

# KANSAS REGISTER



State of Kansas

**JACK H. BRIER**  
Secretary of State

Vol. 2, No. 18

May 5, 1983

Pages 647-734

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PUBLISHED BY  
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Secretary of State  
State Capitol  
Topeka, Kansas 66612



PHONE: 913/296-2236

Carol A. Bell  
Publications Director

## 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 1983 House Bill No. 2489, 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, 1983 through May 31, 1983 shall be 14.170%.

In testimony whereof: I hereto set my hand and cause to be affixed my official seal. Done at the City of Topeka, this 29th day of April, A.D. 1983.

JACK H. BRIER  
Secretary of State

Doc. No. 001197

## State of Kansas

**BOARD OF REGENTS**

**NOTICE TO ALL PERSONS HAVING AN INTEREST IN THE REGULATIONS GOVERNING TRAFFIC AND PARKING ON THE ROADS, STREETS, DRIVEWAYS AND PARKING FACILITIES AT FORT HAYS STATE UNIVERSITY**

Notice is hereby given to all interested parties that on May 18, 1983, at 3:30 p.m. C.D.T., at the Fort Hays State University Memorial Union, Hays, Kansas, a public hearing will be held concerning the adoption by the Board of Regents of regulations governing traffic and parking on the roads, streets, driveways and parking facilities at Fort Hays State University.

*Parking, effective when.* The current regulations specify the times and locations for parking restrictions at Fort Hays State University. No amendments are proposed.

*Same, prohibited when.* The current regulations specify locations in which parking is prohibited. No amendments are proposed.

*Same, visitors.* The current regulations specify conditions under which visitors may legally park on Regents institutions' campuses. No amendments are proposed.

*Same, registration of vehicles.* The current regulations specify the conditions under which faculty members and students must register vehicles. No amendments are proposed.

*Same, permits for.* The current regulations establish the procedure by which parking permits for vehicles may be obtained, the types of parking permits available, and the fees charged for such permits. No amendments are proposed.

*Same, acts prohibited.* The current regulations specify prohibited acts for which misuse penalties may be assessed. No amendments are proposed.

*Same, misuse of areas.* The current regulations specify the penalties for misuse of parking areas. No proposed amendments.

*Same, appeals.* The current regulations establish the procedure for appeals from a charge of misuse of a parking area. No amendments are proposed.

*Same, permits or registraton sticker.* The current regulations specify the location for parking permits on the vehicle and establish that an improperly placed parking permit constitutes misuse of a parking area. No amendments are proposed.

*Same, signs and markings.* The current regulations authorize use of signs and markings, and establishment of other restrictions necessary to the best use of roads, streets, driveways and parking facilities. No amendments are proposed.

*Speed limit.* The current regulations establish the legal speed for all vehicles operated on the campus of state educational institutions. No amendments are proposed.

*Vehicles and pedestrians, conduct.* The current regulations regulate the conduct of vehicles and pedestrians on state institutions' campuses. No amendments are proposed.

*Vehicles, operation and condition, traffic code.* The current regulations specify when the provisions of the state traffic code apply to the operation of vehicles on campuses of state institutions. No amendments are proposed.

*Parking permits and misuse of areas, disposition of fees for.* The current regulations specify who may issue parking tickets, where towing fees, misuse fees, and fees charged for parking permits shall be deposited, and how such fees shall be used. No amendments are proposed.

*Parking, misuse of, removal of vehicles.* The current regulations specify the conditions under which a vehicle may be removed from an institution's campus. No amendments are proposed.

Interested persons will be given a reasonable opportunity at the hearing to present their views concerning the adoption of the proposed amendments to the existing regulations. Written comments may also be submitted but must be received prior to the hearing. Written comments or a request for a copy of the proposed regulations and a copy of the financial impact statement of such changes should be submitted to Bill Jellison, Hearing Officer, Traffic and Parking Regulations; Room 303, Picken Hall; Fort Hays State University; 600 Park Street; Hays, KS 67601.

WILLIAM R. KAUFFMAN  
General Counsel  
Board of Regents

Doc. No. 001192

State of Kansas

DEPARTMENT OF HEALTH AND ENVIRONMENT

PUBLIC NOTICE

A Certificate of Need Application from the Menonite Bethesda Hospital Society, Inc., for the conversion of an acute care facility to a long-term care facility, has been approved by the Kansas Department of Health and Environment. This decision shall become effective on May 25, 1983, unless appealed to the District Court of Marion County.

On April 25, 1983, the Kansas Department of Health and Environment filed Certificate of Need applications for the following facilities: Community Living Opportunities, Inc., Overland Park, Kansas, for four 6-bed intermediate care facilities for the mentally retarded, and Wesley Medical Center, Wichita, Kansas, for a nuclear magnetic resonance scanner. The application from the Community Living Opportunities, Inc., is available for public examination at the Kansas Department of Health and Environment in Topeka, Kansas. The application from Wesley Medical Center is available for public examination at both the Health Systems Agency of Southeast Kansas, 355 North Waco in Wichita, Kansas, and the Kansas Department of Health and Environment in Topeka, Kansas.

BARBARA J. SABOL Secretary

Doc. No. 001188

State of Kansas

SECRETARY OF STATE

NOTICE

The following bills have been signed into law by the Governor, as of May 1, and transmitted to this office:

Senate Bills

Table listing Senate Bills 1 through 28 with corresponding numbers in two columns.

House Bills

Table listing House Bills 2008 through 2037 with corresponding numbers in two columns.

The following bills have been vetoed by the Governor:

Senate Bills: 286, 384.

House Bills: 2016, 2175, 2466.

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

Senate Concurrent Resolutions: 1603, 1608, 1609, 1614, 1616, 1620, 1621, 1622, 1623, 1631, 1632, 1638.

House Concurrent Resolutions: 5002, 5005, 5006, 5007, 5010, 5011, 5012, 5014, 5015, 5016, 5018, 5036, 5040, 5042, 5043.

House Resolutions: 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6022, 6023, 6024, 6025, 6026, 6027, 6028, 6029, 6030, 6031, 6032, 6033, 6034, 6035, 6036, 6037, 6038, 6039, 6040, 6042, 6043, 6044, 6045, 6046, 6047, 6048, 6049, 6050, 6051, 6052, 6053, 6054, 6056, 6057, 6058, 6059, 6060, 6061, 6062, 6063, 6064, 6065, 6066, 6067, 6068, 6069, 6070, 6071, 6072, 6073, 6074, 6075, 6077, 6078.

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: 913/296-4557.



## State of Kansas

## LEGISLATURE

The following list gives the numbers and titles of bills and 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.

**Bills Introduced April 22-24:**

**SB 463**, by Committee on Ways and Means: An act relating to salaries and compensation of certain state officers and employees; authorizing and providing for certain increases; making appropriations for the fiscal year ending June 30, 1984, and authorizing certain transfers and adjustments in expenditure limitations therefore.

**SB 464**, by Committee on Ways and Means: An act concerning the redemption of real property sold for delinquent taxes; amending K.S.A. 79-2801 and K.S.A. 1982 Supp. 79-2401a and repealing the existing sections.

**SB 465**, by Committee on Ways and Means: An act concerning bonds; relating to the issuance thereof; amending K.S.A. 10-120, as amended by section 1 of 1983 Senate Bill No. 9 and repealing the existing section; also repealing K.S.A. 10-120, as amended by section 1 of 1983 Senate Bill No. 298.

**HB 2581**, by Committee on Ways and Means: An act relating to drivers' licenses; driver improvement clinics; amending K.S.A. 8-255, as amended by section 3 of 1983 House Bill No. 2285, and repealing the existing section; also repealing K.S.A. 8-255, as amended by 1983 House Bill No. 2059.

**HB 2582**, by Committee on Ways and Means: An act concerning aggregate property tax levy limitations of cities and counties; amending K.S.A. 79-5002 and 79-5006 and repealing the existing sections; also repealing K.S.A. 79-5112, as amended by section 1 of 1983 House Bill No. 2054.

**HB 2583**, by Committee on Ways and Means: An act concerning financing for railroad rehabilitation; establishing the railroad rehabilitation loan guarantee fund; providing for administration thereof by the secretary of transportation; providing for payments for certain loan payments in default.

**HB 2584**, by Committee on Federal and State Affairs: An act concerning solar energy system credits; amending K.S.A. 1982 Supp. 79-32,166, as amended by section 2 of 1983 House Bill No. 2045, and repealing the existing section.

**SCR 1633**, by Committee on Federal and State Affairs: A proposition to amend article 14 of the constitution of the state of Kansas by adding a new section thereto, relating to amendment of the constitution by propositions initiated by qualified electors of the state.

**SCR 1634**, by Senator Doyen: A concurrent resolution commending the Kansas Cartage Company for donating its services in moving the Cyrus K. Holliday locomotive to the new Kansas Museum of History.

**SCR 1635**, by Senator Doyen: A concurrent resolution commending the Atchison, Topeka & Santa Fe Railway Company on its donation of the Cyrus K. Holliday locomotive to the new Kansas Museum of History.

**SCR 1636**, by Senators Johnston and Werts: A proposition to amend section 2 of article 2 of the constitution of the state of Kansas, relating to senators and members of the house of representatives.

**SCR 1637**, by Senator Morris: A concurrent resolution directing the Secretary of Transportation to study which highways of the state should have the increased size vehicles provided for by 1983 Senate Bill No. 417 and which should not.

**SCR 1638**, by Senator Talkington: A concurrent resolution relating to the 1983 regular session of the legislature, and providing for an adjournment thereof.

**HCR 5050**, by Representatives Luzzati, Adam, Apt, Branson, Charlton, Chronister, Foster, W. Fuller, Hassler, M. Johnson, Mainey, Matlack, Nichols, Niles, Reardon, Runnels, Solbach, Sughrue, Wagnon and Weaver: A concurrent resolution directing the Director of Personnel Services of the Department of Administration to study and evaluate the basis upon which state governmental compensation is awarded and propose mechanisms to provide equal compensation for positions of comparable value.

**SR 1846**, by Senator Angell: A resolution commending Dorothy Arensman, Joanne Martin and Walt and Zola Thomas for their service and devotion to the visually impaired youth of Southwest Kansas by establishing and maintaining Camp Mitchell.

**SR 1847**, by Senator Hess: A resolution relating to the birth of John Oliver Hess.

**SR 1848**, by Senator Burke: A resolution appointing Senator Elwaine Pomeroy an honorary Revisor of Statutes.

**HR 6087**, by Representative B. Fuller: A resolution congratulating and commending the First United Methodist Church in Miltonvale, Kansas, on its 100th anniversary.

**HR 6088**, by Representative D. Miller: A resolution congratulating and commending the city of Edgerton, Kansas, on its centennial anniversary.

**HR 6089**, by Representative Solbach: A resolution congratulating and commending the University of Kansas School of Law Moot Court team on winning the 1983 Philip C. Jessup International Moot Court Team Competition.

## State of Kansas

## SOCIAL AND REHABILITATION SERVICES

CHILDREN AND YOUTH  
ADVISORY COMMITTEE

## NOTICE OF MEETING

Notice is hereby given to all interested parties that the statutorily created Children and Youth Advisory Committee will hold its regular meeting on May 9, 1983, at 1:30 p.m., in the Judicial Administrator's Conference Room (337), Judicial Center, 310 West 10th, Topeka, KS.

MS. GEORGENE WADE, Chairperson  
Children and Youth Advisory Committee

Doc. No. 001196

## State of Kansas

## FISH AND GAME COMMISSION

NOTICE OF HEARING ON  
PROPOSED TEMPORARY  
ADMINISTRATIVE REGULATIONS

A public hearing will be held on Tuesday, May 24, 1983, commencing at 2:00 p.m., at the Mid-America Inn, I-70, Exit 252, Salina, to consider the adoption of a proposed temporary rule and regulation of the Fish and Game Commission.

All interested parties may submit written comments at any time prior to the hearing by addressing them to the Director of the Kansas Fish and Game Commission; Rt. 2, Box 54A; Pratt, Kansas 67124. Following the hearing, all written and oral comments submitted by interested parties will be considered by the Commission as the basis for making any changes to the proposed regulation.

A summary of the regulation follows. A copy of the regulation and the fiscal impact statement may be obtained by writing to the agency in Pratt.

**Regulation 23-6-1** establishes the hunting, trapping, and running season for furbearing animals. If fur prices are maintained from the last several years, a harvest of furs valued at approximately \$5 million can be expected during the 1983-84 season. This figure does not include the value of secondary transactions and fur purchased from nonresidents. Approximately 10,000 furharvester licenses will be sold in 1983, generating approximately \$150,000 for the agency.

RON HOPKINS  
Commission Chairman

Doc. No. 001187

## State of Kansas

**DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES****NOTICE TO BIDDERS**

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

**MONDAY, MAY 16, 1983**

#25201 (Supplemental Item)

University of Kansas Medical Center, Kansas City—**IMMUNO ASSAY KIT**

#25565

Department of Transportation—**JANITORIAL SERVICE (GARDEN CITY)**

#52974A

Kansas State Penitentiary, Lansing—**WORD PROCESSING SYSTEM**

#53589

University of Kansas, Lawrence—**ELECTRONIC TEST EQUIPMENT**

#53600

Department of Transportation, Topeka—**COMMUNICATION SERVICE MONITOR**

#53603

Emporia State University, Emporia—**FUEL OIL**

#53604

Kansas State University, Manhattan—**FEED, for Fort Hays Experiment Station, Hays**

#53605

University of Kansas, Lawrence—**CARPET AND INSTALLATION**

#53609

Department of Corrections—**PLUMBING FIXTURES, for Kansas State Penitentiary, Lansing**

#53610

Department of Transportation, Topeka—**MRA-A AGGREGATE, F.O.B. (Nemaha County)**

#53651

Department of Human Resources, Topeka—**CONTINUOUS MAILERS—K BEN 78**

#A-4449(b)-1

Kansas State Penitentiary, Lansing—**FURNISH PLUMBING FIXTURES, PIPING AND ACCESSORIES**

#A-4449(b)-2

Kansas State Penitentiary, Lansing—**FURNISH MATERIALS FOR GYPSUM BOARD AND METAL STUD PARTITIONS**

#A-4449(b)-3

Kansas State Penitentiary, Lansing—**FLOOR COVERINGS—BASES—WALL AND FLOOR TILE**

#A-4449(b)-4

Kansas State Penitentiary, Lansing—**ACOUSTICAL CEILINGS**

#A-4449(b)-5

Kansas State Penitentiary, Lansing—**HEATING, VENTILATION AND AIR CONDITIONING EQUIPMENT**

#A-4449(b)-6

Kansas State Penitentiary, Lansing—**MATERIALS FOR ELECTRICAL SYSTEM**

#A-4449(b)-7

Kansas State Penitentiary, Lansing—**METAL DOORS, FRAMES, GLASS AND HARDWARE**

#A-4449(b)-8

Kansas State Penitentiary, Lansing—**STRUCTURAL STEEL**

**TUESDAY, MAY 17, 1983**

#53191A

Wichita State University, Wichita—**GRAPHIC TERMINAL**

#53612

Kansas State University, Manhattan—**SNOW BLOWER**

#53613

Department of Corrections—**GALVANIZED STEEL SHEETS, for Kansas State Penitentiary, Lansing**

#53614

Kansas State University, Manhattan—**3-POINT HITCH**

#53615

Kansas Correctional Industries, Lansing—**DETERGENT**

#53619

Kansas Park & Resources Authority, Topeka—**PORTABLE ELECTRIC WELDER AND GENERATOR, for El Dorado State Park**

#53620

Department of Social & Rehabilitation Services, Topeka—**CONTINUOUS FORMS WITH LABELS-3 PART**

#53623

Kansas Correctional Industries, Lansing—**ALUMINUM SHEETS**

#53624

Kansas Grain Inspection, Topeka—**GRAIN/TEST WEIGHT SCALE, for various locations**

#53671

University of Kansas, Lawrence—**FUEL OIL**

#53672

Department of Transportation, Topeka—**TRACTOR AND MOWER, for Garden City**

#A-4519

Topeka State Hospital, Topeka—**RESURFACE OF EXISTING ROADS AND PARKING**

#A-4619

Kansas State Historical Society—**REROOFING GRINER PLACE, Kansas City**

#A-4655

Department of Social & Rehabilitation Services—**RE-TUBE BOILER—CENTRAL POWER PLANT, Kansas Vocational Rehabilitation Center, Salina**

**WEDNESDAY, May 18, 1983**

#25566

University of Kansas Medical Center, Kansas City—**LAUNDRY SUPPLIES**

#25568

Kansas Fish & Game Commission—**JANITORIAL SERVICES (PRATT)**

#53626

Kansas State University, Manhattan—**RENTAL OF AERIAL WORK PLATFORM**

#53627

Kansas State University, Manhattan—**LABOR-MATERIAL TO INSTALL ANODES AND LININGS IN HOT WATER STORAGE TANKS**

#53633

Kansas State University, Manhattan—**OSCILLOSCOPES**

(continued)

#53635

Pittsburg State University, Pittsburg—DATA PROCESSING PERIPHERALS

#53636

Kansas Technical Institute, Salina—SPECTRUM ANALYZER SYSTEM

#53637

University of Kansas Medical Center, Kansas City—SPECTROFLUOROMETER, for VA Medical Center, Kansas City, Missouri

#53638

University of Kansas Medical Center, Kansas City—MICROFILM SYSTEM

#53640

Kansas State University, Manhattan—TWO-WAY Radio Equipment

#53642

University of Kansas, Lawrence—FUEL OIL

#53654

Kansas State University, Manhattan—MEMORY

#53668

University of Kansas, Lawrence—PUMP

#53669

Kansas State University, Manhattan—SEED COUNTER

#A-4500(a)

Osawatomie State Hospital, Osawatomie—REPLACE BIDDLE BUILDING ROOFING SYSTEM

THURSDAY, MAY 19, 1983

#53602

Kansas State University, Manhattan—SALE OF USED MASSEY FERGUSON MODEL 35 COMBINES

#53652

Department of Transportation, Norton—LUBRICATING OIL

#53653

University of Kansas, Lawrence—RIDING LAWN MOWER

#53655

Department of Transportation, Topeka—HIGHWAY TESTING MACHINE

#53659

Department of Transportation, Topeka—GOOSE-NECK TRAILER, for Norton

#53660

Department of Transportation, Topeka—POTHOLE PATCHER

#53661

Department of Transportation, Topeka—INPACTOR HAMMER, for Chanute

#53673

Kansas State University, Manhattan—LECTURE ROOM SEATING

#53678

Department of Revenue, Topeka—MICROFILM

FRIDAY, MAY 20, 1983

#53674

Kansas State University, Manhattan—JANITORIAL SUPPLIES

#53683

Kansas State University, Manhattan—TUNABLE PULSED DYE LASER

MONDAY, MAY 23, 1983

#53656

Wichita State University, Wichita—TRUCKSTER

#53657

Department of Transportation, Topeka—VACUUM STREET SWEEPER

#53658

Department of Transportation, Topeka—SELF-PROPELLED ROLLER, for Hutchinson

TUESDAY, MAY 24, 1983

#53616

Kansas Advisory Committee, Topeka; Kansas State Fire Marshal, Topeka; Kansas Water Office, Topeka—MOVING SERVICES

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 001194

State of Kansas

ATTORNEY GENERAL

OPINION NO. 83-61

Constitution of the State of Kansas—Finance and Taxation—Internal Improvements; Railroad Loan Guarantee Fund. Speaker Mike Hayden, House of Representatives, Topeka, April 22, 1983.

Article 11, § 9 of the Kansas Constitution prohibits the state of Kansas from expending state moneys to guarantee loans made by the federal government for railroad rehabilitation where the federal government will be fully reimbursed on the loans by the state. However, Article 11, § 9 does not prohibit the legislature from providing payment of state moneys in an amount not to exceed one-half of the loss assumed by the federal government in the event of default on any loan made for a railroad project. Cited herein: Kan. Const., Art. 11, § 9, BJS

OPINION NO. 83-62

Bonds and Warrants—General Bond Law—Use of Surplus Proceeds; Other Uses.

Roads and Bridges—Bridges; General Provisions—Use of Surplus Bond Proceeds; Other Uses. Barbara Wood, Bourbon County Clerk, Fort Scott, April 27, 1983.

A county may, pursuant to K.S.A. 68-1101 *et seq.*, issue bonds for the purpose of repairing or replacing bridges within such county. If a proposition is approved by the voters which states with specificity the bridges that are to be improved with the bond proceeds, the county may not thereafter use the funds for different purposes. However, should part or all of the proposed projects prove to be impractical, the county may use surplus proceeds to retire the bond issue ahead of schedule or to reduce the tax levy made to retire the bonds. Cited herein: K.S.A 10-117, 10-120, 10-132, 68-1106. JSS

ROBERT T. STEPHAN  
Attorney General

Doc. No. 001191

(Published in the KANSAS REGISTER, May 5, 1983.)

### 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.S.T., May 17, 1983  
NEW ISSUE  
\$20,685,000

### GENERAL OBLIGATION BONDS (Unlimited Tax Bonds)

Dated June 1, 1983

Final Maturity Date December 1, 2003

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 Savings Time, on May 17, 1983, 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 Savings Time on May 17, 1983, 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 \$20,685,000 General Obligation Bonds of four series: Series 693, totaling \$5,395,000, one through ten-year bonds; Series 694, totaling \$7,840,000, one through fifteen-year bonds; Series 695, totaling \$450,000, one through ten-year bonds; and Series 696, totaling \$7,000,000, one through twenty-year bonds, all dated June 1, 1983, and maturing December 1 in each of the years and in the amounts set forth below. Such bonds shall consist of 4,137 wing-type coupon bonds, each in the denomination of \$5,000. Interest will be payable semiannually, commencing June 1, 1984, and each December 1 and June 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:

<i>Date of Maturity</i>	<i>Principal Amount</i>
December 1, 1984	\$ 950,000
December 1, 1985	970,000
December 1, 1986	1,020,000
December 1, 1987	1,100,000
December 1, 1988	1,130,000
December 1, 1989	1,185,000
December 1, 1990	1,290,000
December 1, 1991	1,350,000
December 1, 1992	1,415,000
December 1, 1993	1,475,000
December 1, 1994	970,000
December 1, 1995	1,050,000
December 1, 1996	1,135,000
December 1, 1997	1,230,000
December 1, 1998	1,330,000
December 1, 1999	520,000
December 1, 2000	565,000
December 1, 2001	615,000
December 1, 2002	665,000
December 1, 2003	720,000

Bonds maturing December 1, 1994, and thereafter, are subject to call for redemption and payment prior to their respective maturities at the option of the City in inverse numerical order on December 1, 1993, or on any interest payment date thereafter, at the par value thereof, accrued interest to date of redemption, plus a premium (expressed as a percentage of the principal amount) as follows:

<i>Redemption Period (Dated Inclusive)</i>	<i>Redemption Premium</i>
12-1-94 through June 1, 1995	2%
12-1-95 through June 1, 1996	1½%
12-1-96 through June 1, 1997	1%
12-1-97 through June 1, 1998	½%
12-1-98 and thereafter	0%

Notice of any call for redemption will be given by the City by one publication in the official state paper of the state of Kansas not less than 30 days prior to the date fixed for such redemption and payment, such notice to specify the bond numbers of the bonds called for redemption and payment if such call be for less than all of the bonds then outstanding. An identical notice shall also be published once in a financial journal published in the City of New York, New York, not less than 30 days before the date fixed for such call for redemption and payment. Also, a notice shall be sent by the City by registered or certified mail to the said City's Fiscal Agent, Kansas State Bank and Trust Company, Wichita, Kansas 67202, and to the Co-Paying Agent, The Chase Manhattan Bank, N.A., New York, New York 10015, not less than 30 days before the date fixed for such redemption and payment. Failure to mail notice or any defect therein shall not affect the validity of any proceedings for redemption and payment of such bonds. Interest on the Bonds so called for redemption and payment will cease to accrue as of the 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 693, 694, 695 and 696 will be used to finance: paving projects in the amount of \$7,009,154; sewer projects in the amount of \$3,290,429; water main extension projects in the amount of \$897,151; traffic signalization projects in the amount of \$162,177; public improvement projects in the amount of \$1,026,089; Fire Department improvements in the amount of \$850,000; park improvement projects in the amount of \$450,000; and a Civic Center improvement project in the amount of \$7,000,000, all of which total \$20,685,000.

#### *Registrable as to Principal Only*

Series 693, 694, 695 and 696 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

(continued)

Governing Body of the City of Wichita, Kansas, on May 24, 1983, 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 (1/8th) or one-twentieth (1/20th) 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 preceding 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 17, 1983, 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 Savings Time, May 17, 1983.

Delivery of the bonds will be made on or before June 16, 1983, 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 24, 1983. 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 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 the Notice of Bond Sale dated as of April 26, 1983, as of its date, as of the date of the sale, May 17, 1983, 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.

(continued)

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 bonds 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 & Poor's 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 \$8,545,000 in temporary notes on May 24, 1983, to be dated June 1, 1983, to become due on December 15, 1983. These temporary notes will consist of \$6,738,531 in renewals and \$1,806,469 in new notes. The City of Wichita is reviewing the advisability of advance refunding a portion of its outstanding General Obligation Debt in the near future.

*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 1982, is as follows:

Equalized assessed valuation of taxable tangible property .....	\$921,792,542.00
Estimated tangible valuation of motor vehicles .....	\$137,785,752.00
Estimated tangible valuation of motor vehicle dealer's inventory .....	\$ 5,409,104.00
Equalized assessed tangible valuation for computation of bonded indebtedness limitations .....	\$1,064,987,398.00

The total bonded indebtedness of the City of Wichita, Kansas, as of June 1, 1983, is \$211,802,000, which amount excludes all revenue bonds, but includes temporary notes in the amount of \$13,345,000 (including the \$8,545,000 of temporary notes to be sold on May 24, 1983) and the Series of bonds described in this Notice of Bond Sale in the amount of \$20,685,000. Of the currently issued and outstanding temporary notes of the City, \$10,406,469 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, 1982, were obtained from the City of Wichita, Kansas Annual Financial Report for 1982, 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 26TH DAY OF APRIL, 1983  
MARGALEE WRIGHT

Mayor

ATTEST: DONALD C. GISICK  
City Clerk

(SEAL)

Doc. No. 001190



(Published in the KANSAS REGISTER, May 5, 1983.)

**NOTICE OF BOND SALE**  
**\$460,000.00**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF LARNED, KANSAS**

The CITY OF LARNED, KANSAS will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, LARNED, KANSAS, until 8:00 o'clock P.M., C.D.T., on

MONDAY, MAY 16, 1983

for \$460,000.00 par value Series A, 1983 and Series B, 1983 GENERAL OBLIGATION BONDS of the City, at which time and place such bids will be publicly opened and considered for the purchase of the entire principal amount of both series of bonds. No oral or auction bids will be considered.

All of the Bonds will be negotiable coupon Bonds, will be in denominations of \$5,000.00 each, and the Bonds will be dated June 1, 1983. The Series A, 1983 Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$25,000	December 1, 1984
25,000	December 1, 1985
25,000	December 1, 1986
25,000	December 1, 1987
25,000	December 1, 1988
25,000	December 1, 1989
25,000	December 1, 1990
25,000	December 1, 1991
25,000	December 1, 1992
25,000	December 1, 1993
30,000	December 1, 1994
30,000	December 1, 1995
30,000	December 1, 1996
30,000	December 1, 1997
30,000	December 1, 1998

The Series B, 1983 Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$ 5,000	December 1, 1984
5,000	December 1, 1985
5,000	December 1, 1986
5,000	December 1, 1987
5,000	December 1, 1988
5,000	December 1, 1989
5,000	December 1, 1990
5,000	December 1, 1991
10,000	December 1, 1992
10,000	December 1, 1993

Interest on the Bonds will first be payable on JUNE 1, 1984, and thereafter semiannually on the first days of DECEMBER and JUNE in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding Five (5)

different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth ( $1/8$ ) or one-twentieth ( $1/20$ ) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half percent ( $2\frac{1}{2}\%$ ). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being two percent (2%) above the Bond Buyer's 20 Bond Index, published in the *Weekly Bond Buyer* on Monday, May 9, 1983, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the City at CITY HALL, LARNED, KANSAS 67550, ATTENTION: RICHARD D. PLUMMER, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two percent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF LARNED, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment for the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 30, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

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. The Series A, 1983 Bonds are being issued for the purpose of constructing and equipping a public building in the City for use as a Community Building and Auditorium. The Series B, 1983 Bonds are being issued for the purpose of paying the cost of sewer improvements in the City.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures for the City of Larned, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable	
Tangible Property .....	\$ 9,853,903
Tangible Valuation of Motor Vehicles	2,634,422
Tangible Valuation of Motor Vehicle Dealers Inventory .....	134,572
Equalized Assessed Tangible Valuation for Computation of Bonded Debt	
Limitations .....	\$12,622,897

The total bonded indebtedness of the City of Larned, Kansas, at the date hereof, including this \$460,000.00 proposed issue of Bonds, is in the amount of \$1,757,000.00. The City has outstanding \$195,000.00 Temporary Notes, \$80,000 of which will be retired from the proceeds of the Bonds of this issue and other available funds.

DATED April 18, 1983.

RICHARD D. PLUMMER  
City Clerk  
City of Larned, Kansas

Doc. No. 001185

(Published in the KANSAS REGISTER, May 5, 1983.)

**NOTICE OF BOND SALE**  
**\$145,432.34**  
**GENERAL OBLIGATION BONDS**  
**OF THE**  
**CITY OF CLEARWATER, KANSAS**

The CITY OF CLEARWATER, KANSAS, will receive sealed bids at the OFFICE OF THE CITY CLERK, CITY HALL, CLEARWATER, KANSAS, until 7:30 o'clock P.M., C.D.T., on

TUESDAY, MAY 17, 1983

for \$145,432.34 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.

All of the Bonds will be negotiable coupon bonds, will be in denominations of \$5,000.00 each, except No. 1 in denomination of \$5,432.34, and the Bonds will be dated June 1, 1983. The Bonds will mature serially in accordance with the following schedule:

PRINCIPAL AMOUNT	MATURITY DATE
\$10,432.34	December 1, 1984
10,000.00	December 1, 1985
10,000.00	December 1, 1986
10,000.00	December 1, 1987
15,000.00	December 1, 1988
15,000.00	December 1, 1989
15,000.00	December 1, 1990
20,000.00	December 1, 1991
20,000.00	December 1, 1992
20,000.00	December 1, 1993

Interest on the Bonds will first be payable on June 1, 1984, and thereafter semiannually on the first days of DECEMBER and JUNE in each year until the Bonds are fully paid. Both the principal of and interest on the Bonds will be payable to bearer at the Office of the State Treasurer in the City of Topeka, Kansas.

Proposals will be received on the Bonds bearing such rate or rates of interest, not exceeding four (4) different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute one of said maximum number of rates. The same rate shall apply to all Bonds of the same maturity. Each interest rate specified shall be in an even multiple of one-eighth (1/8) or one-twentieth (1/20) of one per cent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed two and one-half per cent (2½%). No interest rate shall exceed the maximum interest rate allowed by Kansas law; said rate being two per cent (2%) above the Bond Buyer's 20 Bond Index, published in the *Weekly Bond Buyer* on Monday, May 16, 1983, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental coupons will not be considered. Bids for less than the entire issue of Bonds will not be considered.

Bids shall be submitted on the OFFICIAL BID FORM furnished by the City, and shall be addressed to the CITY HALL, CLEARWATER, KANSAS 67026.

(continued)



ATTENTION: DELORES WILLIAMS, CITY CLERK, and shall be plainly marked BOND BID. All bids must state the total interest cost of the bid, the premium, if any, the net interest cost of the bid, and the average annual interest rate, all certified by the bidder to be correct; and the City will be entitled to rely on the certificate of correctness of the bidder. Each bid must be accompanied by a certified or cashier's check equal to two per cent (2%) of the total amount of the bid, and shall be payable to TREASURER, CITY OF CLEARWATER, KANSAS. In the event a bidder whose bid is accepted shall fail to carry out his Contract of Purchase, said deposit shall be retained by the City as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

The Bonds, duly printed, executed and registered, will be furnished and paid for by the City; and the Bonds will be sold subject to the unqualified approving opinion of GAAR & BELL, Bond Counsel, of Wichita, Kansas, whose opinion will be paid for by the City. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the Bonds; and the usual closing proofs, which will include a Certificate that there is no litigation pending or threatened at the time of delivery of the Bonds affecting their validity. Payment of the Bonds shall be made in immediately available funds. Delivery of the Bonds will be made to the successful bidder on or before JUNE 16, 1983, at any bank in the STATE OF KANSAS or KANSAS CITY, MISSOURI, at the expense of the City. Delivery elsewhere will be made at the expense of the purchaser.

It is anticipated that CUSIP identification numbers will be printed on the Bonds; but neither the failure to print such numbers on any Bond nor any error with respect thereto shall constitute cause for a failure by the successful bidder to accept delivery of and pay for the Bonds in accordance with the terms of its Contract and this Notice of Bond Sale. All expenses in connection with the printing of CUSIP numbers on the Bonds shall be paid for by the City.

The Bonds will constitute general obligations of the City, payable as to both principal and interest in part from the collection of special assessments which have been levied on benefited property; but any portion of said specially assessed part not so paid, and the remainder of said principal and interest will be payable 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. The Bonds are being issued for the purpose of constructing certain internal improvements in the City.

The sealed bids for the Bonds shall be opened publicly and only at the time and place specified in this Notice; and the Bonds will be sold to the best bidder. The City reserves the right to reject any and/or all of the bids, and to waive any irregularities. Unless all bids are rejected, the Bonds will be awarded to the bidder whose proposal results in the lowest net interest cost to the City; and the net interest cost will be determined by deducting the amount of any premium

paid from the aggregate amount of interest upon all of the Bonds from their date until their respective maturities.

Assessed valuation figures for the City of Clearwater, Kansas, for the year 1982, are as follows:

Equalized Assessed Valuation of Taxable	
Tangible Property .....	\$3,726,722
Tangible Valuation of Motor Vehicles	\$ 914,180
Tangible Valuation of Motor Vehicle Dealers Inventory .....	\$ 26,370
Equalized Assessed Tangible Valuation for Computation of Bonded Debt	
Limitations .....	\$4,667,272

The total bonded indebtedness of the City of Clearwater, Kansas, at the date hereof, including this \$145,432.34 proposed issue of Bonds, is in the amount of \$1,202,270.65. The City will retire \$225,000.00 of outstanding Temporary Notes from the proceeds of the Bonds, special assessments which have been collected in cash, and other available funds.

DATED April 19, 1983.

DELORES WILLIAMS, City Clerk  
City of Clearwater, Kansas

Doc. No. 001186

State of Kansas

**STATE CORPORATION COMMISSION**

**NOTICE OF HEARING ON  
PROPOSED TEMPORARY  
ADMINISTRATIVE REGULATIONS**

You are hereby notified that the State Corporation Commission of the state of Kansas will hold a public hearing on May 26, 1983, at 3:00 p.m., at Conservation Division Office, 200 Colorado Derby Bldg., 202 W. 1st St., Wichita, Kansas 67202, for the purpose of receiving public comments on proposed temporary regulations K.A.R. 82-3-101, 118 and 130. Oral or written comments will be accepted at that time.

K.A.R. 82-3-101 is being amended to include a definition of alternative cementing materials.

K.A.R. 82-3-118 is being amended to impose a \$3.00 per hole assessment on all seismic or core holes plugged in the state.

The amendment to K.A.R. 82-3-130 reduces the allowed time for filing completion reports with the commission from 90 to 45 days.

A copy of the proposed temporary regulations and a copy of the fiscal impact statement for the above regulations may be obtained from the Corporation Commission, Legal Department, 4th Floor, State Office Building, Topeka, Kansas 66612.

JUDITH McCONNELL  
Executive Secretary

Doc. No. 001193

State of Kansas

STATE CORPORATION COMMISSION

NOTICE PERTAINING TO MOTOR CARRIER HEARINGS BEFORE THE

STATE CORPORATION COMMISSION

Applications set for hearing are to be heard before the State Corporation Commission, State Office Building, 4th Floor, Topeka, Kansas, commencing at 10:00 a.m. unless otherwise noticed.

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

Questions concerning applications for hearing dates should be addressed to the State Corporation Commission, 4th Floor, State Office Building, Topeka, Kansas 66612, or telephone (913) 296-3352 or 296-2110.

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

The Following Application is being RENOTICED for May 16, 1983—TOPEKA, KANSAS

Application for Contract Carrier Permit:

Farmers Oil Co., Inc. ) Docket No. 137,132 M
801 W. Main )
Anthony, KS 67003 )

Applicant's Attorney: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202

Butane and Propane,

Between facilities utilized or operated by Derby Refining Co., on the one hand, and, on the other, all points and places in the state of Kansas.

Under contract with Derby Refining Co., of Wichita, KS.

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The Following Application is being RENOTICED for May 25, 1983—TOPEKA, KANSAS

Amended Application for Certificate of Convenience and Necessity:

Ivan L. Harvey, dba ) Docket No. 136,947 M
ICF Truck Line )
2636 S. 15th Lane )
Kansas City, KS 66103 )

Applicant's Attorney: None.

To transport agricultural commodities,

Between all points and places in Kansas.

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Applications set for June 9, 1983—TOPEKA, KANSAS

Application for Certificate of Convenience and Necessity:

Mo-Kan Distribution ) Docket No. 137,407 M
Service, Inc. )
1330 W. 8th St. )
Kansas City, MO 64101 )

Applicant's Attorney: Alex M. Lewandowski, Suite 600 Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105-1961

General commodities (except Classes A and B explosives, household goods, commodities in bulk and commodities which, because of size and weight, require the use of special equipment),

Between Johnson, Wyandotte and Leavenworth Counties, on the one hand, and, on the other, all points in KS on and east of U.S. Hwy 281.

\*\*\*\*\*

Application for Certificate of Convenience and Necessity:

Stewart Livestock, Inc. ) Docket No. 137,408 M
813 E. Court )
Smith Center, KS 66967 )

Applicant's Attorney: William B. Barker, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601

Livestock,

Between points in that portion of north central Kansas bounded by a line beginning at the KS-NE state line, and extending along U.S. Hwy 183 to junction KS Hwy 18, thence along KS Hwy 18 to junction KS Hwy 14, thence along KS Hwy 14 to the KS-NE state line.

Also,

Between points in that portion of Kansas specified above, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

Application for Extension of Certificate of Convenience and Necessity:

Bobby Robbins, dba ) Docket No. 99,068 M
Chisholm Trail Trucking )
301 S. Second )
Clearwater, KS 67026 ) Route No. 10001

Applicant's Attorney: Don Matlack, 301 N. Market, Wichita, Kansas 67202

To transport grain (including soy beans), feed, feed ingredients, processed mill feeds, sand, gravel, crushed rock, and livestock (including cattle, hogs, sheep and horses),

Between all points and places in the state of Kansas.

\*\*\*\*\*

Applications set for June 14, 1983—TOPEKA, KANSAS

Application for Extension of Certificate of Convenience and Necessity:

Glen E. Troutman ) Docket No. 62,732 M
1720 N. A. St. )
Wellington, KS 67152 ) Route No. 5634

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, KS 66612

To transport wheat mids,

Between all points and places in Rice, McPherson, (continued)

Stafford, Harvey, Reno, Pratt, Sedgwick, Kingman, Barber, Harper and Sumner Counties; that portion of Comanche County east of KS Hwy 1 and US Hwy 183; that portion of Kiowa County east of KS Hwy 183; that portion of Edwards County east of US Hwy 183 & US Hwy 56; that portion of Pawnee County east of US Hwy 183; that portion of Barton County south of KS Hwy 4 and east of US Hwy 281; that portion of Ellsworth County south of US Hwy 156 and US Hwy 140; that portion of Marion County south of US Hwy 56 and west of US Hwy 56/77; that portion of Butler County west of US Hwy 54/77 and south of KS Hwy 96 and that portion of Cowley County west of the Cowley-Elk County line, south of KS Hwy 38 and east of KS Hwy 15.

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

\*\*\*\*\*

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

Glen E. Troutman ) Docket No. 62,732 M  
1720 N. A. St. )  
Wellington, KS 67152 ) Route No. 5634

TO:  
Merlin Troutman, dba  
Troutman Trucking Co.  
1203 S. A. St.  
Wellington, KS 67152

Applicant's Attorney: Clyde N. Christey, 1010 Tyler St., Suite 110-L, Topeka, Kansas 66612

*Unprocessed grains,*

Between all points and places in Rice, McPherson, Stafford, Harvey, Reno, Pratt, Sedgwick, Kingman, Barber, Harper and Sumner Counties; that portion of Comanche County east of KS Hwy 1 and US Hwy 183; that portion of Kiowa County east of KS Hwy 183; that portion of Edwards County east of US Hwys 183 and US Hwy 56; that portion of Pawnee County east of US Hwy 183; that portion of Barton County south of KS Hwy 4 and east of US Hwy 281; that portion of Ellsworth County south of US Hwy 156 and US Hwy 140; that portion of Marion County south of US Hwy 56 and west of US Hwy 56/77; that portion of Butler County west of US Hwy 54/77 and south of KS Hwy 96 and that portion of Cowley County west of the Cowley-Elk County line, south of KS Hwy 38 and east of KS Hwy 15.

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

\*\*\*\*\*

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

Land Air Delivery, Inc. ) Docket No. 91,182 M  
1736 N. 19th St. )  
Kansas City, KS 66102 ) Route No. 8779

Applicant's Attorney: David C. All, Suite 3, Fifth Ave. Bldg., Augusta, KS 67010

*Transportation of general commodities except explosives, household goods, items requiring special handling because of size or weight, items of unusual value, petroleum products or other commodities in bulk, fertilizer, oilfield equipment and machinery,*

Between the counties of Johnson, Wyandotte, Douglas, Leavenworth, Sedgwick, Harvey, Lyon, Shawnee and Barton on the one hand and the counties of Seward, Haskell, Finney, Gray, Meade, Clark, Ford, Hodgeman, Ness, Trego, Ellis, Rush, Pawnee, Edwards, Kiowa, Comanche, Barber, Pratt, Stafford, Russell, Lincoln, Ellsworth, Rice, Reno, Kingman, Harper, Sumner, McPherson, Saline, Ottawa, Dickinson, Marion, Butler, Cowley, Chautauqua, Elk, Greenwood, Chase, Morris, Geary, Wabaunsee, Riley, Pottawatomie, Jackson, Osage, Coffee, Woodson, Wilson, Montgomery, Labette, Neosho, Allen, Anderson, Franklin, Jackson, Doniphan, Atchison, Jefferson, Miami, Linn, Bourbon, Crawford and Cherokee on the other hand with emphasis on same day/night delivery and other expedited freight delivery.

\*\*\*\*\*

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

Bill G. Phoenix, dba ) Docket No. 100,545 M  
Phoenix Trucking Co. )  
Box 363 )  
303 Easy St. )  
Sublette, KS 67877 ) Route No. 10337

Applicant's Attorney: Eugene W. Hiatt, 627 S. Topeka Ave., Topeka, KS 66603-3294

*To transport crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water for drilling purposes, and salt water for disposal purposes,*

Between all points and places in the counties of Meade, Stevens, Grant, Morton, Stanton, Kearney, and Hamilton.

\*\*\*\*\*

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

Contrans, Inc. ) Docket No. 137,409 M  
6716 Berger )  
Kansas City, KS 66111 )

Applicant's Attorney: Donald J. Quinn, II, Commerce Bank Bldg., 8901 State Line-Suite 232, Kansas City, MO 64114

*To transport glass products, paper products, plastic products and foodstuffs,*

Between all points in the state of KS.

\*\*\*\*\*

(continued)

Application set for June 15, 1983—  
TOPEKA, KANSAS

*Petition to Interpret Contract Carrier Permit:*

Processed Beef Express, ) Docket No. 106,957 M  
Inc. )  
S. Hwy 77 )  
P. O. Box 522 )  
Dakota City, NE 68731 ) Permit No. CF 10950

Applicant's Attorneys: Larry E. Gregg, P. O. Box 1979,  
Topeka, KS 66601; Gerald J. Letourneau, First Na-  
tional Bank Tower, Topeka, KS 66612

Petitioner seeks an interpretation of its contract car-  
rier permit to determine whether live cattle may be  
transported under the following authority:

(a) MEAT, MEAT PRODUCTS, MEAT BY-PROD-  
UCTS, PACKINGHOUSE PRODUCTS, and

(b) MATERIALS, SUPPLIES AND EQUIPMENT  
used in the conduct of business by meat packing-  
houses and hide companies between points in Kansas  
under contract with Iowa Beef Processors, Inc., of  
Dakota City, NE.

