

# KANSAS REGISTER

State of Kansas

JACK H. BRIER  
Secretary of State

Vol. 4, No. 16

April 18, 1985

Pages 577-672

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## State of Kansas

**BOARD OF ACCOUNTANCY****NOTICE OF MEETING**

The Kansas Board of Accountancy will meet at 8:30 a.m., Wednesday, April 24, 1985, in Conference Room D, Room 237, 503 Kansas Ave., Topeka. Persons interested in agenda items or in attending the meeting should contact the Board office at (913) 296-2162.

GLEENDA SHERMAN  
Board Secretary

Doc. No. 003095

## State of Kansas

**STATE HISTORICAL SOCIETY  
HISTORIC SITES BOARD OF REVIEW****NOTICE OF MEETING**

The Kansas Historic Sites Board of Review will inspect properties proposed for National Register nomination and other historic sites in Kansas City, KS, on Friday, May 3, 1985. The board will leave from the Holiday Inn, 424 Minnesota, Kansas City, at 1:30 p.m.

The board will hold its regular business meeting at 9 a.m., Saturday, May 4, 1985, in the Soldiers and Sailors Memorial Building, Third Floor Chapel, 600 N. 7th, Kansas City.

The following properties will be evaluated for nomination to the National Register of Historic Places and/or the Register of Historic Kansas Places:

Briles School, SW¼, Sec. 30, T16S, R21E, Ottawa vicinity, Franklin County

Frank R. Lanter House, 562 W. Park St., Olathe, Johnson County

Strang Car Barn, 7400 W. 79th St., Overland Park, Johnson County

Fairmount Cottage, 1717 Fairmount, Wichita, Sedgwick County

Kress Building, 224 E. Douglas, Wichita, Sedgwick County

John L. Veselik House, SE¼, Sec. 15, T9S, R41W, Ruleton vicinity, Sherman County

Light Hardware Building, 100 E. Rutledge, Yates Center, Woodson County

Woodson County Courthouse, Town Square, Yates Center, Woodson County

Fire Station No. 9 (Prescott Neighborhood Center), 2 S. 14th St., Kansas City, Wyandotte County

Scottish Rite Temple, 803 N. 7th, Kansas City, Wyandotte County

Soldiers and Sailors Memorial Building, 600 N. 7th, Kansas City, Wyandotte County

JOSEPH W. SNELL  
Executive Director

Doc. No. 003091

## State of Kansas

**DEPARTMENT OF HEALTH  
AND ENVIRONMENT****NOTICE OF HEARING**

The Kansas Department of Health and Environment will conduct a public hearing regarding the Certificate of Need application #4-JO-078 from Charter Medical Corporation for the development of a 52-bed psychiatric hospital in Johnson County, KS, at a cost of \$6,276,202.

The hearing will begin at 1 p.m., May 6, 1985, at the Johnson County Northeast Office Facility, 6000 Lamar, Mission, KS. Any person will be allowed to present oral or written testimony.

BARBARA J. SABOL  
Secretary of Health  
and Environment

Doc. No. 003103

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



PHONE: 913/296-3489

## State of Kansas

## DEPARTMENT OF HUMAN RESOURCES

## NOTICE OF GRANT APPLICATIONS IN REVIEW

Below are applications which have been submitted to the Kansas Review Process. For those requiring review, comments should be sent to the Kansas Single Point of Contact, Judy Krueger, Kansas Department of Human Resources, Office of the Secretary, 401 Topeka Ave., Topeka, KS 66603. The due date for comments is indicated.

**KS850405-001-10422LB**—Application to the Department of Agriculture for \$975,000 to build a 40,000 sq. foot. shopping mall that will house over twenty different types of businesses on East Highway 160 in Parsons, KS. Contact Jerry Dhooge, D & D Enterprises, Inc., Box 797, Parsons, KS 67357, 316/421-3950. Comments due by May 15, 1985.

**KS850405-002-10415LB**—Application to the Department of Agriculture for \$1,140,000 for a new forty-eight unit senior citizens housing project with a laundry facility and community room. Contact JoAnn LaChance, Parsons Senior Rural Rental Housing, 2913 Plass Ct., Topeka, KS 66611, 913/266-6133. Comments due by May 15, 1985.

**KS850408-004-13600WY**—Application to the Department of Health and Human Services for \$101,093 to continue operating a Head Start Program. Contact John Mills, Bonner Springs U.S.D. 204, Bonner Springs, KS 66012, 913/441-2828. No review required.

**KS850408-001-13888CY**—Application to the Department of Health and Human Services for \$32,175 to provide a prescribed package of home health services to the community which would decrease the number of hospital days per patient, assist the physician and hospital in providing continued care, establish rehabilitation program and screening procedures, etc. Contact Cheryl Scott, RN, Clay County Home Health Agency, 603 4th, Clay Center, KS 67432, 913/632-3646. Comments due by May 20, 1985.

*The following grants have been awarded:*

The Department of Occupational Safety and Health Administration has awarded \$90,000 to the United Rubber, Cork, Linoleum and Plastic Workers of America and \$110,000 to the Kansas Electric Cooperatives in Topeka. The New Directions grant program provides "seed money" which is needed to develop an organization's staff, skills, and services to become a self-sufficient resource center for job safety and health.

LARRY E. WOLGAST, Ed.D.  
Secretary of Human Resources

Doc. No. 003104

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICESNOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES

Notice is hereby given of the commencement of negotiations for engineering services for evaluating and recommending modifications to the heating, ventilating and air conditioning system for the Bell Memorial Hospital, University of Kansas Medical Center, Kansas City, KS.

Interested firms must be permitted by law to practice engineering in the state of Kansas.

Firms interested in providing professional services should contact Warren Corman, Board of Regents, Suite 609, Capitol Tower, 400 S. W. 8th, Topeka, KS 66603, (913) 296-3421, prior to May 3, 1985.

Questions of a technical nature concerning the scope of the project should be addressed to Gerald Imming at the University of Kansas Medical Center, (913) 588-5267.

JOHN B. HIPPI, AIA  
Director, Division of  
Architectural Services

Doc. No. 003098

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF ARCHITECTURAL SERVICESNOTICE OF COMMENCEMENT  
OF NEGOTIATIONS  
FOR ENGINEERING SERVICES

Notice is hereby given of the commencement of negotiations for engineering services to provide construction documents for an access road and parking lot for the Winfield State Hospital and Training Center, Winfield, KS.

The project includes concrete curb and gutter, culvert, curb outlets, substrate preparation, rock base, asphalt paving and a cost analysis.

Construction documents include specifications, drawings, details, elevations, sections for cut and fill and dimensions locating existing conditions. All documents shall be suitable for bidding. Current site survey and road and parking lot layout shall be provided by owner.

Interested firms must be permitted by law to practice engineering in the state of Kansas.

Questions or expressions of interest should be directed to Gary LaShell, Architectural Consultant, Mental Health and Retardation Services, Department of Social and Rehabilitation Services, Fifth Floor, State Office Building, 915 Harrison, Topeka, KS 66612, telephone 913/296-3771, prior to May 3, 1985.

JOHN B. HIPPI, AIA  
Director, Division of  
Architectural Services

Doc. No. 003099

(Published in the KANSAS REGISTER, April 18, 1985)

## State of Kansas

### DEPARTMENT OF TRANSPORTATION

#### NOTICE TO CONSULTING ENGINEERS

The Kansas Department of Transportation (K.D.O.T.) is seeking to engage a qualified engineering firm for the following projects:

**Brown County—75-7 K-2597-01/BHF 063-4(31) and 36-7 K-2636-01/BHF 092-4-(38)**—replacement of Cedar Creek Bridge #021, 0.10 mile north of US-36 and Cedar Creek Bridge #001, 0.24 mile east of US-75.

**Shawnee County—470-89 K-2366-01/IR 470-5(172)**—replacement of eastbound and westbound bridges over 37th Street and the south branch of Shunganunga Creek.

**Wyandotte County—70-105 K-2447-01/IR 70-6(85)**—pavement reconstruction from junction of US-69 (7th Street) to junction of US-24 (Intercity Viaduct).

**Sedgwick County—2-87 K-2583-01/BHF 022-1(13) and 2-87 K-2600-01/BHF 022-1(14)**—replacement of Cowskin Creek Bridges #171 and #172, 2.72 miles southwest of I-235 and replacement of the Flood Canal Bridges #173 and #174, 0.31 mile southwest of I-235.

**Sedgwick County—96-87 K-2598-01/BHF 044-1(38)**—replacement of Missouri Pacific Railroad Bridge, 0.51 mile east of Reno-Sedgwick County line.

Firms expressing interest in these projects must respond in writing and complete the Consulting Engineers Qualification Questionnaire (if not already prequalified) by April 26, 1985.

It is the policy of the K.D.O.T. to use the following criteria as the basis for selection of engineering consultant firms:

1. Size and professional qualifications of firm.
2. Experience of staff.
3. Location of firm with respect to proposed project.
4. Work load of firm.
5. Firm's performance.

**JOHN B. KEMP**  
Secretary of Transportation

Doc. No. 003076

(Published in the KANSAS REGISTER, April 18, 1985)

## State of Kansas

### DEPARTMENT OF TRANSPORTATION

#### NOTICE TO CONTRACTORS

Notice is hereby given that sealed proposals for the construction of road and bridge work in the following Kansas counties will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, KS, until 10:00 a.m., C.D.T., May 16, 1985 and then publicly opened:

#### DISTRICT ONE—Northeast

**Johnson—46 K-2670-01**—Firearm Range west of

Weigh Station south of Olathe, grading and fencing. (State Funds)

**Johnson—56-46 K-2418-02**—New connection of US-56 to I-35 at Gardner, 2.3 miles, grading and surfacing. (Federal Funds)

**Wyandotte—105 C-2150-01**—County road, 5.0 miles north of US-24 at US-73, then east, 2.0 miles, surfacing. (Federal Funds)

**Wyandotte—105 U-0978-01**—Channelization at I-35 and Mission Road. (Federal Funds)

#### DISTRICT TWO—Northcentral

**Chase, Clay, Cloud, Dickinson, Ellsworth, Geary, Jewell, Lincoln, Marion, McPherson, Mitchell, Morris, Ottawa, Republic, Saline, Washington—106 M-1375-01**—Cold milling of bridge decks in District Two. (Federal Funds)

**Chase—50-9 K-2027-01**—US-50, Peyton Creek bridge 19, 3.9 miles east of Strong City, 0.2 mile, bridge replacement. (Federal Funds)

**Chase—59 C-1984-01**—County road, 0.5 mile west of Windom at junction of US-56, then south, 7.0 miles, surfacing. (Federal Funds)

**Jewell—14-45 M-1376-01**—K-14, White Rock Creek bridge 18, 8.22 miles northwest of junction US-36, 0.3 mile, milling. (State Funds)

**Mitchell—62 C-0722-01**—County road, 0.5 mile west of Beloit, then west, 0.2 mile, bridge replacement. (Federal Funds)

**Saline—135-85 M-1374-01**—I-135, 9.4 miles north of McPherson County line in 0.4 mile north of junction I-135 and I-70, patching. (State Funds)

#### DISTRICT THREE—Northwest

**Gove—70-32 M-1382-01**—I-70, Gove-Logan county line east to Campus Road interchange, 4.3 miles, milling. (State Funds)

**Logan—83-55 K-0536-01**—US-83, junction US-40 north to Logan-Thomas county line, 1.0 mile, grading and surfacing. (Federal Funds)

**Logan—40-55 K-2695-01**—US-40, 0.1 mile west of east junction US-40 and US-83 west 0.8 mile, overlay. (State Funds)

**Logan—70-55 M-1381-01**—I-70, Logan-Thomas county line southeast 0.8 mile to Logan-Gove county line, milling. (State Funds)

**Logan—55 C-1661-01**—County road, 0.3 mile east of junction K-25 at Russell Springs, then east, 0.1 mile, bridge replacement. (Federal Funds)

**Rawlins—77 C-1638-01**—County road, 6.0 miles south and 13.0 miles east of Atwood, then east, 0.2 mile, bridge replacement. (Federal Funds)

**Sherman—70-91 M-1378-01**—I-70, junction I-70 and K-253 east to Sherman-Thomas county line, 7.9 miles, milling. (State Funds)

**Thomas—83-97 K-0895-01**—US-83, Logan-Thomas county line, then north, 3.0 miles, grading and surfacing. (Federal Funds)

Thomas—70-97 M-1379-01—I-70, Thomas-Sherman county line, east 4.4 miles, milling. (State Funds)

Thomas—70-97 M-1380-01—I-70, junction I-70 and K-25 southeast to Logan-Thomas county line, 20.9 miles, milling. (State Funds)

#### DISTRICT FOUR—Southeast

Coffey—16 C-1816-01—County secondary road, 5.7 miles south of Waverly, south 1.5 miles, grading. (Federal Funds)

Crawford—69-19 M-1370-01—US-69, south junction US-160 north on US-69 to north junction US-69B, 7.7 miles, shoulders. (State Funds)

Elk—160-25 X-1035-02—Crossing of Atchison, Topeka and Santa Fe Railroad on US-160 in Longton, grading and surfacing. (Federal Funds)

Franklin—35-30 M-1362-01—Safety Rest Areas #2507 and #2508, 6.8 miles east of Osage-Franklin county line, safety rest area. (State Funds)

Labette—160-50 K-0499-02—US-160, Bridges 25, 26, 27, 28 and 29 east of Parsons, bridge replacement. (Federal Funds)

Montgomery—160-63 M-1369-01—US-160, 0.65 mile east of the city limits of Independence then east to the south junction of US-169, 5.0 miles, concrete patching. (State Funds)

#### DISTRICT FIVE—Southcentral

Barton—5 C-1483-01—County secondary road, 2.3 miles north and 0.6 mile east of Albert, then east, bridge replacement. (Federal Funds)

Cowley—166-18 M-1351-01—US-166, 11.3 miles east of US-77, slide repair. (State Funds)

Kingman—48 C-1433-01—County secondary road, 0.5 mile south and 12.0 miles east of Kingman, then east, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—48 C-1434-01—County secondary road, 0.5 mile south and 15.0 miles east of Kingman, then east, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—48 C-1436-01—County secondary road, 0.6 mile south and 14.8 miles east of Kingman, then south, 0.1 mile, bridge replacement. (Federal Funds)

Kingman—48 C-1439-01—County road, 2.5 miles east and 1.5 miles north of Nashville, then north, 0.1 mile, bridge replacement. (Federal Funds)

Reno—78 C-2071-01—County secondary road, 4.2 miles west of Haven, then north, 2.8 miles, surfacing. (Federal Funds)

Sumner—81-96 K-2517-01—US-81, Chikaskia River bridge 44, 6.5 miles east of K-49, bridge repair. (Federal Funds)

Sumner—81-96 K-2518-01—US-81, Shoo Fly Creek bridge 45, 10.5 miles east of K-49, bridge repair. (Federal Funds)

#### DISTRICT SIX—Southwest

Hodgeman—42 C-1601-01—County secondary road, 5.8 miles south of Hanston, then south, 0.1 mile, bridge replacement. (Federal Funds)

Ness—283-68 K-2669-01—US-283, Pawnee River bridge 1, 0.84 mile north of Hodgeman-Ness county line, bridge replacement. (Federal Funds)

Scott—86 C-1619-01—County secondary road, 7.0 miles south and 4.0 miles west of Scott City, then west, 1.0 mile, surfacing. (Federal Funds)

Seward—88 C-2081-01—County secondary road, 2.5 miles east of the junction of US-54 at Liberal, then east, 5.0 miles, surfacing. (Federal Funds)

Proposals will be issued upon request to all prospective bidders who have been prequalified by the Kansas Department of Transportation on the basis of financial condition, available construction equipment, and experience. Also, a statement of unearned contracts (Form No. 284) must be filed. There will be no discrimination against anyone regardless of race, religion, color, sex, physical handicap, national origin or ancestry in the award of contracts.

Plans and specifications for the project(s) may be examined at the offices of the respective County Clerks or at the Kansas Department of Transportation district offices responsible for the work.

JOHN B. KEMP  
Secretary of Transportation

Doc. No. 003107

#### State of Kansas

#### ATTORNEY GENERAL

#### Opinion No. 85-32

**Cities and Municipalities—Public Utilities—Power of City to Sell Service Generally; Disposition of Supplier Refunds.** Dennis D. Roth, Burlington City Attorney, Burlington, April 8, 1985.

Where a municipal utility passes on to its customers a substantial refund received from a supplier, the refund must be distributed to customers on the basis of actual usage during the overcharge period. Additionally, in regard to any service area where the utility is under the jurisdiction of the Kansas Corporation Commission (K.C.C.), refund guidelines of the K.C.C. must be followed. Cited herein: K.S.A. 66-104. TRH

#### Opinion No. 85-33

**Agriculture—Conservation Districts—Employees; Authority To Pay Expenses.** Kenneth Kern, Executive Director, State Conservation District, April 8, 1985.

Kansas conservation districts are not authorized under the provisions of K.S.A. 2-1901 *et seq.* to pay district employees for mileage, lodging or meal expenses incurred while performing duties away from the office. However, pursuant to K.S.A. 2-1907, a supervisor of a district may be reimbursed for such expenses. Cited herein: K.S.A. 2-1901, 2-1904, 2-1907, 2-1907b, 2-1907c, 75-3201. MWB

ROBERT T. STEPHAN  
Attorney General

Doc. No. 003106

## 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 Bldg., Topeka, KS, until 2 p.m., CST or DST, whichever is in effect on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, APRIL 29, 1985

#A-5066

Department of Transportation, Topeka—PROVIDE RENOVATION OF VENTILATION SYSTEM, Paint Shop

#26526

University of Kansas Medical Center, Kansas City; University of Kansas, Lawrence; and Kansas State University, Manhattan—BLOOD BANK PRODUCTS AND RELATED SPECIALITIES

#26529

Statewide—CALCULATORS

#26531

University of Kansas, Lawrence—PRINTING INK

#61372

Topeka State Hospital, Topeka—RIDING MOWER

#61373

Kansas Correctional Industries, Lansing—ALUMINUM SHEETS

#61374

University of Kansas, Lawrence—POND LINERS

#61381

Kansas State University, Manhattan—COMPUTER ROOM ENVIRONMENTAL CONTROL SYSTEM

#61382

University of Kansas Medical Center, Kansas City, and Department of Revenue, Topeka—CONTINUOUS FORMS

#61384

Department of Administration, Buildings and Grounds Services, Topeka—PARTS FOR A CHILLER

#61385

Kansas State University, Manhattan—MEAT SHAPER

#61386

Kansas State University, Manhattan—LAB APPARATUS

#61388

Department of Social and Rehabilitation Services, Topeka—ACA STRIPED TICKING, Kansas Industries for the Blind, Kansas City

#61390

University of Kansas Medical Center, Kansas City—LAB LABELS

#61391

University of Kansas, Lawrence—HPLC SYSTEM

#61393

University of Kansas, Lawrence—LAB WORK STATION AND INCUBATOR

#61396

University of Kansas, Lawrence—PRINTING AND BINDING OF: "TRUE TALES OF KANSAS" AND "NATURE AND LIMITS OF AUTHORITY"

#61397

Wichita State University, Wichita—VIDEO EQUIPMENT

#61398

Department of Social and Rehabilitation Services, Topeka—CONTINUOUS FORMS—FP-T

#61399

Kansas State Penitentiary, Lansing—VEHICLES

#61400

Department of Social and Rehabilitation Services, Topeka—UNFINISHED TERRY CLOTH TOWELS AND POTHOLDERS

#61403

Department of Transportation, Hutchinson—LIGHT POLES AND SHEAR BASES, Wichita

#61411

University of Kansas, Lawrence—AUDIO AND VIDEO EQUIPMENT

#61413

Wichita State University, Wichita—TERMINALS—IBM 3274-41D COMPATIBLE

#61414

Wichita State University, Wichita—OFFICE FURNITURE

#61416

Kansas State University, Manhattan—PROVIDE ELECTRICAL SERVICE

#61417

Department of Transportation, Topeka—GASOLINE PUMPS

#61418

Department of Transportation, Chanute—HERBICIDE

#61419

Kansas State University, Manhattan—MILO AND CORN

#61426

University of Kansas Medical Center, Kansas City—PULSE OXIMETERS

#61427

University of Kansas Medical Center, Kansas City—SURGICAL INSTRUMENTS

#61429

Wichita State University, Wichita—CORE DRILL ASSEMBLY

#61430

University of Kansas, Lawrence—RESURFACE TENNIS COURTS

#61432

Kansas State University, Manhattan—COMPUTER SOFTWARE FOR MATHEMATICAL PROGRAMMING MODEL

#61433

University of Kansas, Lawrence—MEMORY BOARD—VAX 11/780 COMPATIBLE

TUESDAY, APRIL 30, 1985

#A-5129

Kansas State Historical Society, Topeka—REROOF GOODNOW BARN, Manhattan

#A-5173

Department of Corrections, Topeka—RENOVATE BRINE TANKS, Power Plant Facility, Kansas State Industrial Reformatory, Hutchinson

#26530

Kansas State Agencies—COFFEE AND TEA

#61394

Kansas State University, Manhattan—MICROSCOPE

#61404

University of Kansas, Lawrence—HPLC APPARATUS

#61415

Kansas Correctional Industries, Lansing—  
HARDWOOD LUMBER

#61420

Department of Social and Rehabilitation Services,  
Topeka—CONTINUOUS MAILERS—FP-1520—  
FOOD STAMP

#61425

Kansas Fish and Game Commission, Pratt—  
FLOATING TROUT FEED, Milford and Pratt Fish  
Hatcheries

#61428

University of Kansas Medical Center, Kansas City—  
ELECTROSURGICAL UNIT

#61431

Kansas Technical Institute, Salina—RF SIGNAL  
GENERATORS

#61434

Kansas State University, Manhattan—WORD  
PROCESSOR

#61435

University of Kansas Medical Center, Kansas  
City—HOSPITAL STEREOTAXIC SYSTEM

#61437

Pittsburg State University, Pittsburg—  
RUBBER-TIRED TRACTOR-LOADER BACKHOE

#61438

Wichita State University, Wichita—ELECTRICAL  
SUPPLIES

#61439

Wichita State University, Wichita—PULSE  
OXIMETER AND MISCELLANEOUS  
RESPIRATORY EQUIPMENT

#61441

University of Kansas Medical Center, Kansas  
City—TISSUE PROCESSOR

#61450

Pittsburg State University, Pittsburg—ELEVATOR  
REPAIR

### WEDNESDAY, MAY 1, 1985

#A-5037

Department of Transportation, Wichita—  
CONSTRUCT ELECTRONIC REPAIR FACILITY  
AND EQUIPMENT STORAGE

#26528

Statewide—JUNE (1985) MEAT PRODUCTS

#61440

Fort Hays State University, Hays—  
MICROPROCESSOR CLINICAL DIAGNOSTIC  
AUDIOMETER

#61449

Kansas State University, Manhattan—LIQUID  
SCINTILLATION SYSTEM

### THURSDAY, MAY 2, 1985

#26523

University of Kansas Medical Center, Kansas  
City—BLOOD BANK SETS

#26527

Department of Social and Rehabilitation Services,  
Topeka—LICENSED SECURITY GUARD SERVICE

### FRIDAY, MAY 3, 1985

#A-4897

University of Kansas, Lawrence—ROOFING  
SYSTEMS REPLACEMENT, Carruth-O'Leary Hall  
and Templin Hall

#A-4897(a)

University of Kansas, Lawrence—REROOFING OF  
BUILDING C, Jayhawk Towers Complex

#A-5074

Department of Transportation, Dodge City—  
REROOF SUB-AREA BUILDING

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 003111

State of Kansas

## SECRETARY OF STATE

### NOTICE

Executive appointments made by the Governor, and in some cases by other state officials, are filed with the Secretary of State's office.

Complete listings of state agencies, boards and commissions are included in the Kansas Directory. County officials are listed in the Directory of County Officers. Both directories are published by the Secretary of State's office and are available free of charge.

#### EXECUTIVE APPOINTMENTS

(Appointments filed February 15  
through March 14, 1985)

[Eff.: effective date; Repl.: replaces; Reapp.: Reappointment; Exp.: Appointment expires.]

#### *Appointed by the Governor*

##### Abstractors' Board of Examiners

Alice A. Macke, Box 206, Seneca 66538. Eff. 2-15-85. Exp. 6-30-87. Reapp.

##### Armory Board, Kansas

Stanley L. Smith, 113 E. 14th, Pittsburg 66762. Eff. 2-15-85. Exp. 12-1-88. Reapp.

##### Community Colleges, Advisory Council of

Kay M. Groneman, 6900 Parallel, Kansas City 66102. Eff. 2-15-85. Exp. 1-12-87. Repl. Marilyn Harwood.

Dr. Donald W. Wilson, 515 E. Ford, Pittsburg 66762. Eff. 2-15-85. Exp. 5-30-85. Repl. Dr. John E. Visser, resigned.

##### Emergency Medical Services Council

Jay Scott Emler, 804 N. Main, Lindsborg 67456. Eff. 2-15-85. Exp. 7-31-85. Repl. V. Brent Eilts, resigned.

Lorin Kasper, Jr., 1412 12th, Clay Center 67432. Eff. 2-15-85. Exp. 6-30-88. New position.

James P. Kramer, P.O. Box 177, Bogue 67625. Eff. 2-15-85. Exp. 6-30-88. New position.

Rep. Bill Roy, Jr., 1301 S.W. Harrison, C-31, Topeka 66612. Eff. 2-15-85. Exp. 1-12-87. New position.

##### Grain Sorghum Commission, Kansas

Dennis Hommon, Smith Center 66967. Eff. 2-15-85. Exp. 6-30-88. Reapp.

Melvin Minor, Route 2, Stafford 67578. Eff. 2-15-85. Exp. 6-30-88. Repl. Ralph Henning.

Gregory K. Shelor, P.O. Box 56, Minneola 67865. Eff. 2-15-85. Exp. 6-30-85. Repl. Clint Thomason, resigned.

(continued)

Leon Suderman, Route 2, Hillsboro 67063. Eff. 2-15-85. Exp. 6-30-88. Reapp.

**Mental Health and Retardation Services and  
Community Mental Health Programs,  
Advisory Commission on**

Paul K. Kennedy, 3407 W. 21st, Topeka 66604. Eff. 2-15-85. Exp. 5-14-88. Reapp.

James E. Marshall, 525 N.W. Hamilton Lane, Topeka 66617. Eff. 2-15-85. Exp. 5-14-88. Reapp.

Ronald L. Martin, M.D., 5411 Falmouth, Fairway 66205. Eff. 2-15-85. Exp. 5-14-88. Repl. Sheldon Preskorn, M.D.

Dr. Karl A. Menninger, 1819 Westwood Circle, Topeka 66604. Eff. 2-15-85. Exp. 5-14-88. Reapp.

Elwaine F. Pomeroy, 1619 Jewell, Topeka 66604. Eff. 2-15-85. Exp. 5-14-88. Repl. Carrol Mills.

Steven J. Solomon, Ph.D., 4826 W. 78th Terr., Prairie Village 66208. Eff. 2-15-85. Exp. 5-14-88. Reapp.

**Public Disclosure Commission, Kansas**

Richard E. Dietz, 611 W. New Hampshire, Osborne 67473. Eff. 2-15-85. Exp. 1-31-87. Reapp.

**Savings and Loan Commissioner**

Marvin S. Steinert, 2500 S.W. Ashworth, Topeka 66614. Eff. 2-15-85. Subject to Senate confirmation. Exp. 1-15-89. Reapp.

