

KANSAS REGISTER

State of Kansas

JACK H. BRIER
Secretary of State

Vol. 1, No. 18

May 6, 1982

Pages 575-638

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State of Kansas

SECRETARY OF STATE

NOTICE

To all to whom these presents shall come, Greeting:

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that pursuant to the provisions of K.S.A. 16-207, the maximum effective rate of interest per annum for notes secured by all real estate mortgages and contracts for deed for real estate executed during the period of May 1, 1982 through May 31, 1982 shall be 17.803%.

In testimony whereof: I hereunto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 29th day of April A.D. 1982.

JACK H. BRIER
Secretary of State

Doc. No. 000307

State of Kansas

BOARD OF ACCOUNTANCY

NOTICE OF BOARD MEETING

A meeting of the Board of Accountancy is scheduled for Thursday, May 13, 1982, in room 237 (Conference Room C) on the second floor of the New England Building, 503 Kansas Avenue, Topeka. This regular Board meeting will begin at 9:30 a.m. and is expected to conclude by 3:30 p.m. A copy of the agenda is available from the Secretary at room 236.

GLENDIA SHERMAN
Board Secretary

Doc. No. 000294

State of Kansas

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

NOTICE

The Kansas State Economic Opportunity Office (SEOO) of the Department of Social and Rehabilitation Services will issue Requests for Proposals (RFP) to eligible agencies for Fiscal Year 1983 funding under the Community Services Block Grant. The SEOO will issue its RFPs on or about May 6, 1982. The application deadline date will be 5 p.m., June 15, 1982. Funded projects are expected to begin operation on or about October 1, 1982. Any eligible agency wishing to be mailed an RFP should contact the SEOO at 535 Kansas Avenue, Room 1006, Topeka, KS 66603, (913) 296-2458.

The purpose of the Community Services Block Grant is to alleviate the causes and conditions of poverty in the community. To be eligible, an agency must meet the eligibility criteria as specified by Title VI Subtitle B of the Omnibus Budget Reconciliation Act of 1981.

The criteria requires non-profit private community organizations applying for funds to have a board so constituted as to assure that one-third of the members are elected public officials; one-third are representatives of the low income area served, chosen in accordance with democratic selection procedures; and one-third are officials or members of business, industry, labor, religions, welfare, education, etc. In Fiscal Year 1982, funding was limited to Community Action Agencies.

The granting of awards is subject to the receipt of federal funds.

SUSAN M. RODGERS, Director
State Economic Opportunity Office
State Department of Social and
Rehabilitation Services

Doc. No. 000304

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



PHONE: 913/296-2236

Carol A. Bell
Publications Director

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

NOTICE OF MEETING

The State Office of Health Planning will conduct a public hearing on the Certificate of Need Application #4-JO-056, Olathe Community Hospital (Replace Hospital and Add 100 Beds). Any affected individual will have an opportunity during the meeting, to question the applicant, or to testify for or against the application. Copies of the application are available at the Office of Health Planning.

The hearing is scheduled for 9:00 a.m., May 11, 1982, at the Municipal Court Building, 125 South Cherry, Olathe, Kansas.

The public is invited to attend this hearing. Persons wishing additional information should contact the Office of Health Planning, Kansas Department of Health and Environment, 6700 South Topeka Avenue, Building 321, Topeka, Kansas 66620, (913) 862-9360, ext. 536.

JOSEPH F. HARKINS
Secretary of Health
and Environment

Doc. No. 000301

State of Kansas

**DEPARTMENT OF HEALTH
AND ENVIRONMENT**

PUBLIC NOTICE

The following Certificate of Need Applications have been filed by the Kansas Department of Health and Environment for initiation of the formal ninety (90) day review cycle. The applications will be available for public examination at the Health Systems Agency of Northeast Kansas, 1301 Topeka Boulevard, Suite #4, Topeka, Kansas, and the Kansas Department of Health and Environment, Forbes Field, Topeka, Kansas.

DATE FILED:	April 26, 1982
NAME OF APPLICANT:	St. Francis Hospital and Medical Center
TYPE OF PROJECT:	Digital Subtraction Angiography Equipment
LOCATION:	Topeka, Kansas
DATE FILED:	April 26, 1982
NAME OF APPLICANT:	Stormont-Vail Regional Medical Center
TYPE OF PROJECT:	Digital Radiography Equipment
LOCATION:	Topeka, Kansas

JOSEPH F. HARKINS
Secretary, Department
of Health and Environment

Doc. No. 000305

State of Kansas

LEGISLATURE

The following list gives the numbers and titles of bills and concurrent resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge. (Limit: 5 copies of any one item.) Write: Legislative Document Room; State Capitol; Topeka, KS 66612. Or call: (913) 296-7394. (Open 9 a.m. to 3 p.m. while the Legislature is in recess.)

Bills Introduced April 27-29:

SB 896, by Committee on Ways and Means: An act relating to the secretary of administration; concerning certain powers, duties and functions thereof; concerning the acquisition and disposition of certain property in Topeka, Kansas, and the financing thereof.

SB 897, by Committee on Ways and Means: An act concerning the Kansas turnpike; purchase of liability and other insurance; amending K.S.A. 1981 Supp. 75-4101 and repealing the existing section.

SB 898, by Committee on Ways and Means: An act making and concerning appropriations for the fiscal years ending June 30, 1982, and June 30, 1983; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, capital improvement projects and acts incidental to the foregoing; amending section 32 of chapter 32 of the 1981 Session Laws of Kansas, section 10 of 1982 Substitute for Senate Bill No. 627, section 8 of 1982 Substitute for Senate Bill No. 635, section 9 of 1982 Substitute for Senate Bill No. 721, section 2 of 1982 Substitute for House Bill No. 2802, section 4 of 1982 Substitute for House Bill No. 2803, and sections 2 and 6 of 1982 Substitute for House Bill No. 3089, and repealing the existing sections.

SB 899, by Committee on Federal and State Affairs: An act concerning senate confirmation of certain appointments; amending K.S.A. 44-709, as amended by 1982 House Bill No. 3019, K.S.A. 65-4705, as amended by 1982 House Bill No. 3096, K.S.A. 1981 Supp. 1-201, as amended by 1982 Senate Bill No. 763, and K.S.A. 1981 Supp. 74-2622, as amended by 1982 Senate Bill No. 528, and repealing the existing sections; also repealing K.S.A. 44-709, K.S.A. 65-4705, K.S.A. 1981 Supp. 1-201 and K.S.A. 1981 Supp. 74-2622, all as amended by 1982 Senate Bill No. 496.

SB 900, by Committee on Federal and State Affairs: An act concerning the department of economic development; establishing the division of travel and tourism within such department; and repealing section 1 of 1982 Senate Bill No. 599.

SB 901, by Committee on Ways and Means: An act relating to taxation; concerning the appraisal of public utility properties and prescribing duties for the director of property valuation relating thereto; repealing K.S.A. 79-5a02, 79-5a03, 79-5a05, 79-5a07, 79-5a09, 79-5a10, 79-5a11 and 79-5a12 and K.S.A. 1981 Supp. 79-5a01 and 79-5a04.

SB 902, by Committee on Ways and Means: An act concerning adult care homes; relating to licensure thereof; amending K.S.A. 39-923, 39-927, 39-930, 39-943 and 39-944 and repealing the existing sections.

SB 903, by Committee on Ways and Means: An act concerning districts for the election of representatives to the congress of the United States; repealing K.S.A. 4-120 to 4-126, inclusive.

SB 904, by Committee on Ways and Means: An act amending the uniform consumer credit code; relating to finance charges; amending K.S.A. 16a-2-401, as amended by section 3 of 1982 Senate Bill No. 595 and repealing the existing section; also repealing K.S.A. 16a-2-401, as amended by 1982 Senate Bill No. 559.

HB 3171, by Committee on Federal and State Affairs: An act concerning law enforcement and law enforcement training; definitions; amending K.S.A. 74-5602 as amended by section 2 of 1982 Senate Bill No. 499 and repealing the existing section; also repealing K.S.A. 74-5602 as amended by section 2 of 1982 House Bill No. 2668.

HB 3172, by Committee on Federal and State Affairs: An act concerning the financing of unified school district No. 325, Phillips county.

HB 3173, by Committee on Federal and State Affairs: An act concerning industrial districts in counties; relating to powers to issue general obligation bonds; amending K.S.A. 19-3808 and repealing the existing section.

HB 3174, by Committee on Ways and Means: An act amending the Kansas retailers' sales tax act; concerning exemptions; amending K.S.A. 1981 Supp. 79-3606, as amended by section 1 of 1982 House Bill No. 2744, and repealing the existing section; also repealing K.S.A. 1981 Supp. 79-3606, as amended by section 1 of 1982 Senate Bill No. 738.

HB 3175, by Committee on Ways and Means: An act relating to counties; concerning maximum tax levies; amending K.S.A. 1981 Supp. 79-1947, as amended by section 1 of 1982 House Bill No. 3072, and repealing the existing section; also repealing K.S.A. 1981 Supp. 79-1947, as amended by section 1 of 1982 House Bill No. 2822.

HB 3176, by Committee on Ways and Means: An act relating to counties; concerning home rule; amending K.S.A. 19-101a, as amended by section 11 of

(continued)

1982 House Bill No. 3142, and repealing the existing section; also repealing K.S.A. 19-101a, as amended by section 1 of 1982 House Bill No. 2612.

SR 1882, by Senators Thiessen and Pomeroy: A resolution providing for intervention and participation by the Senate of the state of Kansas in litigation relating to congressional redistricting.

HCR 5072, by Representative Solbach: A proposition to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of intangible personal property.

State of Kansas

ATTORNEY GENERAL

OPINION NO. 82-92

Banks and Banking—Code; Powers—Location of Detached Auxiliary Banking Services Facilities. Roy P. Britton, State Bank Commissioner, Topeka, April 22, 1982.

Where the place of business specified in a bank's certificate of authority is located in an incorporated city, and the city annexes nonadjoining property, the bank may establish a detached auxiliary banking services facility on the annexed property. Once annexed, such property is within the corporate limits of the city, thereby permitting the establishment and maintenance of a detached facility in compliance with the requirements of K.S.A. 1981 Supp. 9-1111(e)(1). Cited herein: K.S.A. 1981 Supp. 9-1111, 12-520. WRA

OPINION NO. 82-93

Counties and County Officers—Planning and Zoning—County Engineer's Status on Planning Board. Norman G. Manley, Butler County Counselor, El Dorado, April 23, 1982.

K.S.A. 19-2915 provides for the establishment of a county planning board and also requires that the county engineer be an *ex officio* member of said board. The *ex officio* status of the county engineer makes him a planning board member vested with full power and authority to do necessary and essential things to carry out the purposes of the planning board.

K.S.A. 19-2915 has uniform application to all counties. Therefore, Butler County may not adopt a charter resolution pursuant to K.S.A. 19-101b to modify the requirement that the county engineer be an *ex officio* member of the county planning board. Cited herein: K.S.A. 19-101a, 19-101b, 19-2915. RVE

OPINION NO. 82-94

Cities and Municipalities—Ordinances of Cities—Applicability of Initiative and Referendum Ordinances to Sale of Electric Utility Transmission System. G. M. Wells, Mayor, City of Enterprise, Enterprise, April 23, 1982.

A proposed ordinance authorizing the sale of an electric utility transmission system owned by a city of the third class is not a proper subject of an initiative petition under the provisions of K.S.A. 1981 Supp. 12-3013. Cited herein: K.S.A. 12-3013, 15-809. TRH

OPINION NO. 82-95

Counties and County Officers—Public Improvements—Sewer Districts; Collection of Special Assessments and Enforcement of Delinquencies. Representative Fred W. Rosenau, 39th District, Kansas City;

Representative David L. Webb, 27th District, Stilwell, April 26, 1982.

Pursuant to K.S.A. 19-2731 *et seq.*, a board of county commissioners is empowered to raise money for the construction of both main and lateral sewers through the issuance of general obligation bonds. Said bonds shall be paid for through the making of special assessments on the land in the district, and, at the option of the board of county commissioners, on the improvements thereto (K.S.A. 19-27,153). These assessments are to be collected in the same manner as other property taxes. Accordingly, the failure by a property owner to pay such an assessment subjects the property to sale by the county. In the event of a dispute over the amount or validity of such an assessment, a property owner must follow procedures established by statute for challenging the assessment, and cannot as an alternative withhold the disputed portion from the total taxes and assessments due on the property. Cited herein: K.S.A. 19-2735, 19-2737, 60-907, K.S.A. 1981 Supp. 60-2301, 79-2004, 79-2005, K.S.A. 79-2302. JSS

OPINION NO. 82-96

Elections—Ballots—Mail Ballots in Certain Question Submitted Elections. Jack H. Brier, Secretary of State, Topeka, April 27, 1982.

The provisions of 1982 Senate Bill No. 778, which would require all qualified voters in certain question submitted elections to be furnished ballots by mail and would permit return of these ballots by mail or by personal delivery thereof to the county election officer, would not impose a poll tax in those instances where voters choose to return the ballots by mail, thereby incurring expense for postage. Moreover, such provisions would not, as a matter of law, discriminate in favor of the wealthy, in contravention of the Equal Protection Clause of the Fourteenth Amendment. Cited herein: U. S. Const., Amends. XIV, XXIV. WRA

OPINION NO. 82-97

Counties and County Officers—Fire Protection—Annexation of Fire District Territory by City. James R. Hubbard, City Attorney, Gardner, April 28, 1982.

Where territory contained in a fire district established pursuant to K.S.A. 19-3613 *et seq.*, is subsequently annexed by a city, such territory continues to be a part of the district. Accordingly, responsibility for fire protection lies entirely with the district, with the city acquiring liability only through the making of a contract for fire protection services or through exclusion of the territory from the district, which requires the consent of both the city and the district. Use of city water or facilities by the district may be provided for by such a services contract. Cited herein: K.S.A. 19-3604, 19-3616, 19-3617, 19-3621, 19-3622, 36-3623a. JSS

OPINION NO. 82-98

Cities and Municipalities—Ordinances of Cities—Applicability of Initiative and Referendum Ordinances to Placement of Traffic Control Devices. Mar-

(continued)

lin Johanning, Atchison City Attorney, Atchison, April 28, 1982.

A proposed ordinance concerning the use of traffic control devices at designated intersections within the territorial limits of a city is an administrative ordinance, and is not a proper subject of an initiative petition under the provisions of K.S.A. 1981 Supp. 12-3013. Cited herein: K.S.A. 8-1401, 8-1424, 8-1432, 8-2004, 8-2005, and K.S.A. 1981 Supp. 12-3013. TRH

ROBERT T. STEPHAN
Attorney General

Doc. No. 000300

natural gas. In addition, the Commission regulates the activities of surface mining and reclamation.

The Commission is organized into five operating divisions: Utilities, Transportation, Securities, Conservation and Mined Land Conservation and Reclamation. The Administrative Division and its Legal Department provide administration and legal support services to the operating divisions of the Commission.

The Utilities Division has been assigned responsibility for administration of the public utility laws, rules, regulations and policies of the State Corporation Commission with respect to utility companies rendering electric, gas, communication and water service.

In general, utility companies are subject to Commission jurisdiction with respect to (1) the territory in which they are certificated to operate, (2) the type and quality of service rendered, (3) the issuance of indebtedness or other securities for the obtainment of capital, (4) accounting procedures and reports which must be filed with the Commission, (5) safety regulations and standards of construction, and (6) prudent operation and the rates charged by public utilities for service. It is generally the latter aspect which has resulted in this RFP.

The representative role of the State Corporation Commission and the Utilities Division can be found in Chapter 66 of the Kansas Statutes Annotated. The broad functions require active interest and participation by the Commission and its Staff in making the Commission effective in exercising its statutory powers and those necessarily implied in fulfilling statutory mandate.

State of Kansas

CORPORATION COMMISSION

**REQUEST FOR PROPOSAL
FOR TECHNICAL ACCOUNTING ASSISTANCE
IN CONNECTION WITH THE APPLICATION
OF KANSAS CITY POWER AND LIGHT
COMPANY FOR PERMISSION
AND AUTHORITY TO MAKE CERTAIN
CHANGES IN ITS CHARGES FOR
ELECTRIC SERVICE FURNISHED IN THE
STATE OF KANSAS
DOCKET NO. 133,002-U**

*Issued by the
State Corporation Commission
State Office Building
Topeka, Kansas 66612*

**RFP NO. 82-10
APRIL 1982
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I. PROJECT SUMMARY

Introduction

This request for proposal (RFP) is issued by the State Corporation Commission of Kansas (KCC). The Commission's Executive Secretary, Carol J. Larson is the point of contact for all action related to this RFP.

Kansas City Power and Light Company has filed an application to make changes in its retail rates and tariffs under the jurisdiction of the Commission. The application, filed on April 13, 1982, requests a permanent rate increase of \$26,296,000.

Background

The State Corporation Commission has the responsibility to regulate the activities of public utilities, railroads, express companies, motor carriers, radio common carriers, and security brokers and their agents. The Commission is responsible for the administration of laws relating to the conservation of oil, and

II. PROJECT SCHEDULE

<i>Event</i>	<i>Target Date</i>
1. Issue Request for Proposal	April 26, 1982
2. Hold Preproposal Conference	May 10, 1982
10:00 a.m.	
3. Proposal Due	June 1, 1982
4. Select Consultant	June 7, 1982
5. Initiate Field Work	June, 1982
6. Provide permanent Staff with finalized adjustments and jurisdictional requirements	September 1, 1982
7. Complete Field Work and pre-file testimony	October 1, 1982
8. Conduct Hearings	October 18, 1982

III. PROJECT REQUIREMENTS

The Consultant shall conduct a field investigation and participate in the rate hearing process so as to contribute to the accomplishment of

- (a) Enforcement of statutory mandate that Kansas utility rates should be just and reasonable to the end that reasonably sufficient and efficient service is maintained.
- (b) Enforce the ratemaking principles and philosophy deemed appropriate by the Staff and Commission in the determination of cost of service. This philosophy and its accompanying principles are evidenced in prior Commission orders and the rules of practice and procedure of the Commission.

(continued)

- (c) Provide utility managements with incentive for financially efficient operation by recognition and disallowance of the costs of inefficient financial decisions, while, at the same time, encouraging and not penalizing efficient financial decisions.

The Consultant's investigation shall encompass the following general areas which shall be defined as "accounting" related areas or issues:

- (a) Kansas jurisdictional revenue requirement and pro forma net operating income.
- (b) Pro forma units of commodity sold by rate class.
- (c) Capital structure and cost of capital other than common equity.

Project Tasks/Activities

The consultant's detailed investigation shall include but not be limited to

- (a) develop position on exclusion of construction work in progress (CWIP), property held for future use, and material items of non-utility operations;
- (b) development of a cash working capital adjustment, based upon a lead-lag study;
- (c) evaluation of appropriateness of any pro forma adjustment made to reflect a cost rate or cost level beyond the end of the test period;
- (d) evaluation of appropriateness of any estimated or projected changes in units of sales;
- (e) evaluation of the appropriateness of annualization methodology in non-wage, operating expenses;
- (f) determine the appropriate allocation to Kansas jurisdictional customers of company tax obligations;
- (g) determine that flow through ratemaking treatment of normally recurring tax benefits, to the extent permitted by the Internal Revenue Code, has been utilized;
- (h) determine that operating revenue has been annualized to reflect all Kansas intrastate rate increases granted by this Commission;
- (i) evaluate appropriateness of payroll annualization and any out-of-period payroll increases annualized; consider appropriateness of a productivity adjustment to payroll expense;
- (j) determine that year-end accumulated depreciation has been increased to reflect additional, annualized depreciation expense;
- (k) evaluate the appropriateness of annualized depreciation expense and verify that depreciation rates have the approval of the Commission;
- (l) determine that no annualization adjustments based solely upon movements in inflation indices or indicators (as opposed to known and determinable changes) are included in cost of service;
- (m) develop positions as needed on controversial ratemaking issues, such as advertising expenses, lobbying and political activity expenses, dues, executive benefits, and charitable contributions;
- (n) evaluation of any significant changes in utility

- operations beyond the end of the test period, which could significantly impact financial health or ability to provide service;
- (o) develop consistent, appropriate, positions on all other material "accounting" related issues that affect the determination of rate case, operating income, and capital structure.
- (p) compute and provide a detailed list of pro forma Kansas jurisdictional rate base, revenues and expenses by account code, such allocated amounts to be determined by applying factors provided by the rate section of Utilities Division Engineering Department.

In addition to the detailed investigation, the project will include the following

- (a) Initial review and identification of issues. Review the application and prepare a memorandum summarizing observable accounting issues in the filing. Areas requiring concentration of effort should be clearly identified.
- (b) Preparation of written testimony, with supporting material and exhibits, to document conclusions reached and positions taken.
- (c) Provide technical assistance to the Commission's Legal Department, including analyses of testimony of parties other than staff witnesses, oral testimony as "expert witness", assist with cross-examination, assist legal staff in accounting issues raised by all parties and in developing final order resulting from the hearing. Provide accounting assistance after the hearing to prepare any post-hearing briefs, or to assist in evaluating issues in any rehearing or judicial review of the Commission's order, as may be required.

Work Products

The consultant shall provide the following work products:

- Initial report setting forth accounting issues and areas for in-depth analysis, 10 copies.
- Written testimony, with supporting exhibits and documentation, 30 copies.
- Analysis of written testimony of other witnesses in accounting area, 5 copies.
- Appropriate oral testimony during hearing.
- Analysis/Recommendations, as appropriate to assist in preparing a Commission order, post-hearing briefs, and related material, as may be required.

IV. SERVICES PROVIDED BY THE COMMISSION

In view of the existing work load of the Utilities Division, of the Kansas Corporation Commission, it is not expected that any permanent Staff will be assigned to this project. For purposes of this RFP the contractor should respond under the assumption that Utilities Division Staff would be available only for advisory assistance on a limited basis.*

The Director of Utilities and the General Counsel of the KCC (or their appointees) are responsible for the overall management of this project. They will be responsible for:

- (1) Providing any required coordination between the consultant.

(continued)

- (2) Overseeing the project operation as it relates to policy questions.
- (3) Determining any changes in emphasis or end product that may be required.
- (4) Assessing the progress and problems related to the project.
- (5) Reviewing status reports and approving contractor's proposed work plans.
- (6) Determining final compliance with the terms of the contract.

No clerical support or office space will be provided by the Commission.

* Note: In addition it should be noted that the contractor may be working with permanent staff in performing the functions he is carrying out in this engagement. Copies of any and all programs shall be made available and explained to staff in an understandable manner.

V. PROPOSAL REQUIREMENTS

Proposal Format

Proposals should be submitted in ten (10) copies to Carol Larson, Executive Secretary, Kansas Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas 66612.

Proposals should be prepared simply and economically. Emphasis should be on completeness and clarity of content.

Proposals should be submitted in the following format, consisting of six sections:

- 1. **Project Summary**, a concise statement to demonstrate your understanding of the assignment and a brief discussion of the anticipated work products.
- 2. **Detailed Project Work Plan**, containing the following four (4) sub-sections:
 - a. description of the consultant's planned approach and methodology to conduct the study.
 - b. description of the major tasks and sub-tasks required to successfully complete the assignment, as identified in this RFP.
 - c. identification of project staff assignments, related to identified tasks and sub-tasks, with associated level of resources (man-hours) required to complete each task. Discussion of project staffing arrangements and organization. Review procedures to schedule and control the project and staff responsible for each major task.
 - d. detailed project schedule and timetable, by major task and sub-task, and by staff assignment; anticipate a five calendar month project duration, including hearing.

- 3. **Firm Capacity**, a brief discussion of the firm's capacity to successfully undertake this assignment; identify and describe recent relevant firm experience.
- 4. **Relevant Staff Experience**, identify all potential staff by name, describe related experience, and attach professional resumes.
- 5. **Other Requirements**, any response to stipulations requested by this request for proposal, other than cost, or any additional information the consultant wishes to add.
- 6. **Cost Proposal**. Cost information is required to support the reasonableness of the proposal. Using the attached cost and price analysis form, provide the specified information. Labor costs should be by each category of labor which carries a different rate per hour, e.g., partner, manager, senior.

Relationships with Kansas Utilities

List all Kansas public utilities for which your firm has worked in a professional capacity during the last three years. For each firm listed, briefly describe the nature of the professional relationship and impact of this relationship on your firm's ability to serve the State Corporation Commission.

The State Corporation commission reserves the right to determine if a specific conflict of interest exists between a firm and the respective utility company.

Authorized Negotiators

Include the names, titles, address, and telephone numbers of individuals in your firm authorized to negotiate any resulting contract.

Proposal Evaluation

Proposals will be evaluated considering: (1) demonstrated understanding of project requirements; (2) realistic work plan for project completion; (3) relevant firm experiences; (4) relevant staff experience; (5) quality of previous work for the Commission; (6) firm's position on major ratemaking issues; and (7) project costs.

Contract Type

The State Corporation Commission contemplates that fixed price reimbursement type contract will be awarded. Reimbursements will be made for authorized travel and subsistence expenses. The Commission anticipates withholding ten (10) percent of the contract amount invoiced until all contractual obligations of the firm are met to the satisfaction of the State Corporation Commission.

COST AND PRICE ANALYSIS FORM

I. LABOR COST (Specify) (Provide Details on Separate Page if Necessary)	Estimated Hours	Rate/Hour	Total Estimated Labor
TOTAL LABOR			

(continued)

II. Cost of Supplies and Materials	Est. Cost
TOTAL COST OF SUPPLIES AND MATERIAL	
III. Other Direct Cost	
TOTAL OTHER DIRECT COST	
IV. Transportation and Subsistence Costs (Show travel and per diem separately)	
_____ trips x _____ average cost per trip = _____ transportation cost _____ person x _____ average per diem cost = _____ subsistence cost day	
_____ Total	
TOTAL ESTIMATED LABOR COST (I)	
TOTAL ESTIMATED OTHER COSTS (II), (III), (IV)	
TOTAL ESTIMATED COST OF PROJECT:	

Doc. No. 000302

CAROL J. LARSON
Executive Secretary

State of Kansas

SECRETARY OF STATE

NOTICE

The following bills have been signed into law by the Governor, as of April 26, and transmitted to this office:

Senate Bills

2	505	557	606	674	763	817
30	506	560	608	675	764	820
36	507	562	609	677	765	822
61	510	563	610	678	767	823
72	511	564	613	683	768	826
73	512	569	617	687	769	832
141	513	570	618	689	770	836
174	514	571	622	693	772	840
203	522	575	627	707	773	843
301	524	582	630	718	775	845
370	525	583	633	719	776	851
383	526	584	634	721	779	853
391	528	588	635	728	781	857
438	530	589	636	731	782	859
441	531	590	640	733	783	861
476	532	591	643	738	785	865
485	537	593	646	740	787	866
487	538	594	650	741	791	867
495	539	595	651	742	793	868
496	542	596	655	743	799	870
498	547	599	657	749	800	879

499	548	601	662	760	803	881
504	550	605	665	762	812	883
<i>House Bills</i>						
2139	2655	2724	2802	2889	3013	3065
2140	2656	2728	2803	2903	3016	3068
2253	2657	2731	2809	2918	3017	3069
2268	2658	2732	2810	2919	3018	3070
2273	2661	2735	2815	2923	3019	3072
2286	2665	2738	2817	2930	3020	3073
2394	2668	2739	2818	2937	3023	3075
2463	2669	2740	2820	2941	3025	3077
2469	2670	2744	2822	2952	3026	3089*
2472	2671	2746	2825*	2955	3027	3096
2492	2672	2750	2826	2957	3028	3097
2519	2673	2751	2827	2969	3029	3101
2546	2674	2752	2828	2971	3030	3104
2595	2675	2753	2829	2972	3031	3106
2610	2677	2765	2831	2974	3032	3108
2612	2679	2766	2833	2976	3034	3110
2613	2682	2767	2834	2985	3035	3111
2615	2686	2768	2837	2994	3037	3117
2616	2694	2769	2850	2995	3042	3118
2617	2695	2770	2856	2996	3045	3121
2629	2697	2785	2857	2998	3047	3124
2630	2702	2786	2859	2999	3049	3125
2636	2703	2788	2863	3002	3050	3127
2637	2710	2789	2866	3003	3051	3131

(continued)

2639	2712	2793	2870	3008	3054	3134
2640	2713	2798	2877	3009	3063	3145
2646	2714	2799	2883	3010	3064	3166
2653	2715	2801	2888	3011		
2654	2720					

* Signed with portions line-item vetoed.

The following bills have been *vetoed* by the Governor:

Senate Bills: 205, 535, 561, 615, 664, 797.

House Bills: 2632, 2634, 2814, 2887, 2906, 3094.

The following resolutions have been adopted by the Legislature and transmitted to this office:

Senate Concurrent Resolutions: 1633, 1644, 1647, 1649, 1650, 1651, 1657, 1659.

House Concurrent Resolutions: 5032, 5041, 5043, 5046, 5047, 5048, 5049, 5054, 5058, 5059, 5067.

House Resolutions: 6117, 6118, 6126, 6127, 6130, 6137, 6156, 6167.

Titles of the above bills and resolutions were listed in earlier editions of the *Kansas Register*, as they were introduced. Copies of enrolled (final) bills and resolutions are available from the Legislative Division of the Secretary of State's Office; State Capitol; Topeka 66612. Phone: 913/296-2236.

JACK H. BRIER
Secretary of State

State of Kansas

DEPARTMENT OF ADMINISTRATION DIVISION OF PURCHASES

NOTICE TO BIDDERS

Sealed bids for items hereinafter listed will be received by James I. Tolbert, Director of Purchases, State Office Building, Topeka, Kansas, until 2:00 p.m., C.S.T., or D.S.T., whichever is in effect on the date indicated, and then will be publicly opened:

MONDAY, MAY 17, 1982

#25053-A

Kansas Highway Patrol, Topeka—AIRCRAFT INSURANCE

#25126

Kansas State University, Manhattan—READY MIX CONCRETE, for Garden City Experiment Station

#49997

Kansas Bureau of Investigation, Topeka—TWO-WAY RADIO EQUIPMENT

#50003

Department of Transportation, Garden City—OSCILLOSCOPE

#50004

Department of Health and Environment, Topeka—GAS CHROMATOGRAPH

#50008

Kansas State University, Manhattan—KABSU SUPPLIES

#50042

Kansas Department of Revenue, Topeka—CONTINUOUS REGISTRATION FORMS AND LABELS

#50044

Kansas Department of Revenue, Topeka—REFLECTIVE VALIDATION STICKERS

#50068

Department of Transportation, Topeka—COLOR FILM

TUESDAY, MAY 18, 1982

#25117

Statewide—WATER SOFTENER SALT

#25118

University of Kansas Medical Center, Kansas City—WATER SOFTENER SALT

#25119

Statewide—PLUMBING FITTINGS

#49974

Kansas State Penitentiary, Lansing—SALE OF USED MACHINERY

#50010

Kansas State University, Manhattan—LABORATORY SUPPLIES

#50013

Kansas State Industrial Reformatory, Hutchinson—GASOLINE

#50016

Kansas State University, Manhattan—PLASMA EMISSION SPECTROMETER

#50017

Wichita State University, Wichita—VIDEO PROJECTORS

#50019

Kansas Correctional Industries, Lansing—BIODEGRADABLE LIQUID DETERGENT

#50020

Kansas Correctional Industries, Lansing—DETERGENT

#50021

Kansas Correctional Industries, Lansing—CHEMICALS

#50022

Kansas Correctional Industries, Lansing—WHITE STEAM DISTILLED PINE OIL

#50025

Kansas State University, Manhattan—CHEMICAL ANALYZER

#50081

University of Kansas, Lawrence—HPLC DETECTOR

WEDNESDAY, MAY 19, 1982

#25125

Kansas State Agencies—DAIRY PRODUCTS

#25128

Department of Transportation, Division 1—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS

#25129

Department of Transportation, Division 2—REMOVAL OF WASTE AND REFUSE FROM COMFORT STATION PITS

#25130

Department of Transportation, Division 3—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS

#25131

Department of Transportation, Division 4—REMOVAL OF WASTE AND REFUSE FROM COMFORT STATION PITS

(continued)

#25132

Department of Transportation, Division 5—REMOVAL OF WASTE AND REFUSE FROM COMFORT STATION PITS

#25133

Department of Transportation, Division 6—REMOVAL OF WASTE AND REFUSE FROM SAFETY REST AREAS

#25134

University of Kansas Medical Center, Kansas City—EXCHANGE SERVICE DEIONIZER SYSTEMS

#50026

Kansas State University, Manhattan—GRAPHITE TUBE ATOMIZER

#50027

Department of Transportation, Topeka—TRAILER

#50036

Kansas State Penitentiary, Lansing—SOUND SHIELD SPRAY EQUIPMENT AND ACCESSORIES

#50037

Emporia State University, Emporia—EQUIPMENT RENTAL

#50038

Kansas State University, Manhattan—JANITORIAL SUPPLIES

#50043

Department of Transportation—AGGREGATE MRA SPECIAL, for Morton County

#50045

Kansas State Grain Inspection Department, Topeka—GRAIN INSPECTION SCALES, for Atchison, Colby, Dodge City, Hutchinson, Salina, Topeka, Wichita and Kansas City, Missouri

#50048

Department of Transportation, Salina—GENERATORS

#50049

Kansas State University, Manhattan—PHOTOGRAPHIC SUPPLIES

#50050

Kansas State University, Manhattan—LABORATORY BALANCES

#50051

Kansas State University, Manhattan—MICROFILM READER PRINTERS

#50076

Kansas State University, Manhattan—LABORATORY APPARATUS

#50077

Emporia State University, Emporia—VIDEO EQUIPMENT

#50080

University of Kansas, Lawrence—MONOCHROMATOR

#A-4374 thru A-4382

Department of Transportation—INSULATE CEILINGS AND INSTALL INSULATED PANELING AND STORM WINDOWS AND DOORS, various locations, District 3

#A-4392

Department of Transportation, Winfield—REROOFING AREA SHOP BUILDING

THURSDAY, MAY 20, 1982

#25124

University of Kansas Medical Center, Kansas City—RADIOPHARMACEUTICALS AND RIA KITS

#50052

University of Kansas Medical Center, Kansas City—COLOR VIDEO GRAPHIC SYSTEM

#50058

Department of Transportation, Chanute—AUTOMOTIVE WHEEL BALANCERS

#50062

Department of Human Resources, Topeka—CONTINUOUS MAILERS—K-CNS 100

#50065

Department of Transportation—PORTABLE PIPE VISES, for Topeka, Salina, Norton, Chanute, Hutchinson, Garden City

#50066

State Board of Agriculture, Topeka—INSTALLATION OF CABINETS, SHELVING, AND WORK BENCH

#50069

Kansas State University, Manhattan—GRAIN DRILL, for Tribune Experiment Station

#50072

Kansas State University, Manhattan—TRACTOR

#50078

Pittsburg State University, Pittsburg—VIDEO EQUIPMENT

#A-4465

Department of Human Resources, Topeka—WINDOW REPLACEMENT, JOB SERVICE CENTER, Wichita

FRIDAY, MAY 21, 1982

#25127

Kansas State Agencies—WORK SHOES

#50056

Kansas State University, Manhattan—HPLC COMPONENTS

#50057

State Board of Agriculture, Topeka—MOVING SERVICES

#50063

Kansas State University, Manhattan—FREEZE DRYER

#50064

Kansas State University, Manhattan—POROMETER

#50067

Kansas State University, Manhattan—LABORATORY APPARATUS

#50073

Kansas State University, Manhattan—MISCELLANEOUS GROCERIES

#50074

Kansas Neurological Institute, Topeka—STRAINED FOOD

#50075

Kansas State University, Manhattan—SOAP AND DETERGENT

#50079

Kansas State University, Manhattan—LABORATORY BALANCES

(continued)

MONDAY, MAY 24, 1982

#50011

Wichita State University, Wichita—CARPET AND INSTALLATION

#50012

Department of Social and Rehabilitation Services, Topeka—HEAT BARRIER MATERIAL, for Kansas Industries for the Blind, Kansas City

TUESDAY, MAY 25, 1982

#A-4290(b)

Emporia State University, Emporia—FLOORING REPLACEMENT, GYMNASIUM "E", PHYSICAL EDUCATION FACILITY

#A-4369

Department of Transportation—REMODEL AREA SHOP BUILDING, Dodge City

FRIDAY, MAY 28, 1982

#25137

University of Kansas Medical Center, Kansas City—PEST CONTROL SERVICE

JAMES I. TOLBERT
Director of Purchases

Doc. No. 000306

(Published in the KANSAS REGISTER, May 6, 1982.)

