

(o) for non-SSI, support payments that are covered by an assignment of support rights related to TAF or foster care and that are forwarded to the agency. However, a support refund, disbursed by the agency to the client, shall not be exempt;

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

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

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

(s) for SSI, one-third of the child support payments received by an eligible child from an absent parent;

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

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

(v) for SSI, incentive allowances and reimbursements for individuals in training to provide support services under the jobs training partnership act (JTPA) program administered by the state and local subdivisions;

(w) for SSI, the difference between the social security benefit entitlement in August, 1972, and the entitlement in September, 1972, for persons who were receiving cash assistance through the programs of aid to the aged, blind, or disabled (AABD) or aid to dependent children (ADC) in September, 1972 and who were entitled to a social security benefit in September, 1972. This exemption shall apply only if the exemption establishes eligibility without a spenddown;

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

(y) for SSI, income allocated and expended by an adult in an institutional living arrangement for the support of the adult's minor children if the adult does not have a spouse who continues to live in the community. The income allocation shall not exceed the amount necessary to bring the children's income up to the protected income level appropriate to their living arrangement;

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

(aa) for SSI, the amount of the December, 1983 increase in social security disabled widow or widower benefits resulting from the changes in the actuarial reduction formula, and all subsequent cost of living adjustments, for a person who was concurrently receiving SSI and social security disabled widow and widower benefits under sec-

tion 202(e) or 202(f) of the social security act, when the person meets the following conditions:

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

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

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

(4) the person applied for medical assistance under this provision prior to July 1, 1988;

(bb) for SSI, reparation payments made under the Republic of Germany's federal law for compensation of nationalist socialist persecution;

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

(1) the person was receiving SSI benefits that began prior to age 22; and

(2) the person lost SSI eligibility due solely to the person becoming eligible for the adult disabled child benefits or to an increase in the adult disabled child benefits;

(dd) for SSI, the amount of social security early or disabled widow or widower benefits under section 202(e) or (f) of the social security act, if the person meets the following conditions:

(1) the person became ineligible for SSI because of the receipt of such benefits;

(2) the person would be currently eligible for SSI in the absence of such benefits; and

(3) the person is not entitled to hospital insurance benefits under Part A of title XVIII of the social security act;

(ee) for SSI, the income of an SSI recipient that exceeds the protected income level for institutionalized persons for three months following the month of admission when the social security administration determines that the stay in the institution is temporary and the person needs to continue to maintain and provide for the expenses of the home or another living arrangement to which the person may return;

(ff) for SSI, the income of an applicant's or recipient's spouse or parent that was counted or excluded in determining the amount of a public assistance payment, if the spouse or parent is not an applicant for or recipient of SSI;

(gg) for SSI, the income of an applicant's or recipient's spouse or parent that is used to make support payments under a court order or title IV-D support order, if the spouse or parent is not an applicant for or recipient of SSI;

(hh) for SSI, the amount of VA pension received by a single veteran with no dependents or a surviving spouse with no children, if the pension has been reduced to \$90.00 or less because the veteran or spouse resides in a medicaid-approved nursing facility;

(ii) for SSI, foster care and adoption support payments;

(jj) for SSI, Austrian social insurance payments based, in whole or in part, on wage credits granted under the Austrian general social insurance act; and

(kk) for SSI, hostile fire pay received while in active military service.

(ll) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, and K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended, E-82-19, Oct. 21, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-84-11, July 1, 1983; amended, T-84-25, Sept. 19, 1983; amended May 1, 1984; amended, T-85-26, Oct. 15, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-15, July 1, 1986; amended May 1, 1987; amended, T-88-14, July 1, 1987; amended, T-88-59, Jan. 1, 1988; amended May 1, 1988; amended, T-89-13, April 26, 1988; amended, T-30-7-1-88, July 1, 1988; amended Sept. 26, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended, T-30-6-10-92, July 1, 1992; amended Oct. 1, 1992; amended Jan. 4, 1993; amended May 3, 1993; amended, T-30-11-16-93, Dec. 1, 1993; amended Jan. 3, 1994; amended Sept. 30, 1994; amended Dec. 30, 1994; amended March 1, 1997.)

**30-6-113w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

**30-6-140. Payment amounts.** (a) Underpayments. Underpayments shall be promptly corrected, subject to the requirement that the provider shall bill the agency for the expense within the mandatory 12-month limitation period. When eligibility was incorrectly denied, and if it is documented that the provider will not return payment to the individual, the individual shall be reimbursed for the verified amounts paid to the provider, up to the proper rate for the service.

(b) Overpayments. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action.

(1) The administrative recovery process may be utilized in all cases in which an overpayment has occurred, including overpayments for automatic eligibles. The overpayment shall be deemed to be a spenddown requirement and shall be considered in determining the person's spenddown requirement for the current eligibility base period. If the spenddown requirement is not met in total during the initial eligibility base period, the unmet portion of the spenddown shall be considered as a spenddown requirement for the subsequent eligibility base period. This process shall be repeated for subsequent eligibility base periods until the spenddown requirement has been met in total. The person shall not be eligible for assistance until the spenddown requirements are met.

(2) Administrative recoupment procedures shall not be initiated by the agency pending the disposition of a welfare fraud referral.

(c) Welfare fraud penalty. Any person convicted of medical assistance program fraud, pursuant to section 1909 of the federal social security act, shall be ineligible to participate in the medical assistance program for a period of one year from the date of the conviction.

(d) Discontinuance of assistance. Any recipient's participation in the medical assistance program shall be dis-

(continued)



continued when the recipient no longer meets one or more of the appropriate factors of eligibility.

(e) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Ch. 229, Sec. 104, K.S.A. 1995 Supp. 39-709; effective May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended March 1, 1997.)

**30-6-150w.** This regulation shall be revoked on and after March 1, 1997. (Authorized by and implementing K.S.A. 39-708c; effective Dec. 30, 1994; revoked March 1, 1997.)

#### Article 7.—APPEALS, FAIR HEARINGS AND TAF/GA DISQUALIFICATION HEARINGS

##### **30-7-65. Notice to recipients of intended action.** (a)

(1) "Adequate notice" means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, the specific policies supporting the action, an explanation of the individual's right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) "Timely" means that the notice is mailed at least 10 days before the date upon which the action would become effective. Saturdays, Sundays, and legal holidays shall be counted as part of the 10-day period.

(b) When the agency intends to take action to discontinue, terminate, suspend, or reduce assistance, timely and adequate notice shall be given by the agency, except as set forth in subsection (c) of this regulation.

(c) Under the following circumstances, timely notice shall not be required, but an adequate notice shall be sent by the agency not later than the date of action:

(1) when the agency has factual information confirming the death of a recipient or of the TAF payee and there is no relative available to serve as a new payee;

(2) when the agency receives a clear written statement signed by a recipient indicating that the recipient no longer wishes assistance;

(3) when the recipient provides written information to the agency that requires termination or reduction of assistance, and the recipient has indicated, in writing, an understanding that termination or reduction of assistance will be the consequence of supplying the information;

(4) when the recipient has been admitted or committed to an institution and further payments to that individual are not authorized by program regulations as long as the person resides in the institution;

(5) when the recipient has been placed in skilled nursing care, intermediate care or long-term hospitalization;

(6) when the recipient's whereabouts are unknown and agency mail directed to the recipient has been re-

turned by the post office indicating no known forwarding address. However, the check shall be made available to the recipient if the recipient's whereabouts become known during the payment period covered by a returned check;

(7) when the agency has established that a recipient has been accepted for assistance in a new jurisdiction;

(8) when a child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by the child's legal guardian;

(9) when a change in the level of medical care is prescribed by the recipient-patient's physician;

(10) when a special allowance granted for a specific period is terminated and the recipient was informed in writing at the time the allowance was granted that it would automatically terminate at the end of the specified period;

(11) when the agency takes action because of information the recipient furnished in a monthly status report or because the recipient has failed to submit a complete or a timely monthly status report without good cause; or

(12) when the recipient is disqualified due to fraud in one of the following ways:

(A) by a court of appropriate jurisdiction;

(B) by an administrative disqualification hearing process in accordance with K.A.R. 30-7-102; or

(C) through a waiver of an administrative disqualification hearing in accordance with K.A.R. 30-7-103.

(d) This regulation shall take effect on and after March 1, 1997. (Authorized by K.S.A. 75-3304; implementing K.S.A. 75-3306; effective July 1, 1989; amended July 1, 1991; amended Jan. 1, 1997; amended March 1, 1997.)

