

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Criminal Justice Coordinating Council**Notice of Available Funding**

The State of Kansas has been awarded \$40,000 in FY 1998 Local Law Enforcement Block Grants Program funding to address the training and education needs of criminal justice practitioners. Funding will be made available to the following entities: law enforcement, prosecution, courts, probation, parole, indigent defense, pretrial services and corrections. No local match is required. Entities can submit only one application for funding. Grant applications must be returned to the Kansas Sentencing Commission not later than November 5.

To obtain a grant application for the FY 1998 Local Law Enforcement Block Grant Training and Educational Needs Program, please send a letter requesting a grant application to the Kansas Criminal Justice Coordinating Council, Jayhawk Tower, Suite 501, 700 S.W. Jackson, Topeka, 66603. The letter requesting a grant application can be faxed to the Kansas Sentencing Commission at (785) 296-0927. Requests for grant applications must be made in writing.

For further information regarding the Local Law Enforcement Block Grant Program, call (785) 296-0923.

Barbara S. Tombs
Executive Director

Doc. No. 023016

State of Kansas

African-American Advisory Commission**Notice of Meeting**

The Kansas African-American Advisory Commission, an entity within the Kansas Department of Human Resources, will meet at 1 p.m. Friday, October 23, at the Department of Human Resources, Career Center, first floor conference room, 1430 S.W. Topeka Blvd., Topeka. The public is invited to attend. For more information, contact John Hunter, (785) 296-4874.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 023021

State of Kansas

Commission on Disability Concerns**Notice of Meeting**

The Commission on Disability Concerns will conduct its quarterly board meeting from 9:30 a.m. to 4 p.m. Friday, October 23, in the Kansas Rehabilitation Services conference room, 3640 S.W. Topeka Blvd., Topeka. Persons requiring special accommodations are asked to call the Commission on Disability Concerns at (800) 295-5232 (outside Topeka) or 296-1722.

Wayne L. Franklin
Secretary of Human Resources

Doc. No. 023022

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Room 233-N, State Capitol
(785) 296-3489
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State of Kansas

Statewide Independent Living Council

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, October 30, at the Kansas Rehabilitation Services office, 3640 S.W. Topeka Blvd., Topeka. For further information, contact Terri Beard or Shannon Jones at (785) 234-6990 or (800) 217-4525.

Shannon Jones
Executive Director

Doc. No. 023009

State of Kansas

Department of Agriculture

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted at 9 a.m. Tuesday, December 15, in the first floor conference room of the Mills Building, 901 S. Kansas Ave., Topeka, to consider the adoption of proposed new regulations of the nutrient utilization plans.

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 regulations. All interested parties may submit written comments prior to the hearing to the Secretary of Agriculture, 901 S. Kansas Ave., 1st Floor, Topeka, 66612-1280. 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 that each participant limit any oral presentation to five minutes.

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 Denise Freeby at (785) 296-4623 or the Kansas Relay Center at (800) 766-3777. Handicapped parking is located at the east end of the Mills Building, and the east entrance is accessible to individuals with disabilities.

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

Substitute for H.B. 2950 was enacted during 1998 legislative session. The statute established certain requirements for operation of confined swine production facilities within Kansas. These proposed regulations would implement those portions of H.B. 2950 which relate to field application of swine waste and were assigned to the administration of the Kansas Department of Agriculture.

K.A.R. 4-21-1. "Nutrient utilization plan" defined; amendments to the plan. This regulation establishes the requirement that swine facilities having a capacity of 1,000 or more animal units prepare and submit to the Secretary of Agriculture a nutrient utilization plan. The plan is to forecast nutrient management utilization from the date of submission through a five-year period. The

swine facility is required to update the plan at least annually and make these available to the Secretary of Agriculture upon inspection. Amendments to the plan that would require approval by the Secretary of Agriculture also are specified. Amendment of the nutrient utilization plan would be required when a phosphorus soil test result exceeds the phosphorus holding capacity of the soil in the field. Phosphorus limits for different rainfall areas and field slopes are specified.

K.A.R. 4-21-2. "Field" defined. The term "field" is defined for purposes of preparation of a nutrient utilization plan. The regulation also provides for the identification by legal description and site maps of individual fields where swine manure or wastewater is to be applied.

K.A.R. 4-21-3. Soil samples. This regulation specifies the procedures to be utilized in collection and certification of soil samples. The swine facility is required to maintain copies of certification and analysis records. Should questions arise concerning soil nutrient levels in a field, this regulation specifies that the composite soil sample taken by the Secretary of Agriculture shall be presumed to be representative of the soil and nutrient values.

K.A.R. 4-21-4. Soil tests. This regulation adopts standard analytical procedures which are to be utilized by laboratories in conducting nutrient analysis of samples from fields to which swine waste is applied. Specific nutrient tests for nitrogen, phosphorus, copper, chlorides and zinc are identified.

K.A.R. 4-21-5. Agreements to apply swine waste. This regulation requires signed written agreements between the swine facility and property owner(s) in instances where swine facility waste is to be applied to land not under the ownership of the facility.

K.A.R. 4-21-6. Record keeping. This regulation establishes a five-year record keeping requirement of nutrient utilization plans and records. The regulation also provides that "book values" recognized as based on sound agronomic calculations may be utilized in preparing parts of the information for inclusion in the nutrient utilization plan.

K.A.R. 4-20-11. Civil penalties. This regulation amends the civil penalty regulation for chemigation to include the land application of swine waste in violation of agronomic application rates. Amounts of civil penalties that would be assessed for specific violations of the law also are provided.

K.A.R. 4-20-15. Agronomic application rates. This regulation specifies that sound agronomic methods are to be used in determination of the rate of swine waste applied to the field. The agronomic application rate for swine waste is to be based upon the amount of waste required for plant nutrition and for the holding capacity of the surfaces or soils to which the waste is applied.

A copy of the complete text of the regulations and the economic impact statements may be obtained by contacting the Department of Agriculture.

Alice A. Devine
Secretary of Agriculture

Doc. No. 023024

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 1997 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 10-12-98 through 10-18-98	
Term	Rate
1-89 days	4.98%
3 months	4.07%
6 months	4.23%
9 months	4.26%
12 months	4.51%
18 months	4.27%
24 months	4.22%

Clyde Graeber
Acting Chairman

Doc. No. 023908

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Friday, October 30, in the conference room in the offices of Kansas Development Finance Authority, Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, regarding the proposed issuance by the Authority of its Health Facilities Revenue Bonds in a principal amount not to exceed \$18,000,000 for the purpose of making a loan to Village Shalom, Inc. (VSI), a Kansas nonprofit corporation, to finance and reimburse the costs of a continuing care retirement community and other related facilities to be owned and operated by the corporation at 5500 W. 123rd St., Overland Park, Johnson County, Kansas.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received or pledged by VSI, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views for or against the proposal to issue any specific bonds for the purposes described above, and all written comments previously filed with the Authority at its offices at Suite 1000, Jayhawk Tower, 700 S.W. Jackson, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Kenneth Frahm
President

Doc. No. 023005

State of Kansas

Department on Aging

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted at 2 p.m. Wednesday, December 16, in Room D of the Kansas-National Education Association (K-NEA) Building, 715 S.W. 10th, Topeka, to consider the adoption of proposed changes in existing rules and regulations and proposed new rules and regulations of the Kansas Department on Aging.

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 the Secretary of Aging, New England Building, 503 S. Kansas Ave., Topeka, 66603. 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 that each participant limit any oral presentation to five minutes.