NOTICE OF BOND SALE

\$163,450.48

**GENERAL OBLIGATION BONDS,
SERIES 1982A**

OF THE

CITY OF ATCHISON, KANSAS

DATED: JUNE 1, 1982

Sealed bids will be received by the City Clerk of the City of Atchison, Kansas, at the City Hall in said City on

MONDAY, MAY 17, 1982

until 4:30 o'clock P.M., C.D.T., at which time said bids will be publicly opened, read and considered by the Board of Commissioners for the purchase at not less than par and accrued interest of a series of negotiable coupon general obligation bonds of the City of Atchison, Kansas, being \$163,450.48 principal amount of General Obligation Bonds, Series 1982A (hereinafter referred to as the "Bonds"). The Bonds will be numbered from 1 consecutively upward and will be in the denomination of \$1,000 each, except for bond numbered 1 in the denomination of \$1,450.48. The Bonds will be dated June 1, 1982, and will become due serially on September 1 in each of the years and in the amounts set forth below. Interest on the Bonds will be payable on March 1, 1983, and thereafter semiannually on September 1 and March 1 in each year. Both principal and interest will be payable at the office of the State Treasurer in the City of Topeka, Kansas.

Maturity September 1	Principal Amount	Maturity September 1	Principal Amount
1983	\$ 1,450.48	1991	\$11,000.00
1984	5,000.00	1992	12,000.00
1985	6,000.00	1993	14,000.00
1986	6,000.00	1994	16,000.00
1987	7,000.00	1995	17,000.00
1988	8,000.00	1996	19,000.00

1989	9,000.00	1997	22,000.00
1990	10,000.00		

Interest Rates and Terms of Bid

Bidders are invited to name the rate or rates of interest which the Bonds are to bear expressed in multiples of one-eighth ($\frac{1}{8}$) or one-twentieth ($\frac{1}{20}$) of one percent (1%). All Bonds maturing in the same year shall bear the same rate of interest. No interest rate shall exceed the most recent 20 bond index, as published in The Weekly Bond Buyer on the Monday next preceding the date of sale, by more than 2%. Not more than six (6) different interest rates shall be specified; provided, however, that the repetition of an interest rate shall not be considered a "different" rate. The difference between the highest interest rate bid and the lowest interest rate bid shall not exceed two and one-half percent ($2\frac{1}{2}\%$) per annum. No bid providing for supplemental coupons or for cancellation of coupons will be considered. A bid for the purchase of less than all of the Bonds or a bid at a price less than par will not be considered. All bids must state the total interest cost of the bid, the premium bid, if any, and the net interest cost of the bid, as well as the average annual net interest rate.

Bid Form and Award of Bonds

Each bid submitted must be on the "Official Bid Form" furnished by the City and should be addressed to Mark Thelen, City Clerk, City Hall, Atchison, Kansas 66002. No bid will be considered if made on other than the "Official Bid Form" and no bid will be considered if such form is amended or modified, except that the City reserves the right to waive any irregularity or informality. Each bid must be presented in an envelope clearly marked "BID FOR BONDS", and must be accompanied by a certified or cashier's check in the amount of \$3,269.01 payable to the City Treasurer, City of Atchison, on which no interest will be allowed.

The Bonds will be sold to the lowest and best bidder or bidders. Determination of the lowest and best bid will be made by deducting the premium bid (if any) from the total interest cost and the Bonds will be awarded to the bidder bidding the lowest net interest cost to the City. The City shall be entitled to rely on the stated net interest cost in awarding the Bonds. If there is any discrepancy between said lowest net interest cost and the coupon rates specified in said bid, the net interest cost figure shall govern and the coupon rates specified in the bid shall be adjusted accordingly.

The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of his contract to purchase the Bonds; but in the event that the successful bidder shall fail to comply with the terms of his bid, said check or the proceeds thereof shall then be forfeited and retained by the City as and for full liquidated damages.

The City reserves the right to determine who is the successful bidder for the Bonds and to reject any or all of the bids for the Bonds. Unless all bids are rejected, the Bonds will be awarded by the City on the day the bids are received.

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Delivery

Said Bonds shall be delivered to the purchaser within 45 days from the date of sale at such bank located in Atchison, Kansas, or in Kansas City, Missouri, as may be specified by the purchaser, or elsewhere at the expense of the purchaser. The purchaser will be furnished with a certified transcript of the proceedings authorizing the issuance of the Bonds, as well as the usual closing certificates including one certifying that there is no litigation pending or threatened at the time of the delivery of the Bonds affecting their validity.

Legal Opinion

The Bonds will be sold subject to the unqualified final approving opinion of Stinson, Mag & Fizzell, Kansas City, Missouri, Bond Counsel. Manually signed originals will be furnished without expense to the purchaser of the Bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the Bonds will be paid by the City of Atchison, Kansas. Said legal opinion will state that the principal of and interest on the Bonds is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of said City; and that, under existing law, the interest on said Bonds is exempt from federal income taxation and the Bonds are exempt from Kansas intangible personal property taxes.

Assessed Valuation and Outstanding Bonded Debt

The assessed valuation of all taxable tangible property within the City of Atchison for the year 1981 is \$21,162,062. The total general obligation bonded indebtedness of the City of Atchison, Kansas, excluding all revenue bonds but including the Bonds described in this Notice of Bond Sale, is \$1,222,712.47. The City has no temporary notes outstanding other than the notes that will be retired from the proceeds of the Bonds.

Dated this 19th of April, 1982.

MARK THELEN
City Clerk
City Hall

Atchison, Kansas 66002

Doc. No. 000295

(Published in the KANSAS REGISTER, May 6, 1982.)

NOTICE OF BOND SALE
Interest exempt in the opinion
of bond counsel from all
present federal income tax
CITY OF WICHITA, KANSAS
Sale Date: 10:00 A.M. C.D.T.

May 18, 1982
NEW ISSUE
\$19,245,000

GENERAL OBLIGATION BONDS
(Unlimited Tax Bonds)

Dated June 1, 1982

Final Maturity Date
June 1, 1997

SEALED bids will be received in the Office of the City Clerk, at City Hall, 455 North Main, City of Wichita, Kansas 67202-1679, until 10:00 o'clock a.m.,

Central Daylight Time, on May 18, 1982, and will be considered by the Governing Body of the City of Wichita, Kansas at its regular place of meeting in the City Commission Room in the City Hall, 455 North Main Street, in the City of Wichita, Kansas, at 10:00 o'clock a.m., Central Daylight Time on May 18, 1982, at which time and place all proposals will be publicly opened, read aloud, and considered for the purchase of all, but not less than all, of the \$19,245,000 General Obligation Bonds of three series: Series 687, totaling \$2,585,000, one through ten-year bonds; Series 688, totaling \$16,260,000, one through fifteen-year bonds, and Series 689, totaling \$400,000, one through ten-year bonds, all dated June 1, 1982, and maturing June 1 in each of the years and in the amounts set forth below. Such bonds shall consist of 3,849 wing-type coupon bonds, each in the denomination of \$5,000. Interest will be payable semiannually, commencing December 1, 1982, and each June 1 and December 1 thereafter. The principal of and the interest on the bonds shall be payable in lawful money of the United States of America, at Kansas State Bank and Trust Company in the City of Wichita, Kansas 67201-0427, or at the option of the holder, at the principal office of The Chase Manhattan Bank, N.A., in the City and State of New York 10015.

Said bonds will mature serially in the principal amounts as follows:

Date of Maturity	Principal Amount
June 1, 1983	\$ 790,000
June 1, 1984	845,000
June 1, 1985	900,000
June 1, 1986	965,000
June 1, 1987	1,035,000
June 1, 1988	1,110,000
June 1, 1989	1,195,000
June 1, 1990	1,285,000
June 1, 1991	1,390,000
June 1, 1992	1,505,000
June 1, 1993	1,340,000
June 1, 1994	1,475,000
June 1, 1995	1,630,000
June 1, 1996	1,800,000
June 1, 1997	1,980,000

Bonds maturing June 1, 1993, and thereafter, are subject to call for redemption and payment at the option of the City on June 1, 1992, or on any interest payment date thereafter, at the par value thereof, accrued interest to date of redemption, plus a premium of two percent (2%) of the principal amount hereof. Notice of any call for redemption will be given by the City by publication one time in the official city newspaper, the official state newspaper, and in a financial journal published in the City and State of New York, such publications to be at least thirty (30) days but not more than sixty (60) days prior to the effective date of redemption. Notice of any call for redemption will also be mailed by United States mail to the Original Purchaser of the Bonds at least thirty (30) days but not more than sixty (60) days prior to the effective date of redemption. Interest on the Bonds so called for redemption and payment will cease to accrue as of the

(continued)

effective date of redemption, provided funds are then available to pay the full redemption price thereof.

Purpose of the Issue

The proceeds from the sale of City of Wichita, Kansas General Obligation Bonds, Series 687, 688 and 689 will be used to finance: paving projects in the amount of \$8,929,474; street opening and widening projects in the amount of \$10,110; sewer projects in the amount of \$7,050,526; water main extension projects in the amount of \$2,095,609; traffic signalization projects in the amount of \$93,632; public improvement projects in the amount of \$665,649; and park improvement projects in the amount of \$400,000, all of which total \$19,245,000.

Registrable as to Principal Only

Series 687, 688 and 689 bonds are general obligations of the City of Wichita, Kansas, payable from unlimited ad valorem taxes. The bonds are registrable as to principal only at the expense of the purchaser.

Authority to Issue

The bonds are to be issued under and pursuant to ordinances which are intended to be adopted by the Governing Body of the City of Wichita, Kansas, on May 25, 1982, and pursuant to the authority of and in full compliance with the provisions, restrictions and limitations of the Constitution and Statutes of the State of Kansas.

Security

The bonds constitute general obligations of the City of Wichita, Kansas, and the full faith, credit and resources of the City are pledged to the payment of the principal of and the interest on such bonds; and the City is obligated to levy ad valorem taxes without limitation as to rate or amount upon all the taxable property within the territorial limits of said City to pay the principal of and interest on the Bonds.

Interest Rates and Award of Bonds

Bidders are invited to name the rate or rates of interest which the bonds are to bear expressed in multiples of one-eighth ($\frac{1}{8}$ th) or one-twentieth ($\frac{1}{20}$ th) of one per centum (1%). No bidder may name more than six (6) different rates of interest for the bonds; and all bonds maturing in the same year shall bear the same rate of interest. No interest rate shall exceed the legal rate therefor as provided by the laws of the State of Kansas. The maximum stated rate, determined on the date the bonds are sold, shall not exceed the 20 bond index of tax exempt municipal bonds published by the Weekly Bond Buyer in New York, New York on the Monday next preceeding the day on which the bonds are sold, plus 2%. All bids must state the total interest cost of the bid, the premium bid, if any, and the net interest cost of the bid, as well as the average annual net interest rate, all certified by the bidder to be correct; and the City may rely upon the correctness of such certificate. The repeating of a rate of interest after a different rate has been named will not constitute the naming of an additional rate. The difference between the highest interest rate bid and the lowest rate of interest bid shall not exceed four per centum (4%) per annum. No bid naming supplemental coupons or providing for the cancellation of coupons will be considered. A bid for the purchase of less than all of the

bonds or a bid at a price less than par will not be considered. No bid will be considered if made on other than the "Official Bid Form" and no bid will be considered if such form is amended or modified, except that the City reserves the right to waive any irregularity or informality.

Bid Form and Good Faith Deposit

Each bid submitted must be on the "Official Bid Form" furnished by the City and should be addressed to Donald C. Gisick, City Clerk, 455 North Main Street, Wichita, Kansas 67202-1679, plainly marked "Bond Bid" and must be accompanied by a certified or cashier's check in the amount of two per centum (2%) of the total par value of the bonds payable to the City Treasurer, City of Wichita, on which no interest will be allowed.

The checks of unsuccessful bidders will be returned promptly. The check of the successful bidder or the proceeds thereof will be held as security for the performance of the contract to purchase the bonds; but in the event that the successful bidder shall fail to comply with the terms of the bid, the check or the proceeds thereof shall then be forfeited and retained by the City as and for full liquidated damages.

The City reserves the right to determine who is the successful bidder for the bonds and to reject any or all of the bids for such bonds. Unless all bids are rejected, the bonds will be awarded by the City on the day the bids are received, May 18, 1982, and the City reserves the right to waive any informality or irregularity in any bid for the bonds.

The bonds will be sold to the best bidder or bidders. Determination of the best bid will be made by deducting the premium bid (if any) from the total interest cost and the bonds will be awarded to the bidder bidding the lowest total net interest cost to the City. If there is a discrepancy between the lowest net interest cost and the average annual interest rate specified, the net interest cost figure shall govern and the coupon rates in the bid shall be adjusted accordingly.

Tax Exempt Status

In the event that prior to delivery of the bonds, the income received by private holders from bonds of the same type and character shall be taxable by the terms of any Federal income tax law, the successful bidder may, at its option, prior to the tender of said bonds by the City be relieved of its obligations under the contract to purchase the bonds, and in such case, the deposit accompanying its bid will be returned.

Award of the Bonds

The Governing Body of the City of Wichita, Kansas, intends to take action awarding the bonds or rejecting all bids as soon as reasonably possible after 10:00 o'clock a.m., Central Daylight Time, May 18, 1982.

Delivery of the bonds will be made on or before June 17, 1982, in Wichita, Kansas; Kansas City, Missouri; New York City, San Francisco, Los Angeles, or Chicago, and place of delivery shall be specified by the bidder in writing to the City not later than May 25, 1982. Delivery at any other place shall be at the expense of the successful bidder. Payment shall be made in immediately available Federal reserve funds. The

(continued)

purchaser will be furnished with a certified transcript of the proceedings authorizing the issuance of the bonds, as well as the usual closing certificates including one certifying that there is no litigation pending or threatened at the time of the delivery of the bonds affecting their validity.

The final delivery certificate which will be executed and delivered to the successful bidder at the time and place of the delivery of and payment for the bonds and which will be signed by the Mayor and City Clerk of the City of Wichita will contain a certificate to the effect that the Official Statement and Notice of Bond Sale dated as of April 27, 1982, as of its date, as of the date of the sale, May 18, 1982, and as of the date of delivery of the bonds does not contain any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made in the light of the circumstances in which they are made not misleading.

An additional closing certificate will be furnished to the purchaser if desired stating that no material adverse change has occurred in the financial condition of the City of Wichita since the date of sale.

Legal Opinion

Bids shall be conditioned upon the unqualified approving opinion of Curfman, Harris, Stallings, Grace & Snow, Bond Counsel, Wichita, Kansas, a copy of which opinion will be printed on the reverse side of each bond and a manually signed original will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of this legal opinion and the expense of printing the bonds and legal opinion will be paid by the City of Wichita, Kansas. Said legal opinion will state in part substantially that the principal of and interest on said bonds is payable in part from special assessments levied on benefited property, and the remaining part of said principal and interest, and any specially assessed part not so paid, is payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of said City; and that, under existing law, the interest on said bond is exempt from Federal income taxation and the bonds are exempt from Kansas intangible personal property taxes.

CUSIP Identification Numbers

It is anticipated that CUSIP identification numbers will be printed on said bonds; but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and to pay for said bonds in accordance with the terms hereof. All expenses in relation to printing of CUSIP numbers on said bonds and the expense of CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the City of Wichita.

Rating of the Bonds

The City anticipates obtaining a rating on this issue. General Obligation Bonds issued by the City of Wichita since 1975 have been rated AA by both Moody's Investors Service and Standard & Poors Corporation.

Other Pending Bond and Temporary Note Issues

Neither the City of Wichita, nor Sedgwick County, nor Unified School District No. 259 (Wichita Public School System), contemplates the issuance of any additional General Obligation Bonds within the next thirty (30) days. The City of Wichita plans to sell \$20,485,000 in temporary notes on May 25, 1982, to be dated June 1, 1982, to become due on December 16, 1982. These temporary notes will consist of \$16,903,744 in renewals and \$3,581,256 in new notes.

Redistribution of Notice and Official Statement

Authorization is given to redistribute this Notice of Bond Sale and the Official Statement, but the entire Notice of Bond Sale and Official Statement, and not portions thereof, must be redistributed. The successful bidder, upon request, will be furnished with fifty (50) copies of the Notice of Bond Sale and Official Statement, without cost; additional copies will be furnished at a nominal charge.

Assessed Valuation and Outstanding Bonded Debt

The assessed valuation of all taxable tangible property within the City of Wichita, Kansas, for the year 1981, is as follows:

Equalized assessed valuation of taxable tangible property	\$861,641,557.00
Estimated tangible valuation of motor vehicles	\$110,140,798.00
Estimated tangible valuation of motor vehicle dealers' inventory	<u>\$ 5,409,104.00</u>
Equalized assessed tangible valuation for computation of bonded indebtedness limitations	\$977,191,459.00

The total bonded indebtedness of the City of Wichita, Kansas, as of June 1, 1982, is \$197,390,000, which amount excludes all revenue bonds, but includes temporary notes in the amount of \$23,970,000 (including the \$20,485,000 of temporary notes to be sold on May 25, 1982) and the Series of bonds described in this Notice of Bond Sale in the amount of \$19,245,000. Of the currently issued and outstanding temporary notes of the City, \$17,231,256 will be retired out of the proceeds of the bonds herein offered for sale.

Official Statement

This Notice of Bond Sale and Official Statement has been prepared under the authority of the Governing Body of the City of Wichita, Kansas. Additional copies of this Notice of Bond Sale, or copies of the Official Statement, or further information may be received from the office of the City Treasurer, City Hall, 455 North Main Street, Wichita, Kansas 67202-1679 (316/268-4109).

Figures used in this Notice of Bond Sale and in the Official Statement through December 1, 1981, were obtained from the City of Wichita, Kansas Annual Financial Report for 1981, which Report has been audited by an outside firm of certified public accountants appointed by the Governing Body of the City of Wichita, Kansas.

BY ORDER OF THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS
THIS 27th DAY OF APRIL, 1982

Attest:

ALBERT J. KIRK
Mayor

(SEAL)

DONALD C. GISICK
City Clerk

Doc. No. 000297

(Published in the KANSAS REGISTER, May 6, 1982.)

**NOTICE OF BOND SALE
SHAWNEE COUNTY, KANSAS
GENERAL OBLIGATION BONDS
SERIES 1982-1 (STREETS)**

\$1,722,045.90

SERIES 1982-2 (SEWERS)

\$446,988.00

SERIES 1982-3 (JAIL AND COURTHOUSE)

\$772,026.89

The County of Shawnee, Kansas, will receive written sealed bids for the sale of all, and not less than all, of a total of \$2,941,060.79 of General Obligation Bonds, dated May 1, 1982. Bids will be received at the office of the County Clerk, Shawnee County, Kansas, until 10:00 a.m., Tuesday, May 11, 1982, at which time said bids will be opened in the Chambers of the Shawnee County Commission in the Shawnee County Courthouse, Topeka, Kansas.

Bonds will be in the denomination of \$5,000.00 each with the exception of Bond No. 1 in each series which shall be in the respective denominations as follows: Series 1982-1 (Streets)—\$7,045.90; Series 1982-2 (Sewers)—\$6,988.00; Series 1982-3 (Jail and Courthouse)—\$7,026.89.

SERIES 1982-1 (STREETS)

\$1,722,045.90

Number	Maturity	Amount
1- 7	September 1, 1983	\$ 37,045.90
8- 17	September 1, 1984	50,000.00
18- 29	September 1, 1985	60,000.00
30- 43	September 1, 1986	70,000.00
44- 59	September 1, 1987	80,000.00
60- 77	September 1, 1988	90,000.00
78- 98	September 1, 1989	105,000.00
99-121	September 1, 1990	115,000.00
122-146	September 1, 1991	125,000.00
147-173	September 1, 1992	135,000.00
174-203	September 1, 1993	150,000.00
204-235	September 1, 1994	160,000.00
236-269	September 1, 1995	170,000.00
270-306	September 1, 1996	185,000.00
307-344	September 1, 1997	190,000.00

SERIES 1982-2 (SEWERS)

\$446,988.00

Number	Maturity	Amount
1- 5	September 1, 1983	\$26,988.00
6-10	September 1, 1984	25,000.00
11-15	September 1, 1985	25,000.00
16-20	September 1, 1986	25,000.00
21-25	September 1, 1987	25,000.00
26-30	September 1, 1988	25,000.00
31-35	September 1, 1989	25,000.00
36-40	September 1, 1990	25,000.00
41-45	September 1, 1991	25,000.00
46-49	September 1, 1992	20,000.00
50-53	September 1, 1993	20,000.00
54-57	September 1, 1994	20,000.00
58-61	September 1, 1995	20,000.00
62-65	September 1, 1996	20,000.00
66-69	September 1, 1997	20,000.00
70-73	September 1, 1998	20,000.00

74-77	September 1, 1999	20,000.00
78-81	September 1, 2000	20,000.00
82-85	September 1, 2001	20,000.00
86-89	September 1, 2002	20,000.00

**SERIES 1982-3 (JAIL AND COURTHOUSE)
\$772,026.89**

Number	Maturity	Amount
1- 11	September 1, 1983	\$57,026.89
12- 22	September 1, 1984	55,000.00
23- 33	September 1, 1985	55,000.00
34- 44	September 1, 1986	55,000.00
45- 54	September 1, 1987	50,000.00
55- 64	September 1, 1988	50,000.00
65- 74	September 1, 1989	50,000.00
75- 84	September 1, 1990	50,000.00
85- 94	September 1, 1991	50,000.00
95-104	September 1, 1992	50,000.00
105-114	September 1, 1993	50,000.00
115-124	September 1, 1994	50,000.00
125-134	September 1, 1995	50,000.00
135-144	September 1, 1996	50,000.00
145-154	September 1, 1997	50,000.00

Bonds will bear interest at the rates to be determined when said bonds are sold as hereinafter provided and said interest will be payable on March 1, 1983, and semi-annually thereafter on the first days of September and March of each year until said principal sum shall have been paid. Both principal of and interest on said bonds will be payable in lawful money of the United States of America at the office of the State Treasurer in Topeka, Kansas.

Bids will be received on bonds bearing such rates of interest as may be specified by the bidders subject to the following conditions: Not more than five different interest rates shall be specified. Interest rates shall be in a multiple of one-eighth or one-twentieth of one percent and shall not exceed the Kansas legal rate. No bid less than par and accrued interest will be considered.

Bids shall be sealed and accompanied by a cashier's or certified check on a bank located in the United States of America in the amount of two percent (2%) of the total par value of the bonds being sold, payable to the order of the County of Shawnee, Kansas. Each bidder must certify to the correctness of the computations. The award will be made on the basis of the lowest net interest cost to the County. The County of Shawnee, Kansas reserves the right to reject any and all bids.

The purchase price, together with any premium and accrued interest from date of bonds to date of delivery, must be paid at delivery or bidding check will be forfeited.

All of said bonds will constitute General Obligations of the County payable both as to principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable, tangible property within said County.

The County of Shawnee will furnish the bonds, properly printed, without cost to the successful bidder, and said bonds will be subject to the approving opinion of NICHOLS AND WOLFE—CHARTERED,

(continued)

Topeka, Kansas, whose final approving opinion will be furnished and paid for by the County and delivered with the bonds together with a certified copy of the transcript of proceedings authorizing said bonds.

The County is requesting CUSIP identification numbers be printed on all bonds identified in this Notice, but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for these Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the County; provided, however, that CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

Bonds will be delivered no later than sixty (60) days from the date of sale at any bank in Topeka, Wichita or Kansas City, Missouri at the expense of the County, or the successful purchaser may designate another place for delivery, the expense of which will be paid by the purchaser.

Assessed value of all tangible taxable property within Shawnee County as certified for determining the statutory limitations on bonded indebtedness is \$499,440,935.00.

The total bonded indebtedness of the County at the date hereof, including this proposed issue of bonds in the amount of \$2,941,060.79, is in the amount of \$16,289,215.58. The County also has Temporary Notes outstanding in the total principal amount of \$2,795,669.79, all of which shall be retired in part from proceeds of the bonds, and in part from special assessments which have been collected in cash.

Dated this 28th day of April, 1982.

WINIFRED L. KINGMAN
County Clerk
Shawnee County, Kansas

Doc. No. 000303

(Published in the KANSAS REGISTER, May 6, 1982.)

NOTICE OF BOND SALE
\$3,190,000
GENERAL OBLIGATION BONDS
OF THE
CITY OF RUSSELL, KANSAS

The City of Russell, Kansas will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, EIGHTH AND MAPLE, RUSSELL, KANSAS, until 4:00 o'clock P.M., C.D.T., on

TUESDAY, MAY 18, 1982

for \$3,190,000 par value GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

Details of the Bonds

All of the Bonds will be negotiable coupon Bonds, will be in denominations of \$5,000.00 each, dated May 1, 1982, and mature serially on October 1 in the years as follows. The sale of the \$3,190,000 principal amount

of Bonds allows the bidder to select the option to have the City purchase insurance for all of the Bonds of this Issue (see Optional Insurance). However, should bidder choose for the City *not to insure* Bonds of this issue, the total amount of Bonds sold and principal amounts in each maturity of the Bonds to be sold are adjusted as follows:

(\$3,190,000) With Insurance		(\$3,150,000) Uninsured	
Year	Principal	Year	Principal
1983	\$ 90,000	1983	\$ 90,000
1984	105,000	1984	100,000
1985	115,000	1985	110,000
1986	125,000	1986	120,000
1987	140,000	1987	135,000
1988	155,000	1988	150,000
1989	175,000	1989	170,000
1990	195,000	1990	190,000
1991	215,000	1991	210,000
1992	235,000	1992	235,000
1993	265,000	1993	260,000
1994	290,000	1994	290,000
1995	325,000	1995	325,000
1996	360,000	1996	360,000
1997	400,000	1997	405,000

The Bonds will bear interest at rates to be determined when sold as hereinafter provided, and said interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 1983. Both principal of and interest on the Bonds will be payable in lawful money of the United States of America at the Office of the State Treasurer in the City of Topeka, Kansas.

Redemption of Bonds

The Bonds maturing in the years 1993 to 1997, inclusive, may, at the option of the City, be called for redemption and payment prior to maturity as a whole or in part in inverse numerical order on April 1, 1992, or on any interest payment date thereafter at par and accrued interest, plus a premium of one and one-half percent (1½%).

In the event of any such redemption, the City will give written notice of its intention to redeem and pay said Bonds or any of them, the same being described by number and maturity, said notice to be given by United States registered mail addressed to the Office of the State Treasurer and to the Managing Underwriter who is the original purchaser of the Bonds. Said notices are to be mailed not less than thirty (30) days prior to the date fixed for redemption. Notice of the City's intention to redeem and pay any Bonds will also be published in the official State paper of the State of Kansas, not less than thirty (30) days prior to the date of redemption.

Optional Insurance.

The Bonds and the interest thereon may be additionally secured by a Municipal Bond Guaranty Insurance Policy issued by the Municipal Bond Insurance Association ("MBIA"), if specified by the successful bidder. Standard and Poor's rates all new issues insured by MBIA "AAA."

The City has received a commitment from MBIA for a Municipal Bond Guaranty Insurance Policy unconditionally and irrevocably guaranteeing payment of the principal of and interest on the Bonds. The issuance of

(continued)

such policy shall be at the option of the bidder offering to purchase the Bonds. Such bidder shall designate in the appropriate place on the bid form whether or not such insurance is desired. Should the successful bidder specify the City purchase insurance from MBIA, the premium will be paid by the City from bond proceeds.

Conditions of Bid

Proposals will be received on Bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: Not more than five (5) different interest rates shall be specified and the same rate shall apply to all Bonds of the same maturity. The repetition of an interest rate shall not constitute one of said maximum number of rates. Each interest rate specified shall be a multiple of one-eighth (1/8th) or one-twentieth (1/20th) of one percent (1%). No interest rate shall exceed the maximum permitted by law, and the difference between the highest rate specified and the lowest rate specified shall not exceed two percent (2%). No bid of less than par and accrued interest, and no bid of less than all the Bonds, will be considered.

Tax Exemption

The Bonds will constitute general obligations of the City, payable as to both principal and interest from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the territorial limits of the City.

Basis of Award

Each bid shall specify the total interest cost, the premium, if any, offered by the bidder, the net interest cost, the average annual interest rate, and the total principal and net interest cost. The net interest cost to the City shall be determined by subtracting the amount of premium, if any, from the total interest cost, which shall be stated as a dollar amount in the bid. The City shall be entitled to rely upon such dollar amount as stated in the bid as the basis for determining the lowest net interest cost. The bid will be awarded to the best bid, considering the lowest total principal cost and the lowest net interest cost to the City. The City reserves the right to waive irregularities and reject any and/or all bids.

Legal Opinion

The Bonds, properly prepared and executed, will be furnished by the City without cost to the successful bidder, and the Bonds will be sold subject to the legal approving opinion of Nichols and Wolfe, Chartered, Topeka, Kansas, Bond Counsel, whose final unqualified, approving opinion will be furnished and paid for by the City and delivered to the successful bidder as and when the Bonds are delivered. Said bidder will also be furnished with a certified transcript of the proceedings evidencing the authorization and issuance of the Bonds and the usual closing proofs which will include a certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity.

CUSIP Numbers

At the request of the purchaser, CUSIP identification numbers will be printed on the Bonds, but neither the failure to print such number on any bond nor any

error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid for by the City.

Delivery

Immediately following the sale of the Bonds, the City will proceed promptly to have the Bonds prepared and executed and will deliver the Bonds to the successful bidder within thirty (30) days after the date of the sale at any bank in the cities of Topeka, Kansas, Kansas City, Kansas, Kansas City, Missouri, Chicago, Illinois, or New York, New York, or Los Angeles, California, at the expense of the City, as may be specified by the successful bidder. Delivery elsewhere will be made at the expense of the successful bidder.

Good Faith Deposit

Bids shall be accompanied by a cashier's or certified check drawn on a bank located in the United States of America in the amount of two percent (2%) of the principal amount of bonds to be issued payable to the Treasurer, City of Russell, Kansas. The check of the successful bidder will be cashed and proceeds thereof will be held as security for the performance of his contract to purchase the Bonds. In the event that the successful bidder shall fail to carry out his contract of purchase, the amount of said deposit shall be retained by the City as liquidated damages. No interest will be paid on the deposit made by the successful bidder. The checks of unsuccessful bidders will be returned promptly.

All bids will be opened and read at a regular meeting of the City Council on Tuesday, May 18, 1982, at 4:00 o'clock P.M., Central Daylight Time, and at said meeting the City Council will act on the bids received.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, P.O. BOX 112, RUSSELL, KANSAS 67665, ATTENTION: JUDY SARGENT, CITY CLERK, and shall be plainly marked BOND BID, and must be received by the City Clerk prior to 4:00 P.M., C.D.T., on Tuesday, May 18, 1982.