**30-7-100. Definition of intentional TAF or GA program violation.** (a) An "intentional program violation" means any action taken by an individual to establish or maintain a family's eligibility for temporary assistance for families (TAF) or general assistance (GA), or to obtain an increase in or to maintain the amount of the family's TAF or GA grant, when that action constitutes either of the following:

(1) an intentionally false or misleading statement, misrepresentation, concealment, or withholding of facts; or

(2) an act intended to mislead, misrepresent, conceal, withhold facts, or propound a falsity.

(b) This regulation shall take effect on and after March 1, 1997. (Authorized by and implementing K.S.A. 1995 Supp. 39-708c, as amended by L. 1996, Chapter 229, Sec. 104; effective July 31, 1992; amended May 3, 1993; amended March 1, 1997.)

Rochelle Chronister  
Secretary of Social and  
Rehabilitation Services

Doc. No. 018708



**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. This cumulative index supplements the index found in the 1996 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-1-1	Amended	V. 15, p. 703
1-1-2	Revoked	V. 15, p. 704
1-1-3	Revoked	V. 15, p. 704
1-1-4	Revoked	V. 15, p. 704
1-2-53	Revoked	V. 15, p. 704
1-2-57	Amended	V. 15, p. 704
1-2-72	Amended	V. 15, p. 704
1-2-88	Amended	V. 15, p. 704
1-3-1	Revoked	V. 15, p. 704
1-3-3	Revoked	V. 15, p. 704
1-3-4	Revoked	V. 15, p. 704
1-4-2	Amended	V. 15, p. 704
1-4-6	Revoked	V. 15, p. 704
1-5-1	Amended	V. 15, p. 704
1-5-2	Revoked	V. 15, p. 704
1-5-3	Revoked	V. 15, p. 704
1-5-6	Revoked	V. 15, p. 704
1-5-7	Amended	V. 15, p. 704
1-5-12	Amended	V. 15, p. 705
1-5-15	Amended	V. 15, p. 705
1-5-22	Amended	V. 15, p. 706
1-5-24	Amended	V. 15, p. 706
1-5-26	Amended	V. 15, p. 707
1-6-22a	Amended	V. 15, p. 707
1-6-23	Amended	V. 15, p. 708
1-6-24	Amended	V. 15, p. 708
1-6-31	Amended	V. 15, p. 708
1-8-1	Revoked	V. 15, p. 709
1-8-5	Amended	V. 15, p. 709
1-8-7	Revoked	V. 15, p. 709
1-9-9	Revoked	V. 15, p. 709
1-9-15	Revoked	V. 15, p. 709
1-9-16	Revoked	V. 15, p. 709
1-9-19a	Amended	V. 15, p. 709
1-9-23	Amended	V. 15, p. 710
1-9-27	New	V. 15, p. 711
1-10-6	Amended	V. 15, p. 713
1-10-8	Revoked	V. 15, p. 713
1-10-9	Revoked	V. 15, p. 713
1-11-1	Amended	V. 15, p. 713
1-13-1a	Amended	V. 15, p. 713
1-13-2	Revoked	V. 15, p. 714
1-13-3	Revoked	V. 15, p. 714
1-13-4	Revoked	V. 15, p. 714
1-14-6	Revoked	V. 15, p. 714
1-14-7	Amended	V. 15, p. 714
1-14-10	Amended	V. 15, p. 715
1-14-11	Amended	V. 15, p. 715
1-14-12a	New	V. 16, p. 170
1-16-18a	Amended	V. 15, p. 317
1-17-10	Amended	V. 15, p. 1706
1-18-1a	Amended	V. 15, p. 1706
1-45-4	Amended	V. 15, p. 1706
1-45-7	Amended	V. 15, p. 1706
1-45-8	Amended	V. 15, p. 1706

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-25-1	through	
5-25-10	Amended	V. 15, p. 410-412
5-50-1	Amended	V. 15, p. 1861

5-50-2	Amended	V. 15, p. 1861
5-50-3	Revoked	V. 15, p. 1862
5-50-4	Amended	V. 15, p. 1862
5-50-5	Amended	V. 15, p. 1862
5-50-6	Amended	V. 15, p. 1863
5-50-7	New	V. 15, p. 1863
5-50-8	New	V. 15, p. 1863

**AGENCY 7: SECRETARY OF STATE**

Reg. No.	Action	Register
7-18-1	New	V. 15, p. 1508
7-18-2	New	V. 15, p. 1508
7-18-3	New	V. 15, p. 1508
7-23-2	Amended	V. 15, p. 1927
7-23-4	Amended	V. 15, p. 1927
7-23-8	Revoked	V. 15, p. 1927
7-38-1	New	V. 15, p. 1927
7-38-2	New	V. 15, p. 1927

**AGENCY 9: ANIMAL HEALTH DEPARTMENT**

Reg. No.	Action	Register
9-10-31	New	V. 15, p. 1671
9-10-32	New	V. 15, p. 1671
9-18-1	Amended	V. 15, p. 1671
9-19-1	through	
9-19-11	Amended	V. 15, p. 1671-1677
9-25-1	through	
9-25-15	New	V. 15, p. 1677-1684
9-26-1	New	V. 15, p. 1684

**AGENCY 11: STATE CONSERVATION COMMISSION**

Reg. No.	Action	Register
11-8-8	Amended	V. 15, p. 1401

**AGENCY 16: ATTORNEY GENERAL**

Reg. No.	Action	Register
16-2-1	Amended	V. 15, p. 375
16-5-1	Amended	V. 15, p. 375
16-5-4	Amended	V. 15, p. 375
16-5-5	Amended	V. 15, p. 376
16-6-1	Amended	V. 15, p. 376

**AGENCY 17: STATE BANKING DEPARTMENT**

Reg. No.	Action	Register
17-1-1	New	V. 15, p. 1130
17-9-1	through	
17-9-10	New	V. 15, p. 1130, 1131
17-10-1	Revoked	V. 15, p. 1131
17-11-1	through	
17-11-12	Revoked	V. 15, p. 1131
17-11-13	Amended	V. 15, p. 1131
17-11-14	Amended	V. 15, p. 1380
17-11-15	through	
17-11-19	Amended	V. 15, p. 1131, 1132
17-11-20	Revoked	V. 15, p. 1132
17-11-21	Amended	V. 15, p. 1132
17-11-23	New	V. 15, p. 1132
17-12-1	Amended	V. 15, p. 1132
17-12-2	Amended	V. 15, p. 1132
17-16-1	Amended	V. 15, p. 1132
17-16-2	Amended	V. 15, p. 1132
17-16-3	Revoked	V. 15, p. 1133
17-16-4	Amended	V. 15, p. 1133
17-16-5	through	
17-16-8	Revoked	V. 15, p. 1133
17-16-9	Amended	V. 15, p. 1133
17-17-1	through	
17-17-10	Amended	V. 15, p. 1133, 1134
17-18-1	through	
17-18-4	Revoked	V. 15, p. 1134
17-21-1	through	
17-21-6	Amended	V. 15, p. 1134, 1135
17-21-7	Revoked	V. 15, p. 1135
17-21-8	Amended	V. 15, p. 1135

**AGENCY 24: KANSAS WHEAT COMMISSION**

Reg. No.	Action	Register
24-1-1	Amended	V. 15, p. 703

**AGENCY 25: STATE GRAIN INSPECTION DEPARTMENT**

Reg. No.	Action	Register
25-1-1	Revoked	V. 15, p. 138
25-3-3	Amended	V. 15, p. 138
25-4-1	Revoked	V. 15, p. 1380
25-4-4	Amended	V. 15, p. 1538

**AGENCY 26: DEPARTMENT ON AGING**

Reg. No.	Action	Register
26-5-6	Amended	V. 15, p. 1625
26-5-9	New	V. 15, p. 1626
26-5-10	New	V. 15, p. 1626
26-6-1	through	
26-6-8	Revoked	V. 15, p. 1626

**AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT**

Reg. No.	Action	Register
28-1-9	Revoked	V. 15, p. 550
28-1-10	Revoked	V. 15, p. 550
28-1-13	Amended	V. 15, p. 970
28-1-14	Amended	V. 15, p. 970
28-1-15	Amended	V. 15, p. 971
28-1-19	Revoked	V. 15, p. 550
28-1-21	Revoked	V. 15, p. 550
28-1-22	Revoked	V. 15, p. 550
28-3-5	Revoked	V. 15, p. 550
28-3-6	Revoked	V. 15, p. 550
28-4-72	Revoked	V. 15, p. 551
28-4-431	Revoked	V. 15, p. 551
28-4-506	Revoked	V. 15, p. 551
28-4-507	Revoked	V. 15, p. 551
28-4-508	Revoked	V. 15, p. 551
28-4-558	through	
28-4-563	Amended	V. 15, p. 490-494
28-4-567	Amended	V. 15, p. 494
28-4-570	Amended	V. 15, p. 495
28-5-8	Revoked	V. 15, p. 551
28-6-1	Revoked	V. 15, p. 551
28-6-2	Revoked	V. 15, p. 551
28-7-1	through	
28-7-9	Revoked	V. 15, p. 551
28-8-1	Revoked	V. 15, p. 551
28-10-36	Revoked	V. 15, p. 551
28-10-40	Revoked	V. 15, p. 551
28-10-41	Revoked	V. 15, p. 551
28-11-1	through	
28-11-6	Revoked	V. 15, p. 551
28-13-10	Revoked	V. 15, p. 551
28-13-11	Revoked	V. 15, p. 551
28-16-50	through	
28-16-54	Revoked	V. 15, p. 551
28-16-56a	Revoked	V. 15, p. 1402
28-16-56b	Revoked	V. 15, p. 1402
28-16-56c	New	V. 15, p. 1402
28-16-56d	New	V. 15, p. 1403
28-16-59	Amended	V. 15, p. 1403
28-16-65	Revoked	V. 15, p. 551
28-16-67	Revoked	V. 15, p. 551
28-17-5	Revoked	V. 15, p. 551
28-17-8	Revoked	V. 15, p. 551
28-19-45	Revoked	V. 15, p. 183
28-19-46	Revoked	V. 15, p. 183
28-19-47	Revoked	V. 15, p. 183
28-19-83	through	
28-19-96	Revoked	V. 15, p. 551
28-19-98	Revoked	V. 15, p. 551
28-19-98a	Revoked	V. 15, p. 551
28-19-99	through	
28-19-108	Revoked	V. 15, p. 552
28-19-108a	Revoked	V. 15, p. 552
28-19-109	Revoked	V. 15, p. 552
28-19-119	to	
28-19-121a	Revoked	V. 15, p. 552
28-19-123	Revoked	V. 15, p. 552

(continued)

28-19-124	Revoked	V. 15, p. 552
28-19-125	Revoked	V. 15, p. 552
28-19-127	through	
28-19-131	Revoked	V. 15, p. 552
28-19-133	through	
28-19-141	Revoked	V. 15, p. 552
28-19-149	through	
28-19-162	Revoked	V. 15, p. 552
28-19-202	Amended	V. 16, p. 176
28-19-645	New	V. 15, p. 183
28-19-646	New	V. 15, p. 183
28-19-647	New	V. 15, p. 183
28-19-648	New	V. 15, p. 184
28-19-800	New	V. 15, p. 257
28-19-801	New	V. 15, p. 258
28-21-3	Revoked	V. 15, p. 552
28-21-90a	Revoked	V. 15, p. 552
28-21-91a	Revoked	V. 15, p. 552
28-21-91b	Revoked	V. 15, p. 552
28-21-92a	Revoked	V. 15, p. 552
28-21-93a	Revoked	V. 15, p. 552
28-21-94a	Revoked	V. 15, p. 552
28-21-96a	Revoked	V. 15, p. 552
28-21-98a	Revoked	V. 15, p. 552
28-21-99a	Revoked	V. 15, p. 552
28-21-102	through	
28-21-112	Revoked	V. 15, p. 552
28-23-5	Revoked	V. 15, p. 552
28-23-8	Revoked	V. 15, p. 552
28-23-14	Revoked	V. 15, p. 552
28-23-15	Revoked	V. 15, p. 552
28-23-25	Revoked	V. 15, p. 552
28-23-33	Revoked	V. 15, p. 552
28-23-60	through	
28-23-66	Revoked	V. 15, p. 552
28-23-69	Revoked	V. 15, p. 552
28-23-72	Revoked	V. 15, p. 553
28-23-74	Revoked	V. 15, p. 553
28-23-76	Revoked	V. 15, p. 553
28-23-77	Revoked	V. 15, p. 553
28-26-80	through	
28-26-87	Revoked	V. 15, p. 553
28-26-90a	Revoked	V. 15, p. 553
28-28-1	Revoked	V. 15, p. 553
28-28-2	Revoked	V. 15, p. 553
28-29-1	Revoked	V. 15, p. 553
28-29-83	Revoked	V. 15, p. 553
28-29-98	Amended	V. 15, p. 1804
28-29-100	Amended	V. 15, p. 1804
28-29-103	Amended	V. 15, p. 1804
28-31-4	Amended	V. 15, p. 297
28-31-10	Amended	V. 15, p. 301
28-33-1	Revoked	V. 15, p. 495
28-33-11	Revoked	V. 15, p. 495
28-33-12	Amended	V. 15, p. 495
28-34-11	Amended	V. 15, p. 497
28-35-178b	Amended	V. 15, p. 1592
28-35-180a	Amended	V. 15, p. 1593
28-35-184b	New	V. 15, p. 1596
28-35-193b	New	V. 15, p. 1596
28-35-201	New	V. 15, p. 1598
28-35-202	New	V. 15, p. 1599
28-35-290	New	V. 15, p. 1601
28-35-291	New	V. 15, p. 1601
28-35-362	Amended	V. 15, p. 1602
28-37-10	through	
28-37-14	Revoked	V. 15, p. 553
28-39-144	Amended	V. 16, p. 177
28-39-145	Amended	V. 16, p. 179
28-39-146	Amended	V. 16, p. 181
28-39-147	Amended	V. 16, p. 181
28-39-148	Amended	V. 16, p. 182
28-39-149	Amended	V. 16, p. 183
28-39-150	Amended	V. 16, p. 184
28-39-151	Amended	V. 16, p. 184
28-39-152	Amended	V. 16, p. 185
28-39-153	Amended	V. 16, p. 187
28-39-154	Amended	V. 16, p. 187

28-39-155	Amended	V. 16, p. 188
28-39-156	Amended	V. 16, p. 188
28-39-157	Amended	V. 16, p. 189
28-39-158	Amended	V. 16, p. 190
28-39-159	Amended	V. 16, p. 192
28-39-160	Amended	V. 16, p. 192
28-39-161	Amended	V. 16, p. 192
28-39-162	Amended	V. 16, p. 193
28-39-162a	Amended	V. 16, p. 194
28-39-162b	Amended	V. 16, p. 199
28-39-162c	Amended	V. 16, p. 200
28-39-163	Amended	V. 16, p. 204
28-39-240	through	
28-39-256	New	V. 16, p. 206-213
28-41-1	through	
28-41-9	Revoked	V. 15, p. 553
28-42-1	Revoked	V. 15, p. 553
28-42-3	through	
28-42-7	Revoked	V. 15, p. 553
28-42-9	through	
28-42-16	Revoked	V. 15, p. 553
28-49-1	through	
28-49-8	Revoked	V. 15, p. 553
28-68-1	through	
28-68-9	New	V. 15, p. 1931-1934

**AGENCY 30: SOCIAL AND REHABILITATION SERVICES**

Reg. No.	Action	Register
30-4-50	Amended	V. 16, p. 13
30-4-63	Amended	V. 15, p. 911
30-4-64	Amended	V. 15, p. 913
30-4-85a	Amended	V. 15, p. 914
30-4-90	Amended	V. 15, p. 1870
30-4-90w	Amended	V. 15, p. 1873
30-4-96	Amended	V. 15, p. 915
30-4-120	Amended	V. 15, p. 1875
30-4-120w	Amended	V. 15, p. 1876
30-4-121	Revoked	V. 15, p. 915
30-4-130	Amended	V. 15, p. 915
30-5-58	Amended	V. 15, p. 917
30-5-64	Amended	V. 15, p. 923
30-5-70	Amended	V. 15, p. 1017
30-5-81	Amended	V. 15, p. 925
30-5-88	Amended	V. 15, p. 925
30-5-101	Amended	V. 15, p. 1876
30-5-300	through	
30-5-308	New	V. 15, p. 1877-1880
30-6-53	Amended	V. 15, p. 1880
30-6-53w	Amended	V. 15, p. 1881
30-6-65	Amended	V. 15, p. 926
30-6-103	Amended	V. 15, p. 1882
30-6-103w	Amended	V. 15, p. 1883
30-6-109	Amended	V. 15, p. 1883
30-6-109w	Amended	V. 15, p. 1885
30-7-65	Amended	V. 15, p. 1887
30-7-102	Amended	V. 15, p. 927
30-7-103	Amended	V. 15, p. 929
30-7-104	Amended	V. 15, p. 929
30-10-1a	Amended	V. 15, p. 1887
30-10-2	Amended	V. 15, p. 1890
30-10-7	Amended	V. 15, p. 1890
30-10-15a	Amended	V. 15, p. 1891
30-10-17	Amended	V. 15, p. 1892
30-10-19	Amended	V. 15, p. 1894
30-10-21	Amended	V. 15, p. 929
30-10-25	Amended	V. 15, p. 1894
30-10-217	Amended	V. 15, p. 930
30-10-218	Amended	V. 15, p. 550
30-41-1	through	
30-41-5	Revoked	V. 15, p. 930
30-41-6a	Revoked	V. 15, p. 930
30-41-6b	Revoked	V. 15, p. 1895
30-41-6c	through	
30-41-6h	Revoked	V. 15, p. 930, 931
30-41-7a	through	
30-41-7i	Revoked	V. 15, p. 931