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 Michelle Sweeney at (785) 296-5544 or (785) 291-3167 (TDD). Handicapped parking is located on the north and west sides of the K-NEA building, closest to the north entrance. The north entrance to the building is accessible to individuals with disabilities.

Copies of the regulations and their economic impact statements may be obtained from the Department on Aging, Policy and Planning Section, New England Building, 503 S. Kansas Ave., Topeka, 66603, (785) 296-5544.

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

K.A.R. 26-1-2. This regulation is being amended to clarify wording by better stating who an applicant is, in regard to requests for redesignation of a planning and service area boundary, and requiring that such a request be in writing to the Secretary of Aging. There are no costs associated with the implementation of these amendments to the regulation.

K.A.R. 26-1-9. This is a new regulation that defines the process that the Secretary of Aging may use to withdraw an area agency's designation. This regulation provides due process for an area agency and allows the Secretary of Aging several options in ensuring that services of the area agency are continued during and after the withdrawal of the area agency designation, thereby protecting consumers, and the process for designation of a new area agency should this situation occur. There are no costs associated with the implementation of this regulation.

Thelma Hunter Gordon
Secretary of Aging

Doc. No. 023011

State of Kansas

Board of Emergency Medical Services**Notice of Committee Meeting**

The Education and Examination Committee of the Board of Emergency Medical Services will meet from 10 a.m. to 5 p.m. Monday, November 9, at the Lawrence City Commission Chambers, 6th and Massachusetts, Lawrence. A copy of the agenda may be obtained by contacting the board office at 109 S.W. 6th, Topeka, 66603-3826, (785) 296-7296. All board and committee meetings are open to the public.

Bob McDanel
Administrator

Doc. No. 023017

State of Kansas

State Corporation Commission**Notice of Motor Carrier Hearings**

The following motor carriers have filed various applications and are scheduled for hearing at 9:30 a.m. November 3 before the commission at its offices, 1500 S.W. Arrowhead Road, Topeka, as indicated below. All applications listed herein are for statewide authority unless otherwise stated. This list does not include cases which have been continued from earlier assigned hearing dates for which parties of record have received notice.

Requests to inspect and copy the notices provided to the parties and questions in regard to these hearings should be addressed to the State Corporation Commission, Transportation Division, 1500 S.W. Arrowhead Road, Topeka, 66604-4027, (785) 271-3225 or 271-3151. The presiding officer for these matters is Susan Stanley, Assistant General Counsel, (785) 271-3273. Anyone needing special accommodations should give notice to the commission 10 days prior to the scheduled hearing date.

Attention should be directed to Kansas Administrative Regulation 82-1-228, "Rules of Practice and Procedure Before the Commission."

Application for Certificate of Convenience and Necessity:

Affordable Limousine Services, Inc., 3225 Creekwood, Lawrence, KS 66049; MC ID No. 156228; Passengers.

Applications for Certificate of Public Service:

Dale Adams Farms, Inc., Route 1, Box 83, Ninnekah, OK 73067; MC ID No. 156223; General commodities (except household goods and hazardous materials).

Carvell Harvesting L.L.C., 852A 23rd Ave. S.W., Washburn, ND 58577; MC ID No. 156230; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

Dealer Management, Inc., 3610 S. Maize Road, Wichita, KS 67215; MC ID No. 149931; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

Shorty Kulhanek, dba Kulhanek Harvesting, 1210 E. 8th, Colby, KS 67701; MC ID No. 156229; Clyde Christey, Attorney; General commodities (except household goods and hazardous materials).

Clayton D. Nichols, Route 1, Box 36-E, Copeland, KS 67837; MC ID No. 156508; William Barker, Attorney; General commodities (except household goods and hazardous materials).

Nutsch Trucking LLC, 425 Kent, Haddam, KS 66944; MC ID No. 156224; General commodities (except household goods and hazardous materials).

Brenda K. Otoole, dba TF Brenet Trucking, 1213 Limestone, Marysville, KS 66508; MC ID No. 156226; General commodities (except household goods and hazardous materials).

Panhandle Express, LLC, 213 Will Rogers, Guymon, OK 73942; MC ID No. 155931; General commodities (except household goods and hazardous materials).

R & D Transportation, Inc., Route 1, Big Cabin, OK 74332; MC ID No. 142716; General commodities (except household goods).

Gene Sanders, dba Sanders Trucking, 107 W. 3rd Ave., Ellsworth, MN 56129; MC ID No. 101949; General commodities (except household goods and hazardous materials).

David K.L. Smith, 301 W. 3rd Ave., Manter, KS 67862; MC ID No. 156227; General commodities (except household goods).

Success Logistics, Inc., 100 Abbie, Kansas City, KS 66110; MC ID No. 156225; Frank Taylor, Jr., Attorney; General commodities (except household goods and hazardous materials).

Dallason Thomas, dba Thomas and Sons, 821 W. Division, Downs, KS 67437; MC ID No. 156515; General commodities (except household goods and hazardous materials).

Tiemeyer Trucking, L.L.C., 885 3rd Road, Clifton, KS 66937; MC ID No. 15630; General commodities (except household goods).

Application for Name Change of Certificate of Public Service:

Larry Barrett, dba Larry Barrett Body Company, 2901 N. Rouse St., Pittsburg, KS 66762-2481, MC ID No. 134447, to: Larry Barrett, dba Larry Barrett Body*Frame*Towing, 2901 N. Rouse St., Pittsburg, KS 66762-2481; Wrecked, disabled, repossessed and replacement motor vehicles).

Application for Name Change of Certificate of Convenience and Necessity:

River City Shuttle, LLC, 1106 Kansas Ave., Atchison, KS 66022, MC ID No. 153820, to: River City Shuttle, LLC, dba River City Shuttle, 1106 Kansas Ave., Atchison, KS 66002; John Fresh, Attorney; Passengers and their baggage in charter party operations.

Application for Transfer of Certificate of Public Service:

Larry P. Bateson, dba Heartland Towing, W. Towanda Ave., El Dorado, KS 67042, MC ID No. 127421, to: Kim L. Stanfield and Larry P. Bateson, dba Heartland Towing, 2235 W. Towanda Ave., El Dorado, KS 67042; Wrecked and disabled motor vehicles and trailers, replacement vehicles and trailers, recreational vehicles, motorcycles and boats.

Application for Abandonment of Certificate of Public Service:

Miami County Coop. Assn., P.O. Box 229, Paola, KS 66071-0229; MC ID No. 114628.

Jacquelyn S. Miller
Administrator
Transportation Division

Doc. No. 023019

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality Class II operating permit. Holliday Sand and Gravel Company has applied for a Class II operating permit in accordance with the provisions of K.A.R. 28-19-540. Holliday Sand and Gravel Company operates a construction sand and gravel operation. Emissions resulting from the processing of sand and gravel were evaluated to determine the potential-to-emit. The purpose of the Class II operating permit is to limit the potential-to-emit of particulate matter with a diameter of 10 micrometers or less (PM-10) to below 100 tons per year.

Holliday Sand and Gravel Company, Overland Park, owns and operates the stationary source located at 9501 Woodend Road, Edwardsville.

A copy of the proposed permit, permit application, all supporting nonconfidential documentation and all information relied upon during the permit application review process is available for public review during normal business hours at the Department of Air Quality, Wyandotte County/Kansas City, Kansas Health Department, 619 Ann Ave., Kansas City, and at the Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka. To obtain or review the proposed permit and supporting documentation, contact Stephanie Hirner at the Wyandotte County/Kansas City, Kansas Health Department, (913) 573-6700, or Connie Carreno at the Kansas Department of Health and Environment, (785) 296-6422. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Stephanie Hirner, Department of Air Quality, Wyandotte County/Kansas City, Kansas Health Department, 619 Ann Ave., Kansas City, KS 66101. Written comments must be received by the close of business November 16 in order to be considered in formulating a final permit decision.