Estimated assessed valuation figures of the City of Russell, Kansas, for the year 1981, are as follows:

Equalized assessed valuation of taxable, tangible property	\$10,411,202
Assessed tangible valuation of motor vehicles	3,420,595
Equalized tangible valuation for computation of bonded indebtedness limitations	\$13,831,797

Application of Bond Proceeds

The total bonded indebtedness of the City at the date hereof, including this proposed issue of Bonds in the amount of \$3,190,000, is in the amount of \$5,616,342.00. The City also has Temporary Notes outstanding in the total principal amount of \$3,383,655, \$3,250,000 of which shall be retired in part from proceeds of the Bonds, and in part from interest earned during the construction period.

Dated this 20th day of April, 1982.

JUDY SARGENT
City Clerk
City of Russell, Kansas

Doc. No. 000298

(Published in the KANSAS REGISTER, May 6, 1982.)

HOUSE BILL No. 2825

AN ACT making and concerning appropriations for the fiscal year ending June 30, 1982, for the department of administration, state corporation commission, state finance council, adjutant general, state correctional-vocational training center, department of corrections, state fire marshal, Kansas state penitentiary, department of health and environment, Norton state hospital, Kansas neurological institute, Larned state hospital, Osawatimie state hospital, Rainbow mental health facility, Topeka state hospital, state park and resources authority, state historical society, Kansas highway patrol, department of transportation, youth center at Topeka, youth center at Beloit, Winfield state hospital and training center, Parsons state hospital and training center, department of social and rehabilitation services, Kansas fish and game commission, state board of technical professions, youth center at Atchison and abstracters' board of examiners; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending section 6 of chapter 25 of the 1981 Session Laws of Kansas and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. For the fiscal year ending June 30, 1982, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund the following:

Operating expenditures—management and operation of state capitol	\$55,074
Cancelled warrants claims	8,000
Operating expenditures—divisions of accounts and reports	31,227
Total	\$94,301

(b) On the effective date of this act, of the \$582,342 appropriated for the above agency by section 2(a) of chapter 25 of the 1981 Session Laws of Kansas from the state general fund in the operating expenditures—general administration account, the sum of \$17,645 is hereby lapsed.

~~(c) On the effective date of this act, of the \$1,430,661 appropriated for the above agency by section 2(a) of chapter 25 of the 1981 Session Laws of Kansas from the state general fund in the operating expenditures—architectural and engineering services account, the sum of \$42,576 is hereby lapsed.~~

(d) On the effective date of this act, of the \$115,496 appropriated for the above agency by section 2(a) of chapter 25 of the 1981 Session Laws of Kansas from the state general fund in the pooled money investment board account, the sum of \$5,000 is hereby lapsed.

(e) On the effective date of this act, of the \$211,078 appropriated for the above agency by section 2(a) of chapter 25 of the 1981 Session Laws of Kansas from the state general fund in the central mail services account, the sum of \$10,000 is hereby lapsed.

(f) On the effective date of this act, the expenditure limitation established by the state finance council on the state office building operating fund is hereby increased from \$2,297,496 to \$2,354,112.

(g) On the effective date of this act, the expenditure limitation established by the state finance council on the intragovernmental printing service fund is hereby increased from \$4,804,227 to \$5,020,303.

(h) The expenditure limitation established by section 5(e) of chapter 32 of the 1981 Session Laws of Kansas on the municipal accounting services recovery fund is hereby decreased from \$109,001 to \$38,001.

(i) The expenditure limitation established by the state finance council on the Forbes building and grounds fund is hereby increased from \$562,757 to \$580,396.

Sec. 3.

STATE CORPORATION COMMISSION

(a) The expenditure limitation established by the state finance council on the public service regulation fund is hereby increased from \$2,868,254 to \$2,988,236.

(b) The expenditure limitation established by the state finance council on the conservation fee fund is hereby increased from \$1,516,189 to \$1,762,517.

(c) The expenditure limitation established by the state finance

council on the motor carrier license fees fund is hereby increased from \$1,023,209 to \$1,030,909.

(d) The expenditure limitation established by the state finance council on the securities act fee fund is hereby increased from \$415,524 to \$430,872.

(e) The position limitation established by section 8 of chapter 25 of the 1981 Session Laws of Kansas for the state corporation commission is hereby increased from 205.5 to 209.5.

Sec. 4.

STATE FINANCE COUNCIL

(a) On the effective date of this act, the director of accounts and reports shall transfer \$86,347 from the state general fund to the state emergency fund.

Sec. 5.

ADJUTANT GENERAL

(a) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the reimbursement suspense fund to the military fees fund. On the effective date of this act, all liabilities of the reimbursement suspense fund are hereby imposed on the military fees fund and the reimbursement suspense fund is hereby abolished.

(b) During the fiscal year ending June 30, 1982, all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury and credited to the military fees fund.

(c) The expenditure limitation established by section 2(b) of chapter 15 of the 1981 Session Laws of Kansas on the military fees fund is hereby increased from \$0 to \$86,402.

Sec. 6.

STATE CORRECTIONAL-VOCATIONAL TRAINING CENTER

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures	\$34,326
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Sec. 7.

DEPARTMENT OF CORRECTIONS

(a) The expenditure limitation established by the state finance council on the correctional industries fund is hereby increased from \$2,917,284 to \$3,046,884.

(b) On the effective date of this act, of the \$2,148,471 appropriated for the above agency by section 6(a) of chapter 15 of the 1981 Session Laws of Kansas from the state general fund in the salaries and wages—department of corrections account, the sum of \$2,000 is hereby lapsed.

(c) There is appropriated for the above agency from the state general fund the following:

Payment of court costs	\$2,000
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Sec. 8.

STATE FIRE MARSHAL

(a) The expenditure limitation established by the state finance council on the fire marshal fee fund is hereby increased from \$913,948 to \$966,424.

Sec. 9.

KANSAS STATE PENITENTIARY

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures	\$511,159
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Sec. 10.

DEPARTMENT OF HEALTH AND ENVIRONMENT

(a) On the effective date of this act, of the \$9,396,176 appropriated for the above agency by section 5(a) of chapter 26 of the 1981 Session Laws of Kansas from the state general fund in the expenditures for state operations account, the sum of \$585,453 is hereby lapsed.

~~(b) On the effective date of this act, of the \$906,602 appropriated for the above agency by section 5(a) of chapter 26 of the 1981 Session Laws of Kansas from the state general fund in the aid to local health units account, the sum of \$150,721 is hereby lapsed.~~

(c) On the effective date of this act, of the \$964,855 appro-

(continued)

appropriated for the above agency by section 5(a) of chapter 26 of the 1981 Session Laws of Kansas from the state general fund in the operating expenditures—crippled children's services account, the sum of \$65,000 is hereby lapsed.

(d) On the effective date of this act, of the \$47,000 appropriated for the above agency by section 5(a) of chapter 26 of the 1981 Session Laws of Kansas from the state general fund in the establishment, maintenance and operation of an emergency medical services communications system account, the sum of \$21,800 is hereby lapsed.

(e) The expenditure limitation established by the state finance council on the federal maternal and child health and family planning fund is hereby increased from \$2,613,691 to \$2,669,670.

(f) The expenditure limitation established by the state finance council on the water supply fund—federal is hereby decreased from \$489,443 to \$481,629.

(g) The expenditure limitation established by section 5(b) of chapter 26 of the 1981 Session Laws of Kansas on the vital statistics fee fund is hereby decreased from \$643,000 to \$605,341.

~~(h) The expenditure limitation established by the state finance council on the national health planning act fund—federal is hereby decreased from \$302,453 to \$360,937.~~

~~(i) The expenditure limitation established by section 5(b) of chapter 26 of the 1981 Session Laws of Kansas on the federal 314(d) health incentive grant fund is hereby decreased from \$300,150 to \$280,300.~~

(j) The expenditure limitation established by section 5(b) of chapter 26 of the 1981 Session Laws of Kansas on the federal 317(a) hypertension project grant fund is hereby decreased from \$347,153 to \$342,914.

~~(k) The expenditure limitation established by the state finance council on the title XIX fund is hereby decreased from \$608,456 to \$609,748.~~

(l) The expenditure limitation established by the state finance council on the diagnostic x-ray program—federal fund is hereby decreased from \$28,487 to \$20,899.

(m) The expenditure limitation established by the state finance council on the medicare fund—federal is hereby decreased from \$209,450 to \$191,156.

(n) The expenditure limitation established by the state finance council on the federal environmental protection agency water pollution fund is hereby decreased from \$1,652,836 to \$1,582,688.

(o) The expenditure limitation established by the state finance council on the food service and lodging fee fund is hereby decreased from \$482,487 to \$480,742.

(p) The expenditure limitation established by the state finance council on the federal migrant health program fund is hereby increased from \$197,959 to \$199,580.

(q) The expenditure limitation established by the state finance council on the federal air quality program fund is hereby decreased from \$503,081 to \$490,258.

(r) The expenditure limitation established by the state finance council on the agricultural runoff study—federal fund is hereby decreased from \$211,760 to \$202,846.

(s) The expenditure limitation established by the state finance council on the federal solid waste fund is hereby decreased from \$360,142 to \$346,187.

(t) The expenditure limitation established by the state finance council on the federal women, infants and children health program fund is hereby decreased from \$10,227,259 to \$7,013,915.

(u) The expenditure limitation established by the state finance council on expenditures for state operations from the federal women, infants and children health program fund is hereby decreased from \$369,413 to \$367,750.

(v) The expenditure limitation established by the state finance council on the HEW grant—EMS—planning fund is hereby decreased from \$1,067,793 to \$67,793.

(w) The expenditure limitation established by section 49(g) of chapter 32 of the 1981 Session Laws of Kansas on the crippled children's commission fund is hereby increased from \$10,000 to \$75,000.

(x) The expenditure limitation established by section 5(b) of chapter 26 of the 1981 Session Laws of Kansas on the immuniza-

tion grant funds—federal fund is hereby decreased from \$88,923 to \$86,889.

(y) The expenditure limitation established by the state finance council on the federal supplemental security income children's treatment fund is hereby decreased from \$279,570 to \$273,707.

(z) There is appropriated for the above agency from the state general fund the following:

Operating expenditures for diagnosis and cleanup plans for the National Industrial Environmental Services hazardous waste facility at Furley, Kansas	\$38,605
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(aa) The expenditure limitation established by the state finance council on the PLUS program—federal fund is hereby decreased from \$309,780 to \$307,880.

(bb) The expenditure limitation established by section 5(b) of chapter 26 of the 1981 Session Laws of Kansas on the health program for refugees—federal fund is hereby increased from \$0 to \$50,475.

(cc) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the federal hospital construction fund and shall liquidate all encumbrances of moneys in such fund. On the effective date of this act, the federal hospital construction fund is hereby abolished.

(dd) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the federal health manpower training grant fund and shall liquidate all encumbrances of moneys in such fund. On the effective date of this act, the federal health manpower training grant fund is hereby abolished.

(ee) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the Ozarks regional program—federal fund and shall liquidate all encumbrances of moneys in such fund. On the effective date of this act, the Ozarks regional program—federal fund is hereby abolished.

(ff) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the emergency medical services—federal fund and shall liquidate all encumbrances of moneys in such fund. On the effective date of this act, the emergency medical services—federal fund is hereby abolished.

(gg) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the laboratory training—federal fund and shall liquidate all encumbrances of moneys in such fund. On the effective date of this act, the laboratory training—federal fund is hereby abolished.

(hh) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the federal solid waste fund and shall liquidate all encumbrances of moneys in such fund. On June 30, 1982, the federal solid waste fund is hereby abolished.

(ii) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the soil conservation survey project—federal fund and shall liquidate all encumbrances of moneys in such fund. On June 30, 1982, the soil conservation survey project—federal fund is hereby abolished.

(jj) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the health underserved rural areas fund—federal and shall liquidate all encumbrances of moneys in such fund. On June 30, 1982, the health underserved rural areas fund—federal is hereby abolished.

(kk) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the agricultural runoff study—federal fund and shall liquidate all encumbrances of moneys in such fund. On June 30, 1982, the agricultural runoff study—federal fund is hereby abolished.

(continued)

(ll) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the highway safety—federal fund and shall liquidate all encumbrances of moneys in such fund. On June 30, 1982, the highway safety—federal fund is hereby abolished.

(mm) On or before June 30, 1982, the secretary of health and environment shall refund to the appropriate agency of the federal government any unencumbered balance of moneys in the health and social services block grant—federal fund and shall liquidate all encumbrances of moneys in such fund. On June 30, 1982, the health and social services block grant—federal fund is hereby abolished.

Sec. 11.

NORTON STATE HOSPITAL

(a) There is appropriated for the above agency from the state institutions building fund the following:

Window screens for security ward \$21,700

(b) The expenditure limitation established by the state finance council on the Norton state hospital fee fund is hereby increased from \$465,271 to \$468,871.

(c) The expenditure limitation established by section 10(b) of chapter 27 of the 1981 Session Laws of Kansas on the title XIX fund is hereby increased from \$2,637,292 to \$2,674,292.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$37,000 from the institutional receipts from title XIX—federal fund of mental health and retardation services to the title XIX fund of Norton state hospital.

Sec. 12.

KANSAS NEUROLOGICAL INSTITUTE

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures \$14,501

(b) There is appropriated for the above agency from the state institutions building fund the following:

Electrical service expansion—Topeka state hospital and Kansas neurological institute. \$11,000

Sec. 13.

LARNED STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures \$102,392

(b) The expenditure limitation established by section 6(b) of chapter 27 of the 1981 Session Laws on the title XIX fund is hereby increased from \$721,208 to \$747,308.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$26,100 from the institutional receipts from title XIX—federal fund of mental health and retardation services to the title XIX fund of Larned state hospital.

Sec. 14.

OSAWATOMIE STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures \$77,536

(b) There is appropriated for the above agency from the state institutions building fund the following:

Repair air conditioning equipment in Rush building. \$9,060

(c) On the effective date of this act, any unencumbered balance in the replace air-conditioner chiller unit in C building, Adair complex account of the state institutions building fund is hereby lapsed.

(d) The expenditure limitation established by section 7(b) of chapter 27 of the 1981 Session Laws of Kansas on the title XIX fund is hereby increased from \$1,107,275 to \$1,174,475.

(e) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$67,200 from the institutional receipts from title XIX—federal fund of mental health and retardation services to the title XIX fund of Osawatomi state hospital.

Sec. 15.

RAINBOW MENTAL HEALTH FACILITY

(a) The expenditure limitation established by the state finance council on the Rainbow mental health facility fee fund is hereby increased from \$366,369 to \$385,144.

Sec. 16.

TOPEKA STATE HOSPITAL

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures \$102,567

(b) The expenditure limitation established by section 12(b) of chapter 27 of the 1981 Session Laws of Kansas on the title XIX fund is hereby increased from \$2,167,587 to \$2,280,187.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$112,600 from the institutional receipts from title XIX—federal fund of mental health and retardation services to the title XIX fund of Topeka state hospital.

Sec. 17.

STATE PARK AND RESOURCES AUTHORITY

(a) There is appropriated for the above agency from the state general fund the following:

Lake Scott state park—FY 1982 capital improvements \$27,500

(b) In addition to capital improvement projects for which expenditures may be made for fiscal year 1982 from the land and water conservation fund—state, as prescribed by section 5(b) of chapter 25 of the 1981 Session Laws of Kansas, the state park and resources authority is hereby authorized to make expenditures for fiscal year 1982 from such fund for the following capital improvement project, subject to the expenditure limitation prescribed therefor:

Lake Scott state park—FY 1982 capital improvements \$27,500

(c) The expenditure limitation established by section 5(b) of chapter 25 of the 1981 Session Laws of Kansas on the state operations account of the state park and resources authority general fees fund is hereby increased from \$1,275,000 to \$1,293,000.

Sec. 18.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, of the \$4,000,000 appropriated for the fiscal year ending June 30, 1982, for the above agency by section 6(b) of chapter 23 of the 1980 Session Laws of Kansas from the federal revenue sharing fund in the construction of a new state historical society museum building to be located on state-owned land adjoining the Pottawatomie Baptist mission account, the sum of \$543,089 is hereby lapsed.

Sec. 19.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund the following:

Capitol area security. \$41,183

(b) The expenditure limitation established by the state finance council on the for patrol of Kansas turnpike fund is hereby increased from \$963,495 to \$973,414.

(c) The expenditure limitation established by the state finance council on the state highway patrol fund is hereby decreased from \$15,478,459 to \$15,362,766.

(d) On the effective date of this act, the director of accounts and reports shall transfer \$216,821 from the state highway fund to the state highway patrol fund.

Sec. 20.

DEPARTMENT OF TRANSPORTATION

(a) The expenditure limitation established by the state finance council on the office of the secretary—salaries and wages account of the state highway fund is hereby decreased from \$1,137,576 to \$1,025,902.

(b) The expenditure limitation established by section 2(a) of chapter 12 of the 1981 Session Laws of Kansas on the office of the secretary—other operating expenditures account of the state highway fund is hereby decreased from \$124,344 to \$106,092.

(continued)

(c) The expenditure limitation established by the state finance council on the division of transportation administration—salaries and wages—engineers in training account of the state highway fund is hereby decreased from \$741,873 to \$209,319.

(d) The expenditure limitation established by the state finance council on the division of transportation administration—salaries and wages—other employees account of the state highway fund is hereby decreased from \$2,938,718 to \$2,684,383.

(e) The expenditure limitation established by section 2(a) of chapter 12 of the 1981 Session Laws of Kansas on the division of transportation administration—other operating expenditures account of the state highway fund is hereby decreased from \$1,099,893 to \$1,010,789.

(f) The expenditure limitation established by the state finance council on the division of transportation planning and development—salaries and wages account of the state highway fund is hereby decreased from \$2,612,715 to \$2,491,320.

(g) The expenditure limitation established by section 2(a) of chapter 12 of the 1981 Session Laws of Kansas on the division of transportation planning and development—other operating expenditures account of the state highway fund is hereby decreased from \$669,302 to \$504,462.

(h) The expenditure limitation established by the state finance council on the division of transportation engineering and design—salaries and wages account of the state highway fund is hereby decreased from \$10,239,605 to \$9,631,951.

(i) The expenditure limitation established by section 2(a) of chapter 12 of the 1981 Session Laws of Kansas on the division of transportation engineering and design—other operating expenditures account of the state highway fund is hereby decreased from \$1,717,000 to \$1,607,222.

(j) The expenditure limitation established by the state finance council on the division of transportation operations—salaries and wages account of the state highway fund is hereby decreased from \$53,488,719 to \$50,516,152.

(k) The expenditure limitation established by section 2(a) of chapter 12 of the 1981 Session Laws of Kansas on the division of transportation operations—other operating expenditures account of the state highway fund is hereby decreased from \$40,736,354 to \$39,536,368.

(l) The expenditure limitation established by section 2(a) of chapter 12 of the 1981 Session Laws of Kansas on the disbursements and claims account of the state highway fund is hereby decreased from \$839,519 to \$839,019.

(m) The position limitation established by section 4 of chapter 12 of the 1981 Session Laws of Kansas for the division of transportation administration—engineers in training of the department of transportation is hereby decreased from 35.0 to 17.0.

(n) The position limitation established by section 4 of chapter 12 of the 1981 Session Laws of Kansas for the division of transportation administration—other employees of the department of transportation is hereby decreased from 147.0 to 143.0.

(o) The position limitation established by section 4 of chapter 12 of the 1981 Session Laws of Kansas for the division of engineering and design of the department of transportation is hereby decreased from 423.0 to 397.0.

(p) The position limitation established by section 4 of chapter 12 of the 1981 Session Laws of Kansas for the division of transportation operations of the department of transportation is hereby decreased from 2,858.0 to 2,845.0.

(q) The expenditure limitation established by the state finance council on the state railroad planning and assistance—federal fund is hereby increased from \$1,462,400 to \$1,812,400.

Sec. 21.

YOUTH CENTER AT TOPEKA

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures \$50,000

(b) On the effective date of this act, of the \$3,257,809 appropriated for the above agency by section 2(a), chapter 27 of the 1981 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$50,000 is hereby lapsed.

Sec. 22.

YOUTH CENTER AT BELOIT

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures \$25,000

(b) On the effective date of this act, of the \$1,601,965 appropriated for the above agency by section 3(a), chapter 27 of the 1981 Session Laws of Kansas from the state general fund in the salaries and wages account, the sum of \$25,000 is hereby lapsed.

Sec. 23.

WINFIELD STATE HOSPITAL AND TRAINING CENTER

(a) The expenditure limitation established by section 13(b) of chapter 27 of the 1981 Session Laws of Kansas on the elementary and secondary education fund—federal is hereby increased from \$70,866 to \$97,866.

Sec. 24.

PARSONS STATE HOSPITAL AND TRAINING CENTER

(a) On the effective date of this act, of the amount reappropriated for the above agency by section 17 of chapter 27 of the 1981 Session Laws of Kansas from the state institutions building fund in the replace laundry equipment account, the sum of \$38,000 is hereby lapsed.

(b) The expenditure limitation established by section 9(b) of chapter 27 of the 1981 Session Laws of Kansas on the title XIX fund is hereby increased from \$3,294,629 to \$3,373,629.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$79,000 from the institutional receipts from title XIX—federal fund of mental health and retardation services to the title XIX fund of Parsons state hospital and training center.

Sec. 25.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) On the effective date of this act, of the \$400,000 appropriated for the above agency by section 19(a) of chapter 31 of the 1981 Session Laws of Kansas from the state general fund in the reserve for additional expenditures related to foster care account, the sum of \$300,000 is hereby lapsed.

Sec. 26.

KANSAS FISH AND GAME COMMISSION

(a) The expenditure limitation established by the state finance council on the salaries and wages and other operating expenditures account of the forestry, fish and game commission fee fund is hereby decreased from \$8,598,062 to \$8,465,655.

(b) The expenditure limitation established by the state finance council on the boat permit account of the forestry, fish and game commission fee fund is hereby increased from \$236,156 to \$350,988.

(c) Expenditures for implementation of the personnel reclassification plan approved by the governor in executive directive no. 82-75 are authorized to be made from the forestry, fish and game commission fee fund on and after March 18, 1982, which shall be the effective date of such reclassification plan, and the annualized cost of such expenditures for implementation shall not exceed \$147,000. Any expenditures or other administrative accounting or personnel actions taken with regard to such personnel reclassification plan which are in conflict with such authorized implementation date and the annualized cost thereof shall be adjusted accordingly to comply therewith.

Sec. 27. Section 6 of chapter 25 of the 1981 Session Laws of Kansas is hereby amended to read as follows: Sec. 6.

KANSAS FISH AND GAME COMMISSION

(a) There is appropriated for the above agency from the following special revenue funds all moneys now or hereafter lawfully credited to and available in such funds, except that expenditures shall not exceed the following:

Forestry, fish and game commission fee fund No limit
Provided, That expenditures from this fund for salaries and wages and other operating expenditures shall not exceed

(continued)

\$8,117,029: *Provided, however*, That within the expenditure limitation for salaries and wages and other operating expenditures, expenditures from this fund for official hospitality shall not exceed \$2,000: *Provided further*, That of the amount authorized to be expended from this fund for salaries and wages and other operating expenditures, not to exceed \$229,306 shall be expended from the boat permit account of this fund: *And provided further*, That expenditures from this fund for acquisition of fish from private vendors shall be in addition to the expenditure limitation for salaries and wages and other operating expenditures and shall not exceed \$35,000: *And provided further*, That no expenditures may be made from this fund for free stocking of black bass or channel catfish in privately-owned lakes or ponds: *And provided further*, That, except upon approval of expenditures for any other purposes by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, expenditures from this fund are hereby authorized only for salaries and wages and other operating expenditures as hereinbefore provided and for the following purposes, subject to the expenditure limitations prescribed therefor:

Refunds	No limit
Construct water transfer line on Marais des Cygnes wildlife area	\$51,950
Hunter safety convention (including official hospitality)	4,000
Major maintenance, minor construction and remodeling	60,000
New fish hatchery—final planning of phase I	193,130
Improvements for public hunting opportunities	0

And provided further, That no expenditures may be made from the improvements for public hunting opportunities account of this fund for acquisition of land by fee simple title except upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c: *And provided further*, That no expenditures may be made from the new fish hatchery — final planning of phase I account of this fund until (1) the above agency has secured firm financial commitments from federal and private sources sufficient to finance at least 2/3 of the estimated cost of construction of phase I of the new fish hatchery and (2) the plan for financing the construction of phase I of the new fish hatchery, including information describing such financial commitments therefor, has been submitted to the members of the legislative budget committee: *And provided further*, That expenditures from this fund are hereby authorized to be made from the construction of low water dam, Neosho waterfowl management area account; permanent water pump station at Marais des Cygnes wildlife area account; repair Leavenworth state fishing lake spillway account; repair and renovation of commission residences account; construct information center at Cheyenne Bottoms account; new fish hatchery — preliminary planning account; and the improvements at state fishing lakes account: *Provided, however*, That expenditures from each such account shall not exceed the amount of the unencumbered balance in such account on June 30, 1981.

Private gifts and donations fund	No limit
Nongame wildlife improvement fund	\$0

Sec. 28. Section 6 of chapter 25 of the 1981 Session Laws of Kansas is hereby repealed.

Sec. 29.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) The expenditure limitation established by the state finance council on the technical professions fee fund is hereby increased from \$156,454 to \$164,704.

Sec. 30.

YOUTH CENTER AT ATCHISON

(a) There is appropriated for the above agency from the state general fund the following:

Other operating expenditures	\$27,091
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Sec. 31.

ABSTRACTERS' BOARD OF EXAMINERS

(a) The expenditure limitation established by section 2(a) of chapter 24 of the 1981 Session Laws of Kansas on the abstracters' fee fund is hereby increased from \$7,574 to \$9,368.

Sec. 32. *Position limitations*. The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations made in this act or in any appropriation

act of the 1981 regular session of the legislature or in any other appropriation act of the 1982 regular session of the legislature may be exceeded upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c.

Sec. 33. *Appeals to exceed limitations*. Upon written application to the governor and approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, expenditures from special revenue funds may exceed the amounts specified in this act.

Sec. 34. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 22, 1982.

House adopted Conference Committee report April 9, 1982.

WENDELL LADY
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

Passed the SENATE as amended April 5, 1982.

Senate adopted Conference Committee report April 8, 1982.

President of the Senate.
LU KENNEY
Secretary of the Senate.

APPROVED April 23, 1982.

JOHN CARLIN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, JACK H. BRIER, Secretary of State of the State of Kansas, do hereby certify that the above and foregoing is a correct copy of the original enrolled bill now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal, this 30th day of April, 1982.

(SEAL)
JACK H. BRIER
Secretary of State.

[Sec. 2(c), 10(b), 10(h), 10(i) and 10(k) were line-item vetoed.]

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS**

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* These regulations are effective May 1, 1982, subject to any action by the Kansas Legislature to modify or revoke them. Any such legislative action to date is also reported here.

STATE DEPARTMENT OF EDUCATION

ADMINISTRATIVE REGULATIONS

Article 1.—CERTIFICATE
REGULATIONS

91-1-1a. (Authorized by and implementing K.S.A. 72-1388; effective May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-2. (Authorized by, and implementing K.S.A. 72-1387, 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1976; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-3. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; amended Jan. 1, 1973; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-4. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended, E-68-19, June 19, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; modified, L. 1975, ch. 359, May 1, 1975; amended May 1, 1978; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-5. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended, E-68-10, March 19, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1975; amended Feb. 15, 1977; amended, E-79-34, Dec. 20, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-7. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended May 1, 1975; amended Feb. 15, 1977; amended May 1, 1978; amended May 1, 1980; revoked May 1, 1982.)

91-1-8. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1,

1968; amended Jan. 1, 1969; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-9. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1972; amended May 1, 1975; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-10. (Authorized by, and implementing K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-12a. (Authorized by, and implementing K.S.A. 72-1388; effective May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-14. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-15. (Authorized by K.S.A. 72-1388, and implementing K.S.A. 72-1383, 72-1388, 72-5412; effective Jan. 1, 1966; amended, E-67-7, June 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1970; amended May 1, 1979; revoked May 1, 1982.)

91-1-17. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-74-10, Dec. 7, 1973; amended May 1, 1975; amended May 1, 1979; revoked May 1, 1982.)

91-1-19. (Authorized by, and implementing K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1970; amended Jan. 1, 1971; amended, E-73-3, Nov. 16, 1972; amended May 1, 1975; amended May 1, 1976; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-21. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1970; amended May 1, 1979; revoked May 1, 1982.)

91-1-22. (Authorized by K.S.A. 72-1388; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1970; amended, E-70-30, June 22, 1970; amended Jan. 1, 1971; amended, E-71-38, Sep. 22, 1971; amended Jan. 1, 1972; amended, E-72-25, Aug. 25, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974; amended, E-74-24, April 22, 1974; modified, L. 1975, ch. 360, May 1, 1975; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-23. (Authorized by K.S.A. 72-1388; effective Feb. 15, 1977; amended May 1, 1978; amended May 1, 1979; amended, E-80-22, Dec. 12, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-24. (Authorized by K.S.A. 1979 Supp. 72-7513; effective May 1, 1978; amended May 1, 1979; amended May 1, 1980; revoked May 1, 1982.)

91-1-25. (Authorized by K.S.A. 72-1388; effective May 1, 1980; revoked May 1, 1982.)

(continued)

Article 5.—DRIVER AND TRAFFIC SAFETY EDUCATION COURSES

91-5-2. Hours of instruction for driver education I. Effective September 1, 1982: The total time provided for classroom instruction shall be at least thirty (30) hours, and the amount of behind-the-wheel driving instruction shall not be less than an average of six (6) hours for each student; however, each student shall have a minimum of two (2) hours of behind-the-wheel instruction in street or highway traffic conditions or both. Any program course shall not exceed three (3) hours of classroom instruction and two (2) hours of simulation or one (1) hour of range experience in each day of instruction. On-street driving instruction shall not exceed one hour per day except that one instructional period in each program may be extended to a maximum of two hours. Observation time shall be set at a minimum of two (2) hours. (Authorized by K.S.A. 72-7513 and 72-7514; implementing K.S.A. 75-7513; effective Jan. 1, 1966; amended Jan. 1, 1970; amended, E-74-3, Oct. 5, 1973; amended May 1, 1976; amended May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1982.)

91-5-14. Driver education II. Effective September 1, 1982: All schools offering an advanced program shall be under existing rules and regulations with the following additions: (a) All motorcycle and advanced driving skills programs shall be approved by the state board.

(b) Motorcycle instruction shall be offered only to students who are fifteen (15) years of age or older, who have completed an approved course in driver education or who hold a valid motor vehicle operator's license. Each course shall be a minimum of twenty-four (24) hours of instruction which shall include not less than eight (8) hours of classroom instruction and an average of not less than six (6) hours of on-street, behind-the-bar instruction per student. On-street driving instruction shall not exceed one hour per day except that one instructional period in each program may be extended to a maximum of two hours.

(c) Advanced driving skill programs shall be offered only to students who are sixteen (16) years of age or older, who hold a valid operator's license, or who have completed an approved basic driver education program or both. Each course shall be a minimum of twenty-four (24) hours of instruction which shall include not less than eight (8) hours of classroom instruction and an average of not less than six (6) hours of behind-the-wheel instruction per student. (Authorized by K.S.A. 72-7513 and 72-7514; implementing K.S.A. 72-7513; effective May 1, 1978; amended May 1, 1979; amended May 1, 1980; amended May 1, 1982.)

Article 19.—STUDENT TEACHERS

91-19-1. Definitions. (a) "Student teacher" means a student, who has not completed an approved student teacher program, but who is certified by a teacher education institution to be capable of assuming teaching responsibilities in accredited Kansas schools under the supervision of a cooperating teacher.

(b) "Cooperating teacher" means a teacher who holds a valid Kansas teacher's certificate, and who is responsible for supervising the student teacher or intern.

(c) "Teaching education institution" means any college or university whose teacher education program is on the accredited list of the state board.

(d) "Intern" means a student who has completed an approved student teacher program and who has been certified by a teacher education institution to be capable of assuming teaching responsibilities under the supervision of a cooperating teacher.

(e) "State board" means the state board of education. (Authorized by K.S.A. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended May 1, 1979; amended May 1, 1982.)

91-19-6. Student teacher contracts, liabilities and responsibilities. (a) Persons certified for student teaching shall student teach only in schools or districts which are accredited by the state board and which have entered into a written contract with the teacher education institution in which the student teacher is enrolled. Any such contract shall set out the full agreement between the teacher education institution and the cooperating school concerning the subject of student teaching in the school or district.

(b) Only teacher education institutions may assign student teachers to cooperating schools for the purpose of student teaching.

(c) The building principal, the cooperating teacher to whom the student teacher is assigned, and the appropriate officials of the teacher education institution, in conformity with the terms of the contract entered into between the teacher education institution and the school or district, shall determine when and to what extent student teachers shall assume responsibilities or enter into teaching activities in the school or district.

(d) Each student teacher shall be under the supervision of a cooperating teacher and a building principal and shall not be expected to assume tasks or responsibilities not generally assigned to the cooperating teacher.

(1) The cooperating teacher shall be endorsed by the state board in the particular subject and at the level of instruction for which the student teacher is seeking certification and endorsement.

(2) The cooperating teacher shall have at least two (2) years of experience as a classroom teacher, and at least one (1) semester of experience as a classroom teacher in the present assignment.

(3) A student teacher shall be assigned only to a cooperating teacher who is willing to work with the student teacher and who is recommended by the school or district.

(e) No compensation shall be paid student teachers for their services.