30-41-8	Revoked	V. 15, p. 931
30-41-10	through	
30-41-20	Revoked	V. 15, p. 931
30-46-10	Amended	V. 15, p. 1895
30-46-13	Amended	V. 15, p. 1896
30-46-15	Amended	V. 15, p. 1896
30-46-16	Amended	V. 15, p. 1896
30-46-17	Amended	V. 15, p. 1896
30-63-1	New	V. 15, p. 931
30-63-10	through	
30-63-14	New	V. 15, p. 931-933
30-63-20	New	V. 15, p. 933
30-63-21	New	V. 15, p. 933
30-63-22	New	V. 15, p. 934
30-63-23	New	V. 15, p. 1215
30-63-24	through	
30-63-31	New	V. 15, p. 934-937
30-64-1	New	V. 15, p. 937
30-64-10	through	
30-64-13	New	V. 15, p. 937
30-64-20	through	
30-64-34	New	V. 15, p. 938-942

**AGENCY 40: KANSAS INSURANCE DEPARTMENT**

Reg. No.	Action	Register
40-1-42	New	V. 16, p. 41
40-1-43	New	V. 16, p. 41
40-1-44	New	V. 16, p. 41
40-4-17	Amended	V. 15, p. 77
40-4-35	Amended	V. 15, p. 622
40-4-37	Amended	V. 15, p. 77
40-4-37d	Amended	V. 15, p. 78
40-5-109	Amended	V. 15, p. 78

**AGENCY 49: DEPARTMENT OF HUMAN RESOURCES**

Reg. No.	Action	Register
49-45-10	through	
49-45-19	Revoked	V. 15, p. 1709
49-53-1	Revoked	V. 15, p. 1709
49-53-2	Revoked	V. 15, p. 1709

**AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT**

Reg. No.	Action	Register
50-2-21	Amended	V. 15, p. 1707

**AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION**

Reg. No.	Action	Register
51-9-7	Amended	V. 15, p. 345

**AGENCY 60: BOARD OF NURSING**

Reg. No.	Action	Register
60-9-109	Revoked	V. 15, p. 1807
60-11-103	Amended	V. 15, p. 1931
60-11-108	Amended	V. 15, p. 115
60-11-109	Revoked	V. 15, p. 115
60-11-112	Revoked	V. 15, p. 115
60-11-114	Revoked	V. 15, p. 115
60-11-117	Revoked	V. 15, p. 115
60-12-106	Amended	V. 15, p. 115
60-12-109	Revoked	V. 15, p. 116
60-13-112	Amended	V. 15, p. 116
60-13-115	Revoked	V. 15, p. 116
60-16-102	Amended	V. 15, p. 1807
60-16-104	Amended	V. 15, p. 1807

**AGENCY 66: BOARD OF TECHNICAL PROFESSIONS**

Reg. No.	Action	Register
66-6-1	Amended	V. 15, p. 184
66-6-6	Amended	V. 15, p. 185
66-7-3	Amended	V. 15, p. 185
66-8-1	Amended	V. 15, p. 185
66-10-1	Amended	V. 15, p. 185

66-12-1 Amended V. 15, p. 185  
 66-14-1 through  
 66-14-12 New V. 15, p. 186, 187

**AGENCY 69: BOARD OF COSMETOLOGY**

Reg. No.	Action	Register
69-1-1	Amended	V. 15, p. 292
69-1-2	Amended	V. 15, p. 292
69-1-3	Revoked	V. 15, p. 292
69-1-4	Amended	V. 15, p. 292
69-1-7	Revoked	V. 15, p. 293
69-1-8	Amended	V. 15, p. 293
69-2-1	Revoked	V. 15, p. 293
69-3-1	Amended	V. 15, p. 293
69-3-2	Revoked	V. 15, p. 293
69-3-3	Amended	V. 15, p. 293
69-3-4	Amended	V. 15, p. 294
69-3-5	Revoked	V. 15, p. 294
69-3-6	Amended	V. 15, p. 294
69-3-7	Amended	V. 15, p. 294
69-3-8	Amended	V. 15, p. 742
69-3-9	Amended	V. 15, p. 294
69-3-10	Revoked	V. 15, p. 294
69-3-11	Revoked	V. 15, p. 294
69-3-17	Revoked	V. 15, p. 294
69-3-19	Revoked	V. 15, p. 294
69-3-22 through		
69-3-25	Revoked	V. 15, p. 294
69-3-26	New	V. 15, p. 294
69-3-27	New	V. 15, p. 294
69-3-28	New	V. 15, p. 294
69-4-2	Amended	V. 15, p. 294
69-4-6	Revoked	V. 15, p. 295
69-4-9	Amended	V. 15, p. 295
69-4-11	Revoked	V. 15, p. 295
69-4-12	Amended	V. 15, p. 295
69-5-2	Revoked	V. 15, p. 295
69-5-6	Amended	V. 15, p. 295
69-5-10	Revoked	V. 15, p. 295
69-5-13	Revoked	V. 15, p. 295
69-5-14	New	V. 15, p. 295
69-5-15	New	V. 15, p. 295
69-5-16	New	V. 15, p. 295
69-6-1	Revoked	V. 15, p. 295
69-6-2	Amended	V. 15, p. 295
69-6-5	Amended	V. 15, p. 295
69-6-6	Revoked	V. 15, p. 296
69-6-7	Amended	V. 15, p. 296
69-8-2	Revoked	V. 15, p. 296
69-8-3	Revoked	V. 15, p. 296
69-8-4	Revoked	V. 15, p. 296
69-8-6	Revoked	V. 15, p. 296
69-11-1	Amended	V. 15, p. 296
69-11-2	Amended	V. 15, p. 296
69-13-1	Amended	V. 15, p. 296
69-13-2	Amended	V. 15, p. 296
69-14-1 through		
69-14-5	New	V. 15, p. 971, 972

**AGENCY 70: BOARD OF VETERINARY MEDICAL EXAMINERS**

Reg. No.	Action	Register
70-1-1	Amended	V. 16, p. 173
70-2-1	Revoked	V. 16, p. 173
70-2-2	Revoked	V. 16, p. 173
70-2-3	Revoked	V. 16, p. 173
70-4-1 through		
70-4-7	Revoked	V. 16, p. 173
70-5-1	Amended	V. 16, p. 173
70-7-1	New	V. 16, p. 173
70-8-1	New	V. 16, p. 174
70-10-1	New	V. 16, p. 175

**AGENCY 71: KANSAS DENTAL BOARD**

Reg. No.	Action	Register
71-4-1	Amended	V. 15, p. 1860
71-4-3	Amended	V. 15, p. 1860

**AGENCY 74: BOARD OF ACCOUNTANCY**

Reg. No.	Action	Register
74-12-1	Amended	V. 15, p. 1215

**AGENCY 75: CONSUMER CREDIT COMMISSIONER**

Reg. No.	Action	Register
75-6-3	Revoked	V. 15, p. 1129
75-6-4	Revoked	V. 15, p. 1129
75-6-7	Revoked	V. 15, p. 1129
75-6-8	Revoked	V. 15, p. 1129
75-6-9	Amended	V. 15, p. 1379
75-6-10	Revoked	V. 15, p. 1129
75-6-11	Revoked	V. 15, p. 1129
75-6-16	Revoked	V. 15, p. 1129
75-6-17	Revoked	V. 15, p. 1129
75-6-18	Revoked	V. 15, p. 1129
75-6-25	Revoked	V. 15, p. 1129
75-6-29	Revoked	V. 15, p. 1129
75-8-1 through		
75-8-11	Revoked	V. 15, p. 1129

**AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

Reg. No.	Action	Register
80-8-2	Amended	V. 15, p. 1832
80-8-3	Amended	V. 15, p. 1832
80-8-4	Amended	V. 15, p. 1833
80-8-7	Amended	V. 15, p. 1833

**AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER**

Reg. No.	Action	Register
81-1-1	Amended	V. 15, p. 697
81-2-1	Amended	V. 15, p. 698
81-3-1	Amended	V. 15, p. 698
81-3-4	Revoked	V. 15, p. 700
81-4-1	Amended	V. 15, p. 700
81-5-1	Revoked	V. 15, p. 701
81-5-2	Revoked	V. 15, p. 701
81-5-3	Amended	V. 15, p. 701
81-5-4	Amended	V. 15, p. 701
81-5-7	Amended	V. 15, p. 701
81-5-9	Amended	V. 15, p. 702
81-6-1	Amended	V. 15, p. 702
81-7-2	Amended	V. 15, p. 703
81-8-1	Revoked	V. 15, p. 703
81-9-1	Revoked	V. 15, p. 703
81-13-1	Revoked	V. 15, p. 703

**AGENCY 82: STATE CORPORATION COMMISSION**

Reg. No.	Action	Register
82-3-101	Amended	V. 15, p. 1538
82-3-103	Amended	V. 15, p. 1541
82-3-206	Amended	V. 15, p. 1670
82-3-307	Amended	V. 15, p. 1670
82-3-700 through		
82-3-704	New	V. 15, p. 1542-1544

**AGENCY 86: REAL ESTATE COMMISSION**

Reg. No.	Action	Register
86-1-5	Amended	V. 15, p. 598
86-1-11	Amended	V. 15, p. 1831
86-3-25	Amended	V. 15, p. 1331

**AGENCY 91: DEPARTMENT OF EDUCATION**

Reg. No.	Action	Register
91-1-68c	Amended	V. 15, p. 1863
91-5-3	Amended	V. 15, p. 1864
91-12-22	Amended	V. 15, p. 226
91-12-61	Amended	V. 15, p. 230
91-31-1	Revoked	V. 15, p. 1864
91-31-2	Revoked	V. 15, p. 1864
91-31-3	Revoked	V. 15, p. 1864
91-31-4	Revoked	V. 15, p. 1864
91-31-4a	Revoked	V. 15, p. 1864
91-31-5	Revoked	V. 15, p. 1864
91-31-6	Revoked	V. 15, p. 1864
91-31-7	Revoked	V. 15, p. 1864
91-31-8	Revoked	V. 15, p. 1864
91-31-9	Revoked	V. 15, p. 1864
91-31-10	Revoked	V. 15, p. 1865
91-31-12a through		
91-31-12h	Revoked	V. 15, p. 1865

91-31-13	Revoked	V. 15, p. 1865
91-31-14	Revoked	V. 15, p. 1865
91-31-14a	Revoked	V. 15, p. 1865
91-31-14b	Revoked	V. 15, p. 1865
91-31-14c	Revoked	V. 15, p. 1865
91-31-15	Revoked	V. 15, p. 1865
91-31-16 through		
91-31-30	New	V. 15, p. 1863-1869
91-33-1 through		
91-33-8	Revoked	V. 15, p. 1869
91-34-1 through		
91-34-5	Revoked	V. 15, p. 1870
91-34-7 through		
91-34-14	Revoked	V. 15, p. 1870

**AGENCY 98: KANSAS WATER OFFICE**

Reg. No.	Action	Register
98-5-1	Amended	V. 15, p. 1708
98-5-8	New	V. 15, p. 1709

**AGENCY 100: BOARD OF HEALING ARTS**

Reg. No.	Action	Register
100-23-1	Amended	V. 15, p. 1952
100-54-7	Amended	V. 16, p. 142
100-55-1 through		
100-55-8	Amended	V. 15, p. 1928-1930
100-55-9	New	V. 15, p. 1930
100-55-10	New	V. 15, p. 1930
100-69-1 through		
100-69-9	New	V. 15, p. 1021, 1022

**AGENCY 104: STATE BANKING DEPARTMENT, CONSUMER CREDIT COMMISSIONER AND DEPARTMENT OF CREDIT UNIONS**

Reg. No.	Action	Register
104-1-2	Amended	V. 15, p. 1129

**AGENCY 105: BOARD OF INDIGENTS' DEFENSE SERVICES**

Reg. No.	Action	Register
105-3-2	Amended	V. 15, p. 1583
105-3-12	New	V. 15, p. 1584
105-4-2	Amended	V. 15, p. 1584
105-5-4	Amended	V. 15, p. 1584

**AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES**

Reg. No.	Action	Register
109-1-1	Amended	V. 16, p. 77
109-1-2	New	V. 16, p. 79
109-2-1	Amended	V. 16, p. 79
109-2-2	Amended	V. 16, p. 79
109-2-3	Revoked	V. 16, p. 79
109-2-4 through		
109-2-9	Amended	V. 16, p. 79-84
109-2-11	Amended	V. 16, p. 85
109-2-12	Amended	V. 16, p. 86
109-2-13	New	V. 16, p. 87
109-2-14	New	V. 16, p. 89
109-3-1	Amended	V. 16, p. 89
109-4-1	Revoked	V. 16, p. 89
109-4-2	Revoked	V. 16, p. 89
109-4-3	Revoked	V. 16, p. 89
109-5-1	Amended	V. 15, p. 1585
109-6-1	Amended	V. 15, p. 1586
109-6-2	New	V. 15, p. 1586
109-7-1	Amended	V. 15, p. 1586
109-8-1	Amended	V. 15, p. 1625
109-10-1	Amended	V. 15, p. 1587
109-14-1	New	V. 16, p. 89

**AGENCY 111: KANSAS LOTTERY**

Reg. No.	Action	Register
111-1-2	Amended	V. 7, p. 1190
111-1-5	Amended	V. 15, p. 1394
111-2-1	Amended	V. 15, p. 881

(continued)