A person may request a public hearing be conducted on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, Kansas Department of Health and Environment, Building 283, Forbes Field, Topeka, 66620, not later than the close of business November 16 in order for the Secretary of Health and Environment to consider the request.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023012

State of Kansas

State Banking Board

Notice of Meeting

The State Banking Board will meet at 9 a.m. Monday, November 16, 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. 023015

State of Kansas

Department of Health
and Environment

Request for Comments

The Kansas Department of Health and Environment has received and reviewed a request by McPherson County to increase the final closure elevation of its municipal solid waste landfill from 1532 feet to 1537 feet. KDHE is providing public notice of its intent to amend the county's current permit to increase the final elevation by 5 feet. The landfill (Permit #126) is located at 1481 Pueblo Road, McPherson, in the southeast quarter of the southeast quarter of Section 16, Township 18 South, Range 03 West. The site is approximately 5 miles north of McPherson.

A copy of the administrative record, which includes a copy of the draft permit, an application for a permit modification and two design drawings regarding this permit action, is available for public review through November 16 during normal business hours, Monday through Friday, at the following locations:

Kansas Department of Health and Environment
Permits Section
Forbes Field, Building 740
Topeka, 66620
Contact: William N. Bicher
(785) 296-1595

McPherson County Courthouse
P.O. Box 425
McPherson, 67460
Contact: Susan Meng, McPherson County Clerk
(316) 241-3656

Anyone wishing to comment on the amended permit should submit written statements postmarked not later than November 16 to William N. Bicher (KDHE). After consideration of all comments received, the director of the Division of Environment will make a final permit decision. Notice of the decision will be given to the applicant, to all persons who submitted written comments, and to those who requested notice of the final permit decision.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023018

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-98-128/131

Name and Address of Applicant	Legal Description	Receiving Water
William G. Came Came Farms, Inc. 3472 W. Shipton Road Salina, KS 67401	NE/4 of Section 9, T13S, R3W, Saline County	Saline River Basin

Kansas Permit No. A-SHSA-B001

This is a new facility for 999 head (499 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: 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 2.0 acre inch per acre per year and solids shall be applied at not greater than 10 ton per acre.

Dewatering equipment shall be obtained within three months after issuance of this permit through purchase, rental or custom application agreement. It shall be capable of pumping at least 200 gallons per minute and dispersing the wastewater over 17 acres of land suitable for waste application. Written verification of the acquisition of the equipment shall be submitted to the department.

Name and Address of Applicant	Legal Description	Receiving Water
Consolidated Nutrition, L.C. P.O. Box 2048 Omaha, NE 68103-2048	N/2 of Section 11, T24S, R30W, Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-H001 Federal Permit No. KS-0093319

This is an ownership change of an existing facility for 38,400 head (15,360 animal units) of swine (formerly the Southwest Pork, L.L.C. facility).

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: One soil boring must be conducted in the southeast ¼ corner of the lagoon. The results of the soil boring must be submitted to the KDHE Southwest District Office, 302 W. McArtor, Dodge City, KS 67801. The construction of the swine facility shall not begin until the boring has been completed and the boring information submitted and reviewed by the district.

Name and Address of Applicant	Legal Description	Receiving Water
Max and Alice Copple Dairy Route 2, Box 37 Miltonvale, KS 67466	SW/4 of Section 33, T8S, R2W, Cloud County	Solomon River Basin

Kansas Permit No. A-SOCD-M002

This is an existing facility for 50 head (70 animal units) of dairy 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: Existing controls meet KDHE requirements.

Name and Address of Applicant	Legal Description	Receiving Water
Darwin M. Deets, DVM d/b/a Black Jack Feeders, LLC 1361 Frontage Road Yates Center, KS 66783	SW/4 of Section 35, T24S, R15E, Woodson County	Neosho River via Owl Creek

Kansas Permit No. A-NEWQ-C001 Federal Permit No. KS-0037672

This is a renewal of a permit for an existing facility for 3,500 head (3,500 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: Existing controls meet KDHE requirements.

Written comments on the draft permits must be submitted to the attention of Dorothy Geisler 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 November 14 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate public notice number (KS-AG-98-128/131) 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.

Gary R. Mitchell
Secretary of Health
and Environment

Doc. No. 023014

State of Kansas

Office of Judicial Administration

Supreme Court Docket

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

Monday, October 26, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
79,891	State of Kansas, Appellee, v. Cornelius Johnson, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Geary N. Gorup	Sedgwick
77,646	State of Kansas, Appellee, v. Geno D. Mullins, Appellant.	Carl J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Hazel Haupt, Asst. Appellate Defender	Sedgwick
78,644	State of Kansas, Appellee, v. George R. Spry, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Steven R. Zinn, Deputy Appellate Defender	Sedgwick
78,334	State of Kansas, Appellee, v. Damon L. Vontress, Appellant.	Carla J. Stovall, Atty. Gen. Debra S. Peterson, Asst. Dist. Atty. Mary Curtis, Asst. Appellate Defender	Sedgwick

1:30 p.m.

80,606	State of Kansas, <i>ex rel.</i> Wayne Franklin, Secretary of Human Resources, Appellant, v. City of Topeka, <i>et al.</i> , Appellees.	Merrill J. Hicklin Befort David D. Plinsky	Shawnee
80,073	Victoria A. Rodriguez, Appellee, v. Frederick C. Rodriguez, Appellant.	W. Irving Shaw Jeffry J. Larson	Lyon
79,453	Marvin Bergstrom, <i>et al.</i> , Appellants, v. Don W. Noah, <i>et al.</i> , Appellees.	John Terry Moore Justice B. King Kevin L. Bennett Lyle Koenig, Pro Se Bert S. Braud	Republic
79,531	Marvin Bergstrom, <i>et al.</i> , Appellees, v. Don W. Noah, <i>et al.</i> , Appellants.	Justice B. King Bert S. Braud	Republic

Tuesday, October 27, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
78,803	P.W.P., Appellant, v. L.S. and Johnson County Mental Health Center, Appellees.	James T. Wigglesworth Scott K. Logan Roger W. Warren	Johnson
79,619 79,953	In the Matter of the Estate of James Daniel Henry Reynolds, Jr., Deceased.	Bruce Keplinger Clarence R. Wietham	Johnson
79,994	Charles B. Eberth, <i>et al.</i> , Appellants, v. E. Dean Carlson, Secretary of the Dept. of Transportation, <i>et al.</i> , Appellees.	Keith Martin Timothy P. Orrick Terence A. Lober	Leavenworth

80,215	Board of County Commissioners of Marshall County, Kansas, Appellee, v. Lincoln Township, <i>et al.</i> , Appellants.	Keith W. Sprouse, County Atty. Edward F. Wiegiers	Marshall
1:30 p.m.			
80,274	Kansas East Conference of the United Methodist Church, Appellant, v. Bethany Medical Center, State of Kansas and Galen of Kansas, <i>et al.</i> , Appellees.	Stewart L. Entz Thomas M. Sutherland John W. Campbell, Deputy Atty. Gen.	Wyandotte
78,381	State of Kansas, Appellee, v. Callie Jane Thomas, Appellant.	Carla J. Stovall, Atty. Gen. John Swarts III, County Atty. Petition for Review Craig H. Durham, Asst. Appellate Defender	Bourbon
79,422	Board of Sedgwick County Commissioners, Appellant, v. Action Rent to Own, Inc., Appellee.	Clarence D. Holeman Robert J. O'Connor	Shawnee
79,540	Kenna J. Reeves, Appellee, v. David E. Carlson, <i>et al.</i> , Appellants.	W. Irving Shaw James P. Nordstrom	Lyon

Wednesday, October 28, 1998

9:00 a.m.