**Associate District Judge,  
6th Judicial District, Pos. 2**

Gerald W. Hart, 24 Steen, Fort Scott 66701. Eff. 2-19-85. Term will expire when a successor is elected and qualifies according to law. Repl. Stephen Hill, resigned.

*Appointed by the President of the Senate*

**Children and Youth Advisory Committee**

Sen. Bill Morris, 9822 Hardtner, Wichita 67212. Eff. 1-14-85. Exp. 1-9-89. Reapp.

Sen. Jack D. Walker, 10107 Hardy Dr., Overland Park 66212. Eff. 1-14-85. Exp. 1-9-89. Repl. Sen. Jim Allen.

**Juvenile Offender Programs, Advisory Commission on**

Sen. Alicia Salisbury, 3154 S.W. 15th, Topeka 66604. Eff. 1-14-85. Exp. 1-9-89. Repl. Sen. Elwaine Pomeroy.

**Legislative Post Audit Committee**

Sen. Neil Arasmith, 59 Sunset Dr., Phillipsburg 67661. Eff. 1-14-85. Exp. 1-9-89. Reapp.

Sen. August Bogina, Jr., 13513 W. 90th Place, Lenexa 66215. Eff. 1-14-85. Exp. 1-9-89.

Sen. Ben Vidricksen, 1314 Sunrise Dr., Salina 67401. Eff. 1-14-85. Exp. 1-9-89. Reapp.

**Pesticide Advisory Board**

Sen. Jim Allen, Route 3, Ottawa 66067. Eff. 1-14-85. Exp. 1-9-89. Reapp.

**Public Disclosure Commission, Kansas**

Lowell Abeltdt, 900 N.W. 2nd, Abilene 67410. Eff. 2-1-85. Exp. 1-31-87. Reapp.

*Appointed by the Senate Minority Leader*

**Juvenile Offender Programs, Advisory Commission on**  
Sen. Nancy Parrish, 3632 S.E. Tomahawk Dr., Topeka 66605. Eff. 3-6-85. Exp. 1-9-89. Reapp.

**Public Disclosure Commission, Kansas**

Jim Guffy, Sr., 730 S. Washington, Chanute 66720. Eff. 3-11-85. Exp. 1-31-86. Repl. Joseph H. McDowell.

*Appointed by the Speaker of the House*

**Applied Remote Sensing, Kansas Commission on**  
(New commission established by  
K.S.A. 74-7701)

Rep. Harold Guldner, Box 648, Syracuse 67878. Eff. 1-16-85.

**Children and Youth Advisory Committee**

Rep. Elaine Hassler, Route 2, Abilene 67410. Eff. 2-28-85. Exp. 1-12-87. Reapp.

Rep. Larry R. Turnquist, 852 S. 10th, Salina 67401. Eff. 2-28-85. Exp. 1-12-87. Reapp.

**Juvenile Offender Programs, Advisory Commission on**

Rep. Wanda Fuller, 2808 Sennett, Wichita 67211. Eff. 2-28-85. Exp. 1-12-87. Reapp.

**Public Disclosure Commission, Kansas**

Belva Ott, 821 Litchfield, Wichita 67203. Eff. 2-26-85. Exp. 1-31-87. Repl. John Reimer.

**Turnpike Authority, Kansas**

Rep. Rex Crowell, Route 1, Box 62, Miltonvale 67466. Eff. 2-28-85. Ex officio. Reapp.

*Appointed by the House Minority Leader*

**Juvenile Offender Programs, Advisory Commission on**

Rep. Donna Whiteman, 501 E. Avenue A, Hutchinson 67501. Eff. 1-23-85. Exp. 1-12-87.

JACK H. BRIER  
Secretary of State

**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, KS, commencing at 9:30 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, KS 66612, or telephone (913) 296-3808 or 296-2110.

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



**Application set for May 14, 1985—  
TOPEKA, KANSAS**

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

Iceberg, Inc., dba ) Docket No. 145,846 M  
Santa Fe Inn )  
2511 West 18th )  
Emporia, Kansas 66801 )

Applicant's Attorney: None

*Train crews,*

Between all points and places in Lyon County, KS.

Also,

Between all points and places in Lyon County, KS,  
on the one hand, and on the other hand, all points and  
places in the state of Kansas.

\*\*\*\*\*

**Applications set for May 21, 1985—  
TOPEKA, KANSAS**

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

Raymond F. Braun, dba ) Docket No. 145,663 M  
Ray's Service )  
4th Street, U.S. 56 )  
Highway )  
Edgerton, Kansas 66021 )

Applicant's Attorney: None

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

Between all points and places in Johnson, Douglas,  
Miami and Franklin counties, KS.

\*\*\*\*\*

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

Thomas G. Pyle, dba ) Docket No. 145,687 M  
Towanda Auto Service )  
407 Main )  
Towanda, Kansas 67144 )

Applicant's Attorney: None

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

Between all points and places in Butler County, KS.

Also,

Between all points and places in Butler County, KS,  
on the one hand, and on the other hand, all points and  
places in the state of Kansas.

\*\*\*\*\*

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

Richard D. Marler, dba ) Docket No. 145,654 M  
75 Auto Salvage & )  
Used Cars )  
P.O. Box 178, Route 2 )  
Neodesha, Kansas 66757 )

Applicant's Attorney: None

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

Between all points and places in Wilson County,  
KS.

Also,

Between all points and places in Wilson County,  
KS, 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:***

Thomas A. Krone, dba ) Docket No. 138,464 M  
Tom Krone Trucking )  
503 Broadacres Road )  
R.R. 1 )  
Hutchinson, Kansas 67501 ) MC ID No. 104060

TO:

Bob Crane, dba  
Bob Crane Feed and Grain  
P.O. Box 622  
Buhler, Kansas 67522

Applicant's Attorney: None

*Grain, feed and feed ingredients,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

**Applications set for May 23, 1985—  
TOPEKA, KANSAS**

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

Braden-Deem, Inc. ) Docket No. 142,991 M  
125 North Market, )  
Suite 1250 )  
Wichita, Kansas 67202 ) MC ID No. 111948

Applicant's Attorney: Brad Murphree, 328 North  
Main, Suite 200, Wichita, Kansas 67202

*Crude oil, used in and for production, processing,  
treating, salvage, construction and for lease road  
purposes, in bulk,*

Between all points in Kansas on and west of U.S.  
Highway 81, except the counties of Stanton, Grant,  
Morton and Stevens.

\*\*\*\*\*

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

Maverick Oilfield ) Docket No. 142,467 M  
Services, Inc. )  
P.O. Box 197 )  
Great Bend, Kansas 67530 ) MC ID No. 119933

Applicant's Attorney: John Jandera, 641 Harrison  
Street, Topeka, Kansas 66603

*Crude oil, used in and for production, processing,  
treating, salvage, construction and for lease road  
purposes, salt water and fresh water,*

(continued)

Between points in Edwards, Rush, Pawnee, Barton, Stafford, Ellsworth, Rice, Russell and Pratt counties, KS.

\*\*\*\*\*

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

Innes Petroleum, Inc. ) Docket No. 145,661 M  
375 Morse Drive )  
Box 25 )  
Phillipsburg, Kansas 67661 ) MC ID No. 121199

Applicant's Attorney: None

*Crude oil, used in and for production, processing, treating, salvage, construction and for lease road purposes, in bulk, fresh water and salt water,*

To, from and between Decatur, Norton, Phillips, Sheridan, Graham and Rooks counties, KS.

\*\*\*\*\*

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

Glenn Nicholas, dba ) Docket No. 145,688 M  
Nicholas Trucking )  
Box 92 )  
Zenda, Kansas 67159 )

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

*Grain, dry feed, dry feed ingredients, hay, dry fertilizer and seed,*

Between points and places in Stafford, Reno, Harvey, Pratt, Kingman, Sedgwick, Barber, Harper and Sumner counties.

Also,

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

*Building materials and pipe,*

Between points and places in Saline and Sedgwick counties.

Also,

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

*Pet food,*

From points in Wyandotte County to points in Stafford, Reno, Harvey, Pratt, Kingman, Sedgwick, Barber, Harper and Sumner counties.

\*\*\*\*\*

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

Loren E. Gugenhan, dba ) Docket No. 145,050 M  
Gugenhan Farms )  
R.R. 2 )  
Marysville, Kansas 66508 )

Applicant's Attorney: None

*Farm machinery,*

Between all points and places in the state of Kansas.

*Fertilizer,*

Between all points and places in Douglas, Marshall, Riley, Washington, Nemaha, Clay and Republic counties, on the one hand, and all points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

Applications set for May 28, 1985—  
TOPEKA, KANSAS

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

Milon Axtell, dba ) Docket No. 37,537 M  
Axtell's Auto Service )  
722 North Logan )  
Beloit, Kansas 67420 ) MC ID No. 100396

Applicant's Attorney: None

\*\*\*\*\*

**Application for Abandonment of Local Cartage Certificate:**

Wagner Industries, Inc. ) Docket No. 90,981 M  
925 Wyoming )  
Kansas City, Missouri )  
64101 ) MC ID No. 101042

Applicant's Attorney: None

\*\*\*\*\*

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

R. W. Hunsberger ) Docket No. 145,778 M  
2115 Antler Ridge )  
Garden City, Kansas 67846 ) MC ID No. 101406

Applicant's Attorney: John Jandera, 641 Harrison Street, Topeka, Kansas 66603

*Feed and feed ingredients, seeds, hay and grain,*

Between points and places in the Kansas counties of Greeley, Wichita, Scott, Lane, Ness, Hamilton, Kearny, Finney, Gray, Hodgeman, Ford, Stanton, Grant, Haskell, Morton, Stevens, Seward, Meade and Clark.

Also,

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

\*\*\*\*\*

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

Kenneth D. Garst, dba ) Docket No. 137,257 M  
Ken's Wrecker Service )  
Box 278 )  
Glasco, Kansas 67445 ) MC ID No. 116196

TO:

C & C Truck Line, Inc.  
Route 3  
Concordia, Kansas 66901

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

*Wrecked and disabled vehicles,*

Between points in Mitchell County (on and east of Highway K-14), Ottawa County and Cloud County, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

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

C & C Truck Line, Inc. ) Docket No. 25,665 M  
Route 3 )  
Concordia, Kansas 66901 ) MC ID No. 100130

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

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

Between points and places in Mitchell, Ottawa and Cloud counties, KS.

Also,

Between points and places in Mitchell, Ottawa and Cloud counties, KS, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

**Applications set for May 30, 1985—  
TOPEKA, KANSAS**

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

Leon Baxter, dba ) Docket No. 141,220 M  
Baxter Fluid Service )  
124½ North Cedar )  
Stockton, Kansas 67669 ) MC ID No. 118396

Applicant's Attorney: None

*Dry bulk commodities,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

*Application for Certificate of Convenience and Necessity:*

D & S Machine and ) Docket No. 145,679 M  
Welding, Inc. )  
North Highway 283 )  
Ness City, Kansas 67560 )

Applicant's Attorney: None

*Oilfield equipment, materials and supplies,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

*Application for Certificate of Convenience and Necessity:*

United Petroleum ) Docket No. 145,662 M  
Transports, Inc. )  
4312 S. Georgia Place )  
Oklahoma City, )  
Oklahoma 73129 ) MC ID No. 103509

Applicant's Attorney: John Jandera, 641 Harrison Street, Topeka, Kansas 66603.

*Petroleum products and chemicals, except liquified petroleum gases and anhydrous ammonia,*

Between points in the Kansas counties of Barton, Rice, Ellsworth, McPherson, Marion, Chase, Greenwood, Woodson, Allen, Bourbon, Crawford, Neosho, Wilson, Elk, Butler, Harvey, Reno, Kingman, Sedgwick, Harper, Sumner, Cowley, Chautauqua, Montgomery, Labette and Cherokee.

Also,

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

\*\*\*\*\*

*Application for Certificate of Convenience and Necessity:*

Guy Rice, dba ) Docket No. 145,845 M  
Rice's LTL Service )  
329 Petroleum Road )  
Liberal, Kansas 67901 )

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

*General commodities for grocery supermarkets and discount stores,*

Between points and places in Seward County, KS, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

*Application for Contract Carrier Permit:*

Leaseway TRM, Inc. ) Docket No. 145,841 M  
1101 31st Street )  
Downers Grove, )  
Illinois 60515 )

Applicant's Attorney: Bob Storey, Shadow Wood Office Park, 5863 S.W. 29th Street, Topeka, Kansas 66614-2461

*Food and related products,*

Between all points and places in Kansas. Under contract with The Quaker Oats Company of Chicago, IL.

\*\*\*\*\*

**Applications set for June 4, 1985—  
TOPEKA, KANSAS**

*Application for Certificate of Convenience and Necessity:*

Keith Bettin, dba ) Docket No. 145,842 M  
Keith Bettin Trucking )  
411 South Main )  
Box 41 )  
Inman, Kansas 67546 )

Applicant's Attorney: John Jandera, 641 Harrison Street, Topeka, Kansas 66603

*Feed, feed ingredients, grain, hay, salt and packaging materials,*

(continued)

Between points in the Kansas counties of Reno, Harvey, Sedgwick, McPherson, Salina, Rice and Cowley.

Also,

Between points in the above named counties, on the one hand, and on the other, points in Kansas.

\*\*\*\*\*

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

Lee Ohrman, dba ) Docket No. 145,843 M  
Lee Ohrman Trucking )  
Box 248 )  
Benkelman, Nebraska )  
69021 ) MC ID No. 100896

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

*Anhydrous ammonia and liquid fertilizer solutions,*

From points and places in McPherson, Clay, Finney and Ford counties to points and places in Cheyenne, Rawlins and Sherman counties, Kansas.

\*\*\*\*\*

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

Floyd W. Hands, dba ) Docket No. 145,844 M  
Sandy Acres, Inc. )  
2705 Rock Road )  
Garden City, Kansas 67846 )

Applicant's Attorney: None

*Livestock and grain,*

Between points and places within the state of Kansas.

\*\*\*\*\*

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

Kent Crosson ) Docket No. 145,847 M  
Route 3 )  
Minneapolis, Kansas 67467 )

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

*Seeds and grains,*

Between points and places in Grant County, KS.

Also,

Between points and places in Grant County, KS, on the one hand, and points and places in the state of Kansas, on the other hand.

*Grain, dry feed and dry feed ingredients,*

Between points in Ottawa, Dickinson, Saline and Lincoln counties, KS.

Also,

Between points in Ottawa, Dickinson, Saline and

Lincoln counties, KS, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

Doc. No. 003105

State of Kansas

**LEGISLATURE**

The following lists the numbers and titles of bills and resolutions recently introduced in the Legislature.

Copies of bills and resolutions are available free of charge from the Legislative Document Room, State Capitol, Topeka, KS 66612, (913) 296-7394. There is a limit of 25 copies of any one item.

**Bills Introduced April 4-10:**

**SB 374**, by Committee on Ways and Means: An act relating to reporting to the state board of healing arts of information concerning persons licensed, registered or certified by such board; amending K.S.A. 1984 Supp. 65-28,121 and repealing the existing section.

**SB 375**, by Committee on Ways and Means: An act authorizing the state board of healing arts to assess fines against licensees violating the Kansas healing arts act.

**SB 376**, by Committee on Ways and Means: An act concerning the employment security law; relating to definition of certain terms; amending K.S.A. 1984 Supp. 44-703 and repealing the existing section.

**SB 377**, by Committee on Federal and State Affairs: An act concerning port authorities; relating to powers, duties and functions thereof; acquisition and disposition of property; bonding of officers; amending K.S.A. 12-3406, 12-3412 and 12-3414 and repealing the existing sections; also repealing K.S.A. 12-3410.

**SB 378**, by Committee on Ways and Means: An act concerning motor vehicles; checks of vehicle identification numbers not required in certain cases; amending K.S.A. 1984 Supp. 8-116a, as amended by section 2 of 1985 House Bill No. 2026, and repealing the existing section.

**SB 379**, by Committee on Ways and Means: An act concerning certain claims against the state; making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing.

**HB 2604**, by Committee on Ways and Means: An act relating to taxation; concerning bank holding companies and savings and loan associations; amending K.S.A. 79-1108 and repealing the existing section.

**HB 2605**, by Committee on Ways and Means: An act concerning the state geologist; relating to appointment in the unclassified service; amending K.S.A. 76-323 and repealing the existing section.

**HB 2606**, by Committee on Ways and Means: An act providing for individual Kansas state income tax checkoff for support and development of public libraries.

**HB 2607**, by Committee on Ways and Means: An act concerning the state board of regents; relating to Kansas residents designated for admission to certain optometry education programs; requiring agreements for practice commitments and repayment of certain amounts; amending K.S.A. 76-721a and repealing the existing section.

**HB 2608**, by Committee on Ways and Means: An act relating to the enforcement of liens on real estate for delinquent property taxes; amending K.S.A. 79-2801 and 79-2810 and repealing the existing sections.

**HB 2609**, by Committee on Ways and Means: An act concerning fees for architectural services provided by the secretary of administration; exempting a certain project; amending K.S.A. 75-1269 and repealing the existing section.

**HB 2610**, by Committee on Ways and Means: An act amending the natural and scientific areas preservation act; creating the natural and scientific areas advisory board and prescribing its powers and duties; providing for the administration of the provisions of the act; amending K.S.A. 74-6607, 74-6608, 74-6610, 74-6611 and 74-6613 and K.S.A. 1984 74-6603 and 74-6609 and repealing the existing sections.

**HB 2611**, by Representative Harder: An act concerning the Kansas public employees retirement system; relating to retirement benefits; amending K.S.A. 1984 Supp. 74-4915 and repealing the existing section.

**HB 2612**, by Committee on Ways and Means: An act concerning compensation and benefits for state officers and employees; relating to cafeteria plans for benefits as part of the state health care benefits program; amending K.S.A. 75-6508 and repealing the existing section.

**HB 2613**, by Committee on Ways and Means: An act concerning the department of social and rehabilitation services; relating to settlement of a civil lawsuit; making and concerning appropriations for the fiscal year ending June 30, 1986; providing for financing and authorizing certain disbursements; imposing certain conditions, restrictions and limitations related thereto.

**SR 1840**, by Senators Daniels, Anderson, Feleciano, Francisco, Morris and Yost: A resolution congratulating and commending Xavier "X" McDaniel on his many achievements.

**SR 1841**, by Senator Werts: A resolution congratulating the Kansas State University Department of Journalism and Mass Communications on its 75th anniversary.

**SR 1842**, by Senator Anderson: A resolution congratulating Janet Martin on her 100th birthday.

**SR 1843**, by Senator Parrish: A resolution encouraging the "Dollars for America" campaign.

**SR 1844**, by Senator Talkington: A resolution congratulating and commending the Pittsburg & Midway Coal Mining Co. and its employees on its centennial anniversary.

**SR 1845**, by Senator F. Kerr: A resolution congratulating and commending Byron Smith on being named the 1985 Outstanding Superintendent of the Year for Special Education.

**SR 1846**, by Senator Karr: A resolution congratulating and commending Carol Rneau on being named the 1985 Kansas Teacher of the Year.

**SR 1847**, by Senators Feleciano, Anderson, Daniels, Francisco, Morris and Yost: A resolution honoring Dr. Gordon B. Terwilliger on his retirement from the faculty of Wichita State University.

**SR 1848**, by Senator Vidricksen: A resolution designating the week beginning May 19, 1985, as "Kansas Tourism Week."

**SR 1849**, by Senator Salisbury: A resolution commending the Kansas Wildflower Society for its achievements in promoting interest in and knowledge, appreciation and conservation of the state's wildflowers.

SCR 1626, by Committee on Federal and State Affairs: A proposition to amend section 10 of article 15 of the constitution of the state of Kansas, relating to intoxicating liquors.

SCR 1627, by Committee on Federal and State Affairs: A proposition to amend sections 1 and 11 of article 1 of the constitution of the state of Kansas, relating to constitutional officers of the executive department of the state.

HR 6108, by Representative Long: A resolution congratulating and commending Byron Smith on being named the 1985 Outstanding Superintendent of the Year for Special Education.

HR 6109, by Representative Holmes: A resolution congratulating and commending the Seward County Community College men's basketball team and its coach, Dale Reed, on winning the 1985 National Junior College Athletic Association Region VI Championship.

HR 6110, by Representative Green: A resolution congratulating Dale Eugene George II on receiving membership in the Alpha-Omicron Chapter of Phi Alpha Theta.

HR 6111, by Representative Bowden: A resolution commending students at Goddard Primary Learning Center for raising money for St. Jude Children's Research Hospital.

HR 6112, by Representative Weaver: A resolution honoring H. Carl Christiansen, Jr., upon his retirement as police chief of the city of Columbus.

HR 6113, by Representative Cribbs: A resolution congratulating Janet Martin on her 100th birthday.

HR 6114, by Representatives Harder, O'Neal, Whiteman and Wunsch: A resolution congratulating Guy "Tim" Holt on his induction into the National Junior College Athletic Association Hall of Fame.

HR 6115, by Representative Teagarden: A resolution congratulating and commending the Pittsburg & Midway Coal Mining Co. and its employees on its centennial anniversary.

HR 6116, by Representative Graeber: A resolution honoring and congratulating Sister Mary Janet McGilley on her 20th anniversary as president of Saint Mary College.

HR 6117, by Representative Luzzati: A resolution declaring October 5 as Raoul Wal-lenberg Day.

HR 6118, by Representatives Runnels, Adam, Aylward, Barr, Bideau, Braden, Brady, Branson, Brown, C. Campbell, Charlton, Duncan, Erne, Flottman, Francisco, Fuller, Gjerstad, Goossen, Graeber, Green, Grotewiel, Harper, Hassler, Heinemann, Helgeson, Hensley, Holmes, Hoy, Jenkins, Knopp, R. D. Miller, Neufeld, O'Neal, B. Ott, Pottorff, Roenbaugh, Roper, Sand, Schmidt, Solbach, Sprague and Whiteman: A resolution designating the week beginning May 19, 1985, as "Kansas Tourism Week."

HR 6119, by Representatives Williams, Acheson, Apt, Aylward, Baker, Bideau, Braden, Brown, Bryant, Buehler, Bunten, C. Campbell, K. Campbell, Chronister, Cloud, Crumbaker, DeBaun, Eckert, Flottman, Foster, Fox, Friedeman, Fry, Fuller, Goossen, Graeber, Guldner, Hamm, Harper, Hassler, Hayden, Heinemann, Hoy, Jenkins, Kline, Littlejohn, Long, Louis, Lowther, Mayfield, R. D. Miller, Mollenkamp, Moomaw, Neufeld, Nichols, O'Neal, B. Ott, K. Ott, Polson, Pottorff, Roe, Roenbaugh, Rolfs, Sallee, Sand, Schmidt, Shore, Sifers, Snowbarger, Spaniol, Sughree, Turnquist, Vancrum, Walker, and Wunsch: A resolution commending the adoption of Right-to-Work legislation in Idaho.

HR 6120, by Representative Wagon: A resolution commending the Kansas Wildflower Society for its achievements in promoting interest in and knowledge, appreciation and conservation of the state's wildflowers.

HR 6121, by Representative Graeber: A resolution congratulating Arthur W. Johnson on his 90th birthday.

HR 5020, by Representative Harper: A concurrent resolution urging Congress to exempt wages of election board members from Social Security reporting requirements.

HR 5021, by Representatives Rolfs, Hayden, Brady, Buehler, C. Campbell, Chronister, Crowell, DeBaun, Duncan, Flottman, Fox, Freeman, Harder, Harper, Hassler, Hoy, Johnson, King, Knopp, Laird, Littlejohn, Lowther, D. Miller, B. Ott, K. Ott, Reardon, Roe, Spaniol, Walker and Wilbert: 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.

ing the trade-in or other disposition of property;

(4) fix and assess fees and charges to recover all or part of the expenses incurred for transactions pertaining to the state surplus property program; and

(5) adopt such other policies and procedures which are deemed necessary for the proper administration of the state surplus property program and which are in accordance with this act.

(b) The secretary of administration may adopt rules and regulations for the purposes of establishing and administering the state surplus property program in accordance with this act.

Sec. 4. Subject to and in accordance with limitations and procedures prescribed by the director of accounts and reports therefor, each state agency disposing of surplus property by sale under this act shall deposit the moneys received therefor, less fees and charges assessed by the director of purchases, in the state treasury to the credit of the conversion of materials and equipment fund or the appropriate fee or other special revenue fund of the state agency.

Sec. 5. There is hereby established in the state treasury the state surplus property fee fund. All fees and charges assessed by the director of purchases for transactions pertaining to the state surplus property program and other revenues received pursuant to such program shall be remitted to the state treasurer at least monthly. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury to the credit of the state surplus property fee fund. All expenditures from the state surplus property fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports or interfund transfers issued pursuant to vouchers of the director of purchases or a person or persons designated by the director of purchases.

Sec. 6. 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 February 12, 1985.

HOUSE concurred in SENATE amendments March 26, 1985.

MIKE HAYDEN

*Speaker of the House.*

GENEVA SEWARD

*Chief Clerk of the House.*

Passed the SENATE as amended March 21, 1985.

ROBERT V. TALKINGTON

*President of the Senate.*

LU KENNEY

*Secretary of the Senate.*

APPROVED April 9, 1985.

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 9th day of April, 1985.

(SEAL)

JACK H. BRIER

*Secretary of State.*

(Published in the KANSAS REGISTER, April 18, 1985.)

#### HOUSE BILL No. 2112

AN ACT concerning municipal libraries; relating to boards thereof; amending K.S.A. 12-1222 and repealing the existing section.

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

Section 1. K.S.A. 12-1222 is hereby amended to read as follows: 12-1222. Upon the establishment of a library under this act the official head of a municipality shall appoint, with the approval of the governing body, a library board for such library. In

(continued)

Doc. No. 003102

(Published in the KANSAS REGISTER, April 18, 1985.)

#### HOUSE BILL No. 2129

AN ACT establishing a state surplus property program; prescribing powers, duties and functions relating thereto; disposition of revenues.

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

Section 1. The director of purchases shall establish a state surplus property program. Except as otherwise provided by rules and regulations adopted by the secretary of administration, the individuals and entities within this state that are authorized to participate in the federal surplus property program pursuant to the federal property and administrative services act of 1949, and amendments thereto, shall be eligible to participate in the state surplus property program.

Sec. 2. (a) Subject to such limitations as the secretary of administration may prescribe, the director of purchases may dispose of surplus state property to individuals and entities eligible for participation in the federal surplus property program by:

- (1) Sale at fixed prices,
- (2) by sale at negotiated prices, or
- (3) by advertised public auction or advertised sealed bids.

(b) Subject to such limitations as the secretary of administration may prescribe, the director of purchases may sell state surplus property to the general public by advertised public auction or advertised sealed bids.

(c) Sales of surplus state property shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto.