111-2-2	Amended	V. 12, p. 1261	111-4-96			111-4-328		
111-2-2a			through			through		
111-2-2e	New	V. 14, p. 1633, 1634	111-4-100	New	V. 7, p. 1606-1610	111-4-335	Revoked	V. 12, p. 114
111-2-4	Amended	V. 15, p. 1953	111-4-101	Amended	V. 14, p. 972	111-4-336		
111-2-6	Revoked	V. 13, p. 149	111-4-102	Amended	V. 12, p. 1114	through		
111-2-7	Revoked	V. 10, p. 1210	111-4-103	Amended	V. 10, p. 1211	111-4-345	New	V. 10, p. 1526-1528
111-2-13	Revoked	V. 10, p. 881	111-4-104	Amended	V. 14, p. 972	111-4-336		
111-2-14	Amended	V. 14, p. 1634	111-4-105	Amended	V. 14, p. 972	through		
111-2-15	Revoked	V. 10, p. 881	111-4-106	Amended	V. 14, p. 973	111-4-340	Amended	V. 12, p. 1371, 1372
111-2-16	Revoked	V. 10, p. 1210	111-4-106a	Amended	V. 14, p. 974	111-4-341	Revoked	V. 11, p. 1473
111-2-17	Revoked	V. 10, p. 1210	111-4-107	Amended	V. 11, p. 978	111-4-341a	Revoked	V. 12, p. 1372
111-2-18	Revoked	V. 11, p. 413	111-4-108	Amended	V. 14, p. 974	111-4-341b	Amended	V. 12, p. 1372
111-2-19	Revoked	V. 11, p. 413	111-4-110	Amended	V. 11, p. 978	111-4-341c	New	V. 12, p. 1664
111-2-20			111-4-111	Amended	V. 9, p. 1366	111-4-344	Amended	V. 12, p. 1373
111-2-26	Revoked	V. 13, p. 1401	111-4-112	Amended	V. 14, p. 974	111-4-346		
111-2-27	Revoked	V. 14, p. 972	111-4-113	Amended	V. 9, p. 1366	through		
111-2-28	New	V. 12, p. 1844	111-4-114	Amended	V. 9, p. 1366	111-4-361	New	V. 10, p. 1586-1589
111-2-29	Revoked	V. 14, p. 972	111-4-153			111-4-356		
111-2-30	Amended	V. 15, p. 1180	through			through		
111-2-31	New	V. 14, p. 170	111-4-160	Revoked	V. 9, p. 1676, 1677	111-4-361	Revoked	V. 14, p. 7
111-2-32	New	V. 14, p. 311	111-4-177			111-4-346		
111-2-33	Amended	V. 14, p. 1741	through			through		
111-2-34	Amended	V. 14, p. 722	111-4-212	Revoked	V. 9, p. 1677, 1678	111-4-349	Revoked	V. 12, p. 114
111-2-35	New	V. 14, p. 796	111-4-213			111-4-362		
111-2-36	New	V. 14, p. 908	through			through		
111-2-37	New	V. 14, p. 1094	111-4-220	Revoked	V. 10, p. 1213	111-4-365	Revoked	V. 12, p. 114, 115
111-2-38	New	V. 14, p. 1741	111-4-217	Amended	V. 9, p. 986	111-4-362	Amended	V. 11, p. 13
111-2-39	New	V. 14, p. 1502	111-4-221			111-4-366		
111-2-40	New	V. 14, p. 1502	through			111-4-379	New	V. 11, p. 136-139
111-2-41	New	V. 14, p. 1742	111-4-224	Revoked	V. 10, p. 1585	111-4-366		
111-2-42	New	V. 14, p. 1742	111-4-225			through		
111-2-43	New	V. 15, p. 287	through			111-4-369	Revoked	V. 12, p. 1373
111-2-44	New	V. 15, p. 288	111-4-228	Revoked	V. 10, p. 1585	111-4-370		
111-2-45	New	V. 15, p. 288	111-4-229			through		
111-2-46	New	V. 15, p. 624	through			111-4-379	Revoked	V. 14, p. 7, 8
111-2-47	New	V. 15, p. 882	111-4-236	Revoked	V. 10, p. 1585, 1586	111-4-380		
111-2-48	New	V. 15, p. 1055	111-4-237			through		
111-2-49	New	V. 15, p. 1055	through			111-4-383	Revoked	V. 12, p. 1664
111-2-50	New	V. 15, p. 1056	111-4-240	Revoked	V. 11, p. 413	111-4-384		
111-2-51	New	V. 15, p. 1440	111-4-241			through		
111-2-52	New	V. 15, p. 1441	through			111-4-387	Revoked	V. 12, p. 1373
111-2-53	New	V. 15, p. 1710	111-4-244	Revoked	V. 12, p. 1371	111-4-388		
111-2-54	New	V. 15, p. 1920	111-4-245			through		
111-2-55	New	V. 15, p. 1953	through			111-4-400	New	V. 11, p. 478-481
111-3-1	Amended	V. 14, p. 908	111-4-248	Revoked	V. 12, p. 1371	111-4-388		
111-3-6	Amended	V. 12, p. 677	111-4-249			through		
111-3-9	Revoked	V. 11, p. 1793	111-4-256	Revoked	V. 12, p. 113, 114	111-4-391	Revoked	V. 12, p. 1373
111-3-10			111-4-257			111-4-392	Amended	V. 12, p. 520
111-3-31	New	V. 7, p. 201-206	through			111-4-394		
111-3-11	Amended	V. 13, p. 35	111-4-286	Revoked	V. 11, p. 413, 414	through		
111-3-12	Amended	V. 13, p. 1826	111-4-287			111-4-400	Amended	V. 12, p. 521, 522
111-3-13	Amended	V. 11, p. 1148	through			111-4-401		
111-3-14	Amended	V. 13, p. 1826	111-4-300	New	V. 10, p. 883-886	through		
111-3-16	Amended	V. 9, p. 1566	111-4-287			111-4-404	Revoked	V. 12, p. 1373
111-3-19			through			111-4-405		
111-3-22	Amended	V. 9, p. 30	111-4-290	Revoked	V. 12, p. 1371	through		
111-3-19	Revoked	V. 13, p. 1827	111-4-291			111-4-413	New	V. 11, p. 756, 757
111-3-20	Amended	V. 11, p. 1148	through			111-4-405	Amended	V. 14, p. 723
111-3-21	Amended	V. 11, p. 1148	111-4-300	Revoked	V. 12, p. 114	111-4-407	Amended	V. 13, p. 877
111-3-22	Amended	V. 11, p. 1148	111-4-301			111-4-408	Amended	V. 14, p. 723
111-3-23	Revoked	V. 10, p. 883	through			111-4-409	Amended	V. 14, p. 723
111-3-25	Amended	V. 13, p. 1827	111-4-307	Revoked	V. 13, p. 1402	111-4-411	Amended	V. 14, p. 1094
111-3-26	Amended	V. 11, p. 1149	111-4-301	Amended	V. 12, p. 1115	111-4-412	Amended	V. 11, p. 1475
111-3-27	Amended	V. 11, p. 1149	111-4-303	Amended	V. 12, p. 1115	111-4-413	Amended	V. 11, p. 1475
111-3-29	Revoked	V. 11, p. 1149	111-4-304	Amended	V. 12, p. 1115	through		
111-3-31	Amended	V. 8, p. 209	111-4-306	Amended	V. 12, p. 1115	111-4-428	Revoked	V. 14, p. 8
111-3-32	Amended	V. 10, p. 883	111-4-308			111-4-414	Amended	V. 11, p. 1150
111-3-33	New	V. 7, p. 1434	through			111-4-429		
111-3-34	New	V. 13, p. 149	111-4-320	New	V. 10, p. 1214, 1215	through		
111-3-35	Amended	V. 14, p. 909	111-4-308	Amended	V. 12, p. 1261	111-4-432	Revoked	V. 12, p. 1373
111-3-36	New	V. 13, p. 877	111-4-311	Amended	V. 12, p. 1262	111-4-433		
111-3-37	New	V. 13, p. 877	111-4-312	Amended	V. 12, p. 1262	through		
111-4-1			111-4-313	Amended	V. 12, p. 1262	111-4-436	Revoked	V. 12, p. 1374
111-4-5	Revoked	V. 12, p. 113	111-4-318			through		
111-4-5a	Revoked	V. 12, p. 113	through			111-4-437		
111-4-6			111-4-321	Revoked	V. 12, p. 114	111-4-444	New	V. 11, p. 1475-1477
111-4-15	Revoked	V. 12, p. 113	111-4-322			111-4-437		
111-4-66			through			through		
111-4-77	New	V. 7, p. 207-209	111-4-331	New	V. 10, p. 1411-1413	111-4-440	Revoked	V. 12, p. 1373
			111-4-322			111-4-441		
			through			through		
			111-4-327	Revoked	V. 12, p. 1371	111-4-443	Revoked	V. 14, p. 8