Case No.	Case Name	Attorneys	County
79,672	In the Matter of the Appeal of University of Kansas School of Medicine—Wichita Medical Practice Assn. KU School for Exemption from Ad Valorem Taxation.	Richard D. Greene Patricia J. Parker	Shawnee
79,840	City of Wichita, Appellee, v. McDonald's Corp., <i>et al.</i> , Appellants.	Joseph W. Kennedy Adam R. Pfaff	Sedgwick
77,155 77,156	State of Kansas, Appellee, v. Darrell G. Bateson, Appellant.	Carla J. Stovall, Atty. Gen. Jim Vanderbilt, County Atty. Petition for Review Jennifer Roth, Asst. Appellate Defender	Jefferson
79,372	State of Kansas, Appellee, v. Deandre Harris, Appellant.	Carla J. Stovall, Atty. Gen. Nick A. Tomasic, Dist. Atty. Craig H. Durham, Asst. Appellate Defender	Wyandotte
1:30 p.m.			
78,907 79,740	Subway Restaurants, Inc., <i>et al.</i> , Appellees, v. Nancy Kessler and Dane Banks, Appellants.	Stanley N. Wilkins Douglas Lancaster	Johnson
79,534	State of Kansas, <i>ex rel.</i> , Tracy Keck and S.R.S., Appellees, v. Jimmy W. Keck, <i>et al.</i> , Appellants.	Randy M. Barker Jim L. Lawing	Sedgwick
80,527	McShares, Inc., Appellant, v. Donald D. Barry, <i>et al.</i> , Appellees.	Diane M. Hansen James D. Griffin Robert G. Martin Wayne T. Stratton Norman I. Reichel	Saline

(continued)

Thursday, October 29, 1998
9:00 a.m.

Case No.	Case Name	Attorneys	County
81,657	In the Matter of Terence A. Lober, Respondent.	Marty M. Snyder, Deputy Disc. Adm. J. David Farris Terence A. Lober, Pro Se	Original
81,658	In the Matter of Patrick S. Levy, Respondent.	Ed Van Petten, Deputy Disc. Adm. James E. Martin Patrick S. Levy, Pro Se	Original
81,427	In the Matter of Russell W. Davisson, Respondent.	Stanton A. Hazlett, Disc. Adm. Daniel J. Severt Russell W. Davisson, Pro Se	Original
81,523	In the Matter of Kerry D. Howlett, Respondent.	Stanton A. Hazlett, Disc. Adm. Kerry D. Howlett, Pro Se	Original
81,524	In the Matter of Donald C. Long, Respondent.	Stanton A. Hazlett, Disc. Adm. Donald C. Long, Pro Se	Original

Friday, October 30, 1998

Summary Calendar—No Oral Argument Pursuant to Supreme Court Rule 7.01(c)

79,385	State v. Paul Powell.	79,701	State v. William B. Neuman, a/k/a Brett Neuman.	79,803	State v. Brian C. Bailey.
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Carol G. Greene
Clerk of the Appellate Courts

Doc. No. 022978

State of Kansas

Legislature

Interim Committee Schedule

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

Date	Room	Time	Committee	Agenda
October 19	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	19th: Tax and registration laws re: watercraft and mopeds; bill draft re: sales tax on machinery and equipment; retail wheeling policy options discussion and possible decisions. 20th: Education Savings Account Task Force update; oil and gas taxation—short film and history.
October 20	519-S	9:00 a.m.		
October 19	522-S	10:00 a.m.	Task Force on the Providers of Mental Health Services	19th: Briefing, public hearing and possible recommendations on educational requirements for BSRB licensees. 20th: Briefing, public hearing and possible recommendations on continuing education requirements for BSRB licensees and diagnosis of mental disorders; miscellaneous follow-up items.
October 20	522-S	9:00 a.m.		
October 19	526-S	9:00 a.m.	Special Committee on Rail Transportation	Agenda not available.
October 20	123-S	12:00 p.m.	Legislative Compensation Commission	Committee discussion and direction to staff.
October 20	514-S	9:00 a.m.	Joint Committee on Children's Issues	Agenda not available.

October 20	526-S	10:00 a.m.	Legislative Post Audit Committee	Legislative matters.
October 21	123-S	10:00 a.m.	Special Committee on Financial Institutions/Insurance	21st: Continue hearings on financial regulatory agency reorganization. 22nd: Discussion and direction to staff on mandated insurance benefits; begin study of health benefits for school employees under state plan.
October 22	123-S	9:30 a.m.		
October 21	423-S	10:00 a.m.	Special Committee on Information Management	Agenda not available.
October 22	423-S	9:00 a.m.		
October 21	514-S	10:00 a.m.	Legislative Budget Committee	21st: a.m.—Tobacco litigation; Communities in Schools type programs; p.m.—Budget process reform. Discussion by the budget director and a panel of former chairs of House Appropriations and Senate Ways and Means committees; staff presentations; committee discussion. 22nd: Discussion with the Office of Attorney General on possible special education litigation; presentation of Legislative Post Audit report on special education funding; committee discussion and possible recommendations.
October 22	514-S	9:00 a.m.		
October 21	526-S	10:00 a.m.	Special Committee on Federal and State Affairs	21st: Topic #1—Hazardous Materials. 22nd and 23rd: Topic #3—Bingo, briefing and hearing. 23rd: Topic #3—Bingo, hearing in Wichita.
October 22	526-S	9:00 a.m.		
October 23	Wichita	9:00 a.m.		
October 21	531-N	10:00 a.m.	Special Committee on Judiciary	21st: Topic #6—Family Law Including Parental Custody. 22nd: Topic #5—Expungement of Records.
October 22	531-N	9:00 a.m.		
October 29	514-S	10:00 a.m.	Joint Committee on Economic Development	29th: Presentations on international trade development. 30th: a.m.—Presentations on seed/venture capital; review of draft legislation on state tourism fund; committee discussion and recommendations. p.m.—Responses to information requests from August meeting on business training; committee discussion and recommendations.
October 30	514-S	9:00 a.m.		
October 29	KC; Oswego	10:00 a.m.	Joint Committee on Corrections and Juvenile Justice Oversight	29th: JJA update; community planning teams; Labette Boot Camp. 30th: Community planning teams; parole employment.
October 30	Pittsburg	9:00 a.m.		

Jeff Russell
Director of Legislative
Administrative Services

State of Kansas

Kansas Insurance Department

Notice of Change in Pharmacy Network

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that a change has occurred in a pharmacy network in the State of Kansas. United HealthCare of the Midwest, Inc. Pharmacy Network has notified the department of the addition of the following Kansas pharmacies: Pharmacy Corp of America, Louisville; Bruce Smith Drugs, Overland Park; Bruce Smith Drugs, Prairie Village; Fox Hill Medical Pharmacy, Overland Park; and Midwest Drug Center, Hays, all effective June 1, 1998.

Also added are Cooper Drug, Augusta; Graves Self Service #8, Emporia; Greenhaw Pharmacy, Hillsboro; Heartland Homecare Services, Lawrence; Hertzler Clinic Pharmacy, Halstead; Parsons Family Pharmacy, Parsons; University of Kansas Medical Center Pharmacy, Kansas City; and Wesley Health-One, Wichita, all effective July 1, 1998.