(f) Student teachers shall not serve as regular or substitute teachers. (Authorized by, and implementing K.S.A. 72-1392; effective, E-70-36, July 31, 1970; effective Jan. 1, 1971; amended May 1, 1979; amended May 1, 1982.)

91-19-15. Intern contracts, liabilities and responsibilities. (a) Interns shall be assigned only to those schools or districts which are accredited by the state board and which have entered into a written contract with the teacher education institution in which the intern is enrolled. Any such contract shall set out the full agreement between the teacher education institu-

(continued)

tion and the school or district concerning the subject of internship in the school or district.

(b) Only teacher education institutions may assign interns to a cooperating school for an internship.

(c) The building principal, the cooperating teacher to whom an intern is assigned, and the appropriate officials of the teacher education institution, in conformity with the terms of the contract entered into between the teacher education institution and the school or district, shall determine when and to what extent interns shall assume responsibilities or enter into teaching activities in the school or district.

(d) Each intern shall be under the supervision of a cooperating teacher and a building principal, and shall not be expected to assume tasks or responsibilities not generally assigned to the cooperating teacher.

(1) The cooperating teacher shall be endorsed by the state board in the particular subject and at the level of instruction for which the intern is seeking certification and endorsement.

(2) The cooperating teacher shall have at least two (2) years of experience as a classroom teacher and at least one (1) semester of experience as a classroom teacher in the present assignment.

(3) An intern shall be assigned only to a cooperating teacher who is willing to work with the intern and who is recommended by the school district.

(e) Compensation may be paid to interns for their services.

(f) Interns shall not serve as regular or substitute teachers. (Authorized by, and implementing, K.S.A. 72-1392; effective May 1, 1982.)

91-19-16. Intern certification. (a) An intern shall deliver an intern certificate to the principal or other designated official of the school of assignment.

(b) The state board, upon request, shall provide intern certificate forms to teacher education institutions. When completed, the original shall be given the intern, the duplicate copy shall be returned to the state board and the triplicate copy shall be retained by the teacher education institution. The original shall be returned to the intern upon the completion of the teaching assignment.

(c) Only teacher education institutions shall issue intern certificates. (Authorized by, and implementing, K.S.A. 72-1392; effective May 1, 1982.)

Article 22.—PROFESSIONAL TEACHING PRACTICES COMMISSION

91-22-21. Hearings. (a) If the commission determines a filed complaint establishes a prima facie case, then the commission may issue its order directing that a formal hearing be held by it upon the allegations and charges contained in the complaint. The commission shall then fix the time and place for the hearing. Copies of the order shall be served by restricted mail upon all persons having an interest in the proceeding.

(b) *Same; notice to respondent; date of hearing.* Respondent shall be notified by restricted mail only, of the time and place of the hearing. The hearing shall not be less than thirty (30) days from the date of mailing the notice, except as otherwise provided in K.A.R. 91-22-19(c) for the date of hearing. If respondent fails to file an answer, or otherwise defend his or her rights

in the case, then the provisions of K.A.R. 91-22-19(e) shall apply.

(c) The chairperson of the commission shall serve as the presiding officer of each hearing, or another member of the commission shall be designated by the chairperson to serve as the presiding officer. Different members of the commission may be designated the presiding officer of different hearings.

(d) *Same; rulings.* The chairperson or the presiding officer, as elected by the majority of a quorum of the members of the commission, shall have the authority to rule on all motions, objections and any other matters raised during the course of any hearing.

(e) *Same; right of persons to attend hearings.* Persons having a direct interest in the outcome of a proceeding shall be entitled to attend all hearings held in that proceeding. The commission, in its discretion, may permit the attendance of other persons.

(f) *Continuance; extensions of time and adjournments.* (1) Upon good cause timely shown, a person having a substantial interest in the outcome of the proceedings shall be entitled to one continuance or extension of time. Additional continuances may be granted at the discretion of the chairperson. When the commission is not in session or conducting any prehearing or hearing, a motion in writing for a continuance or extension of time shall be sent to the chairperson or secretary in time sufficient to postpone any hearing that has been set.

(2) While the commission is in session and conducting any prehearing or hearing, the presiding officer may for good cause entertain oral motions for continuances, extensions of time and adjournments. Oral motions may be granted or denied by the presiding officer or commission, in its discretion.

(g) *Waiver of hearing.* A hearing may be waived upon the written request and agreement of the complainant and respondent. When the hearing is waived, the action and decision of the commission shall be made upon the relevant facts contained in the documents and pleadings that are on file in the case and upon those adduced in an investigation or prehearing conducted by the commission. (Authorized by, and implementing, K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982.)

91-22-22. Hearings procedure. (a) On the date and at the time and place stated in the notice of hearing, the presiding officer shall call and open the hearing by announcing the case number and reading the caption. The presiding officer shall make a concise statement of the scope and purpose of the hearing and of the issues involved.

All hearings shall be governed by the presiding officer who shall administer oaths and affirmations, rule on pending motions or motions that arise during the course of a hearing, and rule on questions concerning the admissibility of evidence or proffered testimony. The presiding officer may request the state department of education legal counsel to advise the presiding officer concerning matters of law and procedure.

(b) *Appearances.* Each party and the attorney if any, shall enter their appearance by giving their names and addresses and whom they represent.

(continued)

(c) *Other preliminary matters.* After the calling of the case, the statement of the scope and purpose of the hearing, and the entries of appearances, the following matters shall be disposed of in the order in which listed:

- (1) Motions for leave to intervene;
- (2) Pending motions; and
- (3) Recitation of any stipulations entered into by the parties.

The parties shall put in writing stipulations at which they have arrived prior to the hearing. Stipulations agreed to after the commencement of the proceeding may be dictated into the record or put in writing and filed. (Authorized by, and implementing, K.S.A. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982.)

91-22-24. Testimony and evidence. (a) The presiding officer of any hearing shall be guided by the rules of evidence as employed by the courts of Kansas. The presiding officer may reasonably relax the technical requirements of the rules to the extent he or she deems it proper to do so in the public interest.

(b) *The presiding officer may require witnesses to be sequestered.* The respondent shall be permitted to be present at all times during the proceedings.

(c) *At hearings upon motions, the movant shall open and close.* At hearings upon complaints, complainant shall open and close. The presiding officer shall designate when an intervenor or intervenors, if any, shall be heard. Each party shall be allowed the opportunity to make an opening statement.

(d) *Examination of witnesses.* Each witness, before testifying, shall be sworn, by oath or affirmation, to tell the truth. The testimony of all witnesses called at a hearing shall be given orally. Direct examination of each witness shall, unless waived, be followed by cross-examination of the witness. Redirect-examination, if any, shall be limited in scope to the testimony given upon cross-examination. Recross-examination, if any, shall be limited in scope to the testimony given upon redirect-examination. The respondent may call an adverse party. The respondent shall not be compelled to testify against himself or herself. The presiding officer and members of the commission, upon recognition by the presiding officer, may question any witness.

All testimony shall be taken on the record. Exhibits may be assigned a number prior to commencement of the hearing.

(e) *Judicial notice.* The presiding officer may take judicial notice of state or federal laws or rules and regulations.

(f) If an objection to a question propounded to a witness is sustained, the person ruled against, or his or her attorney, may make a specific offer of what he or she expected to prove by the answer. The presiding officer may add other statements that clearly show the character of the evidence, the form in which it is offered, the objection made, and the ruling. Upon request, evidence will be taken and reported in the record in full, unless it clearly appears that the evidence is not admissible on any ground, or that the witness is privileged.

(g) *Final arguments or statements; closing hearings.* After the parties have introduced their evidence, the presiding officer shall give an opportunity to make a

closing argument or statements. Each party shall advise the presiding officer of such party's intention to file, or not file, a brief. If the presiding officer does not require the submission of briefs and neither party desires to submit a brief, the presiding officer shall declare the record closed and state that the matter will be taken under advisement by the commission. If no briefs are filed, a hearing shall be closed and the matter submitted to the commission when the presiding officer announces that the hearing is closed. If briefs are to be submitted, the hearing shall be closed and the matter submitted to the commission at the time the briefs are filed.

After the hearing is closed, any party to the hearing may apply, by motion, for a reopening of the case. The commission may reopen a case on its own motion. A case may be reopened for further hearing only by written order of the commission.

(h) *The presiding officer may require the submission of briefs.* Any party desiring to submit a brief shall be allowed to do so. The period of time within which briefs shall be filed shall be fixed by the presiding officer at the close of the hearing. The time allowed shall not exceed twenty (20) days. Reply briefs shall be filed within ten (10) days after receipt of the brief(s) filed by the opposing party. All briefs shall be served by restricted mail or by personal service. Any party desiring to file a brief shall inform the presiding officer of that fact at the close of the hearing.

(i) The presiding officer, during a period not exceeding ten (10) days after the close of the hearing, may authorize any party to file, as part of the record, specific documentary evidence which is newly discovered or which could not be obtained during the course of the hearing.

(j) A transcript of the proceedings in any hearing may be obtained from the stenographer, reporter, or from the secretary where an electronic recording device was used. The costs of the transcript shall be advanced at the time the transcript is requested.

(Authorized by, and implementing, K.S.A. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1982.)

Article 30.—ACCREDITATION

91-30-3. Policies. (a) All orders, rules and regulations of the board of education, and any revisions, shall be in writing and codified, and upon request shall be made available to the employees, patrons and students of the district. The policies for the employment of staff or the selection of pupils shall not discriminate on the basis of race, religion, ethnic background, national origin, handicap or sex.

(b) Personnel policies shall be adopted by the board of education and shall be available to pupils, teachers, and patrons of the district.

(c) Policies governing the suspension and expulsion of pupils shall conform to the provisions of K.S.A. 72-8901 *et seq.* as amended.

(d) All certified personnel shall be evaluated in accordance with policies adopted under K.S.A. 72-9001 *et seq.* and shall be filed with the state board.

(e) The board of education of each unified school district shall adopt policies which govern the conduct of all persons employed by or attending schools of the

(continued)

district, and provide specific procedures for their enforcement.

The board shall submit school conduct policies and amendments to its legal counsel for review and approval to assure compliance with city ordinances, state laws and constitutional requirements.

Copies of policies and amendments shall be filed with the commissioner of education as provided by K.A.R. 91-15-1. (Authorized by K.S.A. 72-7514, implementing K.S.A. 72-7513; effective May 1, 1979; amended May 1, 1982.)

91-30-8. Guidance. This section shall not apply to elementary schools. Elementary schools shall conform to the guidance requirements K.A.R. 91-30-14a(f). Each school shall have the services of a certified counselor.

(Authorized by K.S.A. 72-7514, implementing K.S.A. 72-7513; effective May 1, 1979; amended May 1, 1982.)

91-30-12c. Independent study programs.

(a) Credit shall be given for independent study programs which:

(1) have an independent study committee organized by the school to review pupil proposals. Sponsoring teachers shall also be represented. Pupil proposals shall have committee approval;

(2) are an extended, in-depth study of a particular subject area offered in the regular school program;

(3) have the responsibilities of the sponsoring teacher defined by the school;

(4) specifically list for each pupil the objectives that shall be met for successful completion of the program. The objectives shall be developed by the sponsoring teacher; and

(5) have equipment and learning materials available as part of the program for independent study. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982.)

91-30-14a. Accreditation regulations applicable to elementary schools. (a) Elementary schools shall conform to the provisions of K.S.A. 72-1107, regarding age of entrance.

(b) An accredited elementary school shall be organized to include any combination of grades kindergarten through nine (9). The middle school concept of organization shall be recognized as a consecutive combination of any grades five (5) through nine (9). Kindergarten classes shall be organized separately from other grades and shall be organized on a basis of not less than two and one-half (2½) clock hours each day when in session. Any organization or reorganization of a school shall be done in compliance with the provisions of K.S.A. 72-8213 or K.S.A. 72-8213a.

(c) An accredited elementary school may count no more than two (2) fifteen-minute supervised recess periods per day, one mid-morning and one mid-afternoon, as part of the school year.

(d) Principal. Except as provided in K.A.R. 91-30-7(a)(2), each elementary school shall have the services of a principal and shall meet the following requirements:

(1) In school buildings having more than sixteen (16) teachers, excluding the principal, the principal shall have at least eighty percent (80%) of the school day for administration.

(2) In school buildings having six (6) to sixteen (16)

teachers, excluding the principal, the principal shall have at least one-half (½) of the school day for administration.

(3) In school buildings having fewer than six (6) teachers, excluding the principal, the principal shall have time during the school week for administration.

(4) For the purpose of determining the number of teachers in (A), (B), (C), part-time teachers shall be counted on a fractional basis to be computed on the actual time spent by the teacher in the building, in arriving at the total number of teachers.

(5) A district maintaining multi-elementary school attendance centers may assign a principal to serve more than one (1) elementary attendance center provided the assignment is in accordance with subsection (d)(1).

(e) Teachers shall hold a certificate valid in Kansas.

(f) Elementary schools which have an organized guidance program shall have the services of a certified counselor.

(g) The curriculum of an elementary school shall meet the provisions of K.S.A. 72-1101 and 72-1103 and requirements of the state board. Each elementary school shall have an organized physical education program. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982.)

91-30-14c. Interscholastic activities. (a) Pupils below the sixth grade shall not be eligible to participate in interscholastic competition.

(b) A school may join the Kansas State High School Activities Association and participate under their rules and regulations. Any school which has not joined the K.S.H.S.A.A. shall comply with the requirements of this regulation.

(c) Sixth, seventh, and eighth grade pupils shall participate in interscholastic activities according to the following:

(1) The coaches shall be members of the teaching staff and each shall hold a certificate valid in Kansas.

(2) For a pupil to be eligible to participate in interscholastic activities, he or she shall submit a physician's statement indicating he or she is physically able to participate, compete in interscholastic athletics only with the written consent of his or her lawful custodian, and be ineligible for school teams if he or she participates on an organized team outside of school during a regular season.

(3) In scheduling athletic contests, a school shall:

(A) not schedule more than eight (8) interscholastic athletic contests in any one (1) sport, exclusive of a tournament, in any one (1) school year, unless otherwise specified in this regulation;

(B) schedule for each team only one (1) interschool contest each week exclusive of tournament games. Two (2) games may be scheduled during a week only once during the season and the second contest shall only be a makeup game; and

(C) have the approval of the school principal.

(4) Practice time shall not exceed one (1) hour per school day and include any practice session held between two (2) schools. Practice sessions held between two (2) schools shall count as one (1) of the allowed number of contests per season.

(continued)

(5) The students shall have the following activity limitations:

(A) *Basketball*: No sixth grade pupil shall participate in more than thirty-two (32) quarters of play in interscholastic basketball, exclusive of a tournament, in any one (1) year. In the seventh and eighth grades, each team or player shall be limited to a maximum of fourteen (14) games and no tournaments, or twelve (12) games and one (1) tournament, or ten (10) games and two (2) tournaments. Quarters shall be a maximum of six (6) minutes in length with a one (1) minute intermission between the first and second quarters and between the third and fourth quarters, and an intermission of ten (10) minutes between the second and third quarter. No pupil shall participate in more than four (4) quarters of play on any one (1) day, excluding overtimes.

(B) *Softball and baseball*. Regulation games shall be limited to five (5) innings and eight (8) days of play.

(C) *Track and field events*. In any one (1) meet, including relays, a pupil shall be limited to three (3) of the following approved events:

(i) *Sixth grade*. Fifty (50) yard (50 M) dash, seventy-five (75) yard (75 M) dash, one hundred (100) yard (100 M) dash, relays, broad jump, high jump, baseball, softball, basketball and football throw. A sixth grade pupil shall not run more than one (1) race of one hundred (100) yards or (100 M) in one (1) day. Sixth grade pupils shall be allowed to participate each year in only one (1) track meet in which preliminary events are necessary. All jumps and vaults shall end in a soft landing pit;

(ii) Seventh and eighth grade pupils shall be limited to any three (3) events per day. Seventh and eighth grade pupils are limited to no more than one (1) race of four hundred forty (440) yards (400 M) or more in one (1) day. The longest race run shall be: Eight hundred eighty (880) yards (800 M) for seventh grades and one (1) mile (1600 M) for the 8th grades. All jumps and vaults shall end in a soft landing pit.

(D) *Gymnastics*: Pupils shall be allowed to participate each year in only one (1) gymnastic meet in which preliminary events are necessary. No pupil shall participate in more than eight (8) meets during a season, nor in more than two (2) events per day. Each pupil shall be eligible to participate in the following approved events:

(i) tumbling and floor exercises only for sixth grade pupils;

(ii) Seventh and eighth grades. Boys: side horse, vaulting, horizontal bars, parallel bars, floor exercise, tumbling. Girls: tumbling, vaulting, balance beam, uneven parallel bars, floor exercise.

(E) *Boxing*: Sixth, seventh and eighth grade boxing is prohibited.

(F) *Touch or flag football*: Quarters in touch or flag football, shall be a maximum of eight (8) minutes in length with an intermission of ten (10) minutes at the end of the second quarter.

(G) *Tackle football*: Sixth grade tackle football is prohibited but pupils in the seventh and eighth grades may play tackle football. The school shall be limited to a maximum of seven (7) games and each pupil shall be limited to twenty-eight (28) quarters. A pupil shall not participate in more than four (4) quarters in one (1) day. Quarters shall be a maximum of eight (8) minutes

in length with an intermission of ten (10) minutes at the end of the second quarter.

(H) *Wrestling*. Sixth grade wrestling is prohibited but pupils in seventh and eighth grades may participate in wrestling. The school shall be limited to eight (8) matches or no more than seven (7) matches and one (1) tournament, or no more than five (5) matches and two (2) tournaments. Weight divisions shall be seventy-two (72) pounds, seventy-six (76) pounds, eighty (80) pounds, eighty-four (84) pounds, eighty-eight (88) pounds, ninety-two (92) pounds, ninety-six (96) pounds, one hundred (100) pounds, one hundred five (105) pounds, one hundred ten (110) pounds, one hundred fifteen (115) pounds, one hundred twenty (120) pounds, one hundred twenty-seven (127) pounds, one hundred thirty-three (133) pounds, one hundred thirty-eight (138) pounds, one hundred forty-five (145) pounds, one hundred fifty-four (154) pounds, and heavy-weight. Maximum length of wrestling periods shall be one (1) minute for the first period; one and one-half (1½) minutes for the second period, and one and one-half minutes (1½) for the third period. During overtime periods the first period shall be thirty (30) seconds; the second period forty-five (45) seconds, and the third period forty-five (45) seconds.

(I) *Soccer and speedball*: Quarters in soccer and speedball shall be a maximum of eight (8) minutes in length with an intermission of ten (10) minutes at the end of the second quarter. The school shall be limited to a maximum of seven (7) games and each pupil shall be limited to twenty-eight (28) quarters.

(J) *Volleyball*. The school shall be limited to eight (8) days of participation.

(K) *Golf*. No pupil shall participate in more than seven (7) days of interschool competition during a season.

(L) *Tennis*. No pupil shall participate in more than seven (7) days of interschool competition during a season.

(M) *Other events and activities*. Events and activities not listed may be included in interscholastic activities if they meet the requirements of paragraphs (1), (2), (3), and (4) of subsection (c) of this regulation.

(d) *Athletic leagues*. Athletic leagues may formulate their own rules and regulations which shall be in compliance with this regulation.

(e) *Physical education*. Interscholastic team practice shall not be conducted during physical education classes. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-7513; effective May 1, 1981; amended May 1, 1982.)

STATE DEPARTMENT OF EDUCATION

Doc. No. 000168

HOUSE CONCURRENT RESOLUTION No. 5043

A CONCURRENT RESOLUTION relating to student teachers; rejecting Kansas administrative regulations 91-19-1, 91-19-6, 91-19-15 and 91-19-16, as adopted by the board of education and filed with the revisor of statutes on September 25, 1981.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That Kansas administrative regulations 91-19-1, 91-19-6, 91-19-15 and 91-19-16, are hereby rejected.

Adopted by the House March 29, 1982.

Adopted by the Senate April 5, 1982.

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following is a summary of permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* *These regulations are effective May 1, 1982, subject to any action by the Kansas Legislature to modify or revoke them.* Any such legislative action to date is also reported here.

**DEPARTMENT OF ADMINISTRATION
PERSONNEL REGULATIONS**

A complete copy of the regulations summarized below may be obtained by writing, or calling in person at, the office of the Director, Division of Personnel Services, Room 128-S, State Office Building, Topeka, Kansas 66612, or by telephoning that office at (913) 296-4278.

1-5-20. Individual salary decreases. The change in this regulation permits a state agency to reduce the salary of a classified employee one step if the employee has two consecutive performance evaluations of less than "standard."

1-5-24. Overtime. The change in this regulation lists three circumstances in which an agency can grant a classified employee time off, on an hour for hour basis, for additional time the employee has worked that otherwise would result in the employee's receiving overtime compensation.

1-5-28. Shift differential. The change in this regulation allows the governor by executive directive to establish the amount to be paid classified employees who are entitled to be paid a shift differential. The regulation prior to this amendment specified the rate of twenty cents (20¢) per hour.

1-6-16. Employment lists. The principal change in this regulation permits the director of personnel services, upon request of the director of a penal institution, to refuse to certify for employment in that institution a person who is a relative of an inmate of that institution.

1-6-25. Temporary appointments. This regulation was revised to conform with 1981 changes in the Civil Service Act.

1-6-26. Emergency appointments. This regulation was revised to conform with 1981 changes in the Civil Service Act.

1-7-1. Probationary period. The principal changes in this regulation clarify that an agency must take action on a probationary employee before, rather than after, the end of the probationary period; provide that if no such action is taken, the probationer receives permanent status; and fill in details of the procedure prescribed in the Kansas Civil Service Act for a situation where a permanent employee who is promoted on probation is not successful in the position to which he or she is promoted.

1-9-8. Jury duty; other required appearance before a court or other public body. The change in this regu-

lation permits a classified employee who is granted leave pursuant to this section for jury duty or other required appearance to keep the pay received for the jury duty or required appearance.

1-9-10. Service in state or national guard. The revised regulation changes the maximum leave with pay for annual active duty for training of a member of the national guard from 15 calendar days per year to 12 working days.

1-9-11. Service with organized military reserve units. The change is the same as in 1-9-10, as described above.

1-10-1 to 1-10-5. Revoked.

1-10-6. Dismissal, suspension or demotion of permanent classified employees. This regulation specifies the procedure for disciplinary actions against permanent employees and the procedure on appeal to the civil service board.

1-10-7. Relief from duty, or change in duties, of permanent employee, with pay, under certain circumstances. This regulation fills in details of the procedure prescribed by the Kansas Civil Service Act for relieving from duty, or changing the duties of, a permanent employee, when disciplinary action is indicted but an investigation is needed before the action is started, or when immediate removal of an employee from his or her job is needed.

1-10-8. Dismissal or demotion of a probationary employee. This regulation specifies the procedure for this type of action.

1-10-9. Dismissal of conditional, temporary or emergency employees. This regulation specifies the procedure for these types of actions.

1-11-2. Layoff. The principal changes in this regulation permit a layoff list to be restricted either to full-time employees or to part-time employees; change the formula for computing layoff scores to give equal credit, in determining length of service, to service in the various classes in which the employee has been continuously employed, rather than greater credit for service in the class from which a layoff is to be made; permit an employee to have a break in service of up to one year without losing credit for earlier service in the layoff formula; and give a permanent employee subject to layoff certain rights to lower level positions in a class in which the employee earlier had permanent status in the agency, if a layoff is in progress in the lower class.

**DEPARTMENT OF ADMINISTRATION
ACCOUNTS & REPORTS REGULATIONS**

The regulations summarized below can be obtained from the office of the Director, Division of Accounts and Reports; Room 110-N, State Office Building, Topeka, Kansas 66612, or by telephoning (913) 296-2311.

1-16-15. Reduced allowances for subsistence. This regulation was revised to provide for the payment of reduced subsistence allowance in specific instances. The secretary of administration was authorized to approve reduced subsistence under circumstances not listed in 1-16-15(b).

(continued)

1-16-18. Subsistence allowance; rates. The change in this regulation adopts the subsistence reimbursement rates included in the agencies' FY 1982 budgets, implementing provisions authorized by H.B. 2105 in eliminating limits on such rates.

1-16-18a. Designated high cost geographic areas. This regulation was revised to add out-of-state areas to which travel occurs, where higher than normal lodging and meal costs are encountered, to the high cost area listing provided within H.B. 2105.

1-25-1 to 1-25-9. Setoff regulations, which are redundant to provisions of H.B. 2565 passed by the 1982 Legislature, are repealed.

1-31-1. Fees. This regulation establishes fees and charges for services provided by the Municipal Accounting Section, as provided in 1981 S.B. 452. 1982 S.B. 505 repealed the provisions of 1981 S.B. 452 and therefore this regulation will be amended in the near future.

ARCHITECTURAL SERVICES REGULATIONS

The following regulations were revoked because the statutory authority to adopt regulations relating to mobile homes was repealed: 1-51-1 to 1-51-4; 1-52-1 to 1-52-2, 1-53-1 to 1-53-2; 1-54-1 to 1-54-5; 1-55-1 to 1-55-6; 1-56-1 to 1-56-3; 1-57-1; 1-58-1; 1-59-1 to 1-59-3.

SUMMARIES FOR EMPLOYEE SUGGESTION SYSTEM REGULATIONS

A complete copy of the regulations appearing below may be obtained by writing to Department of Administration, Secretary of Administration; Room 263-E, State Capitol, Topeka, Kansas 66612, or by telephoning that office at (913) 296-3011.

1-30-1 to 1-30-24. These regulations establish an employee suggestion system. The purpose of the system is to establish awards to employees for meritorious suggestions and to provide for implementation of these suggestions. The regulations establish the organizational and procedural framework for the system, standards by which to review suggestions, and a scale of awards for the suggestions.

PATRICK J. HURLEY
Secretary of Administration

Doc. No. 000296

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* These regulations are effective May 1, 1982, subject to any action by the Kansas Legislature to modify or revoke them. Any such legislative action to date is also reported here.

STATE LIBRARY

ADMINISTRATIVE REGULATIONS

Article 1.—REGIONAL LIBRARIES

54-1-21. Exclusion from regional system of cooperating libraries. When a public library taxing district regularly levies one-fourth mill or more of tax for a period of not less than two consecutive years for the support of a public library, and which taxing district has been included in a regional system, the governing body of the taxing district may petition for exclusion from the taxing district of the regional system of cooperating libraries in the manner prescribed under K.A.R. 54-1-17. (Authorized by K.S.A. 75-2552 and implementing K.S.A. 75-2550; effective Jan. 1, 1970; amended May 1, 1982.)

Article 3.—FINANCIAL AID—SUB-REGIONAL LIBRARIES

54-3-3. Procedure for grants. (a) Federal funds. Available federal funds shall be divided so that each portion equals each subregional library's percentage of the total readers served during the preceding year (April 1-March 31.) The list of readers served is on file (April 1 of each year) with the Kansas state library. The first payment of available money shall be distributed in June.

(b) State funds. The state librarian shall include in the annual budget request the estimated amount of money needed to fund the library services to the blind and physically handicapped program. Available funds shall be distributed after July 1, to each of the eligible subregional libraries as follows: Except as provided in subsection (c) and (d), fifty (50) percent of available money shall be divided equally between the subregional libraries; the remaining fifty (50) percent of available money shall equal each subregional library's percentage of the total readers served during the preceding year (April 1-March 31) which are on file (April 1st of each year) with the Kansas state library. State funds shall be used to meet adopted minimum standards of quality service to the handicapped.

(c) If the distribution formula under subsection (b) for calendar year 1982 causes a subregional library to receive less money than it received under the distribution formula in effect for calendar year 1981, the percentage upon which the distribution of money is based shall be adjusted so that the library shall receive an additional amount equal to two thirds ($\frac{2}{3}$) of the amount of money lost because of the distribution for-

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mula for calendar year 1982. If an adjustment takes place under this subsection (c), each subregional library, which does not receive less money under the distribution formula in effect for calendar year 1982 than it received under the distribution formula in effect during calendar year 1981, shall have the amount of money it receives reduced by the amount of the adjustment made under this subsection (c). This reduction shall be based upon the proportion of money the library would have received (except for the adjustment under this subsection (c) compared to the total of all money to be received by all libraries which would receive more money (because of the distribution formula in effect for calendar year (1982) than these libraries received under the distribution formula in effect during calendar year 1981.

(d) If the distribution formula under subsection (b) for calendar year 1983 causes a subregional library to receive less money than it received under the distribution formula in effect for calendar year 1981, the percentage upon which the distribution of money is based shall be adjusted so that the library shall receive an additional amount equal to one third ($\frac{1}{3}$) of the amount of money lost because of the distribution formula for calendar year 1983. If an adjustment takes place under this subsection (d), each subregional library, which does not receive less money under the distribution formula in effect for calendar year 1983 than it received under the distribution formula in effect for calendar year 1981, shall have the amount of money it receives reduced by the amount of the adjustment made under this subsection (d). This reduction shall be based upon the proportion of money the library would have received (except for adjustment under this subsection (d)) compared to the total of all money to be received by all libraries which would receive more money (because of the distribution formula in effect for calendar year 1983) than these libraries received under the distribution formula in effect during the calendar year 1981. (Authorized by K.S.A. 75-2542; implementing K.S.A. 75-2547 and 75-2551; modified by 1978 H.C.R. 5063, effective May 1, 1978; amended May 1, 1982).

STATE LIBRARIAN

Doc. No. 000156

(Published in the KANSAS REGISTER, May 6, 1982.)

SENATE CONCURRENT RESOLUTION NO. 1655

A CONCURRENT RESOLUTION concerning the state librarian; concerning distribution of money for the blind and physically handicapped program; modifying K.A.R. 54-3-3 and rejecting Kansas administrative regulation 54-3-3 as adopted by the state librarian and filed with the revisor of statutes on December 31, 1981.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 54-3-3 is hereby modified to read as follows: 54-3-3. *Procedure for determining grants.* (a) Federal funds. (P.L. 95-123) Each portion of available money shall equal the subregionals' percentage of the total readers served during the preceding year (April 1 - March 31) and on file (June April 1st of each year) at with the Kansas state library. *The first payment of available money shall be distributed in June.*

(b) State funds. State librarian shall include in his or her the annual budget request the estimated amount needed to match local funds expended during the previous year fund this program. (1) Available funds shall be distributed on or before after July 1, to each of the eligible subregional libraries. (2) Apportionment shall be on a matching base with local funds and shall not exceed

the amount of local funds. After a base grant of \$5,000 for each subregional library, distribution of any additional available money shall equal the subregionals' percentage of the total readers served during the preceding year (April 1 - March 31) and on file (April 1st of each year) with the Kansas state library. (3) State funds shall not replace local funds. (4) State funds shall be used to meet adopted minimum standards of quality service to the handicapped.

Be it further resolved: That K.A.R. 54-3-3 is hereby modified by this concurrent resolution and shall become effective as modified on May 1, 1982.

Be it further resolved: That Kansas administrative regulation 54-3-3, as adopted by the state librarian and filed with the revisor of statutes on December 31, 1981, is hereby rejected.

Adopted by the Senate April 27, 1982.

Adopted by the House April 9, 1982.

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

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STATE BOARD OF ACCOUNTANCY

ADMINISTRATIVE REGULATIONS

Article 1.—EXAMINATIONS

74-1-3. Conditional credit. A candidate who passes a satisfactory examination in at least two (2) subjects, and who receives a grade of at least fifty 50 percent in the remaining subject or subjects, shall be granted credit for the subjects passed on the condition that he or she satisfactorily passes an examination in the remaining subject or subjects by being present for reexamination in the remaining subject on subjects at not more than four (4) of the next six (6) examinations offered by this board. If the candidate has to be reexamined in two (2) subjects, but satisfactorily passes only one (1) subject at one (1) of the remaining examinations specified above, he or she shall be given conditional credit for the subject passed only if he or she received a grade of at least fifty 50 percent in the remaining subject. The granting of conditional credit for passing an additional subject shall not extend the original limitation of only four (4) sittings of the next six (6) examinations following the initial granting of conditional credit are available to pass all remaining subjects. With respect of the next six (6) examinations offered by the board following the granting of conditional credit for subjects passed, examinations offered while a candidate is serving in the military forces of the United States or within sixty 60 days of his or her separation from the military forces, shall not be counted in determining the next six (6) examinations. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-304, effective Jan. 1, 1966; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

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74-1-4. Transfer of examination credit. An applicant for the certificate of certified public accountant who has passed two (2) or more sections of the uniform certified public accountant examination under the jurisdiction of another state shall be given conditional credit by this board for successfully passing those subjects provided the applicant: (a) Has established residence in Kansas;

(b) Has passed two (2) or more sections of the uniform certified public accountant examination in accordance with K.A.R. 74-1-3, and the grades have been determined by the advisory grading service of the board of examiners of the American institute of certified public accountants; and,

(c) At the time of applying to transfer the credit earned in another state the applicant is still eligible to be reexamined in that state except for reason of change of residence. (Authorized by K.S.A. 1981 Supp. 1-202(a), implementing K.S.A. 1981 Supp. 1-302; effective Jan. 1, 1966; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-1-5. Credit for examination fees not used. In the event a candidate is unable to be present at an examination for which the fee has been paid, the fee shall be forfeited unless the candidate notifies the board in writing within thirty (30) days after the examination with an acceptable reason for failing to sit for the examination as scheduled. The board shall consider acceptable reasons for not sitting to be illness, death in the immediate family, or other reasons as the board may, in its discretion, determine as unavoidable by the candidate. In the event the board accepts the reason for a candidate's failure to sit for a scheduled examination, the fee shall be carried forward only to the next examination offered by the board. If this credited fee is not utilized by the candidate by his or her sitting at the next examination offered, the credited fee shall be forfeited. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-301(b)(1); effective E-82-27, Dec. 22, 1981; effective May 1, 1982.)