Sec. 3. (a) Subject to such limitations as the secretary of administration may prescribe, the director of purchases is hereby authorized to do the following for the purposes of establishing and operating the state surplus property program:

- (1) Enter into contracts with state, local and federal agencies and private individuals and entities eligible for participation in the federal surplus property program;
- (2) receive gifts and grants;
- (3) prescribe procedures state agencies must follow concern-

the case of a county, *except for Johnson county*, or township library five (5) members shall be appointed, one (1) for a term expiring the first April 30<sup>th</sup> 30 following date of appointment, one (1) for a term expiring the second April 30<sup>th</sup> 30, following date of appointment, one (1) for a term expiring the third April 30<sup>th</sup> 30 following date of appointment, and two (2) for terms expiring the fourth April 30<sup>th</sup> 30 following date of appointment. In the case of a city library seven (7) members shall be appointed, one (1) for a term expiring the first April 30<sup>th</sup> 30 following date of appointment, two (2) for terms expiring the second April 30<sup>th</sup> 30 following date of appointment, two (2) for terms expiring the third April 30<sup>th</sup> 30 following date of appointment, and two (2) for terms expiring the fourth April 30<sup>th</sup> 30 following date of appointment. ~~Provided, That~~ In any city having a population of more than ~~two hundred fifty thousand (250,000)~~ 250,000, the governing body of such city may, as an alternative to the membership hereinabove provided for, appoint ten (10) members to ~~said~~ the city library board, which members shall, when first appointed, begin serving on May 1, 1975, and shall have terms as follows: Six (6) of such members first appointed shall serve for terms of four (4) years and four (4) of such members first appointed shall serve for terms of two (2) years; thereafter, upon the expiration of the terms, successors shall be appointed in each odd-numbered year to fill the vacancies created, and thereafter each member shall serve for a term of four (4) years. In addition to the appointed members of the board the official head of the municipality shall be ex officio a member of the library board with the same powers as appointed members, but no person holding any office in the municipality shall be appointed a member while holding such office.

*Seven members shall be appointed to the Johnson county library board. Such members, when first appointed, shall begin serving on May 1, 1985, and shall have terms as follows: One for a term expiring the first April 30 following date of appointment, two for terms expiring the second April 30 following date of appointment, two for terms expiring the third April 30 following date of appointment, and two for terms expiring the fourth April 30 following date of appointment.*

Upon the expiration of the terms of members first appointed succeeding members shall be appointed in like manner for terms of four (4) years. Members of library boards holding office at the effective date of this act shall continue to hold their offices until April 30<sup>th</sup> 30 following the expiration of the terms for which appointed, and on or before May 1<sup>st</sup> 1 following the first expiration of a term a sufficient number shall be appointed by the official head of the municipality with the approval of the governing body for terms of four (4) years to constitute a library board of the number of members prescribed by this act.

All members appointed to a library board shall be residents of the municipality. Vacancies occasioned by removal from the municipality, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two (2) consecutive four-year terms to a library board shall be eligible for further appointment to such board until two (2) years after the expiration of the second term. ~~Provided, That~~ Appointments made prior to the effective date of this act shall not be counted in determining eligibility for appointment hereunder. Members of library boards shall receive no compensation for their services as such but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

Sec. 2. K.S.A. 12-1222 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 February 18, 1985.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE March 27, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED April 9, 1985.

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 9th day of April, 1985.

JACK H. BRIER  
Secretary of State.

(SEAL)

(Published in the KANSAS REGISTER, April 18, 1985.)

HOUSE BILL No. 2076

AN ACT concerning medical care facilities; relating to the distribution and control of prescription medications and controlled substances therein; amending K.S.A. 65-4101 and 65-4138 and K.S.A. 1984 Supp. 65-1648 and repealing the existing sections.

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

Section 1. K.S.A. 1984 Supp. 65-1648 is hereby amended to read as follows: 65-1648. (a) Any medical care facility pharmacy registered by the board may keep drugs in such facility and may supply drugs to its inpatients and outpatients. Distribution and control of prescription medications in a medical care facility pharmacy shall be under the supervision of a pharmacist in charge. A designated registered nurse or nurses approved by the pharmacist in charge and under the supervision of the pharmacist in charge shall be in charge of the distribution and control of drugs of a medical care facility pharmacy when a pharmacist is not on the premises. Drugs supplied to outpatients when a pharmacist is not on the premises shall be limited to the quantity necessary until a prescription can be filled. ~~The provisions of this section shall not apply to ambulatory surgical centers.~~

(b) Nothing contained in this act shall be construed as prohibiting an adult care home which utilizes the services of a pharmacist, from maintaining an emergency medication kit approved by the adult care home's medical staff composed of a duly licensed practitioner and a pharmacist. The emergency medication kit shall be used only in emergency cases under the supervision and direction of a duly licensed practitioner, and a pharmacist shall have supervisory responsibility of maintaining said emergency medication kit.

(c) Every adult care home which maintains an emergency medication kit under subsection (b) shall comply with the following requirements:

(1) Drugs in an emergency medication kit shall be maintained under the control of the pharmacist in charge of the pharmacy from which the kit came until administered to the patient upon the proper order of a practitioner.

(2) Drugs contained within the emergency medication kit may include controlled substances, but in such case a pharmaceutical services committee shall be responsible for specifically limiting the type and quantity of controlled substance to be placed in each emergency kit.

(3) Administration of controlled substances contained within the emergency medication kit shall be in compliance with the provisions of the uniform controlled substances act.

(4) The consultant pharmacist of the adult care home shall be responsible for developing procedures, proper control and accountability for the emergency medication kit and shall maintain complete and accurate records of the controlled substances, if any, placed in the emergency kit. Periodic physical inventory of the kit shall be required.

(d) (1) The state department of health and environment, any county, city-county or multicounty health department and any

private not-for-profit family planning clinic, when registered by the board, may keep drugs for the purpose of distributing drugs to patients being treated by that health department or family planning clinic. Distribution and control of prescription medications in a health department or family planning clinic shall be under the supervision of a pharmacist in charge. A designated registered nurse or nurses approved by the pharmacist in charge shall be in charge of distribution and control of drugs in the health department or family planning clinic under the supervision of the pharmacist in charge when a pharmacist is not on the premises. Drugs supplied to patients when a pharmacist is not on the premises shall be limited to the quantity necessary to complete a course of treatment as ordered by the practitioner supervising such treatment.

(2) The board shall adopt rules and regulations relating to specific drugs to be used, to record-keeping and to storage of drugs by health departments or family planning clinics as are necessary for proper control of drugs.

Sec. 2. K.S.A. 65-4101 is hereby amended to read as follows: 65-4101. As used in this act: (a) "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: (1) A practitioner or pursuant to the lawful direction of a practitioner; or

(2) the patient or research subject at the direction and in the presence of the practitioner.

(b) "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

(c) "Board" means the state board of pharmacy.

(d) "Bureau" means the bureau of narcotics and dangerous drugs, United States department of justice, or its successor agency.

(e) "Controlled substance" means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and sections amendatory of said amendments to these sections.

(f) "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization bears the trademark, trade name or other identifying mark, imprint, number or device or any likeness thereof of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.

(g) "Deliver" or "delivery" means the actual, constructive or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

(h) "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the packaging, labeling or compounding necessary to prepare the substance for that delivery.

(i) "Dispenser" means a practitioner or pharmacist who dispenses.

(j) "Distribute" means to deliver other than by administering or dispensing a controlled substance.

(k) "Distributor" means a person who distributes.

(l) "Drug" means: (1) Substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure or any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2) or (3) of this subsection. It does not include devices or their components, parts or accessories.

(m) "Immediate precursor" means a substance which the board has found to be and by rule and regulation designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled

substance, the control of which is necessary to prevent, curtail or limit manufacture.

(n) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance either directly or indirectly by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his or her the individual's own use or the preparation, compounding, packaging or labeling of a controlled substance: (1) By a practitioner or his or her the practitioner's agent pursuant to a lawful order of a practitioner as an incident to his or her the practitioner's administering or dispensing of a controlled substance in the course of his or her the practitioner's professional practice; or

(2) by a practitioner or by his or her the practitioner's authorized agent under such practitioner's supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or hospital medical care facility as an incident to dispensing of a controlled substance.

(o) "Marihuana" means all parts of all varieties of the plant *Cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination.

(p) "Narcotic drug" means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis: (1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, and any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocanized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.

(q) "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under K.S.A. 65-4102 and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does not include its racemic and levorotatory forms.

(r) "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

(s) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association or any other legal entity.

(t) "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

(u) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(v) "Practitioner" means a physician (M.D. or D.O.) person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, scientific investigator or other person licensed, registered or otherwise authorized by law to administer and prescribe, use in teaching or chemical analysis, or conduct research with respect to a controlled substance in the course of professional practice and research.

(continued)

(w) "Production" includes the manufacture, planting, cultivation, growing or harvesting of a controlled substance.

(x) "Ultimate user" means a person who lawfully possesses a controlled substance for his or her such person's own use or for the use of a member of his or her such person's household or for administering to an animal owned by him or her such person or by a member of his or her such person's household.

(y) "Isomer" means all enantiomers and diastereomers.

(z) "Medical care facility" shall have the meaning ascribed to that term in K.S.A. 65-425 and amendments thereto.

Sec. 3. K.S.A. 65-4138 is hereby amended to read as follows: 65-4138. (1) ~~Any rules and regulations promulgated under any law affected by this act and in effect on the effective date of this act and not in conflict with it continue in effect until modified, superseded or repealed.~~

(2) Nothing in this act shall be construed to prohibit a hospital medical care facility licensed by the secretary of health and environment from keeping controlled items in a hospital drug room of the medical care facility or supplying such controlled items in a hospital drug room of the medical care facility or supplying such controlled items to its patients as provided under the provisions of K.S.A. 65-1648, or and amendments thereto.

Sec. 4. K.S.A. 65-4101 and 65-4138 and K.S.A. 1984 Supp. 65-1648 are 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 day February 18, 1985.

MIKE HAYDEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE March 28, 1985.

ROBERT V. TALKINGTON  
President of the Senate.  
LU KENNEY  
Secretary of the Senate.

APPROVED April 10, 1985.

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 10th day of April, 1985.

(SEAL) JACK H. BRIER  
Secretary of State.

(Published in the KANSAS REGISTER, April 18, 1985.)

SENATE BILL No. 96

AN ACT relating to income taxation; concerning interest on income tax refunds resulting from loss carrybacks; amending K.S.A. 79-32,105 and repealing the existing section.

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

Section 1. K.S.A. 79-32,105 is hereby amended to read as follows: 79-32,105. (a) The director shall pay to the treasurer of the state daily the entire amount collected during the preceding day, under the provisions of this act and from the income tax imposed upon individuals, corporations, estates or trusts pursuant to the "Kansas income tax act" less amounts withheld as provided in subsection (b), which amounts shall be credited to the state general fund.

(b) A revolving fund, designated as "income tax refund fund" not to exceed \$4,000,000 shall be set apart and maintained by the director from income tax collections, withholding tax collections, and estimated tax collections and held by the state treasurer for prompt payment of all income tax refunds and for the payment of

interest as provided in subsection (e). The fund shall be in such amount, within the limit set by this section, as the director determines is necessary to meet current refunding requirements under this act.

(c) If the director discovers from the examination of the return, or upon claim duly filed by the taxpayer or upon final judgment of the court that the income tax, withholding tax, declaration of estimated tax or any penalty or interest paid by or credited to any taxpayer is in excess of the amount legally due, the director shall certify to the director of accounts and reports the name of the taxpayer, the amount of refund and such other information as the director may require. Upon receipt of such certification the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the taxpayer out of the fund provided in subsection (b), except that no refund shall be made for a sum less than \$5, but such amount may be claimed by the taxpayer as a credit against the taxpayer's tax liability in the taxpayer's next succeeding taxable year.

(d) When a resident taxpayer dies, and the director determines that a refund is due the claimant not in excess of \$100, the director shall certify to the director of accounts and reports the name and address of the claimant entitled to the refund and the amount of the refund. A refund may be made upon a claim duly made on behalf of the estate of the deceased or in the absence of any such claim upon a claim by a surviving spouse and if none upon the claim by any heir at law. Upon receipt of such certification the director of accounts and reports shall issue a warrant on the state treasurer for the payment to the claimant out of the fund provided in subsection (b).

(e) Interest shall be allowed and paid at the rate of 12% per annum upon any overpayment of the income tax imposed upon individuals, corporations, estates or trusts pursuant to the Kansas income tax act.

For the purposes of this subsection:

(1) Any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day, determined without regard to any extension of time granted the taxpayer;

(2) any tax paid by the taxpayer before the last day prescribed for its payment, any income tax withheld from the taxpayer during any calendar year and any amount paid by the taxpayer as estimated income tax for a taxable year shall be deemed to have been paid on the last day prescribed for filing the return for the taxable year to which such amount constitutes a credit or payment, determined without regard to any extension of time granted the taxpayer;

(3) if any overpayment of tax results from a carryback of a net operating loss or net capital loss, such overpayment shall be deemed not to have been made prior to the close of the taxable year in which such net operating loss or net capital loss arises. For purposes of this paragraph, the return for the loss year shall not be deemed to be filed before claim for such overpayment is filed;

(4) in the case of a credit, interest shall be allowed and paid from the date of the overpayment to the due date of the amount against which the credit is taken, except that if any overpayment of income tax is claimed as a credit against estimated tax for the succeeding taxable year, such amount shall be considered as a payment of the income tax for the succeeding taxable year, whether or not claimed as a credit in the return of estimated tax for such succeeding taxable year, and no interest shall be allowed or paid in such overpayment for the taxable year in which the overpayment arises;

(5) in the case of a tax return which is filed after the last date prescribed for filing such return, determined with regard to extensions; no interest shall be allowed or paid for any period before the date on which the return is filed;

(6) in the case of a refund, interest shall be allowed and paid from the date of the overpayment to a date preceding the date of the refund check by not more than 30 days, as determined by the director, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer, but acceptance of such check shall be without prejudice to any right



of the taxpayer to claim any additional overpayment and interest thereon; and

(6) (7) if any overpayment is refunded within two months after the last date prescribed, or permitted by extension of time, for filing the return of such tax, or within two months after the return was filed, whichever is later, no interest shall be allowed or paid. For the purposes of this section, an overpayment shall be deemed to have been refunded at the time the refund check in the amount of the overpayment, plus any interest due thereon, is deposited in the United States mail.

Sec. 2. K.S.A. 79-32,105 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 7, 1985.

ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNY  
*Secretary of the Senate.*

Passed the HOUSE April 1, 1985.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 10, 1985.

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 10th day of April, 1985.

(SEAL)

JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 18, 1985.)

SENATE BILL No. 24

AN ACT relating to the district courts; concerning the establishment of district magistrate and associate district judge positions; amending K.S.A. 1984 Supp. 20-338 and repealing the existing section.

*Be it enacted by the Legislaturc of the State of Kansas:*

Section 1. K.S.A. 1984 Supp. 20-338 is hereby amended to read as follows: 20-338. (a) District magistrate judge positions and associate district judge positions shall be constituted as provided in subsection (b).

(b) (1) In the first judicial district, there shall be two district magistrate judge positions in Atchison county, subject to the provisions of K.S.A. 1983 1984 Supp. 20-354a and amendments thereto, and two associate district judge positions.

(2) In the second judicial district, there shall be three district magistrate judge positions in the district, with position one in Jefferson county, position two in Pottawatomie county and position three in Wabaunsee county. There shall be one associate district judge position in Jackson county.

(3) In the third judicial district, there shall be five associate district judge positions in Shawnee county.

(4) In the fourth judicial district, there shall be two associate district judge positions in the district, with position one in Franklin county and position two in Anderson county. There shall be two district magistrate judge positions in the district, with position one in Osage county and position two in Coffey county.

(5) In the fifth judicial district, there shall be one district magistrate judge position in Chase county and one associate district judge position in Lyon county.

(6) In the sixth judicial district, there shall be a district magistrate judge position in Bourbon county. There shall be two

associate district judge positions in the district, with position one in Linn county and position two in ~~Miami~~ Bourbon county.

(7) In the seventh judicial district, there shall be two associate district judge positions in Douglas county.

(8) In the eighth judicial district, there shall be two district magistrate judge positions in the district, with position one in Dickinson county and position two in Morris county. There shall be two associate district judge positions in the district, with position one in Geary county and position two in Marion county.

(9) In the ninth judicial district, there shall be two associate district judge positions in the district, with position one in Harvey county and position two in McPherson county.

(10) In the 10th judicial district, there shall be eight associate district judge positions in Johnson county.

(11) In the 11th judicial district, there shall be one district magistrate judge position in Cherokee county. There shall be three associate district judge positions in the district.

(12) In the 12th judicial district, there shall be six district magistrate judge positions in the district, with position one in Cloud county, position two in Jewell county, position three in Lincoln county, position four in Mitchell county, position five in Republic county and position six in Washington county.

(13) In the 13th judicial district, there shall be one associate district judge position in Butler county. There shall be two district magistrate judge positions in the district, with position one in Elk county and position two in Greenwood county.

(14) In the 14th judicial district, there shall be two associate district judge positions in Montgomery county and one district magistrate judge position in Chautauqua county.

(15) In the 15th judicial district, there shall be one associate district judge position. There shall be six district magistrate judge positions in the district, with position one in Cheyenne county, position two in Logan county, position three in Sheridan county, position four in Wallace county, position five in Thomas county and position six in Rawlins county.

(16) In the 16th judicial district, there shall be one associate district judge position in Ford county. There shall be five district magistrate judge positions in the district, with position one in Clark county, position two in Comanche county, position three in Gray county, position four in Kiowa county and position five in Meade county.

(17) In the 17th judicial district, there shall be six district magistrate judge positions in the district, with position one in Graham county, position two in Decatur county, position three in Norton county, position four in Osborne county, position five in Phillips county and position six in Smith county.

(18) In the 18th judicial district, there shall be nine associate district judge positions in Sedgwick county.

(19) In the 19th judicial district, there shall be two associate district judge positions in Cowley county.

(20) In the 20th judicial district, there shall be one associate district judge position in Barton county. There shall be four district magistrate judge positions in the district, with position one in Ellsworth county, position two in Rice county, position three in Russell county and position four in Stafford county.

(21) In the 21st judicial district, there shall be one district magistrate judge position in Clay county and one associate district judge position in Riley county.

(22) In the 22nd judicial district, there shall be three district magistrate judge positions in the district, with position one in Doniphan county, position two in Marshall county and position three in Nemaha county. There shall be one associate district judge position in Brown county.

(23) In the 23rd judicial district, there shall be one associate district judge position in Ellis county. There shall be three district magistrate judge positions in the district, with position one in Gove county, position two in Rooks county, and position three in Trego county.

(24) In the 24th judicial district, there shall be six district magistrate judge positions in the district, with position one in Edwards county, position two in Hodgeman county, position three in Lane county, position four in Ness county, position five in Pawnee county and position six in Rush county.

(25) In the 25th judicial district, there shall be five district

(continued)

magistrate judge positions in the district, with position one in Greeley county, position two in Hamilton county, position three in Kearny county, position four in Scott county and position five in Wichita county. There shall be two associate district judge positions in Finney county.

(26) In the 26th judicial district, there shall be one associate district judge position in Seward county. There shall be five district magistrate judge positions in the district, with position one in Grant county, position two in Haskell county, position three in Morton county, position four in Stanton county and position five in Stevens county.

(27) In the 27th judicial district, there shall be two associate district judge positions in Reno county.

(28) In the 28th judicial district, there shall be one district magistrate judge position in Ottawa county and two associate district judge positions in Saline county.

(29) In the 29th judicial district, there shall be eight associate district judge positions in Wyandotte county.

(30) In the 30th judicial district, there shall be three associate district judge positions, with positions one and two in Sumner county and position three in Barber, Harper, Kingman or Pratt county. There shall be four district magistrate judge positions, with position one in Barber county, position two in Harper county, position three in Kingman county and position four in Pratt county.

(31) In the 31st judicial district, there shall be one associate district judge position. There shall be two district magistrate judge positions in the district, with position one in Allen county and position two in Woodson county.

Sec. 2. K.S.A. 1984 Supp. 20-338 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 January 30, 1985.

ROBERT V. TALKINGTON  
*President of the Senate.*  
LU KENNEY  
*Secretary of the Senate.*

Passed the HOUSE April 2, 1985.

MIKE HAYDEN  
*Speaker of the House.*  
GENEVA SEWARD  
*Chief Clerk of the House.*

APPROVED April 10, 1985.

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 10th day of April, 1985.

(SEAL) JACK H. BRIER  
*Secretary of State.*

(Published in the KANSAS REGISTER, April 18, 1985.)

**NOTICE OF REDEMPTION**  
**CITY OF RUSSELL, RUSSELL COUNTY, KANSAS**  
**GENERAL OBLIGATION BONDS**  
**SERIES 1982A**  
**(WATERWORKS SYSTEM)**

Notice is hereby given that pursuant to the provisions of Ordinance No. 1399 of the City of Russell, Kansas, passed and approved by the governing body thereof May 18, 1982, \$1,640,000 principal amount of

bonds of the above-captioned issue (the "Bonds") will be redeemed and paid prior to maturity on April 1, 1992, through funds held in an Escrow Trust Agreement authorized and established by Ordinance No. 1458 of the City, which Ordinance authorized the issuance of General Obligation Refunding Bonds, Series 1985 of the City. On said date there will become due and payable upon each bond to be redeemed the principal amount thereof and accrued interest to said date, together with a premium of \$75.00 for each \$5,000 in principal amount of Bonds so redeemed.

The Bonds of said issue to be redeemed in whole are as follows:

Bonds numbered 311—638, inclusive, maturing October 1, 1993 to October 1, 1997, inclusive.

Payment of bonds to be redeemed will be made at the office of the State Treasurer, Topeka, Kansas, upon presentation and surrender of such Bonds, together with all coupons, if any, appertaining thereto, maturing after the redemption date. Coupons maturing on October 1, 1992, may be surrendered for payment in the usual manner. From and after April 1, 1992, except as noted in the immediately preceding sentence, interest on the Bonds to be redeemed will cease to accrue and be payable.

Dated as of March 15, 1985, by order of the Governing Body of the City of Russell, Kansas.

JUDY M. SARGENT  
City Clerk of the City  
of Russell, Kansas

Doc. No. 003097

(Published in the KANSAS REGISTER, April 18, 1985.)

**NOTICE OF BOND SALE**  
**\$2,911,600**  
**GENERAL OBLIGATION BONDS**  
**SERIES A & B, 1985**  
**OF**  
**SEDGWICK COUNTY, KANSAS**

SEDGWICK COUNTY, KANSAS will receive sealed bids at the OFFICE OF THE BOARD OF COUNTY COMMISSIONERS, SEDGWICK COUNTY COURTHOUSE, WICHITA, KANSAS, until 10:00 o'clock A.M., C.D.T. on

WEDNESDAY, May 1, 1985

for \$2,911,600 par value GENERAL OBLIGATION BONDS, consisting of two series A & B, 1985, of the County, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series A, 1985 and Series B, 1985 Bonds will all be dated as of May 1, 1985, and shall mature on May 1 in each of the years and in the amounts set forth below. Such bonds shall consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof, except one of the Series A, 1985 Bonds in denomination of \$1,700, and one of the Series B, 1985 Bonds in denomination of \$4,900, not exceeding the principal amount of bonds maturing in each year. Interest will be payable semiannually, commencing May 1, 1986, and each November 1 and

May 1 thereafter. The principal on the bonds shall be payable in lawful money of the United States of America, at the principal office of the Treasurer of the State of Kansas (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the bonds shall be paid by the County.

The bonds will mature serially in accordance with the following schedule:

**SERIES A, 1985 BONDS**

Principal Amount	Maturity Year
\$ 231,700	May 1, 1986
230,000	May 1, 1987
230,000	May 1, 1988
230,000	May 1, 1989
230,000	May 1, 1990
230,000	May 1, 1991
230,000	May 1, 1992
235,000	May 1, 1993
235,000	May 1, 1994
240,000	May 1, 1995
<b>\$2,321,700</b>	

**SERIES B, 1985 BONDS**

Principal Amount	Maturity Date
\$ 24,900	May 1, 1986
25,000	May 1, 1987
25,000	May 1, 1988
25,000	May 1, 1989
30,000	May 1, 1990
30,000	May 1, 1991
35,000	May 1, 1992
40,000	May 1, 1993
40,000	May 1, 1994
40,000	May 1, 1995
45,000	May 1, 1996
50,000	May 1, 1997
55,000	May 1, 1998
60,000	May 1, 1999
65,000	May 1, 2000
<b>\$589,900</b>	

**COMBINED SCHEDULE**

**SERIES A & B, 1985**

Principal Amount	Maturity Date
\$ 256,600	May 1, 1986
255,000	May 1, 1987
255,000	May 1, 1988
255,000	May 1, 1989
260,000	May 1, 1990
260,000	May 1, 1991
265,000	May 1, 1992
275,000	May 1, 1993
275,000	May 1, 1994
280,000	May 1, 1995
45,000	May 1, 1996
50,000	May 1, 1997
55,000	May 1, 1998
60,000	May 1, 1999
65,000	May 1, 2000
<b>\$2,911,600</b>	

**Interest Rate**

Proposals will be received on not less than all the bonds bearing such rate or rates of interest as may be specified by the bidder. 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 ( $\frac{1}{8}\%$ ) or one-twentieth ( $\frac{1}{20}\%$ ) of one percent (1%). The difference between the highest and lowest coupon rates specified in any bid shall not exceed three per cent (3%). No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 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 (April 29, 1985), plus 2%, and no bid of less than par and accrued interest will be considered. Bids for less than the entire issue of bonds will not be considered.

**Bid Form and Good Faith Deposit**

Bids shall be submitted on the OFFICIAL BID FORM furnished by the County, and shall be addressed to the BOARD OF COUNTY COMMISSIONERS, SEDGWICK COUNTY COURTHOUSE, WICHITA, KANSAS 67203, 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 County 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 par amount of the bonds, and shall be payable to TREASURER, SEDGWICK COUNTY, 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 County as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

**Award of Bids**

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 County 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 County; 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.

**Delivery of the Bonds**

The bonds, duly printed, executed and registered, will be furnished and paid for by the County. The Series A, 1985 and Series B, 1985 Bonds will be sold subject to the unqualified approving opinion of WILIAM P. TIMMERMAN, Attorney and Bond Counsel, 400 North Woodlawn, Wichita, Kansas 67208. THE NUMBER, DENOMINATION OF BONDS, AND NAMES OF THE INITIAL REGISTERED OWNERS TO BE INITIALLY PRINTED ON THE BONDS SHALL BE SUBMITTED IN WRITING BY THE SUCCESSFUL BIDDER TO THE BOND REGISTRAR NOT LATER THAN MAY 22, 1985. The purchaser will be furnished with a complete Transcript of Proceedings evidencing the authorization and issuance of the bonds; and the usual closing

(continued)

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 5, 1985, at any bank in the STATE OF KANSAS, or KANSAS CITY, MISSOURI, NEW YORK CITY, SAN FRANCISCO, LOS ANGELES, or CHICAGO at the expense of the County. Delivery elsewhere will be made at the expense of the purchaser.

**Legal Opinion**

Bids shall be conditioned upon the unqualified approving opinion of William P. Timmerman, Bond Counsel, Wichita, Kansas, a copy of whose opinion will be printed on the reverse side of each bond and a manually signed originals will be furnished without expense to the purchaser of the bonds at the delivery thereof. The cost of the legal opinion and the expense of printing the bonds and legal opinion will be paid by the County. Said legal opinions will state in part substantially that the Series A, 1985 Bonds will constitute general obligations of the County, 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 County; The Series B, 1985 Bonds will constitute general obligations of the County, payable as to both principal and interest from the collection of special assessments which have been levied on benefited property; but if not so paid, then said principal and interest will be payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all the taxable tangible property within the territorial limits of the County; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties and townships.

**Purpose of Issue**

The Series A, 1985 Bonds are being issued for the purpose of paying the cost of road improvements under the authority of K.S.A. 1983 Supp. 68-5, 103 (Chapter 229, Section 1, 1983 Session Laws) and any amendments thereto. The Series B, 1985 Bonds are being issued for the purpose of paying the cost of street and drainage improvements in certain benefit districts under the authority of K.S.A. 68-728 and 729, as amended by Chapter 173, Section 74, of the 1981 Session Laws, and any amendments thereto.