C & R Clinic Pharmacy, Elkhart, is no longer a participating pharmacy effective May 15, 1998.

Further information may be obtained by contacting Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Commissioner of Insurance

Doc. No. 023010

State of Kansas

Department of Administration
Division of Purchases

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Monday, October 26, 1998

33325

University of Kansas—Copier maintenance

33335

Kansas Correctional Industries—Trigger sprayers

8290

Hutchinson Correctional Facility—Switch gear

Thursday, October 29, 1998

A-8614(c)

Kansas State University—KSU stadium expansion, general building, package #2

Friday, October 30, 1998

33336

Statewide—Photographic film, chemistry and supplies

Tuesday, November 10, 1998

A-8667

Kansas State University—Tunnel deck repair/CW lines support base, power plant

Thursday, November 12, 1998

A-8581

Osawatomie State Hospital—Chilled/hot water piping upgrade, Biddle Building; fan coil replacement, Rehabilitation Center

Tuesday, November 17, 1998

A-7627

Wichita State University—McKinley Hall renovation, Math Building and Neff Hall

A-8565

Department of Administration, Division of Facilities Management—Cedar Crest renovation, Governor's Residence

John T. Houlihan
Director of Purchases

Doc. No. 023023

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 5.—CREDIT INSURANCE

40-5-10. Credit insurance; fire and extended coverage; issuance for single indivisible premium; requirements. Fire and extended coverage insurance permitted by Kansas administrative regulation 40-5-6 may be issued for a single indivisible premium subject to the following requirements:

(a) The location of the property insured shall be extended by the policy provisions to insure the property at any location within the continental limits of the United States.

(b) The maximum amount of insurance permitted under this policy shall not exceed \$10,000.

(c) The insurer shall be required to obtain a statement from the insured that indicates all of the following:

(1) No other valid and collectible insurance on the insured property exists.

(2) The purchase of insurance from any insurer or agent was the choice of the insured.

(3) The purchase of insurance in connection with the credit transaction is entirely voluntary and not a prerequisite to the extension of credit.

(d) The creditor shall not refuse or decline the insurance provided by the consumer except for reasonable cause. (Authorized by K.S.A. 40-103, 16a-4-112; implementing K.S.A. 16a-4-301, 16a-4-111; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1979; amended May 1, 1986; amended May 1, 1987; amended Oct. 30, 1998.)

Kathleen Sebelius
Commissioner of Insurance

Doc. No. 023013

State of Kansas

**Office of Judicial Administration
Court of Appeals
No Oral Argument Docket**

(The following cases have recently been submitted to a panel of
judges and an opinion on each will be forthcoming.)

Before Rulon, P.J.; Pierron and Marquardt, JJ.

Wednesday, October 7, 1998

Case No.	Case Name	Attorneys	County
78,222	State of Kansas, Appellee, v. Sean L. Fortney, Appellant.	Attorney General Michael A. Ireland, C.A. Dwight L. Miller	Jackson
78,780	State of Kansas, Appellee, v. Tambra K. Linton-Millington, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
79,371	State of Kansas, Appellee, v. Jeffrey B. Gibson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
80,728	Carl B. Lesley, Appellant, v. Beech Aircraft Corporation, Respondent and Self-Insured, and Kansas Workers Compensation Fund, Appellees.	Russell B. Cranmer E. L. Lee Kinch Terry J. Torline	Work Comp
80,908	Farmers State Bank of Oakley, Appellee, v. Hackberry Trust, a/k/a Middlefork Trust, Prairie Feeders Trust, and Dennis R. Roemer, Appellants.	John Shirley J. C. Chisum Dennis Ray Romer, pro se	Gove
78,920	State of Kansas, Appellee, v. Jon A. Bandy, Appellant.	Attorney General Kenneth W. McCracken, C.A. Jessica R. Kunen, Chief A.D.	Harvey
79,430	David M. Fruits, Appellant, v. Southwestern Bell Telephone Co. Respondent and Self-Insured, Appellee, v. Kansas Workers Compensation Fund, Appellee.	James E. Martin David M. Druten Michael R. Wallace	Work Comp
80,666	City of Wichita, Appellee, v. Cheryl K. Masters, Appellant.	Sharon L. Dickgrafe Kiehl Rathbun	Sedgwick
80,731	Dixie L. Mayhew (formerly Luna), Appellant, v. Southwestern Bell Telephone Co. Respondent and Self-Insured, Appellee.	Dale V. Slape Douglas M. Greenwald Gregory D. Worth	Work Comp
78,804 78,805 78,806 78,807	State of Kansas, Appellee, v. Elizabeth A. Buford, a/k/a Elizabeth A. White, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick

(continued)

78,732	State of Kansas, Appellee, v. Terry V. Anderson, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
78,827	State of Kansas, Appellee, v. Robert G. Broadrick, Appellant.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
79,157	State of Kansas, Appellant, v. Bobby J. Anderson, Appellee.	Attorney General Debra S. Peterson, Asst. D.A. Jessica R. Kunen, Chief A.D.	Sedgwick
79,477	State of Kansas, Appellee, v. Jerry Lee Lamore, Appellant.	Attorney General County Attorney Jessica R. Kunen, Chief A.D.	Clay
79,981	State of Kansas, Appellee, v. William Sean Richardson, Appellant.	Attorney General District Attorney Michael J. Gunter	Johnson
			Carol G. Green Clerk of the Appellate Courts

Doc. No. 023025

State of Kansas

Social and Rehabilitation Services

Permanent Administrative
RegulationsArticle 6.—MEDICAL ASSISTANCE PROGRAM—
CLIENTS' ELIGIBILITY FOR PARTICIPATION

30-6-35. Application process. (a) Attention given to requests. All applications, inquiries, and requests for medical assistance shall be given prompt attention.

(b) Who may file. An application for medical assistance shall be made by each applicant, or by another person authorized to act on the applicant's behalf, except that an application on behalf of a person mandated to receive tuberculosis care or on behalf of a deceased person may be made by any responsible person.

(c) Applications.

(1) Each application for assistance shall be considered an application for any type of medical assistance. The applicant or person authorized to act on behalf of the applicant shall sign the application. If any person signs by mark, the names and addresses of two witnesses shall be required. An application on behalf of a deceased person shall be made within three months of the month of the person's death.

(2) When assistance is requested for a family member following approval of assistance for other family members, the month of application for that member shall be the month following the month of the request, if any necessary verification is received within 10 days of the request. If timely verification is not provided, the month of application shall be the month following the month verification is received.

(3) Applications may be submitted by either mail or fax.

(d) Time in which application is to be processed.

(1) Applications for medical assistance shall be approved or denied within 45 days of the agency's receipt

of a signed application or within 90 days of the agency's receipt of a signed application for medical assistance that is dependent upon a finding of disability.

(2) The applicable time period may be extended if the application has been withdrawn or if the required determination of eligibility cannot be made within the mandated time period due to the failure of the applicant or a collateral to provide necessary information.

(3) If the agency takes action to deny an application within either the 45-day or 90-day time period as indicated above and the applicant reapplies or provides required information within the 45-day or 90-day time period, the application shall be reactivated.

(e) This regulation shall take effect on and after November 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended May 1, 1984; amended May 1, 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 July 1, 1997; amended Nov. 1, 1998.)