Article 2.—APPLICATIONS

74-2-1. Filing date for applications. In order for an applicant to be admitted to an examination, the application submitting evidence that he or she has met all requirements shall be filed in the office of the secretary of the board on or before March 15 for the May examinations or on or before September 15 for the November examinations. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-302a; effective Jan. 1, 1966; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-2-3. Submission of college transcripts. An applicant applying for admission to the examination, or for issuance of a certificate as certified public accountant by waiver of examination, shall submit with the application official transcripts in support of: (a) Graduation from college if applying under subsection (a)(1) or (a)(2) of K.S.A. 1-302a; and

(b) The number of hours of credit he or she has received in courses required for a "concentration in accounting" in K.A.R. 74-2-7 and 74-4-6, if applying under subsection (a)(1) of K.S.A. 1-302a. These transcripts shall not be returned. (Authorized by K.S.A.

1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-302a; effective Jan. 1, 1966; amended Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1978; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-2-6. (Authorized by K.S.A. 1-302a(d); effective Jan. 1, 1972; amended May 1, 1978; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-2-8. (Authorized by K.S.A. 1-302a(a)(3); effective May 1, 1979; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

Article 3.—ISSUANCE OF CERTIFICATES

74-3-1. (Authorized by K.S.A. 1-202(a); effective Jan. 1, 1972; amended Jan. 1, 1973; amended May 1, 1978; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-3-2. (Authorized by K.S.A. 1-202; effective Jan. 1, 1966; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-3-3. (Authorized by K.S.A. 1-302a(d); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Feb. 15, 1977; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-3-4, 74-3-5. (Authorized by K.S.A. 1-302a(d); effective Jan. 1, 1966; amended Jan. 1, 1972; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-3-7. (Authorized by K.S.A. 1-302a; effective Jan. 1, 1973; amended Feb. 15, 1977; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-3-8. Ethics examination requirement for issuance of certificate. Satisfactory completion of a written examination in professional ethics shall be required for issuance of the Kansas certificate. Verification of satisfactory completion of the correspondence course of the American Institute of Certified Public Accountants entitled, "Professional Ethics for Certified Public Accountants" shall satisfy this requirement. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-302; effective Feb. 15, 1977; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

Article 4.—PERMITS TO PRACTICE

74-4-2, 74-4-3. (Authorized by K.S.A. 1-202; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1972; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-4-4. Experience requirement for permits. The experience which may be obtained with the legislative division of post audit shall be in the area of financial compliance audits for third party reliance. Practical public accounting experience shall be obtained in those areas as defined in K.A.R. 74-5-2 under "practice of public accountancy". (Authorized by and implementing K.S.A. 1981 Supp. 1-302b(c); effective E-82-27, Dec. 22, 1981; effective May 1, 1982.)

74-4-5. Part-time experience. Part-time experience in public accounting shall be acceptable under K.S.A. 1-302b, but at least one-half of the experience require-

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ment shall be satisfied by public accounting experience obtained on a full-time basis, representing the applicant's principal work activity. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-302b, effective E-82-27, Dec. 22, 1981; effective May 1, 1982.)

74-4-6. Concentration in accounting. "Concentration in accounting" referenced under K.S.A. 1-302b(b) shall require the satisfaction of all guidelines for a "concentration in accounting" under K.A.R. 74-2-7, and in addition: (a) The applicant shall have earned a masters or higher academic degree including:

(1) A minimum of twelve (12) semester hours of accounting taken at the graduate level, with credit in nine (9) of those hours being in courses available exclusively to graduate students. Credit in seminars, special problems, and thesis shall be included in satisfying these accounting requirements only if the primary research and study is in one of the areas specified below; and

(2) At least ten (10) hours of the other courses in the graduate program shall be in business or accounting related areas.

(b) The total accounting program of the applicant, both graduate and undergraduate, shall include second or advanced courses in each of the following accounting areas:

- (1) Financial accounting theory and practice;
- (2) Cost control and analysis;
- (3) Auditing theory and systems; and
- (4) Tax theory and problems.

(c) The board may waive a portion of the above requirements upon receipt of satisfactory verification that the applicant has otherwise met the requirements. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-302a(b), effective E-82-27, Dec. 22, 1981; effective May 1, 1982.)

74-4-7. Continuing education requirements. Applicants for renewal of permits to practice as certified public accountants in Kansas shall have completed a program of acceptable continuing education of forty (40) hours during each year within the biennium period for renewal. (a) Standards used to determine acceptable continuing education are as follows:

(1) One hour's credit shall be granted for each fifty (50) minute period attended (partial hours shall not be counted);

(2) Hours devoted to preparation shall not be counted, whether for attending formal programs or for instructing programs;

(3) Service as lecturer or discussion leader shall be included to the extent that it contributes to the professional competence of the applicant (repetitious presentations shall not be counted); and

(4) Only half of the total hourly requirement for permit renewal may be satisfied by instruction or service as lecturer or discussion leader.

(b) The board shall have the authority to make exceptions for reasons of health, military service, foreign residence, retirement, or for other good cause determined by the board.

(c) Applicants may carry over up to a maximum of twenty (20) hours of continuing education earned in the twelve (12) month period preceding July 1 of each year. (Authorized by and implementing K.S.A. 1981

Supp. 1-310(e); effective E-82-27, Dec. 22, 1981; effective May 1, 1982.)

74-4-8. Continuing education programs which qualify. (a) A formal program of learning which contributes directly to the professional competence of a permit holder and requires attendance shall qualify only if:

(1) An outline is prepared in advance and retained;

(2) The program is at least fifty (50) minutes in length;

(3) The program is conducted by a person qualified in the subject area; and

(4) A record of registration or attendance is retained.

(b) The following shall qualify as acceptable continuing education if the above requirements are met:

(1) Professional development programs of the American institute of certified public accountants, state societies and local chapters of certified public accountants;

(2) Technical sessions at meetings of the American institute of certified public accountants, state societies and local chapters of certified public accountants;

(3) University or college credit courses. Each semester hour of credit shall equal fifteen (15) hours continuing education credit; each quarter hour of credit shall equal ten (10) hours continuing education credit;

(4) University or college non-credit courses shall qualify for the number of actual full class hours attended;

(5) Formal organized in-firm or inter-firm educational programs; and

(6) Programs in other accounting, management, industrial or professional organizations.

(c) Formal correspondence or other individual study programs requiring registration and providing evidence of satisfactory completion may qualify with the amount of credit to be determined by the board. (Authorized by and implementing K.S.A. 1981 Supp. 1-310(e); effective E-82-27, Dec. 22, 1981; effective May 1, 1982.)

74-4-9. Continuing education controls and reporting. At the time of applying for renewal of the permit to practice, applicants shall be required to sign a provided statement showing continuing education obtained during the preceding months to the renewal date, which shall include the following information: (a) Organization, school, firm or other sponsor conducting program;

(b) Location of programs attended;

(c) Title of program or course, or brief description;

(d) Dates attended or program completed; and

(e) Number of full 50-minute hours attended or earned.

The board may require verification of the above or additional information for renewal of permits to practice. (Authorized by and implementing K.S.A. 1981 Supp. 1-310(e); effective, E-82-27, Dec. 22, 1981; effective May 1, 1982.)

74-4-10. Requirements for initial or reinstated permits. An applicant for an initial permit to practice or for reinstatement of a lapsed permit to practice as a certified public accountant in Kansas may be granted a permit on the condition that the applicant agrees to

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complete a proportionate number of the required hours of continuing education for the renewal period, for the number of full months from the date of making application for the permit to the June 30 renewal date, or forty (40) hours earned within the fiscal year ending on the June 30 following the application for the initial or reinstated permit to practice. (Authorized by and implementing K.S.A. 1981 Supp. 1-310(e); effective, E-82-27, Dec. 22, 1981; effective May 1, 1982.)

Article 5.—CODE OF PROFESSIONAL CONDUCT

74-5-1. Preamble. The code of professional conduct as set out in K.A.R. 74-5-2 through 74-5-407, applies to all certified public accountants in Kansas. (Authorized by and implementing K.S.A. 1981 Supp. 1-202(c)(1); effective Jan. 1, 1974; amended May 1, 1978; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-5-202. Auditing standards. A certified public accountant shall not permit his or her name to be associated with financial statements in such a way as to imply that he or she is acting as an independent certified public accountant with respect to those financial statements unless he or she has complied with the applicable generally accepted auditing standards. Statements on auditing standards issued by the American institute of certified public accountants, in Volumes I, II, III, dated June 1, 1981, are considered to be interpretations of the generally accepted auditing standards, and departures shall be justified by those who do not follow them. (Authorized by and implementing K.S.A. 1981 Supp. 1-202(c)(1); effective Jan. 1, 1966; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1978; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-5-203. Accounting principles. A certified public accountant shall not express an opinion that financial statements are presented in conformity with generally accepted accounting principles if the financial statements contain any departure from those accounting principles which has a material effect on the financial statements taken as a whole, unless the certified public accountant can demonstrate that due to unusual circumstances the financial statements would otherwise have been misleading. In those cases, his or her report shall describe the departure, the approximate effects if practicable, and the reasons why compliance with the principle would result in a misleading statement. For purposes of this rule, generally accepted accounting principles are considered to be pronouncements issued by the financial accounting standards board in its original pronouncements publications dated June 1, 1981. (Authorized by and implementing K.S.A. 1981 Supp. 1-202(c)(1); effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1978; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-5-407. Communication with the board. A certified public accountant shall, when requested by certified mail, respond to communications from the board within thirty (30) days of the mailing of these communications, by certified mail. (Authorized by and implementing K.S.A. 1981 Supp. 1-202(c)(1); effective

May 1, 1978; amended May 1, 1979; amended, E-82-27, Dec. 22, 1981; amended May 1, 1982.)

Article 7.—REGISTERED PARTNERSHIPS

74-7-1. (Authorized by K.S.A. 1-202; effective Jan. 1, 1966; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

Article 8.—CORPORATE PRACTICES

74-8-1. (Authorized by K.S.A. 1-202; effective Jan. 1, 1972; amended May 1, 1980; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-8-2. Registration. Professional corporations or associations organized for the practice of certified public accountancy and maintaining an office in Kansas shall register with the board, stating the name and address of the corporation or association, and listing all shareholders, directors and officers. Subsequent changes shall be promptly reported to the board. (Authorized by K.S.A. 1981 Supp. 1-202(a); implementing K.S.A. 1981 Supp. 1-308(b); effective Jan. 1, 1972; amended May 1, 1980; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-8-3. Registration fee. In accordance with K.S.A. 1980 Supp. 17-2709, a fee of two dollars (\$2) shall be paid to the board for the names of each shareholder, director or officer which the board is required to confirm to the secretary of state in connection with the organization, reorganization or registration of the professional corporation or association. (Authorized by K.S.A. 1981 Supp. 1-202; implementing K.S.A. 1981 Supp. 1-308; effective Jan. 1, 1972; amended May 1, 1980; amended E-82-27, Dec. 22, 1981; amended May 1, 1982.)

74-8-4. (Authorized by K.S.A. 1-202(a); effective Jan. 1, 1972; amended May 1, 1980; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

Article 9.—CONTINUING EDUCATION

74-9-1. (Authorized by K.S.A. 1-310(b); effective Jan. 1, 1974; amended May 1, 1978; amended May 1, 1980; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

74-9-2 to 74-9-4. (Authorized by K.S.A. 1-310(b); effective Jan. 1, 1974; amended May 1, 1978; revoked E-82-27, Dec. 22, 1981; revoked May 1, 1982.)

STATE BOARD OF ACCOUNTANCY

Doc. No. 000163

State of Kansas

PERMANENT ADMINISTRATIVE REGULATIONS

NOTICE

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BEHAVIORAL SCIENCES REGULATORY BOARD

ADMINISTRATIVE REGULATIONS

Agency 72.—Board of Examiners of Psychologists. All duties of this board have been transferred to the Behavioral Sciences Regulatory Board.

Regulations 72-1-1 through 72-12-19 have been revoked effective May 1.

Article 1.—CERTIFICATION OF PSYCHOLOGISTS

102-1-1. Definitions. (a) A "student, intern or resident" shall mean:

(1) A person who is actively enrolled in, or a graduate of, a program of psychology as defined in K.A.R. 102-1-12;

(2) A person who is preparing for the profession of psychology under supervision;

(3) A person who is in a training institution or facility recognized by the board;

(4) A person to whom a fee is not paid directly; and

(5) A person who is designated by the title "psychological intern", "psychological trainee", "psychology student", "psychology resident" or some other title which clearly indicates his or her training status.

(b) A "year of supervised experience" shall mean a minimum of one thousand eight hundred (1,800) supervised clock hours. The one thousand eight hundred (1,800) hours shall commence as soon as all requirements for the doctoral degree have been completed.

(c) "Full-time employment" shall mean at least two thousand (2,000) hours during a twelve (12) month period.

(d) In the case of academic employment, "year" shall mean the period normally associated with full-time employment at the employing institution.

(e) "Part-time employment experience credit" shall mean supervised work experience of at least six (6) consecutive months which shall be credited on a pro-rated basis.

(f) A "therapeutic relationship" shall mean:

(1) A relationship between a psychologist and client or patient which is initiated by mutual consent or pursuant to law; or

(2) The use of psychotherapy or other psychological remedial measures which are applied to persons individually or in groups with the intent of assisting the person or persons in modifying their attitudes and behavior which are intellectually, socially, or emotionally maladaptive.

(g) "Psychological assessment" shall mean the use of established psychological tests, procedures, and techniques with the intent of diagnosing or establishing treatment methods to persons having adjustment, mental, or emotional problems.

(h) A "client or patient" shall mean a person who has a therapeutic relationship with a psychologist.

(i) A "non-resident psychologist" shall mean a psychologist duly licensed by another state which has licensing standards equal to or greater than those in the State of Kansas and with which the board has entered into a reciprocity agreement.

(j) A "pre-doctoral internship or residency" shall mean an organized program of supervised practice of professional psychology which:

(1) Is at least one year of full-time or two consecutive years of half-time training;

(2) Accepts as interns or residents only applicants enrolled in a doctoral program in professional psychology as defined in section 102-1-12;

(3) Is directed by a certified, licensed, or certifiable professional psychologist;

(4) Provides training and close supervision in a wide range of professional activity which include diagnosis, remediation techniques, interdisciplinary relationships, consultation and experience with a population of consumers presenting a diverse set of problems and backgrounds;

(5) Is taken after completion of graduate courses and practica in the area of emphasis or after completion of university requirements of preinternship training.

(6) Provides the intern or resident supervision at a minimum ratio of one (1) hour for every ten (10) hours of training experience;

(7) Supervision is provided by certified, licensed, or certifiable professional psychologists at least seventy-five (75) percent of the time;

(8) Stands as a coherent program clearly recognizable within an institution or agency as well as in pertinent public official documents issued by the institution or agency as a training program for professional psychologists;

(9) Identifies interns or residents as being in training and not as staff;

(10) Has an identifiable professional psychology training staff; and

(11) The internship or residency is an integrated, conceptually-organized entity, not an after-the-fact tabulation of experience. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5302, 74-5314, 74-5344; effective May 1, 1982.)

102-1-2. Therapeutic relations. (a) Active therapeutic treatment, or the therapeutic relationship shall be terminated by:

(1) The mutual consent of both parties;

(2) The completion of treatment;

(3) The dismissal of the psychologist; or

(4) The transfer of the client to another professional for active treatment, with acknowledgment that continuation of treatment will occur.

(b) The assessment or expert consultation of a client by a psychologist for a third party, for purposes of diagnoses and assessment alone shall not be considered a therapeutic relationship. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982.)

(continued)

102-1-3. Applications. (a) The board shall not give a tentative judgment on an applicant's eligibility for certification until all credentials and procedures are complete.

(b) The board may, for lack of qualification, table an application, not to exceed one (1) year. Beyond one (1) year, the application expires, and a new application and new application fee shall be required of all such applicants.

(c) Applications which have been tabled for further study shall be reviewed before every board meeting by the psychology examining committee to determine whether needed information has been obtained to permit final action of the board.

(d) *Transcripts from outside the United States.* All applicants who are graduates of colleges and universities from outside the United States, shall submit their official transcripts, an officially translated english copy of those transcripts, supporting documents, and if deemed necessary, the dissertation itself. The board shall evaluate the applicant's education, supervision, and training for purposes of establishing equivalency of these programs to graduate programs in psychology in Kansas, before processing the application materials. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5314, 74-5317; effective May 1, 1982).

102-1-4. Examinations. (a) Applicants for certification by the board shall take an examination. The pass criterion score shall be set at seventy-five (75) percent correct.

(b) The usual and customary examination shall be a written examination. Under exceptional circumstances a written examination may be waived and an oral examination procedure substituted. Exceptional circumstances shall include:

(1) When a certificate has been revoked or suspended the board may waive repeating of the written examination and use an oral examination procedure for re-certification; and

(2) When an applicant is unable to complete or take the written examination due to physical handicap(s) of a permanent nature that preclude completion of the written examination, the board may waive the written examination and use an oral examination procedure.

(c) For purposes of conducting oral examinations, the board may contract either collectively or individually with a panel of certified psychologists to conduct the oral examination, and recommend to the board, applicants who have passed the examination at or above the board's approved standard for passing.

(d) An oral examination shall be given only once a year to any applicant.

(e) Evaluation of oral examinations shall include the following:

(1) Effectiveness and clarity of expression;

(2) The applicant's knowledge of skills in the area in which he or she considers himself or herself competent to offer psychological services;

(3) The applicant's knowledge and awareness of ethical issues and problems in his or her professional service and for psychologists in general;

(4) The applicant's knowledge in general psychology; and

(5) The applicant's plans for evaluating, updating, and extending knowledge, skills, and services in their area of emphasis.

(f) All oral examinations shall be recorded verbatim.

(g) The board shall review the recommendation of the oral examining panel, review verbatim recordings when necessary, and make final decisions regarding passage or failure of the applicant.

(h) *Waiver of examination.* An applicant who successfully passed the written portion of the examination at a level equal to the criterion pass score or who has five (5) years of post-doctoral experience satisfactory to the board may be exempt from taking the written examination. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, 74-5311, 74-7507; effective May 1, 1982.)

102-1-5. Professional endorsements and supervision. (a) As part of the application process the board shall require that each applicant submit the names of four (4) psychologists who can attest to the applicant's previous supervised experience, previous and current professional work, and compliance with the ethical standards. The attesting psychologists shall be certified, or be eligible for certification in Kansas, and shall be able to attest to the applicant's previous experience. The applicant shall submit the name of at least one (1) psychologist who is able to attest to the applicant's post-doctoral experience. The board may request the submission of additional names of psychologists if the board deems it necessary. The attesting psychologist shall use forms supplied by the board. References from professionals other than psychologists may be accepted but only as an additional factor, and shall not meet the qualifications of subsection (a). Members of the board can serve as endorsers only if they supervised the applicant.

(b) The board shall recognize supervised professional experience only for professional practice in an organized public or private agency, institution or organization which provided the applicant an opportunity for contact with other disciplines, and an opportunity to utilize a variety of theories and work with a broad range of populations and techniques. Pre-doctoral internship or residency, assistantships, associations, personal therapy, or involvement in practicum shall not constitute "professional experience". In addition, the following conditions and circumstances shall be present:

(1) The applicant shall have been directly supervised by and under the guidance of a psychologist certified or certifiable under the laws of the State of Kansas who has had two (2) years experience beyond his or her certification date or eligibility date in the emphasis area for which the supervision was given;

(2) The applicant shall have been supervised in the practice of psychology appropriate to the applicant's educational background and to the area of emphasis in which the applicant intends to offer services to the public and the applicant shall not substitute teaching experience in lieu of actual applied experience;

(3) The supervising psychologist shall have provided a minimum of one (1) hour of individual supervision for every forty (40) hours of professional experience of the applicant;

(4) The supervisor shall be available to the supervisee at the point of decision making regarding diagnosis and treatment of clients or patients. The supervisor's relationship with the supervisee shall be clearly dif-

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ferentiated from that of consultant, who may be called in at the discretion of the consultee, and who has none of the legal, administrative or professional accountability for the services performed or for the welfare of the client or patient; and

(5) The supervisor shall not have a familial relationship with the applicant.

(c) The board shall require submission of information by the supervisors which will enable it to evaluate and credit the extent and quality of the candidate's supervised practice.

(d) The supervised practice time during which the supervisee has received an unsatisfactory rating from the supervisor shall not be credited toward the required supervised practice hours as required by K.S.A. 74-5310. Professional experience shall comply with:

(1) Professional experience gained before the completion of all academic requirements for the doctoral degree in psychology shall not fulfill requirements for certification as prescribed in K.S.A. 74-5310; and

(2) Professional experiences which are part of the required preparation for the Ph.D. degree shall be applicable only to the "doctoral degree requirements" and shall not be simultaneously offered to satisfy the "experience" requirement.

(e) Professional experience required of the applicant between the time the applicant fulfilled all of the requirements for his or her terminal degree and the time of the actual conferral of the degree may be credited towards the experience requirements for licensing, provided that the date of completion of all degree requirements is verified in writing by a responsible academic or administrative official, and provided other requirements necessary for professional experience are met. (Authorized by K.S.A. 74-5314; implementing K.S.A. 74-5314, 74-5317; effective May 1, 1982.)

102-1-6. Certification action by the board. (a) The board may certify an applicant when the applicant has met all qualifications for certification.

(b) It shall take a majority vote of the board to certify an applicant.

(c) If there is a conflict of interest, a member of the board shall disqualify himself or herself from voting. This disqualification shall not affect the existence of a quorum.

(d) Certification action by the board shall be reported in the board minutes with a listing of the relevant sections of the law under which the candidate qualified. If the board denies an application, the reasons for the denial shall be reported.

(e) A denied applicant shall be informed in writing of the reasons for the applicant's denial and of the applicant's right to a hearing. Action of the board shall be considered completed when the notification has been received by the applicant. The applicant may request a hearing or reconsideration of his or her application by submitting a written statement detailing the basis for the hearing or reconsideration with the executive secretary within thirty (30) days of receipt of the notification. The applicant shall submit additional material in his or her request for reconsideration. If a request for a hearing or reconsideration is not made within the thirty (30) day period, the application shall expire. Upon final denial by the board, the applicant may appeal to the district court within thirty (30) days

of the board's decision. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982.)

102-1-7. Certificates. (a) Those who met standards for certification as provided by the laws of the state of Kansas shall receive a certificate appropriate for display and a wallet size card with the same information as on the certificate.

(b) An area of emphasis in psychology shall not be listed on certificates issued by the board. However, the board shall list one (1) or two (2) emphasis areas in which the psychologist has demonstrated competence in the annual directory. Demonstration of competence shall be by appropriate training as evidenced by official university transcripts, or letters from appropriate university program directors, or satisfactory performance in the area of the examination pertaining to the emphasis areas claimed by the psychologist.

(c) In the case of a revocation of certificate, the holder shall be informed of the board's action by certified mail, and the board shall require return of the certificate to it within thirty (30) days. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, 74-5322, 74-5333; effective May 1, 1982.)

102-1-8. Renewal. Certified psychologists shall renew their certification every other year by submitting a renewal form to the executive secretary together with the renewal fee as required by K.S.A. 74-5318. At the time of renewal, additions or changes in previously claimed areas of emphasis may be made. (Authorized by and implementing K.S.A. 74-5314, 74-5318; effective May 1, 1982.)

102-1-9. Reciprocity. The board shall not grant reciprocity to any applicant on the basis of a license or certification which was granted without examination by another jurisdiction. (Authorized by and implementing K.S.A. 74-5315, 74-5316; effective May 1, 1982.)

102-1-10. Wrongful actions and moral character. (a) If the board finds a certified psychologist guilty of a wrongful action or a lack of good moral character, the board may revoke or suspend the psychologist's certification.

(b) The following acts shall be evidence of wrongful actions or lack of good moral character:

(1) Knowingly engaging in fraudulent or misleading advertising;

(2) Practicing of psychology in an incompetent manner;

(3) Misrepresenting professional competency by offering to perform services that are clearly unwarranted on the basis of education, training, or experience;

(4) Performing professional services inconsistent with training, education, or experience;

(5) Conviction of a crime resulting from or relating to the licensee's professional practice of psychology;

(6) Reporting distorted, erroneous, or misleading psychological information;

(7) Taking credit for work not personally performed;

(8) Practicing of psychology while under the influence of alcoholic beverages or using drugs in an abusive manner;

(9) Failing to obtain written, informed consent from the client(s) or patient(s) or client(s)' or patient(s)' legal representative(s) before electronically recording ses-

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sions with the client or patient, or in releasing information to a third party concerning a client or patient without consent;

(10) Indulging in sexual intimacies with their clients, their patients, or their students;

(11) Failure to provide clients or patients a description of what the client or patient may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(12) Failing to provide clients or patients a description of possible effects of proposed treatment when there are clear and established risks to the client or patient;

(13) Failing to inform the client or patient of any financial interests that might accrue to the certified psychologists for referral to any other service or for the use of any tests, books, or apparatus;

(14) Refusing upon request, to advise the board of the nature of the area of emphasis included within the practice of the certified psychologist;

(15) Refusing upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against an applicant or a psychologist certified by the board. Persons taking longer than thirty (30) days to provide requested information will have the burden of demonstrating that they have acted in a timely manner;

(16) Impersonating another person holding a certificate issued by this board;

(17) Knowingly allowing another person to use one's certificate;

(18) Failing to notify the board of having a license, certificate, permit, or registration granted by this or any other state for the practice of psychology or school psychology, limited, restricted, suspended or revoked, or having been subject to other disciplinary action by a licensing or certifying authority or professional association;

(19) Failing to inform the client or patient that the client or patient is entitled to the same services from the public agency if the certified psychologist is employed by that public agency and also offers his or her services privately;

(20) Exercising undue influence on the client or patient including the promotion of the sales of services, goods, appliances, or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party;

(21) Directly or indirectly offering, giving, soliciting, or receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a client or patient or in connection with the performance of professional services;

(22) Permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or consultant authorized to practice the same profession;

(23) Making claims of professional superiority which cannot be substantiated by the certified psychologist;

(24) Abandoning or neglecting a client or patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, or abandoning a group practice, hospital clinic or other health care facility, without reasonable notice and under circumstances which

seriously impair the delivery of professional care to clients or patients;

(25) Failing to maintain a record for each client or patient which accurately reflects the client or patient contact with the practitioner. Unless otherwise provided by law, all client or patient records shall be retained for at least two (2) years;

(26) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a certified psychologist;

(27) Failing to notify the board of a practitioner, or teacher of psychology who in the judgment of the certified psychologist is practicing or teaching psychology in violation of the laws or rules regulating psychology;

(28) Guaranteeing that satisfaction or a cure shall result from the performance of professional services; or

(29) Ordering excessive tests, treatment, or use of treatment facilities not warranted by the condition of the client or patient; or

(30) Claiming or using any secret or special method of treatment or diagnostic technique which the certified psychologist refuses to divulge to the board. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982.)

102-1-11. Supervision of uncertified assistants. (a) To utilize uncertified assistants for psychological services, the certified psychologist shall:

(1) Provide direct and continuing administrative and professional direction to the uncertified assistant;

(2) Be vested with administrative control over the functioning of uncertified assistants to maintain ultimate responsibility for the welfare of every client or patient;

(3) Have sufficient contact with all clients or patients in order to plan effective and appropriate service and define procedures. They shall also be available for emergency consultation and intervention;

(4) Provide the uncertified assistant work assignments which are commensurate with the skills of that assistant;

(5) Plan all procedures to be used by the uncertified assistant, with the assistant;

(6) Provide space for uncertified assistants in the same physical setting as themselves, unless otherwise approved and authorized by the board;

(7) Make all public announcement of fees and services, and contact with the public or professionals;

(8) Set and collect all fees;

(9) Countersign all requests for payments for services performed by the uncertified assistant and by so doing a psychologist shall be deemed to have established a supervisory relationship pursuant to this section;

(10) Have not more than three (3) full-time uncertified assistants in his or her employ, if the certified psychologist is in independent practice;

(11) Establish and maintain a level of supervisory contact sufficient to insure the welfare of clients or patients seen by the uncertified assistant;

(12) Notify the board within sixty (60) days of those individuals who are serving as uncertified assistants, and this notification shall include the name and the nature and level of training of each uncertified assistant; and

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(13) Be responsible for all psychological services performed by the uncertified assistant, and be solely responsible for interpretation of psychological assessments on all patients or clients.

(b) An ongoing record of supervision shall be maintained which details the type of activities in which the uncertified assistant is engaged, and the level of competence in each. (Authorized by and implementing K.S.A. 74-5314, 74-5344; effective May 1, 1982.)

102-1-12. Educational requirements. In order for a doctor's degree to comply with the requirement that the person has received a doctor's degree based on a program of studies primarily psychological in content from an educational institution having a graduate program with standards consistent with those of the state universities of Kansas or substantial equivalence of that program, the board shall take into consideration the following factors: (a) Whether the training is in psychology in a doctoral training program of studies offered by an institution of higher education which is regionally accredited by an accrediting agency which is substantially equivalent to those accrediting agencies which accredit the universities in Kansas;

(b) Whether the program, wherever it is administratively housed, is clearly identified and labeled as a psychology program and is clearly specified in pertinent institutional catalogs as having its intent to educate and train professional psychologists;

(c) Whether the psychology program stands as a recognized, coherent organizational entity within the university and that university itself offers doctorate degrees in a variety of subjects substantially equivalent to those offered in Kansas universities;

(d) Whether there is clear authority and primary responsibility within the program for the core and emphasis area of psychology;

(e) Whether the program is an organized sequence of study planned by those responsible for the training program to provide an integrated educational experience appropriate to the professional practice of psychology;

(f) Whether there is an identifiable psychology faculty, a psychologist responsible for the program, and whether the student's major advisor is in the psychology faculty;

(g) Whether the program shall have an identifiable body of students who are matriculated in that psychology program for a degree with residency requirements equal to or greater than those requirements at the state universities in Kansas;

(h) Whether the program includes practicum, internship, field or laboratory training appropriate to the practice of psychology;

(i) Whether the curriculum encompasses a minimum of three (3) academic years of full-time graduate study, including at least one (1) continuous academic year of full-time residency at the university at which the degree is granted;

(j) Whether the program requires each student to demonstrate competency by letter grade which indicates varying degrees of mastery in each of the following substantive content areas which shall be met by including a minimum of three (3) or more graduate semester hours or five (5) or more graduate quarter hours in each of the following four (4) core substantive areas:

(1) The biological basis of behavior which includes physiological psychology, comparative psychology, neuro-psychology, sensation and perception, psychopharmacology;

(2) The cognitive-affective basis of behavior which includes learning, thinking, motivation, emotion;

(3) The social basis of behavior which includes social psychology, group processes, organizational and systems theory; and

(4) The individual differences which include personality theory, human development, abnormal psychology.

(k) Whether the training program includes at least ninety (90) hours of formal graduate study in the psychology program in which the applicant shows satisfactory achievement as demonstrated by letter grade which indicates varying degrees of mastery on the transcript. The applicant shall have successfully completed sixty (60) semester hours of graduate study in the psychology program distributed among the four (4) core areas as set forth in subsection j and in the following five (5) areas:

(1) scientific and professional ethics and standards;

(2) research design and methodology;

(3) statistics;

(4) psychometrics;

(5) history and systems.

(l) If at least sixty (60) semester hours of the course work for the doctoral program are clearly designated on the university transcript as graduate level courses in the psychology program, exclusive of practicum, internship and dissertation credits, and with the number of university extension credits being not more than ten (10) semester hours. The sixty (60) semester hour credits shall be taken during the period in which the applicant is matriculated in the doctoral program. The doctoral program shall include examination and letter grading which indicates varying degrees of mastery procedures designed to evaluate the degree of mastery of the subject matter by the student;

(m) Whether the course work includes the skill courses appropriate for the applicant's major or area of emphasis. These courses shall constitute thirty (30) semester hours of the total ninety (90) semester hours graduate program in psychology;

(n) Whether the major emphasis of the doctoral program is in an applied area such as clinical psychology, counseling psychology, school psychology, or industrial-organizational psychology, then the training shall also include a set of coordinated practicum and internship training exercises which total at least two (2) semesters in the practicum setting in addition to the one (1) year of internship. The supervised training in the application of skills related to areas of emphasis such as psychological assessment and interventional procedures may include counseling and psychotherapy, behavior modification, and consultation, and shall be performed in an organized setting necessary to qualify for professional experiences as required by K.A.R. 102-1-5;

(o) Whether the program requires, before internship training, completion of that program's prerequisite internship training and requires for an emphasis area, prior training and course work in a relevant area;

(p) Whether the program includes principles of pro-

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fessional ethics in regard to both the use of assessment and intervention techniques and with regard to the confidentiality of interviews and records and, in addition, ethical principles such as those pertaining to research with human subjects, the obligations to parents and the institutions; and

(q) Whether the program advertises in official documents such as course catalogues and announcements of program description standards and admission requirements that are in part or in full based on objective, standardized achievement tests and measures which are equal to or greater than those at the state universities of Kansas;

(r) Whether the program includes ongoing objective review and evaluation of student learning and progress and reports this in the form of letter grades on the official transcript;

(s) Whether the program includes objective comprehensive examination in general psychology and the area of emphasis in psychology shall be passed before the awarding of the doctoral degree;

(t) Whether there is an identified full-time salaried faculty of at least four (4) professional psychologists who meet tenure standards of the university;

(u) Whether there is a requirement of all students to initiate, prepare, conduct, and report original research as part of the graduation requirements;

(v) Whether the institution offering the graduate program in psychology shall have available equipment and resources, including suitable scientific and practicum facilities, and shall maintain a library, each of these adequate for the size of the student body and the scope of the program offered substantially equivalent to the state universities of Kansas; and

(w) The substantial equivalency of a doctoral degree shall not be obtained in other than an academic setting. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982.)