**CUSIP Identification Numbers**

CUSIP identification numbers will be printed on said bonds. All expenses in relation to printing of CUSIP numbers on said bonds and the expenses of CUSIP Service Bureau for the assignment of said numbers shall be the responsibility of and shall be paid for by the County.

**Assessed Valuation**

Assessed valuation figures for Sedgwick County, Kansas, for the year 1984, are as follows:

Equalized Assessed Valuation of Taxable,	
Tangible Property .....	\$1,339,610,776
Tangible Valuation of Motor Vehicles .....	270,596,307
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	7,812,042
Assessed Valuation of Farm Machinery and Equipment .....	7,170,744

Assessed Valuation of Business Aircraft .....	18,884,250
Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations ...	\$1,644,074,119

**Bonded Indebtedness**

The total bonded indebtedness of the County of Sedgwick, State of Kansas, as of the date of sale, including this \$2,911,600 proposed issue of bonds, is in the amount of \$31,594,575. In addition, the County has \$2,089,530 of Temporary Notes outstanding, of which \$609,330 will be retired from the proceeds of the bonds, special assessments which have been collected in cash, and other available funds.

**Ratings**

The County has applied for ratings on the bonds to Moody's Investors Service, Inc. and Standard and Poor's Corporation, who have rated previous general obligation issues of the County at "Aa" and "AA" respectfully.

**Official Statement**

Additional copies of this Notice of Bond Sale, or copies of the County's Official Statement relating to the bonds, or further information may be received from the office of the County Controller, Sedgwick County Courthouse, Wichita, Kansas 67203.

DATED April 3, 1985.

DONALD E. GRAGG  
 BERNARD A. HENTZEN  
 TOM SCOTT  
 Commissioners  
 Sedgwick County, State of Kansas  
 Don Wright  
 County Clerk

Doc. No. 003096

(Published in the KANSAS REGISTER, April 18, 1985.)

**NOTICE OF BOND SALE  
 \$1,330,000  
 GENERAL OBLIGATION BONDS  
 OF THE  
 UNIFIED SCHOOL DISTRICT NO. 468  
 HEALY, KANSAS**

The UNIFIED SCHOOL DISTRICT No. 468, HEALY, KANSAS, will receive sealed bids at the OFFICE OF THE SUPERINTENDENT OF SCHOOLS, HEALY GRADE SCHOOL, HEALY, KANSAS, until 7:30 o'clock P.M., C.S.T., on Monday, April 29, 1985

for \$1,330,000 par value GENERAL OBLIGATION BONDS of the District, at which time and place such bids will be publicly opened. No oral or auction bids will be considered.

The Series 1985 Bonds will be dated as of May 15, 1985, and shall mature on November 15 in each of the years and in the amounts set forth below. Such bonds shall be fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in each year. The bonds will mature serially in accordance with the following schedule:

Principal Amount	Maturity Date
\$ 25,000	November 15, 1986
85,000	November 15, 1987
95,000	November 15, 1988

105,000	November 15, 1989
110,000	November 15, 1990
120,000	November 15, 1991
135,000	November 15, 1992
145,000	November 15, 1993 *
155,000	November 15, 1994 *
170,000	November 15, 1995 *
185,000	November 15, 1996 *

\* **OPTIONAL REDEMPTION:** Bonds due November 15, 1993, and thereafter, are callable for redemption on November 15, 1992, or any interest payment date thereafter, in inverse numerical order at par and accrued interest to date of redemption plus a premium (expressed as a percentage of principal amount) of 1%.

Notice of any call for redemption will be mailed to the registered owners of such bonds to be redeemed at the address shown on the registration books maintained by the Bond Registrar not less than 30 days prior to the date fixed for such redemption and payment. Interest on the bonds so called for redemption and payment will cease to accrue after the redemption date, provided notice has been given and funds are then available to pay the full redemption price thereof.

Interest will be payable semiannually, commencing May 15, 1986, and each November 15 and May 15 thereafter. The principal of, and premium, if any, on the bonds shall be payable in lawful money of the United States of America, at the principal office of the State Treasurer of the State of Kansas, Topeka, Kansas, (the Paying Agent and Bond Registrar) to the registered owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds shall be payable in lawful money of the United States of America, by check or draft of the Paying Agent to the registered owners appearing on the books maintained by the Bond Registrar as of the 15th day of the month next preceding the Interest Payment Dates (the "Record Dates"). The fees of the Bond Registrar for registration and transfer of the bonds shall be paid by the District.

#### *Types of Bids and Interest Rates*

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding five (5) different interest rates or four (4) interest rate changes, as may be specified by the bidder. 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 ( $\frac{1}{8}\%$ ) or one-twentieth ( $\frac{1}{20}\%$ ) of one percent (1%). The difference between the highest and lowest interest rates specified in any bid shall not exceed three percent (3%). No interest rate shall exceed the maximum rate allowed by Kansas law; said maximum rate being two percent (2%) above the *Bond Buyer's 20 Bond Index* of tax exempt municipal bonds, published in New York, New York on the Monday next preceding the day on which the bonds are sold, and no bid of less than par and accrued interest will be considered. Bids involving the use of extra or supplemental interest rates 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 District, and shall be addressed to the District at the HEALY GRADE SCHOOL, HEALY, KANSAS 67850, ATTENTION: DANA SHAY, CLERK FOR THE BOARD OF EDUCATION, 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 District 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, UNIFIED SCHOOL DISTRICT No. 468, HEALY, 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 District as liquidated damages. The checks of unsuccessful bidders will be returned promptly.

#### *Basis for Award*

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 District 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 District; 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.

#### *Delivery*

The bonds, duly printed, executed and registered, will be furnished and paid for by the District; 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 number, denomination of bonds, and names of the initial registered owners to be initially printed on the bonds shall be submitted in writing by the successful bidder to the Bond Registrar not later than May 23, 1985. 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 about May 30, 1985, at any bank in the STATE OF KANSAS, or KANSAS CITY, MISSOURI, at the expense of the District. 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 connec-

(continued)

tion with the printing of CUSIP numbers on the bonds shall be paid for by the District.

#### Security

Bids shall be conditioned upon the unqualified approving opinion of Gaar & Bell, 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 District. Said legal opinion will state in part substantially that the bonds will constitute general obligations of the District, 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 District; and that, under existing law, the interest on said bonds is exempt from present federal income taxation and the bonds are exempt from intangible personal property taxes levied by Kansas cities, counties or townships. The bonds are being issued for the purpose of paying the costs of constructing and furnishing an addition to the high school facility in Unified School District No. 468, Healy, Kansas.

#### Financial Information

Assessed valuation figures for Unified School District No. 468, Healy, Kansas, for the year 1984, are as follows:

Equalized Assessed Valuation of Taxable, Tangible Property .....	\$15,810,954
Tangible Valuation of Motor Vehicles .....	168,390
Tangible Valuation of Motor Vehicle Dealers' Inventory .....	-0-
Assessed Valuation of Farm Machinery and Equipment (1982) .....	-0-
Assessed Valuation of Business Aircraft (1982) .....	-0-
Equalized Assessed Tangible Valuation for Computation of Bonded Debt .....	\$15,979,344

The total general obligation bonded indebtedness of the Unified School District No. 468, Healy, Kansas, including this issue of bonds, is \$1,330,000. Unified School District No. 468, Healy, Kansas also has Temporary Notes outstanding in the principal amount of \$20,000.

#### Further Information

Further information may be obtained from the Clerk for the Board of Education, or Ranson & Company, Inc., at Suite 610, 120 South Market, Wichita, Kansas 67202, telephone (316) 262-2651.

DATED this 8th day of April, 1985.

DANA SHAY  
Clerk for the Board of Education  
Unified School District No. 468  
Healy, Kansas

Doc. No. 003110

(Published in the KANSAS REGISTER, April 18, 1985.)

**NOTICE OF BOND SALE**  
**\$1,400,000.00**  
**INTERNAL IMPROVEMENT BONDS**  
**SERIES R**  
**CITY OF HAYS, KANSAS**  
**(General Obligations, payable from unlimited**  
**ad valorem taxes)**

Pursuant to K.S.A. 10-106 as amended, written sealed bids will be received by the City Clerk of the City of Hays, Kansas, in the Office of the City Clerk, City Hall, P. O. Box 490, Hays, Kansas 67601, until 7:30 o'clock p.m., C.S.T.

THURSDAY, APRIL 25, 1985

at which time and place said bids will be publicly opened and read aloud for the purchase of \$1,400,000.00 aggregate principal amount of General Obligation Internal Improvement Bonds, Series R. All bids received will be reported to the City Commission for determination of the best bid at a meeting of the Commission to be held at said time, date and place.

#### Details of the Bonds

The bonds will consist of an issue of \$1,400,000.00 principal amount of General Obligation Internal Improvement Bonds, Series R. The bonds will consist of fully registered bonds in the denomination of \$5,000 each, or any integral multiple thereof, dated May 1, 1985, and becoming due serially on September 1 of each year in the principal amounts as follows:

\$140,000.00—September 1, 1986 to 1995, inclusive

The bonds will bear interest at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 of each year, beginning March 1, 1986.

Both principal and interest on the bonds will be payable in lawful money of the United States of America at the Office of the Treasurer of the State of Kansas in the City of Topeka, Kansas, (the "Paying Agent" and the "Bond Registrar") to the registered owners thereof whose names are on the registration books of the Bond Registrar as of the 15th day of the month preceding each interest payment date.

The bonds will be registered in the Office of the Kansas State Treasurer pursuant to a plan of registration approved by the City and the Attorney General of the State of Kansas, registered as either fully registered certificated bonds and/or uncertificated bonds. The successful bidder (the "Purchaser") may express its preference and the City will honor the successful purchaser's preference regarding the plan of registration.

The City will pay for all initial registration costs and for printing of a reasonable supply of registered bond blanks as determined by the Registrant and Paying Agent. Any additional costs or fees that might be incurred in the secondary market will be the responsibility of the bondholder.

The type and denomination of the bonds and the names, addresses and social security or taxpayer identification numbers of the registered owners shall be submitted in writing by the successful bidder to the City by June 1, 1985.

*Redemption of Bonds*

None of said bonds shall be callable for redemption prior to its stated maturity.

*Authority, Purpose and Security for the Bonds*

The bonds are being issued pursuant to and in full compliance with the constitution and laws of the State of Kansas, for the purpose of paying the cost of certain street and storm sewer improvements.

General Obligation Internal Improvement Bonds, Series R, will be 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 on all the taxable tangible property within the City.

*Conditions of Bids*

Bids will be received on the bonds bearing such rate or rates of interest as may be specified by the bidders, subject to the following conditions: The same rate shall apply to all bonds maturing in the same year. Each interest rate specified shall be a multiple of 1/8 or 1/20 of 1%. No interest rate shall exceed a rate equal to 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%, and the difference between the highest and lowest interest rates specified in any bid shall not exceed 2%. No bid of less than the principal amount of the bonds, plus accrued interest thereon to the date of their delivery, will be considered. Each bid shall specify the total interest cost to the City on the basis of such bid, and the average annual net interest rate on the basis of such bid.

*Basis of Award*

The award of the bonds shall be made on the basis of the lowest net interest cost to the City, which shall be determined by subtracting the amount of the premium bid, if any, from the total interest cost to the City. If there is any discrepancy between said net interest cost and the average annual net interest rate specified, the specified net interest cost shall govern and the interest rates specified in the bid shall be adjusted accordingly. If two or more proper bids which provide for identical amounts for the lowest net interest cost are received, the City shall determine which bid, if any, shall be accepted, and its determination shall be final.

*Delivery of and Payment for the Bonds*

The City will pay for printing and registering the bonds and will deliver the same properly prepared, executed and registered to the successful bidder within 60 days after the date of sale at such bank or trust company located in the contiguous United States of America, as may be specified by the successful bidder, without cost to the successful bidder. Payment for the bonds shall be made in federal reserve funds or other funds which shall be available to the City on the same day the bonds are delivered to the successful bidder. The successful bidder will be furnished with a certified transcript evidencing the authorization and issuance of the bonds and the usual closing proofs, which will include a certificate that there is no litiga-

tion pending or threatened at the time of the delivery of the bonds affecting their validity.

*Legal Opinion*

The bonds will be sold subject to the legal opinion of Fred W. Rausch, Jr., Bond Counsel, Topeka, Kansas, whose unqualified approving opinion will be furnished and paid for by the City, and will be printed on the bonds provided to the successful bidder as and when the bonds are delivered. Said opinion will also state that in the opinion of Bond Counsel, under existing laws and regulations, the interest on the bonds is exempt from federal income taxation and from Kansas intangible personal property taxes.

*CUSIP Numbers*

It is anticipated that CUSIP identification numbers will be printed on certificated bonds, or assigned to uncertificated bonds, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds in accordance with the terms of the successful bid and this Notice of Bond Sale. All expenses in relation to the assignment and printing of CUSIP numbers on the bonds will be paid for by the City.

*Good Faith Deposit*

Each bid must be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States of America in the amount of 2% of the total par value of the bonds, made payable to the order of the Treasurer of the City of Hays, Kansas, to secure the City from any loss resulting from the failure of the bidder to comply with the terms of the bid. No interest will be paid on the deposit made by the successful bidder. Said check will be returned to the bidder if the bid is not accepted. If a bid is accepted, said check may be deposited by the City or held by the City until the bidder has complied with all of the terms and conditions of this notice, at which time the check will be deposited and credited to the order of the bidder. If a bid is accepted, but the City shall fail to deliver the bonds to the bidder in accordance with the terms and conditions of this notice, said check or the proceeds thereof will be returned to the bidder. If a bid is accepted but the bidder shall default in the performance of any of the terms and conditions of this notice, the proceeds of such check will be retained by the City as and for liquidated damages.

*Bid Forms*

All bids shall be subject to the terms and conditions contained in this Notice of Bond Sale and must be made on the bid forms which may be obtained from the City Clerk, or upon equivalent forms. No additions or alterations may be made to such forms and any erasures may cause rejection of any bid. The City reserves the right to waive irregularities and to reject any and all bids.

*Submission of Bids*

Bids must be submitted in sealed envelopes and addressed to the undersigned, City Clerk, City Hall, P.O. Box 490, Hays, Kansas 67601, and marked "Bid

(continued)

for the Purchase of Bonds." Bids may be submitted by mail or delivered in person, and must be received by the undersigned prior to 7:30 o'clock, p.m., C.S.T. on April 25, 1985.

#### *Assessed Valuation and Indebtedness*

The total assessed valuation of the taxable tangible property within the City for the year 1984 is \$45,337,354.00, including motor vehicle valuation of \$11,855,779.00, and motor vehicle dealers' inventory valuation of \$732,604.00. The total general obligation bonded indebtedness of the City as of December 31, 1984, was \$6,645,000.00, with \$1,080,000.00 to be paid in 1985.

#### *Bond Ratings*

The outstanding general obligation bonds of the City have not been rated and the City has not applied for a rating on the bonds herein offered for sale.

DATED this 10th day of April, 1985.

DOROTHY SODERBLOM, CMC  
City Clerk  
Hays, Kansas 67601  
(913) 625-3465

Doc. No. 003108

#### State of Kansas

### MUNICIPAL ACCOUNTING BOARD

#### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1985)

#### Article 1.—EXAMINATION AND LICENSURE OF MUNICIPAL PUBLIC ACCOUNTANTS

**2-1-1 through 2-1-16.** (Authorized by K.S.A. 75-1119; effective May 1, 1978; revoked May 1, 1985.)

#### Article 5.—CONTINUING EDUCATION RE- QUIREMENTS FOR LICENSED MUNICIPAL PUBLIC ACCOUNTANTS

**2-5-1 through 2-5-5.** (Authorized by K.S.A. 75-1119; effective May 1, 1979; revoked May 1, 1985.)

MUNICIPAL ACCOUNTING BOARD

Doc. No. 002828

#### State of Kansas

### BOARD OF TECHNICAL PROFESSIONS

#### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1985)

#### Article 6.—PROFESSIONAL PRACTICE

**66-6-1. Seal.** (a) Each registrant shall purchase a seal of the design approved by the board and shall forward a facsimile of the seal to the office of the board as proof of compliance with K.S.A. 74-7023.

(b) Failure of any registrant to comply with this requirement within 90 days from date of issuance of

that registrant's license shall cause the license to be suspended until the time this requirement is met.

(c) Final plans, specifications, plats, and reports prepared by each registered professional shall be stamped with the seal.

(d) Final plans, specifications, plats and reports prepared for a corporate project in Kansas shall bear the seal of the professional registered in Kansas who is responsible for the branch of the technical profession in which the corporation has been authorized to practice. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7023; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985.)

**66-6-4. Rules of professional conduct.** (a) For the purposes of this regulation, "professional means any architect, landscape architect, land surveyor or professional engineer licensed by the board of technical professions."

(b) If any professional's judgment is overruled under circumstances in which the safety, health or welfare of the public is endangered, the employer shall be informed of the possible consequences and the professional shall notify any other proper authority of the situation as may be appropriate.

(c) Each professional shall undertake to perform assignments only when qualified by education and experience in the specific technical field of the profession involved.

(d) Each professional may accept an assignment requiring education or experience outside of the professional's field of competence, but only to the extent that the services are restricted to those phases of the project in which the professional is qualified. All other phases of that project shall be performed by qualified associates, consultants, or employees.

(e) Except as provided in K.S.A. 74-7023(b), each professional shall not affix a personal signature, seal or both to any plan or document dealing with subject matter which is outside of the professional's field of competence by virtue of education or experience, nor to any plan or document not prepared under that professional's direct supervision and control.

(f) If a question arises as to the competence of any professional to perform an assignment in a specific technical field which cannot be otherwise resolved to the board's satisfaction, the board, either upon request or by its own volition, may require the professional to submit to an appropriate examination, as determined by the board.

(g) Each professional shall be completely objective and truthful in all professional reports, statements or testimony and shall include all relevant and pertinent information in those reports, statements or testimony.

(h) Each professional, when serving as an expert or technical witness before any court, commission or other tribunal, shall express an opinion only when it is founded upon adequate knowledge of the facts at issue, upon a background of technical competence in the subject matter, and upon honest conviction of the accuracy and propriety of the professional's testimony.

(i) Each professional shall not issue statements, criticisms, or arguments on matters connected with



public policy which are inspired or paid for by an interested party or parties, unless those comments are prefaced by explicit personal identification. The explicit personal identification shall include disclosure of the identities of the party or parties on whose behalf the professional is speaking, and the existence of any pecuniary interest the professional may have in the instant matters.

(j) Each professional shall disclose all known or potential conflicts of interest to employers or clients by promptly informing them of any business association, interest, or any other circumstances which could influence that professional's judgment or the quality of the professional's services.

(k) Each professional shall not accept compensation, financial or otherwise, from more than one party for services on the same project or for services pertaining to the same project, unless the circumstances are fully disclosed and agreed to by all interested parties.

(l) Each professional shall not solicit or accept financial or other valuable considerations from material or equipment suppliers for specifying their products.

(m) Each professional shall not solicit or accept financial or other valuable consideration, directly or indirectly, from contractors, their agents, or other parties in connection with work for employers or clients for which the licensee is responsible.

(n) Each professional shall not solicit a contract from a governmental body on which a principal or officer of the professional's organization serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of the appropriate public authority.

(o) Each professional shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure work, exclusive of payment made to an employment agency for its services.

(p) In all contacts with prospective or existing clients or employers, each professional shall accurately represent the professional's qualifications and the scope of the professional's responsibility in connection with work for which the professional is claiming credit.

(q) Each professional shall not knowingly associate with, or permit the use of a personal name or firm name in, a business venture by any person or firm which the professional knows, or has reason to believe:

(1) is engaging in business or professional practices of a fraudulent or dishonest nature; or

(2) is engaging in a violation of K.S.A. 74-7001 *et seq.* or the rules and regulations promulgated and adopted by the board.

(r) Any professional having knowledge of any alleged violation of any of these rules of professional conduct shall report that knowledge to the board and shall cooperate with the board in furnishing that information or any assistance that may be required.

(s) Each professional shall not assist any person in applying for registration when that person is known by

the professional to be unqualified in respect to education, training, experience, or character.

(t) Conviction of a felony or the revocation or suspension of a professional license by another jurisdiction, if for a cause which in the state of Kansas would constitute a violation of Kansas law or of these rules, shall be grounds for a charge of violation of these rules. (Authorized by and implementing K.S.A. 74-7013; effective May 1, 1978; amended May 1, 1984; amended May 1, 1985.)

**66-6-9. Revocation of license or certificate of authorization.** If any individual or corporation fails to pay the renewal fee and penalty within 150 calendar days from the date of the first, written renewal notice, the individual's license or the corporation's authorization shall be revoked. A new certificate may be obtained in the manner prescribed for new applicants, unless the original certificate is reinstated by the board for good cause shown and upon payment of the penalty and all delinquent fees owed at the time of reinstatement. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7025; effective May 1, 1984; amended May 1, 1985.)

#### Article 8.—EXAMINATIONS

**66-8-2. Architectural examination.** The written examination required by K.S.A. 74-7017 shall be the architectural registration examination as prepared by the national council of architectural registration boards (NCARB). The examination shall be held at a time and place determined by the board and shall be administered to each applicant eligible for examination in accordance with the requirements of the board, including training and education requirements. The exam shall be graded in accordance with the methods and procedures recommended by the NCARB. Each applicant who has passed a portion or portions of previous registration examinations shall be granted transfer credits in accordance with the rules recommended by the NCARB. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7017; effective May 1, 1984; amended May 1, 1985.)

#### Article 10.—EXPERIENCE

**66-10-3. Proof of architectural experience satisfactory to the board.** The required work experience shall expose the applicant to all phases of work in design and construction, construction administration and office management. Each applicant shall provide a record of architectural experience compiled and evaluated by the national council of architectural registration boards (NCARB). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7019; effective May 1, 1984; amended May 1, 1985.)

**66-10-4. Experience in landscape architecture work of a grade and character satisfactory to the board.**

(a) The required work experience shall expose the applicant to all phases of work normally considered to be integral to the practice of landscape architecture.

(b)(1) Landscape architectural work shall be:

(continued)

(A) work which falls within the definition of "the practice of landscape architecture" under K.S.A. 74-7003(g); and

(B) verified by the employer or former employer.

(2) In assigning credit for work experience for a graduate of an accredited four-year curriculum in landscape architecture, a master's degree in landscape architecture may equal one year of credit toward the two-year experience requirement.

(3) Each applicant who is a graduate of an accredited master level curriculum in landscape architecture shall be considered by the board to be equivalent to a graduate of a five-year curriculum and shall be required to meet the experience requirements of that curriculum as specified in K.S.A. 74-7020(b). (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7020; effective May 1, 1984; amended May 1, 1985.)

**66-10-6. Engineering experience required of a graduate in a four-year curriculum other than engineering.** Each graduate of a curriculum that is considered by the board to be a science which is related to engineering, including architecture, landscape architecture, land surveying, math, chemistry or physics, shall be required to provide a verified record of 10.5 years of engineering experience. Each graduate of a four-year curriculum not considered to be an art or science which is related to engineering shall be required to verify a record of 12 years of engineering experience. (Authorized by K.S.A. 74-7013; implementing K.S.A. 74-7021; effective May 1, 1984; amended May 1, 1985.)

BETTY L. ROSE  
Executive Secretary

Doc. No. 002930

State of Kansas

## DEPARTMENT OF EDUCATION

### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1985)

#### Article 1.—CERTIFICATE REGULATIONS

**91-1-26. Definition of terms.** (a) "Accredited experience" means teaching experience, under contract, in a school accredited by the state board or a comparable agency in another state while holding a certificate valid for the specific assignment. A minimum of ninety consecutive days of substitute teaching in the area of academic preparation and in the same teaching position shall constitute accredited experience. Other substitute teaching experience shall not constitute accredited experience.

(b) "Approved program" means a teacher education program approved by the state board.

(c) "Certification" means the granting of an initial teaching certificate or the addition of a provisional endorsement or the addition of endorsements on a certificate.

(d) "Cooperating teacher" means a teacher assigned to a student teacher by the local school.

(e) "Deficiency plan" means a detailed schedule of instruction from an approved program which, if completed, will qualify a person for full endorsement in a subject or field. A deficiency plan shall be signed by the person who is to receive the instruction and by a representative of the institution at which the instruction is to be given.

(f) "Duplication of a certificate" means the issuance of a certificate to replace a certificate that is lost or destroyed.

(g) "Educational plan" means a plan describing the professional development activities to be completed during a specified period of time by the individual filing such a plan.

(h) "Endorsement" means the code numbers and legend printed on the certificate which identifies the level and field or subject a person is entitled to teach.

(i) "Field" means a general instructional area, including, but not limited to, English language arts, natural science, or social science.

(j) "Middle-level endorsement" means an endorsement for teaching subjects or fields in grade levels five through nine.

(k) "Official transcript" means a student record which includes grades and credit hours earned and which is affixed with the official seal of the college and the signature of the registrar.

(l) "One year of teaching experience" means accredited experience that constitutes one-half time or more in one school year, while under contract.

(m) "Recent credit" or "recent experience" means credit or experience earned during the six-year period immediately preceding the filing of an application.

(n) "Renewal of certification" means the issuance of a certificate to replace a certificate that has expired or is about to expire.

(o) "Resident credit" means credit designated as resident credit by the college or university granting the credit.

(p) "Secondary field endorsement" means an endorsement for teaching subjects or fields in grade levels seven through twelve.

(q) "Standards boards" means the teaching and school administration professional standards advisory board.

(r) "State board" means the state board of education.

(s) "Subject" means a specific teaching area within a general instructional field.

(t) "Supervising teacher" means a faculty member assigned to a student teacher by the parent institution.

(u) "Teacher education institution" means a college or university designated by the certificate applicant as the college or university upon whom the student will depend for the initial institutional recommendation. This designation shall be made only if:

(1) A minimum of eight semester hours of upper division or graduate level resident credit has been earned by the applicant at the institution designated;

(2) the credit earned under subsection (u)(1) is fully acceptable as elective or required credit toward a degree offered by the designated institution; and

(3) the institution has been accredited by the state

board or a state-authorized agency of the state in which the institution is located, if the state has officially adopted standards for accrediting teacher education institutions.

(v) "Valid credit" means a semester hour credit earned or validated in a college or university on the accredited list of the state board. Where credit is required in certificate regulations, it shall be interpreted to mean valid credit. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**91-1-30. Elementary, middle level, junior high, and secondary endorsements.** (a) Initial certification.

(1) Except as otherwise expressly provided in these regulations, each initial certificate shall be valid for three years.

(2) Each applicant for an initial certificate shall have completed credit in the area of exceptional children.

(3) Each secondary endorsement or endorsements shall be extended to grades five and six, if the applicant's preparation:

(A) Includes course work in child and adolescent psychology, teaching experience in one of the grades five through nine in an elementary, middle or junior high school, and 15 semester hours in each field or subject to be taught; or

(B) Meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle-level subject and field requirements, and the applicant documents accredited teaching experience in grades five through nine. The teaching experience may be student teaching. Teachers of grades seven, eight or nine in an accredited junior high school or a six year high school shall have a minimum of 15 semester hours of credit in each field or subject to be taught.