30-6-36. Redetermination of eligibility process. (a) Purpose of redetermination. The purpose of the redetermination shall be to give the recipient an opportunity to bring to the attention of the agency the recipient's current situation and to give the agency an opportunity to review the factors of eligibility in order to determine the recipient's continuing eligibility for medical assistance.

(b) Acceptance of redetermination forms. Redetermination forms may be submitted in person, by mail, or by fax.

(c) Frequency of redetermination. A recipient's eligibility for medical assistance shall be redetermined as often as a need for review is indicated. Eligibility shall be reviewed at least once each 12 months.

(d) This regulation shall take effect on and after November 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c; effective May 1, 1981; amended May 1, 1988; amended Nov. 1, 1998.)

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 the 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 paragraphs (4) (A) and (B) 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, the assistance plan for non-SSI children shall consist of all children in the family group and the legally responsible relatives for the children, if living together. A separate assistance plan shall be applicable to any child who is not living with a legally responsible relative, and the plan shall include the siblings of the child if in the family group. For all other persons, 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).

(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 November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c, K.S.A. 1997 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; amended Nov. 1, 1998.)

30-6-77. Poverty level pregnant women and children; determined eligibles. Each applicant or recipient shall meet the general eligibility requirements of K.A.R. 30-6-50 and the specific eligibility requirements set forth below. (a) Pregnant women. Each eligible woman shall be medically determined to be pregnant. Assistance under this provision shall continue for two calendar months following the month in which the pregnancy terminates.

(b) Infants. Each eligible infant shall be under one year of age. Assistance under this provision shall continue according to either of these provisions:

(1) Through the month in which the child turns age one; or

(2) if receiving inpatient services in the month in which the child turns age one, according to this schedule:

(A) Through the calendar month in which that inpatient care ends; or

(B) through the calendar month following the month the care begins, whichever is sooner. If the inpatient care will exceed that time period, eligibility for the child under this provision shall end on the last day of the calendar month in which the child turns age one.

(c) Other young children. Each eligible child shall be at least one year of age, but no older than five years of age. Assistance under this provision shall continue according to either of these provisions:

(1) Through the month in which the child turns age six; or

(2) if receiving inpatient services in the month in which the child turns age six, according to this schedule:

(A) Through the calendar month in which that inpatient care ends; or

(B) through the calendar month following the month the care begins, whichever is sooner. If the inpatient care will exceed that time period, eligibility for the child under this provision shall end on the last day of the calendar month in which the child turns age six.

(d) Older children. Each eligible child shall be at least six years of age but under the age of 19 and be born on or after October 1, 1979.

(e) Persons whose needs are to be considered in determining eligibility.

(1) For pregnant women, the needs of the pregnant woman, the unborn child, and the father, if living with

(continued)

the pregnant woman, shall be considered. If the pregnant woman is a minor and lives with her parents, the needs of her parents shall also be included.

(2) For all children, if the child lives with a parent or parents, the needs of the child, all other siblings of the child who are in the family group, and the legally responsible relatives for the children shall be considered. If the child does not live with a parent and is under age 18, the needs of the child and all other siblings of the child who are in the family group shall be considered.

(3) For children age 18 who are not living with a parent, only the needs of the child shall be considered.

(f) Financial eligibility. A percentage of the official federal poverty income guidelines as established in K.A.R. 30-6-103 shall be used as the protected income level for the number of persons in the plan and any other persons in the family whose income is being considered. Total applicable income to be considered in the eligibility base period shall be compared against the poverty level for the base period. To be eligible under this provision, the total applicable income shall not exceed the poverty level established for the base period. Ownership of excess non-exempt real or personal property shall not result in ineligibility.

(g) Continuous eligibility. A pregnant woman who becomes eligible for assistance under this regulation shall continue to be eligible throughout her pregnancy and the two calendar months following the month her pregnancy terminates, without regard to any changes in family income. A child who becomes eligible for assistance under this regulation shall continue to be eligible for 12 months beginning with the first month of assistance without regard to any changes in family income.

(h) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c; implementing K.S.A. 1997 Supp. 39-708c and K.S.A. 1997 Supp. 39-709; effective, T-30-7-1-88, July 1, 1988; effective Sept. 26, 1988; amended July 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, T-30-12-28-90, Jan. 2, 1991; amended May 1, 1991; amended July 1, 1991; amended Sept. 30, 1994; amended Dec. 30, 1994; amended Oct. 1, 1997; amended Nov. 1, 1998.)

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 shall 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 \$200.00 per month for each employed person.

(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 considered 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 ½ 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 ½ 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), (z), (cc), (ff), and (kk) shall apply to persons in long-term care.

(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 November 1, 1998. (Authorized by and implementing K.S.A. 1997 Supp. 39-708c and 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; amended July 1, 1998; amended Nov. 1, 1998.)

Article 14.—CHILDREN'S HEALTH INSURANCE PROGRAM

30-14-1. Establishment of healthwave. (a) A health insurance program shall be established and administered by the secretary, under title XXI of the social security act, 42 U.S.C. §1397aa, for children who are residents of Kansas and who are eligible under these regulations. This program shall be known as healthwave. Coverage under the program shall begin January 1, 1999.

(b) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-2. HealthWave eligibility definitions. (a) The following words and terms, when used in this article, shall have the following meanings, unless the context clearly indicates otherwise.

(1) "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) (6) of this regulation.

(2) "Child" means a Kansas resident under the age of 19 years.

(3) "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.

(4) "Filing unit" means all children in the family group who are living with a legally responsible relative and the legally responsible relatives in the family group.

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

(6) "Relative" means any of the following individuals:

(A) Any blood relative who is within the 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 paragraphs (6) (A) and (6) (B) 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.

(b) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-3. Providers. Subject to provider availability, any recipient may be required to choose a managed care option in order to access covered program services. (a) Managed care contractors shall be selected by the secretary from willing providers based upon the best interest of the agency, as determined by the secretary or designees using the best professional judgment.

(b) Before signing a contract to provide services, each provider of capitated managed care shall demonstrate the ability to meet contract requirements, including providing or maintaining the following:

(1) Financial solvency;

(2) a panel of service providers, who shall meet these criteria:

(A) Are appropriately credentialed;

(B) are in active practice;

(C) are available to provide services to program enrollees; and

(D) are able to provide services sensitive to the needs of a diverse population, including individuals of any race, ethnicity, or disability;

(3) an approved quality management process; and

(4) other requirements determined by the secretary. In order to participate as a managed care provider, each contractor shall abide by every provision of the contract. Pen-

(continued)

alties for failure to abide by contract provisions shall be imposed by the secretary, or other appropriate actions, as enumerated in the contract provisions, may be taken.

(c) Each capitated managed care contractor shall be reimbursed at a rate agreed to by the secretary.

(d) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1 and Section 5; effective Nov. 1, 1998.)

30-14-20. Application process. (a) Attention given to requests. All applications, inquiries, and requests for healthwave shall be given prompt attention.

(b) Who may file. An application for healthwave shall be made by each applicant or by another person authorized to act on the applicant's behalf.

(c) Applications.

(1) The applicant or person authorized to act on behalf of the applicant shall sign the application. If any person signs by mark, the names and addresses of two witnesses shall be required.

(2) Applications may be submitted by either mail or fax.

(d) Time in which application is to be processed.

(1) Applications for healthwave shall be approved or denied within 15 calendar days of the agency's receipt of a signed application and all supporting documentation, but no later than 45 days from the date the signed application is received.

(2) The 45-day maximum time period may be extended if the application has been withdrawn or if the required determination of eligibility cannot be made within the mandated time period due to the failure of the applicant or a collateral to provide necessary information.