102-1-13. Fees. Psychology certification fees shall be: (a) Application, one hundred (100) dollars;

(b) Renewal, one hundred (100) dollars;

(c) Examination, eighty-two (82) dollars and fifty (50) cents;

(d) Late renewal penalty, one (1) dollar for each thirty (30) days of delay beyond July 1;

(e) Temporary, fifteen (15) dollars; or

(f) Reinstatement, one hundred (100) dollars. (Authorized by and implementing K.S.A. 74-5310, 74-5311, 74-5316, 74-5319, 74-5320, 74-5339; effective May 1, 1982.)

102-1-14. Psychological group service. Agencies, associations, or other groups providing psychological services shall include the name(s) on the psychological reports, insurance forms of the certified psychologist performing the services, or in the yellow page heading under the agency's association or group name. (Authorized by K.S.A. 74-7507, implementing K.S.A. 74-5302, effective May 1, 1982.)

Article 2.—LICENSING OF SOCIAL WORKERS

102-2-1. Definitions. (a) "Continuing education" shall mean seminars, self-directed learning projects, workshops, credit courses in colleges, universities, and staff development activities of agencies which are oriented towards the enhancement of social work prac-

tice, values, skills and knowledge, including cross-disciplinary offerings which are significantly related to the enhancement of social work practice, values, skills and knowledge.

(b) "Private, independent practice of social work" shall mean the provision of social work services by a social work practitioner working as a self-employed person.

(c) "LBSW" shall mean licensed baccalaureate social worker.

(d) "LMSW" shall mean licensed master social worker.

(e) "LS-SW" shall mean licensed specialist (name of specialty) social worker.

(f) "Executive secretary" shall mean executive secretary to the behavioral sciences regulatory board.

(g) "Practicum" shall mean supervised experience wherein a student applies classroom theory to actual practice situations.

(h) "Prior approved continuing education" shall mean material that has been submitted by a sponsor to the board and approved by the board, and assigned a continuing education number, academic social work courses taken for credit or audited, or material offered by a board approved sponsor.

(i) "Retroactively approved continuing education" shall mean material submitted for continuing education credit by the licensee after attending workshop, conference, seminar, or other offering that is reviewed and subsequently approved by the board.

(j) "Social work practice specialty" shall be that post-masters degree practice with emphasis upon specific identifiable field of practice and methods of helping for which the individual has received a minimum of post-masters degree supervision in that practice specialty from one licensed in, or qualified for licensure in, that specialty as established by the board.

(k) "Clinical specialist" shall mean a person who has a masters or doctors degree in social work, with required supervision, and has passed the examination approved for this purpose. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982.)

102-2-2. Application for licensure. (a) Three (3) written references for the social work license are required to provide proof that the applicant meets the requirements for professional conduct and competence as required under the social worker licensing act. Two (2) of these references shall be from social workers at the applicant's level of licensure or above. The references shall be familiar with the applicant's work. One (1) of the references shall be from the academic social work supervisor if the applicant is a current graduate. For all others, one (1) reference shall be from the current supervisor. Request for application forms shall be forwarded to the executive secretary. The type of license requested shall be specified. The application shall be submitted to the executive secretary together with the following:

(1) Academic social work transcripts or proof of receipt of the degree and completion of a social work program; and

(2) The full amount of the fee.

(b) If the applicant meets minimum academic requirements as set forth in K.S.A. 75-5351 for the license desired, a temporary permit may be granted.

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(Authorized by K.S.A.74-7507; implementing K.S.A. 1981 Supp. 75-5351, 75-5354; effective May 1, 1982.)

102-2-3. Fees. Social work licensing fees shall be:

(a) Application:

(1) Licensed baccalaureate social worker (LBSW), fifty (50) dollars;

(2) Licensed master social work (LMSW), fifty (50) dollars; or

(3) Licensed specialist clinical social worker (LSCSW), fifty (50) dollars.

(b) Renewal:

(1) Licensed associate social worker (LASW), fifty (50) dollars;

(2) Licensed baccalaureate social worker (LBSW), fifty (50) dollars;

(3) Licensed master social worker (LMSW), fifty (50) dollars; or

(4) Licensed specialist clinical social worker (LSCSW), fifty (50) dollars.

(c) Examination fees shall be fifty (50) dollars. (Authorized by and implementing K.S.A. 1981 Supp. 75-5359; effective May 1, 1982.)

102-2-4. Continuing education. (a) Applicants for license renewal with a four (4) year license shall have earned one hundred twenty (120) clock hours of documented and approved continuing education.

(b) Applicants for license renewal with a two (2) year license shall have earned sixty (60) clock hours of documented and approved continuing education for each and every renewal period.

(c) One academic credit hour shall be equivalent to fifteen (15) clock hours for the purpose of license renewal. Credit for auditing shall be for actual clock hours attended, not to exceed the academic credit. Clock hour credit shall be the actual number of hours during which instruction was given.

(d) In order to qualify as a continuing education course for licensing, the courses shall be approved and given hourly credits by the board.

(e) Acceptable continuing education shall include:

(1) Academic social work courses taken for credit or audited;

(2) Seminars, institutes, workshops, or mini-courses oriented to the enhancement of social work practice, values, skills and knowledge;

(3) Cross-disciplinary offerings from medicine, law, and the behavioral sciences if they are clearly related to the enhancement of social work practice, values, and skills and knowledge;

(4) Social work related academic courses in mental health, administration, health and social research, psychology, sociology, human growth and development, child and family development, counseling guidance, and other courses specifically approved by the board;

(5) A maximum of ten (10) clock hours may be given for the first time preparation of a new course, inservice training workshop or seminar which is related to the enhancement of social work practice values, skills and knowledge; or

(6) A maximum of ten (10) clock hours credit may be given for the preparation by the author or authors of a professional social work paper published for the first time in a recognized professional journal or given for the first time at a statewide or national professional meeting.

(f) The individual social worker shall be responsible for maintaining his or her own continuing education records. These records may be required to be submitted to the board by the licensee before the license renewal.

(g) To be eligible for certification by the board, approved continuing education sponsors shall be individuals, groups, professional associations, schools, institutions, organizations, and agencies which are recognized and established professionally as having expertise in the content areas they offer and are in accordance with the rules and regulations. The board shall take into consideration the following:

(1) The social work practice skill to be enhanced by this offering;

(2) The type of clientele to be served;

(3) The new skill, behavior, or understanding to be realized from the subject matter;

(4) The program format and methodology to be employed;

(5) The purpose or reason for presenting the content;

(6) The content;

(7) Dates session is to be given; and

(8) The agenda.

(h) Any material not submitted in this format thirty (30) days before the scheduled date of presentation may be returned. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982.)

102-2-5. Documentation for continuing education. The board shall consider the following as acceptable documentation for completion of continuing education for social workers: (a) A course grade for credit course;

(b) A signed statement of hours attended for audited courses;

(c) A signed statement of attendance from the instructor or sponsor of the institute, symposium, workshop, or seminar;

(d) A copy of the paper and verification of publication or presentation at a professional meeting. These shall be submitted to the board for evaluation and certification of the number of hours of credit to be allowed;

(e) A copy of the course syllabus and verification that the course was presented; or

(f) The letter from the board approving requests for retroactive continuing education credit. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982.)

102-2-6. Program approval. The board shall prepare and keep up to date a list of accredited undergraduate and graduate social work programs but a program shall not be approved without the formal action of the board. If a school deemed not to have social work education standards acceptable to the board seeks board approval, the school may at its own expense undergo an eligibility study approved by the board which may be submitted as evidence of acceptable standards. Approved programs shall be in substantial compliance with the following standards. (a) The following standards shall apply to both graduate and undergraduate social work education programs approved by the board:

(1) The program shall have a curriculum plan which

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has been or will be fully implemented during the current academic year;

(2) The program shall have graduated a class of students, or will graduate a class of students during the current academic year;

(3) The social work program shall have autonomy in areas including an identified budget, established governance and administrative structure, responsibility for participation in personnel recruitment, retention, promotion and tenure decision, support staff assigned to the program, and other resources and authority required for the achievement of specified program objectives;

(4) The program shall have a practicum, which is clearly designed as a learning experience based on an explicit curriculum plan;

(5) There shall be a clear plan for the organization, implementation, and evaluation of the class and field curriculum;

(6) The program shall have social work faculty advisors who are fully knowledgeable about the social work program to advise social work students;

(7) The program's policies and practices shall make explicit the criteria for evaluation of student academic and field performance; and

(8) The program's policies and practices shall include procedures for the termination of student continuation in the professional social work degree program and students shall be informed of these termination procedures.

(b) In addition to the standards of subsection (a) of this regulation, the following standards shall apply to all undergraduate social work education programs approved by the board:

(1) The program shall be part of an education institution, institutionally accredited to award the baccalaureate degree;

(2) The institution shall indicate on its transcript or other permanent institutional record that a student has completed the program preparing for beginning social work practice, limiting this certification to students who have successfully completed the program in its entirety;

(3) The program shall specify that its primary educational objective is preparation for beginning professional social work practice;

(4) The institution shall identify and describe the program in its catalog, and in any reference to accreditation shall specify the educational level for which accreditation has been received;

(5) The program shall have a designated director whose educational credentials include either a baccalaureate degree in social work, plus an advanced degree in social work or a master's degree in social work, and shall hold a full-time appointment in the educational institution;

(6) Program faculty members who teach the content on social work methods and coordinate field practicum instruction shall hold a masters' degree or other advanced degrees in social work and shall have had two (2) years or more of professional social work practice experience and shall be qualified for licensure to practice social work in the state of Kansas;

(7) Responsibility of the core of full-time faculty in essential program functions shall include the regular design, modification, approval, implementation, and evaluation of the program curriculum and educational

policies, systematic and continuous evaluation of program results in view of the specified objectives of the program, teaching of practice and other social work courses, field coordination and instruction, and achievement of program integrity and visibility;

(8) The program director shall have primary responsibility for the coordination and educational leadership of the program, with the time and financial resources needed to fulfill those responsibilities; and

(9) The program shall have a minimum of two (2) full-time faculty members whose primary assignment is to the program.

(c) In addition to the standards of subsection (a) of this regulation, the following standards shall apply to all graduate social work education programs approved by the board:

(1) The program shall be an integral part of an educational institution, institutionally accredited to award the master's degree;

(2) The program shall specify that it prepares for advanced entry into social work practice;

(3) The program shall specify in any reference to accreditation the educational level for which accreditation has been received;

(4) The program shall have a chief executive officer whose educational credentials include a master's degree in social work, or a doctorate from a program in social work or social welfare, with a full-time appointment in social work education and shall have academic and practice experience; however, this standard shall be applicable only to appointments made subsequent to adoption of this regulation;

(5) The graduate program shall offer as one among many program designs, a program design of two (2) full-time academic years of professional education, including a practicum, leading to the master's degree. A minimum of one (1) academic year of the program shall be in full-time status, as defined by the educational institution;

(6) Program faculty members who teach the content on social work methods and coordinate field practicum instruction shall hold a master's degree or other advanced degrees in social work and shall have had two (2) years or more of professional social work practice experience, and shall be qualified for licensure to practice social work in the state of Kansas;

(7) The program faculty shall have responsibility in matters of curriculum including design, modification, approval, implementation, and systematic, continuous evaluation of the program;

(8) The faculty shall be responsible for educational policy in matters of admission, advising, retention, and graduation of students; and

(9) The faculty shall be responsible for continuous and systematic guidance of students through the professional educational program.

(d) Upon request of the board each school shall present documentation to the board that it has satisfactorily met the standards of subsections (a), (b), and (c).

(e) Evidence of standards substantially equivalent to other universities in Kansas offering board approved graduate or undergraduate social work education.

(f) If a graduate or undergraduate social work education program does not meet board approved standards,

(continued)

such programs may, at their own expense, undergo an eligibility study approved by the board, which may be submitted as evidence that the program meets board standards. (Authorized by K.S.A. 74-7507; implementing K.S.A. 1981 Supp. 75-5351; effective May 1, 1982.)

102-2-7. Code of professional responsibility. Members of the social work profession shall maintain at least the minimum level of conduct prescribed herein or shall be subject to disciplinary action pursuant to K.S.A. 74-7507. A social worker shall: (a) Not make a materially false statement in, or intentionally fail to disclose a material fact requested in connection with his or her application for licensure;

(b) Not further the application for licensure of another person known by him or her to be unqualified in respect to character, education, or other relevant attributes;

(c) Endeavor to assist in humane and non-discriminatory treatment toward all persons or groups of persons;

(d) When providing a client with access to his or her record, take due care to protect the confidences of other persons contained in that record;

(e) Not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;

(f) Not engage in sexual activities with his or her clients;

(g) Not reveal a confidence or secret of his or her client, except as required by law, after obtaining the client's consent after full disclosure, or if necessary to defend himself or herself, or employee, or associates against an accusation of wrongful conduct made by that client;

(h) Not use a confidence or secret of a client to the disadvantage of the client;

(i) Not use a confidence or secret of a client for the advantage of himself or herself or a third person, unless the client consents after full disclosure;

(j) Advise and explain to clients their joint rights, responsibilities, and duties in the social work relationship;

(k) Terminate service to clients when it is apparent that the service no longer serves the clients' needs;

(l) When he or she anticipates the termination or interruption of service to the client, notify the client promptly and seek the continuation of service in relation to the client's needs;

(m) Obtain, after full disclosure of the purpose, consent of clients before taping, or permitting third party observation of their activities;

(n) Exercise due diligence in protecting the confidences and secrets of a client from disclosure by employees, associates, and others whose services are utilized by the social worker;

(o) Not solicit the clients of colleagues, nor shall the social worker assume professional responsibility for the clients of another agency of a colleague without appropriate communication with that agency or colleague;

(p) Maintain the confidences shared by colleagues in the course of their professional relationships and transactions;

(q) If engaged in research he or she shall consider carefully the possible consequences for human beings, protecting the participant from unwarranted physical and mental harm, ascertaining that the consent of the

participant is voluntary and informed and treating information obtained as confidential;

(r) Not pay or give a valuable consideration or gratuity of any kind to another person, persons, or agency, in return for recommending a client;

(s) Not permit any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or consultant; or

(t) Not render professional services while intoxicated or under the influence of narcotics, hallucinogenic or other drugs having a similar effect, or while using any drug in an abusive manner. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982.)

BEHAVIORAL SCIENCES REGULATORY BOARD

Doc. No. 000215

SENATE CONCURRENT RESOLUTION No. 1647

A CONCURRENT RESOLUTION revoking K.A.R. 95-1-1 through 95-30-11, relating to seed certification.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 95-1-1 through 95-30-11 are hereby revoked.

Be it further resolved: That this concurrent resolution shall become effective on May 1, 1982.

Adopted by the Senate February 24, 1982.

Adopted by the House April 1, 1982.

State of Kansas

**PERMANENT ADMINISTRATIVE
REGULATIONS****NOTICE**

The following are permanent administrative regulations which were adopted by a state agency pursuant to K.S.A. 1981 Supp. 77-415 *et seq.* These regulations are effective May 1, 1982, subject to any action by the Kansas Legislature to modify or revoke them. Any such legislative action to date is also reported here.

**DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES****ADMINISTRATIVE REGULATIONS**

The full text of the following administrative regulations have not been published because of their length and the expense of publication. Copies of the full text may be obtained by contacting Legal Division, State Department of Social and Rehabilitation Services, 6th Floor, State Office Building, Topeka, Kansas 66612, (913) 296-3969.

**SUMMARY OF ADMINISTRATIVE REGULATIONS
ADOPTED BY THE SECRETARY OF
SOCIAL AND REHABILITATION SERVICES
AT OPEN MEETINGS HELD ON DECEMBER
1, 1981 AND DECEMBER 8, 1981 TO BECOME
EFFECTIVE MAY 1, 1982****A. Public Assistance Program**

1. 30-4-39. **Responsibilities of applicants and recipients**—This regulation is being amended to delete reference to the filing of a current eligibility status report and transfer the material to 30-4-55.
2. 30-4-41. **Assistance planning**—This regulation is being amended to:
 - a. Delete the requirement of the essential person having to meet a separate needs test.
 - b. Delete the explanation regarding the income of legally and nonlegally responsible persons in the household as this is addressed in 30-4-111.
3. 30-4-55. **Cooperation**—This regulation is being amended to include the timely filing of the monthly status form. The form shall not be untimely filed if received on or before the 10th of the month.
4. 30-4-56. **Assignment or transfer of property**—This regulation is being amended to:
 - a. Reflect ineligibility when an applicant transfers property without adequate consideration or for the purpose of becoming eligible for assistance within a two (2) year period preceding the filing of an application if the value of the property is twelve thousand dollars (\$12,000) or less and for a five (5) year period preceding the filing of an application if the value of the property exceeds twelve thousand dollars (\$12,000).
 - b. Presume in cases in which adequate consider-

ation was not received that the transfer was for the purpose of establishing eligibility unless the person furnishes convincing evidence that the transfer was exclusively for another purpose.

- c. Restrict the maximum period of ineligibility to two (2) years when the uncompensated value of the disposed resource is twelve thousand dollars (\$12,000) or less and to five (5) years when the uncompensated value exceeds twelve thousand dollars (\$12,000).
5. 30-4-57. **Employment registration requirements**—This regulation is being amended to:
 - a. Make technical corrections to comply with the new federal definition of "dependent children".
 - b. Broaden the category of persons who may establish the presence of an incapacity to those persons who are licensed by the Board of Healing Arts.
 - c. Redefine the work registration exemption for a person who is taking care of a child under the age of six years to exempt a parent or other relative who is personally providing care for a child under six years of age with only brief and infrequent absences from the child.
 - d. Exclude one parent on ADC-UP cases from work registration when the nonexempt principal wage earner is registered, and remove all gender related language from the definition.
 - e. Delete the exemption from work registration due to participation in educational courses or training pursuant to an approved service plan.
 - f. Delete the procedural requirements related to optional and mandatory vocational rehabilitation referrals for incapacitated persons from this section.
 - g. Provide that persons who are employed full time are exempt from work registration. Full time is defined as employed 30 hours or more per week.
 6. 30-4-59. **Strikes**—This regulation is being amended to render the individual and all persons in the assistance plan ineligible for assistance when a legally responsible caretaker relative or GA adult participates in a strike.
 7. 30-4-72. **ADC child**—This regulation is being amended to:
 - a. Restrict the definition of an ADC eligible unborn child to one whose mother has been medically verified to be at least six months pregnant.
 - b. Limit a child's ADC eligibility to one who is under eighteen (18) years, or under nineteen (19) and a full time student in a secondary or vocational school who may reasonably be expected to complete the program prior to his or her nineteenth (19th) birthday.
 - c. Delete the references to regular and half-time attendance.
 8. 30-4-73. **Deprivation in ADC**—This regulation is being amended to:

(continued)

- a. Expand the definition of who can establish incapacity for an applicant or recipient to include those persons licensed by the Board of Healing Arts.
 - b. Restrict unemployed parent status to the adult who is the principal wage earner and define the principal wage earner as the parent who earned the greater amount of income in the 24 months immediately preceding the application.
9. 30-4-74. **Persons whose needs shall be considered with the needs of the ADC child**—This regulation is being amended to delete the essential person descriptions since these are contained in 30-4-41 and 30-4-75.
 10. 30-4-75. **ADC work incentive program registration requirements**—This regulation is being amended to:
 - a. Require essential persons to register for WIN unless exempted.
 - b. Make technical corrections to comply with the new federal definition of "dependent children".
 - c. Redefine the WIN exemption for a person who is taking care of a child under the age of six years to exempt a parent or other relative who is personally providing care for a child under six years of age with only brief and infrequent absences from the child.
 - d. Exclude one parent on ADC-UP cases from WIN registration when the nonexempt principal wage earner is registered, and removes all gender related language from the definition.
 - e. Exempt persons who are employed full time. Full time is defined as 30 hours per week.
 11. 30-4-80. **Eligibility factors specific to the ADC-FC program**—This regulation is being amended to adopt the age and school requirements as set forth in the previous amendment to 30-4-72.
 12. 30-4-85. **Eligibility factors specific to the EA program**—This regulation is being amended to restrict EA eligibility to one (1) period of thirty (30) consecutive days in any twelve (12) consecutive months.
 13. 30-4-90. **Eligibility factors specific to the GA program**—This regulation is being amended to adopt a provision whereby there is ineligibility if the applicant or recipient fails to authorize the department to file for and claim reimbursement from the social security administration for the amount of GA provided the individual pending a determination of eligibility under the supplemental security income program. The amount of reimbursement will be subtracted from the first benefit payment submitted to the department. This change is in accordance with a recent agreement with the Secretary of Health and Human Services.
 14. 30-4-95. **Eligibility factors specific to the GA-FC program**—This regulation is being amended to require that a child over the age of 18 be a full time student in a secondary school or in the equivalent level of vocational or technical training.
 15. 30-4-101. **Standards for persons in own or other family home**—This regulation is being amended to:
 - a. Remove the \$4.00 standard for unborn children.
 - b. Reflect a two and one-half percent (2½%) increase in the basic standards and shelter standards.
 16. 30-4-102. **Standards for persons in room, board, specialized living or care**—This regulation is being amended to reflect a five percent (5%) increase in the foster family care daily rates.
 17. 30-4-106. **General rules for consideration of resources including real property, personal property, and income**—This regulation is being amended to:
 - a. Substitute the term "real estate brokers" for the term "real estate dealers".
 - b. Require the use of averages to determine market value when obtaining estimates (in lieu of taking the lesser estimate).
 - c. Delete reference to the National Automobile Dealer's Association (NADA) car guide.
 - d. Include the stepparent's income in determination of a minor child's eligibility when they are living together.
 - e. Require that the resources of an alien sponsor be considered in determination of eligibility.
 18. 30-4-108. **Real property**—This regulation is being amended to delete the burial plot exemption and the grace period for the disposal of real property.
 19. 30-4-109. **Personal property**—This regulation is being amended to:
 - a. Restrict the vehicle exemption to one with an equity value in an amount not to exceed \$1,500.
 - b. Delete the exemption of readily accessible cash assets on hand which do not exceed one (1) month's budgetary need for recipients.
 - c. Revise the material related to exempted property to exempt any tools in use (in lieu of just those related to the upkeep of home or garden).
 - d. Delete the exemption of income producing equipment with an annual adjusted gross income equaling 40% of the gross market value.
 - e. Delete the provision allowing for assistance for one (1) month pending liquidation of excess personal property.
 - f. Delete the exemption of the cash surrender value of any life insurance.
 20. 30-4-110. **Income**—This regulation is being amended to:
 - a. Expand the definition of earned income to include the earned income tax credit (EITC).
 - b. Provide that there is ineligibility for assistance in any month in which the family's gross income from wages or adjusted gross income from self-employment without application of

(continued)

- any disregards (except those of the stepparent) exceeds 150% of budgetary standards.
- c. Define a lump sum as a nonrecurring payment and establish a period of ineligibility when the lump sum plus other income exceeds budgetary need.
 - d. Expand the use of prospective budgeting to include a determination of ongoing eligibility. If a person is prospectively eligible, then the grant amount is to be determined retrospectively beginning with the third consecutive month of assistance.
 - e. Exempt from use in the grant computation for the third consecutive month, any income received in the second prior month that was not of a continuous nature.
 - f. Provide that the cash shall be suspended and medical assistance shall continue when there is prospective eligibility, but no payment issued due to retrospective budgeting.
 - g. Eliminate the hardship provision.
21. 30-4-111. **Applicable income**—This regulation is being amended to:
- a. Determine countable earned income by adding gross income from wages or adjusted gross income from self-employment and the EITC; less a \$75 work expense for the full time employed (30 hours or more per week) and \$50 for persons employed less than full time; less dependent care costs as paid not to exceed \$160 per child on the assistance plan if the person is employed full time and \$110 for a person with part time employment.
 - b. Provide that no disregards or deductions will be allowed when the recipient has failed to meet (without good cause) eligibility requirements related to potential employment and when the client fails to return the monthly report form timely.
 - c. Restrict the ADC 30 and $\frac{1}{3}$ earned income disregard to four (4) consecutive months and specify that the disregard will not be reinstated for persons who have received if for four (4) consecutive months until there has been twelve (12) consecutive months without assistance.
 - d. Provide that the income of the stepparent in the home and not on the plan, less \$75 if full time employed and \$50 if employed less than full time; less the budgetary standard for the stepparent and any dependents not on the assistance plan; less amounts paid to dependents outside the household; less any money paid by the stepparent as alimony or child support, shall be counted as applicable income.
 - e. Require counting the gross income (without disregards) plus the EITC of a legally responsible person who is in the home and not on the assistance plan.
 - f. Attribute a sponsor's income to the alien.
22. 30-4-112. **Income exempt from consideration as income and as a cash asset**—This regulation is being amended to:
- a. Delete the exemption of social security benefits for full time students between the ages of 18 and 21.
 - b. Delete the exemption of income of a child or student in determining eligibility under the 150% rule.
 - c. Delete the provision allowing income of a recipient child to be conserved for future identifiable needs.
23. 30-4-113. **Income exempt as applicable income**—This regulation is being amended to redefine when the earned income of a child will not be counted in determining budgetary deficit. The earned income of a recipient child will be exempt if the child is under the age of eighteen (18) years and a full time student or a part time student and who is not a full time employee, or a child who is eighteen (18) years of age and a full time student.
24. 30-4-120. **Special allowances for recipients of ADC, ADC-FC, GA and GA-FC**—This regulation is being amended to delete the existing special allowance for education and training.
25. 30-4-121. **Special allowances for funeral and cemetery expenses**—This regulation is being amended to: 1) reduce the allowance for oversized caskets from \$650 to \$600; 2) reduce the maximum for cemetery expenses from \$200 to \$150; and 3) reduce the maximum for funeral expenses and transportation costs outside of the trade area from \$650 to \$600.
26. 30-4-140. **Payment amounts**—This regulation is being amended to:
- a. Eliminate cash payments to persons eligible for less than ten dollars (\$10) but provide continuation of their recipient status.
 - b. Remove the twelve (12) months limitation for underpayments and for the recovery of administrative and nonwillful overpayments.
 - c. Delete the grant reduction restrictions previously placed upon nonwillful overpayments and provide that the assistance payment shall not be reduced below an amount which, when added to liquid resources and total earned income with no disregard or exemptions and nonexempt unearned income is less than 90% of the budgetary requirement in ADC. GA cases may still be reduced to not less than 80% of the budgetary requirements based on grant amount, liquid resources, and gross income.
- B. **Medicaid (Medical Assistance) Program—Provider Participation, Scope of Services, Payment**
1. 30-5-58. **Definitions**—This regulation is being amended to:
 - a. Delete the following terms: agency, ancillary services, homebound, mental retardation and related conditions, non-PSRO hospital, PSRO, psychiatric nursing care, skilled nursing care, and straight-line method.
 - b. Clarify the definition of the term "activities of daily living" to include those basic activities necessary for daily self-care.
 - c. Add the term "comparable outpatient service"

(continued)

- to the list of definitions. The term means any service that is provided in a physician's office or ambulatory surgery center.
- d. Clarify the term "day treatment" to indicate that psychiatric day treatment must include at least two treatment modalities in addition to medical and pharmaceutical services.
 - e. Clarify the term "emergency admission" to indicate that the diagnosis was one that required immediate admission.
 - f. Clarify the definition of the term "medical supplies" to include supplies provided in certain institutional settings.
 - g. Clarify the definition of the term "out-of-state providers" to indicate that the 50 mile limit is not applicable to adult care homes, community mental health centers, and alcohol and drug programs.
 - h. Clarify the term "psychiatric partial hospitalization".
 - i. Define the term "primary diagnosis" as the primary diagnosis at time of discharge.
2. 30-5-65. Denial of medical claims—This regulation is being amended to allow denied claims to be resubmitted within twelve (12) months from the date of service.
 3. 30-5-69. Volume purchase and negotiated contracts for medical services—Technical amendments.
 4. 30-5-70. Recipient eligibility for the payment of specific medical expenses—This regulation is being amended to:
 - a. Delete the material related to limiting the scope of services to be provided to general assistance medical determined eligible recipients.
 - b. Restrict covered services for general assistance recipients (with exclusion of foster care children) to outpatient services. This proposal would exclude inpatient hospital and adult care home services.
 - c. Allow the department to pay health maintenance organization premiums on behalf of eligible program recipients.
 - d. Require that out-of-state durable medical equipment and medical supply providers who provide services in the state must have a provider service representative located in the state.
 5. 30-5-71. Co-pay requirements—Technical amendments.
 6. 30-5-81. Scope of hospital services—This regulation is being amended to:
 - a. Reimburse laboratory services provided on admission only if the services are specifically ordered by a physician.
 - b. Delete all references to PSRO's.
 - c. Transfer the decision making responsibilities in former PSRO hospitals to the utilization review committees of such hospitals or elsewhere as authorized by the department.
 - d. Delete the specific length of day limitations for psychiatric services, substance abuse treatment for acute detoxification, and special programs for drug and alcohol treatment.
 7. The basis of reimbursement for hospital services.
 - e. Cut off payment for lengths of stay in excess of the 50th percentile.
 - f. Require medical necessity documentation for certain surgical, diagnostic and related services provided on an inpatient basis.
 - g. Delete the requirement that sixty (60) days elapse between discharge and the next admission for the same diagnosis.
 - h. Require that psychotherapy be directed by a psychiatrist.
 - i. Revise the material concerning length of stay to indicate that the percentile limitations will be based on the primary diagnosis and as appropriate on the secondary diagnosis at the time of discharge.
- (a) Regulations affected:
- 30-5-81a. Participation in the hospital rate review program. (New Regulation)
 - 30-5-81b. The basis of reimbursement for hospital services. (Amended)
 - 30-5-81c. Definitions. (Amended)
 - 30-5-81d. Hospital rate review program advisory committee. (Amended)
 - 30-5-81f. Hospital peer groupings. (Amended)
 - 30-5-81g. Rate review; procedure "A". (Amended)
 - 30-5-81h. Rate review; procedure "B". (Amended)
 - 30-5-81i. Rate review; procedure "C". (Amended)
 - 30-5-81k. Criteria for review. (Amended)
 - 30-5-81l. Payment limits; procedure "E". (Amended)
 - 30-5-81o. Fiscal year end adjustment. (Amended)
- (b) Summary of Proposed Revisions (excluding technical changes not affecting policy)
- Reimbursement for comparable outpatient services in general hospitals will be limited to the lesser of customary charges or what reimbursement would have been if the service had been provided in an ambulatory surgery center.
- General hospitals with a program income of \$200,000 or more per state fiscal year (for two consecutive years) will be required to participate in the department's hospital rate review program. Participation of other general hospitals in the rate review program is optional.
- The department will continue to conduct an operational review of the rate review program until June 30, 1983 and make any necessary changes as indicated by the review.
- Reimbursement for those general hospitals required (or opting) to participate in the rate review program will continue under the current methodology until July 1, 1983 at which time the pros-

(continued)

pective rate reimbursement system will be phased into operation (start of hospital's fiscal year) for such hospitals.

Reimbursement for those general hospitals who have a program income of less than \$200,000 per state fiscal year and who have not opted to participate in the department's rate review program will continue under the current methodology.

The role of the advisory committee has been expanded to include a review concerning all aspects of the rate review program's operation.

The advisory committee will now choose the consumer representative and the vice chair. Previously these were selected by the Secretary.

Decisions of the advisory committee will now be by majority vote of the full committee rather than a majority of the members present.

An alternate will now be appointed for each member of the rate review program advisory committee. The appointment criteria for alternates will be the same as for members. An alternate will have to meet the same qualifications, be selected in the same manner, and serve the same term as the member for whom he or she was serving as an alternate. Alternates will be allowed to participate in committee deliberations but will not be able to cast a vote unless the member for whom he or she was serving as an alternate were absent. Finally, an alternate attending a committee meeting will be paid a subsistence allowance and mileage only if the member for whom he or she was serving as an alternate were not in attendance at the meeting for which compensation was being requested.

The department will annually publish a peer group listing during the month of July. A peer group assignment will only be reviewed if a review is requested by a hospital within the calendar year in which the listing is initially published. The peer group listing will become effective on July 1 following its publication and remain in effect for the balance of the state fiscal year.

The "medium" income criteria related to hospital peer groupings has been corrected to read "median" income.

Emergency and delivery rooms will be excluded from charge comparisons to determine the payment limit.

All review percentiles will be raised by five percent (5%).

8. 30-5-84a. **Reimbursement for alternate services to inpatient care**—This regulation is being amended to make reimbursement for day treatment services subject to the provisions of 30-5-86a.

9. 30-5-86. **Scope of services by community mental health centers**—This regulation is being amended to:

- a. Transfer the material concerning free-standing psychiatric hospitals to 30-5-109.
- b. Delete the reference to partial hospitalization for alcohol and drug abuse programs.

10. 30-5-86a. **Reimbursement for community mental**

health centers—This regulation is being amended to:

- a. Limit reimbursement to the highest fee charged a private patient.
- b. Maintain payment rates at current levels.
- c. Add specific information related to reimbursement for day treatment and partial hospitalization. The revised language is set forth below.

"Facilities shall maintain separate accounting records for day treatment programs as a separate cost center of the total program.

(1) Depreciation expense shall be allowed on furniture, fixtures, equipment, and other assets with an estimated useful life in excess of one (1) year, costing in excess of three hundred dollars (\$300), and which are used or are directly applicable to the day treatment or partial hospitalization program. Depreciation expense on assets shared with other programs shall be claimed on the cost report of the parent organization and prorated to the satellite programs.