\*\*\*\*\*

Applications set for June 16, 1983—  
TOPEKA, KANSAS

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

Overnight Freight Service, ) Docket No. 34,725 M  
Inc. )  
525 E. Central )  
P. O. Box 287 )  
Caldwell, KS 67022 ) Route No. 3236

Applicant's Attorney: Paul V. Dugan, 2707 W.  
Douglas, Wichita, KS 67213

*Transportation of unprocessed farm feeds, grain and  
hay; processed feeds and mixed feeds; sand, gravel,  
and rock;*

TO, FROM, AND BETWEEN: All points and  
places within the counties of Sedgwick, Sumner,  
Cowley, Reno, and Saline; and,

TO, FROM, AND BETWEEN: All points and  
places within the counties of Sedgwick, Sumner,  
Cowley, Reno, and Saline on the one hand; and all  
points and places within the state of Kansas on the  
other hand.

\*\*\*\*\*

*Application for Certificate of Convenience  
and Necessity:*

Graebel/Kansas City ) Docket No. 137,410 M  
Movers, Inc. )  
9858 Pflumm Rd. )  
Lenexa, KS 66215 )

Applicant's Attorney: Floyd E. Gehrt, 3400 Van Buren  
St., P. O. Box 5186, Topeka, KS 66605

*To transport household goods as defined by  
the Commission,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

*Application for Certificate of Convenience  
and Necessity:*

Frank N. Bills, dba ) Docket No. 137,411 M  
Frank Bills Trucking )  
P. O. Box 211 )  
Severy, KS 67137 )

Applicant's Attorney: Clyde N. Christey, 1010 Tyler  
St., Suite 110-L, Topeka, KS 66612

*Dry sulphur,*

From El Dorado in Butler County, Kansas, to all  
points and places in the state of Kansas.

\*\*\*\*\*

Applications set for June 21, 1983—  
TOPEKA, KANSAS

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

Norman Spresser, dba ) Docket No. 59,244 M  
Spresser Truck Line )  
Selden, KS 67757 ) Route No. 5287  
TO:

Vernon L. Blundell &  
Diana C. Stafford, dba  
B & D Trucking  
807 Westlawn  
Dodge City, KS 67801

Applicant's Attorney: Clyde N. Christey, 1010 Tyler  
St., Suite 110-L, Topeka, KS 66612

*Livestock and unprocessed hay and grain,*

Between all points and places in Decatur and  
Sheridan Counties,

Also,

Between all points and places within said counties,  
on the one hand, and points and places in Kansas, on  
the other.

*Lumber, finished and unfinished,*

Between all points and places in Decatur and  
Sheridan Counties.

*New and used farm machinery, set up and  
knocked down,*

Between all points and places in Decatur and  
Sheridan Counties,

Also,

Between all points and places within said counties,  
on the one hand, and points and places in Gove and  
Thomas Counties, on the other.

*Processed mill feeds,*

Between all points and places in Decatur and  
Sheridan Counties,

Also,

Between points and places within said counties, on  
the one hand, and Phillipsburg, Norton and Colby,  
Kansas, on the other.

\*\*\*\*\*

(continued)

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

Wichita Trucking, Inc. ) Docket No. 134,994 M  
 3901 S. W. St. )  
 Wichita, KS 67204 ) Route No. 20128  
 Applicant's Attorney: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202  
 To transport dry commodities in bulk, bag and box, Between all points and places in the state of Kansas.

\*\*\*\*\*

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

James Kelly, Jr., dba ) Docket No. 137,412 M  
 Kelly Salvage & Towing )  
 214 N. Ash )  
 Harper, KS 67058 )  
 Applicant's Attorney: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202  
 To transport wrecked and disabled motor vehicles and trailers and replacement vehicles,  
 Between points and places in Barber, Comanche, Harper, Kingman, Kiowa, Pratt, Reno, Sedgwick and Sumner Counties, KS.

WILLIAM E. GREEN  
 Administrator  
 Transportation Division

Doc. No. 001195

State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

**NOTICE**

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**BOARD OF HEALING ARTS ADMINISTRATIVE REGULATIONS**

**Article 11.—FEES**

**100-11-1. Amount.** The following fees shall be collected by the board:

- (a) License based upon an examination given by the board \$130.00
- (b) License based upon endorsement . . . . . \$130.00
- (c) License based upon a certificate issued from the national boards . . . . . \$130.00
- (d) License based upon a certificate issued by the federation of state medical boards . . . . . \$130.00

- (e) (1) Annual renewal of a license . . . . . \$ 50.00
- (2) Second notice renewal . . . . . \$ 75.00
- (3) Reinstatement renewal . . . . . \$ 75.00
- (f) Temporary permit . . . . . \$ 30.00
- (g) Fellowship license . . . . . \$ 15.00
- (h) Visiting professor license . . . . . \$ 15.00
- (i) Certification fee . . . . . \$ 15.00
- (j) Duplicate license . . . . . \$ 15.00
- (k) Examination (cost of exam), medical, chiropractic . . . . . \$160.00
- \$ 40.00
- (l) Special permit—(out-of-phase doctor) . . . . . \$ 15.00
- (m) Postgraduate training temporary permit . . . . . \$ 25.00

(Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809, 65-2811, 65-2833, 65-2852; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-83-33, Nov. 10, 1982; amended May 1, 1983.)

**Article 49.—PODIATRY**

**100-49-4. Fees.** The following fees are established and shall be collected by the board:

- (a) License based on an examination given by the board \$130.00
- (b) License based on endorsement . . . . . \$130.00
- (c) (1) Annual renewal of license . . . . . \$ 50.00
- (2) Late renewal of a license . . . . . \$ 75.00
- (3) Reinstatement of a license . . . . . \$125.00
- (d) Temporary permit . . . . . \$ 30.00
- (e) Temporary license . . . . . \$ 15.00
- (f) Examination . . . . . \$ 30.00
- (g) Certification fee . . . . . \$ 15.00
- (h) Duplicate license . . . . . \$ 15.00

(Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2005, 65-2012; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983.)

ELIZABETH W. CARLSON  
 Executive Secretary

Doc. No. 001142

State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

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**BOARD OF TAX APPEALS ADMINISTRATIVE REGULATIONS**

**Article 3.—ECONOMIC DEVELOPMENT REVENUE BONDS**

**94-3-1. Definition of terms.** As used in these rules and regulations, and in the forms, instructions and  
 (continued)

orders of the Board of Tax Appeals, the following meanings shall apply, along with those which may hereinafter appear, to the extent that they are not inconsistent with K.S.A. 12-1744b and 12-1744c or unless the context otherwise requires:

(a) "The Act" means K.S.A. 12-1744b and 12-1744c, which relates to the issuance of certain revenue bonds for the promotion of economic development by cities or counties, and which prescribes certain powers and imposes certain duties upon the chairperson of the board of tax appeals.

(b) "Chairperson" means the chairman of the board of tax appeals, appointed as provided in K.S.A. 74-2433.

(c) "Informational Statement" means the form, including all amendments, papers, documents and exhibits incidental to the form, prescribed by the chairman for the filing of notice pursuant to and as required by the Act.

(d) "Bonds" means economic development revenue bonds issued by any city, county or qualified improvement district under the authority of K.S.A. 12-1740 *et seq.*, as amended. (Authorized by and implementing K.S.A. 12-1744b, 12-1744c, K.S.A. 19-2765 *Eighth*; effective May 1, 1983.)

**94-3-2. Filing, fees and form.** All applications and notices required to be filed pursuant to the Act shall be governed by the following:

(a) Filing procedures:

(1) The informational statement and documents required to be filed with the board of tax appeals pursuant to the Act, together with the fees required in K.A.R. 94-3-2(b)(1), shall be filed when they are received in the office of the board of tax appeals. The requisite 15 day filing period shall commence upon the date of such receipt. All communications, documents, information and inquiries shall be addressed or delivered to: Office of the Secretary, Board of Tax Appeals, Room 1030-S, State Office Building, Topeka, Kansas 66612-1582; telephone: Area code 913/296-2388.

(2) All information and documents required to be filed with the chairperson pursuant to the Act shall be single filed for each proposed issuance.

(3) If the informational statement, the documents required to be filed pursuant to the Act, or both, are not complete as originally filed, the chairperson shall, within 10 days following the receipt of the incomplete filing, issue a deficiency letter specifically setting forth which information, documents, or both must be filed to make the filing complete. Upon the receipt of the required additional information by the chairperson, the requisite 15 day filing period shall then commence.

(4) If the chairperson finds, following a review of the information and the documents required to be filed pursuant to the Act, that all information and documents required to be filed are complete and, based upon the proposed date of issuance of the bonds, that the filing has been filed in a timely manner, the chairperson shall render to the appropriate

government officials and bond counsel an order or a letter indicating that finding.

(5) The following disclaimer shall appear in bold face type upon the cover of the facing page of each preliminary offering document filed with the chairperson pursuant to the Act:

THE CHAIRPERSON HAS NOT REVIEWED ANY INFORMATION OR DOCUMENT FILED PURSUANT TO THIS INFORMATIONAL FILING FOR THE ADEQUACY OR ACCURACY OF THE DISCLOSURE THEREIN. THIS INFORMATIONAL FILING DOES NOT CONSTITUTE A RECOMMENDATION OR AN ENDORSEMENT BY THE CHAIRPERSON.

(6) The chairperson may, at his or her discretion, publish for distribution to interested persons a monthly list of all informational filings received during the preceeding month.

(b) Fees.

(1) Each informational statement required to be filed pursuant to the Act and these regulations shall be accompanied by a filing fee of \$125.00. All fees must accompany the application and shall be payable by check or money order to the state board of tax appeals. Cash remittance shall not be acceptable. In the event that the chairperson receives notice of refusal of payment of the check or money order presented with the application in payment of these fees the application shall be deemed to be incomplete and not timely filed as required by the Act.

(2) Copies of documents filed and recorded in the office of the board of tax appeals shall be available upon request. Postage and copy fees shall be payable in advance, and in conformity with K.S.A. 45-204, as amended.

(c) Forms. The informational statement required to be completed and filed as provided for in this Act shall be on forms prescribed or approved by the chairperson of the board of tax appeals. (Authorized by and implementing K.S.A. 12-1744b, 12-1744c; effective May 1, 1983.)

KARL V. COZAD  
Secretary

Doc. No. 001144

State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

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**DEPARTMENT OF REVENUE—  
DIVISION OF  
PROPERTY VALUATION  
ADMINISTRATIVE REGULATIONS**

**Article 2.—INSTITUTE OF  
CERTIFIED KANSAS ASSESSORS**

**93-2-1 to 93-2-5.** (Authorized by K.S.A. 74-2437, 79-1401, 79-1404, K.S.A. 1971 Supp. 19-421, 19-423; effective Jan. 1, 1972; revoked May 1, 1983.)

MICHAEL LENNEN  
Secretary

Doc. No. 001145

State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

**NOTICE**

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**BANK COMMISSIONER  
SAVINGS AND LOAN DEPARTMENT  
JOINT ADMINISTRATIVE  
REGULATIONS**

**Article 1.—SECURITY FOR DEPOSIT  
OF PUBLIC FUNDS**

**103-1-1.** Security for deposit of public funds. The market value of negotiable promissory notes secured by first lien mortgages on real estate and pledged and assigned by a bank or savings and loan association as

security for deposits of municipal or quasi-municipal corporations shall be determined in the following manner:

- (1) Determine the average interest rate for all such notes pledged by the institution;
- (2) Obtain the current GNMA bid rate for comparable obligations; and
- (3) Multiply the total of real estate loans pledged by the GNMA bid quotation to ascertain the current value of the pledged real estate loans. (Authorized by and implementing K.S.A. 9-1402; effective, T-83-18, July 1, 1982; effective May 1, 1983.)

JOHN O'LEARY, JR.  
State Bank Commissioner

MARVIN S. STEINERT  
Savings and Loan Commissioner

Doc. No. 001141

State of Kansas

**PERMANENT ADMINISTRATIVE REGULATIONS**

**NOTICE**

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**BOARD OF AGRICULTURE—  
DIVISION OF  
WEIGHTS AND MEASURES  
ADMINISTRATIVE REGULATIONS**

**Article 26.—FEES**

**99-26-1.** Fees. Fees charged for services rendered by the state sealer or his or her authorized representative in conjunction with the testing and proving of weights, measures and other devices are established at the rate of twenty-five dollars (\$25.00) per hour or fraction thereof. This regulation shall be effective on and after September 1, 1982. (Authorized by and implementing L. 1982, ch. 4; effective, T-83-25, Sept. 1, 1982; effective May 1, 1983.)

HARLAND E. PRIDDLE  
Secretary

Doc. No. 001143



## State of Kansas

**PERMANENT ADMINISTRATIVE  
REGULATIONS**

## NOTICE

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**REAL ESTATE COMMISSION  
ADMINISTRATIVE REGULATIONS****Article 1.—EXAMINATION AND  
REGISTRATION**

**86-1-5. Fees.** (a) The applicant shall pay a fee in an amount equal to the actual cost of the examination and the administration thereof to the testing service designated by the commission.

(b) The commission shall collect:

(1) For an original salesperson's license, a fee, based on an annual amount of \$15, computed to the nearest whole month for the period of time from date of licensure until the renewal date determined by the schedule contained in K.A.R. 86-1-4;

(2) For an original broker's or associate broker's license, a fee, based on an annual amount of \$25, computed to the nearest whole month for the period of time from date of licensure until the renewal date determined by the schedule contained in K.A.R. 86-1-4;

(3) For renewal of a salesperson's license, a fee, based on an annual amount of \$15;

(4) For renewal of a broker's or associate broker's license, a fee, based on an annual amount of \$25;

(5) For reinstatement of a license which has been deactivated or which has been canceled pursuant to K.S.A. 58-3047(d) or by reason of termination of a salesperson or associate broker, a fee of \$15; and

(6) For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(e), a fee of \$15 for each license canceled or \$100 for all licenses canceled, whichever is less. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3063; effective Jan. 1, 1966; amended, E-73-30, Sep. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sep. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983.)

**86-1-9.** (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046; effective, E-81-18, July 16, 1980; effective May 1, 1981; amended May 1, 1982; revoked, T-83-32, Oct. 25, 1982; revoked May 1, 1983.)

**86-1-10.** Approval of courses of instruction; proce-

dures. (a) As used in this regulation, "school" means an institution, school, association or agency which qualifies under K.S.A. 1982 Supp. 58-3046a(d) to offer courses of education.

(b) To request commission approval of a course of education required by K.S.A. 1982 Supp. 58-3046a, the school shall:

(1) Appoint a coordinator to supervise the course.

(2) Submit all information required by the commission for course approval at least 30 days prior to the first scheduled class session. The information shall include the following:

(A) A completed application for course registration form which has been obtained from the commission;

(B) An application for real estate instructor, completed in accordance with section (e) of this regulation; and

(C) A course syllabus, which shall contain the school name, location and telephone number; name of course; policy regarding attendance and procedure for record-keeping of attendance; instructor's name; prerequisites for course; proposed dates of offering; sample of proposed advertising; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course; course description, including a brief idea of the course content and for whom the course is intended; objectives or aims of the course; methods of class presentations; materials to be used; a detailed course outline; name and author of the textbook; and method used to determine successful completion of the course.

(c) Courses eligible for approval for compliance with K.S.A. 1982 Supp. 58-3046a(b) include the following:

- (1) real estate finance;
- (2) real estate law;
- (3) real estate appraisal;
- (4) real estate investment; and
- (5) real estate management.

Total instruction time of courses approved for compliance with K.S.A. 1982 Supp. 58-3046a(b) shall be not less than three hours.

(d) The commission shall register approved courses and shall notify the school, in writing, of each course registered. Registration of a course shall expire at the end of the calendar year and may be renewed annually. The commission shall notify the school by November 1 that an application for renewal is due and send the necessary forms to the school.

(e) An individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. An instructor shall have a current teaching certificate and show sufficient evidence of knowledge of the curriculum or shall meet at least two of the following requirements:

(1) Having been a licensee for a period of at least five years.

(continued)



(2) Having completed a commission approved course of study for instructors.

(3) Having attained a degree from an accredited four year college or university.

The commission shall notify the school, in writing, of its approval or disapproval of each instructor. The school shall not allow an individual to instruct a course approved by the commission prior to having verification of commission approval of an instructor on file at the school.

(f) The coordinator appointed by the school shall be responsible for regular and consistent evaluation of the course and the instructors. Each time a school uses an instructor for the first time, the coordinator shall ask each student in the course to complete an instructor evaluation form. Both student and coordinator evaluations shall be submitted to the commission.

Subsequent evaluations of instructors may be completed at the discretion of the coordinator and may be used to measure any changes in the quality of the instructor.

The coordinator shall supply additional student and coordinator evaluations of specific instructors upon request of the commission.

(g) Schools which do not have transcript capabilities shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student. A certificate shall not be issued to a student who was absent more than 10 per cent of the scheduled classroom hours of a principles of real estate course approved by the commission pursuant to K.S.A. 1982 Supp. 58-3046a(a). A certificate shall not be issued to a student who was absent during any portion of the scheduled classroom hours of a course approved by the commission to meet the eight hours of additional instruction required by K.S.A. 1982 Supp. 58-3046a(b).

(h) The school shall maintain records of students successfully completing a course approved by the commission for a minimum of three years. Attendance records shall be kept current and available for inspection by commission representatives during regular school hours or upon request.

(i) The school shall notify the commission, in writing, at least 30 days prior to a significant change in a course approved by the commission. Changes to be reported include changes in coordinator, instructor, name or location of school, and fees charged to students.

(j) A school shall not use the trade name of any brokerage or franchise. Advertising shall not convey to the public the impression that the school is affiliated with a real estate business or franchisor or a real estate licensee. Nothing herein shall prohibit advertising from containing the name of an instructor who is licensed as a real estate broker or salesperson.

(k) A school shall not advertise a course as meeting the educational requirements of the *Kansas Real Estate Brokers' and Salespersons' License Act* prior to approval of the course by the commission and verification of that approval being on file at the school. A school or agent of a school shall not guarantee that

successful completion of the course will result in the student's passing of a real estate licensing examination.

(l) The Commission may deny, suspend or revoke approval of a real estate course, an instructor or a school if it is determined that the course, instructor or school is not in compliance with K.S.A. 1982 Supp. 58-3046a or this regulation. Falsification of attendance records shall be grounds for suspension or revocation. If disciplinary action is taken by the commission, the commission shall issue a written order of suspension, revocation or denial of approval.

(m) A school offering a correspondence course shall, to the extent applicable, meet all other standards prescribed by the commission and shall require that at least 50 percent of the passing grade of its corresponding students be based on scores obtained by proctored examinations. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1982 Supp. 58-3046a; effective, T-83-32, Oct. 25, 1982; effective May 1, 1983.)

## KANSAS REAL ESTATE COMMISSION

Doc. No. 001146

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. 1982 Supp. 77-415 *et seq.* *These regulations became effective May 1, 1983, but were subject to legislative review and may have been modified or revoked by the Kansas Legislature prior to May 1.* All administrative regulations are subject to legislative review for modification or revocation at any time. This issue of the *Register* contains a complete index to regulations effective May 1, and any legislative actions on them.

## CONSUMER CREDIT COMMISSIONER DEPARTMENT OF CREDIT UNIONS BANK COMMISSIONER SAVINGS AND LOAN DEPARTMENT JOINT ADMINISTRATIVE REGULATIONS

### Article 1.—ADJUSTABLE RATE NOTES

**104-1-1.** Adjustable rate notes secured by a real estate mortgage or a contract for deed to real estate. For the purpose of adjusting the interest rate, the lender may use any interest rate index that is readily verifiable by the borrower and is beyond the control of the lender. Adjustments to the interest rate of an adjustable mortgage loan shall correspond directly to the movement of the index, subject to any rate adjustment limitations that a lender may provide. The initial index value shall be the most recently available value of the index at, or within six months prior to, the

(continued)

closing date of the loan. The amount of a rate adjustment shall reflect the difference between the initial index value and either: (a) the index value most recently available as of the date of rate adjustment, if the payment is not simultaneously adjusted, or (b) the index value most recently available as of the date of notification of a payment adjustment. When the movement of the index permits an interest rate increase, the lender may decline to increase the interest rate by the indicated amount. The lender may decrease the interest rate at any time.

Adjustments to the interest rate may be implemented through adjustments to the outstanding principal loan balance or the loan term, through changes in the payment amount, or both. Adjustments shall be subject to the following conditions: (a) the total loan term shall not exceed 40 years; (b) the adjustments shall reflect the movement of the index; (c) the initial payment amount shall be sufficient to fully amortize the loan at the beginning of the loan term; and (d) the payment amount shall be adjusted at least every five years to a level sufficient to amortize the loan at the then-existing interest rate and principal loan balance over the remaining term of the loan.

The borrower shall not be charged any costs or fees in connection with regularly scheduled adjustments to the interest rate, the payment, the outstanding principal loan balance, or the loan term.

At least 30, but not more than 45 days, before adjustment of the payment, a lender shall send written notification to the borrower containing the following information:

- (a) a statement that the payment on the loan with the lender, secured by a mortgage or deed of trust on property located at the named address, is schedule to be adjusted on a particular date;
- (b) the outstanding balance of the loan on the adjustment date, assuming timely payment of the remaining payments due by that date;
- (c) the interest rate on the loan as of the adjustment date, the index value on which that rate is based, the period of time for which that interest rate will be in effect, the next payment adjustment date, and the rate adjustment dates, if any, between the upcoming payment adjustment date and the next payment adjustment date;
- (d) the payment amount as of the payment adjustment date;
- (e) the dates, if any, on which the rate was adjusted since the last payment adjustment, the rates on each such rate adjustment date, and the index values corresponding to each such date;
- (f) the dates, if any, on which the outstanding principal loan balance was adjusted since the last payment adjustment, and the net change in the outstanding principal loan balance since the last payment adjustment;
- (g) the fact that the borrower may pay off the entire loan or a part of it without penalty when the prepayment is made more than six months after execution of the note; and
- (h) the title and telephone number of a lender employee who can answer questions about the notice.

An applicant shall be given, at the time of receipt of an application, or upon request, a disclosure notice in substantially the following form:

**IMPORTANT INFORMATION ABOUT THE  
ADJUSTABLE MORTGAGE LOAN**

**PLEASE READ CAREFULLY**

*You have received an application form for an adjustable mortgage loan ("AML"). The AML may differ from other mortgages with which you are familiar.*

**GENERAL DESCRIPTION OF ADJUSTABLE MORTGAGE LOAN**

*The adjustable mortgage loan is a flexible loan instrument. Its interest rate may be adjusted by the lender from time to time. Such adjustments will result in increases or decreases in your payment amount, in the outstanding principal loan balance, in the loan term, or in all three (see discussion below relating to these types of adjustments). Regulations place no limit on the amount by which the interest rate may be adjusted at any one time or over the life of the loan, or on the frequency with which it may be adjusted. Adjustments to the interest rate must reflect the movement of a single, specified index (see discussion below). For this reason, if you desire to have certain rate adjustment limitations placed in your loan agreement, you should negotiate that matter with the lender. You may also want to make inquiries concerning the loan terms offered by other lenders on AMLs to compare the terms and conditions.*

*Another flexible feature of the AML is that the regular payment amount may be increased or decreased by the lender from time to time to reflect changes in the interest rate. Again, regulations place no limitations on the amount by which the lender may adjust payments at any one time, or on the frequency of payment adjustments. If you wish to have particular provisions in your loan agreement regarding adjustments to the payment amount, you should negotiate those terms with the lender.*

*A third flexible feature of the AML is that the outstanding principal loan balance (the total amount you owe) may be increased or decreased from time to time when adjustments to the interest rate result in a payment amount that is too small to cover interest due on the loan, or a payment amount that is larger than necessary to pay off the loan over the remaining term of the loan.*

*The final flexible feature of the AML is that the loan term may be lengthened or shortened from time to time, corresponding to an increase or decrease in the interest rate. When the term is extended in connection with a rate increase, the payment amount does not have to be increased to the same extent as if the term had not been lengthened. In no case may the total term of the loan exceed 40 years.*

*The combination of these four basic features allows a lender to offer a variety of mortgage loans. For example, one type of loan could permit rate adjustments with corresponding changes in the payment amount. Alternatively, a loan could permit rate adjustments to occur more frequently than payment adjustments, limit the amount by which the payment could be adjusted, and/or provide for corresponding adjustments to the principal loan balance.*

**INDEX**

*Adjustments to the interest rate of an AML must correspond directly to the movement of an index, subject to any rate-adjustment limitations that may be contained in the loan contract. If the index has moved down, the lender must reduce the interest rate by at least the decrease in the index. If the index has moved up, the lender has the right to increase the interest rate by that amount. Although increasing the interest rate is optional for the lender, you should be aware that the lender has this right and that the lender may become contractually obligated to exercise it.*

*The following is important information about the index to be applied to your AML.*

1. Name and description of index to be used for applicant's loan:  
(provide relevant information here)
2. The initial index value (if known) or date of initial index value:  
(provide relevant information here)
3. A source or sources where the index may be readily obtained by the borrower:  
(provide relevant information here)

(continued)

4. The high and low index rates during the previous calendar year:

(provide relevant information here)

#### KEY TERMS OF ADJUSTABLE MORTGAGE LOAN

Following is a summary of the basic terms on the type of AML to be offered to you. This summary is intended for reference purposes only. The following important information relating specifically to your loan will be contained in the loan agreement.

1. The loan term:  
(provide relevant information here)
2. The frequency of rate changes:  
(provide relevant information here)
3. The frequency of payment changes:  
(provide relevant information here)
4. The maximum rate change, if any, at one time:  
(provide relevant information here)
5. The maximum rate change, if any, over the life of the loan:  
(provide relevant information here)
6. The maximum payment change, if any, at one time:  
(provide relevant information here)
7. The minimum increments, if any, of rate changes:  
(provide relevant information here)
8. The adjustments to the principal loan balance:  
(provide relevant information here)

#### HOW YOUR ADJUSTABLE MORTGAGE LOAN WOULD WORK INITIAL INTEREST RATE

The initial interest rate offered by \_\_\_\_\_ (lender's name) on your AML will be established and disclosed to you on \_\_\_\_\_ (commitment date) based on market conditions at the time.

A short description of each key term of the AML offered to you follows (headings identify the key terms).  
(provide relevant information here)

#### NOTICE OF PAYMENT ADJUSTMENTS

\_\_\_\_\_ (Lender's name) will send you notice of an adjustment to the payment amount at least 30 but not more than 45 days before it becomes effective. The following is a description of information contained in the notice, as required by K.A.R. \_\_\_\_\_:  
(provide relevant information here)

#### PREPAYMENT PENALTY

You may prepay an AML in whole or part without penalty when the prepayment is made more than six months after execution of such note.

#### FEES

You will be charged fees by \_\_\_\_\_ (lender's name) and by other persons in connection with the origination of your AML. The lender will give you an estimate of these fees after receiving your loan application. However, you will not be charged any costs or fees in connection with any regularly scheduled adjustment to the interest rate, the payment, the outstanding principal loan balance, or the loan terms initiated by the lender.

(Authorized by and implementing L. 1982, ch. 94; effective, T-83-29, Sep. 22, 1982; effective May 1, 1983.)

DONALD O. PHELPS  
Consumer Credit Commissioner

JOHN B. RUCKER, JR.  
Credit Union Administrator

JOHN O'LEARY, JR.  
State Bank Commissioner

MARVIN S. STEINERT  
Savings and Loan Commissioner

Doc. No. 001140

#### State of Kansas

### PERMANENT ADMINISTRATIVE REGULATIONS

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### DEPARTMENT OF REVENUE ADMINISTRATIVE REGULATIONS

#### Article 2.—LEGACIES; SUCCESSIONS, ESTATE TAX

**92-2-52.** (Authorized by K.S.A. 1979 Supp. 79-1539, 79-1540, 79-1583; effective, E-80-26, Dec. 12, 1979; effective May 1, 1980; revoked May 1, 1983.)

**92-2-55.** (Authorized by K.S.A. 1979 Supp. 79-1546, 79-1547, 79-1552, 79-1556, 79-1561, 79-1583; effective, E-80-26, Dec. 12, 1979; effective May 1, 1980; revoked May 1, 1983.)

#### Article 8.—CEREAL MALT BEVERAGE TAX

**92-8-1. Applications.** The application for a license, as provided in the law regarding cereal malt beverage or malt products, shall show the name, the principal office address of the applicant, the address or location of the place of business and the location of storage for cereal malt beverage; the name, brand or other designation of the beverage which the applicant desires to sell in wholesale quantities in the state, and the geographic territory in Kansas within which the applicant intends to distribute the designated beverages. That geographic territory shall be the territory agreed upon by the brewer and the wholesaler or distributor and shall not be changed without the written consent of both the brewer and the wholesaler or distributor. A separate application shall be made for each separate establishment operated by the applicant. (Authorized by K.S.A. 1982 Supp. 79-3835; implementing K.S.A. 41-2713, effective Jan. 1, 1966; amended, E-74-37, July 2, 1974; amended May 1, 1975; amended May 1, 1983.)

**92-8-14. Filing of agreements; cancellations.** All written contractual agreements between manufacturers and wholesalers or distributors shall be filed with the director of alcoholic beverage control at the time of filing application for a distributor's license.

Every wholesaler or distributor shall submit a sketch or marked state highway map showing the

(continued)

geographic territory within which the wholesaler or distributor will distribute cereal malt beverages to retailers.

Any wholesaler or distributor who refuses to sell any cereal malt beverage or provide service in connection therewith to any retailer within that geographic territory shall immediately give written sale-refusal notice to the director. The written notice shall set forth in full the reason or reasons the wholesaler or distributor will not sell the cereal malt beverage brand or brands to the named retailer.

Upon receipt of the sale-refusal notice, the director shall immediately notify all applicable Kansas licensed wholesalers or distributors that it is lawful to sell the named cereal beverage brand or brands to the named retailers. (Authorized by K.S.A. 41-2717, K.S.A. 1982 Supp. 79-3835; implementing K.S.A. 79-3824, K.S.A. 1982 Supp. 41-2705; effective Jan. 1, 1966; amended, E-74-37, July 2, 1974; amended May 1, 1975; amended May 1, 1982; amended May 1, 1983.)

#### Article 11.—WITHHOLDING AND ESTIMATED TAX

**92-11-4. Determining tax to be withheld.** (a) *General.* The Kansas income tax to be withheld by an employer shall be determined in accordance with one of the following income tax withholding methods:

Method I—Income tax withholding formula.

Method II—The withholding tax table provided by the department.

Method III—A computer formula which results in substantially the same amount of withholding for the payroll period as method I above.

The formula method in method I shall be as follows:

$$\frac{(W-T-D-E) \times R}{P} = \text{Kansas Withholding}$$

When using the withholding tax formula, the following values shall be used:

- (1) W= Annualized wage = Gross Wage  $\times$  P;
- (2) T= Allowable federal tax deduction = (federal withholding  $\times$  P)  $\times$  .80 for single individuals or .85 for married individuals;
- (3) D= Standard deduction = W  $\times$  .16 with a minimum of \$1,700 for a single individual or \$2,100 for a married individual and a maximum of \$2,400 for a single individual or \$2,800 for a married individual;
- (4) E= Exemption deduction = personal exemptions claimed  $\times$  \$1,000;
- (5) R= Kansas tax rates pursuant to K.S.A. 1981 Supp. 79-32,110 and amendments thereto; and
- (6) P= Number of payroll periods in a year, as follows:
  - (A) 252 for daily or miscellaneous pay periods;
  - (B) 52 for weekly pay periods;
  - (C) 26 for bi-weekly pay periods;
  - (D) 24 for semi-monthly pay periods;
  - (E) 12 for monthly pay periods;
  - (F) 2 for semi-annual pay periods; or
  - (G) 1 for annual pay periods.

(b) *Supplemental wages.* The treatment given supplemental wages for federal withholding purposes shall be the treatment given supplemental wages for

Kansas withholding purposes. The Kansas withholding on supplemental wages shall be computed pursuant to subsection (a) of this section.

(c) *Payroll periods.* The Kansas tax shall be withheld on the basis of the same payroll period used for federal income tax purposes.

(d) *Withholding exemptions.* The employer shall allow the number of exemptions claimed by the employee on federal form W-4.

(e) *Withholding of additional amounts pursuant to agreement.* (1) Whenever the employer and employee agree that an additional amount shall be withheld from employee's wages for federal purposes, that agreement shall also apply for Kansas income tax purposes.

(2) The amount deducted and withheld pursuant to such an agreement between the employer and employee shall be considered as tax required to be deducted and withheld under this section. All provisions of law and regulations applicable to the tax shall be applicable to any amount deducted and withheld pursuant to the agreement. (Authorized by K.S.A. 79-3236; implementing K.S.A. 79-3297a; effective Jan. 1, 1966; amended, E-67-14, Aug. 9, 1967; amended Jan. 1, 1968; amended, E-77-6, March 19, 1976; amended Feb. 15, 1977; amended, E-78-21, Aug. 10, 1977; amended May 1, 1978; amended, E-80-26, Dec. 12, 1979; amended May 1, 1980; amended, T-83-10, June 9, 1982; amended May 1, 1983.)

#### Article 14.—LIQUEFIED PETROLEUM FUEL TAX

**92-14-9. Taxation of compressed natural gas; conversion formula.** For purposes of applying to compressed natural gas the LP-gas motor fuel tax rate imposed by K.S.A. 79-3492 on a per gallon basis, 120 cubic feet of compressed natural gas shall equal one gallon. (Authorized by K.S.A. 79-34,102; implementing K.S.A. 79-3490, 79-3492; effective May 1, 1982; amended May 1, 1983.)

#### Article 15.—NONRESIDENT CONTRACTORS

**92-15-1.** (Authorized by K.S.A. 79-1008, 79-1014; effective Jan. 1, 1968; revoked May 1, 1983.)

**92-15-2.** (Authorized by K.S.A. 1968 Supp. 79-1009, 79-1014; effective Jan. 1, 1968; amended Jan. 1, 1969; revoked May 1, 1983.)

**92-15-5.** (Authorized by K.S.A. 1968 Supp. 79-1010, 79-1014; effective Jan. 1, 1968; amended Jan. 1, 1969; revoked May 1, 1983.)

**92-15-7.** (Authorized by K.S.A. 1968 Supp. 79-1010, 79-1014; effective Jan. 1, 1968; amended Jan. 1, 1969; revoked May 1, 1983.)

**92-15-9 to 92-15-12.** (Authorized by K.S.A. 79-1010 *et seq.*; effective Jan. 1, 1968; revoked May 1, 1983.)

#### Article 16.—INTANGIBLES TAX

**92-16-1.** (Authorized by K.S.A. 1975 Supp. 79-3109a, 79-3111, 79-3112, 79-3113b; effective Jan. 1,

(continued)

1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1975; amended May 1, 1976; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-2.** (Authorized by K.S.A. 1975 Supp. 79-3111, 79-3113b, 79-3120a; effective Jan. 1, 1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1976; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-3.** (Authorized by K.S.A. 1973 Supp. 79-3111, 79-3113a, 79-3113b; effective Jan. 1, 1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-4.** (Authorized by K.S.A. 79-3111, 79-3113b; effective Jan. 1, 1968; amended Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-5.** (Authorized by K.S.A. 1975 Supp. 79-3108, 79-3109, 79-3109a, 79-3112, 79-3113b; effective Jan. 1, 1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1976; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-6.** (Authorized by K.S.A. 79-3101, K.S.A. 1975 Supp. 79-3102, 79-3108, 79-3111, 79-3113b, 79-3120a; effective Jan. 1, 1968; amended Jan. 1, 1969; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; amended May 1, 1975; modified, 1976 HB 3062, May 1, 1976; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-7.** (Authorized by K.S.A. 79-3108, 79-3113b; effective Jan. 1, 1968; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-8.** (Authorized by K.S.A. 79-3113b, K.S.A. 1971 Supp. 79-3108; effective Jan. 1, 1968; amended Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-9.** (Authorized by K.S.A. 79-3113b, K.S.A. 1971 Supp. 79-3109; effective Jan. 1, 1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-12, 92-16-13.** (Authorized by K.S.A. 79-3113b, K.S.A. 1971 Supp. 79-3109a; effective Jan. 1, 1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-14.** (Authorized by K.S.A. 79-3113b; effective Jan. 1, 1968; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-15.** (Authorized by K.S.A. 79-3113b, 79-304; effective Jan. 1, 1968; amended, E-71-8, Jan. 1, 1971; amended Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-18.** (Authorized by K.S.A. 79-3113b, 79-3115; effective Jan. 1, 1968; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-19.** (Authorized by K.S.A. 79-3114, K.S.A. 1974 Supp. 79-3111, 79-3113b; effective Jan. 1, 1968;

amended May 1, 1975; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-16-20, 92-16-21.** (Authorized by K.S.A. 79-3113b, K.S.A. 1971 Supp. 79-3109a; effective Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

#### Article 18.—SPECIAL FUEL TAX

**92-18-5. Unlicensed special fuel user; records; inspection; preservation.** (a) Each special fuel user issued a permit pursuant to K.S.A. 1982 Supp. 79-3479b shall prepare and maintain those records that are necessary to determine the amount of special fuel tax for which the permittee is liable. The records shall be maintained for a period of three years after the year to which they pertain and shall be available for inspection as provided by K.S.A. 79-3480 and K.S.A. 1982 Supp. 79-3479b.

(b) The records maintained by the permittee shall indicate, for each location where special fuel is dispensed into motor vehicles, the following information:

(1) The inventory of non-taxable special fuel on hand at the beginning of each calendar year;

(2) the inventory of special fuel on which special fuel tax has been paid on hand at the beginning of each calendar year;

(3) the amount of special fuel used for taxable purposes;

(4) the amount of special fuel used for non-taxable purposes;

(5) the amount of non-taxable special fuel purchased;

(6) the amount of special fuel purchased for which the special fuel tax has been paid; and

(7) the odometer readings for motor vehicles owned by the permittee at the beginning and end of the calendar year.

(c) This rule and regulation shall take effect and be in force on and after January 1, 1983. (Authorized by K.S.A. 79-3483, K.S.A. 1982 Supp. 79-3479a; implementing K.S.A. 1982 Supp. 79-3479b; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983.)

**92-18-6. Unlicensed special fuel user; annual report.** Each special fuel user issued a permit pursuant to K.S.A. 1982 Supp. 79-3479b shall make a report to the director of taxation on or before January 25 of each year, commencing in 1984, for the last preceding calendar year. The report shall set forth the information required to be maintained by subsection (b) of K.A.R. 92-18-5 and any other information required by the director. The report shall be made on a form furnished by the director. (Authorized by K.S.A. 79-3483, K.S.A. 1982 Supp. 79-3479a; implementing K.S.A. 1982 Supp. 79-3479a, 79-3479b; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983.)

#### Article 19.—KANSAS RETAILERS' SALES TAX

**92-19-1. Bracket system for adding and collecting state sales tax.** The following bracket system is hereby

(continued)

adopted for use by retailers in adding and collecting state retailers' sales tax. The amount of tax corresponding to the lower figure in the sale column shall be added and collected when the gross receipts from a sale fall between that figure and the next higher figure in that column.

Sale	Tax	Sale	Tax	Sale	Tax	Sale	Tax
.01	.00	12.50	.38	25.17	.76	37.84	1.14
.15	.01	12.84	.39	25.50	.77	38.17	1.15
.40	.02	13.17	.40	25.84	.78	38.50	1.16
.70	.03	13.50	.41	26.17	.79	38.84	1.17
1.15	.04	13.84	.42	26.50	.80	39.17	1.18
1.45	.05	14.17	.43	26.84	.81	39.50	1.19
1.84	.06	14.50	.44	27.17	.82	39.84	1.20
2.17	.07	14.84	.45	27.50	.83	40.17	1.21
2.50	.08	15.17	.46	27.84	.84	40.50	1.22
2.84	.09	15.50	.47	28.17	.85	40.84	1.23
3.17	.10	15.84	.48	28.50	.86	41.17	1.24
3.50	.11	16.17	.49	28.84	.87	41.50	1.25
3.84	.12	16.50	.50	29.17	.88	41.84	1.26
4.17	.13	16.84	.51	29.50	.89	42.17	1.27
4.50	.14	17.17	.52	29.84	.90	42.50	1.28
4.84	.15	17.50	.53	30.17	.91	42.84	1.29
5.17	.16	17.84	.54	30.50	.92	43.17	1.30
5.50	.17	18.17	.55	30.84	.93	43.50	1.31
5.84	.18	18.50	.56	31.17	.94	43.84	1.32
6.17	.19	18.84	.57	31.50	.95	44.17	1.33
6.50	.20	19.17	.58	31.84	.96	44.50	1.34
6.84	.21	19.50	.59	32.17	.97	44.84	1.35
7.17	.22	19.84	.60	32.50	.98	45.17	1.36
7.50	.23	20.17	.61	32.84	.99	45.50	1.37
7.84	.24	20.50	.62	33.17	1.00	45.84	1.38
8.17	.25	20.84	.63	33.50	1.01	46.17	1.39
8.50	.26	21.17	.64	33.84	1.02	46.50	1.40
8.84	.27	21.50	.65	34.17	1.03	46.84	1.41
9.17	.28	21.84	.66	34.50	1.04	47.17	1.42
9.50	.29	22.17	.67	34.84	1.05	47.50	1.43
9.84	.30	22.50	.68	35.17	1.06	47.84	1.44
10.17	.31	22.84	.69	35.50	1.07	48.17	1.45
10.50	.32	23.17	.70	35.84	1.08	48.50	1.46
10.84	.33	23.50	.71	36.17	1.09	48.84	1.47
11.17	.34	23.84	.72	36.50	1.10	49.17	1.48
11.50	.35	24.17	.73	36.84	1.11	49.50	1.49
11.84	.36	24.50	.74	37.17	1.12	49.84	1.50
12.17	.37	24.84	.75	37.50	1.13		

Sales in amounts over bracket to be computed at 3 percent.

(Authorized by K.S.A. 79-3618, 79-3619; implementing K.S.A. 79-3619, K.S.A. 1982 Supp. 79-3603; effective, E-70-33, July 1, 1970; effective, E-71-8, Jan. 1, 1971; effective Jan. 1, 1972; amended May 1, 1983.)

**92-19-43. Tax due upon registration of vehicle by dealer; exception; credit upon subsequent transfer.** (a) The registration of a vehicle by a licensed vehicle dealer pursuant to the provisions of article 1 of chapter 8 of Kansas Statutes Annotated shall constitute the taking of tangible personal property from a stock of goods within the meaning of K.A.R. 92-19-11 and amendments thereto. Except as provided in subsections (b) and (c), sales tax shall be due and payable to the county treasurer at the time the dealer makes application for the registration of the vehicle.

(b) Notwithstanding the provisions of subsection (a), whenever a vehicle is registered by a licensed vehicle dealer for the purpose of subsequently leasing the vehicle, sales tax shall be collected by the licensed vehicle dealer on each lease payment made by the lessee. At the time of making application for registration, the dealer shall provide the county treasurer with

a resale exemption certificate pursuant to K.A.R. 92-19-25.

(c) Whenever a vehicle which has been registered by a licensed vehicle dealer, and upon which the sales tax has been paid, is sold or is otherwise transferred in a taxable transaction within 15 days from the date the vehicle was registered by the dealer, the taking of the vehicle from a stock of goods and the subsequent transfer shall be deemed to constitute a single transaction for sales tax purposes. Upon the subsequent transfer, the dealer shall collect the sales tax from the ultimate consumer and may apply for credit from the director of taxation for the tax paid by the dealer to the county treasurer. (Authorized by K.S.A. 79-3618; implementing K.S.A. 1982 Supp. 79-3602, 79-3603; effective May 1, 1983.)

**Article 21.—LOCAL RETAILERS' SALES TAX**

**92-21-2.** (Authorized by K.S.A. 79-3618, 79-3619, K.S.A. 1971 Supp. 79-3603, 79-4425, 79-4426; effective, E-71-21, July 1, 1971; effective Jan. 1, 1972; revoked, T-83-48, Dec. 22, 1982; revoked May 1, 1983.)

**92-21-20. Bracket systems for adding and collecting state and local taxes.** The following bracket systems are hereby adopted for use by retailers in adding and collecting state and local retailers' sales taxes. The amount of tax corresponding to the lower figure in the sale column shall be added and collected when the gross receipts from a sale fall between that figure and the next higher figure in that column.