(3) If the agency takes action to deny an application within the 45-day time period and the applicant reapplies or provides required information within the 45-day time period, the application shall be reactivated.

(e) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-21. Reenrollment process. (a) Purpose of reenrollment. The purpose of the reenrollment shall be to give the recipient an opportunity to bring to the attention of the agency the recipient's current situation and to give the agency an opportunity to review the factors of eligibility in order to redetermine the recipient's eligibility for coverage under the program.

(b) Acceptance of reenrollment forms. Reenrollment forms may be submitted by either mail or fax.

(c) Frequency of reenrollment. A recipient's eligibility for healthwave shall be redetermined as often as a need for review is indicated. Reenrollment for coverage shall occur at least once each 12 months.

(d) Failure to pay premiums. A recipient shall not be eligible for coverage under the healthwave program if the recipient is subject to the premium payment requirements of K.A.R. 30-14-29 and has failed to pay all premiums due before reenrollment in the program.

(e) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c

and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-22. Rights of applicants and recipients. (a) Right to information. Each applicant or recipient shall be provided with information concerning the program. Upon request, each applicant or recipient shall be furnished by the agency with information, and the eligibility criteria and coverage available shall be explained to each applicant or recipient.

(b) Right to make application. Each applicant shall have the right to make application regardless of any question of eligibility or agency responsibility. The right of any individual to make application shall not be abridged.

(c) Right to an individual determination of eligibility for coverage. Each individual shall be given an opportunity to present any request and to explain the individual's situation.

(d) Right to withdraw from program. Each applicant shall have the right to withdraw the application at any time between the date the application is signed and the date the notice of the agency's decision is mailed. Any recipient may withdraw from the program at any time.

(e) Right to a prompt decision. Each applicant shall have the right to have a decision rendered on an application within 15 calendar days of the agency's receipt of a signed application and all supporting documentation, but no later than 45 days from the date the signed application is received. Each recipient shall have the right to have a decision rendered on any formal request within 30 days of its receipt by the agency.

(f) Right to the correct amount of coverage. Each individual, if eligible, shall be entitled to the correct amount of coverage, based upon established program guidelines.

(g) Right to written notification of action. Each individual shall have the right to a written notification of agency action concerning eligibility for the healthwave program.

(h) Right to equal treatment. Each individual shall have the right to be treated in the same manner as that of other individuals who are in similar circumstances.

(i) Right to a fair hearing. Each individual shall have the right to request a fair hearing if dissatisfied with any agency decision or lack of action in regard to the application for or receipt of coverage.

(j) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 1; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-23. Responsibilities of applicants and recipients. Each applicant or recipient shall meet these requirements: (a) Supply, insofar as the applicant or recipient is able, information essential to the establishment of eligibility;

(b) give written permission for release of information when needed;

(c) report each change in circumstances within 10 calendar days of the change;

(d) meet the applicant's or recipient's own medical needs insofar as that individual is capable; and

(e) cooperate with the agency in obtaining income due the person or any other person for whom the individual is applying for or receiving healthwave.

(f) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-24. Agency responsibility to applicants and recipients. (a) The following actions shall be performed by the agency:

(1) On the request of an applicant or recipient, explain the applicant's or recipient's rights and responsibilities; and

(2) inform individuals of the following requirements placed upon the agency;

(A) Periodic redeterminations of eligibility shall be made by the agency.

(B) Investigation and referral for legal action shall be undertaken by the agency regarding any fraudulent application for or receipt of coverage.

(C) Unless otherwise prohibited by law, confidential information shall be disclosed by the agency when the purpose of the disclosure is directly related to any of the following:

(i) The administration of the healthwave program;

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

(iii) the reporting to the appropriate law enforcement officials the intention of an individual to commit a crime.

(b) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-25. General eligibility requirements. (a) Act in own behalf. Each applicant or recipient shall meet the provisions of K.A.R. 30-6-52.

(b) Citizenship, alienage, and residence. Each applicant or recipient shall meet the provisions of K.A.R. 30-6-54.

(c) Cooperation. 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 child ineligible for healthwave.

(d) Social security number. Each applicant or recipient shall provide 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 coverage.

(e) Living in a public institution. The applicant or recipient shall not be living in a public institution in accordance with K.A.R. 30-6-60.

(f) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-26. Insurance coverage. (a) The applicant or recipient shall not currently have health insurance coverage to be eligible for the healthwave program.

(b) If not presently covered, the applicant or recipient shall not have had health insurance coverage in the prior six months and terminated this coverage without good cause.

(c) The applicant or recipient shall not be eligible for enrollment in the Kansas group health insurance program.

(d) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-27. Financial eligibility. (a) Persons whose needs are to be considered in determining eligibility.

(1) If the child lives with a parent or parents, the needs of all individuals in the filing unit in accordance with K.A.R. 30-14-2 shall be considered.

(2) If the child does not live with a parent and is under age 18, only the needs of the child and other siblings of the child who are in the family group shall be considered.

(3) If the child is age 18 and does not reside with a parent, only the needs of the child shall be considered.

(b) Poverty level determination. Total monthly applicable income shall not exceed a percentage of the official federal poverty income guidelines to be determined by the secretary to be eligible for coverage. If the secretary determines that the funds appropriated are insufficient to fund up to this income level, a lower income level shall be implemented by the secretary, and the changes shall be published by the secretary in the Kansas register.

(c) Continuous eligibility. A child who becomes eligible for coverage under this regulation shall continue to be eligible for 12 months beginning with the month the child is enrolled or reenrolled for coverage in the healthwave program, without regard to any changes in family income. The general eligibility requirements of K.A.R. 30-14-26 shall continue to be met.

(d) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-28. Premium payment requirement. (a) If the total monthly applicable income in the family group exceeds 150% of the official federal poverty income guidelines, the family shall pay a monthly premium for coverage in the healthwave program.

(b) The applicable monthly premium for the family group shall be either of the following:

(i) \$10.00 if the family income is greater than 150% of the official federal poverty income guidelines but equal to or less than 175% of the poverty guidelines; or

(ii) \$15.00 if the family income is greater than 175% of the official federal poverty income guidelines.

(c) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-29. General rules for consideration of income. (a) For purposes of determining eligibility for coverage, legal title shall determine ownership. In the absence of legal title, possession shall determine ownership.

(b) Income shall be considered available both when actually available and when the applicant or recipient has the legal access to the income. Income shall be considered unavailable when there is a legal impediment that precludes access to it. The applicant or recipient shall pursue reasonable steps to overcome the legal impediment, un-

(continued)

less it is determined that the cost of pursuing legal action would exceed the value of the total income available or that it is unlikely the applicant or recipient would succeed in the legal action.

(c) The conversion of real or 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.

(d)(1) Nonexempt income of all persons in the assistance plan shall be considered in determining eligibility.

(2) Despite paragraph (d)(1) above, the income of a child whose needs are met through foster care payments shall not be considered in determining eligibility.

(e) The income of an ineligible parent shall be considered in determining the eligibility of a child for the healthwave program if the parent and child are living together.

(f) Despite paragraph (d)(1) and subsection (e) above, the income of an SSI beneficiary shall not be considered in the determination of eligibility for the healthwave program of any other person.

(g) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-30. Applicable income. "Applicable income" means the amount of earned and unearned income that is compared with the poverty income guidelines referenced in K.A.R. 30-14-27 to establish financial eligibility. (a) Applicable earned income. All earned income shall be considered applicable income unless exempted in accordance with K.A.R. 30-6-112(a) through (bb) and K.A.R. 30-6-113(a) through (r). Applicable earned income shall be determined as follows.