(4) Any applicant who holds or is eligible for a certificate with an endorsement at the secondary level for one or more subjects or fields shall be granted a one-year endorsement at the secondary level for another subject or field, if the applicant has:

(A) Completed at least 50% of the subject or field requirements outlined in the state-approved program of the recommending institution;

(B) prepared a deficiency plan to complete the full subject or field requirements in the state approved program within three years. This plan shall be submitted with the application for endorsement; and

(C) Obtained a recommendation for endorsement in that subject or field from the institution at which the deficiency plan is completed.

(5) Any applicant who holds or is eligible for a certificate with an endorsement at the secondary level for one or more subjects or fields shall be granted an endorsement at the middle or junior high level, if the applicant meets the requirements of S.B.R. 91-1-30(a)(3).

(b) Renewal requirements.

(1) Credit that is to be used as a basis for certificate renewal shall be upper-division or graduate level

credit. Credit other than upper-division or graduate level credit that is submitted as a basis for certificate renewal shall be approved by the applicant's district school administrator or building administrator. Applicants for renewal of certification based upon credit hours shall select credit hours which maintain or improve skills related to their employment as teachers, administrators or special services personnel in the schools. Renewal credit shall be appropriate to the endorsement or endorsements which appear on the certificate, to a new endorsement area, or to professional development.

(2) Applicants for renewal of certification based upon credit hours who do not have previous credit in the area of exceptional children shall have completed a two-hour survey course or other courses with equivalent content in the area of exceptional children.

(3) Applicants for renewal of certification based upon accredited experience who do not have previous credit in the area of exceptional children shall have completed a two-hour survey course or other courses with equivalent content in the area of exceptional children.

(4) When any person has two years of accredited, recent experience in the area for which the person is certified and when that person meets the requirements of subsection (b)(2) or (b)(3) of this regulation, the person's certificate may be renewed for five years, if:

(A) The experience was obtained within the term of the three-year certificate; and

(B) the person is recommended for renewal by the administration of the school in which the person is employed.

(5) For any person who does not hold an advanced degree, a renewal of a five-year certificate shall require that the person have completed a minimum of eight additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

(6) (A) Any person holding an advanced degree may be granted two renewals of a five-year certificate if the person has completed three years of accredited, recent experience during the term of the most recent certificate.

(B) Further renewals of a five-year certificate issued to a person who holds an advanced degree shall require that the person have completed six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d.

(7) Any applicant for renewal of an elementary certificate who has not previously completed a course in the teaching of reading shall have completed such a course. This course shall include a supervised practicum.

(8) Any person having an initial certificate who does not meet the requirements for a five-year certificate may be granted an additional three-year certificate if the person has:

(A) One year of recent, accredited experience since the issuance of the most recent three-year Kansas certificate;

(continued)

(B) Six additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d, if the applicant holds an advanced degree; or

(C) Eight additional hours of recent credit or the prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d, if the applicant does not hold an advanced degree.

(9) An endorsement or endorsements granted under the provisions of subsection (a)(4) of this regulation may be renewed for two additional one-year periods, if the applicant submits:

(A) An application for renewal;

(B) a transcript showing that the deficiency plan is being completed; and

(C) a recommendation for renewal of the endorsement from the institution at which the deficiency plan is being completed.

(10) (A) The following types of certificates, which were valid as of July 1, 1980, shall be treated as non-expiring: 123, 124, 125, 126, 127, 128, 133, 139, 140, 144, 145, 146, 147, 157, 158, 201, and 202.

(B) Those certificates listed above, which were not valid as of July 1, 1980, shall be renewed as non-expiring certificates by meeting the requirements prescribed in S.B.R. 91-1-30 (b)(4), (b)(5), or (b)(6)(B). (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**91-1-57. Out-of-state applicants and foreign exchange teachers.** (a) If the applicant meets the requirements of S.B.R. 91-1-27, a certificate, valid for three years, shall be issued to any out-of-state applicant on the basis of credentials from an institution that has been approved by the authority responsible for issuance of that state's initial regular certification. The accreditation and approval shall be based upon:

(1) Officially adopted state standards that are comparable to Kansas state standards for accrediting institutions of higher education; and

(2) On-site evaluation team visits to verify that standards have been met.

(b) Certificates from other states shall not be valid for teaching in Kansas.

(c) (1) If any out-of-state applicant has credentials from a state-accredited teacher education institution that does not have state-approved programs as specified in subsection (a) of this regulation, a one-year endorsement shall be issued to that applicant, if the applicant has a recommendation from a Kansas accredited teacher education institution and has developed a deficiency plan to meet the requirements of a program approved by the Kansas state board. If no deficiencies exist, the Kansas teacher education institution may recommend full endorsement. The conditions specified in S.B.R. 91-1-26(u)(1) and (2) shall not apply to the recommendation process described in this subsection.

(2) One additional one-year endorsement shall be issued upon the recommendation of the teacher education institution if evidence that progress has been

made toward completing the deficiency plan is provided.

(d) Foreign exchange teachers. The state board may issue a certificate which is valid for one year to a person who participates in the foreign exchange teachers program. The applicant shall submit an application, fee and verification of participation in the foreign exchange program. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**91-1-58. Substitute teaching endorsement.** (a) A substitute teaching endorsement may be issued to any person meeting the requirement of subsection (b). The initial substitute teaching endorsement shall be valid for five years. Persons holding a substitute teaching endorsement shall teach no more than 90 days in any school year. The substitute teaching endorsement shall be valid for the grade level specified by the applicant's Kansas certificate or out-of-state certificate, if based upon such a certificate, or, if based upon completion of an approved teacher education program, for the grade level of preparation.

(b) Each applicant shall present evidence of the following:

(1) Having held a Kansas teacher's certificate. The recent credit or experience required by S.B.R. 91-1-27(c) shall not apply; or

(2) Having held a certificate from another state which has certification requirements comparable to those of Kansas. The recent credit or experience required by S.B.R. 91-1-27(c) shall not apply; or

(3) Completion of a baccalaureate degree in an approved secondary or elementary teacher education program, including recency as specified in S.B.R. 91-1-27(c).

(c) A renewal of the substitute teaching endorsement shall be valid for five years and shall be issued to applicants who present evidence of having received:

(1) Five semester hours of recent college credit earned since the issuance of the substitute endorsement; or

(2) The prescribed number of recent inservice education points specified in S.B.R. 91-1-146a to 91-1-146d. Credit that is submitted as a basis for endorsement renewal shall meet the requirements stated in S.B.R. 91-1-30(b)(1). (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1983; amended May 1, 1985.)

**91-1-59.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1985.)

**91-1-60. Emergency substitute teachers.** (a) When teachers holding a valid certificate with appropriate elementary, secondary, K-12 or substitute endorsements are not available, school districts may:

(1) Use substitute teachers holding a valid Kansas certificate in any level, field or subject; or

(2) employ persons who have been certified by the

state board as emergency substitute teachers, under the provisions of this regulation.

(b) The state board may issue an emergency substitute teacher certificate to any person who has:

(1) Completed a minimum of 60 semester hours of college credit; and

(2) been recommended for certification as an emergency substitute teacher by the district school administrator and the president of the local board of education.

(c) Any person issued a certificate under the provisions of this regulation shall not be permitted to serve as a substitute teacher for more than 30 days in one semester. When issued, a copy of each certificate shall be placed on file with the state board.

(Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended (temporary) December 14, 1984; amended (permanent) May 1, 1985.)

**91-1-61. Cancellation or revocation, suspension, denial or recall of certification.** (a) Any certificate may be cancelled or revoked, suspended, or denied by the state board for the following reasons:

(1) Conviction of, or a plea of guilty for violation of any law punishable as a felony; or

(2) Evidence that a certificate holder has injured the health or welfare of a child through physical or sexual abuse or exploitation. For the purposes of this paragraph, a certified copy of a court record showing that a certificate holder was convicted in a state or federal court of the commission of an act involving the physical or sexual abuse, exploitation of a child, or any of the acts in subsection (a)(1) within the previous five years shall be considered sufficient evidence.

(b) Cancellation or revocation or suspension of a certificate shall cancel, revoke or suspend all endorsements on the certificate. Cancellation or revocation of a certificate shall be permanent, subject to the reinstatement provisions in subsection d; suspension of a certificate shall be for a definite period of time.

(1) Certification may be denied if the applicant fails to meet the requirements of the state board or for any of the grounds for which a certificate may be suspended, cancelled or revoked;

(2) A certificate shall be recalled if such certificate was issued by or through error.

(c) Any applicant for certification whose certificate has been suspended, cancelled or revoked in another state shall not be eligible for certification in Kansas until the applicant's certificate is reinstated by the state in which the suspension, cancellation or revocation occurred.

(d) The state board may reinstate a certificate which has been suspended, cancelled or revoked upon finding that the applicant otherwise meets requirements for certification and that the grounds for suspension, cancellation or revocation no longer exist.

(1) Any person whose certificate has been revoked may petition for the right to apply for a new certificate by submitting evidence to the Kansas professional practices commission that the reason or reasons for the revocation have ceased to be a factor in the performance of the educator seeking reinstatement.

(2) The professional practices commission shall make a recommendation regarding such application to the state board of education.

(3) No application for a certificate of a person whose prior certificate was revoked or cancelled shall be considered by the state board for new certification until at least five years have elapsed from the time of the conviction for the act or acts causing revocation or cancellation. Such a person shall meet all other state board requirements for certification.

(Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended (temporary) December 14, 1984; amended (permanent) May 1, 1985.)

**91-1-91a. Middle-level English.** (a) Each applicant for an English endorsement at the middle level shall have successfully completed a state-approved middle-level English program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) An understanding of the structure and history of the English language.

(2) Competence in speaking, reading, and writing skills.

(3) An understanding of the basic structural and semantic attributes of written and oral communications.

(4) An understanding of the social and regional variations in language.

(5) A knowledge of the nature of nonprint and non-verbal expression and their relationship to verbal expression.

(6) An understanding of language development in individuals. The program shall allow the student to acquire a knowledge of:

(a) the processes through which individuals acquire, understand, and use their language; and

(B) the characteristics of oral and written language in the developing child and adolescent.

(7) A knowledge of adolescent literature and a representative body of English and American literature.

(8) An understanding of the various ways language is used in social, aesthetic, and other applied settings.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-93a. Special education.** (a) (1) Each applicant for a special education endorsement shall have successfully completed a state-approved program in at least one of the following special education subject areas: behavior disorders; early childhood handicapped; gifted; hearing impaired; learning disabilities; mentally retarded; physically impaired; severely multiply handicapped or visually impaired. Each applicant shall be recommended by a teacher education institution.

(2) Each applicant shall have successfully completed a state-approved program to teach regular education students at the level for which the special

(continued)

education subject area endorsement application is submitted, except any applicant for an endorsement to teach early childhood handicapped or severely multiply handicapped may substitute an undergraduate degree in occupational therapy, speech-language pathology, child development, nursing or other related field.

(b) Upon written request from an administrator of an accredited or approved educational agency to a teacher education institution, provisional endorsement in one of the special education subject areas listed in subsection (a) may be recommended by a teacher education institution that has a state-approved program in the special education subject area for which the provisional endorsement application is submitted. Each applicant for a provisional endorsement shall have successfully completed the subject area outcomes of paragraphs (c) (1), (2), (3), (5), (8) and (12) (A) and (B) of this regulation and one of the placements from paragraph (c) (14). Provisional endorsement shall be for one year. With verification of successful experience during that year, the individual may be recommended for yearly renewal of the provisional endorsement for a maximum of three additional years if progress is made each year toward completing the requirements for full endorsement in the area.

(c) An approved special education subject area program shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of special education foundations. The course of study shall allow students to acquire the ability to:

(A) explain the relationship of special education to regular education;

(B) describe contributions of other disciplines to the identification, classification, treatment and education of exceptional pupils;

(C) identify contributors to the growth and improvement of special education knowledge and practices;

(D) describe types of instructional arrangements for exceptional pupils;

(E) explain the impact that state and national legislation, litigation and professional and parent organizations have upon the development of special education programs;

(F) describe the roles that teachers, other professionals and parents assume in providing instruction and other services for exceptional and nonexceptional pupils;

(G) explain commonalities and differences among special education areas for etiology, diagnosis, characteristics, treatment/instructional approaches and post-school status;

(H) explain the manner in which a code of ethical conduct applies to continued development of professional skills, responsibility for the welfare of those served, sharing knowledge with others and cooperative efforts with colleagues; and

(I) describe ways to use past and present literature to improve performance as a professional special educator.

(2) Acquire knowledge of the concepts used to es-

tablish etiology, identify characteristics and select instructional and intervention strategies. The course of study shall allow students to acquire the ability to:

(A) describe procedures used to identify and classify variance from normal standards in social, communication, cognitive, motor and affective behaviors;

(B) describe contributions of family, biological and environmental factors to the origins of variant behaviors;

(C) explain the procedures used to screen and diagnose, and the manner in which these are related to selection of an instructional and intervention plan;

(D) give examples of behavioral performance profiles; and

(E) compare the similarities and differences among instructional and intervention strategies and describe the basis for the selection of strategies and the manner in which the effectiveness of strategies is determined.

(3) Acquire the ability to apply and report the results of preinstructional assessment procedures. The course of study shall allow students to acquire the ability to:

(A) select and use formal and informal measurement instruments commensurate with a pupil's developmental level;

(B) score and interpret norm and criteria referenced tests of academic achievement;

(C) modify or construct measurement devices when other instruments are not applicable;

(D) collect and analyze performance information through systematic observations and recordings of social and academic behaviors;

(E) use task analysis or similar procedures to determine the effectiveness of a pupil's problem-solving strategy;

(F) evaluate the impact of a present placement on a pupil's presenting problems; and

(G) present a report of assessment results.

(4) Acquire the ability to relate instructional content and media to pupil needs. The course of study shall allow students to acquire the ability to:

(A) select instructional content that enables pupils to acquire knowledge and skills in areas such as literacy, self-care, personal growth, career preparation and social competence;

(B) select media to attain instructional goals and objectives; and

(C) explain the relationship between pupil failure and inappropriate behavior, and content and media that are too easy or difficult.

(5) Acquire the ability to use assessment data to plan and implement instructional methodology. The course of study shall allow students to acquire the ability to:

(A) establish goals and objectives from assessment information;

(B) develop the scope and sequence of learning activities for pupil attainment of instructional goals and objectives;

(C) apply computer and related technology to instructional processes;

(D) vary instructional format and schedule to enhance pupil performance;

(E) select and apply specialized methods; and  
 (F) provide a pupil with information about performance results for the purpose of enhancing continued progress and the development of self-evaluation skills.

(6) Acquire the ability to plan learning environments. The course of study shall allow students to acquire the ability to:

(A) arrange the instructional setting to enhance pupil performance;

(B) ensure pupil access to necessary instructional media;

(C) designate areas for specific pupil activities; and

(D) use visual displays consistent with instructional goals and objectives.

(7) Acquire knowledge of processes to establish constructive pupil-teacher and pupil-pupil interpersonal relationships. The course of study shall allow students to acquire the ability to:

\* (A) explain the impact of cultural, social, affective and other pupil variables upon interpersonal relationships;

(B) describe methods to establish and maintain communication with a pupil;

(C) model behavior appropriate to specific circumstances, such as anger, affection, humor, honesty;

(D) explain how communication methods are used to support pupil efforts to achieve; and

(E) develop a plan to enable exceptional and non-exceptional pupils to understand that both groups have needs in common and needs that are unique to individuals.

(8) Acquire the ability to implement individual and group behavior management procedures. The course of study shall allow students to acquire the ability to:

(A) observe and record pupil performance on instructional and related objectives;

(B) apply appropriate expectations and consequences for pupil performance;

(C) plan programs to increase appropriate and decrease inappropriate pupil behaviors; and

(D) involve pupils in the development of group and self-management plans.

(9) Acquire the ability to establish a program evaluation plan. The course of study shall allow students to acquire the ability to:

(A) develop measurement strategies consistent with instructional objectives;

(B) calculate the effects of the program upon individual pupil performance and use them to determine total program effectiveness;

(C) use evaluation results to maintain or change an instructional program;

(D) communicate evaluation results to administrators, other teachers, parents and members of the community; and

(E) develop a system to follow the progress of pupils who no longer need special education and related services.

(10) Acquire knowledge of and ability to apply principles related to development of cooperative and supportive relationships with colleagues. The course of study shall allow students to acquire the ability to:

(A) model communication, consultation and problem solving skills that can be used to provide regular and special educators with knowledge of instructional and management procedures for exceptional pupils;

(B) develop a plan to communicate program needs to others;

(C) describe the manner in which suggestions from others can be used for program improvement;

(D) explain procedures for planning and implementing staff development activities; and

(E) participate as a member of an interdisciplinary team in activities related to planning, implementing and evaluating instructional and related programs for a pupil.

(11) Acquire knowledge of procedures to involve parents in planning and implementing instructional and related programs. The course of study shall allow students to acquire the ability to:

(A) model consultation and communication skills that can be used in individual and group parent conferences;

(B) develop a plan to instruct parents in methods for implementing a home-based teaching and management plan for their child;

(C) locate and describe community services for exceptional pupils and their parents; and

(D) explain parental rights and responsibilities that are described in state and federal statutes and regulations.

(12) Acquire knowledge of general management, supervisory and regulatory role functions. The course of study shall allow students to acquire the ability to:

(A) describe the state special education plan to colleagues and members of the community;

(B) explain procedural due process rights to others;

(C) apply the knowledge and abilities required by paragraphs (3) through (9) of this regulation in developing, implementing and evaluating an individualized education program;

(D) explain the role of paraprofessionals and volunteers in an instructional program; and

(E) describe a local educational agency's policies and procedures for providing special education and related services; and

(13) Acquire knowledge of procedures used in regular class, resource, self-contained, hospital and homebound, special school, residential center and other instructional placements and the ability to describe operational variables or characteristics that discriminate among types of instructional placements.

(14) Acquire the knowledge and abilities required by paragraphs (1) through (13) of this regulation in a minimum of two of the placements common to the exceptionality area.

(d) Programs for applicants who choose to add a level or levels to an exceptionality area endorsement in addition to the level approved for certification to teach nonexceptional pupils shall require students to complete a course of study allowing the student to:

(1) Acquire the ability to apply level-relevant knowledge and skills of the exceptionality area to level-associated curriculum and instructional

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methods. The course of study shall allow students to acquire the ability to:

- (A) describe the impact of exceptionality upon cognitive, affective, social and motor domains;
- (B) assess pupil performance before and after an instructional unit;
- (C) plan instructional experiences that are appropriate in scope and sequence; and
- (D) select instructional methods and media that function to increase pupil growth in knowledge and skills.

(2) Acquire the knowledge and abilities required by paragraphs (d)(1)(A) through (d)(1)(D) of this regulation in one of the placements common to the exceptionality area at the level for which the endorsement is added.

(e) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2 (a); effective May 1, 1985.)

**91-1-101a. Middle-level foreign language.** (a) Each applicant for a foreign language endorsement at the middle level shall have successfully completed a state-approved middle-level foreign language program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

- (1) Acquire basic reading, writing, and speaking skills of the language including:
  - (A) ability to read prose and verse of average difficulty;
  - (B) knowledge of the grammatical structure and phonology of the language;
  - (C) ability to write a composition with correct vocabulary and syntax;
  - (D) ability to produce correct pronunciation; and
  - (E) ability to understand basic oral communication.
- (2) Recognize the relationship between language and culture, including:
  - (A) an understanding of the geography, history, arts, and social customs of the country or countries in which the language is spoken; and
  - (B) a recognition of the manner in which foreign cultures differ from our own.
- (3) Recognize differences in sound systems, forms, idioms, and structures between English and the foreign language.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-104a. Middle-level home economics.** (a) Each applicant for a home economics endorsement at the middle level shall have successfully completed a state-approved, middle-level home economics program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

- (1) Acquire knowledge of the multidisciplinary ap-

proach of home economics. The course of study shall allow students to acquire the ability to:

- (A) identify the comprehensive scope of home economics;
- (B) analyze the contribution of each area of home economics to personal and family life; and
- (C) demonstrate knowledge of the occupational opportunities in the field.

(2) Acquire knowledge of the family unit. The course of study shall allow students to acquire the ability to:

- (A) understand the development, care, and guidance of the child from infancy through preschool;
- (B) analyze factors which influence positive self-concept and successful interpersonal relations; and
- (C) relate development of self-concept to peer and family relationships throughout the life cycle.

(3) Acquire knowledge of home economics content. The course of study shall allow students to acquire the ability to:

- (A) identify and apply the principles of the decision-making process to personal, family, consumer, and resource management;
- (B) evaluate consumer issues as they relate to the individual, family, and the community;
- (C) recognize the effect of housing and space needs on individuals and families;
- (D) identify and apply methods and techniques of clothing selection, care and construction that are time and energy efficient;
- (E) understand the principles of nutrition, food selection and preparation;
- (F) identify the relationship of grooming practices to personal health and appearance; and
- (G) identify safety procedures in the management of home and family life.

(4) Acquire knowledge of home economics education. The course of study shall allow students to acquire the ability to:

- (A) develop and evaluate curriculum appropriate for middle-level home economics; and
- (B) develop and demonstrate the use of teaching materials, resources and techniques appropriate for middle-level home economics.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-108b. General mathematics.** (a) Each applicant for a general mathematics endorsement at the secondary level shall have completed a state-approved program to teach general mathematics and the fundamentals of algebra and geometry and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

- (1) Acquire knowledge of the structure of the real number system and its application. The course of study shall allow students to acquire the ability to:

- (A) state and apply the field properties of the real number system;
- (B) use the field properties in developing and justi-



fying the algorithms and concepts of arithmetic and algebra;

(C) solve linear and quadratic equations, systems of linear equations and equations involving radicals;

(D) perform functional operations of addition, subtraction, multiplication, and division on polynomial functions with real coefficients;

(E) construct and interpret graphs of single-variable functions; and

(F) utilize matrices to organize and manipulate data.

(2) Acquire knowledge of geometric concepts. The course of study shall allow students to acquire the ability to:

(A) apply informal geometric concepts to physical world experiences;

(B) solve problems using metric and non-metric properties;

(C) construct simple geometric figures;

(D) recognize and construct proofs involving mathematical concepts and principles;

(E) use the principles of transformational geometry;

(F) identify the undefined terms, definitions, assumptions and major theorems of Euclidean geometry; and

(G) describe the axiomatic approach to developing a geometric system.

(3) Acquire knowledge of probability and statistics. The course of study shall allow students to acquire the ability to:

(A) calculate the total number of possible outcomes of a random experiment by using counting techniques involving permutations and combinations;

(B) state the probability axioms and calculate the probabilities of simple and compound events;

(C) define and calculate conditional probabilities;

(D) draw graphs such as histograms and frequency curves to represent a set of data;

(E) determine the normal distribution and binomial distribution;

(F) use the sample mean to estimate the population mean; and

(G) identify uses and abuses of statistics in various fields.

(4) Acquire computer programming techniques and applications. The course of study shall allow students to acquire the ability to:

(A) identify the uses and limitations of computers;

(B) identify and explain the general function of the fundamental components of a computer system;

(C) design and code computer programs in a high-level programming language; and

(D) design and select software for use in mathematics education and integrating it into the curriculum.

(5) Acquire problem-solving techniques. The course of study shall allow students to acquire the ability to:

(A) design appropriate mathematical models which represent or describe practical problems from the natural sciences, social sciences, business, or technology;

(B) estimate, determine, and interpret solutions as they apply or relate to practical problems;

(C) use calculators and computers in problem-solving and in exploring and developing mathematical concepts; and

(D) apply the tools and techniques of measurement for the collection and analysis of data.

(6) Acquire knowledge of the historical development of mathematical ideas. The course of study shall allow students to acquire the ability to:

(A) trace the historical development of mathematical topics appropriate for this level;

(B) identify the contribution to mathematics made by prominent mathematicians; and

(C) identify the contribution of various cultures to the development of mathematical principles and philosophies.

(7) Acquire methods of teaching secondary mathematics. The course of study shall allow students to acquire the ability to:

(A) organize and present mathematical ideas in various teaching styles;

(B) identify and construct evaluation instruments appropriate to assessing student learning of skills, concepts, facts, and problem-solving;

(C) diagnose problem areas and prescribe remedial activities in mathematics for students at all levels of ability;

(D) identify instructional materials used in the teaching of mathematics;

(E) identify professional mathematics organizations and describe their contribution to the teaching of mathematics; and

(F) identify and apply current and emerging trends in secondary mathematics education.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-108c. Middle-level mathematics.** (a) Each applicant for a mathematics endorsement at the middle-level shall have successfully completed a state-approved program in middle-level mathematics and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of the structure of the real number system and its applications. The course of study shall allow students to acquire the ability to:

(A) use the field properties of the real number system in developing and justifying algorithms and concepts of arithmetic and algebra;

(B) solve systems of linear equations and quadratic equations;

(C) perform basic functional operations on polynomial functions; and

(D) construct and interpret graphs of single-variable functions and use matrices to organize and manipulate data.

(2) Acquire knowledge of geometric concepts. The course of study shall allow students to acquire the ability to:

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(A) solve geometric problems, develop proofs, and construct geometric figures;

(B) apply geometric concepts to the physical world; and

(C) demonstrate knowledge of the principles of Euclidean geometry.

(3) Acquire knowledge of probability and statistics. The course of study shall allow students to acquire the ability to:

(A) state the probability axiom and calculate the probabilities of simple and compound events; and

(B) demonstrate the ability to understand and apply the principles of descriptive statistics.

(4) Acquire a knowledge of computer applications. The course of study shall allow students to acquire the ability to:

(A) demonstrate a knowledge of the functions and limitations of a computer system; and

(B) adapt software for use in mathematics education.

(5) Acquire knowledge of problem-solving techniques. The course of study shall allow students to acquire the ability to:

(A) design mathematical models which represent practical problems; and

(B) use appropriate data collection and analysis procedures to solve mathematical problems.

(6) Acquire knowledge of the historical and cross-cultural development of mathematical ideas.

(7) Acquire knowledge of the metric system.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-112a. Science—general requirements.** (a) Each applicant for an endorsement in one or more science areas at the secondary level of instruction shall have successfully completed a program meeting the following standards and a state-approved program for the science area or areas for which endorsement is sought.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of basic processes, concepts and principles of biology, chemistry, physics, and earth and space science. The course of study shall allow students to acquire the ability to:

(A) demonstrate basic problem-solving processes, including observation, inference, measurement, prediction, use of numbers, classifying and use of space and time relationships in both physical and life science;

(B) demonstrate integrated process skills, including identification and control of variables, interpretation of data, formulation and testing of hypotheses, and experimentation in both physical and life science;

(C) identify and describe broad-based interrelationships among biology, chemistry, physics, and earth and space science; and

(D) describe the relationships among the lithosphere, atmosphere, hydrosphere and man's environment as they apply to the study of general biology, chemistry, physics, and earth and space science.

(2) Acquire knowledge of the cultural, intellectual, and philosophical nature of science. The course of study shall allow students to acquire the ability to:

(A) describe and demonstrate the application of analytical methods in multidisciplinary approaches to studying and solving problems encountered by societies living in a world with finite resources, population increase, and diminishing energy reserves;

(B) describe the relationship between science and technology, and illustrate the impact of technological developments on cultures within society;

(C) demonstrate that science involves the use of basic problem-solving skills to increase personal appreciation of the total environment, as well as their practical application; and

(D) demonstrate through laboratory experiences the open-ended, spiraling nature of scientific inquiry as a cyclic, continuous process.

(3) Acquire knowledge of the selection, purchase, safe operation, maintenance, and proper storage of equipment, supplies, and chemicals used in teaching the specific area to be certified.