**3 1/2% COMBINED STATE AND LOCAL SALES TAX BRACKET**

Sale	Tax	Sale	Tax	Sale	Tax	Sale	Tax
.01	.00	10.72	.38	21.58	.76	32.43	1.14
.15	.01	11.00	.39	21.86	.77	32.72	1.15
.38	.02	11.29	.40	22.15	.78	33.00	1.16
.65	.03	11.58	.41	22.43	.79	33.29	1.17
.94	.04	11.86	.42	22.72	.80	33.58	1.18
1.21	.05	12.15	.43	23.00	.81	33.86	1.19
1.50	.06	12.43	.44	23.29	.82	34.15	1.20
1.79	.07	12.72	.45	23.58	.83	34.43	1.21
2.13	.08	13.00	.46	23.86	.84	34.72	1.22
2.43	.09	13.29	.47	24.15	.85	35.00	1.23
2.72	.10	13.58	.48	24.43	.86	35.29	1.24
3.00	.11	13.86	.49	24.72	.87	35.58	1.25
3.29	.12	14.15	.50	25.00	.88	35.86	1.26
3.58	.13	14.43	.51	25.29	.89	36.15	1.27
3.86	.14	14.72	.52	25.58	.90	36.43	1.28
4.15	.15	15.00	.53	25.86	.91	36.72	1.29
4.43	.16	15.29	.54	26.15	.92	37.00	1.30
4.72	.17	15.58	.55	26.43	.93	37.29	1.31
5.00	.18	15.86	.56	26.72	.94	37.58	1.32
5.29	.19	16.15	.57	27.00	.95	37.86	1.33
5.58	.20	16.43	.58	27.29	.96	38.15	1.34
5.86	.21	16.72	.59	27.58	.97	38.43	1.35
6.15	.22	17.00	.60	27.86	.98	38.72	1.36
6.43	.23	17.29	.61	28.15	.99	39.00	1.37
6.72	.24	17.58	.62	28.43	1.00	39.29	1.38
7.00	.25	17.86	.63	28.72	1.01	39.58	1.39
7.29	.26	18.15	.64	29.00	1.02	39.86	1.40
7.58	.27	18.43	.65	29.29	1.03	40.15	1.41
7.86	.28	18.72	.66	29.58	1.04	40.43	1.42
8.15	.29	19.00	.67	29.86	1.05	40.72	1.43
8.43	.30	19.29	.68	30.15	1.06	41.00	1.44

(continued)



8.72	.31	19.58	.69	30.43	1.07	41.29	1.45	2.78	.13	11.89	.54	21.00	.95	30.12	1.36
9.00	.32	19.86	.70	30.72	1.08	41.58	1.46	3.00	.14	12.12	.55	21.23	.96	30.34	1.37
9.29	.33	20.15	.71	31.00	1.09	41.86	1.47	3.23	.15	12.34	.56	21.45	.97	30.56	1.38
9.58	.34	20.43	.72	31.29	1.10	42.15	1.48	3.45	.16	12.56	.57	21.67	.98	30.78	1.39
9.86	.35	20.72	.73	31.58	1.11	42.43	1.49	3.67	.17	12.78	.58	21.89	.99	31.00	1.40
10.15	.36	21.00	.74	31.86	1.12	42.72	1.50	3.89	.18	13.00	.59	22.12	1.00	31.23	1.41
10.43	.37	21.29	.75	32.15	1.13	43.00	1.51	4.12	.19	13.23	.60	22.34	1.01	31.45	1.42

Sales over \$43.00 to be computed at 3½%

4% COMBINED STATE AND LOCAL SALES TAX

BRACKET

Sale	Tax	Sale	Tax	Sale	Tax	Sale	Tax
.01	.00	10.88	.44	21.88	.88	32.88	1.32
.13	.01	11.13	.45	22.13	.89	33.13	1.33
.38	.02	11.38	.46	22.38	.90	33.38	1.34
.63	.03	11.63	.47	22.63	.91	33.63	1.35
.88	.04	11.88	.48	22.88	.92	33.88	1.36
1.13	.05	12.13	.49	23.13	.93	34.13	1.37
1.38	.06	12.38	.50	23.38	.94	34.38	1.38
1.63	.07	12.63	.51	23.63	.95	34.63	1.39
1.88	.08	12.88	.52	23.88	.96	34.88	1.40
2.13	.09	13.13	.53	24.13	.97	35.13	1.41
2.38	.10	13.38	.54	24.38	.98	35.38	1.42
2.63	.11	13.63	.55	24.63	.99	35.63	1.43
2.88	.12	13.88	.56	24.88	1.00	35.88	1.44
3.13	.13	14.13	.57	25.13	1.01	36.13	1.45
3.38	.14	14.38	.58	25.38	1.02	36.38	1.46
3.63	.15	14.63	.59	25.63	1.03	36.63	1.47
3.88	.16	14.88	.60	25.88	1.04	36.88	1.48
4.13	.17	15.13	.61	26.13	1.05	37.13	1.49
4.38	.18	15.38	.62	26.38	1.06	37.38	1.50
4.63	.19	15.63	.63	26.63	1.07	37.63	1.51
4.88	.20	15.88	.64	26.88	1.08	37.88	1.52
5.13	.21	16.13	.65	27.13	1.09	38.13	1.53
5.38	.22	16.38	.66	27.38	1.10	38.38	1.54
5.63	.23	16.63	.67	27.63	1.11	38.63	1.55
5.88	.24	16.88	.68	27.88	1.12	38.88	1.56
6.13	.25	17.13	.69	28.13	1.13	39.13	1.57
6.38	.26	17.38	.70	28.38	1.14	39.38	1.58
6.63	.27	17.63	.71	28.63	1.15	39.63	1.59
6.88	.28	17.88	.72	28.88	1.16	39.88	1.60
7.13	.29	18.13	.73	29.13	1.17	40.13	1.61
7.38	.30	18.38	.74	29.38	1.18	40.38	1.62
7.63	.31	18.63	.75	29.63	1.19	40.63	1.63
7.88	.32	18.88	.76	29.88	1.20	40.88	1.64
8.13	.33	19.13	.77	30.13	1.21	41.13	1.65
8.38	.34	19.38	.78	30.38	1.22	41.38	1.66
8.63	.35	19.63	.79	30.63	1.23	41.63	1.67
8.88	.36	19.88	.80	30.88	1.24	41.88	1.68
9.13	.37	20.13	.81	31.13	1.25	42.13	1.69
9.38	.38	20.38	.82	31.38	1.26	42.38	1.70
9.63	.39	20.63	.83	31.63	1.27	42.63	1.71
9.88	.40	20.88	.84	31.88	1.28	42.88	1.72
10.13	.41	21.13	.85	32.13	1.29		
10.38	.42	21.38	.86	32.38	1.30		
10.63	.43	21.63	.87	32.63	1.31		

Sales over \$43.00 to be computed at 4%

4½% COMBINED STATE AND LOCAL SALES TAX

BRACKET

Sale	Tax	Sale	Tax	Sale	Tax	Sale	Tax
.01	.00	9.00	.41	18.12	.82	27.23	1.23
.12	.01	9.23	.42	18.34	.83	27.45	1.24
.34	.02	9.45	.43	18.56	.84	27.67	1.25
.56	.03	9.67	.44	18.78	.85	27.89	1.26
.78	.04	9.89	.45	19.00	.86	28.12	1.27
1.00	.05	10.12	.46	19.23	.87	28.34	1.28
1.23	.06	10.34	.47	19.45	.88	28.56	1.29
1.45	.07	10.56	.48	19.67	.89	28.78	1.30
1.67	.08	10.78	.49	19.89	.90	29.00	1.31
1.89	.09	11.00	.50	20.12	.91	29.23	1.32
2.12	.10	11.23	.51	20.34	.92	29.45	1.33
2.34	.11	11.45	.52	20.56	.93	29.67	1.34
2.56	.12	11.67	.53	20.78	.94	29.89	1.35

Sales over \$36.12 to be computed at 4½%

5% COMBINED STATE AND LOCAL SALES TAX

BRACKET

Sale	Tax	Sale	Tax	Sale	Tax	Sale	Tax
.01	.00	8.10	.41	16.30	.82	24.50	1.23
.10	.01	8.30	.42	16.50	.83	24.70	1.24
.30	.02	8.50	.43	16.70	.84	24.90	1.25
.50	.03	8.70	.44	16.90	.85	25.10	1.26
.70	.04	8.90	.45	17.10	.86	25.30	1.27
.90	.05	9.10	.46	17.30	.87	25.50	1.28
1.10	.06	9.30	.47	17.50	.88	25.70	1.29
1.30	.07	9.50	.48	17.70	.89	25.90	1.30
1.50	.08	9.70	.49	17.90	.90	26.10	1.31
1.70	.09	9.90	.50	18.10	.91	26.30	1.32
1.90	.10	10.10	.51	18.30	.92	26.50	1.33
2.10	.11	10.30	.52	18.50	.93	26.70	1.34
2.30	.12	10.50	.53	18.70	.94	26.90	1.35
2.50	.13	10.70	.54	18.90	.95	27.10	1.36
2.70	.14	10.90	.55	19.10	.96	27.30	1.37
2.90	.15	11.10	.56	19.30	.97	27.50	1.38
3.10	.16	11.30	.57	19.50	.98	27.70	1.39
3.30	.17	11.50	.58	19.70	.99	27.90	1.40
3.50	.18	11.70	.59	19.90	1.00	28.10	1.41
3.70	.19	11.90	.60	20.10	1.01	28.30	1.42
3.90	.20	12.10	.61	20.30	1.02	28.50	1.43
4.10	.21	12.30	.62	20.50	1.03	28.70	1.44
4.30	.22	12.50	.63	20.70	1.04	28.90	1.45
4.50	.23	12.70	.64	20.90	1.05	29.10	1.46
4.70	.24	12.90	.65	21.10	1.06	29.30	1.47
4.90	.25	13.10	.66	21.30	1.07	29.50	1.48
5.10	.26	13.30	.67	21.50	1.08	29.70	1.49
5.30	.27	13.50	.68	21.70	1.09	29.90	1.50
5.50	.28	13.70	.69	21.90	1.10	30.10	1.51
5.70	.29	13.90	.70	22.10	1.11	30.30	1.52
5.90	.30	14.10	.71	22.30	1.12	30.50	1.53
6.10	.31	14.30	.72	22.50	1.13	30.70	1.54
6.30	.32	14.50	.73	22.70	1.14	30.90	1.55
6.50	.33	14.70	.74	22.90	1.15	31.10	1.56
6.70	.34	14.90	.75	23.10	1.16	31.30	1.57
6.90	.35	15.10	.76	23.30	1.17	31.50	1.58
7.10	.36	15.30	.77	23.50	1.18	31.70	1.59
7.30	.37	15.50	.78	23.70	1.19	31.90	1.60
7.50	.38	15.70	.79	23.90	1.20	32.10	1.61
7.70	.39	15.90	.80	24.10	1.21	32.30	1.62
7.90	.40	16.10	.81	24.30	1.22	32.50	1.63

Sales over \$32.50 to be computed at 5%

(continued)

(Authorized by K.S.A. 12-189, 79-3618, 79-3619; implementing K.S.A. 12-189, K.S.A. 1982 Supp. 79-3603; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983.)

#### Article 24.—RETAIL LIQUOR EXCISE TAX

**92-24-1 to 92-24-8.** (Authorized by K.S.A. 1979 Supp. 79-41a01, 79-41a02, 79-41a03; effective, E-80-26, Dec. 12, 1979; effective May 1, 1980; revoked, T-83-30, Oct. 25, 1982; revoked May 1, 1983.)

**92-24-9. Definitions.** As used in this article these terms shall have the following meanings. (a) "Club licensee" or "licensee" means a holder of a class A or class B club license issued by the director of alcoholic beverage control.

(b) "Director" means the director of taxation or the duly authorized designee of the director of taxation.

(c) "Retail liquor excise tax" means the tax imposed by K.S.A. 1982 Supp. 79-41a02.

(d) "Source record" means:

- (1) A dated customer service check or ticket;
- (2) a dated cash register tape, if coded to reflect the required information; or
- (3) an equivalent of the check, ticket or tape in a form approved by the director. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-10. Registration certificates; application; display; revocation.** Application for a registration certificate shall be made upon a form furnished by the director. The application shall state the name of the applicant as specified on the applicant's club license and the address at which the applicant proposes to engage in business. The application for a registration certificate shall be accompanied by a copy of the applicant's club license. If the applicant owes any retail liquor excise tax, penalty or interest at the time of making application, the director shall require payment thereof before issuance of the registration certificate. A separate registration certificate shall be required for each club and shall be conspicuously displayed on the premises. Any change of club location, club name or form of ownership of the club shall be reported immediately by the club licensee to the director. The secretary of revenue may revoke the registration certificate of any club licensee for any violation of the provisions of this article or article 41a of chapter 79 of the Kansas Statutes Annotated after providing due notice and an opportunity for a hearing in accordance with the provisions of article 1 of chapter 92 of the Kansas Administrative Regulations. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a06; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-11. Application of tax.** The retail liquor excise tax shall apply to the gross receipts derived from the sale of any ingredients for drinks containing alcoholic liquor, whether mixed by the club licensee or sold separately. The tax shall also be applicable to charges made that are incidental to charges for drinks

containing alcoholic liquor including, but not limited to, service charges, corkage charges, cooling charges, serving charges, fees or charges for the use of club-owned equipment incidental to the serving of drinks containing alcoholic liquor and gratuities except as provided in the following sentence. Gratuities shall not be included within the gross receipts subject to the tax if the gratuities are voluntarily given by the consumer or are separately stated on a source record and are entirely distributed to employees of the club licensee not in the form of wages, salaries or other compensation. When a single fee or charge is made for alcoholic liquor provided by a club licensee in connection with room rental, soft drinks, water, and ice, the entire fee or charge, less the amount normally charged for the room rental, is subject to the tax. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-12. Sales tax inapplicable.** Items of tangible personal property subject to retail liquor excise tax shall not be subject to retailer's sales tax. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-13. Assumption of tax by club licensee prohibited.** A club licensee shall not advertise, hold out or state to the public or to any consumer, directly or indirectly, that: (a) The retail liquor excise tax, or any part of the tax, will be assumed or absorbed by the licensee;

(b) the tax will not be considered as an element in the price to the consumer; or

(c) the tax, or any part of the tax, will be refunded if it is added to the price to the consumer.

The tax may be included in the stated drink price only if the licensee conspicuously posts a sign provided by the director on the club premises stating that drink prices include retail liquor excise tax. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-14. Time for returns and payment of tax; forms.** On or before the last day of each calendar month, every club licensed in this state shall make a return to the director upon forms furnished by the director. The name and address of the licensee, the total amount of gross receipts from sales of alcoholic liquor sold during the preceding calendar month, and any other information the director deems necessary shall be stated on the form. The amount of tax due, as shown on the return, shall be paid to the director at the time the return is made. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-15. Records required.** (a) Every club licensee shall keep records and books of all sales subject to retail liquor excise tax, together with invoices, bills of lading, sales records, copies of bills of sale,

(continued)



source records, daily summaries and other pertinent papers and documents. Such records shall show:

(1) The amount charged consumers for drinks containing alcoholic liquor and the amount charged consumers for all other items;

- (2) purchases;
- (3) breakage, spillage and mistakes; and
- (4) liquor removed from inventory for:

(A) Use in preparation of food;

(B) complimentary drinks containing alcoholic liquor, including those offered in connection with the sale of food or other items and those given unconditionally; and

(C) consumption by the licensee or the licensee's employees.

(b) Such books, records and other papers and documents shall at all times be available for and subject to inspection by the secretary of revenue or the secretary's authorized representative for a period of three years from the last day of the calendar year or of the fiscal year of the licensee, whichever comes later, to which they pertain. The club licensee shall maintain the books, records and other documents on the licensed premises unless written approval is received from both the director and the director of alcoholic beverage control to maintain them at another location. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a03; effective T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-16. Source record requirements.** (a) Each club licensee shall record on a source record the following information:

(1) Each individual serving of a drink containing alcoholic liquor, or the unit of serving used if the drink is not served as an individual separate serving, and the price charge for the drink;

(2) Identification of each individual separate serving or other unit served as to the kind of drink; and

(3) The date of the transaction.

Such information shall be recorded in a manner making its meaning clearly evident or by a system of symbols or code, the meaning of which is printed on the source records or on another document maintained on the licensed club premises.

(b) For the purpose of subsection (a)(3), drinks containing alcoholic liquor sold after 12:00 midnight and before 3:00 a.m. shall be deemed to have been sold on the preceding day.

(c) Source records shall be maintained in sequence by date. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-17. Daily summary.** Each club licensee shall prepare a daily summary of all information required to be recorded on source records, including the sale or service of drinks containing alcoholic liquor. The daily summary shall also show the number of servings, kind of drink and normal retail selling price of all complimentary drinks containing alcoholic liquor dispensed. Proper identifying symbols or code may be used in preparing the daily summary. (Autho-

rized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-18. Licensee's inventory; sales slips.** A club licensee shall not possess in inventory on the licensed premises any alcoholic liquor not covered by a sales slip provided by the retailer in accordance with the requirements of K.A.R. 14-3-35. Each sales slip shall be maintained by the licensee for the period prescribed by K.A.R. 92-24-15 and shall be available and subject to inspection in accordance with the provisions of that rule and regulation. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-19. Price listing statements.** Every club licensee shall keep a price listing statement stating the current, normal retail selling price charged for each drink containing alcoholic liquor served by the licensee. The statement shall list the price for each individual serving and for any other unit of serving served by the licensee. Whenever any price listing statement is updated by the club licensee, the outdated price listing statement shall have recorded on it the period of time for which it was effective. The outdated price listing statement shall be maintained by the licensee for the period prescribed by K.A.R. 92-24-15 and shall be available and subject to inspection in accordance with the provisions of that rule and regulation. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-20. Complimentary drinks containing alcoholic liquor.** The retail liquor excise tax shall be imposed upon the normal retail selling price of complimentary drinks containing alcoholic liquor, as established by the price listing statement required by K.A.R. 92-24-19, when the offer of these drinks is conditioned upon the payment of an entry fee or the purchase of food or other items. No tax shall be imposed upon a complimentary drink containing alcoholic liquor given on an unconditional basis. Servings of complimentary drinks containing alcoholic liquor shall be recorded on service checks only. A check shall be prepared for each individual or party serviced. The check shall be prepared as if it was a normal sale and shall be clearly marked as being complimentary. Service checks shall be grouped daily and filed with the daily summary showing the information on the summary as required by K.A.R. 92-24-17. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-21. Report of alcoholic liquor lost through theft or disaster.** A club licensee shall prepare a written report for the director setting out the number and size of containers and the brand, proof, age and category of alcoholic liquor lost through theft or disaster. A

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theft of alcoholic liquor shall be reported to the proper police or sheriff's department and shall be substantiated by the report of the police or sheriff's department. A disaster causing a loss of alcoholic liquor shall be reported to the director and shall be substantiated by an affidavit of an investigative employee of the department of revenue. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-22. Determination of tax liability; presumption of taxable disposition.** (a) In examining the tax account of any club licensee, the director shall determine the correct amount of retail liquor excise tax upon the basis of returns filed with the director, or upon any records or information which are available or which are obtained from the club licensee or any retailer who furnished alcoholic liquor to the club licensee.

(b) If the director finds in examining the tax account of a club licensee that the club licensee has failed to maintain or make available adequate records required by any rule and regulation promulgated by the secretary of revenue or by article 26 of chapter 41 of the Kansas Statutes Annotated, the director may determine the correct amount of the tax from any available source or records. Estimates of the tax liability may be made by use of any available record for any period for which the club licensee has failed to maintain records or file a return with the director.

(c) In determining the tax liability of any club licensee, it shall be presumed that the disposition of all alcoholic liquor purchased by the club licensee is taxable unless the contrary is established. The burden of proving the contrary shall be upon the club licensee and shall be established through authentic records.

(d) When retail liquor excise tax is not separately specified upon the source records of the club licensee, tax liability shall be determined upon the total gross receipts derived from the sale of alcoholic liquor. Deductions for tax included within stated drink prices shall not be allowed unless the licensee has posted a sign in compliance with the provisions of K.A.R. 92-24-13. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a02, 79-41a03; effective T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-23. Bond.** Every applicant making application for a new club license or for renewal of an existing club license shall post or have posted with the department of revenue a bond in an amount equal to three months' average retail liquor excise tax liability or \$1,000, whichever is greater, at the time of the application. New applicants who have no previous tax experience may estimate their expected retail liquor excise tax liability projected over a twelve-month period and submit a bond in an amount equal to 25% of the projected tax liability or \$1,000, whichever is greater. A new certificate of registration shall not be issued until the bond requirement is satisfied.

Bond requirements may be satisfied through surety

bonds purchased from a corporate surety, escrow bond agreements or posting of cash bonds.

The secretary of revenue may at any time require additional bond if the existing bond is not sufficient to satisfy the three months' average liability of the club licensee. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a03; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

**92-24-24. Duty of club licensees discontinuing business.** Any club licensee discontinuing business is required to notify the director, return its retail liquor excise tax registration certificate for cancellation and preserve all business records within this state until the director issues a receipt indicating that the taxes reported have been paid. (Authorized by K.S.A. 1982 Supp. 79-41a03; implementing K.S.A. 1982 Supp. 79-41a03, 79-41a06; effective, T-83-30, Oct. 25, 1982; effective May 1, 1983.)

#### Article 25.—TRANSIENT GUEST TAX

**92-25-1. Effective date for levy, repeal or change in rate of transient guest tax.** The effective date for the levy, repeal or change in the rate of a city or county transient guest tax shall not precede the first day of the month following the 60th day after the date that the governing body of the city or county provided the department of revenue with a certified copy of an ordinance or resolution authorizing the levy, repeal or change of rate by the city or county. Any levy, repeal or change of rate of a transient guest tax shall commence on the first day of a month. (Authorized by K.S.A. 12-1694, 12-1698; implementing K.S.A. 12-1693, 12-1694, 12-1697, 12-1698; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983.)

Articles 26 to 49.—Reserved.

#### Article 52.—MOTOR VEHICLE DRIVERS' LICENSES

**92-52-10. Qualifications for class D driver's license.** An applicant for a class D driver's license shall not be permitted to take the examination necessary to obtain that license unless the applicant is the holder of a valid class A, B or C driver's license or has satisfactorily completed all of the requirements for a class A, B or C driver's license. (Authorized by and implementing K.S.A. 8-234b; effective, T-83-48, Dec. 22, 1982; effective May 1, 1983.)

MICHAEL LENNEN  
Secretary of Revenue

Doc. No. 001139

## 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. 1982 Supp. 77-415 *et seq.* *These regulations became effective May 1, 1983, but were subject to legislative review and may have been modified or revoked by the Kansas Legislature prior to May 1.* All administrative regulations are subject to legislative review for modification or revocation at any time. This issue of the *Register* contains a complete index to regulations effective May 1, and any legislative actions on them.

**DEPARTMENT OF EDUCATION  
ADMINISTRATIVE REGULATIONS****Article 8.—ACCREDITING COMMUNITY COLLEGES; CRITERIA**

**91-8-2. Full-time equivalent defined.** "Full-time equivalent" means the number of credit hours in which a student is enrolled in proportion to full-time enrollment, and may be expressed as a percentage or fraction. "Full-time enrollment" means 15 credit hours per semester. A full-time equivalent is derived by dividing the number of credit hours in which a student is enrolled by 15. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983.)

**91-8-15. Statement of philosophy and purpose.** Every institution applying for accreditation shall submit a statement of philosophy and purpose of the community college. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended May 1, 1979; amended May 1, 1983.)

**91-8-16. Administration.** (a) *Administrative procedures.* An administrative chart shall indicate the responsibilities and organizational relationships of the governing body, administrative officers, faculty, classified staff, and students. Administrative procedures shall be clearly established and on file at the community college.

(b) *Facilities and resources.* The community college shall provide adequate physical facilities, instructional materials, and other resources to enable the college to carry out its stated purposes.

(c) *Permanent records.* The community college shall maintain, for students and personnel, a permanent cumulative record system at the community college. Financial records of the community college shall be available for analysis at any time and shall be audited annually in accordance with the provisions of K.S.A. 75-1117 *et seq.*

(d) *Follow-up studies.* A systematic follow-up of former students shall be conducted to facilitate a con-

tinuing program of evaluation of student success and curriculum improvement.

(e) *College catalog.* Each community college shall prepare a catalog bearing the legal name of the college. The catalog shall include:

(1) The statement of philosophy and purpose of the community college required under K.A.R. 91-8-15;

(2) an accurate statement of the accreditation of the institution;

(3) the academic calendar, which shall contain information about enrollment and graduation;

(4) an accurate description of all courses offered for college credit; and

(5) a roster of the professional personnel, which shall list the degrees held by such personnel and the institutions by which the degrees were granted.

(f) *Course syllabi.* A syllabus of each course which describes the course and states its purpose and objective shall be filed in the administrative office of the college. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983.)

**91-8-17. Student personnel service.** (a) *Admissions.* The following persons shall be eligible for admission to any community college:

(1) Graduates of an accredited high school;

(2) high school pupils who have completed 15 units of credit from an accredited high school and who have a written recommendation for early college enrollment from the high school principal; and

(3) "Gifted children," as defined in K.S.A. 72-962(g), who are enrolled in any of the grades nine through 12, and who have been recommended for early college enrollment.

(b) Persons, 18 years of age or older, who are not graduates from a state accredited high school may be admitted conditionally if the college admission officer, after evaluating the applicant's educational credentials, determines the applicant could profit from the courses in which the applicant wishes to enroll.

(c) *Transfer credit.* The community college shall accept full credit value from high schools or colleges accredited by their respective state departments of education. The community college accepting the transfer credit may evaluate the applicability of the credit towards meeting the graduation requirements. Transfer credit from nonaccredited high schools or colleges shall be validated by examination or successful completion of higher level college courses.

(d) *Advanced standing.* Advanced standing may be granted on the basis of special examination. Special examinations administered for advanced standing shall be subject to review by the state board. The results of special examinations shall become a permanent part of the regular academic record of the student.

(e) *Credit for lecture or laboratory class.* One semester hour credit shall be recorded for a lecture class, if the student has made satisfactory progress in the class and the class consists of at least 900 minutes of

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instruction. One semester hour of credit shall be recorded for a laboratory class, if the student has made satisfactory progress in the class and the class consists of at least 1,350 minutes. Registration and examination time may be included as a part of the total time.

(f) *Graduation requirements.* Community colleges may award the associate degree to students who have satisfactorily completed college and university parallel curricula of 60 or more semester hours and to students who have satisfactorily completed programs in two-year occupational or general curricula and have also met any other requirements for graduation.

(g) *Orientation.* Provision shall be made for orienting the new student to the community college environment, including the campus, other physical factors, the educational programs offered, and community resources.

(h) *Counseling.* The counseling programs shall include educational, vocational, and personal counseling.

(i) *Housing.* All college operated dormitories or other housing shall be supervised by the college.

(j) *Student financial aid.*

(1) Scholarships and tuition grants.

(A) Scholarship or tuition grants of any kind shall not be paid or provided from the general fund of a community college, except tuition grants and nonathletic scholarships to students who reside within the district of the community college.

(B) Tuition grants and scholarships, athletic or otherwise, to students residing both within and without the district of the community college, may be funded by admissions to activities sponsored by the community college. Funds for these scholarships and tuition grants shall be maintained in an account distinct from the community college's general fund. Athletic grants shall not be awarded from this fund to a student who is not a resident of the state of Kansas.

(2) Financial aid other than scholarships and tuition grants may be paid or provided from the general fund of the community college. All such aid shall be supervised by the administration of the college and shall be distributed impartially on the basis of scholarship and need.

(3) A public statement on student financial aids shall be printed and made readily available to all interested persons.

(4) Nothing contained in this subsection shall affect any scholarship or grants and aid provided by the state or from any sources other than the community college.

(k) *Extra-class activities.*

(1) Student government. Opportunity shall be provided for student representation and participation in the conduct of student affairs.

(2) Organizations and clubs. Educational and social clubs and organizations shall be available to students.

(3) Athletics. Athletics shall be administered under plans consistent with the policy of service to youth within the community who can profit from these services. A written statement of athletic purposes, policies, and practices shall be developed and maintained. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended

Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983.)

**91-8-19. Learning resource center (library).** The college library shall provide reading facilities for the best interest of the students it serves and which aid in effecting the philosophy and purpose of the college, as stated in the college catalog. It shall maintain materials selected cooperatively by administrators, instructors and staff in the fields affected, and a qualified librarian. The total holdings shall represent a reasonable balance in proportion to the program offering of the college. Periodicals shall include general, professional, and technical selections for each field of instruction. Newspapers shall include representative subscriptions from local, state, regional, and national areas. Records, tapes, films, and illustrations shall constitute part of the holding. Library facilities shall include space necessary to meet the needs of the student body, including workrooms, listening and viewing rooms, and reserve and general stack space. Library materials shall be added or replaced in keeping with the enrollment and curriculum offered. The library shall be administered by professionally trained staff. There shall be organized instruction in the use of the library for both faculty and students. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective Jan. 1, 1966; amended Jan. 1, 1967; amended May 1, 1979; amended May 1, 1983.)

**91-8-26. Rules governing the conduct of students and employees.** (a) The board of trustees of each community college shall adopt rules governing the conduct of all persons employed by or attending the institution, including specific procedures for the enforcement of the rules.

(b) Each board of trustees shall submit the rules to its legal counsel for review prior to adoption of the rules.

(c) After the adoption of the rules, copies shall be kept on file in the college administrative offices and shall be available for review. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective, E-70-2, Oct. 15, 1969; amended, E-70-11, Dec. 22, 1969; amended Jan. 1, 1971; amended May 1, 1979; amended May 1, 1983.)

**91-8-29.** (Authorized by K.S.A. 72-7514, K.S.A. 1978 Supp. 72-7513; effective May 1, 1979; revoked May 1, 1983.)

**91-8-30. Approval of programs.** (a) As used in this rule and regulation, "program" means an instructional sequence or classes, or both, the completion of which qualifies a student to receive a degree or certificate, or to engage in a particular field of employment.

(b) Any program to be offered by a community college shall be approved by the state board before the program is actually offered by the community college. An application for approval of the program shall be made to the director of the postsecondary administration section, Kansas state department of education.

(c) Applications shall be submitted by January 13 of the school year preceding the school year in which the

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program is to be offered, except that an "emergency program application" may be made on the first day of any month. "Emergency program application" means an application for the approval of a program which, because of immediate and documented local or state demand, is to be offered as soon as the program is approved.

(d) The application shall provide information which, in the judgment of the community college, establishes that:

(1) there is a state, regional, or local need for the proposed program;

(2) the community college has the physical and human resources to deliver the program; and

(3) the delivery of the program is financially feasible for the state and the community college.

(e) Upon receipt of an application, the director of postsecondary education section shall review the application and determine whether the information establishes each of the factors listed in subsection (d).

(f) If the director determines that each of the factors is established, the director shall recommend the program for approval by the state board and shall notify the applicant, by mail, of the recommendation.

(g) If the director determines that the information provided does not establish one or more of the factors listed in subsection (d), the director shall notify the applicant, by mail, of the determination and shall include in the notice the reason or reasons for the determination. The director also shall advise the applicant of the right to request a review of the determination in accordance with K.A.R. 91-8-32.

(h) An applicant shall be sent notice under subsection (f) or (g) of this rule and regulation within 60 days of the date the application is received by the postsecondary administration section. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1983.)

**91-8-31. Approval of out-district courses.** (a) As used in this rule and regulation, "out-district course" means any class offered by a community college for credit at a location outside the community college district in which the community college is located and which:

(1) carries credit applicable to regular on-campus programs;

(2) is commensurate in quality to on-campus courses; and

(3) is taught by faculty chosen on the same criteria as full-time, on-campus faculty are chosen.

(b) Out-district courses offered to provide recreation or to enhance recreational interests that are not applicable to a regular college instructional program shall not be approved for credit-hour state aid entitlement or out-district tuition.

(c) An application for approval of an out-district course shall be made to the director of postsecondary administration section, Kansas state department of education. Upon receipt of an application, the director of postsecondary education shall review the application and determine whether the requirements outlined in subsection (a) have been met and whether:

(1) there is local or regional need for the program; and

(2) the proposed out-district course is in the region assigned to the applicant institution by the Kansas state board of education or there is a documented need for the applicant institution to offer instruction outside this assigned area.

(d) If the director determines that each of the factors is established, the director shall return the approved request to the applicant, by United States mail, within 15 days of the date that the recommendation to approve the request is made.

(e) If the director determines that the information provided does not establish the factors listed in subsection (c) or the proposed out-district course does not meet the standards established in subsection (a), the director shall notify the applicant, by United States mail, of the determination and shall include in the notice the reason or reasons for the determination. The director shall also advise the applicant of the right to request a review of the determination in accordance with K.A.R. 91-8-32.

(f) An applicant shall be sent notice under subsection (d) or (e) of this rule and regulation within 30 days of the date the application is received by the postsecondary administration section. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1983.)

**91-8-32. Review of program or out-district course disapproval.** (a) A community college may request a review by an appeal committee of any determination made under subsection (g) of K.A.R. 91-8-30 or under subsection (e) of K.A.R. 91-8-31. A request for review shall be made, in writing, within 15 days of the date that notification of the determination was mailed to the community college. The request for review shall be made to the assistant commissioner of the education services division.

(b) Within 10 days of the receipt of a request for review, the assistant commissioner shall appoint an appeal committee, consisting of the assistant commissioner and two other persons appointed by the assistant commissioner. The director of the postsecondary administration section shall not be a member of the appeal committee. The assistant commissioner shall be the chairperson of the appeal committee and shall be eligible to vote on all matters.

(c) Upon receipt of a request for review, the assistant commissioner shall fix a date, time and place for a hearing on the matter and shall notify the person who requested the review, by mail, and the director of the postsecondary administration section. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for a review was received by the assistant commissioner. The assistant commissioner also shall request the director of the postsecondary administration section, and it shall be the duty of the director, to provide the assistant commissioner the community college's application for approval and a copy of the notice sent the community college pursuant to K.A.R. 91-8-30(g) or K.A.R. 91-8-31(e).

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(d) At the hearing of the appeal committee, the community college and the director of the postsecondary administration section, or a designee of the director, shall be allowed to present information concerning the matter. Based upon information provided in the application for approval and at the hearing, the appeal committee shall determine whether each of the factors listed in K.A.R. 91-8-30(d) or K.A.R. 91-8-31(a) and (c) is established.

(e) If the appeal committee determines that each of the factors listed in K.A.R. 91-8-30(d) or K.A.R. 91-8-31(a) and (c), is established, the appeal committee shall recommend the program or out-district course for approval by the state board and shall notify the community college, by mail, of the recommendation.

(f) If the appeal committee determines that the information provided does not establish one or more of the factors listed in K.A.R. 91-8-30(c) or K.A.R. 91-8-31(a) and (c), the appeal committee shall notify the community college, by mail, of its determination and shall include in the notice the reason or reasons for its determination. The notice also shall advise the community college of the right to appeal the determination to the state board in accordance with K.A.R. 91-8-33.

(g) The community college shall be sent notice of the appeal committee's determination under subsection (e) or (f) of this rule and regulation within 45 days of the date the request for a review was received by the assistant commissioner. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1983.)

**91-8-33. Review of appeal committee determination.** (a) A community college that disagrees with a determination of an appeal committee may request the state board to review the determination. The community college shall file a written request for review with the commissioner of education within 10 days from the date notification of the determination of the review committee was sent to the community college. Request forms shall be provided by the state department of education.

(b) If a review is requested, the commissioner shall cause the matter to be placed upon the agenda of the state board for the first regular meeting of the state board which is to be held more than 10 days after the request is received. The community college shall be notified, by mail, of the date and place of the meeting of the state board at which the matter will be considered.

(c) At the meeting of the state board, the community college, the director of the postsecondary administration section and the assistant commissioner of the education services division shall be allowed to present information concerning the matter. The assistant commissioner shall provide the state board with the application for approval submitted by the community college and the notices sent the community college under K.A.R. 91-8-30(g) or 91-8-31(e), and 91-8-32(f).

(d) Based upon information provided at the meeting, the state board shall approve, approve with modification, or disapprove the proposed program or out-

district course and shall direct that notification of the state board's decision be sent, by mail, to the chief administrator of the appealing community college, within 30 days of the state board's decision. (Authorized by K.S.A. 72-7513, 72-7514; implementing K.S.A. 72-7513; effective May 1, 1983.)

#### Article 9.—WASHBURN MUNICIPAL UNIVERSITY; STATE AID

**91-9-7 to 91-9-10. Reserved.**

**91-9-11. Out-district tuition for certain students.**

(a) (1) As used in this rule and regulation, the terms "release of out-district funds form" and "course of study or program" shall have the same meaning as ascribed to these terms in K.A.R. 91-25-1a.

(2) The definitions in K.S.A. 13-13a25 are incorporated, by reference, in this rule and regulation.

(b) The board of regents of the municipal university shall designate a person who shall be responsible for identifying those students who are residents of a Kansas community college district.

(c) The enrollment documents of the municipal university shall include inquiries which enable the person designated by the board of regents to identify those students described in subsection (b) of this rule and regulation.

(d) The municipal university shall not be authorized to charge out-district tuition for any student described in subsection (b) of this rule and regulation, unless the municipal university:

(1) completes a release of out-district funds form for the student;

(2) files the release of out-district funds form for the student with the postsecondary administration section, state department of education, within 30 days of the students' enrollment; and

(3) receives written approval from the postsecondary administration section to charge out-district tuition for the student.

(e) Within 15 days of the receipt of a release of out-district funds form, the postsecondary administration section shall determine whether the course of study or program selected by the student, or a course of study or program substantially equivalent thereto, is offered in the community college of the community college district in which the student resides. The determination shall be made upon the basis of information provided on the release of out-district funds form and information concerning programs offered at each community college and the municipal university which is on file in the postsecondary administration section pursuant to K.A.R. 91-8-30.

(f) The postsecondary administration section shall indicate its determination on the form and shall state on the form the reason or reasons for the determination. The form shall also include a statement directing the municipal university to charge out-district tuition for the student or advising the municipal university that out-district tuition shall not be charged for the student.

(g) The postsecondary administration section shall

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mail a copy of the form completed in accordance with subsection (f) to:

(1) the person designated by the board of regents of the municipal university in accordance with subsection (b) of this rule and regulation;

(2) the president of the community college of the district in which the student resides; and

(3) the board of county commissioners of the county in which the student resides.

(h) If the municipal university, community college of county disagrees with the determination of the postsecondary section, it may request a review of the determination by following the procedures set forth in K.A.R. 91-25-18(a). If a request for review is made, the provisions of K.A.R. 91-25-18(c), (d), (e) and (f) shall be followed. (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983.)

### Article 12.—SPECIAL EDUCATION

**91-12-20.** (Authorized by K.S.A. 1976 Supp. 72-963; effective, E-77-48, Sep. 30, 1976; effective Feb. 15, 1977; revoked May 1, 1983.)

**91-12-21.** (Authorized by K.S.A. 1976 Supp. 72-962(g); effective, E-77-48, Sep. 30, 1976; effective Feb. 15, 1977; revoked May 1, 1983.)

**91-12-22. Definitions.** (a) "Exceptional children" means those children who are mentally retarded, specific learning disabled, gifted, hearing impaired, language impaired, speech impaired, personally and socially maladjusted, physically impaired, other health impaired, severely multiply handicapped/deaf-blind, or visually impaired.

(b) "Handicapped children" means all exceptional children except those identified as gifted.

(c) "School age" means from the age at which the local board of education provides educational services for non-exceptional children, to and including the school year in which the exceptional child reaches age 21 or completes a local curriculum in accordance with the state board of education standards, whichever event occurs first.

(d) "Preschool age" means birth to school age for exceptional children. Services for preschool children are authorized but not mandated, and nothing in these rules and regulations shall be construed to prevent the use of local funds or state special education categorical funds for preschool programs.

(e) "Least restrictive environment" means that educational placement in which, to the maximum extent appropriate, exceptional children are placed in educational programs where they will benefit the most at the least distance away from regular education placement.

(f) "Individualized educational program (I.E.P.);" means a written statement developed annually for each exceptional child which describes the unique educational needs of the child and the manner in which these needs are to be met.

(g) School term and school day.

(1) "'School term' and 'school day,'" for excep-

tional children of school age, means the period of time prescribed in K.S.A. 72-1106, and any amendments to that statute, except as otherwise prescribed in this subsection. Shorter periods of time may be prescribed for exceptional children six years of age or younger, and, on an individual basis, for those children whose physical or emotional needs, or both, are such that a shorter period is advisable. Any period of time shorter than that prescribed by statute shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

(2) "School year," for preschool handicapped children, means 540 hours for a center based program or 215 hours for a home-based program, except as prescribed in this subsection. Any proportional combination of the two programs may be used. A lesser number of hours may be prescribed on an individual basis for those children whose physical or emotional needs, or both, are such that a lesser number of hours is advisable. Any number of hours less than those prescribed in this subsection shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

(h) "Local education agency" means any governmental agency authorized or required by state law to provide education to exceptional children, including each school district, special education cooperative, interlocal entity, state school, and state institution.

(i) "State special education advisory council" means a lay and professional council consisting of nine members appointed by the state board of education. This council shall offer advice, consultation, and recommendations to the state board on matters concerning special education services for exceptional children.

(j) "Compulsory attendance for handicapped children" means required attendance in special education services if a determination has been made, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes, that a child is a school age handicapped child and that special education services are necessary for that child.

(k) "Categorical service unit" means a plan for the delivery of special education services under which exceptional children within one of the categorical areas of exceptionality are provided services in the same educational program.

(l) "Interrelated service unit" means a plan for the delivery of special education services under which exceptional children with similar learning characteristics and needs, but from two or more categories of exceptionality, are provided services in the same educational program.

(m) "Special purpose school" means any school for exceptional children which is operated by a private nonprofit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, approved by the commissioner of education, are provided.

(n) "Developmental preschool" means those

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schools, operated by private nonprofit corporations or foundations, that serve handicapped children under school age.

(o) "Home-based plan" means a plan for the delivery of special education services to preschool age exceptional children under which a special teacher instructs the parent or parents of an exceptional child on the means of providing educational services to the child so that the parent or parents may provide appropriate services to the child on a daily basis. This plan shall be used only in programs for preschool age handicapped children.

(p) "Consulting teacher plan" means a plan for the delivery of special education services under which a special teacher facilitates the maintenance of exceptional children in regular education by providing regular education teachers with assistance in educational diagnosis, prescriptive decisions and educational interventions. No more than one-third of the consulting teacher's time shall be devoted to direct instruction of students.

(q) "Itinerant teacher plan" means a plan for the delivery of special education services under which a special teacher provides direct service to exceptional children enrolled in the regular education classroom. The major role of the teacher shall be to provide specialized individual and small group instruction and to provide consultation to the regular education teacher or teachers.

(r) "Resource room plan" means a plan for the delivery of special education services under which exceptional children are enrolled in a regular education program, but go to a specially equipped room to receive special education services from a special teacher. The special resource room teacher shall be responsible not only for the resource room, but also for maintaining communication with the regular classroom teacher or teachers of the exceptional children.

(s) "Special classroom plan" means a plan for the delivery of special education services under which exceptional children are assigned to a special education class, but may receive some academic instruction in regular education classes. The special classroom teacher shall be responsible for monitoring the progress of the exceptional children in regular education classes and for providing appropriate support.

(t) "Special day school plan" means a plan for the delivery of special education services under which the children are sent to a special purpose school that provides any of the following:

- (1) Specialized curricula;
- (2) modified facilities and equipment; or
- (3) interdisciplinary, ancillary, medical, psychiatric, or social services for exceptional children, or some combination of these services.

(u) "Residential school" means a facility which provides a total residential program of treatment and special education for exceptional children.

(v) "Hospital instruction" means a plan for the delivery of educational services under which the educational services are provided to children confined to hospitals or convalescent homes for psychiatric or medical treatment.

(w) "Homebound instruction" means a plan for the delivery of educational services under which educational services are provided in the home of a child whose health problems are so serious that school attendance is impossible, or who is temporarily disabled by physical or mental illness.

(x) "Special teacher" means:

(1) A teacher employed by a local education agency to provide special education services who is certified by the state board of education to instruct exceptional children;

(2) special education related services personnel certified by the state board of education;

(3) special education related services or instructional personnel who hold current certification from their respective licensing or registering agents appropriate for their special work;

(4) other related services or instructional personnel for which there is no licensing or registering agent who are employed to work with exceptional children. These individuals shall be approved on an individual basis by the special education administration section and shall be recommended for employment by their parent training institution; and

(5) any instructional or related services paraprofessional who works under the supervision of a special education professional in an accredited or approved special education program.

(y) "School facility" means any setting in which instruction and school related activities occur.

(z) "Special education action" means any act on the part of a local education agency by which a child is:

(1) Excluded, reassigned, or transferred from regular school classes upon the basis that the child is an exceptional child and cannot benefit from these classes;

(2) placed in, transferred to or from, or denied placement in special education services. Special education action includes:

(A) Any initiation or refusal to initiate a comprehensive evaluation to determine eligibility for special education services; and

(B) any change in programming which alters the type or intensity of special education services offered an exceptional child.

(aa) "Parent," as used in these regulations, means lawful custodian as defined in K.S.A. 72-962(1).

(bb) "Public expense" means paid or otherwise provided by a local education agency with no cost to the parent.

(cc) "Independent educational evaluation" means an evaluation conducted by a qualified examiner or examiners who are not employed by the local education agency responsible for the education of the child.

(dd) "Early childhood education for handicapped" means an organized program of purposeful, sequential activities, which are appropriate to the developmental age of the handicapped, preschool age child.