(1) Applicable earned income for persons included in the living unit, and for all persons in the home whose earned income shall be considered and who are excluded from the living unit, shall equal gross earned income, or the adjusted gross earned income from self-employment, less \$200.00 per month for each employed person.

(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 healthwave 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 nonprofit 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 considered 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) Applicable unearned income.

(1) All net unearned income shall be considered to be applicable income, unless exempted in accordance with K.A.R. 30-6-112(a) through (bb) and K.A.R. 30-6-113(a) through (r).

(2) 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 November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-31. Payment amounts. (a) Underpayments. Underpayments shall be promptly corrected.

(b) Overpayments. Overpayments may be recovered by voluntary repayment, administrative recoupment, or legal action. Administrative recoupment procedures shall not be initiated by the agency pending the disposition of a welfare fraud referral.

(c) Discontinuance of assistance. Any recipient's participation in the healthwave program shall be discontinued when the recipient no longer meets one or more of the appropriate factors of eligibility.

(d) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

30-14-50. Scope of services. (a) Services provided to children enrolled in the healthwave program shall be as enumerated at K.A.R. 30-5-87, scope of the Kan Be Healthy program.

(b) This regulation shall take effect on and after November 1, 1998. (Authorized by K.S.A. 1997 Supp. 39-708c and L. 1998, Chapter 125, Section 2; implementing L. 1998, Chapter 125, Section 1; effective Nov. 1, 1998.)

Rochelle Chronister
Secretary of Social and
Rehabilitation Services

Doc. No. 023004

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111-4-327	Revoked	V. 12, p. 1371	111-4-574	Amended	V. 17, p. 992	111-4-962	Amended	V. 16, p. 341
111-4-328	through		111-4-575	Amended	V. 17, p. 992	111-4-963	Amended	V. 16, p. 341
111-4-335	Revoked	V. 12, p. 114	111-4-576	Amended	V. 16, p. 1044	111-4-966	through	
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111-4-340	Revoked	V. 16, p. 451						
111-4-341	Revoked	V. 11, p. 1473						
111-4-341a	Revoked	V. 12, p. 1372						

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111-4-983 through 111-4-991	New	V. 16, p. 456, 457	111-5-25	Amended	V. 16, p. 1815	111-7-79	Revoked	V. 13, p. 340
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111-4-995	Amended	V. 16, p. 2016	111-5-27	Amended	V. 16, p. 1816	111-7-81	Amended	V. 15, p. 1189
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AGENCY 118: KANSAS STATE HISTORICAL SOCIETY

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AGENCY 121: DEPARTMENT OF CREDIT UNIONS

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AGENCY 122: POOLED MONEY INVESTMENT BOARD

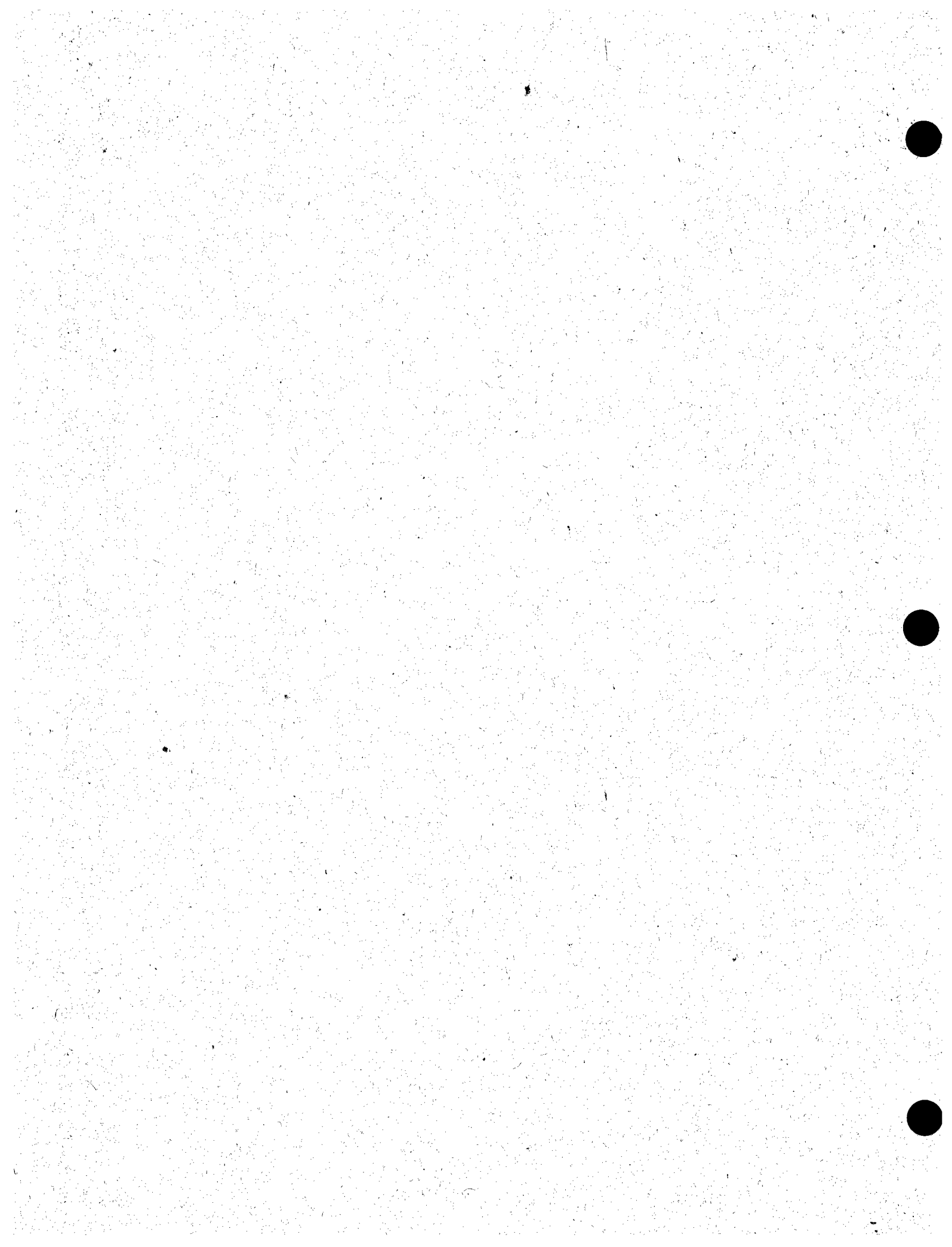
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AGENCY 123: JUVENILE JUSTICE AUTHORITY

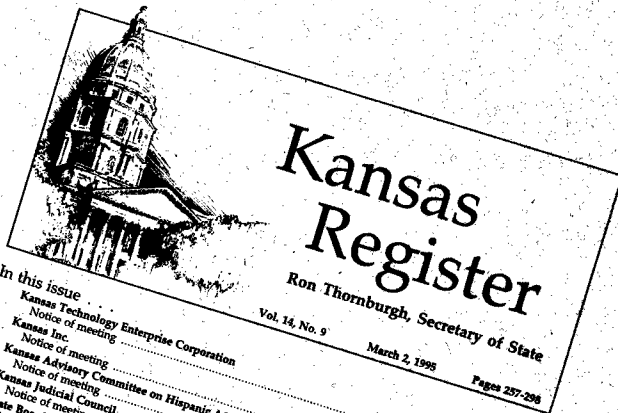
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AGENCY 124: CHILD DEATH REVIEW BOARD

Reg. No.	Action	Register
124-1-1 through		
124-1-4	New	V. 16, p. 1819



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