(2) Rates for the first year of a new day treatment or partial hospitalization program shall be computed from projected costs for a twelve (12) month period. Historical costs may be used as a basis for a projection. Retroactive adjustment shall be made at the end of the first year after audit of historical cost data for the projection period. Settlement of the retroactive adjustment shall be at the highest fee charged to private patients, or reasonable costs, whichever is less. Providers shall file, at least by the end of six (6) months of operation, cost statements for the first year. Rates shall be adjusted to avoid overpayment in excess of one thousand dollars (\$1,000).

(3) Rates for second and subsequent years shall be computed from historical cost data for the provider's projection or fiscal year immediately preceding the new rate period. Retroactive adjustments shall not be made."

11. 30-5-87. **Scope of early and periodic screening, diagnosis, and treatment (EPSDT)**—This regulation is being amended to clarify current policies requiring that individuals three years of age or older be referred for a dental examination upon request.

12. 30-5-88. **Scope of physician services**—This regulation is being amended to:

- a. Exclude reimbursement to certain designated procedures if done on an inpatient basis unless medical necessity is documented.
- b. Clarify that physicians involved in performing the same procedure may bill for the portion of the procedure for which they were responsible.

13. 30-5-89. **Scope of home health services**—This regulation is being amended to:

- a. Clarify the current policy that appliance rental is a covered service and is limited to those necessary in the course of providing home health services.

(continued)

- b. Clarify that to be eligible for home health services a recipient must be homebound or would require institutionalization in an acute care hospital or adult care home if such services were not provided.
14. 30-5-90a. **Reimbursement for substance abuse services**—This regulation is being amended to:
- Clarify that reimbursement for outpatient treatment will be made according to methods established and limitations set forth for the provider group providing the services.
 - Make reimbursement for day treatment services subject to the provisions of 30-5-86a.
15. 30-5-104. **Scope of psychologist services**—This regulation is being amended to:
- Delete coverage for psychological services provided in a hospital.
 - Clarify that outpatient visits will not exceed an average of three hours of individual or three hours of group therapy or any combination thereof per month unless appropriate documentation has been provided.
 - Refer to the Behavioral Science Regulatory Board as the certification agency for psychologists.
16. 30-5-107. **Scope of non-ambulance medical transportation services**—This regulation is being amended to limit transportation to trips that are 50 miles one-way, for services that are alternatives to institutional care, or to receive EPSDT services.
17. 30-5-109. **Scope of services in free-standing psychiatric facilities (new regulation)**—The material set forth in this new regulation was previously contained in 30-5-86.
21. 30-5-109a. **Reimbursement for free-standing psychiatric facilities (new regulation)**—The material set forth in this new regulation was previously contained in 30-5-86a.
- C. Medicaid (Medical Assistance) Program—Client Eligibility**
- 30-6-34. **Program**—This regulation is being amended to delete the “GA medical determined eligibles” group from the listing of MA programs.
 - 30-6-41. **Assistance planning**—This regulation is being amended to delete the explanation regarding the income of legally and nonlegally responsible persons in the household as this is addressed in 30-6-111.
 - 30-6-50. **Determined eligibles; general eligibility factors**—This regulation is being amended to delete any reference to the “GA medical determined eligibles” group.
 - 30-6-53. **Financial need**—This regulation is being amended to allow the medical expenses of legally responsible non-recipients in the family group to reduce the spenddown.
 - 30-6-56. **Assignment or transfer of property**—This regulation is being amended to:
 - Reflect ineligibility when an applicant transfers property without adequate consideration or for the purpose of becoming eligible for assistance within a two (2) year period preceding the filing of an application if the value of the property is twelve thousand dollars (\$12,000) or less and for a five (5) year period preceding the filing of an application if the value of the property exceeds twelve thousand dollars (\$12,000).
 - Presume in cases in which adequate consideration was not received that the transfer was for the purpose of establishing eligibility unless the person furnishes convincing evidence that the transfer was exclusively for another purpose.
 - Restrict the maximum period of ineligibility to two (2) years when the uncompensated value of the disposed resource is twelve thousand dollars (\$12,000) or less and to five (5) years when the uncompensated value exceeds twelve thousand dollars (\$12,000).
6. 30-6-57. **Employment registration requirements**—This regulation is being amended to:
- Make technical corrections to comply with the new federal definition of “dependent children”.
 - Broaden the category of persons who may establish the presence of an incapacity to those persons who are licensed by the Board of Healing Arts.
 - Redefine the work registration exemption for a person who is taking care of a child under the age of six years to exempt a parent or other relative who is personally providing care for a child under six years of age with only brief and infrequent absences from the child.
 - Exclude one parent on ADC-UP cases from work registration when the nonexempt principal wage earner is registered, and removes all gender related language from the definition.
 - Delete the exemption from work registration due to participation in educational courses or training pursuant to an approved service plan.
 - Delete the procedural requirements related to optional and mandatory vocational rehabilitation referrals for incapacitated persons.
 - Provide that persons who are employed full time are exempt from work registration. Full time is defined as employed 30 hours or more per week.
 - Delete reference to the “GA medical determined eligibles” group.
7. 30-6-58. **Potential employment**—This regulation is being amended to delete reference to the “GA medical determined eligibles” group.
8. 30-6-59. **Strikes**—This regulation is being amended to:
- Render the individual and all persons in the assistance plan ineligible for assistance when a legally responsible caretaker relative participates in a strike.
 - Delete reference to the “GA medical determined eligibles” group.

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9. 30-6-65. **Automatic eligibles**—This regulation is being amended to delete the requirement that automatic eligibility in adoption support cases be terminated when the decree of adoption is entered.
10. 30-6-70. **Medicaid (title XIX) determined eligibles; eligibility factors specific to aid to dependent children (ADC)**—This regulation is being amended to reference 30-6-73 as an applicable eligibility requirement. This is a technical change and does not constitute a change in policy.
11. 30-6-72. **ADC child**—This regulation is being amended to:
 - a. Limit a child's ADC eligibility to one who is under eighteen (18) years, or under nineteen (19) and a full time student in a secondary or vocational school who may reasonably be expected to complete the program prior to his or her nineteenth (19th) birthday.
 - b. Delete reference to regular and half-time attendance.
12. 30-6-73. **Deprivation in ADC**—This regulation is being amended to:
 - a. Expand the definition of who can establish incapacity for an applicant or recipient to include those persons licensed by the Board of Healing Arts.
 - b. Restrict unemployed parent status to the adult who is the principal wage earner and define the principal wage earner as the parent who earned the greater amount of income in the 24 months immediately preceding the application.
13. 30-6-80. **Medicaid (title XIX) determined eligibles; eligibility factors specific to children in foster care (FFP-FC)**—This regulation is being amended to require that a child over the age of 17 be a full time student in a secondary school or in the equivalent level of vocational or technical training.
14. 30-6-90. **GA medical determined eligibles—eligibility factors specific to general assistance (GA)**—This regulation is being revoked.
15. 30-6-95. **Medical assistance (non-title XIX) determined eligibles; eligibility factors specific to non-title XIX foster care (non-FFP-FC)**—This regulation is being amended to:
 - a. Require that a child over the age of 17 be a full time student in a secondary school or in the equivalent level of vocational or technical training.
 - b. Delete the special provision that allowed for meeting the medical needs of a child in the home of a legally responsible relative.
16. 30-6-100. **Determined eligibles—protected income levels for GA medical (excluding non-FFP-FC and combined assistance plans in which at least one (1) person is eligible for title XIX)**—This regulation is being revoked.
17. 30-6-103. **Determined eligibles; protected income levels for medicaid and non-FFP-FC determined eligibles**—This regulation is being amended to:
 - a. Delete the protected income level for a seven (7) person assistance plan from the table as the July 1, 1981 increase in public assistance standards resulted in the public assistance cash standards exceeding the stated MA protected income levels for that size assistance plan.
 - b. Delete the provision requiring proration of the protected income levels when a medical assistance group is living with recipients of cash assistance.
 - c. Provide a protected income level for assistance plans that include the needs of legally responsible persons in the family group who are not in the medical assistance plan.
18. 30-6-105. **Determined eligibles; resources**—This regulation is being amended to delete reference to the "GA determined eligibles" group and to non-FFP persons in combined assistance plans in which at least one (1) person is eligible for Title XIX.
19. 30-6-106. **General rules for consideration of resource including real property, personal property, and income**—This regulation is being amended to:
 - a. Substitute the term "real estate brokers" for the term "real estate dealers".
 - b. Require the use of averages to determine market value when obtaining estimates (in lieu of taking the lesser estimate).
 - c. Delete reference to the National Automobile Dealer's Association (NADA) car guide.
 - d. Include the stepparent's income in determination of a minor child's eligibility when they are living together.
 - e. Require that the resources of an alien sponsor be considered in determination of eligibility.
20. 30-6-107. **Property exemption; title XIX and medical assistance related to non-FFP-FC**—This regulation is being amended to delete reference to the "GA determined eligibles" group and to non-FFP persons in combined assistance plans in which at least one (1) person is eligible for Title XIX.
21. 30-6-108. **Real property**—This regulation is being amended to:
 - a. Delete the exemption of one burial plot.
 - b. Expand the exemption of the equity value in income producing real property not exceeding \$6,000 if the net annual return is at least 6% of the equity to allow for considering the combination of real and non-cash asset personal property under this provision. This exemption is now restricted to MA related to AABD (SSI).
 - c. Adopt the restriction of 40 acres related to the exemption of the home for MA related to ADC.
 - d. Delete the provision allowing for the continuing of assistance pending liquidation of other real property.
 - e. Delete reference to the "GA determined eligibles" group and to non-FFP persons in com-

(continued)

- combined assistance plans in which at least one (1) person is eligible for Title XIX.
22. 30-6-109. **Personal property**—This regulation is being amended to:
- Restrict the vehicle exemption for MA related to ADC to one with an equity value in an amount not to exceed \$1,500.
 - Delete the exemption of readily accessible cash assets on hand which do not exceed one (1) month's budgetary need for recipients.
 - Revise the material related to exempted property to exempt any tools in use (in lieu of just those related to the upkeep of home or garden).
 - Delete the exemption of income producing equipment that generates an annual adjusted gross income equaling 40% of the gross market value.
 - Allow the exemption of income producing non-cash asset personal property which combined with any equity in income producing real property that does not exceed \$6,000 if the net annual return is at least 6% of the equity.
 - Delete the exemption of the cash surrender value of life insurance for MA related to ADC.
 - Delete reference to the "GA determined eligibles" group and to non-FFP persons in combined assistance plans in which at least one (1) person is eligible for Title XIX.
23. 30-6-110. **Income**—This regulation is being amended to expand the definition of earned income to include the earned income tax credit (EITC).
24. 30-6-111. **Applicable income**—This regulation is being amended to determine applicable income for MA related to ADC as follows:
- Determine countable earned income by adding gross income from wages or adjusted gross income from self-employment and the EITC; less a \$75 work expense for the full time employed (30 hours or more per week) and \$50 for persons employed less than full time; less dependent care costs as paid not to exceed \$160 per child on the assistance plan if the person is employed full time and \$110 for a person with part time employment.
 - Provide that the income of the stepparent in the home and not on the plan, less \$75 if full time employed and \$50 if employed less than full time; less the budgetary standard for the stepparent and any dependents outside the household; less any money paid by the stepparent as alimony or child support, shall be counted as applicable income.
 - Require counting the gross income (without disregards) plus the EITC of a legally responsible person who is in the home and not on the assistance plan.
 - Attribute a sponsor's income to the alien.
25. 30-6-112. **Income exempt from consideration as income and as a cash asset**—This regulation is being amended to:
- Delete the provision allowing income of a recipient child to be conserved for future identifiable needs.
 - Delete the exemption of social security benefits for full time students between the ages of 18 and 21.
26. 30-6-113. **Income exempt as applicable income**—This regulation is being amended to:
- Redefine when the earned income of a child will not be counted in determining budgetary deficit, The earned income of a recipient child will be exempt if the child is under the age of eighteen (18) years and a full time student or a part time student and who is not a full time employee, or a child who is eighteen (18) years of age and a full time student.
 - Delete the provision that exempts as income any income that has already been considered in determining eligibility and payment in the ADC program.
- D. Complaints, Appeals and Fair Hearings**
- 30-7-55. **Continuation of assistance**—This regulation is being amended to allow the department to terminate assistance prior to an initial decision of a hearing officer being rendered if the request for a fair hearing concerns a discontinued program or service.
- E. Adult Care Home Program**
- The material set forth in 30-10-1 through 30-10-11 is being reformatted.
 - 30-10-1. **Procedures for participation in the adult care home program**—This regulation is being revoked and the material previously set forth in same transferred to three new regulations: 30-10-1b through 30-10-1d.

The revised index of regulations is as follows:

 - 30-10-1a. Adult care home program definitions.
 - 30-10-1b. Adult care home facilities.
 - 30-10-1c. Provider agreement.
 - 30-10-1d. Inadequate care.
 - 30-10-1a. **Adult care home program definitions** (new regulation—This new regulation sets forth material previously contained in 30-10-1 through 30-10-11.
 - The only substantive change in the above-mentioned revisions is set forth below:
 - 30-10-1b. **Adult care home facilities**—The material related to facilities has been expanded to include intermediate care facilities for the mentally ill.
 - 30-10-7. **Certification and recertification by physicians**—This regulation is being amended to revise the material related to recertification to allow same by physician extenders and require that recertifications be in accordance with 42 CFR 456, subpart F.
 - 30-10-11. **Personal needs fund**—This regulation is being amended to revise the material

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related to personal needs funds to require that the monies in such funds must be kept within the state.

d. 30-10-12. **Reimbursement**—This regulation is being amended to:

- (1) Delete the proposed changes in regard to the use of projected cost reports.
- (2) Add the following limitation or rates for intermediate care facilities for the mentally ill: The payment rate shall not exceed the rate(s) charged in the adult care home for comparable services for patients or residents not under the medicaid (medical assistance) program.
- (3) Allow the use of a projected cost report if a facility builds a new addition which increases its bed capacity by more than 33%.
- (4) Increase the maximum reimbursement for physician services in regard to utilization reviews to \$55.00 per hour.

e. 30-10-13. **Prospective reasonable cost related reimbursement**—This regulation is being amended to:

- (1) Require that adult care home providers be certified for the same number of beds for which they are licensed.
- (2) Revise the material related to gains on disposal of assets to indicate that the product of the gain on the sale multiplied by the ratio of depreciation charged while participating in the medicaid (medical assistance) program to the total depreciation charged since the date of acquisition will be used to reduce allowable costs (unless the provider is otherwise exempted).

F. Community Based Group Boarding Homes for Children and Youth

1. 30-11-6. **Scope of rules and regulations**—This regulation is being revoked.

2. 30-11-7. **Principles to be considered in approval of application for grant-in-aid**—This regulation is being revoked.

3. 30-11-8. **Standards related to program, organization and personnel**—This regulation is being revoked.

G. Services for the Blind

1. The administrative regulations set forth in Article 12 are being revoked and replaced with reformatted regulations. There is no fiscal impact because of such revocations and re-promulgations.

The revised index of regulations is as follows:

- 30-12-16. Definitions
- 30-12-17. Scope of services.
- 30-12-18. Advice and consultation services.
- 30-12-19. Information and referral services.
- 30-12-20. Medical care.
- 30-12-21. Rehabilitation teacher.
- 30-12-22. Vocational rehabilitation services.

2. The only substantive changes in the above-mentioned revisions are set forth below:

a. 30-12-20. **Medical care**—The material concerning medical care is being amended to in-

clude the policies concerning the department's participation in the cost of same.

b. 30-12-22. **Vocational rehabilitation services**—The material concerning VR services is being amended to include the policies concerning the department's participation in the cost of same.

H. Vending Facilities Operated by the Division of Services for the Blind

1. The administrative regulations set forth in Article 13 are being revoked and replaced with reformatted regulations. There is no fiscal impact because of such revocations and re-promulgations.

The revised index of regulations is as follows:

- 30-13-17. Definitions.
- 30-13-18. Operator license.
- 30-13-19. Licensing requirements.
- 30-13-20. Termination of license.
- 30-13-21. Promotion of operators.
- 30-13-22. Income from vending machines.
- 30-13-23. Title to equipment and stock.
- 30-13-24. Repair and maintenance of equipment.
- 30-13-25. Assessments.
- 30-13-26. Operators income.

2. The only substantive changes in the above-mentioned revisions are set forth below:

- a. 30-13-19. **Licensing requirements;**
30-13-20. **Termination of license.**
The grounds for licensure denial or termination and the procedure for same are being specifically set forth in regulation.
- b. 30-13-25. **Assessment formula**—The assessment formula is being set forth in regulation.

I. Security and Traffic Control for State Institutions Operated by Mental Health and Retardation Services

1. The administrative regulations set forth in Articles 20 and 21 are being revoked and replaced with reformatted regulations (one article). There is no fiscal impact because of such revocations and re-promulgations.

The revised index of regulations is as follows:

- 30-20-4. Appointment of security officers.
- 30-20-5. Badge.
- 30-20-6. Law enforcement assistance.
- 30-20-7. Traffic and parking control.
- 30-20-8. Superintendent responsibilities.
- 30-20-9. Rules of the road.
- 30-20-10. Maximum speed limit.
- 30-20-11. Buses.
- 30-20-12. Maintenance vehicles and equipment.
- 30-20-13. Movement of heavy equipment.
- 30-20-14. Accidents, collisions, fire, or theft.
- 30-20-15. Prohibited acts.
- 30-20-16. Fines.
- 30-20-17. Review by superintendent.
- 30-20-18. Failure to pay fine.
- 30-20-19. Removal of vehicles, bicycles.

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2. The only substantive changes in the above-mentioned revisions are set forth below:
- a. 30-20-7. **Traffic and parking control**—The regulations pertaining to the traffic and parking control will not be applicable if in conflict with city ordinances or state laws effective on state institution grounds.
 - b. 30-20-9. **Rules of the road**—The rules of the road set forth in Chapter 8 of the Kansas Statutes Annotated are being made applicable to state institution grounds unless otherwise posted or in conflict with other provisions of the reformatted material.
 - c. 30-20-10. **Maximum speed limit**—The maximum speed limit will be 25 miles per hour unless otherwise posted.
 - d. 30-20-15. **Prohibited acts**—The list of prohibited acts is being updated.
 - e. 30-20-16. **Fines**—The fine schedule is being updated.
 - f. 30-20-17. **Review by superintendent**—The ticket review process is being formalized.
- J. **Licensing and Certification of Non-Medical Community Based Agencies Providing Services to Handicapped Adults**
1. 30-41-1. **Definitions**—This regulation is being amended to add the term "adult life skills training" to the list of definitions. "Adult life skills training" means services to improve, maintain, or reduce regression of individual personal, social, life skills. The services are provided primarily to developmentally and similarly disabled adults twenty-two (22) years of age or older for periods of less than twenty-four (24) hours per day, five (5) days per week in licensed and approved non-medical, non-residential facilities.
 2. 30-41-2. **Licensing procedures**—This regulation is being amended to provide that the agency may consider (but need not accept) full accreditation by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission on Accreditation of Hospitals, or the Accreditation Council for Mentally Retarded and Other Developmentally Disabled Persons in determining whether an agency meets licensing standards.
 3. 30-41-6. **General administration policies**—This regulation is being revoked and the material previously set forth in same transferred to five new regulations: 30-41-6a through 30-41-6e. The revised index of these regulations is as follows:
 - 30-41-6a. General administration policies.
 - 30-41-6b. Personnel policies.
 - 30-41-6c. Disaster policies.
 - 30-41-6d. Health policies.
 - 30-41-6e. Insurance policies.
 The only substantive change being made in the above-mentioned revisions is set forth below:
 - 30-41-6b. **Personnel policies**—The material concerning staffing ratios is being amended to:
 - a. Revise the staff to client ratio during the time services are being provided from a maximum of ten (10) to one (1) to a maximum of twelve (12) to one (1).

- b. Require that all persons having routine (in lieu of daily) contact with persons being served by an agency to present documentation of freedom from certain diseases or infections.
4. 30-41-7. **Environmental standards**—This regulation is being revoked and the material previously set forth in same transferred to eight new regulations: 30-41-7a through 30-41-7h.
- The revised index of these regulations is as follows:
- 30-41-7a. Environmental standards.
 - 30-41-7b. Buildings, general.
 - 30-41-7c. Adult day care and adult life skills training.
 - 30-41-7d. Adult residential sleeping facilities.
 - 30-41-7e. Adult work activity and adjustment or adult working training and adjustment.
 - 30-41-7f. Adult work evaluation.
 - 30-41-7g. Food service.
 - 30-41-7h. Grounds.
- The only substantive change being made in the above-mentioned revisions is set forth below:
- a. 30-41-7a. **Environmental standards**—The material related to the acceptance of written statements of compliance with environmental requirements from certain groups as evidence that environmental standards have been met has been revised to indicate that the agency may consider (but need not accept) such written statements in determining whether an agency meets environmental standards.
 - b. 30-41-7b. **Buildings, general**—The material concerning ceiling height requirements is being deleted.
 - c. 30-41-7c. **Adult day care and adult life skills training**—Agencies offering adult life skills training will need to have a maximum of forty (40) square feet of floor space for each client, exclusive of space used for office, eating and storage.
 - d. 30-41-7d. **Adult residential sleeping facilities**—The material relating to sleeping areas is being revised to require only a minimum of seventy (70) square feet of free floor space in single rooms and an average of not less than fifty-five (55) square feet per person in rooms accommodating more than one person.
 - e. 30-41-7e. **Adult work activity and adjustment or adult working training and adjustment**—The material relating to floor space is being amended to require only a minimum of forty (40) square feet of floor space for each client.
5. 30-42-2. **Certification procedures**—This regulation is being amended to provide that the agency may consider (but need not accept) full accreditation by the Commission on Accreditation of Rehabilitation Facilities, the Joint Commission on Accreditation of Hospitals, or the Accreditation Council for Mentally Retarded and Other Developmentally Disabled Persons in determining whether an agency meets certification standards.

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6. 30-42-5. Administration—This regulation is being revoked and the material previously set forth in same transferred to seven new regulations: 30-42-5a through 30-42-5g.

The revised index of these regulations is as follows:

- 30-42-5a. Administration.
- 30-42-5b. General administration policies.
- 30-42-5c. Fiscal policies.
- 30-42-5d. Personnel policies.
- 30-42-5e. Client policies.
- 30-42-5f. Client records.
- 30-42-5g. Health policies.

The only substantive change being made in the above-mentioned revisions is set forth below:

30-42-5d. Personnel policies—The material relating to personnel policies is being revised to:

- a. Require that all staff have on-going orientation on agency and facility policies and the current status of clients.
- b. Reduce the minimum clock hours of in-service training necessary for full time personnel from twelve to six hours per year.
- c. Reduce the minimum clock hours of in-service training necessary for staff who work with clients from 24 to 15 hours per year.
- d. Delete the requirement that the direct staff to client ratio be eight clients to one direct services line staff during the time direct services are being provided.
- e. Clarify the material related to first aid to indicate that clock hours for first aid training would be included in the fifteen hours required for staff training and not outside thereof.

Article 18.—Social Work Personnel: 30-18-1 through 30-18-4 revoked, and administration of this function transferred to the Behavioral Sciences Regulatory Board, pursuant to law.

DR. ROBERT C. HARDER

Secretary of Social and Rehabilitation Services

Doc. No. 000251

SENATE CONCURRENT RESOLUTION No. 1659

A CONCURRENT RESOLUTION concerning the department of social and rehabilitation services; modifying Kansas administrative regulations 30-5-70, 30-5-81 and 30-5-81b, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That Kansas administrative regulation 30-5-70, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981, is hereby modified to read as follows:

30-5-70. Recipient eligibility for the payment of specific medical expenses. Program recipients shall be eligible for the payment of specific medical expenses as follows: (a) Payment of medicare (title XVIII) premiums and deductibles and co-insurance amounts for services covered in the medicaid (medical assistance) program. Recipients who are ineligible for program coverage because they have a spenddown shall also be eligible for the payment of the medicare (title XVIII) premium expense. For cash recipients (including SSI) age sixty-five (65) or older, payment of the medicare (title XVIII) premium begins with the month of approval for medicaid (medical assistance), excluding any months of prior eligibility. For recipients under age sixty-five (65) who are eligible for medicare after receiving retirement and

survivors disability insurance for twenty-four (24) consecutive months, payment of the medicare (title XVIII) premium begins with the twenty-fifth month. For all other recipients, payment of the medicare (title XVIII) premium begins with the second month following the month of approval for medicaid (medical assistance), excluding any months of prior eligibility.

(b) Payment of premiums of health maintenance organizations which are approved by the division of medical programs.

(c) Payment of other allowable medical expenses incurred in the current eligibility base period in excess of any co-pay or spenddown requirements. The scope of services to be provided recipients and the payment for same shall be as set forth in articles 5 and 10 of this chapter subject to the following limitations.

(1) The scope of services to be provided to general assistance recipients with the exception of foster care recipients shall exclude inpatient hospital services and adult care home services.

(2) (1) Payment for a particular medical expense shall be denied if it is determined that:

(A) The recipient failed to utilize medical care available through other community resources such as public institutions, veterans administration benefits, and laboratory services available at no charge through the state department of health and environment;

(B) A third party liability for the medical expense has been established and is available;

(C) The recipient fails to make a good faith effort to establish a third party liability for the medical expense or cooperate with the agency in establishing the liability. Payment of a medical expense may be delayed pending the outcome of a determination concerning third party liability;

(D) The expense is not covered or only partially covered by an insurance policy because of a program limitation or exclusion;

(E) The recipient failed to notify the provider of services of the recipient's eligibility in the program; or

(F) Prior authorization was required and not requested. The recipient shall not be charged.

(2) (2) Payment liability for out-of-state services shall be limited to:

(A) Payment on behalf of recipients living near a state border where medical services are normally provided by medical vendors located in the bordering state within fifty (50) miles of the state border;

(B) Emergency services rendered outside the state;

(C) Nonemergency services for which prior approval by the division of medical programs has been given. Authorization from the division of medical programs shall be obtained before making arrangements for the individual to obtain the out-of-state services;

(D) Services provided by independent laboratories;

(E) Services provided in the state by out-of-state durable medical equipment and medical supply providers if there is a provider service representative located in the state; and

(F) Services provided to foster care recipients.

(4) (3) Payment liability for services rendered to a transient shall be limited to those services which if postponed until the person's arrival at his or her place of residence would endanger the person's health.

(5) (4) Payment liability for services rendered to a person who is mandated to receive inpatient treatment for tuberculosis and is not otherwise eligible for participation in the program shall be limited to services related to the treatment.

(6) (5) All claims for payment shall be submitted within six (6) months of the date of service. Submission of a claim to a potential third party resource within the six (6) month period shall meet this requirement. If a provider receives notification from a potential third party resource that the resource shall not pay or shall only partially pay the claim, the provider shall submit the claim to the agency not later than six (6) months from the original date of service or thirty (30) days from receipt of the negative notification, whichever comes later.

(7) (6) The provider of services shall be a participating provider in the program.

(continued)

Be it further resolved: That Kansas administrative regulation 30-5-81, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981, be modified to read as follows:

30-5-81. Scope of hospital services. (a) Hospitals shall be medicare certified.

(b) Outpatient services shall be covered with the following limitations:

(1) Services shall be ordered by an attending physician who is not serving as an emergency room physician, except those related to emergency situations;

(2) Prosthetic devices shall replace all or part of an internal body organ including the replacement of these devices;

(3) Rehabilitative therapies shall be restorative in nature and provided following physical debilitation due to acute physical trauma or physical illness and prescribed by the attending physician; and

(4) Emergency services in the emergency department shall be documented to be medically necessary emergency services.

(b) (c) Inpatient services shall be covered with the following limitations:

(1) Bed, board, and general nursing services shall be in a multiple bed accommodation, except when medically necessary to provide a private room;

(2) Operating room services, including preparatory and post-operative recovery room service, shall be limited to procedures not amendable to outpatient surgery;

(3) Laboratory and radiological services provided on admission shall be specifically ordered by a physician;

(4) Prosthetic devices shall replace all or part of an internal body organ including the replacement of these devices;

(5) Rehabilitative therapies shall be rehabilitative and restorative in nature and provided following physical debilitation due to acute physical trauma or physical illness and prescribed by the attending physician;

(6) Special duty nursing in a hospital under the direction of a physician shall be allowed only when intensive care services are not available;

(7) Inpatient care may be subject to a second medical opinion;

(8) A physician hospital admittance profile, taking into consideration physician specialty and application, shall be kept on all physicians. The agency shall require prior authorization for hospital admission by any physician who, in the judgment of medical consultants, continues to admit patients to the hospital unnecessarily;

(9) Psychotherapy directed by a psychiatrist shall be offered on a daily basis;

(10) Substance abuse treatment services. Inpatient acute care related to substance abuse treatment services shall be limited to those patients who are in need of acute detoxification or in a drug and alcohol treatment program certified by alcohol and drug abuse services and approved by the division of medical programs;

(11) Length of stay for inpatient services. Payment shall be made for a length of stay not to exceed the 50th percentile number of days indicated in the most recent edition of the "professional activity study hospitals" (PAS)—north central region edition, based on the primary diagnosis and as appropriate on secondary diagnosis;

(12) Diagnostic radiological or laboratory examination claims, upon request, shall include a written, recorded interpretation by a physician;

(13) The occasional participation of two (2) or more physicians in the performance of one (1) procedure shall be recognized. Each physician involved shall submit his or her usual charge only for that portion of the procedure for which he or she is actually responsible;

(14) Therapeutic and diagnostic surgical, and related services that can be performed on an outpatient basis shall not be reimbursed on an inpatient basis unless medical necessity is documented;

(15) Reimbursement shall not be made for elective inpatient admissions from 12:00 a.m. (midnight) Thursday through 11:59 p.m. Saturday. Urgent, emergency, and obstetrical admissions during this period shall be reimbursable. Any procedure

which can be completed within a twenty-four (24) hour period shall be excluded from the non-admissions policy of Thursday midnight through 11:59 pm. Saturday;

(15) Inpatient services shall be subject to a utilization review to determine medical necessity at the time of admission and on a continued stay basis. Utilization review of all inpatient services shall be conducted by the hospital unless exempted by the division of medical programs. Utilization reviews conducted by a hospital or qualified contractor may be subject to further review by the division of medical programs;

(16) Subject to the provisions of paragraph (17), the covered length of stay for any diagnosis shall not exceed the 50th percentile number of days indicated in the most recent edition of the "professional activity study hospitals" (PAS)—north central region edition, based on the primary diagnosis and as appropriate on secondary or multiple diagnosis, except as set forth below:

(A) Hospital stays shall be covered beyond the 50th percentile if an attending physician documents and the hospital utilization review committee approves that the extended length of stay is medically necessary;

(B) Hospital stays shall be covered beyond the 75th percentile if a hospital utilization review committee documents that the extended length of stay is medically necessary and the documentation is submitted with the claim;

(C) Psychiatric services in an acute general hospital shall be limited to twenty-one (21) days per admission unless an extended length of stay has been authorized by the division of medical programs prior to the twenty-second day;

(D) Acute detoxification services shall not exceed eight (8) days; and

(E) Substance abuse treatment services shall not exceed thirty (30) days; and

(17) If the secretary determines in any reporting period that the projected days of stay will be exhausted prior to the end of any fiscal year, the secretary may restrict the covered length of stay for all diagnosis to the 50th percentile.

(A) The secretary shall consult with interested parties and publish a sixty (60) day notice in the Kansas register prior to the effective date of the reduced coverage.

(B) The reduced coverage shall be effective for the balance of the fiscal year or until the secretary, after consultation with interested parties, determines that the reduced coverage is no longer necessary to stay within the projected days of stay for the remainder of the fiscal year, whichever comes first.

(c) Outpatient services are covered with the following limitations:

(1) Services shall be ordered by an attending physician who is not serving as an emergency room physician;

(2) Prosthetic devices shall replace all or part of an internal body organ including the replacement of these devices;

(3) Rehabilitative therapies shall be restorative in nature and provided following physical debilitation due to acute physical trauma or physical illness and prescribed by the attending physician; and

(4) Emergency services in the emergency department shall be documented to be medically necessary emergency services.

Be it further resolved: That Kansas administrative regulation 30-5-81b, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981, is hereby modified to read as follows:

30-5-81b. The basis of reimbursement for hospital services. (a) General hospitals; inpatient and non-comparable outpatient services.

(1) Before July 1, 1983, or the end of the hospital's fiscal year, whichever is later, a general hospital participating in the rate review program shall be reimbursed the lesser of reasonable costs or customary charges for covered services rendered to program participants; or

(2) After July 1, 1983, or the end of the hospital's fiscal year, whichever is later, a general hospital participating in the rate review program shall be reimbursed on the basis of a prospective rate pursuant to the provisions of K.A.R. 30-5-81c through 30-5-81p for covered services rendered to program participants; or

(continued)

(3) A general hospital not participating in the rate review program shall be reimbursed the lesser of reasonable costs or customary charges for covered services rendered to program participants.

(b) General hospitals; comparable outpatient services. A general hospital shall be reimbursed the lesser of customary charges or what reimbursement would have been if the services were provided in an ambulatory surgery center outside of the hospital for covered services rendered to program participants.

(c) Special hospitals. A special hospital shall be reimbursed the lesser of reasonable costs or customary charges for covered services rendered to program participants.

Be it further resolved: That Kansas administrative regulations 30-5-70, 30-5-81 and 30-5-81b, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1981, shall become effective as modified by this concurrent resolution on May 1, 1982.

Adopted by the Senate April 5, 1982.

Adopted by the House April 8, 1982.