(ee) "Developmentally delayed" means children, from age birth to three years, having characteristics associated with one or more handicapping conditions who, because of their young age, cannot be accurately

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diagnosed as having a specific handicapping condition.

(ff) "Intellectually gifted" means outstanding performance or potential for outstanding performance by virtue of superior intellectual abilities.

(gg) "Language, speech, and hearing impairments" mean communication deviations or impairments which adversely affect educational performance. These deviations or impairments include the following:

(1) "Language or speech deviation or impairment," which means basic communication system disorders, deviations, or general developmental needs in language, speech, fluency, or voice quality, which hinder academic learning, social adjustment, self-help skills, or communication skills;

(2) "voice deviation or impairment," which means abnormalities in pitch, loudness, or quality resulting from pathological conditions or inappropriate use of vocal mechanism that interfere with communication or produce psycho-social maladjustment;

(3) "fluency deviation or impairment," which means disruptions in the normal flow of verbal expression that are not readily controllable by the individual and occur frequently or are markedly noticeable. These disruptions occur to the degree that the individual or persons who listen to the individual evidence reactions to the manner of speech and the disruptions so that communication is impeded;

(4) "articulation deviation or impairment," which means defective production of phonemes (speech sounds) that interferes with intelligibility of speech. Types of misarticulation include substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes; and

(5) "hearing impairment," which means a loss of auditory functions sufficiently severe to affect the ability to communicate with others or to develop communicative or learning skills.

(hh) "Mental retardation" means significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior which adversely affects educational performance and the ability to acquire the skills necessary for making decisions in actual life situations. Mental retardation includes dependency levels which are determined by the extent and type of support each retarded child needs to function in and to relate to the physical and social environment of the child. These dependency levels are:

(1) "Semi-independent dependency level," which means:

(A) Mild retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1977, and

(B) functional capabilities which can be developed to aid the individual in interaction and decision making; and

(2) "semi-dependent dependency level," which means:

(A) Moderate retardation according to the use of mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1977; and

(B) the ability to achieve independence in functional use of capabilities while accounting to an adult serving as an advocate.

(ii) "Personal and social adjustment problems" means one or more marked behavior excesses or deficits, or both, which are chronic in nature, occur in several environments, and interfere with learning and social interactions in the educational setting. Behavior excesses and deficits include, but are not limited to the following:

- (1) Aggressive or antisocial actions;
- (2) inappropriate, uncontrolled, or bizarre behaviors;
- (3) persistent moods of depression or unhappiness;
- (4) inability to build or maintain satisfactory interpersonal relationships with peers and adults;
- (5) disregard for the consequence of own actions; and
- (6) unreasonable fears associated with personal or school experiences.

(jj) "Physically impaired" means a physical disability of such severity as to adversely affect educational performance.

(kk) "Other health impaired" means limited strength, vitality, or alertness that interferes with participation in educational experiences.

(ll) "Autism" means a severe and pervasive lifelong developmental disorder manifesting itself before 30 months of age. Children with autism exhibit chronic impairments in the ability to learn, communicate, and interact with others in their environment.

(mm) "Severely multiply handicapped" means severe to profound functional retardation in conjunction with severe sensory disabilities, motor disabilities, severe emotional disturbance, chronic health conditions, or severe communication disorders.

(nn) "Deaf-blind" means the combination of auditory and visual impairments which causes such severe communication and other developmental and educational problems that the individual cannot be accommodated in special education programs solely for the hearing handicapped or the visually handicapped.

(oo) "Specific learning disability" means a disorder in the ability to learn effectively in respect to one's own potential when presented with an appropriate regular instructional environment. The inability to learn effectively is manifested as a disorder in the ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between general intellectual functioning and achievement in one or more of the following areas: Preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics

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calculation, and mathematics reasoning. Learning disabilities do not include learning problems which are due primarily to vision, hearing, or motor impairments; mental retardation; emotional disturbances; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.

(pp) "Visual impairment" means limited vision that interferes with educational or developmental progress, or both.

(1) "Partially seeing" means a visual limitation which constitutes an educational handicap but does not prevent the use of print as the primary educational medium.

(2) "Blind" means a visual limitation which requires dependence on tactile and auditory media for learning.

(qq) "Related services" means those services that are required to assist an exceptional child to benefit from special education. Related services include art therapy, audiology, counseling services, dance therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, special education administration and supervision, speech and language services, and transportation.

(rr) "School psychological services" means special services which provide consultation with other school staff to plan individual programs to meet the special needs of children as indicated by interviews, behavioral evaluations, and tests; the administration and interpretation of psychological and educational tests; the consultation with teachers and other school staff concerning child behavior modes of learning, and the development of a positive learning climate; and psychological counseling for children and parents.

(ss) "School social work" means special services which provide:

(1) Assistance to a school, parents and exceptional children in understanding and modifying social and cultural factors influencing educational performance;

(2) a liaison between a school and other community agencies to assist in the provision and coordination of services to individual children; and

(3) a liaison between the home, school and community for the prevention of learning problems.

(tt) "Vocational training" means instruction which prepares handicapped individuals for paid or unpaid employment, or which provides additional preparation for a career requiring other than a baccalaureate or advanced degree.

(uu) "Adapted physical education" means a diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and limitations of children with disabilities who may not successfully engage in unrestricted participation in regular physical education. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-23. State approval of special education services.** (a) *General criteria for state approval.* State

approval of any special education services to be offered shall require that the agency proposing to provide the services has made provision for:

(1) The employment of personnel properly certificated and endorsed in their assigned categories of exceptionality and level of instruction;

(2) compliance with pupil-teacher ratios;

(3) the development and offering of curricula appropriate to student needs;

(4) facilities comparable to those provided non-exceptional children;

(5) compliance with identification, individualized education program, placement, and review procedures;

(6) appropriate licensed or certificated support personnel;

(7) other necessary related services; and

(8) approvable delivery model or models. The following plans for delivering special education services may be approved. With the exception of home-based and homebound instruction, these models may be implemented through either categorical or interrelated service units. Combinations of delivery models also may be approved.

(A) Home-based instruction;

(B) regular education with support services only;

(C) consulting teacher plan;

(D) itinerant teacher plan;

(E) resource room plan;

(F) self-contained special class;

(G) special day school;

(H) residential school;

(I) hospital instruction; or

(J) homebound instruction.

(b) *Request for approval of innovative delivery models.* Local education agencies shall submit a written plan to the special education administration section for review and approval, or disapproval, of innovative delivery models for which there are no standards. Any plans shall include:

(1) The name by which the model may be identified;

(2) a statement of the specific purpose or special education need or needs to which this delivery model will respond;

(3) a description of the type of special education services to be provided and the projected length of time the services will be provided;

(4) the procedures for selecting students to be served;

(5) the number of children to be served; and

(6) the instructional level or levels to be included.

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-24. Approval of part-time homebound and hospital instruction.** (a) Local education agencies shall have an application completed, properly signed, and submitted to the state department of education as soon as it is determined through the individualized education program conference that a child is in need of homebound services.

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(b) An individualized education program shall be developed for each student prior to the implementation of homebound or hospital instruction.

(c) Homebound and hospital instructional services shall be provided by individuals with a Kansas teaching certificate valid at the level of instruction to be provided. At the secondary level, part-time instruction shall be provided by teachers certified in the subject areas in which the child is enrolled. A teacher certified at the secondary level may serve as a coordinator between the child and the child's subject area teachers. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-25. Approval of interrelated service units.**

(a) Before any child is placed in an interrelated service unit, the comprehensive evaluation and individualized education program procedures prescribed in K.A.R. 91-12-40 and 91-12-41 shall be used:

(1) To document that child's need for special education and related services;

(2) to determine whether placement in an interrelated service unit best meets the needs of that child; and

(3) to establish the primary category of exceptional-ity of the child for the purposes of reporting and establishing eligibility for state and federal funding.

(b) Before any local education agency establishes and operates an interrelated service unit, it shall submit to the special education administration section, a written plan describing in detail the services to be offered in the unit. The special education administration section shall review and approve or disapprove the plan. Approval of interrelated service units shall be contingent upon the following:

(1) Systematic and ongoing evaluation of program and product effectiveness;

(2) availability of alternatives for delivery of special education services to children who are not appropriately served in interrelated service units;

(3) teaching personnel with at least provisional endorsement in one of the major categories of exceptional-ity being served in the interrelated service unit. On and after July 1, 1984, teachers shall be required to have full endorsement in one of the major categories of exceptional-ity being served in the interrelated service unit;

(4) provisions for providing instructional personnel with assistance from appropriately trained categorical specialists or support personnel as necessary;

(5) adequate supervision and support systems for teachers of interrelated programs; and

(6) class size and caseload which do not exceed the lowest maximum enrollment for any of the categorical groups of students served in the delivery model being used.

(c) Interrelated programs shall not be initiated because appropriately certificated personnel are not available to implement needed categorical programs. Interrelated programs shall be monitored closely by the special education administration section. (Autho-

rized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-26. Accreditation of special purpose schools.** (a) Initial requests for accreditation as a special purpose school, as well as subsequent organization reports and self-study reviews, shall be submitted to the certification and educational assistance sections.

(b) Any recommendations for or against accreditation shall be filed with the certification and educational assistance sections.

(c) If the accrediting or approving agency is outside of the Kansas state department of education, the school or institution shall also be subject to approval by the special education administration section. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-967, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-27. Approval of developmental preschools.**

(a) Requests for approval as a developmental special preschool shall be submitted to the special education administration section.

(b) To be approved, a developmental special preschool shall:

(1) Meet the general criteria for state approval and the standards for early childhood handicapped services; and

(2) be licensed by the Kansas state department of health and environment as a child care center.

(c) Each developmental special preschool shall obtain Kansas state department of education approval before applying for federal education funds or entering into contracts or agreements with local education agencies. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-967, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-28. State education agency monitoring of compliance with state and federal requirements.** (a) *State education agency action based on a complaint of noncompliance.* (1) Individuals or agencies may report a local education agency whose procedures are suspected to be not in compliance with state or federal law or regulations. The complainant shall make a formal written request for investigation to the state director of special education or the director's assistant. Upon receipt of a formal complaint, a confidential file shall be established within the special education administration section and a preliminary investigation initiated. At a minimum, this investigation shall include:

(A) An interview with the complainant during which additional information is gathered and specific allegations of noncompliance are identified, verified, and recorded;

(B) a letter or telephone call advising the local education agency of the complaint and soliciting relevant information or documents; and

(C) a written report of preliminary findings sent to the complainant and local education agency within 10 days of the receipt of the complaint.

(2) If any preliminary investigation indicates that

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the complaint was justified and that no corrective action has been undertaken by the local education agency as a result of the preliminary investigation, an on-site compliance review shall be conducted by a state special education compliance team. A written report of the compliance review shall be sent to the complainant and the local education agency within 45 days of the receipt of the initial complaint. The report shall include the findings of the investigation and, when noncompliance is found, the corrective action or actions required and the time periods within which each action is to be taken.

(3) A complainant may appeal the final decision of the Kansas state department of education to the secretary of the United States department of education.

(b) *Scheduled state education agency compliance reviews.* The special education administration section shall conduct triennial on-site compliance reviews in each local education agency. If noncompliance is established, the local education agency shall be given a timeline for remedying the specific deficiencies cited. This report shall be sent to the local education agency by the special education administration section no more than six weeks after the on-site review.

(c) *Local education agency appeal.* (1) The local education agency may appeal the findings of any final compliance report prepared by the special education administration section to the state commissioner of education within 15 calendar days of the date the report was sent to the local education agency. An appeal committee, of at least three members, shall be appointed by the commissioner to review the findings and to consider the information from the local education agency. The appeal process shall be completed within 30 calendar days of the appeal request from the local education agency and a decision shall be rendered within 15 days after the appeal process has been completed. If the committee affirms the compliance report findings and recommendations and finds that after 15 days there has been failure to comply substantially with the regulations governing state or federal special education programs, the state department of education shall notify the local education agency of the action that will be taken to assure compliance. Such actions may include:

(A) Notification of accredited warned status or removal from the accredited list by the state board as prescribed by K.A.R. 91-30-2; or

(B) withholding of funds under P.L. 94-142, *Education of All Handicapped Children Act*.

(2) A local education agency may appeal the final determination of the state department of education to the secretary of the U.S. department of education within 30 days of the department's notice that disapproval and withholding of P.L. 94-142 funds is in effect. Any local education agency receiving such notice shall inform, by means of public notice, the public within its jurisdiction of the pending action. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-29. Federal programs.** Any project proposal for the education of handicapped children under fed-

eral programs designed for that purpose shall be submitted to the special education administration section for review and recommendation for approval or disapproval. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-30. State institutions and state schools.** (a) Each state institution and state school shall provide special education services for all exceptional children housed and maintained therein. All state-operated educational programs shall comply with the requirements of article 12 of agency 91 of the Kansas administrative regulations.

(b) Placement procedures for Kansas residents into the Kansas state school for the visually handicapped and the Kansas state school for the deaf shall meet the following requirements:

(1) Admission procedures shall be initiated by the child's home school district and by the child's parent or parents.

(2) Placement of any child in a state school shall be made only after the local district and the child's parent or parents have considered local placement options.

(3) Placement shall be based on the comprehensive evaluation which indicates a need for educational services provided at the state school.

(4) If the original comprehensive evaluation and staffing are conducted by any local education agency and if one of the state schools is an alternative placement for the child, a representative or representatives from the state school shall be included in the staffing.

(5) Any local education agency may refer a child to a state school for a portion or all of the original comprehensive evaluation. If this is done, a representative or representatives from the local education agency shall be included in the staffing.

(6) Each child enrolled in a state school shall have access to the educational programs in the local school districts near the location of the school, either on a part-time or full-time basis.

(7) If differences of opinion occur as to eligibility for or placement of any child in a state school, procedural due process, as prescribed in K.S.A. 72-972 to K.S.A. 72-975, inclusive, and K.A.R. 91-12-43 shall be followed.

(8) Personnel from the child's home school district, as well as personnel from the state school and the child's parent or parents, shall be afforded an opportunity to participate in the individual education program conference. The feasibility of the return of the child to the local public school shall be considered at the annual conference.

(c) If a student transfers from a state school or state institution to a school district, the most recent individualized education program, as well as any additional educationally relevant information concerning the child, shall be forwarded to the receiving school district. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-970, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-31. Local administration and supervision of special education.** (a) Each local education agency

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with an enrollment of 5,000 pupils and programs for four or more categories of exceptional children shall employ a full time director of special education. The director of special education shall be the principal administrator of the special education services.

(b) If a supervisor is to be assigned to supervise programs in more than one category of exceptionality, the qualifications of the supervisor shall be reviewed, and the assignment approved or disapproved, by the special education administration section. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-32. Graduation recognition.** (a) Any exceptional child shall be eligible for graduation from high school upon completion of state board requirements as prescribed in K.A.R. 91-30-12(b) and shall receive the same graduation recognition and diploma as nonexceptional children.

(b) If alternative graduation requirements are developed for special education programs by a local education agency, the requirements shall be included in the agency's local comprehensive plan. State approval of the alternative policies shall be given by approval of the local comprehensive plan.

(c) Any alternative graduation requirements shall include one unit of American history and at least one-half unit of American government, including the constitution of the United States as required by K.S.A. 72-1103. These units may be adapted to meet the needs of given exceptional children.

(d) The program required to meet approved alternative graduation requirements shall be specified in the individualized education program of each exceptional child. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-33. Information activities.** Each local education agency, at least once each year, shall provide information to the public concerning the needs of exceptional children, the educational rights of these children, and the availability of special education services. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-34. Local comprehensive plan.** (a) Each local education agency shall develop and submit to the special education administration section, a comprehensive plan for providing special education services. Each local comprehensive plan shall include:

(1) A statement of the local education agency's philosophy regarding the education of exceptional children;

(2) a projection of the numbers and kinds of special education and related services needed;

(3) needs assessment data reported on forms provided by the state education agency;

(4) a description of procedures for identifying exceptional children;

(5) a description of procedures for assuring that exceptional children are receiving appropriate special education and related services;

(6) a description of public awareness activities;

(7) the policy or policies of the local education agency regarding the graduation of exceptional children;

(8) a description of inservice activities to upgrade the competencies of staff working with exceptional children; and

(9) a description of procedures for evaluating the effectiveness of the special education and related services provided by the local education agency.

(b) A comprehensive plan shall be submitted triennially. This plan shall be updated annually with those portions of the plan which are unchanged incorporated by reference.

(c) Each local comprehensive plan shall be adopted formally by the local education agency.

(d) Each local education agency shall appoint a special education advisory committee which includes parents of exceptional children. Members of the committee shall be appointed by the local education agency with input from local parent organizations. The major function of the local special education advisory committee shall be to assist in formulating and updating the local comprehensive plan. The special education advisory committee also shall act in an advisory capacity to the local education agency and shall facilitate communication and participation by parents, community representatives, and educators in the planning of means by which the needs of exceptional children can be met.

(e) The local advisory committee shall review and comment upon the local comprehensive plan adopted by the local education agency. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-35. Least restrictive environment.** Each local education agency shall provide: (a) Support services to enable each exceptional child to remain in a regular class placement or placements to the maximum extent possible;

(b) Sufficient placement options so that removal of the exceptional child from regular education placement presents the least necessary deviation from the educational experiences provided for non-exceptional children;

(c) For the participation of each exceptional child with non-exceptional children to the greatest extent possible in nonacademic and extracurricular services and activities;

(d) Special education and related services as close as possible to the child's home; and

(e) A systematic review process to assure that placement for each exceptional child is in accordance with the least restrictive environment principle. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-36. Contracts for special education services.**

(a) Local education agencies may contract only for special education services which have been approved by the commissioner of education, upon authorization of the state board.

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(b) Proposed contracts for special education services, including proposed contracts with special purpose schools, shall be approved by the commissioner of education before the contracts are entered into. Three copies of each proposed contract shall be filed with the commissioner of education for review.

(c) A contract shall be approved if the commissioner of education approves the special education services or the curriculum provided for in the contract, and if the contract contains the following:

- (1) The names of the contracting parties;
- (2) the authority pursuant to which the contract is entered into, either K.S.A. 72-967 or K.S.A. 72-970;
- (3) a detailed statement of the special education services or the curriculum to be provided;
- (4) the name of the child or children to be served;
- (5) the related services to be provided;
- (6) a provision limiting the term of the contract to the state fiscal year in which the services are to be provided;
- (7) the cost of the services;
- (8) a provision for termination of the contract for non-performance or lack of funding;
- (9) the means by which the sending agency will implement individual education program procedures and monitor pupil progress;
- (10) if the contract is between two school districts, agreement that the sending district will count the child for state and other financial reimbursement; and
- (11) if the contract is between a state institution and a school district, a provision specifying the federal education of the handicapped support program, P.L. 92-142 or P.L. 89-313, under which the child will be counted for state or local financial entitlements. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-967, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-37. Reimbursement and finances.** (a) *Special education service unit reimbursement.* (1) Special education reimbursement for any program or exceptional child shall be in addition to any other assistance to which the district is otherwise entitled.

(2) Each district maintaining a program less than full-time (1,080 clock hours) shall be reimbursed on a prorated basis.

(3) No reimbursement shall be made for staff employed less than half-time unless approved by the state special education administration section.

(4) The computation of reimbursement due a district for special purpose school contracts shall be based on the ratio of the number of children served to the average special class size for a given category of exceptionality, as determined annually by the state board.

(5) If any exceptional child is housed, maintained, and provided special education services at a state institution, the child shall not be counted by the local school district, but shall be counted by the institution for any entitlements or financial assistance.

(b) *Transportation.* (1) *Pupil transportation.* (A) Reimbursement for the actual expense of transporting any exceptional child to special education services

provided in the school building normally attended by the child shall be claimed in accordance with the provisions of K.S.A. 72-7047 or any amendments to this statute.

(B) Any additional cost incurred in transporting any exceptional child to another facility where that child receives special education services shall be reimbursed as prescribed in K.S.A. 72-978. Reimbursement for the actual costs of providing transportation to other facilities for the purpose of diagnosis or evaluation may be claimed.

(C) Each school district which provides transportation shall submit an annual survey form and reimbursement request for transportation.

(D) Parental consent shall be obtained before any exceptional child is provided transportation.

(E) Each district that enters into a transportation contract shall be responsible for making payment to the party providing the transportation.

(F) Transportation reimbursement shall be available to any district that actually provides transportation for exceptional children, if the special education services are provided through approved contractual agreements.

(2) *Teacher transportation.* Actual travel allowance to special teachers during the conduct of assigned duties directly related to providing special education and related services may be reimbursed as prescribed in K.S.A. 72-978.

(c) Expenses incurred to provide room and board or nonmedical care, or both, to any exceptional child shall be at no cost to the parents of the child if the school district in which the child resides provides special education services to the child at a place outside the school district in which the child resides. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-38. Facilities.** (a) All facilities for exceptional children shall be comparable to those for non-exceptional children within the same school building.

(b) If any local education agency operates a facility solely for exceptional children, the facility and the services and activities provided in the facility, shall be comparable to those provided to non-exceptional children.

(c) Special teachers and special education supervisors shall be provided office space, secretarial assistance and telephone service. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-39. Exceptional children attending private schools.** (a) Each local education agency shall: (1) Maintain administrative control and direction over special education services and related services provided by the local education agency to exceptional children attending private schools. In exercising administrative control, records and accounts for equipment shall be kept to ensure that equipment is used solely for the purposes of the specified program or project;

(continued)



(2) ensure that state and federal funds for services to exceptional children in private schools are not used to pay the salaries of private school personnel;

(3) ensure that state and federal funds are not used either to construct private school facilities or to purchase equipment for private schools; and

(4) provide that projects and programs carried out at public expense do not separate children on the basis of school enrollment or religious affiliation.

(b) Special education services, including therapeutic and diagnostic psychological and speech and hearing services, may be provided in a sectarian facility, if the location is religiously neutral. "Religiously neutral location" means an area which, at a minimum, is free of religious symbols, contains material and equipment separate from that used in a sectarian facility if the location is part of a sectarian facility, and which is under the control of public employees who are not subject to supervision by sectarian school administrators. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-40. Screening and evaluation.** (a) *Screening; school age.* Each local education agency shall implement systematic and on-going screening procedures which identify school age children who may require special education services. Screening is the first phase in the identification of exceptional children and shall not be used as a basis for placement or programming. (1) Procedures shall include: (A) Mandatory hearing and vision screening;

(B) an age appropriate developmental instrument or procedure designed to identify possible physical, intellectual, social or emotional, language or perceptual deviations; and

(C) any other instruments or procedures needed to supplement the above.

(b) *Screening; preschool.*

(1) Each local education agency shall implement screening procedures to identify preschool children who may need special education. These screening services shall be made available a minimum of once a year.

(2) At a minimum, preschool screening procedures shall use developmental or age-appropriate instruments or measures for all of the following: (A) Hearing screening, including testing of middle ear function and behavioral audiometry;

(B) vision screening, including behavioral and observational signs of vision problems in addition to basic vision screening;

(C) developmental screening which does not depend entirely on interview information, group tests, or intelligence testing. This screening shall include: (i) communication skills;

(ii) gross and fine motor skills;

(iii) cognition;

(iv) social and emotional adjustment; and

(v) self-help skills.

(3) Each local education agency shall document activities to publicize preschool screening.

(4) After each preschool screening, each local edu-

cation agency shall be responsible for: (A) Recommending local and statewide resources to the parents and sending records to the recommended resources as appropriate;

(B) keeping records on each child screened; and  
(C) sending summary data to the state department of education.

(c) *Comprehensive evaluation.* Each local education agency shall initiate a comprehensive evaluation whenever screening, referral, or lack of progress indicates that a child may be exceptional. No child shall be placed in special education prior to the completion of this evaluation. The following procedures shall be implemented: (1) All evaluation procedures shall be nondiscriminatory as prescribed in K.S.A. 72-963.

(A) When any child is from a home in which English is not the principal language, the local education agency shall determine the language best understood by the child. The comprehensive evaluation or access to special education services shall not be postponed solely because that child cannot communicate effectively in English.

(B) If any child has sensory, motor, or speaking impairments, tests shall assess whatever factor the test purports to measure rather than reflect that child's impaired communication skills.

(2) The comprehensive evaluation shall be multidisciplinary and multisourced. No child shall be placed in special education on the basis of a single evaluation procedure, instrument or measure.

(3) If any child is suspected of having specific learning disabilities, the provisions of K.A.R. 91-12-58 shall be followed.

(4) Any test or other evaluation material used as a part of any comprehensive evaluation shall have been validated for the specific purpose for which the test or other material is used and shall be administered in conformance with the instructions provided by the producer of the test or material.

(5) Any test used as a part of any comprehensive evaluation shall be administered by a professional holding current certification or licensure to administer and interpret that test. Public school psychological evaluations shall be carried out only by an approved school psychologist certified by the Kansas state department of education or by an appropriately trained psychologist certified by the Kansas behavioral sciences regulatory board and reported to the Kansas state department of education.

(6) The special education administrator of each local education agency shall certify that each child eligible for special education placement has had an appropriate and complete evaluation. For children who have a speech impairment as their only apparent exceptionality, a qualified speech/language clinician shall evaluate those children using procedures that are appropriate for the diagnosis and appraisal of speech and language disorders. The speech/language clinician shall verify the absence of learning or behavioral problems through examination of the child's records or conferences with parents and teachers, or both. If referral for an additional evaluation by other profes-

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sionals is not indicated, the comprehensive examination may then be considered to be complete.

(7) After any child has been assessed in all areas related to a suspected disability, that child's evaluation team shall meet to determine whether the evaluation results indicate that the child needs special education services. The child's parents shall have the opportunity to attend this meeting or to have their opinions expressed by a member of the team. If an evaluation team recommends a child for special education services, the evaluation results shall be made available for use in developing the individualized education program. In no case shall the decision to place a child in special education be made solely by one person, even though this person may have considered the data collected by all members of the evaluation team.

(8) Each comprehensive evaluation shall be completed as soon as possible following the referral. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-41. Individualized education program.** (a)

An individualized education program (IEP) shall be developed for each child in need of special education services. The IEP shall be developed prior to placement in a special education program. This requirement shall not preclude temporarily placing an exceptional child in a special education program as part of the evaluation process before the individualized education program is finalized, if:

(1) The child has been determined, through the comprehensive evaluation, to be eligible for special education, but more information is needed to determine the most appropriate placement;

(2) an interim individualized education program is developed which sets out the specific conditions and timelines for the trial placement;

(3) the child's parents give written consent to the interim placement before it is carried out;

(4) a specific period of time, not exceeding 30 days, is set for completing the evaluation and making decisions about the most appropriate placement; and

(5) a meeting is conducted at the end of the trial period to finalize the child's IEP.

(b) The IEP shall be written and subsequently reviewed and revised as needed, but at least annually, in a meeting which includes:

(1) A representative or representatives of the local education agency, other than the child's teacher or teachers, who is qualified to provide, or supervise the provision of, special education services;

(2) the child's teacher or teachers;

(A) For any child who is receiving special education, the teacher shall be the special education teacher with primary responsibility for implementing the child's individualized education program. If the child's primary handicap is a speech or language impairment, the teacher shall be the speech or language clinician.

(B) For a handicapped child who is being considered for placement in special education, the teacher

shall be the child's regular classroom teacher, or a teacher qualified to provide education in the type of program in which the child may be placed, or both.

(C) If the child is not in school or has more than one teacher, the local education agency shall designate which teachers will participate in the meeting.

(3) one or both of the child's parents and, when appropriate, the child; and

(4) other individuals who, in the opinion of the parents or the local education agency, are necessary to complete the IEP.

(c) Parents shall be notified of the individualized education program meeting early enough to ensure that they will have the opportunity to participate in developing the IEP. The notice shall indicate the date, time, location and purpose of the meeting and who will be in attendance. A reasonable attempt shall be made to schedule the meeting at a mutually agreed on time and place. Provision for interpreters or other facilitators shall be made for parents who are deaf or whose principal language is other than English.

(d) If any local education agency is unable to obtain parental participation, the individualized education program meeting shall be conducted without this participation. In such cases, the local education agency shall document the attempts made to arrange the meeting. The documentation shall include records of telephone calls made or attempted, copies of correspondence, and records of home visits.

(e) Parents shall be provided a copy of the individualized education program.

(f) Each individualized education program shall include the following:

(1) A statement of the child's present level of educational performance. The statement shall include, as appropriate, academic achievement, social adaptation, prevocational skills, sensory and motor skills, self-help skills, and speech and language skills;

(2) a statement of annual goals which describe the educational performance anticipated within a year's time;

(3) a statement of short-term objectives which are measurable, and intermediate steps between the present level of performance and the annual goals;

(4) objective criteria, evaluation procedures, and data collection schedules for determining, at least every 12 weeks, whether the short-term objectives are being achieved;

(5) a statement of the specific special education services and related services needed by the child, even if not all of these services currently are available in the local education agency preparing the IEP. Any unique instructional media not ordinarily available to all students, but needed by this particular child for learning, shall be listed;

(6) a description of the extent to which the child will participate in regular classroom instruction. If regular classroom placement is not appropriate, the extent of participation in other less restrictive environments shall be described;

(7) the projected date for the initiation of the prescribed services and anticipated duration of the services; and

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(8) a listing of the names and positions of the individuals responsible for implementation of the IEP.

(g) For any exceptional child who is not yet receiving special education, the individualized education program shall be developed no later than 30 days from the date when it is determined that the child requires special education. These children shall remain in their current placement until the individualized education program is completed and parental permission is obtained or due process proceedings, including appeals, are completed.

(h) If a local education agency, through a contractual agreement, refers or places any child in another accredited special education program, the local education agency shall conduct an individualized education program conference and shall arrange for a representative of the receiving agency to participate. If a representative of the receiving agency cannot attend the meeting, the sending agency shall ensure participation by the receiving agency through other methods, preferably individual or conference telephone calls. The sending agency, however, shall ensure its involvement, as well as that of the child's parents, in any decision about that child's individualized education program. Both the child's parents and the sending local education agency shall agree to any proposed changes before those changes are implemented.

(i) If any exceptional child is enrolled in a parochial or other private school and receives special education services from a public education agency, that public agency shall:

(1) Initiate and conduct conferences to develop, review, or revise an individualized education program for the child; and

(2) ensure that a representative of the parochial or other private school attends each individualized education program conference. If the representative cannot attend, other methods to ensure participation shall be used, such as individual or conference telephone calls.

(j) If any child is placed in a school district or state institution by court order, and the child is determined by the receiving agency to be exceptional, the receiving agency shall be responsible for developing and implementing an IEP for the child. If an exceptional child from a public school program is admitted to a state institution and the child has an IEP, the IEP shall be forwarded to the state institution for implementation and revision, as needed. Conversely, if it is determined by a state institution that an exceptional child shall be returned to the community, the receiving district shall be responsible for implementation and revision of the IEP of the child. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-42. Placement and review.** (a) Each exceptional child shall be educated in the least restrictive environment.

(b) When implementing the level of service recommended in any exceptional child's individualized education program, each local education agency shall follow these procedures:

(1) Placement in any special education services shall be considered as a trial placement and shall be subject to review and additional team planning. Each child shall be returned progressively to as near a normal setting as possible.

(A) At least every 12 weeks, a determination shall be made as to the need for change to more intensive or less intensive special education services, and to a less restrictive or more restrictive environment.

(B) If the building level concept for monitoring a child's progress is not being employed, it shall be the responsibility of the special education teacher serving the child to inform the administrator of special education if a change in programming is indicated.

(C) A notation that the short-term review was made shall be recorded in each child's IEP.

(2) Parents shall be kept apprised of the progress of their children.

(3) A conference shall be held annually to review and revise, as needed, each child's individualized education program.

(4) A comprehensive evaluation of an exceptional child shall be made any time conditions warrant or if any child's parent or teacher requests an evaluation. A comprehensive evaluation shall be made of each exceptional child not less than every three years.

(5) An informal follow-up to determine the status of any child for whom special education services have been terminated shall be carried out annually for at least two years following termination of the services. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-43. Confidentiality.** (a) Each board shall comply with the provisions of K.S.A. 72-6214, and any amendments to this statute, in regard to the confidentiality of personally identifiable records, files and data collected or maintained by the agency regarding any exceptional child. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-44. Procedural due process.** (a) The board of education of each school district shall:

(1) Draft and adopt special education due process procedures which are in compliance with requirements of K.S.A. 72-972 to K.S.A. 72-975, inclusive, and any amendments to these statutes; and

(2) be responsible for all due process proceedings.

(b) The state board of education shall be responsible for due process proceedings of the Kansas state school for visually handicapped and the Kansas state school for the deaf, and the secretary of social and rehabilitation services shall be responsible for special education due process proceedings of other state institutions.

(c) Before taking any special education action in regard to any child, each local education agency shall:

(1) Attempt to determine who is the lawful custodian of the child;

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(2) if the lawful custodian of the child cannot be determined or cannot be found, cause proper proceedings to be instituted, pursuant to the Kansas code for care of children, to determine whether the child is in need of care;

(3) if the legal guardian of the child is the secretary of social and rehabilitation services, notify the appropriate area office of the department of social and rehabilitation services and request the appointment of a lawful custodian for the child pursuant to K.S.A. 72-962, and any amendment to this statute; and

(4) mail or personally deliver to the lawful custodian the written notice required by K.S.A. 72-972, and any amendments to this statute.

(d) If special education action is proposed in regard to any person who is 18 years of age or older and the person has not been legally adjudicated to be an incapacitated person, due process shall be granted only to the person. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-45. Comprehensive evaluation.** (a) If a comprehensive evaluation is recommended for any child, the lawful custodian of the child shall be given written notice of the recommendation and also shall be given the opportunity for a personal conference concerning the reason or reasons for the recommendation. The notice shall be mailed or personally delivered to the lawful custodian and shall:

(1) Include a clear description of proposed evaluation procedures, including the kinds of tests used and the estimated duration of the evaluation procedure;

(2) advise the parent of the right to consent or object to the evaluation, in writing, upon forms provided by the local education agency;

(3) advise the parent of the rights regarding procedural due process, including the right to a hearing;

(4) inform the parent that, if written consent is not given, the local education agency may request a due process hearing on its own initiative or seek a court order for the evaluation;

(5) inform the parent of any free or low cost legal services or other relevant services in the area;

(6) indicate the opportunity to obtain an independent evaluation of the child;

(7) advise the parent of the right to have access to school reports, files, and records related to the proposed action; and

(8) advise the parent that the child will remain in the present education placement until a decision is made following a due process hearing or until the proposed special education action is accepted by both parties. If the complaint involves admission of a child to public school, that child, with the consent of the child's parents, shall be placed in a public school program pending completion of all proceedings.

(b) If the parent of the child gives written consent for the evaluation, it may be initiated immediately. If written consent is not given, action shall not be taken within a period of 30 days. This period shall be for the purpose of affording the parent an opportunity to indicate the parent's objections to the evaluation. If,

after the 30 day waiting period, the parent has not given consent to the evaluation, the local education agency shall attempt to meet with the parent and explain the need for the evaluation and answer questions of the parent. If the parent still refuses to consent to the proposed evaluation, the local education agency shall either accept the decision, or apply to a court of competent jurisdiction for an order directing the evaluation, or pursue a local education agency initiated hearing in regard to the matter. Records of contacts and consultations with the parent shall be maintained by the local education agency.

(1) Parental consent shall not be required for any re-evaluation providing that:

(A) The child has been placed initially in accordance with the requirements of K.A.R. 91-12-44 through 91-12-48;

(B) the program is current and has been reviewed or revised annually; and

(C) the child's parents have been given prior written notice of the proposed re-evaluation.

(c) Independent evaluation. Each local education agency shall provide to parents, on request and when a notification of proposed action is given, information about where an independent evaluation may be obtained.

(1) Right to evaluation at public expense.

(A) An independent educational evaluation shall be provided at public expense if the parent disagrees with the evaluation by the local education agency, unless the local education agency initiates a due process hearing to show that its evaluation is appropriate. If the final decision is that the school's evaluation is appropriate, the parent still has a right to an independent evaluation, but its expense shall not be required to be borne by the school. The results of the independent evaluation, however, shall be considered by the local education agency or any hearing officer, or both, in decisions made with respect to the provision of a free appropriate public education for that child.

(B) Whenever an independent evaluation is provided at public expense, the criteria under which the evaluation is obtained must be the same as the criteria which the local education agency uses when it initiates an evaluation. The credentials of the independent evaluator or evaluators shall be at least comparable to the credentials of the local education agency's evaluators. The local education agency shall not be responsible for the costs of unreasonably expensive independent evaluations when comparable evaluations can be obtained at a lesser cost.

(2) If any hearing officer requests an independent educational evaluation as a part of a hearing, the cost of the evaluation shall be at public expense. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-46. Special education action following evaluation.** (a) After the evaluation of any child is completed, the special education action to be taken in regard to the child shall be determined. This proposed special education action shall not be taken until the

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local education agency has mailed or personally delivered to the lawful custodian of the child written notice:

(1) Describing the proposed action and stating the reasons the action is deemed appropriate for the child. Evaluation procedures, tests, records, or reports upon which the action is based shall be included. This description shall state the options that were considered by the local education agency and the reasons for rejecting those options which are not proposed for the child;

(2) advising the parent of the right to consent or object, in writing, upon forms provided by the local education agency, to any proposed action;

(3) advising the parent of the rights regarding procedural due process, including the right to a hearing;

(4) informing the parent that, if written consent is not given, the local education agency, on its own initiative, may request a due process hearing;

(5) informing the parent of any free or low cost legal services or other relevant services in the area;

(6) advising the parent of the right to have access to school reports, files, and records related to the proposed action; and

(7) advising the parent that the child will remain in the present education placement until a decision is made following a due process hearing or until the proposed educational action is consented to, in writing, by the parent.

(b) If the parent of the child gives written consent for the proposed action, it may be initiated immediately. If written consent is not given, action shall not be taken within a period of 30 days. This period shall be for the purpose of affording the parent an opportunity to indicate the parent's objections to the proposed action. If, after the 30 day waiting period, the parent has not given written consent to the proposed action, the local education agency shall attempt to meet with the parent and explain the need for the proposed action and answer questions of the parent. If the parent still refuses to consent to the proposed action, the local education agency shall either accept the decision or initiate a due process hearing in regard to the matter. Records of contacts and consultations with the parent shall be maintained by the local education agency. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-47. Local education agency due process hearing.** (a) The request for a due process hearing shall be made, in writing, to the local board of education, the state board or the secretary of social and rehabilitation services, as appropriate. If a request for a due process hearing is received, the provisions of K.S.A. 72-973 and K.S.A. 1982 Supp. 72-975 shall become operative and shall be followed.

(b) Responsibilities of the hearing officer prior to the hearing. The hearing officer shall be responsible for assuring that due process is afforded both parties to the hearing. The hearing officer shall:

(1) Verify, through personal or telephone contact, that the parent understands the parent has the right to

have an independent evaluation of the child performed, and has the right to have access to school reports, files, and records relating to any proposed special education action;

(2) verify, through personal or telephone contact, that both the parent of the child and school officials understand the rights of parties in a due process hearing as specified in K.S.A. 72-973;

(3) make arrangements for an interpreter, if necessary. At all stages of the due process procedures, interpreters for deaf or non-English speaking parents or children shall be provided at public expense;

(4) at least 10 days prior to the hearing, notify each party, in writing, of the provisions of K.S.A. 72-973(a)(7);

(5) at least five days prior to the hearing, notify the parties, in writing, of the time and place of the hearing. K.S.A. 72-973 requires that the hearing be conducted at a time and place reasonably convenient to the parent;

(6) if necessary, request the clerk of the district court to issue subpoenas for the attendance of witnesses or the production of relevant records, or both;

(7) ascertain whether the exceptional child will attend or participate in the hearing. If any special education action is proposed for a person 18 years of age or older, and the person has not been adjudicated to be an incapacitated person, that person shall have the right to attend the hearing. If any special education action is proposed for a child, the parent of the child shall have the right to determine whether the child shall attend or participate in the hearing. The decision of the parent of the child shall be made a part of the record of the hearing;

(8) ascertain whether the hearing is to be open or closed as prescribed in K.S.A. 72-973(a). This determination shall be made a part of the record of the hearing; and

(9) preside at the hearing and conduct the proceedings in a fair and impartial manner to the end that all the parties involved in the hearing have an opportunity to present their evidence and testimony in accordance with the requirements of K.S.A. 72-973.

(c) A record of the hearing shall be made by mechanical or electronic recording or by an official court reporter.

(d) Decision of the hearing officer.

(1) The hearing officer or officers shall render a written decision in regard to the matter or matters considered at the hearing and the decision shall be rendered not more than five days after conclusion of the hearing. The decision shall be based solely on evidence presented at the hearing and shall include findings of fact, conclusions of law, and reasons for these findings and conclusions.

(2) The decision shall be sent, by restricted mail, to each of the parties or to their respective representatives, within 24 hours after the decision is rendered.

(3) After deletion of any personally identifiable information, a copy of the decision shall be sent to the state advisory council for special education. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

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**91-12-48. Procedural due process in state institutions.** The admission or refusal of admission to a state institution for treatment and rehabilitation in and of itself is not a special education action. If any child is admitted to a state institution, the child shall be placed in an age appropriate education program until a comprehensive evaluation is completed. If any child is determined to be eligible for special education services, an individualized education program conference shall be held no more than 30 days from the date of admission. Because a comprehensive evaluation is part of the admission process, parental consent for preplacement evaluation shall not be required. All other procedural safeguards of due process and confidentiality and evaluation procedures shall be extended to all school age exceptional children housed and maintained in state institutions. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-49. Placement of children by parents or guardians.** If any exceptional child is offered free and appropriate special education services by the local education agency responsible for providing these services to the child, but the child's parent places the child in a private school, the parent shall assume full financial responsibility for the child's education. If a parent contends that the parent has been forced to seek and bear the cost of private schooling for any exceptional child because the responsible local education agency does not offer an appropriate special education service, and the local education agency disagrees with this contention, due process procedures may be implemented to resolve the disagreement and the question of fiscal responsibility. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-50. Cooperative agreements and interlocal contracts.** (a) Each special education cooperative agreement and interlocal contract providing for special education services shall be approved, if it meets statutory requirements, and if it includes the following:

- (1) a description of the special education service or services to be provided;
- (2) a formula for determining the share of the cost to be paid by each district;
- (3) the dates on which payments will be made;
- (4) specifications of disposal of property upon the termination of the cooperative agreement or contract;
- (5) a statement of the contract period;
- (6) signatures of the president of the local board of education or designated board members of each of the participating parties; and
- (7) provision for date and signature of the commissioner of education indicating approval by the state board of education.

(b) Application for state approval of each special education cooperative agreement or interlocal contract shall be submitted to the state board of education no later than 45 days prior to the proposed effective date of the agreement.

(c) Revisions or terminations of special education

cooperative and interlocal contracts shall be submitted to the state board of education for approval or disapproval. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, 72-969, 72-8230, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-51. Early childhood education for handicapped.** (a) *Screening and identification.* In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall: (1) Afford parents of preschool age children the right to information or training which assists them in participating in the comprehensive evaluation process. Assistance shall be offered in observation techniques and the developmental stages of early childhood; and

(2) assure that all personnel who participate in the comprehensive evaluation of any preschool age child are competent in the evaluation of children ages birth to five.

(b) *Approvable instructional personnel.* (1) Each teacher of a multi-categorical early childhood handicapped program shall be endorsed for early childhood handicapped as prescribed in K.A.R. 91-1-99.

(2) Each teacher of a categorical early childhood handicapped program shall: (A) be endorsed for early childhood handicapped and be provided assistance from appropriately trained categorical teachers or related service personnel, as necessary; or

(B) be endorsed for the category being served and have experience, practicum, or training with preschool age children.

(c) *Approvable educational settings.* (1) For approval as a placement for identified handicapped preschool children, private center based programs shall be licensed by the state department of health and environment and approved by the state department of education.

(2) For approval as a placement for identified handicapped preschool children, private regular early childhood education programs or child day care centers designed primarily for nonhandicapped children shall have teachers who are endorsed for early childhood education as prescribed in K.A.R. 91-1-31. A teacher endorsed for handicapped education shall act as a consulting teacher to the program.

(d) *School year for homebased programs.* The school year of 215 hours direct instruction for homebased or individual programs shall include a minimum of 54 hours of instruction by the professional staff and instructional paraprofessional. No fewer than 13 of the 54 hours shall be directly supervised or provided by the professional staff. Additional hours of individual instruction shall be provided to fulfill the required 215 hours by a combination of documented implementation of the individualized education program by a parent, caregiver, professional, or paraprofessional.

(e) Developmentally delayed children may be served in early childhood programs and be reported as handicapped children until age three. After age three, these children may be served, but shall not be reported as handicapped nor be counted for the genera-

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tion of state or federal special education funding, unless and until a specific handicap is identified.

(f) Class size and case load limitations are given in Table I and Table II. No class size or caseload shall exceed the program's ability to implement the individualized education programs of the children enrolled.