111-4-445 through 111-4-453	New	V. 11, p. 1794-1796	111-4-678 through 111-4-682	New	V. 14, p. 438, 439	111-5-22	Amended	V. 13, p. 1438
111-4-445 through 111-4-448	Revoked	V. 12, p. 1374	111-4-683 through 111-4-694	New	V. 14, p. 404-406	111-5-23	Amended	V. 15, p. 1059
111-4-449 through 111-4-453	Revoked	V. 14, p. 8	111-4-695 through 111-4-702	New	V. 14, p. 725-727	111-5-24	Amended	V. 11, p. 983
111-4-454 through 111-4-466	Revoked	V. 12, p. 1664, 1665	111-4-703 through 111-4-723	New	V. 14, p. 909-914	111-5-25	Amended	V. 15, p. 1059
111-4-466 through 111-4-473	New	V. 12, p. 316, 317	111-4-724 through 111-4-736	New	V. 14, p. 978-981	111-5-27	Amended	V. 11, p. 482
111-4-473 through 111-4-466	New	V. 12, p. 316, 317	111-4-737 through 111-4-749	New	V. 14, p. 1095-1098	111-5-28	Amended	V. 15, p. 1060
111-4-466 through 111-4-469	Revoked	V. 12, p. 1665	111-4-750 through 111-4-757	New	V. 14, p. 1408, 1409	111-5-29	Amended	V. 15, p. 1060
111-4-470 through 111-4-474	Amended	V. 12, p. 522	111-4-758 through 111-4-761	New	V. 14, p. 1502, 1503	111-5-34	New	V. 12, p. 318
111-4-488 through 111-4-478	New	V. 12, p. 522-524	111-4-762 through 111-4-778	New	V. 14, p. 1410-1414	111-5-34a	Amended	V. 14, p. 1098
111-4-492 through 111-4-493	Revoked	V. 14, p. 974, 975	111-4-779 through 111-4-791	New	V. 14, p. 1504-1507	111-5-35 through 111-5-38	Revoked	V. 13, p. 1439
111-4-496 through 111-4-497	New	V. 12, p. 525	111-4-792 through 111-4-803	Amended	V. 14, p. 1503	111-5-39 through 111-5-44	New	V. 15, p. 1022, 1023
111-4-512 through 111-4-513	Revoked	V. 14, p. 975	111-4-804 through 111-4-816	New	V. 14, p. 1635-1638	111-5-45 through 111-5-50	New	V. 15, p. 1060-1062
111-4-521 through 111-4-519	New	V. 12, p. 1374, 1375	111-4-817 through 111-4-824	New	V. 15, p. 116-119	111-5-50	Amended	V. 15, p. 1186
111-4-522 through 111-4-571	Amended	V. 14, p. 1095	111-4-825 through 111-4-838	New	V. 15, p. 289, 290	111-5-51	New	V. 15, p. 1477
111-4-572 through 111-4-585	Revoked	V. 14, p. 975-977	111-4-839 through 111-4-854	New	V. 15, p. 449-452	111-6-1 through 111-6-15	New	V. 7, p. 213-217
111-4-585 through 111-4-572	New	V. 13, p. 878-880	111-4-855 through 111-4-859	New	V. 15, p. 624-627	111-6-15	Amended	V. 15, p. 1445
111-4-572 through 111-4-574	Amended	V. 15, p. 882	111-4-860 through 111-4-872	New	V. 15, p. 884, 885	111-6-3	Amended	V. 14, p. 313
111-4-574 through 111-4-575	Amended	V. 15, p. 882	111-4-873 through 111-4-882	Amended	V. 15, p. 1181	111-6-4	Amended	V. 10, p. 1413
111-4-575 through 111-4-576	Amended	V. 15, p. 882	111-4-883 through 111-4-893	New	V. 15, p. 1056-1059	111-6-5	Amended	V. 15, p. 1187
111-4-576 through 111-4-577	Amended	V. 15, p. 882	111-4-894 through 111-4-910	Amended	V. 15, p. 1181	111-6-6	Amended	V. 11, p. 1973
111-4-577 through 111-4-579	Amended	V. 15, p. 883	111-4-911 through 111-4-918	New	V. 15, p. 1441-1445	111-6-7	Amended	V. 11, p. 1477
111-4-579 through 111-4-581	Amended	V. 15, p. 883	111-4-919 through 111-4-924	New	V. 15, p. 1475, 1476	111-6-7a	Amended	V. 15, p. 1188
111-4-581 through 111-4-582	Amended	V. 15, p. 883	111-4-925 through 111-4-942	Amended	V. 15, p. 1954	111-6-8	Revoked	V. 12, p. 1263
111-4-582 through 111-4-583	Amended	V. 15, p. 883	111-4-943 through 111-4-965	Amended	V. 15, p. 1954	111-6-9	Revoked	V. 14, p. 313
111-4-583 through 111-4-584	Amended	V. 15, p. 883	111-4-966 through 111-4-970	New	V. 15, p. 1710-1716	111-6-11	Revoked	V. 12, p. 1376
111-4-584 through 111-4-586	Amended	V. 15, p. 884	111-5-1 through 111-5-23	New	V. 15, p. 1954, 1955	111-6-12	Amended	V. 8, p. 212
111-4-586 through 111-4-606	Revoked	V. 14, p. 977, 978	111-5-23 through 111-5-29	Amended	V. 7, p. 209-213	111-6-13	Amended	V. 8, p. 299
111-4-606 through 111-4-607	Revoked	V. 14, p. 977, 978	111-5-29 through 111-5-35	Revoked	V. 15, p. 291	111-6-15	Amended	V. 12, p. 677
111-4-607 through 111-4-619	New	V. 13, p. 1436-1438	111-5-35 through 111-5-39	Revoked	V. 15, p. 291	111-6-17	Revoked	V. 10, p. 1475
111-4-619 through 111-4-607	Amended	V. 14, p. 1407	111-5-39 through 111-5-44	New	V. 15, p. 291	111-6-18	New	V. 13, p. 150
111-4-607 through 111-4-609	Amended	V. 14, p. 1407	111-5-44 through 111-5-45	New	V. 15, p. 291	111-6-19	New	V. 13, p. 340
111-4-609 through 111-4-610	Amended	V. 14, p. 1407	111-5-45 through 111-5-50	New	V. 15, p. 291	111-6-20	Amended	V. 15, p. 1716
111-4-610 through 111-4-611	Amended	V. 14, p. 1407	111-5-50 through 111-5-51	Amended	V. 15, p. 291	111-6-21	New	V. 13, p. 881
111-4-611 through 111-4-613	Amended	V. 14, p. 1408	111-5-51 through 111-6-1	New	V. 11, p. 415-418	111-6-22	New	V. 13, p. 881
111-4-613 through 111-4-616	Amended	V. 14, p. 1408	111-6-1 through 111-6-15	Revoked	V. 15, p. 291	111-6-23	New	V. 13, p. 881
111-4-616 through 111-4-623	Revoked	V. 14, p. 978	111-6-15 through 111-6-3	New	V. 15, p. 291	111-7-1 through 111-7-10	New	V. 7, p. 1192, 1193
111-4-623 through 111-4-624	Revoked	V. 14, p. 978	111-6-3 through 111-6-4	New	V. 15, p. 291	111-7-10	Amended	V. 8, p. 212
111-4-624 through 111-4-652	New	V. 13, p. 1828-1835	111-6-4 through 111-6-5	Amended	V. 15, p. 291	111-7-1	Amended	V. 11, p. 1796
111-4-652 through 111-4-640	Amended	V. 13, p. 1922	111-6-5 through 111-6-6	Amended	V. 15, p. 291	111-7-3	Amended	V. 13, p. 340
111-4-640 through 111-4-652	Amended	V. 13, p. 1922	111-6-6 through 111-6-7	Amended	V. 15, p. 291	111-7-3a	Revoked	V. 9, p. 1367
111-4-652 through 111-4-653	Amended	V. 13, p. 1922	111-6-7 through 111-6-7a	Amended	V. 15, p. 291	111-7-4	Amended	V. 9, p. 986
111-4-653 through 111-4-664	New	V. 13, p. 1923-1925	111-6-7a through 111-6-8	Amended	V. 15, p. 291	111-7-5	Amended	V. 9, p. 987
111-4-664 through 111-4-665	New	V. 13, p. 1923-1925	111-6-8 through 111-6-9	Amended	V. 15, p. 291	111-7-6	Amended	V. 12, p. 1263
111-4-665 through 111-4-669	New	V. 14, p. 8, 9	111-6-9 through 111-6-11	Amended	V. 15, p. 291	111-7-7	Amended	V. 15, p. 1188
111-4-669 through 111-4-670	New	V. 14, p. 8, 9	111-6-11 through 111-6-12	Amended	V. 15, p. 291	111-7-11	Amended	V. 15, p. 1188
111-4-670 through 111-4-673	New	V. 14, p. 170	111-6-12 through 111-6-13	Amended	V. 15, p. 291	111-7-12	Amended	V. 7, p. 1194-1196
111-4-673 through 111-4-674	New	V. 14, p. 170	111-6-13 through 111-6-15	Amended	V. 15, p. 291	111-7-12	Amended	V. 7, p. 1197, 1198
111-4-674 through 111-4-677	New	V. 14, p. 312, 313	111-6-15 through 111-6-17	Amended	V. 15, p. 291	111-7-32	New	V. 8, p. 300
			111-6-17 through 111-6-18	Amended	V. 15, p. 291	111-7-33	New	V. 7, p. 1197, 1198
			111-6-18 through 111-6-19	Amended	V. 15, p. 291	111-7-33	Amended	V. 8, p. 300
			111-6-19 through 111-6-20	Amended	V. 15, p. 291	111-7-43	New	V. 7, p. 1197, 1198
			111-6-20 through 111-6-21	Amended	V. 15, p. 291	111-7-33a	New	V. 8, p. 300
			111-6-21 through 111-6-22	Amended	V. 15, p. 291	111-7-44	Revoked	V. 13, p. 340
			111-6-22 through 111-6-23	Amended	V. 15, p. 291	111-7-46	Amended	V. 11, p. 1152
			111-6-23 through 111-7-1	Amended	V. 15, p. 291	111-7-54	Amended	V. 11, p. 1511
			111-7-1 through 111-7-10	Amended	V. 15, p. 291	111-7-55	Amended	V. 11, p. 1511
			111-7-10 through 111-7-1	Amended	V. 15, p. 291	111-7-63	Revoked	V. 10, p. 1217
			111-7-1 through 111-7-3	Amended	V. 15, p. 291	111-7-60	Amended	V. 10, p. 262
			111-7-3 through 111-7-3a	Amended	V. 15, p. 291	111-7-64	Amended	V. 10, p. 262
			111-7-3a through 111-7-4	Amended	V. 15, p. 291	111-7-64	Amended	V. 10, p. 262
			111-7-4 through 111-7-5	Amended	V. 15, p. 291	111-7-75	New	V. 11, p. 13, 14
			111-7-5 through 111-7-6	Amended	V. 15, p. 291	111-7-75	Amended	V. 15, p. 1304
			111-7-6 through 111-7-9	Amended	V. 15, p. 291	111-7-66a	Revoked	V. 13, p. 340
			111-7-9 through 111-7-11	Amended	V. 15, p. 291	111-7-75	Amended	V. 15, p. 1188
			111-7-11 through 111-7-12	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-12 through 111-7-32	Amended	V. 15, p. 291	111-7-76	Amended	V. 15, p. 1188
			111-7-32 through 111-7-33	Amended	V. 15, p. 291	111-7-76	Amended	V. 15, p. 1188
			111-7-33 through 111-7-43	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-43 through 111-7-33a	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-33a through 111-7-44	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-44 through 111-7-54	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-54 through 111-7-46	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-46 through 111-7-54	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-54 through 111-7-55	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-55 through 111-7-63	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-63 through 111-7-60	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-60 through 111-7-64	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-64 through 111-7-75	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-75 through 111-7-66	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-66 through 111-7-66a	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-66a through 111-7-75	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-75 through 111-7-78	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-78 through 111-7-76	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-76 through 111-7-78	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-78 through 111-7-79	Amended	V. 15, p. 291	111-7-78	Amended	V. 15, p. 1188
			111-7-79 through 111-7-79	Amended	V. 15, p. 291	111-7-79	Amended	V. 15, p. 1188