(4) Acquire knowledge of computers. The course of study shall allow students to acquire the ability to:

(A) demonstrate an understanding of basic operation and use of computers, and an ability to program in at least one computer language; and

(B) identify, describe and demonstrate strategies and materials for using computers in the classroom.

(5) Acquire proficiency in advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions and probability.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-112b. Middle-level science.** (a) Each applicant for a science endorsement at the middle level shall have successfully completed a state-approved, middle-level science program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of the basic principles of biological science, physical science, and earth science including a knowledge of:

(A) classification systems, basic health principles, continuity, structure/function, diversity, evolution, nutrition, behavior, life cycles and energy systems;

(B) metric measures, matter and energy, the basic principles of physics, and the basic principles of chemistry; and

(C) basic geology, forces changing the earth, meteorology, and descriptive astronomy.

(2) Acquire an understanding and ability to use the scientific method by being proficient in:

(A) organization and use of laboratory equipment;

(B) field observation; and

(C) process skills, including identifying and controlling variables, interpreting data, formulating and teaching hypotheses, and experimenting.

(3) Acquire an understanding of the relationships

between scientific principles and everyday life. The course of study shall allow students to acquire the ability to exhibit:

(A) skill in using science to improve human life and to help students cope with an increasingly technological world; and

(B) awareness of the nature of a wide variety of science and technological careers open to students.

(4) Acquire the ability to apply mathematical principles to the study of scientific issues.

(5) Acquire the ability to use computers for classroom instruction in science.

(6) Acquire the ability to relate the study of science to science-related societal issues.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-113a. Biology.** (a) Each applicant for a biology endorsement at the secondary level shall have successfully completed a state-approved program in biology, shall have met the general requirements in S.B.R. 91-1-112a and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge of the fundamentals of biology, including botany, zoology, bacteriology or microbiology, anatomy, and physiology.

(2) Knowledge of the laboratory techniques concerned with the study of systematics, development, evolution, genetics, behavior, homeostatic mechanisms and all the life processes in animals, plants, and microbes.

(3) Knowledge of the fundamentals of ecology.

(4) An ability to conduct and direct meaningful field trips and investigations concerned with obtaining information on ecological populations, ecosystems, energy flow, nutrient cycles and the sociobiological aspects of ecology.

(5) Knowledge of chemistry, mathematics, and physical science or physics including:

(A) Knowledge of the laboratory techniques equivalent to general college chemistry;

(B) subject-matter knowledge equivalent to general college physical science or college physics; and

(C) a working knowledge of mathematics equivalent to college algebra.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-114a. Chemistry.** (a) Each applicant for a chemistry endorsement at the secondary level shall have successfully completed a state-approved program in chemistry, shall have met the general requirements in S.B.R. 91-1-112a and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge and understanding of the fundamental concepts of general chemistry and a command of the laboratory techniques found in general college chemistry;

(2) Knowledge and understanding of organic chemistry and a command of laboratory techniques found in organic chemistry;

(3) Knowledge and understanding of analytical chemistry and a command of quantitative laboratory techniques found in analytical chemistry;

(4) Knowledge and understanding of the concepts and laboratory techniques found in general college biology;

(5) Knowledge and understanding of the concepts and laboratory techniques found in general college physics; and

(6) Knowledge of and proficiency in pre-calculus mathematics, including advanced algebra and trigonometry.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-115a. Earth and space science.** (a) Each applicant for an earth and space science endorsement at the secondary level shall have successfully completed a state-approved program in earth and space science, shall have met the general requirements in S.B.R. 91-1-112a and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge and understanding of the fundamental concepts and laboratory techniques of physics, biology, chemistry, geology, astronomy, meteorology, and oceanography.

(2) Proficiency in mathematics, including advanced algebra, trigonometry, matrices and determinants, exponential and logarithmic functions, and probability.

(3) The ability to integrate environmental concepts into earth and space science curricula. The course of study shall allow students to acquire the ability to:

(A) describe the relationships among the lithosphere, atmosphere, and hydrosphere, and man's environment as they apply to the interdisciplinary study of the earth and space sciences; and

(B) demonstrate the application of analytical methods of multidisciplinary approaches to studying and solving problems encountered by societies living in a world with such environmental constraints as finite natural resources, population increases, and diminishing energy reserves.

(4) Knowledge of field geology and an ability to use the basic techniques of field geology. This knowledge and ability shall be acquired through field experiences.

(5) Knowledge of concepts and laboratory techniques beyond introductory level in at least one area of earth and space science.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas

(continued)

Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-117a. Physical science.** (a) Each applicant for a physical science endorsement at the secondary level shall have met the general requirements in S.B.R. 91-1-112a, shall have met the requirements in two of the following: S.B.R. 91-1-114a—Chemistry, S.B.R. 91-1-115a—Earth and Space Science, or S.B.R. 91-1-118a—Physics, and shall be recommended by a teacher education institution.

(b) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-118a. Physics.** (a) Each applicant for a physics endorsement at the secondary level of instruction shall have successfully completed a state-approved program in physics, shall have met the general requirements in S.B.R. 91-1-112a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge and understanding of the fundamental concepts of general physics and a command of laboratory techniques found in general physics;

(2) Knowledge of the concepts of physics beyond the general physics level and laboratory techniques found in physics beyond the general physics level;

(3) Knowledge of the concepts of general biology and laboratory techniques found in general biology;

(4) Knowledge of the fundamental concepts of general chemistry and command of laboratory techniques found in general chemistry; and

(5) Knowledge of proficiency in basic calculus.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-119a. United States history, United States government, and world history.** (a) Each applicant for an endorsement in United States history, United States government and world history at the secondary level shall have successfully completed a state-approved program in United States history, United States government and world history and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) An understanding of the historical development and present functioning of political principles, institutions, and processes in United States society, including:

(A) the basic principles of United States government expressed or implied in the Declaration of Independence, the Constitution, court decisions, and laws;

(B) the major ideas and historical events from which the United States political system has evolved;

(C) the rights and responsibilities of individuals in the United States;

(D) the organization, functions, and decision-making processes of the three branches of government at federal, state, and local levels;

(E) the electoral processes at federal, state, and local levels;

(F) the manner in which government is influenced and changed by the support and dissent of individuals and interest groups; and

(G) the importance of participation in the political systems of the United States.

(2) An understanding of the historical development and current status of economic principles, institutions, and processes in United States society, including:

(A) the historical and political implications resulting from the effect of unlimited wants and scarce resources on consumers, producers, and government;

(B) economic specialization, exchange, and interdependence in the United States and throughout the world community;

(C) the historical development and current operation of the market economy of the United States;

(D) the historical development and operation of government monetary, taxation, and regulatory policies;

(E) the historical and political factors that have contributed to economic growth; and

(F) the historical and political development of labor, farm, and business organizations.

(3) An understanding of the history and diversity of individuals and groups in United States society, including:

(A) the historical and political implications of the manner in which people function as individuals and as members of groups;

(B) the historical contributions of various ethnic, racial, religious, and other diverse groups; and

(C) the impact of social institutions, ideas, and technology on individuals and groups in society.

(4) An understanding of the history and diversity of world cultures, including:

(A) the characteristics, development and contributions of western and nonwestern world cultures;

(B) the major social, economic, and political ideas and events which have shaped and continue to shape the modern world;

(C) the different ideas, institutions, and processes that precipitate conflict or foster peace; and

(D) the various dimensions of world interdependence.

(5) An understanding of the role of culture, technology, and the environment in the location and distribution of human activities, including:

(A) the major cultural regions of the world and the physical features of each region;

(B) the interaction of culture and technology in the use and alteration of the physical environment;

(C) the characteristics of major economic activities and the factors influencing their location;

(D) the historical patterns of population growth and settlement in different cultures and environments;

(E) the role and impact of transportation and communication in linking people and environments; and

(F) the importance of respect for the environment.

(6) The ability to gather information, think critically, solve problems, and make rational decisions. The course of study shall allow students to acquire the ability to:

(A) obtain, interpret, evaluate, organize, and use information from observation, investigation, listening, and reading;

(B) obtain, interpret, evaluate, organize, and use information from maps, charts, globes, graphs, and tables;

(C) apply processes of critical and creative thinking to the analysis of problems from the perspective of history and political science; and

(D) make decisions about personal options and public issues in terms of reasoned values and reliable information.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-119b. Economics.** (a) Each applicant for an economics endorsement at the secondary level shall have successfully completed a state-approved program in economics, shall have completed the requirements of S.B.R. 91-1-119a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge of economic activity as the production and distribution of goods and services for the satisfaction of material wants;

(2) Knowledge of capitalism as a system under which the production of goods and services is determined by the decisions of producers and consumers operating through a system of prices and markets;

(3) Knowledge of the role played in consumer choice by the utility and price of goods and services and the disposable income of consumers;

(4) Knowledge of the manner in which producers seek to maximize profits, the relationship between profits and costs of production, and the manner in which producers attempt to use the factors of production in the most efficient combinations;

(5) Knowledge of the characteristics of market structures and their relationship to price and output;

(6) Knowledge of the role of financial institutions in affecting the expansion and contraction of the national economy;

(7) Knowledge of the role of government in influencing and regulating the economic process;

(8) Knowledge of the ways by which the government seeks to establish certain national economic goals;

(9) Knowledge of the manner which the well-being of the national economy is measured;

(10) Knowledge of the international aspects of the United States economy and the interdependence of the world's economics; and

(11) Knowledge of the major similarities and differences between United States and other economic systems.

(b) This regulation shall take effect on and after

May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-119c. Anthropology and sociology.** (a) Each applicant for an anthropology and sociology endorsement at the secondary level shall have successfully completed a state-approved program in anthropology and sociology, shall have completed the requirements of S.B.R. 91-1-119a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire an understanding of the major relationships between culture, the group, and the self, including:

(A) the meaning of culture;

(B) cultural universals and variations in their form;

(C) the historical and evolutionary development of culture;

(D) the relationship between culture and individual behavior;

(E) the cultural values of people living in different societies;

(F) interrelationships between individuals and groups and the way in which individuals organize themselves into groups;

(G) the differences between simple and complex societies and the effects of these forms of social organization on the individual;

(H) the differences between primary and secondary groups and the effects of these differences on the individual;

(I) the major institutions in society;

(J) the functional relationships between social institutions and the society of which the institutions are a part;

(K) the meaning of socialization;

(L) the processes by which culture and society undergo change;

(M) the stratification systems of the United States and other societies; and

(N) the basic demographic factors, the relation of demographic factors to population trends, and the relationship between population trends and social organization.

(2) Acquire the ability to apply processes of critical and creative thinking to the analysis of problems from the perspective of anthropology and sociology.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-119d. Geography.** (a) Each applicant for an endorsement at the secondary level shall have successfully completed a state-approved program in geography, shall have completed the requirements of S.B.R. 91-1-119a, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(continued)

(1) An understanding of the major characteristics of the geographic distribution of people and their activities and the interaction of people with the physical environment, including:

(A) the spatial distribution of significant elements of the physical environment;

(B) the major factors responsible for patterns of organization in space;

(C) the relationship between elements of the physical environment and the physical features of regions;

(D) the relationships between cultural phenomena and the physical environment;

(E) the interrelationship of elements of the agricultural environment;

(F) the manner in which distance affects the spatial organization of cultural elements;

(G) the general characteristics of regions and subregions of the world; and

(H) regional patterns, relationships, and differences.

(2) The ability to apply processes of critical and creative thinking to the analysis of problems from the perspective of geography.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-119c. Comprehensive social studies.** (a) Each applicant for a comprehensive social studies endorsement at the secondary level shall have completed an interdisciplinary program incorporating the requirements in social studies regulations S.B.R. 91-1-119a, S.B.R. 91-1-119b, S.B.R. 91-1-119c and S.B.R. 91-1-119d, and shall be recommended by a teacher education institution.

(b) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-119f. Middle-level social studies.** (a) Each applicant for a social studies endorsement at the middle level shall have successfully completed a state-approved, middle-level social studies program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of the history, government and physical features of the United States, including:

(A) the major political, economic, and social forces which have shaped the development of the United States;

(B) the meaning and interpretation of the United States Constitution;

(C) the structure and operation of the government of the United States and the state of Kansas; and

(D) the major geographical features of the United States.

(2) Acquire knowledge of the relationships between the United States and other parts of the world, including:

(A) the history, geography, and culture of a major foreign culture area; and

(B) comparative political and economic systems and their relationships to those characteristics of the United States.

(3) Acquire the ability to analyze a major social, political, economic, or cultural problem from an interdisciplinary perspective.

(4) Acquire the ability to relate current social, economic, and political events to social science theory.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-132a. School Psychologist.** (a) Each applicant for a school psychologist endorsement at the preschool, elementary, middle and secondary levels shall have successfully completed a state-approved graduate degree program and a subsequent one-year, full-time, supervised internship in school psychology, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to acquire:

(1) Knowledge of basic psychological principles, including:

(A) the relationship between biological principles and psychological functioning;

(B) the manner in which concepts of cultural diversity relate to an understanding of individuality;

(C) discriminating between normal and abnormal child and adolescent behavior using developmental principles;

(D) techniques for identifying and diagnosing conditions of exceptionality;

(E) concepts and processes related to human learning;

(F) basic research methodology as applicable to school-related problems;

(G) the relationship between social setting and the psychological functioning of children and adolescents; and

(H) an understanding of statistical analysis.

(2) An understanding of the role of a school psychologist as a part of the educational team, including:

(A) curriculum design and administrative organization in the education of normal and exceptional children;

(B) identifying and demonstrating an understanding of selected instructional and remedial techniques;

(C) the culture, organization, and operation of schools; and

(D) the influence of federal, state and local laws and regulations on education.

(3) Knowledge of learning difficulties with appropriate assessment strategies. The course of study shall allow students to acquire the ability to:

(A) conduct comprehensive psycho-educational assessments;

(B) write complete and comprehensive psychological reports; and

(C) describe and demonstrate skills in the use of observational techniques, multidisciplinary resources, and informal data collection.

(4) The ability to develop and implement intervention strategies to deal with educational and psychological problems manifested by children in schools. The course of study shall allow students to acquire the ability to:

(A) design and implement programs to deal with group and individual problems which interfere with the learning process;

(B) participate in interpersonal communication activities to build consultative relations with children, parents, educators, and others;

(C) participate in interpersonal communication activities to collaborate with others in developing appropriate individualized education programs which include utilization of psychological information;

(D) identify and describe special schools, special services and other agencies which provide resources; and

(E) demonstrate skills in individual and group counseling.

(5) The ability to use evaluation strategies to establish the effectiveness of educational programs in meeting the needs of school children.

(6) Knowledge of professional issues, standards, and ethics in school psychology, including:

(A) the ethical and professional standards for psychologists and school psychologists;

(B) the relationship between laws and court decisions and the practice of school psychology;

(C) different models, concepts and current issues concerning the practice of school psychology; and

(D) state departments of education regulatory documents and guidelines pertaining to the practice of school psychology.

(7) The skills necessary for effective functioning as a student school psychologist in a supervised practicum in a school setting. The course of study shall allow students to acquire the ability to:

(A) perform the various tasks of a student school psychologist utilizing the competencies above;

(B) demonstrate appropriate ethical and professional standards in school psychology; and

(C) complete an approved work experience program involving all levels of education, preschool through secondary. At least part of the approved work experience shall be obtained in a school setting.

(8) The ability to function effectively as a professional school psychologist in a supervised, full-time internship for one academic year. The course of study shall allow students to acquire the ability to:

(A) demonstrate ability to assume full responsibility as a practicing school psychologist;

(B) demonstrate appropriate ethical and professional standards in school psychology; and

(C) complete an approved work experience with all levels of education, preschool through secondary, and provide a full range of services and educational experiences for exceptional and regular children. At least 50% of the approved work experience shall be in a school setting.

(c) A one-year endorsement shall be recommended by a training institution.

(d) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-135a. Speech-Language Pathologist.** (a) Each applicant for a speech-language pathologist endorsement at the preschool, elementary, middle and secondary levels shall have earned a graduate degree in communication disorders with emphasis in speech-language pathology, shall have completed a state-approved program in speech-language pathology, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of normal and abnormal development of speech, language, and hearing. The course of study shall allow students to acquire the ability to:

(A) identify and explain the normal and the abnormal sequences of speech, language, and hearing development; and

(B) identify and explain basic anatomy, neurology, and physiology of the normal and pathologic communicative mechanism.

(2) Acquire knowledge of laws and standards of regular and special education. The course of study shall allow students to acquire the ability to:

(A) explain the mandates and standards of federal, state, and local laws and the procedures for due process safeguards as they pertain to speech-language pathology; and

(B) explain the philosophy and principles of public education.

(3) Acquire the ability to plan and implement an efficient and effective speech-language-hearing screening program. The course of study shall allow students to acquire the ability to:

(A) identify and select procedures for screening articulation, language, voice, fluency, and hearing which are appropriate to the age and setting;

(B) demonstrate ability to screen for disorders of articulation, language, voice, fluency, and hearing; and

(C) demonstrate ability to interpret screening results and make appropriate decisions for diagnostic testing.

(4) Acquire the ability to diagnose speech and language problems. The course of study shall allow students to acquire the ability to:

(A) administer oral mechanism examinations and diagnostic tests of articulation, language, voice, fluency, and hearing thresholds;

(B) interpret results, record results in confidential records, and communicate diagnostic information to parents and other appropriate professionals; and

(C) make appropriate referrals for additional testing.

(5) Acquire knowledge of case selection and plan-

(continued)

ning procedures. The course of study shall allow students to acquire the ability to:

(A) explain procedures for selecting caseload based upon eligibility criteria established by a school district;

(B) describe procedures for selecting a delivery model appropriate to the needs of the individual to be served;

(C) utilize diagnostic information to determine long-term and short-term objectives; and

(D) write an appropriate individualized education plan for communicatively handicapped children and communicate the plan in a multi-disciplinary team conference.

(6) Acquire the ability to use appropriate instructional materials and equipment. The course of study shall allow students to acquire the ability to:

(A) utilize special equipment and materials appropriate to the individuals' interests, abilities, and age levels;

(B) utilize commercial materials, make new materials, evaluate and adapt materials as needed; and

(C) present organized oral, written, and visual materials which convey ideas to pupils, parents, colleagues, and others as appropriate.

(7) Acquire the ability to conduct effective management therapy sessions for disorders of articulation, language, voice, fluency, hearing or combination of these disorders. The course of study shall allow students to acquire the ability to:

(A) clearly communicate and provide rationale for management goals and techniques to parents, teachers, and members of a multi-disciplinary team;

(B) place in sequence and utilize management procedures appropriate to the age level and skill level;

(C) establish and maintain good rapport with the individual and demonstrate ability to manage the behavior disorders;

(D) recognize correct and incorrect responses and provide appropriate and consistent reinforcement;

(E) make appropriate management decisions based on continual assessment and carry-over of the individual's performance and progress; and

(F) identify dismissal criteria and follow-up procedures for each disorder.

(8) Acquire the ability to function in the professional roles of educator, resource person, consultant, and a referral source. The course of study shall allow students to acquire the ability to:

(A) interact professionally with parents professionals and paraprofessionals;

(B) disseminate information about the manner in which speech-language pathology services fit into the school setting and community;

(C) conduct and assessment of the strengths and weaknesses of a given district's communication disorders program; and

(D) conduct a self-assessment of performance and continue professional growth and development.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-137a. School Audiologist.** (a) Each applicant for a school audiologist endorsement at the preschool, elementary, middle and secondary levels shall have earned a graduate degree in communication disorders with an emphasis in audiology, shall have completed a state-approved program in audiology, and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire knowledge of normal and abnormal development of speech, language, and hearing. The course of study shall allow students to acquire the ability to:

(A) identify and explain the normal sequence of speech, language, and hearing development and criteria for identification of abnormal speech, language or hearing development; and

(B) identify and explain basic anatomy, neurology, and physiology of the normal and pathologic communicative mechanism.

(2) Acquire knowledge of laws and standards of regular and special education. The course of study shall allow students to acquire the ability to:

(A) explain the mandates and standards of federal, state and local laws and the procedures for due process safeguards as they pertain to hearing disorders; and

(B) explain the philosophy and principle of public education.

(3) Acquire the ability to plan, implement, and supervise an efficient and effective hearing screening program. The course of study shall allow students to acquire the ability to:

(A) select, explain, and utilize materials, equipment and procedures for screening which are appropriate to the age and setting; and

(B) record and interpret screening results, and make appropriate decisions for diagnostic testing.

(4) Acquire the ability to comprehensively evaluate hearing problems. The course of study shall allow students to acquire the ability to:

(A) identify and select diagnostic instruments and procedures that are appropriate for the age level and setting;

(B) administer and interpret tests of pure-tone audiometry and speech audiometry using appropriate masking;

(C) administer and interpret tests of middle ear function of acoustic emittance;

(D) administer and interpret an appropriate battery of special auditory tests for pseudohypocousis, central auditory processing abilities, and site-of-lesion;

(E) administer an efficient battery of tests for the determination of need for amplification or appropriateness of existing amplification and for making necessary recommendations;

(F) administer an appropriate battery of tests for the purpose of recommending or fitting hearing aid devices;

(G) communicate diagnostic results to parents, teachers, and other appropriate professionals; and

(H) make appropriate referrals as needed.

(5) Acquire the ability to plan and conduct effective



habilitation/rehabilitation sessions for individuals with hearing disorders. The course of study shall allow students to acquire the ability to:

(A) provide appropriate information to be included in an individual education plan during participation in a multidisciplinary team conference;

(B) select, utilize, and place in sequence materials appropriate to age and skill level;

(C) plan and implement programs of speech reading and auditory training;

(D) make appropriate management decisions based upon regular assessment of individual performance and progress;

(E) evaluate the acoustical effectiveness of a classroom;

(F) communicate goals and techniques to parents, teachers, and other appropriate professionals; and

(G) coordinate a hearing aid and auditory trainer monitoring program involving parents, teachers, and other appropriate professionals.

(6) Acquire the ability to function in the roles of educator, evaluator, resource person, consultant and referral source. The course of study shall allow students to acquire the ability to:

(A) interact professionally with parents and other professionals, including paraprofessionals;

(B) explain the manner in which audiology services fit into the school setting and community;

(C) present organized oral, written, and visual materials which convey ideas to pupils, parents, colleagues, and others;

(D) provide preventive information on ear protection to students, parents, and teachers;

(E) conduct an assessment of the strengths and weaknesses of a given district's hearing identification and conservation program; and

(F) conduct a self-assessment of performance for continued professional growth and development.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

**91-1-138a. School social worker.** (a) Each applicant for a school social worker endorsement at the preschool, elementary, middle and secondary levels shall have successfully completed a state-approved graduate degree program in the field of school social work and shall be recommended by an educational institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire an understanding of the role and function of a professional school social worker, including the relationship of the school social worker to other professional school personnel and community organizations and agencies. The course of study shall allow students to acquire the ability to:

(A) conduct and write comprehensive social assessments of individual students, their families, and factors in the school or community that impact on the student's functioning in school;

(B) apply skills in direct observation of referred students and their families;

(C) use a variety of resources for informal data collection regarding a student's functioning in a wide range of circumstances;

(D) develop and maintain skills that increase the social worker's initiative and effectiveness in working in a school setting;

(E) use effective oral and written communication skills in working with parents, school personnel and staff of other agencies;

(F) interpret school policies and regulations in relation to their effect on the school social work role in the school setting;

(G) develop and use a variety of intervention methods in individual, group, family counseling and crisis management;

(H) consult and collaborate with parents, teachers and professional staff within the school and other agencies;

(I) help parents alleviate adverse conditions that lead to impaired functioning in their children;

(J) utilize various techniques, such as behavior management, visual aids, art therapy and play therapy, when working with students and their families;

(K) identify available referral services;

(L) assist parents in understanding the role and function of other school personnel, in interpreting data, in collaborating effectively when writing individual education plans and in implementing interventions strategies; and

(M) understand and communicate to students and parents their rights and responsibilities in terms of school policies and local, state and federal laws and regulations.

(2) Understand education as an institution and its relationships to the community. The course of study shall allow students to acquire the ability to:

(A) analyze the effects of significant past and recent changes in instruction and curriculum areas on the development of education, including the relationship of special education to regular education;

(B) describe the impact of state and national legislation and regulations on the development of education, including child welfare laws and laws for handicapped students; and

(C) identify local community standards, mores, and expectations that affect community members' perspectives about the school.

(3) Apply the principles of child and adolescent development as related to the learning process. The course of study shall allow students to acquire the ability to:

(A) describe factors in family relationships and family dynamics that affect child development;

(B) differentiate between normal and abnormal child and adolescent development characteristics;

(C) identify cultural, racial, ethnic, religious and gender factors that affect development of the child; and

(D) describe the concepts and processes related to learning.

(4) Describe the causes and effects of stress, disability, disease, deprivation and substance abuse on

(continued)

human behavior and development. The course of study shall allow students to acquire the ability to:

(A) examine exceptionalities in students caused by disease or disability as related to learning characteristics, social behavior, family diagnosis and program options; and

(B) describe the effect of various chemical substances on behavior.

(5) Evaluate, interpret and perform research with specific application to community, family, and student problems. The course of study shall allow students to acquire the ability to:

(A) identify and analyze current criticisms of the public school and the effectiveness of the school's responses to the criticisms;

(B) apply various measurement procedures as a component part of individual and group problem-solving;

(C) apply contemporary research after analyzing the appropriateness of the research as a means of intervention in various situations; and

(D) apply the results of measurement and evaluation for the purpose of modifying the interventions.

(6) Acquire skills in program development, implementation, and evaluation. The course of study shall allow students to acquire the ability to:

(A) apply formal measures for evaluation of the impact of a school social work program;

(B) organize the school social work program through setting and implementing priorities, goals, and tasks;

(C) communicate clearly, and in appropriate form, the results of program evaluation and identification of program needs;

(D) design a new school social work program for students, their parents, or school personnel based on needs assessments, evaluation of existing programs, and analysis of research; and

(E) identify and communicate staff training needs.

(7) Acquire knowledge of organizational development and conflict management and resolution. The course of study shall allow students to acquire the ability to:

(A) describe techniques for negotiating with staff in other agencies to change or remove barriers that prevent students and their parents from utilizing the resources involved; and

(B) develop resources for students and their parents.

(8) Apply professional standards and ethics related to the practice of school social work. The course of study shall allow students to acquire the ability to:

(A) understand and apply appropriate ethical standards in delivery of social work services; and

(B) demonstrate accountability through maintenance of adequate records that document effective and ethical social work activities.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

#### **91-1-144. Standards for middle-level teacher**

preparation programs. (a) In addition to basic education requirements, middle-level preparation shall include a systematic study of the social, psychological, and physical characteristics of early adolescents. The goal of this study shall be to provide teachers with the knowledge and skills that are necessary to help students develop as confident, disciplined, emotionally healthy persons with healthy self-images.

(b) The program shall include study of the students' roles in living, working, and playing with others.

(c) The program shall include a comprehensive study of the learner and the teaching-learning process, with special emphasis on the learning styles and patterns of early adolescents.

(d) The program shall include a general study of the historical background and development of middle-level education, including goals, functions, and objectives of schools serving early adolescents, the various organizational arrangements of middle-level schools and the reasons for these arrangements, and recent curriculum trends.

(e) The program shall emphasize articulation with elementary and secondary curricula.

(f) The program shall provide teachers with adequate understanding of the middle-level teacher's role in guidance. Acquisition of skills for developing constructive working relationships between the school and home shall be included.

(g) The program shall include methods of instructing early adolescents. The program shall emphasize the techniques of working with early adolescents including basic methods of communications, fostering student confidence, and encouraging self-sufficiency in students. Teacher preparation institutions shall provide faculty that are experienced and knowledgeable in middle-level education.