SENATE CONCURRENT RESOLUTION No. 1657

A CONCURRENT RESOLUTION relating to medical record departments of hospitals; modifying K.A.R. 28-34-9.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 28-34-9 is hereby modified to read as follows: 28-34-9. Medical record department.

(a) A medical record shall be maintained for every patient admitted for care in the hospital or who receives services as an outpatient.

(b) Medical records are the property of the hospital. Only authorized personnel shall have access to records.

(c) Medical records shall be maintained in retrievable form for the greater of ten years after the date of last discharge of the patient or one year beyond the date that patients who are minors reach the age of eighteen.

(d) The medical record shall contain sufficient information to justify the diagnosis and warrant the treatment.

(e) The medical record shall contain, when applicable, identification data, chief complaint, present illness, past history, family history, physical examination, provisional diagnosis, clinical laboratory reports, physician's orders, radiological reports, consultations, medical and surgical treatment, tissue reports, progress notes, care given, pertinent observations, final diagnosis, hospital dismissal summary, and autopsy findings.

(f) Each clinical entry shall be signed or initialed by the attending physician who shall be properly identified in the record. Nursing notes and observations shall be signed by a registered nurse or by a licensed practical nurse.

(g) Records of maternity patients shall include history and, when appropriate, identification data; prenatal, labor, delivery, and hospital dismissal information; serological test for syphilis, Rh status; analgesia; and anesthesia.

(h) Records of newborn infants shall be kept and shall contain the physician's signed report on the physical condition of the infant at the time of birth, discharge notes, and other pertinent information.

(i) The hospital shall prepare a properly completed birth certificate on every birth, obtain the attending physician's signature thereon, and forward the certificate to the local registrar of vital statistics.

(j) On or before the fifth day of each month a complete list of births, deaths, and stillbirths occurring in the hospital during the preceding calendar month shall be reported to the state department of health with such information as the department of health requires. (Stillbirth means any complete expulsion or extraction from its mother of a product of human conception the weight of which is in excess of 350 grams, irrespective of the duration of pregnancy, which is not a live birth as defined in this act, K.S.A. 65-2401.)

(k) The hospital shall furnish to the appropriate authority all reasonably available information on deceased patients which is necessary for completion of a proper death certificate.

(l) Completion of the medical record shall be the responsibility of the attending physician.

(m) Statistical data, administrative records, and records of reportable diseases as required by the state department of health shall be maintained and submitted by the hospital to the department as requested.

(n) Adequate space, facilities, and equipment shall be provided for completion and storage of medical records.

(o) Medical records shall be indexed according to diagnosis, operation, and physician.

(p) Qualified personnel adequate to supervise and conduct the department shall be provided. If a professionally qualified registered record librarian is not in charge of medical records, a qualified registered record librarian or accredited record technician, on a consulting basis, shall organize the department, train the regular personnel, and make periodic visits to the hospital to evaluate the records and the operation of the department.

(q) Nothing in these regulations shall be construed to prohibit the use of properly automated medical records or use of other automated techniques, provided the regulations stated herein are met.

Be it further resolved: That K.A.R. 28-34-9 is hereby modified by this concurrent resolution, and shall become effective as modified on May 1, 1982.

Adopted by the Senate April 5, 1982.

Adopted by the House April 7, 1982.

SENATE CONCURRENT RESOLUTION No. 1662

A CONCURRENT RESOLUTION revoking K.A.R. 28-15-25; relating to operation of public water supply systems.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 28-15-25 is hereby revoked.

Adopted by the Senate April 5, 1982.

Adopted by the House April 29, 1982.

SENATE CONCURRENT RESOLUTION No. 1633

A CONCURRENT RESOLUTION concerning examinations given by the Kansas state board of cosmetology and brush-up course licenses; modifying K.A.R. 1981 Supp. 69-1-3 and revoking K.A.R. 1981 Supp. 69-4-13.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 1981 Supp. 69-1-3 is hereby modified to read as follows:

69-1-3. *Subjects covered by written, demonstration and oral examinations.* Written examinations will shall be given in the following subjects: Professional practices, life sciences, physical sciences, hair designing, and business training and laws relating to cosmetology. In addition, such examination may be given on laws relating to cosmetology. Safety measures and oral tests in any or all of the above subjects may be given.

Be it further resolved: That K.A.R. 1981 Supp. 69-4-13 is hereby revoked.

Be it further resolved: That K.A.R. 1981 Supp. 69-1-3 as modified by this concurrent resolution shall become effective as modified on May 1, 1982, and that K.A.R. 1981 Supp. 69-4-13 shall be revoked on May 1, 1982.

Adopted by the Senate April 3, 1982.

Adopted by the House February 11, 1982.

AGENCY 1: DEPARTMENT OF

ADMINISTRATION

Regulation Number	Action	Subject	Register Pages	Regulation Number	Action	Subject	Register Pages
				4-3-2	Amended		241
				4-3-3	Amended		241
				4-3-4	Revoked		241
				4-3-5	Amended		241, 242
				through			
				4-3-7			
1-5-20	Amended	Compensation	603	4-3-11	Amended		242
1-5-24	Amended		603	4-3-12	Amended		242
1-5-28	Amended		603	4-3-15	Amended		242
1-6-16	Amended	Recruiting and Staffing	603	4-3-16	Revoked		242
1-6-25	Amended		603	through			
1-6-26	Amended		603	4-3-18			
1-7-1	Amended	Probationary Period and Employee Evaluation	603	4-3-47	Amended		242
1-9-8	Amended	Hours; Leaves	603	4-3-48	Amended		243
1-9-10	Amended	Hours; Leaves; Employee	603	4-5-1	New	Agricultural Liming Materials	243
1-9-11	Amended	Management Relations	603	through			
1-10-1	Revoked	Guidance and Discipline	603	4-5-3			243
through				4-8-1	Revoked	Noxious Weeds	243
1-10-5				through			
1-10-6	New		603	4-8-12			
1-10-7	New		603	4-8-14	New		243-245
through				through			
1-11-2	Amended	Non-Disciplinary Termination	603	4-8-26			
1-16-15	Amended	Travel Reimbursement	603	4-11-1	Revoked	Eggs	246
1-16-18	Amended	Travel Reimbursement	604	4-11-2	Amended		246
1-16-18a	Amended		604	4-11-3	Amended		246
1-25-1	Revoked	Setoff	604	4-11-5	Revoked		246
through				4-11-10	Revoked		246
1-25-9				through			
1-30-1	New	Employee Suggestion System	604	4-11-13			
through				4-11-14	New		246
1-30-24				4-12-1	Revoked	Pest Control	246
1-31-1	New	Municipal Accounting Section Fees	604	through			
1-51-1	Revoked	Mobile Homes	604	4-12-6			
through				4-16-1	Amended	Meat and Meat Products Inspection	246
1-51-4				4-16-1a	New		248
1-52-1	Revoked	Standards	604	4-16-1b	New		249
1-52-2	Revoked		604	4-16-2	Amended		249
1-53-1	Revoked	Plan Approval	604	4-16-5	Revoked		249
1-53-2	Revoked		604	4-16-8	Revoked		249
1-54-1	Revoked	Inspection Program	604	through			
through				4-16-38			
1-54-5				4-16-40	Revoked		249
1-55-1	Revoked	Seals	604	through			
through				4-16-54			
1-55-6				4-16-55a	Revoked		249, 250
1-56-1	Revoked	Contract Agents and Third Parties	604	through			
through				4-16-98			
1-56-3				4-16-106	Revoked		250
1-57-1	Revoked	Serial Numbers	604	through			
1-58-1	Revoked	Warranties	604	4-16-129			
1-59-1	Revoked	Noncompliance	604	4-16-130	Revoked		250
through				through			
1-59-3				4-16-133			

AGENCY 4: BOARD OF AGRICULTURE

Regulation Number	Action	Subject	Register Pages	Regulation Number	Action	Subject	Register Pages
4-1-1	Revoked	Agricultural Chemicals	239	4-16-135	Amended		250
4-1-2	Amended		239	4-16-141	Amended		253
4-1-3	Revoked		239	4-16-155	Amended		256
4-1-4	Revoked		239	4-16-156	Revoked		257
4-1-5	Amended		239	4-16-170a	New		257
4-1-6	Amended		240	4-16-174a	New		257
4-1-7	Revoked		240	4-16-180	Amended		257
4-1-8	Amended		240	4-16-182	Amended		258
4-1-9	Amended		240	4-16-193a	New		259
4-1-10	Revoked		240	4-16-220	New		259
4-1-11	Amended		240	4-16-233a	New		259
4-1-12	Revoked		240	4-17-1	Revoked	Poultry and Poultry Products Inspection	260
4-1-13	Amended		240	through			
4-1-14	Amended		241	4-17-4			
4-1-15	Revoked		241	4-17-6	Revoked		260
4-1-16	Revoked		241	through			
4-2-7	Revoked	Agricultural Seed	241	4-17-52			
4-2-8	Amended		241				
4-2-12	Revoked		241				
4-2-13	Revoked		241				
4-3-1	Revoked	Commercial Feeding Staffs	241				

AGENCY 7: SECRETARY OF STATE

Regulation Number	Action	Subject	Register Pages
7-29-2	New	Ballots	274
7-30-1	New	Session Laws	274

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AGENCY 9: ANIMAL HEALTH DEPARTMENT

Regulation Number	Action	Subject	Register Pages
9-2-5	Amended	Bovine Brucellosis	212
9-3-4	Amended	Swine Brucellosis	212
9-7-1	Amended	Movement of Livestock into or through Kansas	212, 213
through 9-7-5			
9-7-7	Amended		213
9-10-1	Amended	Public Livestock Markets	213
9-10-2	Amended		213
9-10-24a	Amended		214
9-10-26a	Amended		214
9-12-2	Amended	Swine, Specific Pathogen Free Regulations	214
9-12-6	Amended		214

AGENCY 11: CONSERVATION COMMISSION

Regulation Number	Action	Subject	Register Pages
11-1-1	Amended	Water Resources Cost-Share Program	272, 273
through 11-1-5			

**AGENCY 14: DEPARTMENT OF REVENUE—
DIVISION OF ALCOHOLIC
BEVERAGE CONTROL**

Regulation Number	Action	Subject	Register Pages
14-2-23	Amended	Licenses and Vendors	279
14-3-1	Amended	Retailers	279
14-3-13	Amended		279
14-3-16	Amended		279
14-3-19	Amended		279
14-3-21	Revoked		279
14-3-35	Amended		279
14-3-39	Amended		280
14-4-9	Amended	Manufacturers; Distributors	280
14-6-2	Amended	Containers and Labels	280
14-7-9	Amended	Tax; Tax Stamps; Crowns; Lids	280
14-8-2	Amended	Advertising	281
14-8-4	Amended		281
14-18-4	Amended	Class A and B Clubs	281
14-18-23	Amended		282
14-18-28	Amended		282
14-19-10	Revoked	Class A Clubs	282
14-20-3	Revoked	Class B Clubs	282
14-20-7	Amended		282

AGENCY 16: ATTORNEY GENERAL

Regulation Number	Action	Subject	Register Pages
16-1-1	Revoked	Private Detectives and Agencies	210
through 16-1-6			
16-2-1	New	Definitions	210
16-3-1	New	Applications	210
16-3-2	New		210
16-4-1	New	Hearings	211
16-5-1	New	Trainers	211
through 16-5-5			
16-6-1	New	Firearm Permits	212

**AGENCY 19: PUBLIC DISCLOSURE
COMMISSION**

Regulation Number	Action	Subject	Register Pages
19-1-1	Amended	General Provisions	404
19-1-8	Amended		405
19-1-11	Amended		405
19-2-2	Amended	Advisory Opinion Requests	405
19-2-3	Revoked		405
19-3-1	Amended	Investigations	405
19-3-3	Amended		406
19-4-1	Amended	Noncompliance with Filing Provisions	406

Regulation Number	Action	Subject	Register Pages
19-4-2	Amended		406
19-4a-1	Amended	Civil Penalty Assessment	406
19-5-1	Amended	Complaints	407
19-5-2	Amended		407
19-5-5	Amended		407
19-20-2	Amended	Campaign Finance	407
19-21-1	Amended	Candidates and Committees	407
19-21-4	Amended		407
19-21-5	Amended		408
19-21-6	Amended		408
19-24-1	Amended	In-Kind Contributions	408
19-25-1	Amended	Testimonial Events	408
19-26-2	Amended	Contributions and Expenditures	409
19-27-2	Amended	Accounts and Records	409
19-27-3	Amended		409
19-28-2	Amended	Reporting and Elections Periods	410
19-29-2	Amended	Receipts and Expenditures Report	410
19-29-4	Amended		411
19-30-4	Amended	Contribution Limitations	412
19-41-2	Amended	Statement of Substantial Interest	412
19-41-3	Amended		412
19-50-3	Amended	Local Conflicts of Interest	413
19-51-1	Amended	Disclosure of Substantial Interest	414

AGENCY 22: FIRE MARSHAL

Regulation Number	Action	Subject	Register Pages
22-3-1	Amended	Life Safety Code	388
22-5-1	Amended	Fire Reporting Requirements	388
22-5-2	Amended		388
22-6-15	New	Fireworks	388
22-8-1	Amended	Liquified Petroleum Gases	388
22-8-3	New		388, 389
through 22-8-6			
22-10-1	Amended	Certification Standards for Extinguishing Devices	389, 390, 391
through 22-10-4			
22-10-5	Revoked		392
22-10-6	Amended		392, 393
through 22-10-14			

AGENCY 23: FISH AND GAME COMMISSION

Regulation Number	Action	Subject	Register Pages
23-2-7	Amended	Game Animals	274
23-3-2	Amended	Fish	276
23-8-1	Amended	Wildlife Areas	277
23-8-25	Amended		277
23-8-33	Amended		277
23-9-1	Revoked	Game Birds; Shooting Areas	277
23-9-2	Amended		277
23-9-4	Revoked		277
through 23-9-9			
23-9-10	Amended		278
23-9-11	Amended		278
23-18-1	Amended	Fees	278

**AGENCY 25: GRAIN INSPECTION
DEPARTMENT**

Regulation Number	Action	Subject	Register Pages
25-1-1	Amended	Warehousing	283
25-1-4	Amended		283
25-1-6	Amended		283
25-1-7	Revoked		283
25-1-16	Amended		283
25-1-20	Amended		283
25-1-21	Amended		284
25-1-26	New		284
25-2-3	Revoked	Inspection Division	284
25-3-1	Revoked	Weighing	284

(continued)

Regulation Number	Action	Subject	Register Pages	Regulation Number	Action	Subject	Register Pages
25-3-3	Amended		284	28-29-37	Revoked		494, 495
25-3-6	Amended		284	through			
25-3-15	Amended		284	28-29-65			
25-3-16	New		284	28-31-1	New	Hazardous Waste Management Standards and Regulations	495-498
25-3-17	New		285	through			
25-4-1	Amended	Miscellaneous	285	28-31-13			
25-4-4	Amended		285	28-34-9	Modified by Legislature		630

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

Regulation Number	Action	Subject	Register Pages
28-1-1	Amended	Diseases	459
28-1-2	Amended		459
28-1-4	Amended		459-463
through			
28-1-17			
28-4-160	Revoked	Family Day Care Homes for Children	463
through			
28-4-169			
28-4-170	New		463-468
through			
28-4-179			
28-4-185	New		469-470
through			
28-4-189			
28-4-400	New	Crippled Children	470-473
through			
28-4-407			
28-14-2	Amended	Collection and Analysis of Water	473
28-15-1	Revoked	Application for Permits	474
through			
28-15-10			
28-15-11	New		474
28-15-13	New		474-479
through			
28-15-20			
28-15-25	Revoked by Legislature		630
28-19-16	Amended	Ambient Air Quality Standards	479
28-19-16a	Amended		479
28-19-16b	Amended		481
28-19-16c	Amended		481
28-19-16f	Amended		482
28-19-16g	Amended		482
28-19-16h	Amended		482
28-19-16i	Amended		482
28-19-32	Amended		482
28-19-51	Revoked		482
28-19-62	Amended		482
28-19-70	New		483
28-29-1	Amended	Solid Waste Management	483, 484
through			
28-29-3			
28-29-4	Revoked		485
28-29-5	Revoked		485
28-29-6	Amended		485, 486
through			
28-29-10			
28-29-11	Revoked		487
28-29-12	Amended		487
28-29-13	Revoked		487
through			
28-29-15			
28-29-16	Amended		487
28-29-17	Revoked		488
28-29-17a	New		488
28-29-17b	New		489
28-29-18	Amended		489, 490
through			
28-29-20			
28-29-20a	Amended		490
28-29-21	Amended		491-493
through			
28-29-25			
28-29-26	New		493
28-29-27	New		494

Regulation Number	Action	Subject	Register Pages
28-36-30	Amended	Food Service	498
28-38-18	Amended	Licensure of Adult Care Home Administrators	498-500
through			
28-38-23			
28-39-1	Revoked	Licensure of Adult Care Homes	500
through			
28-39-22			
28-39-30	Revoked		500
through			
28-39-50			
28-39-60	Revoked		500
through			
28-39-75			
28-39-76	New		500-508
through			
28-39-89			
28-39-90	Amended		509
28-39-91	New		510-531
through			
28-39-137			
28-39-224	Revoked		531
28-39-225	New		531
28-46-1	New	Underground Injection Control	533-535
through			
28-46-41			

AGENCY 30: DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Regulation Number	Action	Subject	Register Pages
30-4-39	Amended	Public Assistance Program	618
30-4-41	Amended		618
30-4-55	Amended		618
30-4-56	Amended		618
30-4-57	Amended		618
30-4-59	Amended		618
30-4-72	Amended		618, 619
through			
30-4-75			
30-4-80	Amended		619
30-4-85	Amended		619
30-4-90	Amended		619
30-4-95	Amended		619
30-4-101	Amended		619
30-4-102	Amended		619
30-4-106	Amended		619
30-4-108	Amended		619, 620
through			
30-4-113			
30-4-120	Amended		620
30-4-121	Amended		620
30-4-140	Amended		620
30-5-58	Amended	Establishment of Need	620
30-5-65	Amended		621
30-5-69	Amended		621
30-5-70	Amended		621
	Modified by Legislature		628
30-5-71	Amended		621
30-5-81	Amended		621
	Modified by Legislature		628
30-5-81a	New		621
30-5-81b	Amended		621
	Modified by Legislature		628
30-5-81c	Amended		621

(continued)

Regulation Number	Action	Subject	Register Pages
30-5-81d	Amended		621
30-5-81f through 30-5-81i	Amended		621
30-5-81k	Amended		621
30-5-81l	Amended		621
30-5-81o	Amended		621
30-5-84a	Amended		622
30-5-86	Amended		622
30-5-86a	Amended		622
30-5-87	Amended		622
30-5-88	Amended		622
30-5-89	Amended		622
30-5-90a	Amended		623
30-5-104	Amended		623
30-5-107	Amended		623
30-5-109	New		623
30-5-109a	New		623
30-6-34	Amended	Medical Assistance Program	623
30-6-41	Amended		623
30-6-50	Amended		623
30-6-53	Amended		623
30-6-56	Amended		623
30-6-59			
30-6-65	Amended		624
30-6-70	Amended		624
30-6-72	Amended		624
30-6-73	Amended		624
30-6-80	Amended		624
30-6-90	Revoked		624
30-6-95	Amended		624
30-6-100	Revoked		624
30-6-103	Amended		624
30-6-105	Amended		624, 625
30-6-113			
30-7-55	Amended	Complaints, Appeals and Fair Hearings	625
30-10-1	Revoked	Adult Care Home Program—Medicaid	625
30-10-1a	New		625
30-10-1d			
30-10-2	Amended		625
30-10-3	Amended		625
30-10-4	Amended		625
30-10-6	Amended		625
30-10-9			
30-10-11	Amended		625
30-10-12	Amended		626
30-10-13	Amended		626
30-11-6	Revoked	Community Based Group Boarding Homes for Children and Youth	626
30-11-8			
30-12-1	Revoked	Services for the Blind	626
30-12-7			
30-12-11	Revoked		626
30-12-13			
30-12-15	Revoked		626
30-12-16	New		626
30-12-22			
30-13-1	Revoked	Vending Facilities Operated by the Division of Services for the Blind	626
30-13-16			
30-13-17	New		626
30-13-26			

Regulation Number	Action	Subject	Register Pages
30-18-1 through 30-18-4	Revoked	Licensing of Social Work Personnel	626
30-20-1 through 30-20-3	Revoked	Security of Traffic Control	626
30-20-4	New		626, 627
30-20-19			
30-21-1 through 30-21-19	Revoked	Traffic and Parking	627
30-41-1	Amended	Licensing of Non-Medical Community Based Agencies Providing Services to Handicapped Adults	627
30-41-2	Amended		627
30-41-6	Revoked		627
30-41-6a	New		627
30-41-6e			
30-41-7	Revoked		627
30-41-7a	New		627
30-41-7h			
30-42-2	Amended	Certification of Community Based Agencies	627
30-42-5	Revoked		628
30-42-5a	New		628
30-42-5g			

AGENCY 40: INSURANCE DEPARTMENT

Regulation Number	Action	Subject	Register Pages
40-2-12	Amended	Life Insurance	308
40-2-14	Amended		309
40-3-41	New	Fire and Casualty Insurance	310
40-4-23	Amended	Accident and Health Insurance	310
40-4-25	Amended		311
40-4-34	Amended		312
40-4-35	New		312
40-7-6	Amended	Agents	313
40-7-13	Amended		313
40-9-100	New	Advertising	314
40-9-101	Revoked		314
40-9-116			

AGENCY 44: DEPARTMENT OF CORRECTIONS

Regulation Number	Action	Subject	Register Pages
44-11-127	New	Community Corrections	298

AGENCY 45: ADULT AUTHORITY

Regulation Number	Action	Subject	Register Pages
45-1-1	Amended	Meaning of Terms	299
45-2-1	Amended	Good Time Credits	300, 301
45-2-3			
45-3-1	Revoked		301
45-3-2	Revoked	Parole Eligibility	301
45-4-1	Revoked	Parole Hearings	301
45-4-3			
45-4-4	Amended		301
45-4-8	Revoked		301
45-4-10	Revoked		301
45-4-11	Amended		301
45-4-12	Amended		301
45-5-1	Amended	Initial Hearings	301
45-6-1	Amended		301
45-6-2	New	Dockets	302
45-6-6			
45-7-1	Amended	Parole Release	302
45-7-3	Amended		302

(continued)

Regulation Number	Action	Subject	Register Pages
45-9-1	Amended	Parole Violations	303
45-11-1	Amended	Discharge	304
45-12-1	Revoked	Expungement	304
45-13-1	Revoked	Good Time Credits	304
45-14-1	Amended	Executive Clemency	304
45-15-1	Revoked	Application	305
45-16-1	New	Orders of Restitution	305
45-16-2	New		305

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS' COMPENSATION

Regulation Number	Action	Subject	Register Pages
51-15-2	Amended	Workman's Compensation Fund	306

AGENCY 54: STATE LIBRARY

Regulation Number	Action	Subject	Register Pages
54-1-21	Amended	Regional Libraries	604
54-3-3	Amended	Financial Aid—Subregional Libraries	604
	Modified by Legislature		605

AGENCY 60: BOARD OF NURSING

Regulation Number	Action	Subject	Register Pages
60-3-109	Revoked	Requirements for Licensure	305
60-3-110	New		306
60-4-103	New	Fees	306

AGENCY 61: BOARD OF BARBER EXAMINERS

Regulation Number	Action	Subject	Register Pages
61-1-15	Amended	Sanitary Regulations	307
61-1-18	Amended		307
61-1-20	Amended		307
61-1-24	Amended		307
61-3-6	Revoked	Schools; Requirements	307
61-3-24	Amended		307
61-4-1	Revoked	Certificates of Registration	307
61-4-2	Amended		307
61-5-1	Amended	Applications	307

AGENCY 63: BOARD OF EMBALMING

Regulation Number	Action	Subject	Register Pages
63-1-1	Amended	Embalming; Funeral Directors	350, 351
through 63-1-3			
63-1-5	Amended		351
63-1-6	Amended		352
63-1-8	Amended		352
63-1-9	Revoked		353
63-1-10	Revoked		353
63-1-13	Revoked		353
63-1-14	Amended		353, 354
through 63-1-18			
63-1-20	Amended		354
through 63-1-22			
63-2-3	Amended	Funeral Directing	354
63-2-6	Revoked		354
63-2-7	Amended		354
63-2-11	Amended		355
63-3-17	Amended	Preparation and Transportation of Bodies; Establishment License	355
63-3-18	Amended		355

AGENCY 67: BOARD OF HEARING AID EXAMINERS

Regulation Number	Action	Subject	Register Pages
67-1-1	Revoked	Application For License	347
through 67-1-4			

Regulation Number	Action	Subject	Register Pages
6-71-5	New		347
through 67-1-7			
67-2-1	Revoked	Examinations	347
through 67-2-3			
67-2-4	New		347
67-3-1	Revoked	Duties of Sponsors of Temporary Licenses	347
67-3-2	New		347
67-3-3	New		347
67-4-1	Revoked	Educational Requirements	347
through 67-4-5			
67-4-6	New		347, 348
through 67-4-12			
67-5-1	Revoked	Renewals	348
67-5-2	Revoked		348
67-5-3	New		348
67-5-4	New		348
67-6-1	Revoked	Unethical Conduct	348
67-6-2	New		348, 349
through 67-6-4			
67-7-1	Revoked	Inspections	349
67-7-2	Revoked		349
67-7-3	New		349
67-8-1	Revoked	Filings of Investigations of Charges	349
67-8-2	Revoked		349
67-8-3	New		349
67-9-1	Revoked	Suspension or Revocation Proceedings	349
through 67-9-4			
67-9-5	New		349
67-9-6	New		349
67-10-1	Revoked	Educational Requirements	349
through 67-10-10			
67-11-1	Revoked	Renewals	349
67-11-2	Revoked		349
67-12-1	Revoked	Filing and Investigation of Charges	349
through 67-12-3			
67-13-1	Revoked	Suspension or Revocation Proceedings	349
67-13-2	Revoked		349
67-14-1	Revoked	Display of License	349
through 67-14-4			
67-15-1	Revoked	Status of Rules	349

AGENCY 69: BOARD OF COSMETOLOGY

Regulation Number	Action	Subject	Register Pages
69-1-1	Amended	Licensing	414
69-1-3	Modified by Legislature		630
69-2-1	Amended	Out-of-State Cosmetologists	415
		Manicurists	
		Schools	
69-3-8	Amended		415
69-3-18	Revoked		415
69-4-5	Revoked	Students	415
69-4-8	Revoked		415
69-4-13	Revoked by Legislature		630
69-11-1	Amended	Fees	415

AGENCY 72: BOARD OF EXAMINERS OF PSYCHOLOGISTS

Regulation Number	Action	Subject	Register Pages
72-1-1	Revoked		609
through 72-12-19			

(continued)

Regulation Number	Action	Subject	Register Pages
72-2-1 through 72-2-6	Revoked	Officers	609
72-3-1 through 72-4-3	Revoked	Committees Meetings	609
72-5-1 through 72-7-6	Revoked	Legal Counsel Annual Report Applications	609
72-8-1 through 72-8-6	Revoked	Qualifications	609
72-9-1 through 72-9-8	Revoked	Certification, Revocation and Renewal	609
72-10-1 through 72-11-6	Revoked	Certification by Endorsement Examinations	609
72-12-1 through 72-12-19	Revoked	Ethical Standards of Psychologists	609

(Note: This agency has been abolished, and its functions transferred to the Behavioral Sciences Regulatory Board.)

AGENCY 74: BOARD OF ACCOUNTANCY

Regulation Number	Action	Subject	Register Pages
74-1-3 through 74-1-5	Amended New	Examinations	605
74-2-1 through 74-2-8	Amended Revoked	Applications	606
74-3-1 through 74-3-5	Revoked	Issuance of Certificates	606
74-3-7 through 74-4-4	Revoked Amended	Fees	606
74-4-2 through 74-4-10	Revoked New		606, 607
74-5-1 through 74-5-407	Amended	Code of Professional Conduct	608
74-7-1 through 74-8-4	Revoked	Registered Partnerships Corporate Practices	608
74-8-1 through 74-9-1	Revoked	Continuing Education	608

AGENCY 75: CONSUMER CREDIT COMMISSIONER

Regulation Number	Action	Subject	Register Pages
75-6-5 through 75-6-22	Revoked	Consumer Credit Code	345
75-8-1 through 75-8-12	New		345, 346

AGENCY 81: SECURITIES COMMISSIONER

Regulation Number	Action	Subject	Register Pages
81-3-2	New	Licensing	330

AGENCY 82: CORPORATION COMMISSION

Regulation Number	Action	Subject	Register Pages
82-2-101 through 82-2-117	Amended	Oil and Gas Conservation	331
82-2-102 through 82-2-106	Revoked		333
82-2-104 through 82-2-107	Amended		333
82-2-109 through 82-2-110	Amended		334
82-2-114 through 82-2-117	Amended		334, 335
82-2-119 through 82-2-121	Amended		335
82-2-123 through 82-2-125	Amended		335
82-2-126 through 82-2-130	Nw		336, 337
82-2-130 through 82-2-201	82-2-200 Revoked		337
82-2-201 through 82-2-210	Revoked Amended		337
82-2-211 through 82-2-217	Amended		337
82-2-217 through 82-2-219	Amended		338, 339
82-2-221 through 82-2-225	New		339, 340
82-2-302 through 82-2-305	Amended		341
82-2-305 through 82-2-308	Amended		341
82-2-600 through 82-2-801	Amended		341, 342
			342
			344

AGENCY 86: REAL ESTATE COMMISSION

Regulation Number	Action	Subject	Register Pages
86-1-5 through 86-1-9	Amended	Examination and Registration	386
86-2-1 through 86-3-19	Revoked New	Authority of Commission; Procedure Persons Holding Licenses; Duties	387

AGENCY 91: DEPARTMENT OF EDUCATION

Regulation Number	Action	Subject	Register Pages
91-1-1a through 91-1-10	Revoked	Certificate Regulations	597
91-1-12a through 91-1-15	Revoked		597
91-1-17 through 91-1-19	Revoked		597
91-1-21 through 91-1-25	Revoked		597
91-5-2 through 91-5-14	Amended	Driver and Traffic Safety Education Courses	598
91-19-1	Amended	Student Teachers	598
	Rejected by Legislature		602

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Regulation Number	Action	Subject	Register Pages
91-19-6	Amended		598
	Rejected by Legislature		602
91-19-15	New		598
	Rejected by Legislature		602
91-19-16	New		599
	Rejected by Legislature		602
91-22-21	Amended	Professional Teaching Practices Commission	599
91-22-22	Amended		599
91-22-24	Amended		600
91-30-3	Amended	Accreditation	600
91-30-8	Amended		601
91-30-12c	Amended		601
91-30-14a	Amended		601
91-30-14c	Amended		601

AGENCY 92: DEPARTMENT OF REVENUE

Regulation Number	Action	Subject	Register Pages
92-3-5	Revoked	Motor Fuel Tax	394
92-3-6	Amended		394
92-3-16	Amended		394
92-8-14	Amended	Cereal Malt Beverage Tax	394
92-11-17	Revoked	Withholding and Estimated Tax	394
through 92-11-19			
92-11-20	Amended		394
92-11-23	Revoked		395
92-11-24	New		395
92-12-1	Revoked	Income Tax	395
through 92-12-3			
92-12-4	Amended		395
92-12-7	Revoked		395
92-12-9	Revoked		395
92-12-10	Revoked		395
92-12-11	Amended		395
92-12-14	Amended		395
92-12-15	Revoked		395
92-12-16	Amended		395
92-12-17	Revoked		395
92-12-18	Revoked		395
92-12-19	Amended		395
92-12-21	Revoked		396
through 92-12-26			
92-12-27	Amended		396
92-12-28	Revoked		396
92-12-29	Amended		396
92-12-30	Revoked		396
through 92-12-46			
92-12-48	Revoked		396
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92-12-52	Amended		396
92-12-53	Amended		396
92-12-54	Revoked		397
92-12-55	Amended		397
through 92-12-58			
92-12-59	Revoked		398
92-12-61	Revoked		398
through 92-12-63			
92-12-64	Amended		398, 399
through 92-12-68			
92-12-70	Revoked		399
92-12-104	Revoked		399
92-12-105	New		399
92-12-109	New		400

Regulation Number	Action	Subject	Register Pages
92-14-9	New	Liquified Petroleum Fuel Tax	400
92-19-31	Amended	Retailers' Sale Tax	400
92-19-37	Amended		401
92-50-1	Revoked	Motor Vehicles	401
through 92-50-41			
92-50-42	New		401
92-50-57	Revoked		401
92-51-1	Revoked	Titles and Registration	401, 402
through 92-51-20			
92-51-21	New		402, 403
through 92-51-27			
92-51-30	New		403
through 92-51-33			
92-52-1	Amended	Motor Vehicle Driver's Licenses	403
92-52-4	Revoked		404
through 92-52-7			
92-52-9	New		404

AGENCY 95: CROP IMPROVEMENT ASSOCIATION

Regulation Number	Action	Subject	Register Pages
95-1-1	Revoked	Seed Certification	617
through 95-30-11	by Legislature		

AGENCY 99: BOARD OF AGRICULTURE—DIVISION OF WEIGHTS AND MEASURES

Regulation Number	Action	Subject	Register Pages
99-8-1	Revoked	Package Labeling	385
through 99-8-7			
99-8-8	New		385

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Regulation Number	Action	Subject	Register Pages
102-1-1	New	Certification of Psychologists	609-614
through 102-1-14			
102-2-1	New	Licensing of Social Workers	614-617
through 102-2-7			

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