TABLE I Class Size and Caseload for Centerbased, Group Programs

Number of Children	Teacher and Endorsement Early Childhood (EC) Early Childhood Handicapped (ECH)	Number of Paraprofessionals	Additional Staff for Severely Handicapped or Children Ages Birth to Three
Special Classroom			
1-4 handicapped	1 ECH		1
5-6 handicapped	1 ECH	1	1
7-8 handicapped	1 ECH	1	2
Integrated Classroom			
12 (4 to 5 handicapped)	1 ECH	1	1
13 (6 to 8 handicapped)	1 ECH	2	1
18 (6 to 12 handicapped)	1 ECH	2	*
Regular Classroom			
18 (3 handicapped)	1 ECH and 1 ECH Consult.	1	1

\* Not approvable for severely handicapped or very young children.

TABLE II Class Size and Caseload for Home-based, Individual Programs

Number of Children	Teacher and Endorsement Early Childhood Handicapped (ECH)	Paraprofessionals
8 handicapped	1 ECH	0
14 handicapped	1 ECH	1
20 handicapped	1 ECH	2
26 handicapped	1 ECH	3

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-52. Intellectually gifted.** (a) *Identification.*

In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in their procedures for identifying gifted students:

- (1) Teacher evaluation of that child;
- (2) analysis of that child's accomplishments and products for evidence of the intellectual giftedness or potential;
- (3) documentation of intellectual giftedness through administration of a standardized, individual test of intelligence. The minimum criterion for identification shall be a composite rank of not less than the 97th percentile on national or local norms, whichever is higher, or evidence that the child's standardized, intelligence test score does not adequately reflect the child's high intellectual potential;
- (4) documentation of intellectual giftedness through administration of a standardized test of academic achievement.

(A) For elementary children, the minimum criterion for identification shall be a composite rank of not less than the 95th percentile on national norms, or

evidence that such standardized achievement test score does not adequately reflect the child's high intellectual potential; or

(B) for secondary children, the minimum criterion for identification shall be a rank of not less than the 95th percentile on national norms on two or more of the mathematics, language arts (including reading), science, and social science sections, or evidence that such standardized achievement test scores do not adequately reflect that child's high intellectual potential.

(b) Each gifted child shall be permitted to test out of, or work at an individual rate, and receive credit for required or prerequisite courses, or both, at all grade levels, if so specified in that child's individualized education program.

(c) Gifted students may receive credit for college study at either the college or high school level; however, dual credit shall not be allowed. If any gifted student chooses to receive college rather than high school credit, that student shall be responsible for the college tuition costs.

(d) Programs using the consulting teacher model shall develop a scope and sequence of curriculum for gifted students to be used in working with regular classroom teachers.

(e) Class size and caseload limitations for programs for gifted are given in Table III.

TABLE III Class size and Caseload for Programs for Gifted

Administrative Plan	Maximum Number of Students To Be Served	Maximum Number of Students To Be Served With a Full-Time Paraprofessional
Consulting Teacher	40-45	40-45
Itinerant Teacher	25	30
Resource Room	35	40
Self-Contained	20	25

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-53. Language, speech and hearing impaired.** (a) The special education administration section, Kansas state department of education, and the bureau of maternal and child health, Kansas state department of health and environment, shall review and assure competency of persons assigned by a local education agency to conduct hearing screening as prescribed in K.S.A. 72-1204, and any amendment to this statute.

(b) In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency, in procedures for identifying speech, language and hearing impaired children, shall include an assessment of articulation, language, fluency, voice, and auditory acuity and perception, and an examination of the peripheral speech mechanism.

(c) *Monitoring hearing aids.* (1) Each local education agency shall maintain a list of all children whom the agency is responsible to educate who wear hearing aids.

(2) Each local education agency shall adopt procedures for the regular and frequent monitoring of the functioning of all hearing aids. Those procedures shall meet the following requirements:

(continued)

(A) The aids shall be checked not less than once each week.

(B) Personnel shall be designated and trained to provide the listening check in any school building where any child wearing a hearing aid is enrolled. The check may be done by that child's regular or special education teacher or by a paraprofessional.

(C) Until any child has completed the fourth grade, the hearing aid of the child shall be checked by the person designated by the local education agency in accordance with the preceding paragraph. Children in the fifth and subsequent grades may check their own hearing aids under the supervision of the person designated by the local education agency.

(D) Not less than once each year, the hearing aid of each child shall be checked by an audiologist or hearing aid dealer.

(d) *Paraprofessionals.* (1) Paraprofessionals employed in language or speech programs shall be assigned and shall function according to the requirements of K.A.R. 91-12-61, except that, if a paraprofessional is assigned to assist an itinerant speech or language clinician, supervision shall be provided not less than once each week. These language or speech clinicians shall develop a monitoring system for checking the reliability of the services being performed by each paraprofessional assigned to assist them.

(2) Paraprofessionals may be employed to conduct hearing screening evaluations. If such persons are employed, their competence shall be reviewed as prescribed in K.A.R. 91-12-61.

(e) *Audiological diagnostic services.* For programs offering comprehensive audiological diagnostic services, the minimum audiometric test equipment shall include a calibrated audiometer with provision for field audiometry. A planned program for the maintenance of all equipment and the regular calibration of audiometers shall be in operation. A calibration log shall be maintained by each local education agency and shall be available for inspection. The audiometric instrumental array shall be capable of performing at least the following diagnostic procedures:

- (1) hearing screening;
- (2) pure tone and bone condition testing, with contralateral masking;
- (3) speech discrimination and speech reception audiometry;
- (4) site-of-lesion battery; and
- (5) hearing aid evaluation or consultation, or both.

(f) *Facilities.* (1) Itinerant and consulting language, speech, hearing conservation, and audiometric hearing screening programs may use mobile speech and hearing vans, if available space in schools and other centers does not meet the state approved standards. Speech and hearing vans shall be used only on a temporary basis, and the local education agency's local comprehensive plan shall provide for their replacement with permanent facilities. Any local education agency having a temporary facility shall submit annually to the education administration section, a request for approval of that facility.

(2) If diagnostic audiological services are offered, a

specially constructed, sound-treated suite, providing adequate attenuation of outside noise, shall be used. The maximum noise levels allowed shall be as prescribed in ANSI S3.1 of the "American National Standard Criteria for Background Noise in Audiometer Rooms," 1971 edition, which is incorporated here by reference.

(3) Any local education agency operating a demonstration program through a special grant shall provide observation areas or windows in the facility.

(g) *Class size and caseload.* (1) For speech and language programs which employ the itinerant delivery model, maximum caseload shall be 65 students per week. If intensive scheduling is used, 30 students per cycle or block is recommended.

(2) The maximum class size for programs for hearing impaired children shall be as prescribed in table IV. If paraprofessionals are employed as a part of any of the following special class program models, the maximum caseload may be increased by three students. The chronological age span shall not exceed three years, unless permission is obtained from the special education administration section.

TABLE IV Class Size and Caseload for Programs for Hearing Impaired

Administrative Plan	Number of Students
Special Self-Contained Class—Preschool	6
Special Self-Contained Class—Primary	6
Special Self-Contained Class—Intermediate	8
Special Self-Contained Class—Secondary	8
Special Self-Contained Class—Elementary (two or more levels combined)	6
Special Self-Contained Class—Secondary (two or more levels combined)	8
Itinerant	15
Resource Room	As Needed
Diagnostic Assessment	As Needed
Parent/Infant	20 when parent and child are seen primarily on an individualized basis
Residential	The same maximums apply for delivery models listed above
Regular Class	No more than two hearing impaired students shall be assigned to the same regular classroom or regular classroom teacher.

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-54. Mental retardation.** (a) *Screening and identification.* In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying exceptional children, an assessment of the level of intellectual functioning and adaptive behavior. This assessment shall be for the purpose of identifying children who are mentally retarded.

(b) Education programs for mentally retarded children shall include work experiences and life experi-

(continued)

ences. Each local education agency providing this program shall develop a continuum of content for the major emphasis of study and a plan for continuous review and revision.

(c) *Class size and caseload limitations.* (1) *Semi-independent.* Special classes for semi-independent children shall not exceed the ratio of 15 children per teacher in a full day of instruction. The chronological age spread shall not exceed four years. Exceptions to these requirements are as follows:

(A) Secondary level enrollment may be increased to 17 by including one additional student for each year the age spread is reduced.

(B) Secondary programs using paraprofessionals may increase enrollment to 20 if a full-time curriculum specialist or supervisor or work specialist is available to the program.

(C) Enrollment exceptions may be made at any instructional level if additional mentally retarded children who have been attending a special education program move into the district.

(D) Primary programs shall have an enrollment of no more than 12, unless services of a paraprofessional are available.

(2) *Semi-dependent.* Special classes shall not exceed a ratio of one teacher for 10 children in a full day of instruction. The chronological age spread shall not exceed four years. An enrollment of 10 children shall require that a paraprofessional be assigned to the program. Exceptions to these requirements are as follows:

(A) If the chronological age span is reduced to two years, two additional students may be enrolled at the intermediate and secondary levels.

(B) Above the primary level, enrollments may be increased by two for each paraprofessional, unless there are children enrolled who require one-to-one instruction for at least one-third of their instructional activities.

(C) Enrollments in secondary programs which are interrelated with sheltered workshop and work training may be increased to 15 students. This enrollment shall require the assistance of at least one paraprofessional and formal working relationships with work specialists in the sheltered workshop. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-55. Personal and social adjustment.** (a) *Screening and identification.* In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include in its procedures for identifying children with personal and social adjustment problems:

(1) procedures designed to identify withdrawn or acting out children; and

(2) procedures for determining the need for a psychiatric evaluation. If this determination is made, the cost of the evaluation shall be provided at public expense.

(b) The curriculum of personal and social adjustment programs shall emphasize development of acceptable methods of coping with and adjusting to the

environment in order that each child may function in progressively less restrictive educational environments.

(c) In addition to the requirements of K.A.R. 91-12-23, state approval of personal and social adjustment programs shall be contingent upon the following:

(1) Each consulting and itinerant teacher shall be fully endorsed to instruct children with personal and social adjustment problems, and shall be recommended by the parent training institution as having competencies in working with peers as well as children.

(2) Consulting teacher and itinerant teacher plans for delivering special education services shall not be used for moderately to severely handicapped children, or for children requiring crisis intervention.

(3) Consulting teacher and itinerant teacher plans for delivering special education services shall be used only to maintain mildly handicapped children in regular education, support the instructional staff in inter-related programs, or enhance the probability of successful reintegration of children into less restrictive programs.

(4) Children hospitalized for the treatment of emotional problems may receive instruction in the hospital setting for the duration of their confinement. Homebound instruction shall be used only as a temporary measure while the local education agency arranges for an appropriate educational placement. Children with emotional problems shall not receive instruction solely in their home for more than two months. Applications for part-time homebound or hospital instruction for children with emotional disabilities shall state the reason or reasons the services are needed and shall be signed by a psychiatrist, certified school psychologist, or certified clinical psychologist. Each local education agency shall include a statement indicating plans for meeting the educational needs of the child after the homebound or hospital instruction has been terminated.

(d) *Related services.* (1) The services of school psychologists certificated and endorsed by the state board or of certified clinical psychologists shall be available to all personal and social adjustment programs.

(2) The services of school social workers certificated and endorsed by the state board or of clinical social workers shall be available to all personal and social adjustment programs.

(e) Class size and caseload limitations for personal and social adjustment programs shall be as listed in Table V.

TABLE V  
Class Size & Caseload for Personal & Social Adjustment Programs

Program Level	Administrative Plan	Maximum Caseload
All Levels	Consulting teacher	Not applicable No more than ¼ time to be spent with students.
	Itinerant teacher	Based on student need.
	Resource Room	No more than 8 at any one time. Maximum caseload of 14 with a full-time paraprofessional. Number

(continued)

## Self-contained

of paraprofessionals based on program and student needs.

8—may be increased to 10 with a full-time paraprofessional. The maximum chronological age span shall be four years. Self-contained programs at the secondary level, which are departmentalized by curricular content area, shall contain no more than eight students at one time and no more than 30 children shall be assigned to one teacher.

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-56. Physically and other health impaired.**

(a) If screening procedures indicate a physical or health impairment, the local education agency shall include the following as part of the comprehensive evaluation:

(1) Evaluations by therapists, nurses, physicians, and other qualified health providers to determine conclusively, whether a physical or health impairment exists; and

(2) a psycho-educational assessment to determine the extent to which the physical or other health impairment restricts or prevents meaningful and productive participation in general or special education environments.

(b) *Identification of autistic children.* (1) In addition to the requirements of K.A.R. 91-12-40, the following criteria shall be met if a child is to be identified as autistic:

(A) Onset of autistic characteristics before 30 months of age;

(B) pervasive lack of responsiveness to other people and to the environment;

(C) gross deficits in speech and language development; and

(D) absence of delusions, hallucinations, loosening of associations, and incoherence as are typical in schizophrenia.

(2) Any local education agency may identify a child as autistic even though the child currently is not exhibiting all the characteristics of autism, if the child once exhibited all the characteristics of autism, and currently is unable to benefit from education without special education and related services.

(c) *Administrative structures.* (1) The type of special education services provided to physically and other health impaired children shall be determined by the severity of the physical handicap or handicaps and any concomitant deficit or deficits. The individualized education program of each child shall state the regular or special education program or programs in which the child will be served.

(2) Homebound instruction shall not be used for autistic students, without prior approval by the special education administration section.

(d) *Class size and caseload limitations.* (1) Class size and caseload limitations for physically and other health impaired children shall be determined upon the basis of the delivery model used, the extent of

services needed and the distances that must be traveled to provide services.

(2) If any local education agency establishes a separate classroom for autistic children, the class size ratio shall be as prescribed in Table VI.

TABLE VI Class Size for Special Classes for Autistic Students

Number of Students	Teacher	Paraprofessionals
1	1	0
2-3	1	1
4-6	1	2

(e) Teachers assigned to autistic classrooms shall be approved on the basis of a special education endorsement most appropriate to the childrens' functional and chronological age levels. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-57. Severely multiply handicapped and deaf-blind.** (a) Children shall not be placed in an educational program for severely multiply handicapped on the basis of their one, most severe, disability, but on their unique learning characteristics and instructional needs.

(b) In addition to the requirements of K.A.R. 91-12-40, additional specialized assessments, such as, tests by medical personnel, physical or occupational therapists, or ophthalmologists, shall be sought to assist in the educational program planning as necessary. A multidisciplinary team shall conduct a systematic, in-depth appraisal of each child to assure that one dominant impairment, such as cerebral palsy, deafness or blindness, does not prevent the identification and assessment of other disabilities.

(c) Educational programs for severely multiply handicapped or deaf-blind children shall give special consideration to teaching basic self-help and survival training, and motor, social, communication, preacademic and prevocational and vocational training.

(d) Class size limitations are given in Table VII.

TABLE VII

Class Size for Programs for Severely Multiply Handicapped and Deaf-Blind

Number of Students	Teacher	Paraprofessionals
1	1	0
2-4	1	1
5-8	1	2

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-58. Specific learning disabilities.** (a) *Identification.* In addition to the requirements of K.A.R. 91-12-40, each local education agency shall include the following in their procedures for identifying learning disabled children: (1) If a specific learning disability is suspected, a teacher endorsed by the state board to teach learning disabled children shall be included on the multidisciplinary team. Each child's regular teacher or a regular teacher qualified to teach a child of that age also shall be included on the evaluation team.

(2) Any child whose intellectual functioning is more than two standard deviations below the mean of the standardized, individual test of intellectual func-

(continued)

tioning administered to the child shall not be identified as learning disabled. A total or full-scale score shall be used in applying the intellectual criterion. If the measured intellectual functioning of a child does not meet this criterion, but the results of the test are suspect and the child's level of intellectual functioning is believed to be within the stated criterion, the individual responsible for assessing intellectual functioning shall state in writing the specific data which support that supposition.

(3) In order for a child to be identified as having a specific learning disability, a significant discrepancy shall exist between intellectual ability and measured achievement in one of the following areas: preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. This discrepancy shall not be primarily attributable to emotional disabilities; mental retardation; vision, hearing, or motor impairments; environmental disadvantage; cultural difference; or a history of an inconsistent education program.

(4) At least one evaluation team member, other than the child's regular teacher, shall observe the child's academic performance in the regular classroom setting. In the case of a preschool age or out-of-school child, the observation shall be made in an age-appropriate environment. Observations concerning the child's behavior and learning shall be recorded. The individual responsible for the observation shall be trained to use observation as a diagnostic procedure.

(5) Identification as having a specific learning disability shall require that the multidisciplinary team determine that an appropriate regular education environment has been provided, and that there has been a failure to learn in that environment. Documentation of an appropriate regular education environment and failure to learn in that environment shall be provided by a preassessment committee.

(6) In determining significant discrepancy, the team shall use a systematic method. This method shall include procedures that use a standard score comparison in which obtained achievement and intellectual functioning scores are converted to the same standard score scale so they can be directly compared. The results of the comparison shall be considered in combination with other identification factors. The following methods shall be used to determine whether a significant discrepancy between current achievement and intellectual functioning exists: (A) For children in fourth grade and above, the achievement discrepancy between predicted and actual achievement, considering regression towards the mean formula, shall be used. If the discrepancy is equal to or greater than the standard errors of difference at the .01 level of significance, then a severe achievement discrepancy exists. If the technical data necessary to account for the effects of regression are not available, the aptitude-achievement discrepancy model shall be used.

(B) For children in third grade and below, the aptitude-achievement discrepancy model shall be used.

(7) The discrepancy models indicated above shall be used with caution in evaluating children who are

from minority groups or who are in third grade or below, due to the unreliability of achievement tests with this population.

(8) In cases where significant discrepancy criteria have not been met, but the multidisciplinary team believes there is a significant discrepancy, the team shall state, in writing, the assessment procedures used, the assessment results, the criteria applied to judge the importance of any difference between expected and current achievement, and its reasons for believing that a severe discrepancy is present that is not correctable without the provision of special education.

(9) The multidisciplinary team shall prepare a written report of the results of each evaluation which shall include the following: (A) Whether the child has been provided with learning experiences in an environment which is appropriate for the child's age and ability levels, and that the child has failed to learn in that environment;

(B) whether the child has a specific learning disability as evidenced by a significant discrepancy between achievement and ability which is not correctable without special education and related services;

(C) the relevant behavior noted during the observation of the child;

(D) the relationship of that behavior to the child's academic functioning;

(E) the determination of the team concerning the effects of environmental, cultural, or economic disadvantage; and

(F) any educationally-relevant medical findings.

(G) Each evaluation team member shall certify, in writing, whether the report reflects that member's conclusions. If it does not, the team member shall submit a separate, written statement presenting the member's conclusions. This statement shall be included in the team report.

(b) Class size and caseload limitations are given in Table VIII.

**TABLE VIII**  
Class Size and Caseload for Learning Disability Programs

Program Level	Administrative Plan	Maximum Caseload
All Levels	Itinerant Teacher	18
	Shall not be assigned to more than 5 attendance centers	Increase to 24 (2 for each paraprofessional up to 3 paraprofessionals)
	Resource Room	18
Self-Contained		No more than 10 at one time. Increase to 22 (2 per each paraprofessional up to 2 paraprofessionals)
		10
Developmental Classroom		Increase to 14 (2 per each paraprofessional up to 2 paraprofessionals)
		10
		Same as self-contained

(Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-59. Visually impaired.** (a) *Screening and identification.* In addition to the requirements of K.A.R. 91-12-40, when visual impairment is the sus-  
(continued)

pected disability, the child's parent shall provide any recommended treatment or correction or both resulting from an eye examination by an eye specialist prior to the comprehensive evaluation.

(b) The curriculum of programs for the visually impaired children shall meet each child's needs in the areas of orientation and mobility.

(c) Facilities used for the instruction of visually impaired children shall meet these specifications: (1) Space shall be allowed to accommodate braille and large print materials; and

(2) correct illumination shall be provided.

(d) *Class size or caseloads.* The class size or caseload of each teacher of the visually handicapped children shall be established from the individualized education programs of the identified students served by that teacher.

(e) *Mandatory state reporting.* All legally blind children age birth to 21 years shall be reported, as soon as identified, to the special education administration section. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-60. Related services.** (a) The Kansas state department of education may authorize categorical special education reimbursement for art therapy, audiology, counseling services, dance therapy, medical services for diagnostic or evaluation purposes, music therapy, occupational therapy, parent counseling and training, physical therapy, school psychological services, recreation, school health services, school social work services, speech or language services, and transportation. Requests for reimbursement for any other related service shall be submitted to the special education administration section. Requests shall be approved or disapproved on an individual basis.

(b) Local education agencies shall not be responsible for the delivery of medical treatment, but shall be responsible for the provision of medical services for diagnostic or evaluation purposes which are necessary to the educational planning and programming for each exceptional child.

(c) Local education agencies shall be responsible for the provision of school health services, including procedures such as clean intermittent catheterization, which allow any child to be maintained in the least restrictive environment.

(d) School districts shall not be responsible for psychological, psychiatric, or social services required to treat generalized mental health problems. Psychotherapy is considered medical in nature, and its provision shall not be a responsibility of the public schools.

(e) The following related services shall be treated as a special education service if any child's individualized education program indicates that that child cannot continue to function in regular education without the service or services:

(1) Occupational therapy, physical therapy, paraprofessionals, or transportation when needed to maintain students in regular education; and

(2) interpreters for any deaf child who, without this

service, would have to be educated in a more restrictive environment.

(f) Caseload and class size limitations for related services shall be as recommended by the licensing or certifying agency which provides the related services. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-61. Paraprofessionals in special education.**

(a) No special education paraprofessional shall:

(1) Be solely responsible for a classroom or a professional support or related service;

(2) select diagnostic or psychological instruments or interpret the results of those instruments;

(3) program or prescribe educational activities or materials for the students, without the supervision and guidance of the teacher;

(4) be solely responsible for preparing lesson plans or initiating original concept instruction;

(5) be assigned to work with one or more of the most difficult students the majority of the school day merely for the convenience of the teacher;

(6) be employed in lieu of needed itinerant special education personnel;

(7) be utilized as a substitute teacher, unless the paraprofessional possesses the appropriate certificate; or

(8) give medication, unless licensed to do so.

(b) *Assignment.* (1) Any paraprofessional may be assigned to a regular classroom program where one or more special education students are being maintained, but that paraprofessional shall not be assigned duties which do not relate to the education of exceptional children.

(2) Each local education agency shall obtain individual approval from the special education administration section for any paraprofessional whose only assignment is to assist one or more physically or visually impaired students in a regular classroom program.

(3) No more than three paraprofessionals, whether full time or part time, shall be assigned to a single professional, unless otherwise prescribed in these rules and regulations. No paraprofessional shall be assigned to more than two professionals or more than two educational facilities.

(4) A paraprofessional, assigned to an itinerant professional, may work with an exceptional child when the professional is not in the building only if the professional works directly with both that child and that paraprofessional at least twice a week. If the itinerant professional is not present each day, the paraprofessional shall be assigned to, and supervised by, a designated principal or regular classroom teacher.

(c) *Approval of paraprofessional programs.* (1) *Inservice program standards.* Each local education agency shall file with the special education administration section a plan for inservice training for special education instructional paraprofessionals. At the conclusion of each school year, a report shall be filed, stating the training that occurred during the school year.

(continued)



(2) The inservice training program shall include:

(A) An orientation session; and

(B) inservice training specifically related to the area and type of program in which the special education instructional paraprofessional is employed.

(d) Each special education instructional paraprofessional shall be required to possess one of the following permits:

(1) Paraprofessional I permit, which requires participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. The local education agency may choose to substitute all or part of the above requirements with an equivalent amount of appropriate college coursework taken during the school year. Any paraprofessional, without prior experience as an instructional paraprofessional, shall be approved and shall receive a paraprofessional I permit after participation in a year of inservice training;

(2) paraprofessional II permit, which requires:

(A) Two years experience as an instructional paraprofessional; and

(B) completion of 30 semester college hours of approved academic work, an equivalence of 450 clock hours of approved inservice training, or a combination of each of the two totaling 450 clock hours; or

(3) paraprofessional III permit, which requires:

(A) Three years experience as an instructional paraprofessional; and

(B) completion of 60 semester college hours of approved academic work; an associate degree from an approved training program for instructional paraprofessionals; a certificate from an approved training program for instructional paraprofessionals from a vocational technical school; and equivalence of 900 clock hours of approved inservice training; or a combination of these totaling 900 clock hours. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-62. School psychology.** (a) School psychological services are an essential component of special education and related services, and shall be provided as a part of the special education services provided to exceptional children.

(b) Special education reimbursement shall be authorized for school psychology paraprofessionals who hold a baccalaureate degree in psychology or education, if:

(1) Responsibilities of the paraprofessional are planned and supervised by a qualified professional and are based on the person's competency to carry out the responsibilities. If needed, preservice or inservice training shall be provided in relation to the duties;

(2) the paraprofessional is not involved in psychological counseling or therapy, or in psychological evaluation;

(3) the paraprofessional is under the direct supervision of a certified school psychologist; and

(4) the paraprofessional holds a paraprofessional permit.

(c) School psychology interns, placed in a district by a training institution, may participate in those ac-

tivities normally carried out by the school psychologist. However, all psychological evaluations, including testing and behavioral observations, shall be reviewed and signed by the supervising psychologist. The supervising psychologist shall be responsible for special education placement or programming decisions based upon this data. Interns, if employed by the local education agency, shall be considered paraprofessionals for reimbursement purposes.

(d) The caseload of any one school psychologist shall not exceed 1500 children. The student to school psychologist ratio shall be lowered under the following conditions:

(1) Assignment to areas where socio-economic conditions increase student and family problems;

(2) assignment to schools separated by considerable distance. Excessive travel time shall be avoided wherever possible;

(3) assignment to schools where a highly mobile population is served; or

(4) assignment to schools where a large number of programs for exceptional children are provided. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-63. School social work.** (a) School social work paraprofessionals shall:

(1) Hold a baccalaureate degree in social work;

(2) perform tasks related to school social work for which they are trained;

(3) not be involved in intervention techniques, such as psychotherapy;

(4) be under the direct supervision of a school social worker who provides monitoring and assistance at least two hours per week for each paraprofessional; and

(5) hold a paraprofessional permit.

(b) The caseload for any one school social worker shall not exceed 1500 children. The student to school social worker ratio shall be lowered under the following conditions:

(1) Assignment to areas where socio-economic conditions increase pupil and family problems;

(2) assignment to schools separated by considerable distance. Excessive travel time shall be avoided wherever possible;

(3) assignment to schools where a highly mobile population is served; or

(4) assignment to schools where a large number of programs for exceptional children are provided. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-64. Special education instructional materials centers.** (a) Special education instructional materials centers services may be direct or indirect and shall be confined to children who:

(1) Have been identified as exceptional; or

(2) who have been informally assessed by a regular classroom teacher as requiring special media applications.

(continued)

(b) Special education instructional materials centers shall be directly responsible to their respective administrative units, but also shall participate in intra-state networking activities initiated by the state department of education.

(c) State approval of a special education instructional materials center professional shall require:

- (1) A valid Kansas teaching certificate;
- (2) current endorsement in one or more areas of exceptionality;
- (3) a minimum of two years of field experience in special education or remedial instruction; and
- (4) competencies in instructional use of media.

(d) Special education paraprofessional reimbursement shall be authorized for media aides and media technicians, if:

(1) The paraprofessional personnel perform tasks related to the inservice and media services of the special education instructional materials center and are under the supervision of an approved special education instructional materials center specialist; and

(2) the ratio of full-time paraprofessionals to special education instructional materials center specialists does not exceed four.

(e) Accurate records of special education instructional materials center acquisitions, loans and other activities shall be kept.

(f) Each special education instructional materials center shall develop and implement procedures for collecting subjective evaluation data relative to client satisfaction. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

#### **91-12-65. Vocational training for the handicapped.**

(a) Each local education agency shall adopt procedures for assuring participation of special education children in vocational training programs.

(b) Regular vocational education programs shall be provided to each handicapped child who can benefit from participation in these programs.

(c) Modified, adapted or special vocational training programs shall be available to each handicapped child who cannot benefit from regular vocational education programs. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-66. Adapted physical education.** Each local education agency shall provide physical education services, adapted when necessary, as an integral part of the educational program of each handicapped child. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

**91-12-67. Special education state plan.** In providing special education services for exceptional children, each local education agency shall be guided by the objective stated in the Kansas state plan for special education, as amended. (Authorized by K.S.A. 72-7514; implementing K.S.A. 72-965, K.S.A. 1982 Supp. 72-963; effective May 1, 1983.)

### Article 25.—COMMUNITY COLLEGES

**91-25-1a. Residence determination; out-district students; out-of-state and foreign students.** (a) Definitions:

(1) "Out-district student" means a student who is a resident of Kansas but who resides outside of a community college district, except as otherwise provided in K.S.A. 71-305 and 71-401.

(2) "Out-of-state or foreign student" means a student who is not a resident of Kansas and who does not come within the definitions provided in parts (3), (4), (5) or (6) of this subsection.

(3) "Students who are in any armed service of the United States" means servicemen and servicewomen stationed in the state of Kansas, on active duty, and their dependents. Any person incarcerated in any military disciplinary barracks shall not be deemed to be in the armed services of the United States.

(4) "Employees of community colleges" means employees, classified and unclassified, on regular payroll appointments for at least 40% of a full-time appointment, and their dependents. This definition shall not apply to seasonal or temporary or hourly appointments.

(5) "Persons having special domestic relation circumstances" means students living with a "person acting as parent" of the student, as defined in K.S.A. 1982 Supp. 72-1046, or students who live in a community college district as a result of placement in the district by a district court or by the secretary of social and rehabilitation services; and

(6) "Persons who have lost their resident status" means students who were residents of the state of Kansas, but whose residence has changed, within six months prior to their most current enrollment at a community college, to a location outside the state of Kansas.

(7) "Release of out-district funds form" mean a particular form prescribed by and available from the postsecondary administration section, state department of education.

(8) "Course of study or program" means an instructional sequence or classes or both, the completion of which qualifies a student to receive a degree or certificate, or to engage in a particular field of employment.

(b) The determination of residency for out-district tuition and student tuition purposes shall be made according to K.S.A. 71-402 and 71-406, and any amendments to these statutes. Significant factors which may be considered in determining intent to become a resident are payment of property taxes, purchase of license tags, location of employment, voting registration, and any other established ties with the community college district or a location in Kansas.

(c) Out-of-state and foreign students shall be charged not less than the tuition charged out-of-state and foreign students at Pittsburg state university. However, the following out-of-state students shall be admitted at the same rate of tuition as in-state students:

(continued)

- (1) students who are in any armed service of the United States;
- (2) employees of a community college;
- (3) persons having special domestic relation circumstances; and
- (4) persons who have lost their resident status. (Authorized by K.S.A. 1982 Supp. 71-301, 71-302; implementing K.S.A. 71-403, 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective May 1, 1979; amended May 1, 1980; amended May 1, 1983.)

**91-25-1b.** (Authorized by K.S.A. 71-406, K.S.A. 1978 Supp. 71-403; effective May 1, 1979; revoked May 1, 1983.)

**91-25-1c. Determination of student tuition.** (a) The board of trustees of each community college shall designate a person to determine whether the amount of student tuition paid by each student enrolled in the community college was the proper amount.

(b) The enrollment documents of each community college shall include inquiries which enable the person designated by the board of trustees to identify those out-of-state and foreign students who may have been eligible to pay the same rate of tuition as in-state students, and those students who paid in-state tuition who should have paid out-of-state tuition.

(c) If, upon review of enrollment documents, the person designated by the board of trustees determines that a student should have paid out-of-state tuition but was charged and paid in-state tuition, the person shall give written notice to the student indicating:

- (1) the amount of student tuition paid and the amount that should have been paid;
- (2) the reason or reasons that compel the adjustment in student tuition; and
- (3) that the additional tuition is due, and shall be paid within 10 days of the date of the notice, unless the student, within this 10 day period, requests an appeal in accordance with K.A.R. 91-25-2.

(d) The notice provided for in subsection (c) shall be accompanied by a copy of K.A.R. 91-25-2 and 91-25-3a and 91-25-4a.

(e) If, upon review of enrollment documents, the person designated by the board of trustees determines that a student should have paid in-state tuition but was charged and paid out-of-state tuition, the person shall give notice to the student indicating:

- (1) the amount of student tuition paid and the amount that should have been paid; and
- (2) the reason or reasons that compel the adjustment in student tuition.

(f) The notice provided for in subsection (e) shall be accompanied by the refund due the student. (Authorized by K.S.A. 71-406, K.S.A. 1982 Supp. 71-302; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective May 1, 1983.)

**91-25-2. Review of student tuition determination.** A student determined to owe out-of-state student tuition who disagrees with that determination may request a review of the determination by a residence appeal board. The student shall file a written request for review with the admissions officer of the commu-

nity college within 10 days from the date notification of the determination was given or sent to the student. The admissions office shall provide the request form. If a review is requested by a student, the admissions officer, within five days of receipt of the request, shall submit to the residence appeal board the request, a copy of the student's enrollment documents, and a copy of the notice sent the student. (Authorized by K.S.A. 71-403, K.S.A. 1982 Supp. 71-301; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1983.)

**91-25-3.** (Authorized by K.S.A. 71-403; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; revoked May 1, 1983.)

**91-25-3a. Residence appeal board.** (a) Each community college shall establish a board of at least three members to review determinations made under the provisions of K.A.R. 91-25-1c. The board shall be called the residence appeal board. Members of the residence appeal board shall be appointed by the president of each community college. The person designated by the board of trustees pursuant to K.A.R. 91-25-1c(a) shall not be a member of the residence appeal board. The residence appeal board shall elect a chairperson who shall schedule meetings for the board and shall preside at meetings of the board. The chairperson shall be eligible to vote in all cases.

(b) The residence appeal board shall meet as often as is necessary in order to review determinations within 45 days from the date the request for review is received by the board.

(c) When a request for review is received by the residence appeal board, the chairperson shall determine at which meeting of the board the determination will be reviewed. The chairperson shall notify the student and the person designated by the board of trustees pursuant to K.A.R. 91-25-1c(a) of the date, time, and place of this meeting.

(d) The residence appeal board shall allow the student and the person designated by the board of trustees pursuant to K.A.R. 91-25-1c(a) to present information concerning the matter. Based upon information provided in the student's enrollment documents and by the student and the person designated pursuant to K.A.R. 91-25-1c(a), the residence appeal board shall determine the amount of student tuition that should have been paid by the student.

(e) A written decision stating the determination of the residence appeal board shall be made within 10 days of the date the meeting was held. The decision shall be personally delivered or mailed to the student and the person designated pursuant to K.A.R. 91-25-1c(a).

(f) If the residence appeal board determines that the student should have paid out-of-state tuition, but was charged and paid in-state tuition, the decision shall indicate:

- (1) the amount of student tuition paid and the amount that should have been paid;
- (2) the reason or reasons that compel the adjustment in student tuition; and

(continued)

(3) that the additional tuition is due, and shall be paid within 10 days of the date of the notice, unless the student, within this 10 day period, requests a review in accordance with K.A.R. 91-25-4a.

(g) The decision provided for in subsection (f) shall be accompanied by a copy of K.A.R. 91-25-4a.

(h) If the residence appeal board determines that the student was properly charged in-state tuition, the decision shall state the basis for the determination. (Authorized by K.S.A. 71-406, K.S.A. 1982 Supp. 71-302; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective May 1, 1983.)

**91-25-4.** (Authorized by K.S.A. 1978 Supp. 71-403; effective, E-71-38, Sept. 22, 1971; effective Jan. 1, 1972; amended May 1, 1979; revoked May 1, 1983.)

**91-25-4a. Review of residence appeal board determinations.** (a) A student who disagrees with a decision of a residence appeal board may request the state board to review the decision. The student shall file a written request for review with the admissions officer of the community college within 10 days from the date notification of the decision was given or sent to the student. The admissions office shall provide the request form.

(b) If a review is requested by a student, the admissions officer, within five days of the receipt of the student's request, shall submit the request, a copy of the student's enrollment documents, and a copy of the notices given the student under K.A.R. 91-25-1c and 91-25-3a to the chairperson of the state board of education.

(c) The matter shall be placed on the agenda of the state board for the first regular meeting of the state board which is to be held more than 10 days after the request is received by the board chairperson. The student and the person designated by the board of trustees pursuant to K.A.R. 91-25-1c(a) shall be notified, by mail, of the date and place of the meeting of the state board at which the state board will consider the matter.

(d) At the meeting of the state board, the student and the person designated by the board of trustees pursuant to K.A.R. 91-25-1c shall be allowed to present information concerning the matter. Based upon information provided in the student's enrollment documents and by the student and the person designated pursuant to K.A.R. 91-25-1c(a), the state board shall determine conclusively the amount of student tuition that should have been paid by the student, and the additional amount of student tuition owed by the student, if any. The minutes of the state board shall indicate the decision of the state board.

(e) If the state board determines that the student should have paid out-of-state tuition but was charged and paid in-state tuition, the additional amount of student tuition determined by the state board to be due shall be paid within 10 days of the date of the meeting of the state board. (Authorized by K.S.A. 71-406, K.S.A. 1982 Supp. 71-302; implementing K.S.A. 71-406, K.S.A. 1982 Supp. 71-301, 71-302; effective May 1, 1983.)

**91-25-16.** (Authorized by K.S.A. 71-306; effective May 1, 1980; revoked May 1, 1983.)

**91-25-17. Out-district tuition for certain students.** (a) The board of trustees of each community college shall designate a person who shall be responsible for identifying those students who are residents of another community college district or a municipal university district.

(b) The enrollment documents of each community college shall include inquiries which enable the person designated by the board of trustees to identify those persons described in subsection (a) of this rule and regulation.

(c) A community college shall not be authorized to charge out-district tuition for any student described in subsection (a) of this rule and regulation, unless the community college:

(1) completes a release of out-district funds form for the student;

(2) files the release of out-district funds form for the student with the postsecondary administration section, state department of education, within 30 days of the student's enrollment; and

(3) receives written approval from the postsecondary administration section to charge out-district tuition for the student.

(d) Within 15 days of the receipt of a release of out-district funds form, the postsecondary administration section shall determine whether the course of study or program selected by the student, or a course of study or program substantially equivalent thereto, is offered in the community college of the community college district in which the student resides, or in the municipal university of the municipal university district in which the student resides. The determination shall be made upon the basis of information provided on the release of out-district funds form and the information concerning programs offered at each community college or at Washburn University of Topeka that is on file in the postsecondary administration section pursuant to K.A.R. 91-8-30.

(e) The postsecondary administration section shall indicate its determination on the form and shall state on the form the reason or reasons for the determination. The form shall also include a statement directing the community college to charge out-district tuition for the student or advising the community college that out-district tuition shall not be charged for the student.

(f) The postsecondary administration section shall mail a copy of the form completed in accordance with subsection (e) to:

(1) the president of the community college in which the student is enrolled;

(2) the president of the community college or the municipal university of the district in which the student resides; and

(3) the board of county commissioners of the county in which the student resides. (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983.)

**91-25-18. Review of out-district tuition determinations.** (continued)

nations. (a) A community college, municipal university or county may request a review, by an appeal committee, of any determination made pursuant to K.A.R. 91-25-17. A written request for review shall be made to the assistant commissioner of the education services division of the state department of education within 15 days of the date that the notice provided for in K.A.R. 91-25-17(e) was mailed to the community college, municipal university or county.

(b) Within 10 days of the receipt of a request for review, the assistant commissioner shall appoint an appeal committee, consisting of the assistant commissioner and two other persons appointed by the assistant commissioner. The director of the postsecondary administration section shall not be a member of the appeal committee. The assistant commissioner shall be the chairperson of the appeal committee and shall be eligible to vote on all matters.

(c) Upon receipt of a request for review, the assistant commissioner shall fix a date, time and place for a hearing on the matter, and shall notify, by mail, the county and each of the institutions who are interested in the matter. The date for the hearing shall be at least 10 days, but not more than 30 days, after the date the request for review was received by the assistant commissioner. The assistant commissioner also shall request the director of the postsecondary administration section, to provide the assistant commissioner with the release of out-district funds form completed in accordance with K.A.R. 91-25-17(e) and a copy of the information concerning courses of study or programs upon which the determination of the postsecondary administration section was made.

(d) At the hearing of the appeal committee, the county and each of the institutions who have an interest in the matter, and the director of the postsecondary administration section, or a designee of the director, shall be allowed to present information concerning the matter. Based upon information provided in the release of out-district funds form, on information concerning courses of study and programs, and upon information provided at the hearing, the appeal committee shall determine whether the community college is authorized to charge out-district tuition for the student.

(e) Within 10 days of the hearing, the assistant commissioner shall prepare a written statement indicating the determination of the appeal committee and the reason or reasons for the determination. The statement also shall direct the community college to charge out-district tuition for the student or advise the community college that out-district tuition shall not be charged for the student.

(f) The assistant commissioner shall mail the statement prepared under subsection (e) to the persons and entities specified in subsection (f) of K.A.R. 91-25-17. (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983.)

**91-25-19. Review of appeal committee determination.** (a) A community college, municipal university or county that disagrees with a determination of an appeal committee may request the state board to re-

view the determination. A written request for review shall be made to the commissioner of education, within 15 days from the date that the statement provided for in K.A.R. 91-25-18(e) was mailed to the community college, municipal university or county.

(b) If a review is requested, the commissioner of education shall cause the matter to be placed upon the agenda of the state board for the first regular meeting of the state board which is to be held more than 10 days after the request for review is received. The county and the institutions who have an interest in the matter shall be notified, by mail, of the date and place of the meeting of the state board at which the matter will be considered.

(c) At the meeting of the state board, each county and the institutions who have an interest in the matter, the director of the postsecondary administration section, and the assistant commissioner of the education services division shall be allowed to present information concerning the matter. The assistant commissioner shall provide the state board with all the information considered by the appeal committee in making its determination and the statement prepared in accordance with K.A.R. 91-25-1(e).

(d) Based upon information provided at the meeting, the state board shall determine conclusively whether the community college shall charge out-district tuition for the student. Each government entity involved in the board's determination shall be notified, by mail, of the board's determination within 30 days of the determination. (Authorized by K.S.A. 13-13a33, 71-306; implementing K.S.A. 13-13a32, 71-305; effective May 1, 1983.)

## STATE DEPARTMENT OF EDUCATION

Doc. No. 001138

The following resolution, SCR 1632, modifies a temporary administrative regulation which was recently adopted.

### SENATE CONCURRENT RESOLUTION No. 1632

A CONCURRENT RESOLUTION concerning dental services for adult medikan program recipients; modifying Kansas administrative regulation 30-5-159, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on March 29, 1983 (T-84-8).

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 30-5-159, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on March 29, 1983 (T-84-8), is hereby modified to read as follows:

*30-5-159. Scope of dental services for adult medikan program recipients.* Dental services shall not be covered for adult medikan program recipients, *except for nonelective dental surgery.* The effective date of this regulation shall be April 1, 1983.

*Be it further resolved:* That Kansas administrative regulation 30-5-159, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on March 29, 1983 (T-84-8), shall become effective as modified by this concurrent resolution on May 1, 1983.

Adopted by the Senate April 23 1983.  
Adopted by the House April 23, 1983.



## HOUSE CONCURRENT RESOLUTION No. 5018

A CONCURRENT RESOLUTION concerning barbers; modifying Kansas administrative regulation 61-1-31, as adopted by the board of barber examiners and filed with the revisor of statutes on November 2, 1982.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 61-1-31, as adopted by the board of barber examiners and filed with the revisor of statutes on November 2, 1982, is hereby modified to read as follows:

61-1-31. *Lump alum, styptic sticks or pencils, powder puffs, sponges, neck dusters, or finger or towel bowls; use prohibited.* The use of lump alum, styptic sticks or pencils, powder puffs, sponges, neck dusters, or finger or towel bowls is prohibited.

*Be it further resolved:* That Kansas administrative regulation 61-1-31, as adopted by the board of barber examiners and filed with the revisor of statutes on November 2, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

Adopted by the House March 7, 1983.

Adopted by the Senate March 31, 1983.

## SENATE CONCURRENT RESOLUTION No. 1621

A CONCURRENT RESOLUTION relating to food service establishments; concerning sanitary facilities; modifying Kansas administrative regulation 28-36-25, as adopted by the secretary of health and environment and filed with the revisor of statutes on December 3, 1982.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 28-36-25, as adopted by the secretary of health and environment and filed with the revisor of statutes on December 3, 1982, is hereby modified to read as follows:

28-36-25. *Sanitary facilities and controls.* (a) *Water supply.*

(1) *General requirements.* Enough potable water for the needs of the food service establishment shall be provided from a source constructed and operated according to K.S.A. 65-163.

(2) *Transportation.* All potable water not provided directly by pipe to the food service establishment from the source shall be transported in a bulk water transport system and shall be delivered to a closed water system. Both of these systems shall be constructed and operated according to methods approved by the regulatory authority.