(h) The program shall provide preparation in the teaching of reading, including diagnosis of reading problems and knowledge of procedures used to improve reading efficiency in all areas of the curriculum.

(i) The program shall include a planned sequence of early field experience, including classroom observation, directed laboratory experiences, and teacher assistance. This planned sequence shall include a wide range of classroom settings.

(j) A supervised practice teaching experience at the middle-level shall be a requirement of the program. Employment as a classroom teacher in grades 5-9 may be substituted for a supervised practice teaching experience by those holding K-9, 7-12, and K-12 endorsements prior to seeking a 5-9 endorsement. Care in the selection of the site and the cooperating teacher shall be taken to insure a quality middle-level experience.

(k) Persons who have completed a middle-level program shall have preparation for endorsements in two middle-level content areas or preparation in one middle-level content area if the person also holds a K-9, 7-12, or K-12 endorsement. (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985.)

#### **91-1-146a. Inservice education definitions.**

(a) "Education agency" means any local school district, accredited non-public school, interlocal cooperative, area professional development center, and any other educationally-oriented agency under the authority of the state board of education.

(b) "Individual development plan" means a plan describing the professional development activities and studies to be completed during a specified period of time by the individual filing such a plan.

(c) "Inservice education" means any planned learning opportunity which is engaged in by a person after entry into a given position for the purpose of improving effectiveness or upgrading skills in an area of certification.

(d) "Inservice education plan" or "plan" means a detailed and precise program for provision of inservice education. The plan shall be effective for five years.

(e) "Inservice education point" means one clock hour of inservice education. One semester hour of college or university credit is equal to 20 inservice points.

(f) "Professional development council" means a representative group of certified personnel from the education agency which advises the governing body of the education agency in matters concerning the planning, development, implementation, and operation of the inservice education plan. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983; amended May 1, 1985.)

**91-1-146b. Authority and procedures for promulgation and approval of inservice education plans.** (a) The board of education or other governing body of an education agency, or the governing bodies of any two or more education agencies, with the advice of representatives of the certified personnel who will be affected thereby, may design and implement an inservice education plan to be offered by the education agency or agencies.

(b) Procedures for development of an inservice plan shall include the following:

- (1) establishment of a professional development council;
- (2) an assessment of inservice needs;
- (3) identification of goals and objectives;
- (4) identification of activities; and
- (5) evaluative criteria.

(c) Based upon information developed under subsection (b) of this regulation, the education agency shall prepare a proposed inservice plan. The proposed plan shall be submitted to the state department of education by August 1 of the school year in which the plan is to become effective.

(d) The state board of education shall approve the plan, approve the plan subject to modifications, or disapprove the plan, and notify the education agency of the decision.

(e) Annual revision of a plan. An annual revision of a plan shall be submitted to the state department of education. The revision shall include:

- (1) A review of the plan;
- (2) a list of proposed activities; and

(3) a statement of priorities.

(f) Amending a plan. A plan may be amended at any time. An amendment shall be approved in the same manner as a proposed plan. (Authorized by, and implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983; amended May 1, 1985.)

**91-1-146d. Renewal of certification based upon inservice education.** (a) Any certified applicant who is employed by an education agency having a state-approved inservice education plan on file with the Kansas state department of education may prepare an individual development plan. This individual development plan shall:

(1) Include sequential instructional experiences designed to improve performance in an area of certification or include courses in a planned program leading to a new endorsement;

(2) reflect the job-related needs of the individual;

(3) correlate with the needs and goals of the education agency;

(4) result from cooperative planning with a designated supervisor;

(5) be signed by the employee;

(6) be signed by the supervisor, if the supervisor and the employee are in agreement;

(7) be reviewed and approved by the council, based upon guidelines adopted by and available from the state board; and

(8) be reviewed and approved by the governing body of the education agency.

(b) Area professional development centers providing inservice education for certification renewal shall provide the inservice education through a local school district, an accredited non-public school, an interlocal cooperative, or any other educationally-oriented agency under the authority of the state board of education, which has a state-approved inservice education plan.

(c) Renewal of certification based upon inservice education shall require:

(1) Experiences worth at least 160 inservice education points during a five-year period;

(2) College or university credit equal to at least half of the required inservice education points, if the individual's highest degree is a baccalaureate degree;

(3) Experiences worth 160 inservice education points, if the individual has a master's degree or other advanced degrees; or

(4) Experiences worth at least 100 inservice education points during a five-year period for a renewal of a substitute teaching endorsement.

(d) An application for renewal of a certificate based upon inservice education shall be accompanied by verification by the governing body of the education agency that the inservice credit is valid for renewal of a certificate.

(e) An applicant who is not eligible under subsection (a) of this regulation for renewal of a certificate using inservice education or whose certificate has lapsed shall meet the provisions of S.B.R. 91-1-30(b) for the renewal of a certificate. (Authorized by, and

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implementing Kansas Constitution Article 6, Section 2; effective May 1, 1983; amended May 1, 1985.)

**91-1-148a. Computer studies.** (a) Each applicant for a computer studies endorsement at the middle or secondary level shall have successfully completed a state-approved program and shall be recommended by a teacher education institution.

(b) Approved programs shall require students to complete a course of study allowing the students to:

(1) Acquire the ability to recognize that the computer is an integral part of today's society. The course of study shall allow students to acquire:

(A) the ability to identify the role of the computer in the total society, including its uses and misuses, and the economic, sociological and psychological impact of this technology;

(B) knowledge of where and the manner in which the computer is used in today's society, including its use in governmental agencies, health services and education;

(C) recognition of the implications of mass data banks in relation to individual rights; and

(D) recognition of the implications of nationally accessible computer networks.

(2) Acquire an awareness of the historical development and the future impact of the computer. The course of study shall allow students to acquire:

(A) the ability to identify the significant events that outline the historical developments in computer technology;

(B) recognition of state of the art technology and its uses; and

(C) the ability to identify future trends and directions of computer technology and applications.

(3) Acquire an understanding of the basic concepts of hardware and software in relation to the use of the computer. The course of study shall allow students to acquire:

(A) the ability to identify the basic components of a computer system, including input/output, central processing unit and storage components;

(B) the ability to identify specific devices in a computer system and describe their function;

(C) recognition of software types such as operating systems, compilers, interpreters, applications and utilities;

(D) the ability to identify the role of commercial software and user-developed software and to list advantages-disadvantages of both;

(E) the ability to document software and computer operations; and

(F) the ability to identify the roles of centralized and distributed processing.

(4) Acquire the ability to identify and solve problems in a logical manner with the computer. The course of study shall allow students to acquire the ability to:

(A) use techniques for visualizing logical steps in problem solving, including flow diagrams and decision tables; and

(B) design problem-solving logic for others to follow.

(5) Acquire the ability to recognize the role of the computer in the organization, entry, storage and retrieval of information. The course of study shall allow students to acquire the ability to:

(A) identify the numbering systems utilized by computers;

(B) identify the manner in which characters are structured in machine-readable form and main memory;

(C) identify the different character representation codes, such as ASCII—American Standards Code for Information Interchange, BCD—Binary Code Decimal and EBCDIC—Extended Binary Coded Decimal Interchange Code;

(D) understand data entry techniques;

(E) understand data files and data base concepts;

(F) identify different file access methods; and

(G) understand networking.

(6) Acquire competency in a programming language at a level which would allow the design and development of code that could be successfully executed on a computer system. The course of study shall allow students to acquire the ability to:

(A) identify various programming languages in common use;

(B) write code for various types of applications or problem-solving programs;

(C) identify and exhibit debugging and trace techniques in program development;

(D) identify and exhibit valid testing procedures in program development;

(E) display the ability to implement completed programs; and

(F) identify the role of the user in program development.

(7) Acquire an awareness of career opportunities that incorporate the use of computer technology. The course of study shall allow students to acquire the ability to:

(A) identify career paths in the areas of business data processing and computer science; and

(B) describe the manner in which computer technology impacts other areas of employment.

(8) Acquire an awareness of the computer for personal and home use. The course of study shall allow students to acquire:

(A) the ability to identify personal uses of a home computer;

(B) knowledge of software and hardware for personal use; and

(C) knowledge of factors to be considered in the evaluation and acquisition of a computer for home use.

(c) This regulation shall take effect on and after May 1, 1987. (Authorized by, and implementing, Kansas Constitution Article 6, Section 2(a); effective May 1, 1985.)

## Article 12.—SPECIAL EDUCATION

**91-12-22. Definitions.** (a) "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.

(b) "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.

(c) "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.

(d) "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.

(e) "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.

(f) "Developmental preschool" means a school, operated by a private nonprofit corporation or foundation, that serves handicapped children under school age.

(g) "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 diagnosed as having a specific handicapping condition.

(h) "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.

(i) "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.

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

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

(l) "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.

(m) "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.

(n) "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.

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

(p) "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.

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

(r) "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.

(s) "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.

(t) "Language and speech impairments" means 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; and

(4) "articulation deviation or impairment," which means defective production of phonemes (speech sounds) that interferes with intelligibility of speech.

(continued)

Types of misarticulation include substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes.

(u) "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.

(v) "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.

(w) "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 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.

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

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

(z) "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.

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

(bb) "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 educational categorical funds for preschool programs.

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

(dd) "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 movement 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.

(ee) "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.

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

(gg) "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.

(hh) "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.

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

(jj) "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.

(kk) "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.

(ll) School term and school day. (1) "School term" and "school day" for exceptional 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 term," 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.

(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) "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.

(oo) "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.

(pp) "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.

(qq) "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.

(rr) "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.

(ss) "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 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.

(tt) "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.

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

(1) "Partially seeing" means a visual limitation

(continued)

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.

(vv) "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. (Authorized by K.S.A. 72-7514; implementing K.S.A. 1983 Supp. 72-963, K.S.A. 72-965; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**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) A copy of the individualized education program shall be provided to each parent.

(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

(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 edu-



cation 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 in the IEP 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. 1983 Supp. 72-963, K.S.A. 72-965; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**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 in observation techniques and information regarding the developmental stages of early childhood shall be offered to the parents; 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) 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, a practicum, or training with preschool age children.

(c) 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 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 to fulfill the required 215 hours shall be provided through documented implementation of the individualized education program by a parent, caregiver, professional, or paraprofessional.

(e) Developmentally delayed children under age three may be served in early childhood programs and be reported as handicapped children. Developmentally delayed children three years of age and older may be served, but shall not be reported, as handicapped. Such children shall not be counted for the generation 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.

(continued)

TABLE I Class Size and Caseload for Centerbased, Group Programs

Number of Children	Teacher and Endorsement Early Childhood Handicapped (ECH) Special Classroom	Number of Paraprofessionals	Additional Staff for Severely Handicapped or Children Ages Birth to Three
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
12 (6 to 8 handicapped)	1 ECH	2	1
13-18 (6 to 12 handicapped)	2 ECH	2	*
Regular Classroom			
18 (3 handicapped)	1 EC 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. 1983 Supp. 72-963; K.S.A. 72-965; effective May 1, 1983; amended May 1, 1985.)

**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 functioning 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/or 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) 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 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.

(6) 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.

(7) 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.

(8) 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 a statement 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 IX.

TABLE IX

Class Size and Caseload for Learning Disability Programs

Program Level	Administrative Plan	Maximum Caseload
All Levels	Consulting Teacher	Not applicable No more than 1/2 time to be spent with students.
	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
		No more than 10 at one time. Increase to 22 (2 per each paraprofessional up to 2 paraprofessionals)
Self-Contained		10
		Increase to 14 (2 per each paraprofessional up to 2 paraprofessionals)
Developmental Classroom		10
		Same as self-contained

(Authorized by K.S.A. 72-7514; implementing K.S.A. 1983 Supp. 72-963, K.S.A. 72-965; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**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 be supervised by a special education professional and 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, visually or hearing 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 the 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 that describes the training that occurred during the school year.

(2) The inservice training program shall include:

(A) An orientation session;

(B) inservice training specifically related to the area and type of program in which the special education instructional paraprofessional is employed. No less than 20 clock hours of inservice training per school year shall be provided for each special education instructional paraprofessional.

(d) Each special education instructional paraprofessional shall be required to possess a paraprofessional I, II, or III permit.

(1) The requirements for a Paraprofessional I permit shall be participation in at least four inservice

(continued)

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 20 clock hours of inservice training.

(2) The requirements for a paraprofessional II permit shall be:

(A) Two years experience as an instructional paraprofessional;

(B) completion of 30 semester college hours of approved academic work, an equivalent of 450 clock hours of approved inservice training, or a combination of each of the two totaling 450 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year.

(3) The requirements for a paraprofessional III permit shall be:

(A) Three years experience as an instructional paraprofessional;

(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; an equivalent 900 clock hours of approved inservice training; and a combination of these totaling 900 clock hours; and

(C) participation in at least four inservice sessions totaling at least 20 clock hours of inservice training per school year. (Authorized by K.S.A. 72-7514; implementing K.S.A. 1983 Supp. 72-963, K.S.A. 72-965; effective May 1, 1983; amended May 1, 1985.)

**91-12-68. Hearing officer qualifications and approved training programs.** (a) The state board and each local education agency shall compile and maintain a list of qualified hearing officers who have completed a state agency conducted or approved training program.

(b) A qualified hearing officer shall be able to:

(1) demonstrate, by passing a written test with a score of 80 percent or higher, general knowledge of special education programs and procedures;

(2) demonstrate, by passing a written test with a score of 80 percent or higher, knowledge of the laws, rules and regulations, requirements and guidelines related to conducting a due process hearing; and

(3) demonstrate, by passing a written test or simulation exercise with a score of 80 percent or higher, the ability to plan and conduct a due process hearing.

(c) Any person or institution may apply for approval of a training program. The state board shall notify each applicant of the approval or disapproval of the application. Each application shall be approved or disapproved upon the basis of an evaluation of the following factors:

(1) whether the program provides a minimum of 16 clock hours of instruction in program content and testing of trainee performance;

(2) whether the program contains a minimum of

four clock hours of instruction each from those areas described in paragraphs (1), (2), and (3) of subsection (b) of this regulation;

(3) the manner in which the content is to be taught and the written or simulation tests used to determine if program trainees meet or exceed a score of 80 percent on the content;

(4) verification that instructional staff members have completed an approved training program, have served as hearing officers, or are otherwise qualified by training or experience to provide instruction in program content; and

(5) the process used to send the names of trainees who meet the standards of paragraph (b) of this regulation to the state board. (Authorized by K.S.A. 1983 Supp. 72-963b; implementing K.S.A. 1983 Supp. 72-963a; effective T-85-23, Aug. 15, 1984; effective May 1, 1985.)

**91-12-69. Appointment of a hearing officer.** (a) Not more than three days after a hearing has been requested under the provisions of K.S.A. 72-972 and any amendment thereto, the agency providing for the hearing shall furnish to the lawful custodian of the involved child:

(1) A list of the agency's prospective hearing officers;

(2) written notification that the lawful custodian has the right to request disqualification of any or all of the hearing officers on the list and to request the state board to appoint a hearing officer under the procedures prescribed in K.S.A. 1983 Supp. 72-973a, and any amendments thereto, and this rule and regulation; and

(3) written notification that the lawful custodian has five days from the date of receiving the list of hearing officers to advise the agency of any officer whom the lawful custodian wishes to disqualify.

(b) If the lawful custodian desires to disqualify any or all of the hearing officers on the list provided by the agency, the lawful custodian shall notify the agency, not more than five days after receiving the list, of the person or persons who are disqualified. The agency may appoint from its list any hearing officer who has not been disqualified by the lawful custodian.

(c) Not more than three days after receiving notification that all of its hearing officers have been disqualified by a lawful custodian, an agency shall submit a written request to the state board for a list of the names and qualifications of five hearing officers. This request shall state the names of the hearing officers of the agency who were disqualified by the lawful custodian.

(d) Not more than three days after the state board receives a written request from an agency for a list of hearing officers, the state board shall provide both the agency and the lawful custodian with a list of five prospective hearing officers and the qualifications of each such officer. The list provided by the state board shall not include the name of any hearing officer disqualified by the lawful custodian.

(e) When the agency receives the list of prospective hearing officers provided by the state board, the

agency shall arrange a meeting or phone call with the lawful custodian to establish which name or names each party wants removed from the list. Each party may request the removal of two names. Not more than seven days after receiving the state board list, the agency shall submit to the state board the name of any hearing officer or hearing officers not removed from the list by either party.

(f) The state board shall appoint a hearing officer from the list determined as prescribed in subsection (e). Such appointment shall be made by the state board not more than three days after receiving the list from the agency.

(g) The computation of any period of time prescribed in this rule and regulation shall be determined in accordance with the provisions of K.S.A. 60-206 and any amendments thereto. (Authorized by K.S.A. 1983 Supp. 72-963b; implementing K.S.A. 1983 Supp. 72-973a; effective, T-85-23, Aug. 15, 1984; effective May 1, 1985.)

**91-12-70. Compulsory attendance in special education services.** (a) When a determination has been made under K.S.A. 72-972 to 72-975, inclusive, and any amendments to those statutes, that a person is an exceptional child, other than a gifted child, it shall be the duty of the lawful custodian of the child to require the child to attend the special education services provided for the child, until the child reaches age 18 or completes the special education curriculum for that child, whichever comes first.

(b) Special education services shall be made available, though not compulsory, by the local board of education to and including the school year in which the exceptional child reaches age 21 or completes the special education curriculum for that child, whichever event comes first. (Authorized by K.S.A. 1983 Supp. 72-963; implementing K.S.A. 72-977 and K.S.A. 1984 Supp. 72-1111, effective May 1, 1985.)

## Article 22.—PROFESSIONAL TEACHING PRACTICES COMMISSION

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

(b) Notice to respondent; date of hearing. The respondent shall be notified, by restricted mail, of the time and place of the hearing. The hearing shall not be less than 30 days from the date of mailing the notice, except as otherwise provided in K.A.R. 91-22-19(c). If the respondent fails to file an answer, or otherwise defend the respondent's rights in the case, then the provisions of K.A.R. 91-22-19(e) shall apply.

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

(d) Right of persons to attend hearings. Persons

having a direct interest in the outcome of a proceeding shall be entitled to attend all hearings held in that proceeding.

(e) Continuance; extensions of time and adjournments.

(1) Upon showing good cause in a timely manner, any person having a substantial interest in the outcome of the proceedings shall be entitled to one continuance or extension of time. Additional continuances may be granted by the chairperson. When the commission is not in session or conducting a prehearing or hearing, the interested person shall send a written motion for a continuance or extension of time to the chairperson or secretary. When sending the motion, the interested party shall allow sufficient time to postpone any hearing that has been set.

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

(f) Waiver of hearing. A hearing may be waived upon the written request and agreement of the complainant and respondent. When the hearing is waived, the action and decision of the commission shall be made upon the relevant facts contained in the documents and pleadings that are on file in the case and upon those adduced in an investigation or prehearing conducted by the commission. (Authorized by and implementing K.S.A. 1984 Supp. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985.)

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

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

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

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

- (1) Motions for leave to intervene;
- (2) Pending motions; and
- (3) Recitation of any stipulations entered into by the parties. The parties shall put stipulations entered into prior to the hearing in writing. Stipulations agreed to after the commencement of the proceeding may be dictated into the record or put in writing and filed.

(continued)

(Authorized by and implementing K.S.A. 1984 Supp. 72-8507; effective Jan. 1, 1972; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985.)

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

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

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

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

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

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

(f) If an objection to a question propounded to a witness is sustained, the party or attorney examining the witness may present a statement regarding the point the party or attorney expected to prove through the answer. The presiding officer may add other statements that clearly show the character of the evidence, the form in which it is offered, the objection made, and the ruling. Upon request, evidence shall be taken and reported in the record in full, unless it clearly appears that the evidence is not admissible on any ground, or that the witness is privileged.

(g) Final arguments or statements; closing hearings. After the parties have introduced their evidence, the presiding officer shall give an opportunity to make a closing argument or closing statements. Each party shall advise the presiding officer of that party's intention to file, or not file, a brief. If the presiding officer does not require the submission of briefs and neither party desires to submit a brief, the presiding officer shall declare the record closed and state that the matter will be taken under advisement by the commission. If no briefs are filed, a hearing shall be closed

and the matter submitted to the commission when the presiding officer announces that the hearing is closed. If briefs are to be submitted, the hearing shall be closed and the matter submitted to the commission at the time the briefs are filed.

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

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

(i) The presiding officer may, within 10 days after the close of the hearing, authorize any party to file, as part of the record, specific documentary evidence which is newly discovered or which could not be obtained during the course of the hearing. (Authorized by and implementing K.S.A. 1984 Supp. 72-8507; effective Jan. 1, 1972; amended May 1, 1979; amended May 1, 1982; amended May 1, 1985.)

#### Article 31.—ACCREDITATION

**91-31-2. Procedures for accrediting schools.** (a) (1) Each board of education seeking initial accreditation shall make application in writing to the state board requesting the proper forms for accreditation. The letter shall be submitted on or before August 15 of the school year in which the school requests accreditation. Accreditation shall be for one school year.

(2) Each school requesting accreditation shall file the principal's building report and other reports required by the state board. The building report shall be filed no later than October 1. Intentional falsification of any report may result in denial or loss of accreditation.

(b) Each school shall meet the provisions of Kansas statutes and the state board of education rules and regulations.

(c) The accreditation status of each school shall be determined on the basis of data provided in official reports of the affected school, including the superintendent's report and principal's building report, reports from the state department of education specialists, the report of the state department of health and environment, the report or order of the state fire marshal, and other official or special reports regarding the local school that may be requested by the state board.

(d) Each school shall be accredited or, if any deficiencies exist, shall be placed on accredited-advised or accredited-warned status, or dropped from the accredited list by the state board. Each school shall report, each year, the progress made to correct any

deficiencies cited the previous year. For any violation, the state board shall issue an accreditation advisement the first year. If there is continued noncompliance during the second school year, the state board shall issue an accreditation warning. If the deficiency is not corrected by the following school year, the state board shall drop the violating school or schools from the accredited list.

(1) Each school desiring accreditation shall comply with the provisions of K.S.A. 72-9001 *et seq.*, as amended, by filing their personnel evaluation policies, and any amendments to those policies, with the state board. Failure to file personnel evaluation policies, or any amendments thereto, or noncompliance with the personnel evaluation policies that are filed, may result in denial or revocation of accreditation. The state board shall issue an accreditation advisement the first year for any violation. If there is continued noncompliance during the second school year, the state board shall issue an accreditation warning. If the deficiency is not corrected by June 30 of the following school year, the state board shall drop from the accredited list any school or schools which remain in violation.

(2) The failure of any board of education to comply with the decision of the state board regarding approval of an application for out-district tuition, as provided in K.S.A. 72-4418 and K.A.R. 91-16-1 *et seq.*, shall be considered due cause for the state board to drop, without warning, all schools within the district from the accredited list, effective the following June 30.

(e) During the school year, but not later than March 15 of the year, any school with deficiencies shall be notified by the state board. All official accreditation notices indicating deficiencies shall be mailed to the superintendent. Deficiencies identified after March 15 as a result of investigating a complaint shall be entered into the accreditation file after notifying the superintendent, and shall be included in the official June 30 accreditation or non-accreditation notice.

(f) Any school correcting deficiencies shall not be cited in the accreditation process for the semester the deficiency was corrected. Responses from schools regarding the correction of deficiencies shall be filed with the state board no later than April 1, except for those deficiencies identified after April 1 as a result of investigating a complaint.

(g) The accreditation of each school shall be effective as of June 30 of the year in which granted and shall remain in force for one year, unless changed by action of the state board.

(h) High schools shall be accredited by the state board and designated either accredited, or accredited-comprehensive, or accredited-exemplary.

(1) Accredited. Each accredited high school shall maintain, offer and teach at least 30 units of credit in grades nine through 12, as reported on September 15 of the year in which accreditation is granted. Those high schools organized on a grades 10 through 12 plan may count units taught in grade nine. Each accredited high school shall meet the following requirements:

(A) The 30 units of credit shall be taught each year

in separate classes. Correspondence credits shall not be counted as part of the 30 units requirement.

(B) When the unit is taught in more than one section, only one unit of credit shall be counted as a part of the 30 required units of credit.

(2) Accredited-comprehensive. An accredited-comprehensive high school shall maintain, offer, and teach a minimum of 50 units of credit in grades nine through 12, as reported on September 15 of the year in which accreditation is granted. Those high schools organized on a grades 10 through 12 plan may count units taught in grade nine. Each accredited-comprehensive high school shall meet the following requirements:

(A) The 50 units shall be taught each year in separate classes. Correspondence credits shall not be counted as part of the 50 units requirement.

(B) When the unit is taught in more than one section, only one unit of credit shall be counted as a part of the 50 required units of credit.

(3) Accredited-exemplary. Secondary schools may be recognized in the accreditation process as accredited-exemplary schools provided such schools complete a program approved by the state board of education pertaining to evaluation-assessment and the development of school improvement plans.

(4) On application from the local board of education, any high school teaching less than 30 units of credit, as reported in the September 15 school principal's building report, shall be dropped from the accredited list by the state board on or before November 15 of that school year.

(i) Each elementary school, to be accredited, shall have a minimum enrollment of 10 pupils on September 15 of the current school year. Each elementary school may be accredited-exemplary if it meets the requirements of 91-31-2(h)(3). On application from the board of education, any elementary school with an enrollment of less than 10 pupils on September 15, shall be dropped from the accredited list by the state board on or before the following November 15.

(j) Except as provided by S.B.R. 91-31-2(d)(2) and S.B.R. 91-31-11, any school which has received an accreditation warning shall be dropped from the accredited list by the state board if the deficiency or deficiencies are not corrected by June 30 of the following school year.

(k) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board any action to be taken regarding the accreditation of schools. When the commissioner of education recommends non-accreditation of any school, the commissioner shall notify the president and clerk of the board of education, and the superintendent no later than May 15. The board of education shall be given an opportunity at the June meeting of the state board to present reasons why the school should be accredited. When a school has been denied accreditation, the state board of education shall have five days after the June board meeting in which to send an official notice of denial of accreditation. The notice shall be sent by the commissioner of education, by restricted mail, to the president and clerk of the

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board of education and the superintendent, with return receipt requested.

(l) Any school denied accreditation effective June 30 may, upon the written request of the board of education, be given tentative accreditation status by the state board, to be effective the following August 15, if the deficiencies causing denial of accreditation have been corrected. The letter shall be signed by the president and clerk of the board of education, shall provide evidence that all deficiencies have been corrected, and shall be filed with the commissioner of education at least three weeks prior to the regular August meeting of the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985.)

**91-31-12h. Graduation.** (a)(1) Each pupil shall be eligible for graduation upon completion of the following requirements:

(A) Four units of English language arts. Beginning with the 1988 graduating class, three units shall be in English. When, in the judgment of the high school principal, a pupil can profit more by taking another subject, the principal may waive up to one unit of this requirement;

(B) two units of social studies, which shall include one unit of United States history and at least one-half unit of United States Government, including the constitution of the United States. Beginning with the 1988 graduating class, three units of social studies shall be required, which shall include one unit of United States history and at least one-half unit of United States government, including the Constitution of the United States;

(C) one unit of science as a laboratory course. Beginning with the 1988 graduating class, two units of science shall be required, including one unit as a laboratory course;

(D) one unit of mathematics. Beginning with the 1988 graduating class, two units of mathematics shall be required.