(continued)

111-7-80 through		
111-7-81	New	V. 11, p. 1478-1480
111-7-81	Amended	V. 15, p. 1189
111-7-83	Amended	V. 15, p. 1189
111-7-84 through		
111-7-93	Revoked	V. 15, p. 291
111-7-94	Revoked	V. 13, p. 340
111-7-95 through		
111-7-118	Revoked	V. 15, p. 291, 292
111-7-119 through		
111-7-127	New	V. 15, p. 1189-1191
111-7-122	Amended	V. 15, p. 1477
111-7-123	Amended	V. 15, p. 1477
111-7-124	Amended	V. 15, p. 1477
111-7-126	Amended	V. 15, p. 1304
111-7-128	New	V. 15, p. 1446
111-8-1	New	V. 7, p. 1633
111-8-2	New	V. 7, p. 1633
111-8-3	Amended	V. 10, p. 886
111-8-4	New	V. 7, p. 1714
111-8-4a	Revoked	V. 13, p. 1406
111-8-5 through		
111-8-13	New	V. 7, p. 1634
111-8-14	New	V. 13, p. 881
111-8-15	New	V. 13, p. 881
111-9-1 through		
111-9-12	New	V. 7, p. 1714-1716
111-9-1 through		
111-9-6	Revoked	V. 9, p. 1680
111-9-13 through		
111-9-18	Revoked	V. 9, p. 1680

111-9-25 through		
111-9-30	New	V. 9, p. 699, 700
111-9-31 through		
111-9-36	New	V. 10, p. 262
111-9-37 through		
111-9-48	New	V. 10, p. 1439, 1440
111-9-49 through		
111-9-54	New	V. 12, p. 318, 319
111-9-55 through		
111-9-60	New	V. 12, p. 1263, 1264
111-10-1 through		
111-10-9	New	V. 8, p. 136-138
111-10-7	Amended	V. 8, p. 301

**AGENCY 112: KANSAS RACING AND GAMING COMMISSION**

Reg. No.	Action	Register
112-3-17	Amended	V. 15, p. 182
112-3-19	Amended	V. 15, p. 222
112-4-1	Amended	V. 15, p. 223
112-4-4a	New	V. 15, p. 182
112-4-4b	New	V. 15, p. 1709
112-4-14b	Amended	V. 15, p. 1379
112-5-1	Amended	V. 15, p. 1125
112-5-2	Amended	V. 15, p. 224
112-6-1	Amended	V. 15, p. 1126
112-6-2	Amended	V. 15, p. 224
112-7-18	Amended	V. 15, p. 1801
112-10-35	Amended	V. 15, p. 1126
112-10-38	Amended	V. 15, p. 887
112-11-13a	Amended	V. 15, p. 1127
112-11-20	Amended	V. 15, p. 1127
112-17-15	Amended	V. 15, p. 888
112-18-21	New	V. 15, p. 1589
112-18-22	New	V. 15, p. 1590

**AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS**

Reg. No.	Action	Register
115-2-5	Amended	V. 15, p. 1093
115-4-1	Amended	V. 15, p. 546
115-4-3	Amended	V. 15, p. 547
115-4-5	Amended	V. 15, p. 548
115-4-7	Amended	V. 15, p. 549

**AGENCY 117: REAL ESTATE APPRAISAL BOARD**

Reg. No.	Action	Register
117-1-1	Amended	V. 15, p. 489
117-6-3	Amended	V. 15, p. 489
117-8-1	Amended	V. 15, p. 490

**AGENCY 121: DEPARTMENT OF CREDIT UNIONS**

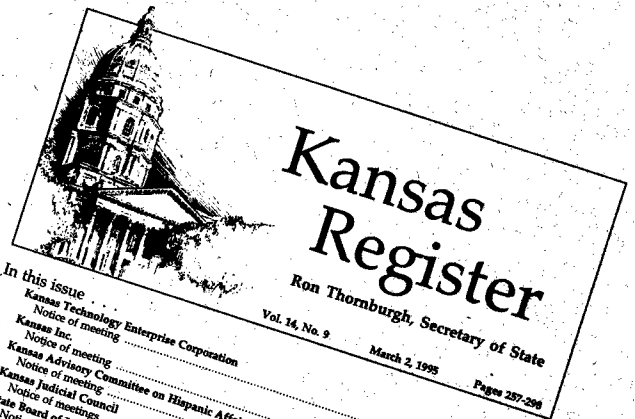
Reg. No.	Action	Register
121-2-1	New	V. 15, p. 887
121-3-1	New	V. 15, p. 1474
121-4-1 through		
121-4-11	New	V. 16, p. 72-77

**AGENCY 122: POOLED MONEY INVESTMENT BOARD**

Reg. No.	Action	Register
122-2-2	Amended	V. 16, p. 42
122-3-1	Amended	V. 16, p. 42
122-3-2	Amended	V. 16, p. 43
122-3-3	Amended	V. 16, p. 43
122-3-4	Amended	V. 16, p. 43
122-3-5	Amended	V. 16, p. 43
122-3-7	Amended	V. 16, p. 43
122-3-9	Amended	V. 16, p. 44
122-3-10	Amended	V. 16, p. 44
122-3-11	Amended	V. 16, p. 44
122-4-1	Amended	V. 16, p. 44
122-5-1	Amended	V. 16, p. 44



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**In this issue**

Kansas Technology Enterprise Corporation Notice of meeting	259
Kansas Inc. Notice of meeting	259
Kansas Advisory Committee on Hispanic Affairs Notice of meeting	259
Kansas Judicial Council Notice of meetings	259
State Board of Indigents' Defense Services Notice of meeting	260
Real Estate Appraisal Board Notice of hearing on proposed administrative regulations	260
State Emergency Response Commission Notice of meeting	261
Legislative bills introduced February 16-22 Notice of meeting	261
Kansas Law Enforcement Training Commission Notice of meeting	261
Social and Rehabilitation Services Request for proposals	261

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lines.)

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Zip code must be included

This space for Register office use only.

Rec. No. \_\_\_\_\_ Exp. \_\_\_\_\_ Code \_\_\_\_\_

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Use this form or a copy of it to enter a name or address change:

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

\_\_\_\_\_

Indicate change of name or address  
here:

\_\_\_\_\_  
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**Mail either form to: Kansas Register, Secretary of State, 2nd Floor,  
State Capitol, 300 S.W. 10th Ave., Topeka, KS 66612-1594**