(3) *Bottled water.* Bottled and packaged potable water shall be obtained from an approved source and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(4) *Water under pressure.* Water under pressure at the required temperatures shall be provided to all fixtures and equipment that use water.

(5) *Steam.* Steam used in contact with food or food contact surfaces shall be free from any materials or additives other than those allowed by the regulatory authority.

(b) *Sewage. General requirements.* All sewage shall be disposed of by a public sewer system or by a sewage disposal system constructed and operated according to K.S.A. 65-164 *et seq.* Nonwater-carried sewage disposal facilities shall be prohibited, except as permitted by K.A.R. 28-36-28 (1) through (8), or as permitted by the regulatory authority.

(c) *Plumbing.*

(1) *General requirements.* Plumbing shall be sized, installed and maintained according to applicable local plumbing codes. In the absence of such a code, the requirements set forth in the uniform plumbing code, published by International Association of Plumbing and Mechanical Officials, as in effect on September, 1969, shall apply. There shall be no cross connection between the potable water supply and any nonpotable or questionable water supply, nor any source of pollution through which the potable water supply might become contaminated.

(2) *Nonpotable water system.* A nonpotable water system shall be permitted only if the nonpotable water does not contact

food, potable water, or equipment that contacts food or utensils. The piping of any nonpotable water system shall be durably identified so that it is readily distinguishable from piping that carries potable water.

(3) *Backflow.* The potable water system shall be installed to preclude the possibility of backflow. If an air gap at least twice the diameter of the water supply inlet is not provided between the water supply inlet and the fixture's flood level rim, devices shall be installed to protect against backflow and back siphonage at all fixtures and equipment. A hose shall not be attached to a faucet unless a backflow prevention device is installed.

(4) *Grease traps.* If used, grease traps shall be easily accessible for necessary cleaning and maintenance. Toilet wastes shall not be discharged through grease traps.

(5) *Garbage grinders.* If used, garbage grinders shall be properly installed and maintained. Garbage grinders shall be installed in all new and newly constructed establishments unless this requirement is waived by the regulatory authority.

(6) *Drains.* Except for properly trapped open sinks, there shall be no direct connection between the sewerage system and any drains originating from equipment in which food, portable equipment, or utensils are placed.

(d) *Toilet facilities.*

(1) *Toilet installation.* Toilet facilities shall be installed according to applicable state and local requirements or as approved by the regulatory authority. Toilet facilities shall be conveniently located, and shall be accessible to employees and patrons at all times, *except that food service establishments which have no seating arrangements shall not be required to provide patron access to toilet facilities.* Separate toilet facilities shall be provided for each sex in all new, newly constructed, or extensively remodeled facilities which offer food consumption arrangements for 10 or more persons on the premises.

(2) *Toilet design.* Toilets and urinals shall be designed to be easily cleanable.

(3) *Toilet rooms.* Toilet rooms shall be completely enclosed and shall have tight-fitting, self-closing, solid doors, which shall be closed except during cleaning or maintenance.

(4) *Toilet fixtures.* Toilet fixtures shall be kept clean, in good repair, and free of objectionable odors. A supply of toilet tissue shall be provided at each toilet at all times. Easily cleanable receptacles shall be provided for waste materials. Toilet rooms used by women shall have at least one covered waste receptacle.

(e) *Hand washing lavatory facilities.*

(1) *Lavatory installation.*

(A) Hand washing lavatories shall be properly installed and located in or immediately adjacent to food preparation areas to permit convenient use by all employees working in food preparation areas or utensil washing areas, or both.

(B) Hand washing lavatories shall be accessible to employees at all times.

(C) Hand washing lavatories shall also be located in or immediately adjacent to toilet rooms or vestibules. Sinks used for food preparation or for washing equipment or utensils shall not be used for hand washing.

(2) *Lavatory faucets.* Each lavatory shall be provided with hot and cold water tempered by means of a mixing valve or combination faucet. Any self-closing, slow-closing, or metering faucet used shall be designed to provide a flow of water for at least 15 seconds without the need to reactivate the faucet. Steam mixing valves are prohibited.

(3) *Lavatory supplies.* A supply of hand cleansing soap or detergent shall be available at each lavatory. A supply of sanitary towels or a hand-drying device providing heated air shall be conveniently located near each lavatory. Common towels are prohibited. If disposable towels are used, easily cleanable waste receptacles shall be conveniently located near the hand washing facilities.

(4) *Lavatory maintenance.* Lavatories, soap dispensers, hand-drying devices and all related fixtures shall be kept clean and in good repair.

(f) *Garbage and refuse.*

(1) *Containers.*

(A) Garbage and refuse shall be kept in durable, easily

(continued)



cleanable, insect-proof and rodent-proof containers that do not leak and do not absorb liquids. Plastic bags and wet-strength paper bags may be used to line these containers, and they may be used for storage inside the food service establishment.

(B) Containers used in food preparation and utensil washing areas shall be kept covered after they are filled.

(C) Containers stored outside the establishment, dumpsters, compactors and compactor systems shall be easily cleanable, shall be provided with tight-fitting lids, doors or covers, and shall be kept covered when not in actual use. In containers designed with drains, drain plugs shall be in place at all times, except during cleaning.

(D) There shall be a sufficient number of containers to hold all the garbage and refuse that accumulates.

(E) Soiled containers shall be cleaned at a frequency to prevent insect and rodent attraction. Each container shall be thoroughly cleaned on the inside and outside in a way that does not contaminate food, equipment, utensils or food preparation areas. Suitable facilities, including hot water and detergent or steam, shall be provided and used for washing containers. Liquid waste from compacting or cleaning operations shall be disposed of as sewage.

(2) Storage.

(A) Garbage and refuse on the premises shall be stored in a manner to make them inaccessible to insects and rodents. Outside storage of unprotected plastic bags or wet-strength paper bags or baled units containing garbage or refuse shall be prohibited.

(B) Garbage or refuse storage rooms, if used, shall be constructed of easily cleanable, nonabsorbent, washable materials, shall be kept clean, shall be insect proof and rodent proof and shall be large enough to store the garbage and refuse containers that accumulate.

(C) Outside storage areas or enclosures shall be large enough to store the garbage and refuse containers that accumulate and shall be kept clean. Garbage and refuse containers, dumpsters and compactor systems located outside shall be stored on or above a smooth surface of nonabsorbent material such as concrete or machine-laid asphalt that is kept clean and maintained in good repair.

(3) Disposal.

(A) Garbage and refuse shall be disposed of often enough to prevent the development of odor and the attraction of insects and rodents.

(B) If garbage or refuse is burned on the premises, it shall be burned by controlled incineration methods meeting the requirements of K.S.A. 65-3001 *et seq.* Areas around incineration facilities shall be clean and orderly.

(g) Insect and rodent control.

(1) General requirements. Effective measures intended to minimize the presence of rodents, flies, cockroaches, and other insects on the premises shall be utilized. The premises shall be kept in such condition as to prevent the harborage or feeding of insects or rodents.

(2) Openings. Openings to the outside shall be effectively protected against the entrance of rodents. Outside openings shall be protected against the entrance of insects by tight-fitting, self-closing doors, closed windows, screening, controlled air currents, or other means. Screen doors shall be self-closing, and screens for windows, doors, skylights, transoms, intake and exhaust air ducts, and other openings to the outside shall be tight fitting and free of breaks. Screening material shall not be less than 16 mesh to the inch.

*Be it further resolved:* That Kansas administrative regulation 28-36-25, as adopted by the secretary of health and environment and filed with the revisor of statutes on December 3, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

Adopted by the Senate March 3, 1983.  
Adopted by the House March 22, 1983.

HOUSE CONCURRENT RESOLUTION No. 5019

A CONCURRENT RESOLUTION concerning intellectually gifted children; modifying Kansas administrative regulation 91-12-52, as adopted by the state board of education and filed with the revisor of statutes on December 13, 1982.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 91-12-52, as adopted by the state board of education and filed with the revisor of statutes on December 13, 1982, is hereby modified to read as follows:

91-12-52. *Intellectually gifted.* (a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in their procedures for identifying gifted students:

- (1) Teacher evaluation of that child;
- (2) analysis of that child's accomplishments and products for evidence of the intellectual giftedness or potential;

(3) documentation of intellectual giftedness through administration of a standardized, individual test of intelligence. The minimum criterion for identification shall be a composite rank of not less than the 97th percentile on national or local norms, whichever is higher, or evidence that the child's standardized, intelligence test score does not adequately reflect the child's high intellectual potential;

(4) documentation of intellectual giftedness through administration of a standardized test of academic achievement.

(A) For elementary children, the minimum criterion for identification shall be a composite rank of not less than the 95th percentile on national norms, or evidence that such standardized achievement test score does not adequately reflect the child's high intellectual potential; or

(B) For secondary children, the minimum criterion for identification shall be a rank of not less than the 95th percentile on national norms on two or more of the mathematics, language arts (including reading), science, and social science sections, or evidence that such standardized achievement test scores do not adequately reflect that child's high intellectual potential.

(b) Each gifted child shall be permitted to test out of, or work at an individual rate, and receive credit for required or prerequisite courses, or both, at all grade levels, if so specified in that child's individualized education program.

(c) Gifted students may receive credit for college study at either the college or high school level; ~~however, dual credit shall not be allowed or may receive dual credit therefor.~~ If any gifted student chooses to receive college rather than high school credit, that student shall be responsible for the college tuition costs.

(d) Programs using the consulting teacher model shall develop a scope and sequence of curriculum for gifted students to be used in working with regular classroom teachers.

(e) Class size and caseload limitations for programs for gifted are given in Table III.

TABLE III Class Size and Caseload for Programs for Gifted

Administrative Plan	Maximum Number of Students To Be Served	Maximum Number of Students To Be Served With a Full-Time Paraprofessional
Consulting Teacher	40-45	40-45
Itinerant Teacher	25	30
Resource Room	35	40
Self-Contained	20	25

*Be it further resolved:* That Kansas administrative regulation 91-12-52, as adopted by the state board of education and filed with the revisor of statutes on December 13, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

Adopted by the House April 5, 1983.  
Adopted by the Senate April 22, 1983.

## HOUSE CONCURRENT RESOLUTION No. 5016

A CONCURRENT RESOLUTION concerning the state board of healing arts; modifying K.A.R. 1982 Supp. 100-42-2 and revoking K.A.R. 100-43-1.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That K.A.R. 1982 Supp. 100-42-2 is hereby modified to read as follows:

100-42-2. *Rules.* (a) Whenever a complaint is properly filed stating in detail one or more grounds for revocation of a certificate or certification, such complaint shall receive consideration first by members of the committee. If it appears to a majority of the committee that a probable cause of revocation or suspension exists, it shall direct the secretary to institute the necessary proceedings for the filing of a petition for revocation or suspension of the certificate or certification, and for a hearing of the matter.

(b) Copy of the complaint and notice of hearing shall be served upon the registrant or certificant at least ~~twenty (20)~~ 20 days prior to the date set for hearing. Service may be made personally or by leaving a copy at the usual place of residence, or practice, of the registrant or certificant. Service may be made by a person designated by the committee.

(c) The committee shall not be bound by technical rules or procedure, but shall give the parties reasonable opportunities to be heard and to present evidence and shall act reasonably.

~~(d) The committee shall have the power to subpoena witnesses, and compel the attendance of witnesses.~~

~~(e) Upon completion of the hearing held, the committee shall have the power to enter an order of revocation or suspension; and the registrant or certificant shall not practice until the terms of the order have been fulfilled.~~

~~(f) (d)~~ All findings and orders of the committee shall be in writing.

*Be it further resolved:* That K.A.R. 100-43-1 is hereby revoked.

*Be it further resolved:* That K.A.R. 1982 Supp. 100-42-2 shall become effective as modified by this concurrent resolution on May 1, 1983 and that K.A.R. 100-43-1 shall be revoked on May 1, 1983.

Adopted by the House March 7, 1983.  
Adopted by the Senate March 31, 1983.

## HOUSE CONCURRENT RESOLUTION No. 5036

A CONCURRENT RESOLUTION concerning carriers of persons and property; relating to bills of lading, way and freight bills; modifying Kansas administrative regulation 82-4-48, as adopted by the state corporation commission and filed with the revisor of statutes on December 3, 1982.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 82-4-48, as adopted by the state corporation commission and filed with the revisor of statutes on December 3, 1982, is hereby modified to read as follows:

82-4-48. Bills of lading, way and freight bills. (a) Common and contract motor carriers of property shall issue a bill of lading for all property transported. The bill of lading shall indicate the name of the carrier, the date and place of shipment, the name of the consignor, the name of the consignee, the destination of the shipment, a description of the shipment and the weight or volume. Carriers having a released value clause as prescribed in K.S.A. 84-7-309 and published in their approved tariff shall indicate so on the bill of lading.

(b) Both common and contract motor carriers of property shall issue a way bill or a freight bill, showing the required bill of lading information, as indicated in (a) of this regulation. The way bill or freight bill shall be furnished to the party obligated to pay the freight charge and shall state the rate and charges.

(c) Bills of lading, way bills and freight bills may be included on one form.

(d) All transporters of crude petroleum oil, sediment oil, water or brine shall require their drivers to possess a run ticket or equivalent documents as specified in K.A.R. 82-3-127.

(e) The documents required in subsection (e) (d) shall be produced by the driver for examination and inspection by any representative of the commission, state highway patrol, or any other law enforcement officer upon identification and request.

(f) The bill of lading, way bill, freight bill, run ticket or equivalent documents as specified in K.A.R. 82-3-127 shall be retained by the transporter for at least three years from the date of shipment.

*Be it further resolved:* That Kansas administrative regulation 82-4-48, as adopted by the state corporation commission and filed with the revisor of statutes on December 3, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983; and

*Be it further resolved:* That this resolution shall become effective on May 1, 1983.

Adopted by the House April 5, 1983.  
Adopted by the Senate April 8, 1983.

## SENATE CONCURRENT RESOLUTION No. 1608

A CONCURRENT RESOLUTION concerning motor carriers; modifying Kansas administrative regulation 82-4-7b, as adopted by the Kansas corporation commission and filed with the revisor of statutes on December 3, 1982.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 82-4-7b, as adopted by the Kansas corporation commission and filed with the revisor of statutes on December 3, 1982, is hereby modified to read as follows:

82-4-7b. *Drivers exempt from daily log requirement.* (a) The requirements stated in K.A.R. 82-4-7a shall not apply to the following drivers:

(1) Drivers used only to drive motor vehicles whose registered gross weight does not exceed ~~(12,000)~~ 12,000 pounds. This exemption shall not apply if the vehicle is used to transport passengers, or explosives, or other dangerous articles of the type and in quantities that require the vehicle to be specifically marked or placarded under the hazardous materials regulations, or when operated without cargo under conditions which require the vehicle to be marked or placarded under the hazardous materials regulations;

(2) a regularly employed driver for an intrastate common or contract carrier who drives exclusively within a radius of three miles of the city limits in which the garage or terminal to which the driver reports for work is located;

(3) a regularly employed driver for a Kansas based private carrier who drives exclusively within a radius of ~~(25)~~ 25 miles of the city limits in which the garage or terminal to which the driver reports for work is located; or

(4) a driver, except a driver-salesperson, who ~~operates exclusively within a (100)~~ does not operate beyond a 100 mile radius of the work reporting location more than one time in any ~~seven (7)~~ consecutive ~~day seven days'~~ period; and who returns to the work reporting location within ~~(12)~~ 12 hours. At least eight consecutive hours off-duty shall separate each ~~(12)~~ 12 hours on duty.

(b) The motor carrier which employs a driver who meets the requirements of section (a) of this regulation shall maintain accurate and true records showing:

- (1) the total number of hours the driver is on duty each day;
- (2) the time the driver reports for duty each day;
- (3) the time the driver is released from duty each day; and
- (4) the total on-duty time for the preceding seven days in accordance with K.A.R. 82-4-1(e) for drivers used for the first time or intermittently.

*Be it further resolved:* That Kansas administrative regulation 82-4-7b, as adopted by the Kansas corporation commission and filed with the revisor of statutes on December 3, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

Adopted by the Senate February 15, 1983.  
Adopted by the House April 5, 1983.

## HOUSE CONCURRENT RESOLUTION No. 5012

A CONCURRENT RESOLUTION concerning nuclear pharmacy; rejecting Kansas administrative regulations 68-10-1 through 68-10-3 and 68-12-1, as adopted by the board of pharmacy and filed with the revisor of statutes on December 9, 1982.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulations 68-10-1 through 68-10-3 and 68-12-1, as adopted by the board of pharmacy and filed with the revisor of statutes on December 9, 1982, are hereby rejected.

Adopted by the House March 7, 1983.  
Adopted by the Senate March 31, 1983.

## HOUSE CONCURRENT RESOLUTION No. 5014

A CONCURRENT RESOLUTION revoking K.A.R. 85-1-1, 85-1-2, 85-2-1 through 85-2-5 and 85-3-1; concerning the abstracters' board of examiners.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That K.A.R. 85-1-1, 85-1-2, 85-2-1 through 85-2-5 and 85-3-1 are hereby revoked.

*Be it further resolved:* That this resolution shall become effective on July 1, 1983.

Adopted by the House March 8, 1983.  
Adopted by the Senate March 30, 1983.

## SENATE CONCURRENT RESOLUTION No. 1609

A CONCURRENT RESOLUTION concerning underground injection control; rejecting Kansas administrative regulation 28-46-10, as adopted by the secretary of health and environment and filed with the revisor of statutes on December 15, 1982.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 28-46-10, as adopted by the secretary of health and environment and filed with the revisor of statutes on December 15, 1982, is hereby rejected.

Adopted by the Senate March 16, 1983.  
Adopted by the House April 5, 1983.

## HOUSE CONCURRENT RESOLUTION No. 5015

A CONCURRENT RESOLUTION concerning community mental health centers and reimbursement for psychologists' services; modifying Kansas administrative regulation 30-5-86 and modifying Kansas administrative regulation 30-5-104, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1982.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 30-5-86, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1982, is hereby modified to read as follows:

30-5-86. *Scope of services by community mental health centers.* (a) Community mental health center services shall be available to program recipients in:

- (1) Outpatient treatment programs provided at the clinic, satellite facility, or on-site locations approved by the division of medical programs, provided the on-site services are of a kind that would be covered if furnished at the clinic site;
- (2) approved inpatient treatment programs;
- (3) day treatment and partial hospitalization units approved by the division of medical programs pursuant to K.A.R. 30-5-110; and
- (4) outpatient alcohol and drug abuse programs licensed and

certified by alcohol and drug abuse services and approved by the division of medical programs.

(b) Outpatient psychotherapy shall not exceed a total number of units within ranges specified by the secretary during a calendar quarter based on the following formula: one hour individual therapy equals 20 units and one hour group therapy equals four units. Psychological testing and evaluation shall not exceed six hours in any two consecutive calendar years and shall require prior authorization. Admission evaluation shall not exceed four hours per calendar year. Inpatient psychotherapy shall be available pursuant to K.A.R. 30-5-81. Case conferences may be considered as individual therapy if the definition in K.A.R. 30-5-58 is met. Group therapy shall not be reimbursable when rendered on the same day as partial hospitalization or day treatment.

(c) Services shall be provided by a psychiatrist, *psychologist*, masters degree psychologist, masters degree social worker, masters degree psychiatric nurse, or individuals certified by the community mental health association professional standards committee.

*Be it further resolved:* That Kansas administrative regulation 30-5-86, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

*Be it further resolved:* That Kansas administrative regulation 30-5-104, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1982, is hereby modified to read as follows:

30-5-104. *Scope of psychologists' services.* (a) The program covers limited psychological services provided to program recipients by psychologists who are certified by the behavioral sciences regulatory board.

(b) Psychological services office visits shall be limited to psychotherapy for recipients enrolled not exceed an average of two hours of individual therapy or two hours of group therapy or any combination of these per month unless the recipient is a participant in the EPSDT program and to psychological testing and evaluation:

(1) Psychological services do not exceed three hours per month; or

(2) are being rendered pursuant to a plan approved by the agency. (e) Prior authorization shall be required for a treatment the plan for EPSDT recipients. The plan and it shall not exceed a two year period and shall be subject to a reimbursement limit established by the secretary. Quarterly progress reports shall be submitted to the division of medical programs upon request.

(c) Inpatient hospital visits shall be limited to those ordered by the recipient's physician and shall not exceed those allowable days for which the hospital is paid or would be paid except for spenddown requirements.

(d) Adult care home visits shall be limited to psychological testing and evaluation and shall be ordered by the recipient's physician as a part of the plan of care.

(d) (e) Psychological testing and evaluation shall be limited to not exceed six hours per recipient in any two consecutive calendar years; shall be ordered by the recipient's physician as a part of the plan of care; and requires prior authorization shall be required.

*Be it further resolved:* That Kansas administrative regulation 30-5-104, as adopted by the secretary of social and rehabilitation services and filed with the revisor of statutes on December 14, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

*Be it further resolved:* That this resolution shall become effective on May 1, 1983.

Adopted by the House April 9, 1983.  
Adopted by the Senate April 7, 1983.

## SENATE CONCURRENT RESOLUTION No. 1613

A CONCURRENT RESOLUTION concerning trade practices for alcoholic beverages; rejecting Kansas administrative regulations 14-1-1, 14-10-1, 14-10-1a, 14-10-1b and 14-10-2, as adopted by the secretary of revenue and filed with the revisor of statutes on December 14, 1982.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That Kansas administrative regulations 14-1-1, 14-10-1, 14-10-1a, 14-10-1b and 14-10-2, as adopted by the secretary of revenue and filed with the revisor of statutes on December 14, 1982, are hereby rejected.

Adopted by the Senate April 8, 1983.  
Adopted by the House April 22, 1983.

## SENATE CONCURRENT RESOLUTION No. 1614

A CONCURRENT RESOLUTION modifying K.A.R. 1982 Supp. 92-12a-6 and 92-12a-8, concerning solar tax incentives.

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That K.A.R. 1982 Supp. 92-12a-6 is hereby modified to read as follows:

92-12a-6. *Passive solar direct gain systems for principal dwellings; claimable costs.* When computing the amount of tax credits as authorized by K.S.A. 1980 1982 Supp. 79-32,166, thirty percent (30%) 30% of the following costs may be claimed: (a) If only direct gain design is employed, the aperture costs shall be computed as follows:

- (1) Determine the total aperture area or twenty-eight percent (28%) of the floor space of the activity area;
- (2) subtract five percent (5%) of the floor space of the activity area from the figure determined in (a)(1);
- (3) divide the amount of all expenses attributable to the aperture by the amount of square feet in the aperture area; and
- (4) multiply the figure determined in (a)(2) by the figure determined in (a)(3).

(b) If direct gain design is combined with indirect gain design, the aperture costs shall be computed as follows:

- (1) Determine the combined aperture area and twenty-eight percent (28%) of the floor space of the activity area;
- (2) if the combined aperture is equal to or less than twenty-eight percent (28%) of the floor space of the activity area:
  - (A) Subtract an amount which equals five percent (5%) of the floor space of the activity area from the direct gain aperture area; and
  - (B) add the figure determined in (b)(2)(A) to the indirect gain aperture area; or
  - (3) if the combined aperture area is greater than twenty-eight percent (28%) of the floor space of the activity area:
    - (A) Determine the ratio of total direct gain aperture area to total combined aperture area and convert the ratio to a percentage;
    - (B) multiply the lesser figure determined in (b)(1) by the percentage determined in (b)(3)(A);
    - (C) subtract an amount which equals five percent (5%) of the floor space of the activity area from the figure determined in (b)(3)(B);
    - (D) subtract the figure determined in (b)(3)(B) from the lesser figure determined in (b)(1);
    - (E) add the figure determined in (b)(3)(C) to the figure determined in (b)(3)(D);
    - (4) multiply aperture costs per square foot of aperture area by either the figure determined in (b)(2)(B) or (b)(3)(E), whichever is applicable.

(c) The cost of the thermal storage element reduced by an amount equal to the cost of conventional construction elements which the thermal storage element replaces.

- (1) The cost of concrete storage elements may be considered up to a maximum of three hundred (300) pounds of concrete per square foot of aperture area.
- (2) The cost of on-grade slab floors shall not be considered as thermal storage cost.

(3) The cost of added structural footings required to support the thermal storage mass may be claimed to the same extent as the mass being supported.

(d) The cost of temperature control elements as determined in K.A.R. 92-12a-13 may be claimed.

(a) The aperture costs minus the costs associated with normal window area, equal to 5% of the activity area and minus the costs associated with window area greater than 28% of the floor area of the activity area.

(b) The cost of the thermal storage element reduced by an amount equal to the cost of conventional construction elements which the thermal storage element replaces:

(1) The cost of storage elements may be considered up to a maximum thermal equivalent of 300 pounds of concrete per square foot of aperture area.

(2) The cost of on-grade slab floors shall not be considered as thermal storage cost.

(3) The cost of added structural footings required to support the thermal storage mass may be claimed to the same extent as the mass being supported.

(c) The cost of temperature control elements as determined in K.A.R. 1982 Supp. 92-12a-13 may be claimed.

Be it further resolved: That K.A.R. 1982 92-12a-8, is hereby modified to read as follows:

92-12a-8. *Passive solar indirect gain systems for principal dwellings; claimable costs.* When computing the amount of tax credits as authorized by K.S.A. 1980 1982 Supp. 79-32,166, thirty percent (30%) 30% of the following costs may be claimed:

(a) If only indirect gain design is employed, the aperture costs shall be computed as follows:

- (1) Determine the total aperture area or twenty-eight percent (28%) of the floor space of the activity area, whichever is less;
- (2) divide the amount of all expenses attributable to the aperture by the amount of square feet in the aperture area; and
- (3) multiply the figure determined in (a)(2) by the figure determined in (a)(1).

(b) If the indirect gain design is combined with direct gain design, the aperture costs shall be computed according to K.A.R. 92-12a-6(b).

(c) If the thermal storage mass is installed during original construction, sixty percent (60%) of the cost of the thermal storage mass.

(d) If the thermal storage mass replaces an existing wall, one hundred percent (100%) of the cost of the thermal storage mass.

(e) The cost of added structural footings required to support the thermal storage mass may be claimed to the same extent as the mass being supported.

(f) The cost of temperature control elements as determined in K.A.R. 92-12a-13 may be claimed.

(a) If the indirect gain system is installed during original construction, 60% of the aperture and storage elements costs.

(b) If the indirect gain system replaces an existing wall, 100% of the aperture and storage elements costs.

(c) The cost of temperature control elements as determined in K.A.R. 1982 Supp. 92-12a-13 may be claimed.

Be it further resolved: That K.A.R. 1982 Supp. 92-12a-6 and 92-12a-8 shall become effective as modified by this concurrent resolution on May 1, 1983, and shall apply to all taxable years commencing after December 31, 1982.

Adopted by the Senate April 23 1983.  
Adopted by the House April 23, 1983.

## SENATE CONCURRENT RESOLUTION No. 1616

A CONCURRENT RESOLUTION concerning the movement of mobile homes; modifying Kansas administrative regulation 36-1-26, as adopted by the secretary of transportation and filed with the revisor of statutes on December 1, 1982.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That Kansas administrative regulation 36-1-26, as adopted by the secretary of transportation and filed with the revisor of statutes on December 1, 1982, is hereby modified to read as follows:

36-1-26. *Movement of mobile homes.* The following regulations govern the movement of all mobile homes, and modular sections of houses towed in the same fashion as mobile homes.

(a) Permits shall be issued over specified routes to be designated by the department for the single trip movement, during daylight hours, of mobile homes, or modular sections of houses towed in the same fashion as mobile homes, not exceeding 14 1/2 feet in width. The movement shall be subject to all regulations contained in this section, and all state and federal laws or applicable regulations.

(b) A permit shall be valid for a period not to exceed five moving days as defined by these regulations.

(c) No movement shall be allowed at night, or on Saturdays, Sundays, or legal holidays, except that mobile homes up to 12 feet six inches wide may be moved until noon on Saturdays. No movement shall be allowed when the ground wind in the vicinity, or on the highways over which the mobile home is being hauled or towed, exceeds a velocity of 25 miles per hour or during rain, snow, sleet, fog, or when highway surfaces are slippery due to ice, packed snow, or rain.

(d) All mobile homes over eight feet wide shall be towed by a truck having a manufacturer's weight carrying capacity of not less than two tons or having a gross vehicle weight capacity rating of not less than 12,000 pounds, with dual rear wheels having a wheel base of not less than 120 inches, and with a four-speed transmission or its equivalent.

(e) All mobile homes over 30 feet in length shall have at least two full axles and four wheels which are spaced and centered so as to properly support the weight of the mobile home and shall have a separate braking system when over 50 feet in length. Mobile homes over 65 feet long shall have three full axles.

All mobile homes over eight feet wide shall have red flags attached to each corner of the mobile home.

(f) Brakes, when required on mobile homes, shall be in good working condition and of the type controlled from the towing unit by the driver and shall have automatic application in case of breakaway.

(g) Motor vehicles towing mobile homes that are more than eight feet wide shall have an "OVERSIZE LOAD" sign attached to the top of the cab or the vehicle or in front of the vehicle at a height of at least 30 inches from the road surface, and shall also have attached to each end of the front bumper a red flag. The mobile home being towed shall have a similar sign attached to the rear of the mobile home, at a height of at least 72 inches from the road.

(h) Except as otherwise provided in paragraphs (1) and (2) of this section (h), the movement of all mobile homes over 12 feet six inches wide shall be protected by two escort vehicles. Each escort vehicle shall have a rotating, flashing amber light eight inches in diameter mounted on the top of the escort vehicle in such a manner that it is readily visible in all directions at a distance of not less than 800 feet, and shall have attached to the top of the vehicle an "OVERSIZE LOAD" sign.

(1) On two-lane roads, in lieu of the two escort vehicles required under the preceding paragraph, a rotating, flashing amber light may be used in place of one of the escort vehicles in the following manner: An escort vehicle, meeting the requirements of section (h), shall be required to precede the vehicle towing the mobile home, and a rotating flashing light, meeting the requirements of section (h) shall be mounted on top of and near the rear of the mobile home.

(2) No escort vehicle or vehicles are required on four-lane roads if a rotating, flashing amber light, meeting the requirements of section (h), is attached to the top of the vehicle towing

the mobile home, and to the top of and near the rear of the mobile home being towed.

*Be it further resolved:* That Kansas administrative regulation 36-1-26, as adopted by the secretary of transportation and filed with the revisor of statutes on December 1, 1982, shall become effective as modified by this concurrent resolution on May 1, 1983.

Adopted by the Senate March 16, 1983.  
Adopted by the House March 29, 1983.

## HOUSE CONCURRENT RESOLUTION No. 5011

A CONCURRENT RESOLUTION concerning requirements for reciprocal licenses issued by the state board of embalming; modifying Kansas administrative regulation 63-1-5 as adopted by the state board of embalming and filed with the revisor of statutes on December 3, 1982, and modifying K.A.R. 1982 Supp. 63-2-11.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That Kansas administrative regulation 63-1-5, as adopted by the state board of embalming and filed with the revisor of statutes on December 3, 1982, is hereby modified to read as follows:

63-1-5. *Requirements for reciprocal embalmer's license.* (a) An applicant for a reciprocal embalmer's license shall appear in person before the board for an interview. The applicant shall demonstrate the intention to practice embalming part-time or full-time within the state of Kansas. The applicant shall also provide to the board at the interview: A complete application form for a license provided by the board; satisfactory evidence that the applicant has been actively engaged as a licensed embalmer for a period of ~~three years one year~~; two character references; and a statement of good standing from the applicant's home state licensing board or agency.

(b) The applicant shall be currently licensed in a state which has educational requirements that are as high as those of Kansas; and shall agree to certify in writing that the applicant has read, understands, and will abide by the rules, regulations, and statutes of the State of Kansas.

(c) The fee for a reciprocal license and examination shall be provided by regulation.

*Be it further resolved:* That K.A.R. 1982 Supp. 63-2-11 is hereby modified to read as follows:

63-2-11. *Requirements for reciprocal funeral director's license.* (a) An applicant for a reciprocal funeral director's license shall appear in person before the board for an interview. The applicant shall demonstrate that ~~he or she~~ the applicant intends to regularly remove remains from this state for funeral services, or intends to regularly conduct all or portions of funeral services within Kansas. The applicant shall also provide the board at the interview with: A completed application form for the license provided by the board; satisfactory evidence that the applicant has been licensed as a funeral director for a minimum period of one year in another state; two character references; and a statement of good standing from ~~his or her~~ the applicant's home state licensing board or agency.

(b) The applicant shall be currently licensed in a state which has educational requirements that are as high as those of Kansas; and shall agree to certify in writing that ~~he or she~~ the applicant has read, understands, and will abide by the rules, regulations, and statutes of the state of Kansas and ~~shall take a written or oral examination.~~

(c) The fee for a reciprocal license shall be as provided by statute.

~~(d) (63-2-4 and 63-2-5 revoked May 1, 1977).~~

*Be it further resolved:* That Kansas administrative regulation 63-1-5 shall become effective as modified by this concurrent resolution on May 1, 1983, and that K.A.R. 1982 Supp. 63-2-11 as modified by this concurrent resolution shall become effective as modified on May 1, 1983.

Adopted by the House March 7, 1983.  
Adopted by the Senate March 24, 1983.

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1-10-8	Amended	Guidance and Discipline	239
1-13-1	Revoked	Records, Reports, Research and Evaluation of Personnel System	239
1-13-1a	New		239
1-18-1a	Amended	Maximum Allowance for Mileage for Use of a Privately Owned Conveyance for Public Purposes	240
1-27-3	Amended	Canteens and Benefit Funds	240
1-29-3	New	Employee Awards	241
1-50-1	Revoked	Municipal Accounting Section Fees	241
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1-61-1	New	Allotment System	241, 242
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4-2-8	Amended	Agricultural Seed	266
4-2-15	Revoked		266
4-2-17	New		266
4-3-2	Amended	Commercial Feeding Stuffs	267
4-4-2	New	Commercial Fertilizer	267
4-7-715	Amended	Milk and Dairy Products	267
4-7-716	Amended		267
4-7-800	New		267, 268
4-7-803			
4-13-8	Amended	Pesticides	268
4-13-20	New		268
4-13-24			
4-14-1	New	Fees	269
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4-15-1 through 4-15-3	New	Plants and Plant Products	269
4-18-1	New	Annual Registration Fee for Livestock Remedy	269
4-19-1	New	Registration Fee for Soil Amendment	269

AGENCY 5: BOARD OF AGRICULTURE--  
DIVISION OF WATER RESOURCES

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5-5-2	Revoked	Change in the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right	260
5-5-3	New		260
5-9-10	New	Temporary Permits	260
5-10-1	New	Water Appropriation	261
5-10-4			
5-22-7	New	Equus Beds Groundwater Management District No. 2	261
5-24-1	New	Northwest Kansas Groundwater Management District No. 4	261-263
5-24-7			
5-25-10	New	Big Bend Groundwater Management District No. 5	264
5-25-11	New		264
5-40-1	New	Dams	264-266
5-40-9			

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AGENCY 14: DEPARTMENT OF REVENUE--  
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14-1-1	Rejected by Legislature		710
14-3-1	Amended	Retailers	270
14-3-5	Amended		270
14-3-13	Amended		270
14-3-19	Amended		271
14-3-35	Amended		271
14-3-39	Amended		271
14-4-7	Amended	Manufacturers; Distributors; Non-beverage Users	271
14-4-9	Amended		272
14-4-13	Amended		273
14-4-14	Amended		273
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14-7-9	Revoked	Tax; Tax Stamps; Crowns; Lids	274
14-8-2	Amended	Advertising	274
14-8-10	Amended		274
14-10-1	Revoked	Trade Practices	275
14-10-1	Rejected by Legislature		710
14-10-1a	New		275
14-10-1b	Rejected by Legislature		710
14-10-1b	New		275
14-10-2	Rejected by Legislature		710
14-10-2	Amended		275
14-18-23	Amended	Class A and B Clubs	276
14-18-28	Amended		276



AGENCY 17: STATE BANK COMMISSIONER

AGENCY 25: GRAIN INSPECTION DEPARTMENT

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25-4-1	Amended	Fees and Charges	204

AGENCY 19: PUBLIC DISCLOSURE COMMISSION

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT

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19-21-4	Amended	Candidates and Committees	200
19-24-1	Amended	In-Kind Contributions	200
19-25-1	Amended	Testimonial Events and Other Political Events	200
19-29-2	Amended	Receipts and Expenditures Report	200
19-41-1 through 19-41-3	Amended	Statement of Substantial Interests	202, 203
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19-42-2	Revoked		203
19-42-3	Amended		203

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28-1-21	New		369
28-4-76	Amended	Maternal and Child Health	369
28-4-92	New		369
28-4-113 through 28-4-119	Amended		370-373
28-4-174	Amended		373
28-4-200 through 28-4-220	Revoked		374, 375
28-4-251	Amended		375
28-4-312	Amended		375
28-4-351	Amended		375
28-4-371	Amended		376
28-4-400 through 28-4-402	Amended		376, 377
28-4-405	Amended		377
28-4-420 through 28-4-441	New		378-389
28-15-35	Amended	Application for Permits; Domestic Water Supply	389
28-15-36	Amended		391
28-17-4	Amended	Division of Vital Statistics	391
28-17-6	Amended		391
28-17-12	Amended		391
28-17-17	Revoked		391
28-19-17 through 28-19-18f	New	Ambient Air Quality Standards and Air Pollution Control	391-396
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28-19-85 through 28-19-102	New		398-400
28-19-150 through 28-19-162	New		400-402
28-30-3	Amended	Water Well Contractor's License; Water Well Construction and Abandonment	402
28-30-5 through 28-30-7	Amended		403, 404
28-30-9	Amended		405
28-36-25	Amended	Food Service Establishments, Food Vending Machine Companies and Lodging Establishments	405
28-36-29	Modified by Legislature		706
28-36-46	Amended		407
28-36-49	New		407
28-38-17	Amended	Licensure of Adult Care Home Administrators	407
28-38-19 through 28-38-21	Amended		408, 409
28-39-104 through 28-39-106	Amended	Licensure of Adult Care Homes	409-411
28-39-130	Amended		412
28-39-132	Amended		412
28-39-134	Amended		412, 413
28-39-137 through 28-39-138	New		414, 415
28-39-143	New		415
28-46-2	Amended	Underground Injection Control Regulations	415
28-46-3	Amended		415

AGENCY 22: STATE FIRE MARSHAL

Regulation Number	Action	Subject	Register Pages
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22-6-11	Revoked		290
22-6-16	Amended		290
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22-10-6	Amended		294
22-10-9 through 22-10-14	Amended		294, 295
22-11-1	Amended	Adult Care Homes, Hospitals, Residential Care Facilities and Maternity Centers	295
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22-11-7	New		295
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23-2-14	Amended	Game Animals	296
23-3-1	Revoked	Fish	297
23-3-3	Revoked		297
23-3-5 through 23-3-7	Revoked		297
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23-3-17	New		297-299
23-4-1 through 23-4-7	Revoked	Commercial Fishing	299
23-5-1	Revoked	Frogs	299
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23-6-7	New	Cyanide Gas or Other Poisonous Gas, Gun, Bomb, Other Device; Used in Wildlife Control	299
23-8-2	Amended	Wildlife Areas	300
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23-8-12	Revoked		300
23-11-5	Revoked	Boating	301
23-18-1	Amended	Fees	301
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23-20-1	New	Amphibians and Reptiles	301

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28-4-420 through 28-4-441	New		378-389
28-15-35	Amended	Application for Permits; Domestic Water Supply	389
28-15-36	Amended		391
28-17-4	Amended	Division of Vital Statistics	391
28-17-6	Amended		391
28-17-12	Amended		391
28-17-17	Revoked		391
28-19-17 through 28-19-18f	New	Ambient Air Quality Standards and Air Pollution Control	391-396
28-19-80 through 28-19-82	New		396, 397
28-19-85 through 28-19-102	New		398-400
28-19-150 through 28-19-162	New		400-402
28-30-3	Amended	Water Well Contractor's License; Water Well Construction and Abandonment	402
28-30-5 through 28-30-7	Amended		403, 404
28-30-9	Amended		405
28-36-25	Amended	Food Service Establishments, Food Vending Machine Companies and Lodging Establishments	405
28-36-29	Modified by Legislature		706
28-36-46	Amended		407
28-36-49	New		407
28-38-17	Amended	Licensure of Adult Care Home Administrators	407
28-38-19 through 28-38-21	Amended		408, 409
28-39-104 through 28-39-106	Amended	Licensure of Adult Care Homes	409-411
28-39-130	Amended		412
28-39-132	Amended		412
28-39-134	Amended		412, 413
28-39-137 through 28-39-138	New		414, 415
28-39-143	New		415
28-46-2	Amended	Underground Injection Control Regulations	415
28-46-3	Amended		415

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28-46-5 through 28-46-22	Amended		415, 416	30-5-104	Amended		327
28-46-10	Rejected by Legislature				Modified by Legislature		709
28-46-24	Amended		709	30-5-106a	Amended		328
28-46-26	Amended		416	30-5-107	Amended		328
28-46-27	Amended		416	30-5-108	Amended		328
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28-46-41	Amended		417	30-6-41	Amended	Medical Assistance Program—	328
28-46-42	New		417			Clients' Eligibility for Participation	
28-47-1 through 28-47-7	New	Use of Oil and Gas Field Salt Water in Road Construction and Maintenance Projects	418	30-6-50	Amended		328

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30-4-36	Amended		322	30-6-65	Amended		329
30-4-41	Amended		322	30-6-72	Amended		329
30-4-50	Amended		322	30-6-73	Amended		329
30-4-53	Amended		322	30-6-78	New		329
30-4-56 through 30-4-58	Amended		322	30-6-80	Amended		329
30-4-62	New		323	30-6-103	Amended		329
30-4-72	Amended		323	30-6-106 through 30-6-113	Amended		329, 330
30-4-73	Amended		323	30-6-120	Amended		330
30-4-75	Amended		323	30-10-1a	Amended	Adult Care Home Program of the Medicaid (Medical Assistance) Program	330
30-4-78	New		323	30-10-2 through 30-10-4	Amended		330
30-4-80	Amended		323	30-10-6 through 30-10-9	Amended		330, 331
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30-4-90	Amended		324	30-12-22	Amended	Services for the Blind	331
30-4-97	Amended		324	30-13-23	Amended	Vending Facilities Operated by the Division of Services for the Blind	331
30-4-100 through 30-4-102	Amended		324	30-20-4	Revoked	Security and Traffic Control for State Institutions Operated by Mental Health and Retardation Services	331
30-4-105 through 30-4-113	Amended		324, 325	30-20-9	Amended	Health and Retardation Services	331
30-4-120	Amended		325	30-22-10	Amended	Licensing of Psychiatric Hospitals and Community Mental Health Centers; Funding of Community Mental Health Centers and Facilities for the Mentally Retarded and Facilities for Handicapped Persons	331
30-4-122	Revoked		325	30-25-1	Revoked	Youth Center at Atchison, Beloit, Topeka, Larned Youth Rehabilitation Center, and Osawatomie Youth Rehabilitation Center	331
30-4-123	Amended		325	30-25-2	Amended		331
30-4-130	Amended		325	30-25-3 through 30-25-9	Revoked		331
30-4-140	Amended		325	30-26-1	Amended	Larned, Osawatomie and Topeka State Hospitals and the State Security Hospital	331
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30-5-64	Amended		326	30-27-4	Amended		331
30-5-70	Amended		326	30-31-13	New	Alcohol and Drug Abuse Treatment Programs	331
30-5-71	Amended		326				
30-5-81	Amended		326				
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30-5-86	Amended		326				
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30-5-86a	Amended		326				
30-5-88	Amended		327				
30-5-88a	Amended		327				
30-5-89	Amended		327				
30-5-89a	Amended		327				
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30-5-90a	Amended		327				
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30-5-101a	Amended		327				
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33-1-21	New		288
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36-1-2	Amended		489	
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36-1-22	Revoked		491	
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36-1-26	Amended		491	
	Modified by			
	Legislature		711	
36-1-27	Amended		491	
36-2-3	Amended	Vehicles Carrying Emergency Equipment	492	
36-2-4	Amended		492	
36-2-5	Revoked		493	
36-2-6	Amended		493	
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36-3-1	Revoked		Highway Entrance Permits	495
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36-4-8	Amended	Saddlemounts; Transportation of Empty Trucks	495	
36-12-1	Amended	Controlled Access Highways; Use	495	
36-12-2	Amended		495	
36-13-8	Revoked	School Bus Transportation	495	
36-13-9a	Revoked		495	
36-13-10	Revoked		495	
36-13-11	Revoked		495	
36-13-16	Revoked		495	
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36-13-21	Revoked		495	
36-13-30	New		495	
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36-16-1	Amended	Highway Relocation Assistance	499	
36-16-4	Amended		500	
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36-16-20	Amended		501	
36-6-21	Amended		501	
36-16-23	Revoked		501	
36-18-4	Amended	Lights on Highway Construction and Maintenance Vehicles	501	
36-19-9	Amended	Standard for Slow-Moving Vehicle Identification Emblem	501	
36-25-1	Revoked	Transportation of Hazardous Materials	501	
36-26-1	Amended	Railroad Grade Crossings	501	
36-29-1	New	Payment of Moving Expenses	502	
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36-31-1	New	Debarment and Suspension of Contractors	503-505	
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36-31-6				
36-32-1	New	Use of Roadside Facilities	505	
36-32-2	New		505	
36-33-1	New	Weight Limits for Trucks	505	
36-34-1	New	Child Passenger Safety	506	
36-35-1	New	Transporting Two Combine Headers	506	

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37-1-5			
37-1-5a	New		464
37-1-6	Amended		464-467
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37-1-12	New		467

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40-8-2	Amended	Excess Coverage	363
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40-8-11	Amended		364

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49-46-1	Amended	Boiler Insurance, Administration	470
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49-49-1	New	Fee Schedule for Boiler Inspections	471

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Regulation Number	Action	Subject	Register Pages
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50-2-8	Revoked		473
50-2-17	New		473, 474
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50-3-1	Amended	Unemployment Insurance Benefits	476
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51-3-1	Amended	Termination of Compensation	480
51-3-2	Amended		481
51-3-4	Amended		481
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51-7-2	Amended	Measurement of Disability	483
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51-7-8	Amended		483
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51-7-13	Revoked		484
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51-8-7			
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51-9-11	Amended		486
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51-24-1	Amended	Rehabilitation	487
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Regulation Number	Action	Subject	Register Pages
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61-1-25	Revoked		555
61-1-31	Amended		556
	Modified by Legislature		706
61-3-3	Amended	Schools; Requirements	556
61-3-24	Amended		556
61-4-2	Amended	Issuance, Renewal, Revocation and Suspension of Certificates of Registration	556
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Regulation Number	Action	Subject	Register Pages
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63-1-5	Amended		562
	Modified by Legislature		711
63-1-6	Amended		562
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63-2-3	Amended	Funeral Directing	564
63-2-11	Modified by Legislature		711
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68-1-3	Amended		568
68-1-3a	Amended		568
68-1-7	Amended		569
68-1-8	Amended		569
68-2-12	Revoked	Drugstores	569
68-2-12a	New		569
68-7-10	Amended	Miscellaneous Provisions	569
68-10-1	New	Nuclear Pharmacy	570
68-10-3	Rejected by Legislature		709
68-11-1	New	Fees	571
68-11-2	New		571
68-12-1	New	Institutional Drug Rooms	571
	Rejected by Legislature		709
68-20-2	Revoked	Controlled Substances	572
68-20-7 through 68-20-8a	Revoked		572
68-20-9	Amended		572
68-20-15	Revoked		573
68-20-15a	New		573
68-20-20	Amended		573

**AGENCY 69: BOARD OF COSMETOLOGY**

Regulation Number	Action	Subject	Register Pages
69-11-1	Amended	Fees	557
69-11-2	New		557

**AGENCY 71: DENTAL BOARD**

Regulation Number	Action	Subject	Register Pages
71-1-3	Amended	General Rules	561

**AGENCY 75: OFFICE OF CONSUMER CREDIT COMMISSIONER**

Regulation Number	Action	Subject	Register Pages
75-6-24	Amended	Consumer Credit Code	565
75-6-27	New		565
75-8-3	Amended	Kansas Investment Certificate Act	565
75-8-11	Amended		565
75-8-12	Revoked		565

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AGENCY 81: OFFICE OF SECURITIES COMMISSIONER

Regulation Number	Action	Subject	Register Pages
81-5-1	Amended	"Blue Chip" Exemption	557
81-5-2 through 81-5-6	New		558, 559
81-12-1	Revoked	Non-profit Corporations	560

AGENCY 82: STATE CORPORATION COMMISSION

Regulation Number	Action	Subject	Register Pages
82-1-228	Amended	Rules of Practice and Procedure	574
82-1-231	Amended		575
82-2-100	Revoked	Oil and Gas Conservation	578
82-2-101	Revoked		578
82-2-103 through 82-2-106	Revoked		578, 579
82-2-108 through 82-2-130	Revoked		579
82-2-204	Revoked		579
82-2-207	Revoked		579, 580
82-2-210 through 82-2-225	Revoked		580
82-2-302 through 82-2-309	Revoked		580
82-2-311	Revoked		580
82-2-312	Revoked		580
82-2-400	Revoked		580
82-2-401	Revoked		580
82-2-403 through 82-2-411	Revoked		580
82-2-500 through 82-2-505	Revoked		580
82-2-508 through 82-2-512	Revoked		580
82-2-600	Revoked		580
82-2-700	Revoked		580, 581
82-2-800 through 82-2-804	Revoked		580, 581
82-3-100 through 82-3-133	New	Rules for the Production and Conservation of Oil and Gas	581-590
82-3-200 through 82-3-207	New		590-593
82-3-300 through 82-3-311	New		593-596
82-3-400 through 82-3-410	New		597-600
82-3-500 through 82-3-504	New		600, 601
82-4-1	Amended	Motor Carriers of Persons and Property	601
82-4-7b	Amended		602
	Modified by Legislature		708
82-4-22	Amended		602
82-4-27a	Amended		603
82-4-27b	New		603
82-4-28b	New		604
82-4-29a	New		604
82-4-48	Amended		604
	Modified by Legislature		708
82-4-52	Revoked		605
82-4-61	Revoked		605
82-4-66	Amended		605
82-4-68 through 82-4-85	New		605-607

82-8-100 through 82-8-107	New	Siting of Electric Generation Facilities	608-610
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AGENCY 85: ABSTRACTERS' BOARD OF EXAMINERS

Regulation Number	Action	Subject	Register Pages
85-1-1	Revoked by Legislature	Application and Examination	709
85-1-2	Revoked by Legislature		709
85-2-1 through 85-2-5	Revoked by Legislature	Issuance of License	709
85-3-1	Revoked by Legislature	Abstract Bonds	709

AGENCY 86: REAL ESTATE COMMISSION

Regulation Number	Action	Subject	Register Pages
86-1-5	Amended	Examination and Registration	666
86-1-9	Revoked		666
86-1-10	New		666

AGENCY 91: DEPARTMENT OF EDUCATION

Regulation Number	Action	Subject	Register Pages
91-8-2	Amended	Accrediting Community Colleges; Criteria	677
91-8-15 through 91-8-17	Amended		677
91-8-19	Amended		678
91-8-26	Amended		678
91-8-29	Revoked		678
91-8-30 through 91-8-33	New		678-680
91-9-11	New	Washburn Municipal University; State Aid	680
91-12-20	Revoked	Special Education	681
91-12-21	Revoked		681
91-12-22 through 91-12-67	New		681-702
91-12-52	Modified by Legislature		707
91-25-1a	Amended	Community Colleges	702
91-25-1b	Revoked		703
91-25-1c	New		703
91-25-2	Amended		703
91-25-3	Revoked		703
91-25-3a	New		703
91-25-4	Revoked		704
91-25-4a	New		704
91-25-16	Revoked		704
91-25-17 through 91-25-19	New		704, 705

AGENCY 92: DEPARTMENT OF REVENUE

Regulation Number	Action	Subject	Register Pages
92-2-52	Revoked	Legacies; Successions, Estate Tax	669
92-5-55	Revoked		669
92-8-1	Amended	Cereal Malt Beverage Tax	669
92-8-14	Amended		669
92-11-4	Amended	Withholding and Estimated Tax	670
92-12a-6	Modified by Legislature	Solar Tax Incentives	710
92-12a-8	Modified by Legislature		710
92-14-9	Amended	Liquefied Petroleum Fuel Tax	670
92-15-1	Revoked	Nonresident Contractors	670
92-15-2	Revoked		670
92-15-5	Revoked		670
92-15-7	Revoked		670
92-15-9 through 92-15-12	Revoked		670

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92-16-1 through 92-16-9	Revoked	Intangibles Tax	670, 671
92-16-12 through 92-16-15	Revoked		671
92-16-18 through 92-16-21	Revoked		671
92-18-5	New	Special Fuel Tax	671
92-18-6	New		671
92-19-1	Amended	Kansas Retailers' Sales Tax	671
92-19-43	New		672
92-21-2	Revoked	Local Retailers' Sales Tax	672
92-21-20	New		672
92-24-1 through 92-24-8	Revoked	Retail Liquor Excise Tax	674
92-24-9 through 92-24-24	New		674-676
92-25-1	New	Transient Guest Tax	676
92-52-10	New	Motor Vehicle Drivers' Licenses	676

**AGENCY 93: DEPARTMENT OF REVENUE—  
DIVISION OF PROPERTY VALUATION**

Regulation Number	Action	Subject	Register Pages
93-2-1 through 93-2-5	Revoked	Institute of Certified Kansas Assessors	665

**AGENCY 94: BOARD OF TAX APPEALS**

Regulation Number	Action	Subject	Register Pages
94-3-1	New	Economic Development Revenue Bonds	663
94-3-2	New		664

**AGENCY 99: BOARD OF AGRICULTURE—  
DIVISION OF WEIGHTS AND MEASURES**

Regulation Number	Action	Subject	Register Pages
99-26-1	New	Fees	665

**AGENCY 100: BOARD OF HEALING ARTS**

Regulation Number	Action	Subject	Register Pages
100-11-1	Amended	Fees	663
100-42-2	Modified by Legislature	Revocation or Suspension of Certification (Physical Therapists)	708
100-43-1	Revoked by Legislature	Professional Signs and Letterheads	708
100-49-4	Amended	Podiatry	663

**AGENCY 103: BANK COMMISSIONER AND  
SAVINGS AND LOAN DEPARTMENT**

Regulation Number	Action	Subject	Register Pages
103-1-1	New	Security for Deposit of Public Funds	665

**AGENCY 104: CONSUMER CREDIT COMMISSIONER,  
DEPARTMENT OF CREDIT UNIONS, BANK COMMISSIONER  
AND SAVINGS AND LOAN DEPARTMENT**

Regulation Number	Action	Subject	Register Pages
104-1-1	New	Adjustable Rate Notes	667

(Published in the KANSAS REGISTER, May 5, 1983.)

**HOUSE BILL No. 2582**

AN ACT concerning aggregate property tax levy limitations of cities and counties; amending K.S.A. 79-5002 and 79-5006 and repealing the existing sections; also repealing K.S.A. 1982 Supp. 79-5112, as amended by section 1 of 1983 House Bill No. 2054.

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

Section 1. K.S.A. 79-5002 is hereby amended to read as follows: 79-5002. As used in this act, the following words and phrases shall have the meanings respectively ascribed to them herein. (a) The term "base year" means either the year ~~1969 or 1970~~ 1981 or 1982 which is designated by the taxing subdivision as its base year.

(b) The phrase "taxes levied for the base year" shall refer to taxes, other than special assessments and excluding levies specified in K.S.A. 79-5011, which were levied or authorized by law to be levied in the year next preceding the base year and which became due or would have become due on November 1 of such preceding year for the use of and expenditure by the taxing subdivision during the base year.

Sec. 2. K.S.A. 79-5006 is hereby amended to read as follows: 79-5006. Whenever the amount of the taxable assessed tangible valuation of any taxing subdivision is increased in any year by new improvements on real estate and by increased personal property valuation over the remainder of the amount of such valuation in the base year less the amount of valuation attributable to farm machinery and business aircraft in the base year, the amount which would be produced by the aggregate tax levy of such subdivision shall be computed first in accordance with the provisions of K.S.A. 79-5003, omitting the assessed valuation of such new improvements and such added personal property, and the rate of the levy so computed shall then be applied to the assessed valuation of such new improvements and such added personal property, and the taxing subdivision may then levy the amount permitted under K.S.A. 79-5003 and in addition thereto the amount produced by a levy on such new improvements and such added personal property as provided in this section.

Sec. 3. K.S.A. 79-5002 and 79-5006 are hereby repealed.

Sec. 4. On and after July 1, 1983, K.S.A. 1982 Supp. 79-5112, as amended by section 1 of 1983 House Bill No. 2054, is hereby repealed.

Sec. 5. 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 April 23, 1983.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE April 23, 1983.

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

APPROVED May 2, 1983.

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 2nd day of May, 1983.

(SEAL) JACK H. BRIER  
Secretary of State.



(Published in the KANSAS REGISTER, May 5, 1983.)

## SENATE BILL NO. 248

AN ACT relating to natural gas; providing for the establishment of a maximum price thereof; prescribing duties for the state corporation commission relating thereto.

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

Section 1. This act may be cited as the Kansas natural gas price control act.

Sec. 2. The legislature hereby declares that the current price for intrastate natural gas justifies the use of the state's police power in order to protect the public welfare.

Sec. 3. For the purposes of this act, commission, gas purchase contract, new well, new reservoir, stripper well and price shall have the meaning respectively ascribed thereto by K.S.A. 1982 Supp. 55-1402.

Sec. 4. The maximum price under any gas purchase contract entered into before the effective date of this act shall be the price actually paid under the contract on such date, except that the maximum price for any natural gas which qualifies as gas produced from new wells or reservoirs shall be the price established under section 102 of the natural gas policy act of 1978 on such date and the maximum price for natural gas which qualifies as gas produced from stripper wells shall be the price established under section 108 of the natural gas policy act of 1978 on such date.

Sec. 5. The ceiling price for natural gas under any intrastate natural gas purchase contract subject to the provisions of this act and which contains a provision requiring the producer to assume all or any portion of a severance tax shall be increased in an amount equal to the producer's share of the severance tax, but only to the extent such ceiling price increase is allowed by the natural gas policy act.

Sec. 6. The provisions of this act shall not apply to any contract entered into or voluntarily renegotiated after the effective date of this act.

Sec. 7. The provisions of this act shall expire on December 31, 1984.

Sec. 8. If any sentence, clause, subsection or section of this act is held unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted the remainder of the act not so held unconstitutional or invalid.

Sec. 9. 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 SENATE, and passed that body March 8, 1983.

Senate adopted Conference Committee report April 23, 1983.

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

Passed the HOUSE as amended April 6, 1983.  
House adopted Conference Committee report April 22, 1983.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED May 2, 1983.

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 2nd day of May, 1983.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, May 5, 1983.)

## SENATE BILL No. 388

AN ACT providing for the transfer of money from the state general fund to the property contingency fund of the department of administration in an amount attributable to interest earned on moneys in the property contingency fund.

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

Section 1. On or before the 10th day of the month following the month in which moneys are first credited to the property contingency fund, and monthly thereafter on or before the 10th day of the month, the director of accounts and reports shall transfer from the state general fund to the property contingency fund created by K.S.A. 1982 Supp. 75-3652 the amount of money certified by the pooled money investment board in accordance with this section. Prior to the 10th day of the month following the month in which moneys are first credited to the property contingency fund, and monthly thereafter prior to the 10th day of the month, the pooled money investment board shall certify to the director of accounts and reports the amount of money equal to the proportionate amount of all the interest credited to the state general fund for the preceding month, pursuant to K.S.A. 75-4210a and amendments thereto, that is attributable to moneys in the property contingency fund. Such amount of money shall be determined by the pooled money investment board based on: (a) The average daily balance of moneys in the property contingency fund during the preceding month as certified to the board by the director of accounts and reports and (b) the average interest rate on time deposit, open accounts for that period as determined under K.S.A. 75-4212 and amendments thereto. On or before the fifth day of the month following the month in which moneys are first credited to the property contingency fund, and monthly thereafter on or before the fifth day of the month, the director of accounts and reports shall certify to the pooled money investment board the average daily balance of moneys in the property contingency fund during the preceding month.

Sec. 2. 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 SENATE, and passed that body March 16, 1983.

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

Passed the HOUSE April 23, 1983.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 29, 1983.

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 29th day of April, 1983.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, May 5, 1983.)

### HOUSE BILL No. 2516

AN ACT concerning the mined-land conservation and reclamation board; relating to the acquisition of eligible abandoned mined-land.

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

Section 1. (a) As used in this section, "board" means the mined-land conservation and reclamation board.

(b) The board may acquire eligible abandoned mined-land by purchase or donation if the board finds:

(1) That after restoration, reclamation, abatement, control or prevention of the adverse effects of past coal-mining practices, such land would provide recreation, historic, conservation and reclamation purposes; and

(2) that permanent facilities such as a treatment plant or a relocated stream channel shall be constructed on the land for the restoration, reclamation, abatement, control or prevention of the adverse effects of past coal-mining practices; or

(3) that acquisition of coal refuse disposal sites and any coal refuse thereon shall achieve the purposes of this act or that public ownership is desirable to meet emergency situations and prevent recurrences of the adverse effects of past coal-mining practices.

(c) The board may acquire eligible abandoned mined-land by eminent domain if the board finds:

(1) The property in question meets the requirements of subsection (b); and

(2) the property owner or owners thereof have refused the board's offer to purchase the eligible abandoned mined-land.

(d) Before the board initiates eminent domain proceedings, a hearing shall be held to determine if the property in question meets the requirements of subsection (b). Notice of the hearing shall be mailed at least 30 days prior thereto to the owners of such property by prepaid first class mail. Any such property owner shall have the right to appear at such hearing.

(e) After the hearing, if the board finds that the property in question meets the requirements of subsection (b), the board may initiate eminent domain procedures in the manner provided by K.S.A. 26-501 *et seq.*, and amendments thereto, to acquire such property.

(f) Any expenditure made to acquire, by purchase or eminent domain, eligible abandoned mined-land property shall be made jointly from the abandoned mined-land fund and the mined-land conservation and reclamation fee fund and the contribution from the mined-land conservation and reclamation fee fund shall be at least 10% of such expenditure.

(g) Title to all eligible abandoned mined-land acquired by purchase, donation or eminent domain shall be in the name of the state of Kansas and administered by the board.

(h) The board may sell any eligible abandoned mined-land in its control upon an order stating that reclamation in accordance with K.S.A. 49-428, and amendments thereto, has been completed.

(i) Moneys received from any sale of reclaimed abandoned mined-land shall be deposited in the abandoned mined-land fund to be used on further abandoned mined-land projects.

(j) The board may lease any eligible abandoned mined-land under its control, as long as the intended uses do not violate the reclamation purposes established in K.S.A. 49-428, and amendments thereto. Any moneys generated from the lease of abandoned mined-land under the board's control shall be deposited in the abandoned mined-land fund to be used for further abandoned mined-land projects.

Sec. 2. 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 April 6, 1983.

HOUSE concurred in SENATE amendments April 21, 1983.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

Passed the SENATE as amended April 21, 1983.

ROSS O. DOYEN  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

APPROVED May 2, 1983.

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 2nd day of May, 1983.

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, May 5, 1983.)

### SENATE BILL No. 392

AN ACT concerning state payroll accounting; amending K.S.A. 75-5516 and repealing the existing section.

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

Section 1. K.S.A. 75-5516 is hereby amended to read as follows: 75-5516. (a) There is hereby created in the state treasury a payroll account for each state agency which shall may be used by the director of accounts and reports and state treasurer to issue a consolidated payroll for each state agency. *If consolidated payroll procedures are required by the director of accounts and reports*, each state agency shall file such consolidated claims and encumbrance documents containing authorization to pay future salaries and wages of officers and employees of such state agency. Payment of such future salaries and wages shall be based on certified time and attendance reports required by the director of accounts and reports. Payrolls of state agencies prepared by either the agency or the director of accounts and reports as prescribed in the system of payroll accounting shall be charged against the payroll account created ~~herein~~ *for the state agency by this section or directly against the appropriate agency account or accounts in the state treasury on an individual account basis as determined by the director of accounts and reports.* The payroll of each state agency shall show thereon a summary distribution of the amount of the payroll to be charged against each appropriation or fund account within the state treasury or fund account or fund in the custody of the state treasurer, ~~and~~. *If the consolidated payroll procedures are in effect under this section* at the time the payroll is paid, the director of accounts and reports and state treasurer shall transfer moneys from each appropriation in the state treasury or fund account or fund in the custody of the state treasurer to the payroll account of the state agency in the amounts shown on the payroll distribution summary, and shall charge such amounts to the ~~fund account, appropriation or allotment proper~~ *account affected* thereby. For purposes of providing a procedure for automatic payment of reported time worked, salaries and wages due, and for proper cost allocation and distribution of designated project, indirect overhead or other employee salary and wage cost to establish cost centers or sub-activities, activities, accounts, work project, federal grant, ~~appropriation or fund or other appropriate~~ *account*, the encumbrance documents required ~~herein~~ may be filed against such agency payroll clearing accounts as may be established on the records by the director of accounts and reports to pay such project or shared salary and wage costs. Advances from ~~appropriations~~ *appropriate accounts* within the state treasury or fund accounts in the custody of the state treasurer may be made to such agency payroll clearing accounts on the records in the amount required to cover the estimated salary and wage costs

(continued)

of such officers and employees. Any advances made to such agency payroll clearing account shall be used for the payment of actual salary and wage costs chargeable from actual time and attendance reports or returned to the appropriate appropriation or fund account, and such transactions shall be based on claims certified approved by signature or electronic means by the chief administrative officer of the state agency or such officer's authorized representative. Upon request of any state agency, the director of accounts and reports may authorize the issuance of payrolls within a fund other than that authorized by this section.

(b) Under rules and regulations established as provided in K.S.A. 75-3706 and amendments thereto, the accounting system may include provisions for the settlement of transactions between state agencies by making of debit and credit entries on the books on the basis of adequate vouchers, approved by the director of accounts and reports in lieu of warrants. The director of accounts and reports, upon approval of any such voucher, shall immediately notify the state treasurer of the amount thereof, and of the accounts which are to be debited and credited upon the treasurer's books and records. The state treasurer and the director of accounts and reports shall forthwith make the proper entries upon their books and records to correspond to such debit and credit entries.

Sec. 2. K.S.A. 75-5516 is hereby repealed.

Sec. 3. 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 SENATE, and passed that body March 15, 1983.

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

Passed the HOUSE April 23, 1983.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

APPROVED April 29, 1983.

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 29th day of April, 1983.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, May 5, 1983.)

#### SENATE BILL No. 156

AN ACT relating to cities and counties; concerning the local residential housing finance law; amending K.S.A. 12-5220, 12-5221, 12-5222, 12-5224, 12-5225, 12-5231 and 12-5233 and repealing the existing sections; also repealing K.S.A. 12-5223.

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

Section 1. K.S.A. 12-5220 is hereby amended to read as follows: 12-5220. It is hereby found and declared that there exists within the state of Kansas a serious shortage of decent, safe and sanitary housing which persons and families of low and moderate income can afford. It is hereby further declared that:

- (a) Such shortage is injurious to the safety, health and welfare of the citizens and residents of this state;
- (b) the cost of financing such additional housing is a major and substantial factor affecting the supply and availability of decent, safe and sanitary housing within the financial means of persons and families of low and moderate income;
- (c) the shortage of such housing is not transitory and self-

curing and the resources of private enterprise are not adequate to provide necessary additional decent, safe and sanitary housing which will be within the financial resources of persons and families of low and moderate income;

(d) the construction of additional residential housing is closely correlated with general economic activity and the availability of residential housing which persons of low and moderate income can afford will assist materially in promoting and maintaining full employment and promoting the economic development of the state of Kansas and of cities and counties within the state;

(e) it is necessary and in the best interests of the state and of the cities and counties in the state: (1) To provide for and promote the public health, safety and welfare; (2) to encourage the expansion of industrial and commercial activities and the economic development of the state's cities and counties; and (3) to assist persons and families of low and moderate income in acquiring, owning and occupying decent, safe and sanitary housing which they can afford;

(f) an adequate supply of decent, safe and sanitary residential housing is essential to the promotion of increased productivity of the residents of the cities and counties of the state, for retaining existing industry and commercial activities near or within the cities and counties in the state, and for attracting additional industry and commercial activities to the cities and counties in the state, thereby enhancing the economic development of the state;

(g) in order to remedy the existing shortage of residential housing within the financial means of persons and families of low and moderate income and to realize the social, economic and other benefits which will result therefrom, it is necessary and desirable to provide for the implementation of public programs designed to reduce the costs provide alternative means of financing the acquisition, rehabilitation, improvement and purchase of safe, decent and sanitary housing by persons and families of low and moderate income;

(h) it is necessary and desirable that the state's cities and counties be authorized to issue revenue bonds to provide funds necessary, in whole or in part, to reduce the costs of financing the acquisition, rehabilitation, improvement and purchase of safe, decent and sanitary housing by persons and families of low and moderate income;

(i) the implementation of such programs and the issuance of revenue bonds pursuant to this act are in the public interest and constitute essential governmental functions of cities and counties of the state.

Sec. 2. K.S.A. 12-5221 is hereby amended to read as follows: 12-5221. Whenever used in this act, the following words and terms shall have the following respective meanings unless different meanings clearly appear from the context:

(a) "Bonds" means any revenue bonds or notes authorized under this act and payable as provided hereunder.

(b) "City" means any city organized and existing under the laws of the state of Kansas.

(c) "Condominium" means any condominium as defined in K.S.A. 58-3102.

(d) "County" means any county in the state of Kansas and shall include such county together with any city or cities located within such county or any two or more counties which have entered into an agreement in accordance with K.S.A. 12-5231 to implement and carry out a residential housing finance program.

(e) "Solar energy system" means any solar energy system as defined in subsection (a) of K.S.A. 1982 Supp. 79-32,169, and amendments thereto.

(f) "Governing body" means the city council or city commission of a city or the board of county commissioners of a county.

(g) "Home" (1) means (A) a one to four family residence;

(B) a condominium;

(C) manufactured housing which meets the building codes of the city or county; or

(D) a mobile home, as defined by subsection (v) of K.S.A. 8-126, and amendments thereto, having a permanent foundation which may not be removed intact from the land; and

(continued)

(2) consists of the land and improvements thereon, located within a city or county and which is either owned and occupied or is owned and is to be occupied by the mortgagor, and in the case of a two to four family residence, one unit of the residence shall be either owned and occupied or is owned and is to be occupied by the mortgagor.

(h) "Home mortgage loan" means an interest bearing loan to a mortgagor evidenced by a promissory note and secured by a first mortgage, purchased or originated in accordance with this act (1) made for the purpose of acquiring a home; or (2) made for the purpose of acquiring and rehabilitating a home; or (3) made for the purpose of paying the costs of rehabilitating or improving a home. No city or county shall fix or establish any minimum home value for the purpose of limiting loan eligibility for a home mortgage loan under the provisions of this act.

(i) "Lender" means any lending institution participating in a residential housing finance plan as the originator of home mortgage loans or as a servicing agent for home mortgage loans.

(j) "Lending institution" means any bank, bank holding company, credit union, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker or other financial institution which customarily provides service or otherwise aids in the financing of home mortgages, or any holding company for any of the foregoing.

(k) "Mortgagor" means any person of low and moderate income who has received or qualifies to receive a home mortgage loan on a home.

(l) "Ordinance" means an ordinance adopted and approved by the governing body of a city or a resolution adopted and approved by the board of county commissioners of a county.

(m) "Purchase price" means the actual consideration paid to the seller of a home.

(n) "Person" means a natural person or a trust for the benefit of a natural person.

(o) "Participation commitment" means any undertaking or agreement by a lending institution to participate in the implementation of a residential housing finance plan.

(p) "Persons of low and moderate income" means a person or family, consisting of one or more persons all of whom occupy or will occupy the home, whose aggregate gross income including the gross income of any cosigner or guarantor of the promissory note made in connection with the making of a home mortgage loan shall not exceed a maximum amount to be established by the city or county subject to the limitations provided herein, and determined in accordance with appropriate criteria, rules and regulations, approved by the governing body of a city or county in connection with the implementation of a residential housing finance plan.

(q) "Residential housing finance plan" means a program implemented under this act by a city or county to assist persons of low and moderate income in acquiring safe, decent and sanitary housing which they can afford; which plan must include provisions allowing each lending institution with an office located within the limits of the issuing city or county an equal opportunity to participate in accordance with the standards and requirements established by such city or county. Such plan shall include provisions allowing each lending institution with an office located within the limits of the issuing city or county, or any city or county signatory to a cooperative agreement, pursuant to K.S.A. 12-5231, and amendments thereto, an equal opportunity to participate in accordance with standards and requirements established by such city or county.

Sec. 3. K.S.A. 12-5222 is hereby amended to read as follows: 12-5222. In addition to powers which a city or county may now have, cities and counties shall have all powers necessary to accomplish the purposes of this act including, but not limited to, the following:

(a) To acquire, and to contract and enter into advance commitments to acquire, home mortgage loans owned by lending institutions at such prices and upon such other terms and conditions determined by such city or county or such other person as it may designate as its agent;

(b) to make and execute contracts with lending institutions

for the origination and servicing of home mortgage loans on behalf of a city or county and to pay the reasonable value of services rendered in accordance with such contracts;

(c) to make loans to lenders to enable such lenders to make home mortgage loans in accordance with this act;

(d) to establish, by rules or regulations, by ordinances relating to any issuance of bonds or in any financing documents relating to such issuance, such standards and requirements applicable to the purchase of home mortgage loans or the origination of home mortgage loans or loans to lenders as such city or county deems necessary or desirable to effectuate the public purposes of this act, including but not limited to: (1) The time within which lending institutions must make participation commitments and make disbursements for home mortgage loans; (2) the terms and conditions of home mortgage loans to be acquired or originated; (3) the standards and criteria to be applied by the city or county in defining persons of low and moderate income; (4) the amounts and types of insurance coverage required on homes, home mortgage loans and bonds; (5) the representations and warranties to be required of persons and lending institutions as evidence of compliance with such standards and requirements; (6) restrictions as to interest rate and other terms of home mortgage loans or the return realized therefrom by lending institutions; (7) the terms and conditions under which mortgage loans may be assumed; (8) the type and amount of collateral security to be provided to assure repayment of any loans to lenders by such cities or counties and to assure repayment of bonds; and (9) any other matters related to the purchase or origination of home mortgage loans for homes to be occupied by mortgagors or the making of loans to lenders as shall be deemed relevant or necessary by the governing body of such city or county;

(e) to require from each lending institution from which home mortgage loans are to be purchased or which will originate home mortgage loans on behalf of the city or county or from lenders to which loans are made, the submission, at the time of making participation commitments, of evidence satisfactory to such city or county of the ability and intention of such lending institution to make home mortgage loans, and the submission, within the time specified by such city or county for making disbursements for home mortgage loans, of evidence satisfactory to such city or county of the making of home mortgage loans and of compliance with any standards and requirements established by such city or county;

(f) to issue its bonds to defray, in whole or in part (1) the costs of acquiring or originating home mortgage loans or making loans to lenders in order to enable them to make home mortgage loans for homes to be occupied by mortgagors; (2) the costs of studies and surveys, insurance premiums, underwriting fees, legal, accounting and marketing services incurred in connection with the issuance and sale of such bonds, including amounts required to establish reasonably necessary bond and interest reserve accounts, and trustee, custodian and rating agency fees; and (3) such other costs as are reasonably related to the foregoing;

(g) to authorize the sale or other disposition of any home mortgage loan, in whole or in part, upon such terms, at such prices and times, and from time to time, as may be necessary to assure that the revenues and receipts to be derived with respect to the home mortgage loans, together with any insurance proceeds, funds held in reserve accounts and earnings thereon, shall produce and provide revenues and receipts at least sufficient to provide for the prompt payment of the principal of, redemption premiums, if any, and interest at maturity of all bonds issued pursuant to this act;

(h) to pledge any revenues and receipts to be received from or in connection with any home mortgage loans to the punctual payment of bonds authorized under this act, and the interest and redemption premiums, if any, thereon;

(i) to mortgage, pledge or grant security interests in any home mortgage loans, notes or other property in favor of the holder or holders of bonds issued therefor;

(j) to issue its bonds pursuant to K.S.A. 10-116a for the

(continued)

purpose of refunding, in whole or in part at any time, bonds theretofore issued by such municipality under authority of this act;

(k) (j) to appoint or designate a bank or trust company either within or without the state to serve as trustee or custodian for the benefit of the bondholders and to delegate and assign thereto, insofar as it may lawfully do so, its rights, duties and responsibilities with respect to carrying out and enforcing the terms and provisions of its residential housing finance plan;

(l) (k) to provide for and authorize the use and disposition of any funds remaining in the possession of the city or county, or trustee or custodian designated by such city or county, following payment and retirement of any bonds issued pursuant to this act;

(m) (l) to make and execute contracts and other instruments necessary or convenient to the exercise of any of the powers granted herein.

Sec. 4. K.S.A. 12-5224 is hereby amended to read as follows: 12-5224. The exercise of any or all powers granted by this act shall be authorized and the bonds shall be authorized to be issued under this act for the purposes set forth in this act, by an ordinance or resolution adopted by the governing body of a city or county and shall take effect immediately upon adoption and publication once in the official newspaper of such city or county. Any such ordinance or resolution shall set forth a finding and declaration (a) of the public purpose thereof; and (b) that such ordinance or resolution is adopted pursuant to this act, which finding and declaration shall be conclusive evidence of the existence and sufficiency of the public purpose and of the power to carry out and give effect to such public purposes.

The bonds shall bear interest at such rate or rates, may be payable at such times, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding 40 years from their respective dates, may be payable in such medium of payment at such place or places, may carry such registration privileges, may be subject to such terms of redemption at such premiums, may be executed in such manner, may contain such terms, covenants and conditions and may be in such form, either coupon or registered, as the governing body shall provide. The bonds may be sold at public or private sale at not less than 97% of the par value thereof, in such manner, at such prices and upon such terms as may be authorized by the governing body. Pending the preparation of definitive bonds, interim receipts or certificates in such form and with such provisions as may be authorized by the governing body, may be issued to the purchaser or purchasers of bonds sold pursuant to this act. The bonds and interim receipts or certificates shall be deemed to be securities and negotiable instruments within the meaning and for all purposes of the uniform commercial code.

Sec. 5. K.S.A. 12-5225 is hereby amended to read as follows: 12-5225. Any ordinance authorizing the issuance of the bonds under this act may contain covenants regarding (a) the use and disposition of the revenues and receipts from any home mortgage loans for which the bonds are to be issued, including the creation and maintenance of such reasonable and adequate reserves as the governing body may determine; (b) the insurance to be carried on any home mortgage loan or bonds and the use and disposition of the proceeds of such insurance; (c) the appointment of one or more state or national banks or trust companies within or without the state, having the necessary trust powers, as trustee or custodian for the benefit of the bondholders, paying agent or bond registrar; (d) the investment of any funds held by such trustee or custodian; (e) the maximum interest rate payable on any home mortgage loan; and (f) the terms and conditions upon which the holders of the bonds or any portion thereof, or any trustees therefor, are entitled to the appointment of a receiver by a court of competent jurisdiction, and the terms and conditions may provide that the receiver may enter and take possession of the home mortgage loans or any part thereof and maintain, sell or otherwise dispose of such home mortgage loans, prescribe other payments and collect, receive and apply all income and revenues thereafter derived therefrom. An ordinance authorizing the issuance of bonds under this act may provide that payment of the principal of and interest on any bonds issued under this act shall be secured by a mortgage,

pledge, security interest, insurance agreement or indenture of trust of or with respect to such home mortgage loans and a lien upon the revenues and receipts derived therefrom or from any notes or other obligations of lending institutions, with respect to which the bonds are issued. Such mortgage, pledge, security interest, insurance agreement or indenture of trust may contain such covenants and agreements as may be necessary or appropriate to safeguard the interests of the holders of the bonds and shall be executed in the manner authorized by the ordinance authorizing the bonds. The provisions of this act and any such ordinance and any such mortgage, pledge, security interest, insurance agreement or indenture of trust shall constitute a contract with the holder or holders of the bonds and continue in effect until the principal of, the interest on, and the redemption premiums, if any, on the bonds have been fully paid or provision made for the payment thereof, and the duties of the city or county and its corporate authorities and officers under this act and any such ordinance and any such mortgage, pledge, security interest, insurance agreement or indenture of trust shall be enforceable as provided therein by any bondholder by mandamus, foreclosure of any such mortgage, pledge, security interest or indenture of trust or other appropriate suit, action or proceeding in any court of competent jurisdiction; provided the ordinance or any mortgage, pledge, security interest, insurance agreement or indenture of trust under which the bonds are issued may provide that all such remedies and rights to enforcement may be vested in a trustee, with full power of appointment, for the benefit of all the bondholders, which trustee shall be subject to the control of such number of holders or owners of any outstanding bonds as provided therein.

Sec. 6. K.S.A. 12-5231 is hereby amended to read as follows: 12-5231. (a) One or more cities or one or more counties or cities and counties may join together or cooperate with one another in the exercise, either jointly or otherwise, of any one or more of the powers conferred upon cities and counties under this act. Such joint or cooperative action shall be taken only in accordance with and pursuant to a written agreement entered into between or among such cooperating cities or counties in such form approved by the governing bodies thereof.

(b) In no event, however, shall any county or counties engage in any act or exercise any of the authority or powers conferred by this act within, or with respect to any property located within, the corporate boundaries of any city in the absence of an agreement with such city.

(c) In the event a city, hereinafter referred to in this subsection (c) as the "issuer", shall have authorized the issuance of bonds pursuant to this act for the purpose of financing home mortgage loans for any one or more of the purposes described in subsection (h) of K.S.A. 12-5221, no county within which the issuer is located or any other city located within such county or any other county shall have any authority to engage in any act or exercise any of the powers conferred by this act for the same purpose or purposes within, or with respect to property located within, the boundaries of the issuer or with respect to any property outside the boundaries of the issuer with respect to which the issuer has authorized the issuance of bonds, unless and until not less than 90% of the home mortgage loans to be purchased or originated through the issuance of such bonds have been purchased or originated for such purpose or purposes or binding written commitments with respect thereto have been executed by or on behalf of the issuer in accordance with the provisions of the ordinance authorizing such bonds and the other financing documents pertaining thereto.

(d) Similarly, in the event a county shall have authorized the issuance of bonds pursuant to this act for the purpose of financing home mortgage loans for any one or more of the purposes described in subsection (h) of K.S.A. 12-5221, no city located within the boundaries of such county, except a city located within the boundaries of such county which has not entered into an agreement with such county to implement a residential housing finance plan in accordance with this section, or any other county, shall have any authority to engage in any act or exercise any of the powers conferred by this act for the same

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purpose or purposes within or with respect to any property located within said county unless and until not less than 90% of the home mortgage loans to be purchased or originated through the issuance of such bonds have been purchased or originated for such purpose or purposes or binding written commitments with respect thereto have been executed in accordance with the provisions of the ordinance authorizing such bonds and the other financing documents pertaining thereto.

Sec. 7. K.S.A. 12-5233 is hereby amended to read as follows: 12-5233. The powers conferred by this act are in addition and supplemental to, and the limitations imposed by this act shall not affect, the powers conferred upon municipalities by any other law under the provisions of the constitution or laws of the state of Kansas. Home mortgage loans may be acquired, purchased and financed, and bonds may be issued under this act for such purposes, notwithstanding that any other law may provide for the acquisition, purchase and financing of like home mortgage loans, or the issuance of bonds for like purposes, and such home mortgage loans may be made upon such terms and conditions and contain such provisions as the governing body of the city or county determines consistent with the provisions of this act notwithstanding and without regard to the requirements, restrictions, limitations or other provisions contained in any law or any other resolution. Nothing in this act shall be deemed or construed to prohibit the exercise of the powers conferred upon municipalities in connection with the financing of federally assisted housing for persons of low and moderate income.

Sec. 8. K.S.A. 12-5220 to 12-5225, inclusive, and 12-5231 and 12-5233 are hereby repealed.

Sec. 9. 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 SENATE, and passed that body March 3, 1983.

ROSS O. DOYEN  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

Passed the HOUSE April 22, 1983.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

APPROVED May 2, 1983.

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 2nd day of May, 1983.

(SEAL)

JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, May 5, 1983.)

HOUSE BILL No. 2577

AN ACT relating to the Kansas public employees retirement system; concerning annual transfers of moneys to amortize liability for school service annuities; amending K.S.A. 72-5535 and repealing the existing section.

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

Section 1. K.S.A. 72-5535 is hereby amended to read as follows: 72-5535. (a) The legislature finds that the obligation of the state of Kansas for payment of school service annuities can be amortized at an overall savings to the state general fund, by the

following annual transfer for such purpose. The director of accounts and reports shall transfer the sum of ten million dollars (\$10,000,000) \$10,000,000 from the state general fund to the Kansas public employees retirement fund, beginning on July 1, 1974 August 1, 1983, and thereafter the same amount on the same day of each year until the board of trustees of the Kansas public employees retirement system, upon the recommendation of its actuary, certifies to the director of accounts and reports that no transfer or a smaller amount is required to accomplish the amortization provided for by this act. The amounts so transferred shall be credited to the school service annuity reserve which is hereby established and which, with interest allocated to such reserve at the rate determined each year by the board, shall be charged for payment of all service annuities required to be paid by the state of Kansas under the provisions of article 55 of chapter 72 of Kansas Statutes Annotated. On August 1, beginning in 1983, the pooled money investment board shall transfer from the state general fund to the Kansas public employees retirement fund an amount equal to 31/360 of the amount transferred by the director of accounts and reports to such fund under this section multiplied by the average interest rate on repurchase agreements entered into under the provisions of K.S.A. 75-4205, and amendments thereto, in the preceding month of July.

(b) In the event that the sum of ten million dollars (\$10,000,000) \$10,000,000 transferred from the state general fund to the Kansas public employees retirement fund as herein provided is insufficient in any year to pay the current obligation for service annuities the board of trustees shall advance sufficient funds from the Kansas public employees retirement fund to the school service annuity reserve to satisfy such current requirements. Such amounts shall become an obligation of the school service annuity reserve to be repaid to the Kansas public employees retirement fund when future annual transfers from the state general fund are sufficient to satisfy the then current obligations of the school service annuity reserve and such repayments then shall be made to the Kansas public employees retirement fund. Such advances shall bear interest at the rate of six percent (6%) 6% per annum payable at the time such advances are repaid to the Kansas public employees retirement fund. When all such service annuities have been paid or otherwise satisfied, any balance remaining in such reserve shall be transferred to the retirement benefit accumulation reserve and shall be used for the purposes of that reserve.

Sec. 2. K.S.A. 72-5535 is hereby repealed.

Sec. 3. 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 April 21, 1983.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE April 23, 1983.

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

APPROVED May 2, 1983.

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 2nd day of May, 1983.

(SEAL)

JACK H. BRIER  
Secretary of State.



(Published in the KANSAS REGISTER, May 5, 1983.)

## HOUSE BILL No. 2244

AN ACT concerning the retirement of Kansas public employees under certain retirement systems of the Kansas public employees retirement system; providing a plan of death benefits and a minimum retirement annuity for judges; concerning mandatory retirement and participation in the system; relating to certain persons excluded from membership by reason of age; providing for credit of certain prior service; concerning employer contribution rates; concerning reemployment; providing for retiree death benefits; providing for crediting of prior and participating service and benefits under certain circumstances; amending K.S.A. 74-4911, 74-4913, 74-4919, 74-4935, 74-4936 and 74-4939 and K.S.A. 1982 Supp. 20-2610, 20-2610a, 74-4914, 74-4917, 74-4919, 74-4920, 74-4927a, 74-4927b, 74-4937, 74-4963 and 74-4989 and repealing the existing sections; and also repealing K.S.A. 1982 Supp. 74-49a162.

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

Section 1. K.S.A. 1982 Supp. 20-2610 is hereby amended to read as follows: 20-2610. (a) A judge who retires under K.S.A. 20-2608 and amendments thereto, shall be entitled to receive an annuity subject to subsection (c), each monthly payment of which shall be in an amount equal to the total of 4% of the final average salary of the judge, determined as provided in subsection (c), multiplied by the number of the judge's years of service up to 10 years, and 3 $\frac{1}{3}$ % of the final average salary of the judge, determined as provided in subsection (b) (c), multiplied by the number of the judge's total years of service in excess of 10 years, but such monthly benefits shall not exceed 65% of the final average salary of such judge, determined as provided in subsection (b) (c).

(b) A judge who retires under subsection (a) of K.S.A. 20-2608, and amendments thereto, after 10 years of continuous service at the attainment of normal retirement age of 65 shall be entitled to receive an annuity, each monthly payment of which shall be in an amount which is at least 50% of the final average salary of such judge, determined as provided in subsection (c).

(b) (c) For any judge who retires under K.S.A. 20-2608 or 20-2609 and amendments thereto, on or after July 1, 1975, the annuity shall be based on the final average salary of such judge as provided in this subsection. The final average salary of a judge who becomes permanently physically or mentally disabled and who is retired under K.S.A. 20-2608 or 20-2609 and amendments thereto, shall be determined as if such judge had retired on the date such judge became permanently physically or mentally disabled. The final average salary of a former judge whose service is terminated without retiring and who later retires under K.S.A. 20-2608 and amendments thereto, shall be determined as if such former judge had retired at the time such service was terminated. Except as otherwise provided by this subsection, final average salary shall mean the average highest annual salary paid to the judge for any five years of the last 10 years of service as a judge immediately preceding retirement or termination of employment, or if service as a judge is less than five years, then the final average salary shall be the average annual salary paid to the judge during the full period of service as a judge, or if service as a judge is less than one year, then the final average salary shall be computed by multiplying the amount of monthly salary such judge was receiving at time of retirement by 12. In the case of judges who retire on or after July 1, 1975, but prior to January 1, 1981, the final average salary of such judges shall be computed as follows:

- (1) For retirement prior to January 1, 1976, the amount of monthly salary at the time of retirement multiplied by 12;
- (2) for retirement during calendar year 1976, the total salary received during the last year of service as a judge;
- (3) for retirement during calendar year 1977, the average of the total salary received during the last two years of service as a judge;
- (4) for retirement during calendar year 1978, the average of the total salary received during the last three years of service as a judge;
- (5) for retirement during calendar year 1979, the average of the total salary received during the last four years of service as a judge; and
- (6) for retirement during calendar year 1980, the average of the total salary received during the last five years of service as a judge.

Sec. 2. K.S.A. 1982 Supp. 20-2610a is hereby amended to read as follows: 20-2610a. (a) A judge may elect to have such judge's retirement annuity paid under one of the options provided in this section in lieu of having it paid in the form stated in K.S.A. 20-2610 and amendments thereto. Such election shall be made at least three years before date of actual retirement, unless the judge submits evidence, satisfactory to the board, of the judge's good health. If option A is elected, and the spouse or a dependent of the judge is named joint annuitant, such good health requirement shall be waived. A specific person shall be designated as joint annuitant at the time of election of option A or B. The same requirements and limitations shall apply in the event a judge wishes to change the named joint annuitant or cancel or change the option selected.

(b) The amount of retirement annuity payable under an option shall be based on the age of the judge and, if applicable, the age of the joint annuitant, and shall be such amount as to be the actuarial equivalent of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto as prescribed in subsection (c). In no case shall the total amount of retirement annuity payable under any option provided in this section be more than 100% of the retirement annuity which would have been otherwise payable if no option had been elected under this section.

(c) The retirement options are:

(1) Option A. *Joint and 1/2 to joint annuitant survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and (B) the percentage equal to 87% minus .6% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus .6% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with 1/2 of that monthly amount continued to the judge's joint annuitant during such joint annuitant's remaining lifetime, if any, after the death of the judge. In the event that the designated joint annuitant under option A predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under option A shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(2) Option B. *Joint and survivor.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to the product of (A) the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and (B) the percentage equal to 75% minus .9% for each year by which the age of the judge's joint annuitant is less than the judge's age, computed to the nearest whole year, or plus .9% for each year by which the age of the judge's joint annuitant is more than the judge's age, computed to the nearest whole year, with that monthly amount continued to the joint annuitant during the joint annuitant's remaining lifetime, if any, after the death of judge. In the event that the designated joint annuitant under option B predeceases the retired judge, the amount of the retirement annuity otherwise payable to the judge under option B shall be adjusted automatically to the retirement annuity which the judge would have received if no option had been elected under this section.

(3) Option C. *Life with 10 years certain.* A reduced retirement annuity payable to the judge during the judge's lifetime in a monthly amount equal to 94% of the monthly payment of the retirement annuity otherwise payable under K.S.A. 20-2610 and amendments thereto and if the judge dies within the ten-year certain period, measured from the commencement of retirement annuity payments, such monthly payments shall be continued to such judge's beneficiary during the balance of the ten-year certain period.

(d) If a member attains age 60, and dies without having actually retired, the member's spouse, if the spouse is beneficiary for the member's accumulated contributions, may elect to receive benefits as a joint annuitant under option A, calculated as

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if the member retired on date of death, in lieu of receiving the member's accumulated contributions.

(e) Benefits payable to a joint annuitant shall accrue from the first day of the month following the death of a member or retirant and, in the case of option A and option B, shall end on the first day of the month in which the joint annuitant dies.

(f) If a member, who is not eligible to retire in accordance with the provisions of subsection (a) of K.S.A. 20-2608, dies in service as a judge, the beneficiary of such member shall be eligible to receive a lump-sum death benefit from the fund in an amount equal to 65% of the salary of such member at the time of death.

(g) (f) The provisions of the law in effect on the retirement date of a judge under the retirement system for judges shall govern the retirement annuity payable to the retired judge and any joint annuitant.

New Sec. 3. (a) For the purposes of providing the "insured death benefit" as prescribed in K.S.A. 74-4927 and amendments thereto, to all persons who are members of the retirement system for judges, on and after the first day of the first payroll period of the fiscal year ending June 30, 1984, the term "member" as used in K.S.A. 74-4927 and amendments thereto, and as used in this section shall include members of the retirement system for judges.

(b) The employer of any member who is a member of the retirement system for judges shall pay to the Kansas public employees retirement system in such manner as the board of trustees shall prescribe, an amount equal to .3% of the amount of compensation on which the member's contributions to the retirement system for judges are based for deposit in the group insurance reserve of the Kansas public employees retirement fund, beginning with the first day of the first payroll period of the fiscal year ending June 30, 1984, and each payroll period thereafter, in lieu of the amount required to be paid under subsection (a) of K.S.A. 74-4927 and amendments thereto.

(c) Coverage under the plan of death benefits shall begin with the first day of the first payroll period of the fiscal year ending June 30, 1984, for such members and other persons as defined in this section.

Sec. 4. K.S.A. 74-4911 is hereby amended to read as follows: 74-4911. (1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of the system on either the entry date or the first day of the payroll period coinciding with or following the completion of one year of service whichever is later. For purposes of this act occasional breaks in service which shall not exceed an aggregate of ten (10) 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(2) Any employee other than an elected official who is employed by a participating employer after the entry date of such employer and who had not attained age fifty-nine (50) at date of employment shall be a member of the system on the first day of the payroll period coinciding with or following completion of one year of continuous service, except that such member who has attained age 59 or older at date of employment shall not be covered by the provisions of K.S.A. 74-4927 and amendments thereto. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of ten (10) 10 days in any such year shall not constitute a break in continuous service for purposes of determining the membership date of such employee. Any employee employed after the entry date of his or her employer who had attained age fifty-nine (50) at date of employment shall not be a member of the system.

(3) Any employee who is an elected official and is eligible to join the system shall elect to become or not to become a member of the system within thirty (30) 30 days after the entry date or the first day of the payroll period coinciding with or following one year of service, whichever is later. In the event that such elected official fails to file, within the time hereinbefore prescribed, the election to become a member of the retirement system, it shall be presumed that he or she such person has elected not to become a member.

(4) Any employee other than an elected official who is in

military service or on leave of absence on the entry date of his or her such employee's employer shall become a member of the system upon returning to active employment or on the first day of the payroll period coinciding with or following the completion of one-year of service, whichever is later. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of ten (10) 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(5) Any employee of the state of Kansas other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act, or who becomes ineligible for such assistance because such person accepts and transfers to a position in the classified service under the Kansas civil service act, shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of such reclassification or transfer. Any such employee who became ineligible for such assistance prior to the effective date of this act because of such a reclassification or such a transfer occurring prior to the effective date of this act and who is not a member of the system on the effective date of this act, shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of this act.

(6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is a member of the system and who becomes ineligible to be a member of the system because such employee's position is reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925 and amendments thereto, or who becomes ineligible to be a member of the system because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become eligible for such assistance in accordance with the provisions of K.S.A. 74-4925 and amendments thereto, unless such employee files a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a member of the system prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925 and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance, shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

Sec. 5. K.S.A. 74-4913 is hereby amended to read as follows: 74-4913. (1) Prior service shall be credited as follows:

(a) A member shall receive full credit for continuous employment prior to the entry date with his such member's employer on the entry date. Provided, That if the employee was employed on the fifteenth day of March, 1961 March 15, 1961, by the employer who is his the employee's employer on his the employee's entry date, then all such previous employment, whether or not continuous, shall be credited; otherwise no credit shall be granted for employment prior to a break in continuous employment. Provided further, That any. Any member or retirant who has been credited with prior service as hereinbefore provided and who was employed by any participating employer on the fifteenth day of March, 1961 March 15, 1961, may apply to the board on such forms as it may prescribe for prior service credit with a participating employer other than his the member's entry date employer. Upon receipt of written verification of such employment from said the participating employer, the board may grant such additional prior service credit and with respect to a retirant, shall adjust the amount of the retirement benefit accordingly commencing with the next monthly benefit payment

(continued)

due following receipt of *said the* written verification. In the case of any person other than a retirant receiving a retirement benefit, such person may make application for an adjustment in the benefit amount in the same manner as a member or retirant, and in such case the adjustment in the benefit amount shall be determined by the board upon the advice of the actuary, and shall commence with the next monthly benefit payment due following receipt of *said the* written verification;

(b) leaves of absence and military service shall not be counted as breaks in continuous employment; however, military service which is immediately preceded and followed by employment with a participating employer shall be credited, except that after July 1, 1974, not more than five (5) years' credit for military service shall be granted hereunder, but leaves of absence shall not be credited;

(c) any member who was employed in the Kansas state employment service, now a section of the Kansas division of employment security, during any of the time *said the* Kansas state employment service was loaned by the state to the federal government (January 1, 1942, for the duration of the emergency period of world war II, which service was returned to the state by the federal government effective November 16, 1946) shall be entitled to prior service credit for the time so employed during the period stated for any service rendered under the jurisdiction of the United States employment service for the federal government in like manner as if *said the* employment service had remained under the jurisdiction of the state of Kansas;

(d) any member who is not otherwise eligible for service credit as provided for in subsection (1)(a) may be granted credit for the service upon the attainment of 38 quarters of participating service.

(2) Participating service shall be credited as follows: (a) A member shall receive credit for participating service with a participating employer in accordance with the rules and regulations established by the board of trustees. ~~Provided, however, That, except that~~ no more than one (1) calendar quarter of participating service shall be credited for any employment within any one (1) calendar quarter;

(b) ~~No credit shall be allowed for service after the first day of the month following the attainment of age seventy (70) except for service during the first year following the first entry date;~~

(c) (b) leaves of absence and military service shall not count as a break in continuous employment provided the member leaves his accumulated contribution on deposit with the fund; however, the period of military service shall be credited, except that after July 1, 1974, not more than five (5) years' credit for military service shall be granted hereunder, but leaves of absence shall not be credited;

(d) (c) a period of retirement under the system or a period of total disability, immediately followed by employment with a participating employer, shall not count as a break in continuous employment. ~~Provided, That, except that~~ such periods while not employed shall not be credited as participating service;

(e) termination of employment with a participating employer followed by employment with the same or another participating employer within one hundred twenty (120) days shall not constitute a break in continuous employment. ~~Provided, That such period while not employed shall not be credited as participating service;~~

(f) (d) termination of employment of an elected official who is a member, followed by employment with a participating employer within five (5) years after such termination, does not constitute a break in continuous employment if such elected official person has not withdrawn his *such person's* accumulated contribution. Such period while not employed shall not be credited as participating service.

(3) In determining the number of years of credited prior service or participating service a fractional year of six (6) months or more shall be considered as one (1) year and a fractional year of less than six (6) months shall be disregarded.

Sec. 6. K.S.A. 1982 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following the attainment of age 65. In no event shall a normal

retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. ~~Except for a member who is an elected official or who is employed by the state of Kansas, each member upon giving prior notice to the appointing authority may retire on the normal retirement date or the first day of any month thereafter up to the first day of the month following the attainment of age 70, when retirement shall be compulsory, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe, except, that in the event that the appointing authority desires to continue in employment an employee, who is a member, beyond age 70, application shall be made to the governing body of the participating employer, requesting that the member be continued in employment beyond age 70 and not be retired and showing that such employee is capable of carrying out assigned duties and that the best interests of the public will be served by continuing such employee in such employment. The application must be approved by the governing body and such approval filed with the board not less than 30 days prior to the member's attainment of age 70 whereupon the member may be continued in employment at the pleasure of the appointing authority so long as the member continues to be mentally and physically capable of carrying out assigned duties. The members shall be eligible to retire in accordance with the provisions of this act. Except for a member who is an elected official or who is employed by the state of Kansas, A member may be retired retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of a notice for such member's retirement by the appointing authority of such member an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. A member who is not an elected official and who is employed by the state of Kansas may retire on the normal retirement date or the first day of any month thereafter upon giving prior notice to the appointing authority, and the member shall not be subject to the provisions of this subsection (1) relating to compulsory retirement because of age. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.~~

(2) No retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 60 or completion of 10 years of credited service, whichever occurs later, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe, ~~except that within one year after the entry date, a member who has not attained age 70, other than an elected official, but is otherwise eligible to retire, may retire only with the approval of the member's appointing authority.~~

Sec. 7. K.S.A. 1982 Supp. 74-4917 is hereby amended to read as follows: 74-4917. (1) Upon termination of employment with a participating employer, not followed by employment with such participating employer or another participating employer, the member shall be paid an amount equal to the member's accumulated contributions then on deposit with the system after making application in such form as may be prescribed by the board, except that the system shall have a reasonable time to process the application for withdrawal. Upon proper notification by the system, member contributions not on deposit with the system shall be paid to the member by the participating employer. A leave of absence, a period of total disability or military service shall not be considered a termination of employment unless the member withdraws accumulated contributions. *However, in the event such member renews employment with such participating employer within 60 days of termination, such*

member, as a condition of employment, shall return to the fund the amount withdrawn plus interest at a rate specified by the board. Upon return to the fund of the amount withdrawn and interest thereon, such member's membership in the system shall renew upon reentry date as if there had been no break in continuous employment, and such member shall be immediately eligible for all rights and benefits of the system. Employee and employer contributions shall begin with reentry.

(2) If such member has completed 10 years of credited service at date of termination, such member automatically shall be granted a vested retirement benefit in the system, except that at any time prior to the commencement of retirement benefit payments and before attaining age 65 the member may withdraw accumulated contributions, whereupon no other benefits shall be payable for such member's prior and participating service credit. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 1982 Supp. 74-4914, except that in lieu of the three-month notice of intention to retire being made to the appointing authority, and amendments thereto. Such member shall make application for retirement in such form as may be prescribed by the board and retirement benefits shall accrue from the first day of the month following receipt of such application. The amount of the retirement benefit shall be determined as provided in K.S.A. 1982 Supp. 74-4915 and amendments thereto.

(3) Termination of employment of a member, followed by employment with a participating employer within five years after such termination, does not constitute a break in continuous employment if such member has not withdrawn accumulated contributions. Such period while not employed shall not be credited.

(4) If, after the expiration of five years following the termination of employment, a former member becomes an employee of such former member's former participating employer, or another participating employer, such former member shall be deemed to be a new employee. If a member, who has a vested benefit again becomes an employee of a participating employer, the amount of such member's vested benefit shall remain in effect and any retirement benefit such member subsequently accrues shall be based on credited service after again becoming such an employee and any credited service such member subsequently accrues shall be added to that which had been vested by virtue of previous service. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 1982 Supp. 74-4914 and amendments thereto.

Sec. 8. K.S.A. 1982 Supp. 74-4919 is hereby amended to read as follows: 74-4919. Each participating employer, beginning with the first payroll for services performed after the entry date, shall deduct from the compensation of each member 4% of such member's compensation as employee contributions. After the first anniversary of the first entry date, no contribution shall be deducted from the compensation of a member after the first day of the first payroll period following the member's attainment of age 70. Such deductions shall be remitted quarterly, or as the board may otherwise provide, to the executive secretary for deposit in the Kansas public employees retirement fund. Such deductions shall be credited to the members' individual accounts and interest shall be added annually to such accounts.

Sec. 9. K.S.A. 74-4919i is hereby amended to read as follows: 74-4919i. Any person who becomes a member of the Kansas public employees retirement system pursuant to subsection (14) of K.S.A. 74-4902 and amendments thereto, or subsection (4) of K.S.A. 74-4932 and amendments thereto, K.S.A. 74-4911c and amendments thereto or sections 18 and 19 may elect to purchase additional benefits for any service performed during the period that such person was barred from membership in the Kansas public employees retirement system, except that no person shall purchase additional benefits for any service which is the basis or will become the basis for retirement credit or benefits under a retirement annuity under the provisions of K.S.A. 74-4925 and amendments thereto. As used in this section, "annual compensation" means the rate of annual compensation being paid to

such member by the participating employer on the date of application to purchase additional benefits. Such member may purchase additional benefits by making application therefor at least three (3) years prior to date of retirement and by making a single lump-sum payment in an amount equal to the then present value of the benefits being purchased as determined by the actuary using the member's attained age, annual compensation at the time of purchase and the actuarial assumptions and tables then in use by the system. The lump-sum payment shall be made immediately upon being notified of the amount due. No participating employer shall pay all or any part of the cost of any additional benefits authorized to be purchased by a member under this section. The benefit for each such year of service shall be equal to one percent (1%) 1% of the annual compensation at the time the member purchases such additional benefits.

Sec. 10. K.S.A. 1982 Supp. 74-4920 is hereby amended to read as follows: 74-4920. (1) Upon the basis of each annual actuarial valuation and appraisal as provided for in subsection (3)(a) of K.S.A. 1982 Supp. 74-4908 and amendments thereto, the board shall certify, on or before July 15 of each year, to the division of the budget in the case of the state and to the agent for each other participating employer an actuarially determined estimate of the rate of contribution which will be required, together with all accumulated contributions and other assets of the system, to be paid by each such participating employer to pay all liabilities which shall exist or accrue under the system, including amortization of the past service cost over a period of not to exceed 40 years from the entry date, except as otherwise provided in this section, as determined by the board, upon recommendation of the actuary. For the purposes of determining the rate of contribution of each employer affiliating on or after January 1, 1982, the past service cost of the employer shall be amortized over the period from the entry date of such employer to December 31, 2022, inclusive. The rate of contribution for participating employers determined under this section shall not include the costs of administration of the system.

(2) The division of the budget and the governor shall include in the budget and in the budget request for appropriations for personal services the sum required to satisfy the state's obligation under this act as certified by the board and shall present the same to the legislature for allowance and appropriation.

(3) Each other participating employer shall appropriate and pay to the system a sum sufficient to satisfy the obligation under this act as certified by the board.

(4) Each participating employer is hereby authorized to pay the employer's contribution from the same fund that the compensation for which such contribution is made is paid from or from any other funds available to it for such purpose. Each political subdivision, other than an instrumentality of the state, which is by law authorized to levy taxes for other purposes, may levy annually at the time of its levy of taxes, a tax which may be in addition to all other taxes authorized or limited by law, and shall not be subject to any tax levy limit or aggregate tax levy limit prescribed by any act contained in article 19 of chapter 79 of the Kansas Statutes Annotated or by any act amendatory thereof or supplemental thereto, or any other law, for the purpose of making its contributions under this act and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, which tax, together with any other fund available, shall be sufficient to enable it to make such contribution. In lieu of levying the tax authorized in this subsection, any taxing subdivision may pay such costs from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto. Each participating employer which is not by law authorized to levy taxes as described above, but which prepares a budget for its expenses for the ensuing year and presents the same to a governing body which is authorized by law to levy taxes as described above, may include in its budget an amount sufficient to make its contributions under this act which may be in addition to all other taxes authorized or limited by law. Such governing body to which the budget is submitted for approval, may levy a

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tax sufficient to allow the participating employer to make its contributions under this act which tax may be in addition to all other taxes authorized or limited by law and shall not be subject to any tax levy limit or aggregate tax levy limit prescribed by any act contained in article 19 of chapter 79 of the Kansas Statutes Annotated or any act amendatory thereof or supplemental thereto, which tax, together with any other fund available, shall be sufficient to enable the participating employer to make the contributions required by this act.

(5) The rate of contribution certified to a participating employer as provided in this section shall apply during the first fiscal year of the participating employer which begins in the calendar year immediately following such certification. For the fiscal year commencing in calendar year ~~1982~~ 1983, the employer rate of contribution for the state of Kansas shall be ~~4.8%~~ 4.6% of the amount of compensation upon which the members contribute during the period and for participating employers under K.S.A. 74-4931 and amendments thereto the employer rate of contribution shall be ~~4.5%~~ 4.4% of the amount of compensation upon which the members contribute during the period and for participating employers under K.S.A. 74-4925 and amendments thereto the employer rate of contribution shall be 1.4% of the amount of compensation. For the fiscal year commencing January 1, ~~1983~~ 1984, the ~~employee employer~~ rate of contribution for participating employers other than the state of Kansas shall be ~~4.8%~~ 4.6% of the amount of compensation upon which members contribute during the period.

(6) The board with the advice of the actuary may fix the contribution rates for participating employers joining the system after one year from the first entry date or for employers who exercise the option contained in K.S.A. 74-4912, and any amendments thereto, at rates different from the rate fixed for employers joining within one year of the first entry date.

(7) Employer contributions shall in no way be limited by any other act which now or in the future establishes or limits the compensation of any member.

(8) Based upon the report of the actuary of each three-year general investigation of the actuarial experience of the system and the annual actuarial valuations and appraisals under subsection (3) of K.S.A. ~~1982 Supp.~~ 74-4908 and amendments thereto, the board shall make a special report to the legislature on the participating service costs of the system. For purposes of this subsection (8), the participating service costs of the system shall include all costs of the system other than those attributable to past service, administration, the insured death benefit, the insured disability benefit and post-retirement benefit increases. The report shall include a review of the changes in the participating service costs since the preceding three-year general investigation under subsection (3) of K.S.A. ~~1982 Supp.~~ 74-4908, and amendments thereto, and of the rates of contribution for employers and members applicable during that three-year period. The report shall be submitted to the legislative coordinating council on or before the December 1 immediately following the receipt by the board of the report of the actuary on such three-year general investigation of the actuarial experience of the system.

(9) Each participating employer shall remit quarterly, or as the board may otherwise provide, all employee deductions and required employer contributions to the executive secretary for deposit in the Kansas public employees retirement fund within 20 days after the end of the period covered by the remittance or within 25 days after forms or written instructions from the system were mailed by the system to such employer, whichever is later. Remittances of such deductions and contributions received after such date are delinquent. Delinquent payments due under this subsection (9) shall be subject to interest at the rate established for interest on judgments under subsection (a) of K.S.A. 16-204 and amendments thereto. At the request of the board, delinquent payments which are due or interest owed on such payments, or both, may be deducted from any other moneys payable to such employer by any department or agency of the state.

Sec. 11. K.S.A. 1982 Supp. 74-4927a is hereby amended to read as follows: 74-4927a. (1) For the purposes of providing the "insured death benefit" and "insured disability benefit" as pre-

scribed in K.S.A. ~~1982 Supp.~~ 74-4927, and amendments thereto, to those members of the faculty and other persons employed by educational institutions under the management of the state board of regents as defined in paragraph (a) of subsection (1) of K.S.A. 74-4925 and amendments thereto, and who are receiving assistance in the purchase of retirement annuities as therein provided, the term "member" as used in K.S.A. ~~1982 Supp.~~ 74-4927, and amendments thereto, shall include the aforementioned members of the faculty and other persons employed by educational institutions under the management of the state board of regents and who are receiving such assistance.

(2) Each institution under the state board of regents shall pay to the Kansas public employees retirement system in such manner as the board of trustees shall prescribe each payroll period an amount sufficient to pay the employer's contribution to the group insurance reserve as provided in K.S.A. ~~1982 Supp.~~ 74-4927, and amendments thereto. Subsection (2) of K.S.A. 74-4932 and amendments thereto shall also apply in determining such contributions and benefits.

(3) Each institution under the state board of regents shall maintain a file of the beneficiaries named by the persons covered under the provisions of this act in the form and manner as prescribed by the board of trustees.

(4) In the event that a member of the faculty or other person as herein defined becomes eligible for the insured disability benefit, the state board of regents shall continue to provide the assistance including the payment of employers and employees contributions in the purchase of the retirement annuities as provided in K.S.A. 74-4925 and amendments thereto, until the attainment of age 65 or the date of retirement, whichever occurs first.

(5) Coverage under the plan of death and long-term disability benefits shall commence July 1, 1973, for such members of the faculty and other persons as herein defined. On and after July 1, 1983, no person who becomes a member after the attainment of age 59 or older shall be eligible for death and long-term disability benefits.

Sec. 12. K.S.A. 1982 Supp. 74-4927b is hereby amended to read as follows: 74-4927b. (1) For the purposes of providing the "insured death benefit" and "insured disability benefit" as prescribed in K.S.A. ~~1982 Supp.~~ 74-4927, and amendments thereto, to those members of the faculty and other persons employed by educational institutions under the management of the state board of education who are receiving assistance in the purchase of retirement annuities as provided in K.S.A. 74-4925 and amendments thereto, the term "member" as used in K.S.A. ~~1982 Supp.~~ 74-4927, and amendments thereto, shall include the aforementioned members of the faculty and other persons employed by educational institutions under the management of the state board of education and who are receiving such assistance.

(2) Each institution under the state board of education furnishing such assistance shall pay to the Kansas public employees retirement system in such manner as the board of trustees shall prescribe each payroll period an amount sufficient to pay the employer's contribution to the group insurance reserve as provided in K.S.A. ~~1982 Supp.~~ 74-4927, and amendments thereto. Subsection (2) of K.S.A. 74-4932 and amendments thereto shall also apply in determining such contributions and benefits.

(3) Each such institution under the state board of education shall maintain a file of the beneficiaries named by the persons covered under the provisions of this act in the form and manner as prescribed by the board of trustees.

(4) In the event that a member of the faculty or other person as herein defined becomes eligible for the insured disability benefit, the respective educational institutions under the board of education hereinbefore described shall continue to provide the assistance including the payment of employers and employees contributions in the purchase of the retirement annuities provided in K.S.A. 74-4925 and amendments thereto, until the attainment of age 65 or the date of retirement, whichever occurs first.

(5) Coverage under plan of death and long-term disability benefits shall commence July 1, 1973, for such members of the

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faculty and other persons as herein defined. On and after July 1, 1983, no person who becomes a member after the attainment of age 59 or older shall be eligible for death and long-term disability benefits.

Sec. 13. K.S.A. 74-4935 is hereby amended to read as follows: 74-4935. (1) Any employee of a participating employer on the entry date of such employer shall be a member of the system on the entry date.

(2) Any employee other than an elected official who is employed by a participating employer after the entry date of such employer and who has not attained age fifty-nine (59) at the date of employment shall be a member of the system on the first day of such employment, except that such member who has attained age 59 or older at date of employment shall not be covered by the provisions of K.S.A. 74-4927 and amendments thereto.

(3) Any employee who is in military service or on leave of absence on the entry date of his or her the employee's employer shall become a member of the system immediately upon returning to active employment with the same or another participating employer.

(4) Any member of the state school retirement system who meets the following conditions on entry date shall become a member of the system on entry date:

- (a) Is not employed by a participating employer, and
- (b) has not retired under the state school retirement system, and
- (c) has contributions on deposit with the state school retirement system, and
- (d) would be eligible for retirement under the state school retirement system based on service which is credited to such member thereunder.

Sec. 14. K.S.A. 74-4936 is hereby amended to read as follows: 74-4936. (1) Prior service shall be credited as follows:

(a) A member shall receive full credit for continuous employment prior to the entry date with his such member's employer on the entry date. Provided, except that if the employee was employed on the fifteenth day of March, 1970 March 15, 1970, by a participating employer, then all previous employment with a participating employer shall be credited;

(b) any member of the state school retirement system not employed on the day preceding entry date by an eligible employer which will become a participating employer on entry date, who has contributions on deposit with the state school retirement system on entry date, who would become eligible for a retirement benefit based on the credited service under the state school retirement system, on entry date, and who has not retired under the state school retirement system shall be granted prior service credit for employment with any participating employer prior to entry date;

(c) any member of the state school retirement system not employed on the date preceding entry date by an eligible employer which will become a participating employer on entry date, who has contributions on deposit on entry date, and who would not become eligible for a retirement benefit on the basis of service credited under the state school retirement system on entry date shall not receive credit for such service;

(d) leaves of absence shall not be credited;

(e) military service which is credited under the state school retirement system shall be credited;

(f) one (1) year of prior service credit shall be granted for each year of school employment by a participating employer;

(g) any member who is not otherwise eligible for service credit as provided for in subsection (1)(a) may be granted credit for such service upon the attainment of 38 quarters of participating service.

(2) Participating service shall be credited as follows: (a) A member shall receive credit for participating service with a participating employer in accordance with rules and regulations established by the board of trustees. Provided, however, except that no more than one (1) calendar quarter of participating service shall be credited for any employment within one (1) calendar quarter;

(b) Credit shall not be allowed for service after the first day of

the month following the end of the school year during which the member attained age seventy (70);

(e) leaves of absence and military service shall not count as a break in continuous employment, if the member leaves his accumulated contributions on deposit with the fund; however, The period of military service shall be credited, except that after July 1, 1974, not more than five (5) years' credit for military service shall be granted hereunder, but leaves of absence shall not be credited;

(d) (c) termination of employment followed by employment by the same or with another participating employer within five (5) years shall not constitute a break in continuous employment, if such employee leaves his accumulated contributions on deposit with the system. Such period while not employed shall not be credited as participating service.

(3) In determining the numbers of years of credited prior service or participating service a fractional year of six (6) months or more shall be considered as one (1) year and a fractional year of less than six (6) months shall be disregarded.

(4) If a member is on leave of absence or is in military service or has terminated employment with a participating employer for a period of more than one hundred twenty (120) days, he such member may withdraw his accumulated contributions on forms prescribed by the board. In the event the member withdraws his the accumulated contributions, his such member's membership in the system shall terminate and the system shall have no further liability or obligation to such member. Thereafter, if such former member is employed by the same or another participating employer, he such member shall be deemed to be a new employee.

(5) If a member does not return to employment with the same or another participating employer within five (5) years following termination of employment, he such member shall withdraw his accumulated contributions on forms prescribed by the board. His Such member's membership in the system shall terminate and the system shall have no further liability or obligation to such member. Thereafter, if such former member is employed by the same or another participating employer, he such member shall be deemed to be a new employee.

(6) If a member, who has a vested benefit, again becomes an employee of a participating employer, the amount of his vested benefit shall remain in effect, and any retirement benefit he subsequently accrues shall be based on credited service after again becoming such an employee and any credited service such member subsequently accrues shall be added to that which had been vested by virtue of previous service.

Sec. 15. K.S.A. 1982 Supp. 74-4937 is hereby amended to read as follows: 74-4937. (1) The normal retirement date of a member of the system who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto, shall be the first day of the month coinciding with or following the end of the school fiscal year in which the member attains age 65. Each member upon giving prior notice to the appointing authority and the retirement system may retire on the normal retirement date or the first day of any month thereafter up to the first day of the month following attainment of age 70.

(2) The compulsory retirement date for a member who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto, shall be the first day of the month coinciding with or following the end of the school year in which the member attains age 70.

(3) A member who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto, may be retired by such member's employer on the member's normal retirement date or on the first day of the month thereafter coinciding with or following the end of the school year for which such member is employed. Notice for retirement shall be given the member and filed with the office of the retirement system prior to the date selected for the member's retirement by such employer.

(4) Any member who is in school employment and who is subject to K.S.A. 74-4940, and amendments thereto, may retire before such member's normal retirement date on the first day of

(continued)



the month coinciding with or following the completion of the school fiscal year in which such member attained age 60 or the completion of 10 years of credited service, whichever occurs later, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) (3) No member who begins a year of school employment and who is subject to K.S.A. 74-4940, and amendments thereto, may retire until the first day of the month coinciding with or following the end of the current school fiscal year unless good cause is shown and such retirement is agreed to by the participating employer and the board.

(6) (4) As used in this section "school fiscal year" means the twelve-month period beginning July 1 and ending June 30.

Sec. 16. K.S.A. 74-4939 is hereby amended to read as follows: 74-4939. (1) Except as otherwise provided in this section, the provisions of K.S.A. 74-4919 and 74-4920, and amendments to such sections, shall apply to employee and employer contributions and obligations.

(2) Employee's contributions shall be deducted for service until the first day of the month following the school year during which the employee attained age seventy (70).

(3) The participating employers which are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 shall make no payments for contributions during the calendar year 1971. In lieu of such payments for contributions in the year 1971, the state school fund commissioners shall transfer all of the assets of the state permanent (or perpetual) school fund to the Kansas public employees' retirement system. Upon request of the board of trustees of the Kansas public employees' retirement system the state school fund commissioners shall transfer title to such assets. When such transfer is made the state permanent (or perpetual) school fund is abolished. Such participating employers shall certify to the state board of education in the manner and form required by it, on or before January 1, 1971, an estimate of the anticipated total amount of compensation that will be paid to all employees who become or will become members of the Kansas public employees retirement system as in this act provided for the period January 1, 1972, through June 30, 1972. The state board of education shall transmit the information necessary to the division of the budget and the governor who shall include in the budget and the budget document provisions for transfer from the general fund of the state sufficient sums required to satisfy the participating employer's obligation under this act. The director of accounts and reports shall transfer from the state general fund to the system employer contributions at the rate of contribution during the period from January 1, 1972, through June 30, 1972, equal to five and five-hundredths percent (5.05%) of the amount of compensation on which the members contributed during the period. Thereafter The employer contribution rate for participating employers who are eligible employers as specified in subsections (1), (2) and (3) of K.S.A. 74-4931 and amendments thereto shall be as certified by the board. Participating employers shall certify to the state board of education before September 15 of each year the anticipated total compensation to be paid during the next fiscal year to employees who are or are to become members. The state board of education shall transmit the information necessary to the division of the budget and the governor who shall include in the budget and budget document each year thereafter provisions for the transfer from the state general fund of the state sufficient sums to satisfy the participating employer's obligation under this act. The director of accounts and reports shall make a transfer therefor to the system quarterly, at the same time such employee contributions are remitted by such participating employers. Transfers required by this subsection shall be provided for annually by act of the legislature.

(4) (3) Participating employers, which who are eligible employers as specified in subsection (4) of K.S.A. 74-4931 and amendments thereto shall pay to the system employer contributions at a rate of contribution during the period from January 1, 1971, through June 30, 1972, equal to five and five-hundredths percent (5.05%) of the amount of compensation on which the members contributed during the period and such contribution

shall be made by appropriation by the 1970 and 1971 regular sessions of the legislature. Thereafter the employer contribution rate shall be as certified by the board.

Sec. 17. K.S.A. 1982 Supp. 74-4963 is hereby amended to read as follows: 74-4963. (1) Upon termination of employment prior to the completion of 20 years of credited service, a member may withdraw such member's accumulated contributions or elect to leave such accumulated contributions on deposit with the system *except that in the event such member renews employment with such participating employer within 60 days of termination, such member, as a condition of employment, shall return to the fund the amount withdrawn plus interest at a rate specified by the board. Upon return to the fund of the amount withdrawn and interest thereon, such member's membership in the system shall renew upon reentry date as if there had been no break in continuous employment, and such member shall be immediately eligible for all rights and benefits of the system. Employee and employer contributions shall begin with reentry.* If the member elects to leave the accumulated contributions on deposit with the system and if the member returns to employment with the same or another participating employer within two years, such member shall receive credit for such member's service prior to such termination. If the member does not elect to leave the accumulated contributions on deposit or if the member does not return to covered employment within two years, such member shall no longer be a member of the system and the sum of such member's accumulated contributions then on deposit with this system shall be paid to such member after making application in such form as may be prescribed by the board and after the system has a reasonable time to process the application for withdrawal. Upon proper notification by the system, member contributions not on deposit with the system shall be paid to the member by the participating employer.

(2) If, after termination and withdrawal of accumulated contributions, a former member returns to covered employment, *except as otherwise provided in subsection (1),* the former member shall become a member of the system as provided in subsection (2) of K.S.A. 74-4955 and amendments thereto. Any former member returning to covered employment may, at the former member's option, pay to the system within 31 days of the former member's return to covered employment, the total of the former member's withdrawn accumulated contributions plus interest at a rate specified by the board, in which case the member shall receive full credit for the member's service prior to the member's termination. Members who do not elect to repay within 31 days of return to covered employment may elect to purchase previously forfeited service any time prior to retirement. Such purchase shall be made by a lump-sum payment equal to 1.75% of the member's current annual salary for each quarter of previously forfeited participating service which the member elects to repurchase. Upon receipt of such payment by the system the member shall receive full credit for the number of previously forfeited quarters of participating service which the member has elected to repurchase. Any member who repurchases all of the member's previously forfeited participating service credit shall also receive all of the member's previously forfeited prior service credit.

(3) Upon termination and withdrawal of accumulated contributions, any member whose employment was, up to the member's employer's entry date, covered by a pension system established under the provisions of K.S.A. 13-14a01 to 13-14a14, and amendments thereto, or K.S.A. 14-10a01 to 14-10a15, and amendments thereto, shall be entitled to receive from the member's employer the sum of the member's accumulated contributions to the previous pension system.

(4) If a member has completed 20 years of credited service at date of termination, the member shall be granted automatically a vested retirement benefit in the system, but any time prior to the commencement of retirement benefit payments and before attaining age 55 the member may withdraw the member's accumulated contributions, whereupon the member's membership in this system ceases and no other amounts shall be payable for the member's prior and participating service credit. (Eligibility of

(continued)

such member, who has not withdrawn the member's accumulated contributions, for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 1982 Supp. 74-4957 and amendments thereto, except that in lieu of the three-month notice of intention to retire being made to the employer, such member shall make application for retirement in such form as may be prescribed by the board and retirement benefits shall accrue from the first day of the month following receipt of such application. The amount of the retirement benefit shall be determined as provided in K.S.A. 74-4958 and amendments thereto.

(5) If a member, who has a vested retirement benefit, again becomes an employee of a participating employer, the amount of the member's vested retirement benefit shall remain in effect, and any retirement benefit such member subsequently accrues shall be calculated separately based on credited service after again becoming such an employee and shall be added to that which had been vested by virtue of previous service. Eligibility of such member for retirement benefits and procedures for making application for retirement benefits shall be in accordance with K.S.A. 1982 Supp. 74-4957 and amendments thereto.

Sec. 18. K.S.A. 1982 Supp. 74-4989 is hereby amended to read as follows: 74-4989. (1) ~~After June 30, 1982,~~ Upon the death of a retirant, the board of trustees of the Kansas public employees retirement system shall pay an amount for reasonable funeral and burial expenses a lump-sum death benefit which shall not exceed \$750 \$1,000 for such retirant, less any amounts amount payable for such purposes under the federal social security act or funeral benefits under the applicable provisions of any local police or fire pension plan, as defined by subsection (c) of K.S.A. 12-5001 and amendments thereto.

(2) As used in this section, "retirant" means any person who is a member or special member of the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system or the retirement system for judges and who has retired.

New Sec. 19. Each person who is an employee of a participating employer on June 17, 1983, who was barred from membership in the Kansas public employees retirement system under the law in effect on June 17, 1983, by reason of having attained age 59 at entry of employment, and who is made eligible by this act to be a member of the Kansas public employees retirement system, may make election in accordance with this section to become a member of that system. No such person shall become a member of the Kansas public employees retirement system in accordance with this section and K.S.A. 74-4911 or 74-4935, whichever is applicable, and amendments to such sections, unless such person files a written statement of election to become a member of the system under this section. A written statement of election to become a member of the system shall be filed with the board of trustees. Each election by filing a written statement of election under this section shall be effective on the first day of the first payroll period of the reporting quarter coinciding with or following the date of such filing and shall be irrevocable.

New Sec. 20. (a) Any member age 70 or older, who is a member of the Kansas public employees retirement system under the law in effect on June 17, 1983, may, after June 18, 1983, elect to be covered by the provisions of K.S.A. 74-4919 to 74-4919j, inclusive, and 74-4939, and amendments to these sections.

(b) No such person shall be covered by such provisions unless such person files a written statement of election with the board of trustees. Each election by filing a written statement of election under this section shall be effective on the first day of the first payroll period of the reporting quarter coinciding with or following the date of such filing and shall be irrevocable.

New Sec. 21. Any employee contributions made under the provisions of K.S.A. 1982 Supp. 74-49a162 shall be refunded.

New Sec. 22. Notwithstanding the provisions of subsection (1)(b) of K.S.A. 74-4956 and amendments thereto to the contrary, an individual who became a member of the Kansas public employees retirement system on January 1, 1971, and who was purchasing military service credit by means of double deduc-

tions under K.S.A. 74-4919h and amendments thereto until such purchasing was terminated on January 1, 1980, due to such member's transfer of membership to the Kansas police and firemen's retirement system on that date, shall have all military service which was purchased prior to January 1, 1980, credited as participating service credit under the Kansas police and firemen's retirement system.

New Sec. 23. Notwithstanding the provisions of K.S.A. 74-4911 and 74-4913, and amendments to these sections, to the contrary, an employee who became a member of the Kansas public employees retirement system on January 18, 1981, and who was employed by the same participating employer from December 1974 to the present shall have the membership date amended to December 1, 1974, and participating service shall be granted for the period of December 1, 1974, to January 18, 1981, upon receipt of the appropriate employee and employer contributions.

New Sec. 24. Notwithstanding the provisions of K.S.A. 74-4911 and 74-4913, and amendments to these sections, to the contrary, an employee who became a member of the Kansas public employees retirement system on January 18, 1981, and who was first employed by a participating employer from June 1945 through January 15, 1948, shall be entitled to receive, upon retirement, prior service credit for such employment prior to January 1, 1962, and the membership date shall be amended to January 1, 1978, and participating service shall be granted for the period of January 1, 1978, to January 18, 1981, upon receipt of the appropriate employee and employer contributions.

Sec. 25. K.S.A. 74-4911, 74-4913, 74-4919i, 74-4935, 74-4936 and 74-4939 and K.S.A. 1982 Supp. 20-2610, 20-2610a, 74-4914, 74-4917, 74-4919, 74-4920, 74-4927a, 74-4927b, 74-4937, 74-4963, 74-4989 and 74-49a162 are hereby repealed.

Sec. 26. This act shall take effect and be in force from and after June 18, 1983, and its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body March 25, 1983.

HOUSE concurred in SENATE amendments April 23, 1983.

MIKE HAYDEN

*Speaker of the House.*

GENEVA SEWARD

*Chief Clerk of the House.*

Passed the SENATE as amended April 20, 1983.

*President of the Senate.*

LU KENNEY

*Secretary of the Senate.*

APPROVED May 2, 1983.

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 2nd day of May, 1983.

JACK H. BRIER

*Secretary of State.*

(SEAL)

(Published in the KANSAS REGISTER, May 5, 1983.)

## SENATE BILL No. 389

AN ACT concerning the department of administration; relating to accessibility of certain state building construction documents; amending K.S.A. 1982 Supp. 75-5414 and repealing the existing section.

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

Section 1. K.S.A. 1982 Supp. 75-5414 is hereby amended to read as follows: 75-5414. (a) The secretary of administration shall obtain and maintain copies of all drawings, specifications, contracts, change orders, field orders, warranties and other documents relating to all capital improvement projects for the construction of buildings or for major repairs or improvements to buildings for state agencies. It is the responsibility of the secretary of administration to prepare all of the necessary documentation to support claims by the state against any project architect, contractor, manufacturer, supplier or other person regarding any such capital improvement project.

(b) It is the responsibility of each state agency for which such a capital improvement project was completed to initially refer all claims on behalf of the state arising from the project to the secretary of administration. The secretary of administration shall attempt to effect an informal or formal resolution of all such claims in a manner satisfactory to the interests of the state. Failing such a resolution, the secretary of administration shall refer and the state agency for which the project was completed may refer all such claims to the attorney general for action. Written notice of each such referral to the attorney general shall be given to the governor by the secretary of administration and the state agency making such referral. Upon each such referral, the attorney general shall institute and prosecute all appropriate legal proceedings regarding such claims.

(c) On or before November 15 each year, the secretary of administration shall report to the joint committee on state building construction as to the nature and status of all claims made on behalf of the state arising from state projects for the construction of buildings or major repairs or improvements to buildings which are referred to or acted on by the secretary of administration under this section, and shall include in such report any recommendations deemed appropriate by the secretary of administration.

(d) *No document required to be kept and maintained under this section which relates to any correctional institution, as defined by K.S.A. 75-5202 and amendments thereto, or any other facility under the jurisdiction and control of the secretary of corrections or to any secured area or other area where public access is limited, shall be open for public inspection or reproduction under K.S.A. 45-201 and 45-202, and amendments thereto. The secretary of administration may limit reproduction of any other documents required to be kept and maintained under this section which may be used for commercial or similar purposes to the extent deemed appropriate by the secretary in the best interests of the state, except that there shall be no limitation on the reproduction of documents pertaining to buildings on the state or national register of historic places unless inspection of any such document is prohibited by the terms of the preceding sentence.*

Sec. 2. K.S.A. 1982 Supp. 75-5414 is hereby repealed.

Sec. 3. 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 SENATE, and passed that body March 16, 1983.

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

Passed the HOUSE April 23, 1983.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 29, 1983.

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 29th day of April, 1983.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

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