(E) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived:

(i) upon a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(ii) when the requirement is contrary to the religious teachings of the pupil. A written statement, signed by a lawful custodian of the pupil, shall be filed with the proper authorities of the school, requesting that the pupil not be required to participate in the activities and stating the reason for the request; and

(F) eight units of elective courses. Beginning with the 1989 graduating class, nine units of elective courses shall be required.

(2) A total of 21 units of credit shall be required for the 1989 graduating class. A total of 20 units of credit shall be required for the 1988 graduating class. A total of 17 units of credit shall be required for graduation for those students in classes which will graduate prior to 1988.

(3) Beginning with the 1984-85 school year, any additional requirements of the board of education that increase the number of units of credit required for graduation shall apply to those students who will be in the ninth grade class the following school year.

(b) The governing body of the district may set alternative graduation policies, which shall be in writing and adopted by the board of education, which indicate that a pupil will be eligible for graduation upon the completion of at least the minimum total units of credit required by (a)(2), or the equivalent. The required units of credit shall include one unit of United States history and at least one-half unit of United States government, including the constitution of the United States, pursuant to K.S.A. 72-1103.

(c) Alternative graduation policies set by the board of education shall be in compliance with statewide educational goals, as adopted by the state board, and shall have broad-base community involvement in their formulation. These policies shall have state board approval prior to implementation in the district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985.)

**91-31-14c. Interscholastic activities.** (a) Pupils below the sixth grade shall not be eligible to participate in interscholastic athletic competition.

(b) Any school may join the Kansas state high school activities association and participate under its rules and regulations. Any school which is not a member of the K.S.H.S.A.A. shall comply with the requirements of this regulation.

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

(1) The coaches shall be members of the teaching staff and each shall hold a valid certificate with the appropriate endorsements for their level of assignment.

(2) For any pupil to be eligible to participate in interscholastic activities, that pupil shall submit a physician's statement indicating the pupil is physically able to participate. Pupils shall compete in interscholastic athletics only with the written consent of a lawful custodian. Any student who participates on an organized team outside of school during the school year shall be ineligible for interscholastic school teams in that particular sport.

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

(A) schedule no more than eight interscholastic athletic contests in any one sport, exclusive of a tournament, in any one school year, unless otherwise specified in this regulation;

(B) schedule for each team no more than one interschool contest each week, exclusive of tournament games. One regularly scheduled game and one make-up game may be scheduled during the same week only once during the season; and

(C) have the approval of the school principal.

(4) Practice time shall not exceed one hour per



school day. Any practice session held between two schools shall not be considered as practice time but shall count as one of the allowed number of contests per season.

(5) Each student shall have the following activity limitations:

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

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

(C) Track and field events.

(i) Sixth grade. Track and field events. In any one meet, including relays, each pupil shall be limited to three of the following approved events: Fifty-meter dash, 75-meter dash, 100-meter dash, relays, broad jump, high jump, baseball, softball, basketball and football throw. A sixth-grade pupil shall not run more than one race of 100-meters in one day. Sixth-grade pupils shall be allowed to participate each year in only one track meet in which preliminary events are necessary. All jumps and vaults shall end in a soft landing pit;

(ii) Seventh and eighth grade pupils shall be limited to any three events per day. Seventh and eighth grade pupils are limited to no more than one race of 400 meters or more in one day. The longest race run shall be: 800 meters for pupils in the seventh grade and 1600 meters for pupils in the 8th grade. All jumps and vaults shall end in a soft landing pit.

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

(i) Sixth grade. Tumbling and floor exercises only.

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

(E) Boxing. Sixth, seventh and eighth grade boxing shall be prohibited.

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

(G) Tackle football. Sixth grade tackle football shall be prohibited. Pupils in the seventh and eighth grades may play tackle football. Each school shall be limited to a maximum of seven games and each pupil shall be

limited to 28 quarters. A pupil shall not participate in more than four quarters in one day. Quarters shall be a maximum of eight minutes in length with an intermission of 10 minutes at the end of the second quarter.

(H) Wrestling. Sixth grade wrestling shall be prohibited. Pupils in seventh and eighth grades may participate in wrestling. The school shall be limited to eight matches or no more than seven matches and one tournament, or no more than five matches and two tournaments. Weight divisions shall be 72 pounds, 76 pounds, 80 pounds, 84 pounds, 88 pounds, 92 pounds, 96 pounds, 100 pounds, 105 pounds, 110 pounds, 115 pounds, 120 pounds, 127 pounds, 133 pounds, 138 pounds, 145 pounds, 154 pounds, and heavy-weight. Maximum length of wrestling periods shall be one minute for the first period; 1½ minutes for the second period, and 1½ minutes for the third period. During overtime periods, the first period shall be 30 seconds, the second period 45 seconds, and the third period 45 seconds.

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

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

(K) Golf. No pupil shall participate in more than seven days of inter-school competition during a season.

(L) Tennis. No pupil shall participate in more than seven days of inter-school competition during a season.

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

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

(e) Physical education. Interscholastic team practice shall not be conducted during physical education classes. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985.)

### Article 33.—REGULATIONS FOR ACCREDITING SPECIAL PURPOSE SCHOOLS

**91-33-8. Graduation.** (a) (1) Each pupil shall be eligible for graduation upon completion of the following requirements:

(A) Four units of English language arts. Beginning with the 1988 graduating class, three units shall be in English. When, in the judgment of the high school principal, a pupil can profit more by taking another subject, the principal may waive up to one unit of this requirement;

(B) two units of social studies, which shall include one unit of United States history and at least one-half unit of United States government, including the con-

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stitution of the United States. Beginning with the 1988 graduating class, three units of social studies shall be required, which shall include one unit of United States history and at least one-half unit of United States government, including the Constitution of the United States;

(C) one unit of science as a laboratory course. Beginning with the 1988 graduating class, two units shall be required, including one unit as a laboratory course;

(D) one unit of mathematics. Beginning with the 1988 graduating class, two units of mathematics shall be required;

(E) one unit of physical education, which may include one-half unit of health, safety, first aid, or physiology. This requirement shall be waived:

(i) upon a statement by a licensed physician that a pupil is mentally or physically incapable of participating in a regular or modified physical education program; or

(ii) when the requirement is contrary to the religious teachings of the pupil. A written statement, signed by a lawful custodian of the pupil, shall be filed with the proper authorities of the school, requesting that the pupil not be required to participate in the activities and stating the reason for the request; and

(F) eight units of elective courses. Beginning with the 1989 graduating class, nine units of elective courses shall be required.

(2) A total of 21 units of credit shall be required for the 1989 graduating class. A total of 20 units of credit shall be required for the 1988 graduating class. A total of 17 units of credit shall be required for graduation for those students in classes which will graduate prior to 1988.

(3) Beginning with the 1984-85 school year, any additional requirements of the board of education that increase the number of units of credit required for graduation shall apply to those students who will be in the tenth grade class the following school year.

(b) The governing body of the district may set alternative graduation policies, which shall be in writing and adopted by the board of education, which indicate that a pupil will be eligible for graduation upon the completion of at least the minimum total units of credit required by (a)(2). The required units of credit shall include one unit of United States history and at least one-half unit of United States government, including the constitution of the United States pursuant to K.S.A. 72-1103.

(c) Alternative graduation policies set by the board of education shall be in compliance with statewide educational goals, as adopted by the state board, and shall have broad-base community involvement in their formulation. These policies shall be set out in the local comprehensive plan and submitted to the state board of education for approval prior to implementation in the district. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1984; amended May 1, 1985.)

DR. HAROLD L. BLACKBURN  
Commissioner

Doc. No. 002966

## State of Kansas

### STATE CORPORATION COMMISSION

#### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1985)

#### Article 1.—RULES OF PRACTICE AND PROCEDURE

**82-1-203.** (Authorized by K.S.A. 55-604, 55-704, 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; revoked May 1, 1985.)

**82-1-204. Definitions.** As used in these rules: (a) "Commission" and "commissioner" mean the state corporation commission of Kansas, and a member thereof, respectively.

(b) "Presiding officer" means the chairperson of the commission or the commissioner or other person appointed by the commission who is actively conducting the hearing.

(c) "Attorney" means and shall include any licensed attorney currently admitted to practice before the supreme court of the state of Kansas or any attorney at law authorized to enter an appearance under K.A.R. 82-1-228.

(d) "Party" means any individual, partnership, corporation, association or other person who is an applicant, complainant, petitioner, defendant, intervenor, protestant or respondent.

(e) "Applicant" means any party on whose behalf an application for authority or permission, which the commission is authorized by law to grant or deny, is made.

(f) "Complainant" means any person who complains to the commission of:

(1) anything done or failed to be done in contravention or violation of:

(A) the provisions of any statute or other delegated authority administered by the commission; or

(B) of any orders, rules, or regulations issued or promulgated by the commission thereunder; or

(2) of any other alleged wrong over which the commission may have jurisdiction.

(g) "Petitioner" means any person seeking relief who is not otherwise designated under these rules.

(h) "Defendant" means any person:

(1) who is subject to any statute or other delegated authority administered by the commission, or any order, rule or regulation issued or promulgated by the commission; and

(2) against whom any complaint is filed.

(i) "Intervenor" means any person petitioning to intervene as provided by K.A.R. 82-1-225, when admitted by the commission as a participant in any proceeding. Admission as an intervenor shall not be construed as recognition by the commission that the intervenor might be aggrieved by any order of the commission in the proceeding.

(j) "Protestant" means any person objecting on the ground of private or public interest to the approval of an application, petition, motion or other matter which

the commission may have under consideration. Any person protesting the granting of any permit, certificate, extension, abandonment or transfer under the motor carrier act shall comply with the provisions of K.A.R. 82-4-65. Any protestant desiring to become an intervenor in any other proceeding before the commission may file a petition for intervention as provided by K.A.R. 82-1-225. Admission of a party as a protestant shall not be construed as recognition by the commission that the party might be aggrieved by any order of the commission in the proceeding.

(k) "Respondent" means any person who is subject to any statute or other delegated authority administered by the commission, and to whom an order or notice is issued by the commission when it institutes a proceeding or investigation on its own initiative.

(l) "Staff counsel" means the general counsel of the commission, any assistant general counsel of the commission and any special counsel retained by the commission, participating in a proceeding before the commission.

(m) "Technical staff" means commission employees with technical expertise, and any special assistants or consultants retained by the commission, but does not include staff counsel. Technical staff may conduct investigations and otherwise evaluate issues raised, and may testify and offer exhibits on behalf of the general public, but do not appear in support of, or in opposition to, any party in any cause.

(n) "The formal record" or "the record" shall include the following, when filed:

(1) All applications, complaints, petitions and other papers seeking commission action;

(2) All answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts of oral arguments, and briefs in any matter or proceeding;

(3) All exhibits, all attachments to exhibits, all appendices to exhibits, amendments of exhibits, corrections of exhibits, supplements to exhibits, and all letters of transmittal or withdrawal of any items mentioned in this subparagraph;

(4) Any notice or commission order initiating the matter or proceeding;

(5) Any commission order designating a hearing examiner, attorney, or other employee, for any purpose;

(6) Any proposed report, exceptions and replies filed pursuant to K.A.R. 82-1-230(m);

(7) The official transcript of the hearing made and transcribed by the commission's reporter;

(8) All exhibits received in evidence;

(9) All exhibits offered but not received in evidence;

(10) All offers of proof; and

(11) All motions, stipulations, subpoenas, proofs of service, and anything else ordered by the commissioner or hearing examiner to be made a part of the record.

The record shall not include any proposed testimony or proposed exhibit which was not offered in evidence.

(o) "Restricted mail" shall have the same meaning as set forth in K.S.A. 60-103. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106, K.S.A. 1983 Supp. 74-606; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1985.)

**82-1-207. Ex parte communications.** (a) (1) After the commission has determined and announced that a hearing should be held, and prior to the issuance of a final order, no parties to the proceeding, or their counsel, shall discuss the merits of the matter or proceeding with the commissioners or the presiding officer, unless reasonable notice is given to all parties who have appeared to enable the parties to be present at the conference.

(2) After the commission has determined and announced that a hearing should be held and prior to the issuance of a final order, copies of any written communications regarding the proceeding that are directed to the commission, or any member of its staff, shall be mailed to all parties of record and proof of service shall be furnished to the commission.

(3) The person or persons to whom any ex parte communication has been made shall promptly and fully inform the full commission of the substance of the communication, and the circumstances thereof, to enable the commission to take appropriate action.

(b) For purposes of this regulation only, no member of the technical staff shall be considered a "party" to any proceeding before the commission, regardless of participation in staff investigations with respect to the proceeding or of participation in the proceeding as a witness. Since the purpose of the staff is to aid the commission in the proper discharge of commission duties, the commissioners shall be free at all times to confer with any staff member with respect to any proceeding. However, no facts that are outside the record, and that reasonably could be expected to influence the decision in any matter pending before the commission, shall be furnished to any commissioner unless all parties to the proceeding are likewise informed and afforded a reasonable opportunity to respond. The rule against ex parte communications shall apply to staff counsel only in regard to any adjudicatory proceeding before the commission that may result in the imposition of fines or other sanctions.

(c) All letters and written communications that are received by the commission, or any commissioner, from interested parties and members of the general public, and that are in the nature of ex parte communications, shall be made a part of the file in the docket and shall be made available to all persons who desire to see them. The deposit of such written communications and letters in the file shall not make them a part of the official record of the case. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1985.)

**82-1-215. Copies of pleadings.** Except as otherwise provided in K.A.R. 82-1-231 and K.A.R. 82-4-27, 82-4-28, 82-4-29, 82-4-30 and 82-4-65, each party filing any application, complaint or other pleading shall file

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an original and six copies for the commission and furnish an additional copy to the commission for each party who may be expected to participate in the proceeding. The commission may require the filing of such additional copies as may be necessary. Upon filing, the secretary of the commission shall place the original in the official records of the commission and shall distribute the duplicate copies as directed by the commission. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1985.)

**82-1-220. Complaints.** (a) Any mercantile, agricultural, manufacturing organization or society, any body politic, municipal organization, or any taxpayer, firm, corporation or association may initiate, by the filing of a formal complaint, proceedings in which the rates, joint rates, fares, tolls, charges, rules, regulations, classifications, or schedules of any public utility or common carrier are alleged to be unreasonable, unfair, unjust, unjustly discriminatory, unduly preferential, or that any service performed or to be performed is unreasonably inadequate, inefficient, unduly insufficient or cannot be obtained. Parties other than those enumerated may file complaints if they have an interest in the subject of the action involved and if this interest can be shown by their complaint.

(b) Formal complaints shall be in writing and shall comply with the requirements of these rules. Formal complaints shall:

(1) fully and completely advise each defendant and the commission as to the provisions of law or the rules, regulations or orders of the commission that have been or are being violated by the acts or omissions complained of, or that will be violated by a continuance of acts or omissions;

(2) set forth concisely and in plain language the facts claimed by the complainant to constitute such violations; and

(3) state the relief sought by the complainant.

The commission may allow, by order, any formal complaint to be amended or corrected by the complainant. The amended complaint shall set forth any new grounds for the complaint which have accrued in favor of the complainant and against the defendant subsequent to the filing of the original complaint. Upon leave granted by the commission, an amended complaint shall be filed pursuant to these rules, and it shall be served by the commission, as provided by K.A.R. 82-1-216. Wherever practicable, an amended complaint shall be heard, considered and disposed of in the same proceeding as the original formal complaint.

(c) Multiple complaints or multiple complainants may be joined as provided by K.A.R. 82-1-224.

(d) Prior or subsequent to the hearing, the parties to the proceeding may, with the approval of the commission, enter into a voluntary settlement of the subject matter of the complaint if:

(1) the matter in controversy affects only the parties involved;

(2) the period for intervention has run; and

(3) the issue has no direct or substantial impact upon the general public.

In furtherance of a voluntary settlement, the commission may invite the parties to confer with it, or with a hearing officer or staff member designated by it. Such conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission, or offer of settlement made at such an informal conference shall be admissible in evidence in any formal hearing before the commission. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106; effective Feb. 15, 1977; amended May 1, 1985.)

**82-1-230. Hearings; evidence and procedure.** (a) Rules of evidence. The rules of evidence as stated in article 4 of the Kansas code of civil procedure shall be applied by the commission at all of its hearings. However, the presiding officer may relax the rules of evidence when the presiding officer believes it will be in the public interest to do so and will aid in ascertaining the facts. When an objection is made to the admissibility of evidence, the presiding officer may rule upon the objection or may receive such evidence subject to a subsequent ruling upon the objection by the commission. The presiding officer may exclude inadmissible evidence on such person's own motion and may order cumulative evidence discontinued. All parties may note their exceptions on the record to any ruling or other action of the presiding officer. Such parties may file a petition for a hearing before the commission for review of the ruling or action or they may submit their objections to the commission by filing a brief.

(b) Order of procedure at hearings. At hearings upon applications, the applicants shall open and close. At hearings upon formal complaints, the complainant shall open and close. At hearings on investigations initiated by the commission, the staff counsel shall open and close. In hearings where several proceedings have been consolidated for hearing on a common record, the presiding officer shall designate the party who will open and close. The presiding officer also shall designate when each intervenor shall be heard. In all hearings, the presiding officer may direct departures from the stated order of procedure.

(c) Examination and cross-examination of witnesses.

(1) Subject to the provisions of K.A.R. 82-1-229, concerning the use of prepared testimony, each witness shall be examined and cross-examined orally and under oath in the order prescribed by the presiding officer. The direct examination of each witness shall be followed by cross-examination of the witness. Redirect examination, if any, shall be limited in scope to the testimony upon cross-examination. Recross-examination, if any, shall be limited in scope to the testimony upon redirect examination.

(2) No more than one attorney for each party shall examine or cross-examine a witness. The presiding officer may require that only one attorney may cross-examine a witness on behalf of all parties united in interest. To facilitate the orderly and expeditious conduct of hearings, the presiding officer may appoint a

member of the commission's legal staff to assist any party not represented by counsel in cross-examining witnesses and in presenting evidence.

(d) Clarifying questions. No "clarifying questions" may be asked of any witness or of any attorney by any attorney unless permission to do so is first granted by the presiding officer.

(e) Going off the record. All testimony shall be taken on the record unless permission to go off the record is first granted, upon request, by the presiding officer.

(f) Excluded evidence. If an objection to a question propounded to a witness is sustained by the presiding officer, the examining attorney may make a proffer of the excluded evidence. The presiding officer may add other statements to clearly show the character of the evidence, the form in which it was offered, the objection made, and the ruling made. Upon request, the evidence shall be taken and reported in the record in full, unless it clearly appears that the evidence is not admissible on any ground, or that the witness is privileged.

(g) Further evidence. At any stage of the hearing, or after the close of the testimony, the presiding officer may call for further evidence upon any issue, and may require such evidence to be presented by the party or parties concerned or by the staff counsel, either at the hearing or at a further hearing.

(h) Closing of testimony. The testimony shall be closed when the parties have introduced all of their evidence and their witnesses have been heard. The presiding officer shall give all interested parties an opportunity to be heard and then shall declare the record of the exhibits and testimony closed. The presiding officer shall state that the matter will be taken under advisement to be decided in due course by the commission at a commission conference for that purpose. When the presiding officer is someone other than a commissioner, such person shall inform all the parties at the close of the testimony that a report of such person's findings and recommendations will be made to the commission as promptly as may be practicable.

(i) "Late-filed" exhibits. The presiding officer may authorize any party to the proceeding to file specific documentary evidence as a part of the record within a time to be fixed by the presiding officer, but not to exceed 10 days after the closing of the record of the hearing. Exhibit numbers may be assigned in advance at the hearing to such items of documentary evidence.

(j) Administrative notice. In addition to those matters which are required or permitted to be judicially noticed by K.S.A. 60-409, the presiding officer may take administrative notice of commission files and records in deciding matters pending before it. Court records may be offered in evidence by reference, but shall not be received over the objection of any party unless opportunity for examination has been afforded to the objecting party.

(k) Briefs. Any party desiring to submit a brief shall be allowed to do so, if a request therefor is made of the presiding officer prior to closing the record. In addition, the presiding officer or the commission may

require the submission of briefs by the parties. The period of time in which briefs and reply briefs are to be filed shall be fixed at the close of the hearing by the presiding officer. Briefs shall be served in the same manner and upon the same persons as required for exhibits by these rules. Proof of service of briefs shall be given to the commission by a certificate of service endorsed on the brief.

(l) Closing the record. A hearing shall be closed and the matter shall be submitted to the commission when briefs have been submitted by all parties entitled to do so and oral arguments are completed. If no briefs are to be submitted and no oral arguments are to be made by the parties, a hearing shall be considered closed and submitted to the commission when the presiding officer announces that the record of exhibits and testimony is closed and that the matter is taken under advisement.

(m) Proposed reports.

(1) Any party to a hearing before an examiner may file a petition requesting that a proposed report be issued by the examiner. The petition shall be filed and called to the attention of the examiner before the conclusion of the hearing. The original and six copies of the petition shall be filed with the commission, and the original shall show that copies have been served upon all parties to the proceeding. The petition shall set forth the reasons why it is believed that issuance of such a proposed report will promote the administration of justice and will not cause unreasonable delay in the final determination of the proceeding. Objections may be served and filed by other parties within five days after service of the petition.

(2) Upon direction by the commission, the examiner shall prepare and file a proposed report. The secretary's office shall serve copies upon all parties to the proceeding. The proposed report shall contain recommended findings, conclusions, and order.

(3) Any party may serve and file exceptions to a proposed report within a time period specified by the commission. Exceptions shall be specific, and shall be stated and numbered separately. Each party filing exceptions to factual findings shall specify the portions of the record relied upon, shall propose substitute findings, may propose additional findings. A party filing exceptions to conclusions shall cite statutory provisions or principal authorities relied upon, shall propose substitute conclusions, and may propose additional conclusions. Each proposed finding and conclusion shall reference the portion of the record supporting the proposal.

(4) Replies may be served and filed after service of exceptions within a time period specified by the commission. Replies shall be subject to the same requirements regarding specificity as exceptions.

(5) Upon receipt of the examiner's proposed report, and exceptions and replies if any, the commission shall dispose of the matter in the manner applicable to cases heard by the commission itself.

(n) Reopening the record. After the record of testimony has been closed by the person presiding at the hearing, any party may apply to reopen the record for

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good cause shown. However, no record shall be reopened for further hearing except upon order of the commission. The commission may open any record of any hearing on its own motion. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1985.)

**82-1-234.** (Authorized by K.S.A. 55-704, 66-106, K.S.A. 1965 Supp. 55-604; effective Jan. 1, 1966; revoked May 1, 1985.)

**82-1-234a. Discovery.** The commission may, either upon its own motion or for good cause shown by a party to a proceeding, issue an order to take a deposition, interrogatory or other discovery. Discovery shall be allowed pursuant to commission order only, and shall be limited to matters that are clearly relevant to the proceeding involved. The Commission may further limit discovery based on the discovering party's interest and participation in the proceeding. This regulation shall not diminish, alter, or modify in any way the authority of the commission staff to request information in the performance of its duties. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106; effective May 1, 1985.)

**82-1-238. Transcripts.** (a) Transcripts of all testimony and proceedings may be ordered and purchased from the commission. Corrections to the official transcript may be made only to make it conform to the evidence presented at the hearing. Claimed errors and suggested corrections may be offered by any party within 10 days after the transcript is filed with the commission, unless the presiding officer grants an extension. Suggested corrections shall be served in writing upon each party of record, the official reporter, and the presiding officer. The presiding officer shall then determine the manner in which the record must be changed, if at all. All parties shall be advised by the commission of any authorized corrections to the record.

(b) Whenever any order, pleading, brief or other document filed with the commission makes reference to a portion of the transcript of any hearing before the commission, that citation to the transcript shall be made as follows: The citation shall begin with the last name of the witness or other speaker. It shall be followed by the volume number of the transcript, if there is more than one volume, and the abbreviation "Tr." The citation shall be concluded by a reference to the appropriate page number or numbers in the transcript volume. Citations to more than one volume of transcript or to more than one witness or speaker shall be separated by semicolons. (Authorized by and implementing K.S.A. 55-604, 55-704, 66-106; effective Feb. 15, 1977; amended May 1, 1985.)

### Article 3.—PRODUCTION AND CONSERVATION OF OIL AND GAS

**82-3-101. Definitions.** (a) As used in these regulations:

(1) "Acreage factor" means the quotient obtained by dividing the acreage attributable to a well by the

basic acreage unit. The basic acreage unit shall be defined by the commission and promulgated in the basic proration order for the common source of supply in which the well is located.

(2) "Allowable" means the amount of oil or gas authorized to be produced by order of the commission.

(3) "Allowable period" means the time in which the allowable may be produced.

(4) "Alternative cementing materials" means rotary mud or heavy laden mud that will effectively seal the formations and prevent the vertical migration of fluids.

(5) "Assessment" means any charge against the parties involved in any hearing, application, investigation, or the enforcement of an order, and the assessment on natural gas and oil produced to pay the costs associated with the administration of the oil or gas conservation act.

(6) "Attributable acreage" means the acreage assigned to a well in accordance with the well spacing program adopted for each of the prorated fields.

(7) "Casing" means tubular goods used to line a well bore.

(8) "Casing-head gas" means gas produced that was in solution with oil in its original state in the reservoir.

(9) "Cement" means Portland cement or a blend of Portland cement used in the oil and gas industry to support and protect casing and to prevent the migration of subsurface fluids by the formation of an impermeable barrier.

(10) "Combination well" means a well productive of both oil and gas, excluding casing-head gas, from the same common source of supply.

(11) "Commingling" means the mixing of production from more than one common source of supply.

(12) "Commission" means the state corporation commission.

(13) "Common source of supply" means each geographic area or horizon definitely separated from any other area or horizon which contains, or appears to contain, a common accumulation of oil or gas or both.

(14) "Conservation division" means the division of the commission in charge of the administration of the oil and gas conservation acts, well plugging, salt water disposal, and enhanced recovery.

(15) "Correlative rights" means that each owner or producer in a common source of supply is privileged to produce from that supply only in a manner or amount that will not:

(A) injure the reservoir to the detriment of others;

(B) take an undue proportion of the obtainable oil or gas; or

(C) cause undue drainage between developed leases.

(16) "Day" means a period of 24 consecutive hours.

(17) "Deliverability" means the amount of natural gas, expressed in Mcf per day, which a well is capable of producing into a pipeline, while maintaining a back-pressure against the well head. The amount of back-pressure to be maintained and the test procedure shall be specified by the commission in the basic proration order for the common source of supply in which the well is located.

(18) "Department" means the Kansas department of health and environment.

(19) "Discovery well" means the first well completed in a common source of supply which is not in communication with any other common source of supply.

(20) "Disposal well" means a well which injects, for purposes other than enhanced recovery, those fluids brought to the surface in connection with oil and natural gas production.

(21) "Division order" means a dated, written statement, duly signed by the owners and delivered to the purchasers, certifying and guaranteeing the interests of ownership of production, and directing payment according to those interests.

(22) "Drilling time log" is the chronological tabulation or plotting of the rate of penetration of subsurface rocks by the rotary bit.

(23) "Enhanced recovery" means any process involving the injection of fluids into a pool to increase the recovery of oil or gas.

(24) "Enhanced recovery injection well" means a well which injects fluids to increase the recovery of hydrocarbons.

(25) "Field" means a geographic area containing one or more pools.

(26) "First purchaser" means the person holding the division order and issuing checks to pay any working or royalty interest.

(27) "Fluid" means a material or substance which flows or moves in a semi-solid, liquid, sludge, or gas state.

(28) "Freshwater" means water containing not more than 1,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 1,000 parts of salt per million or 500 parts of chloride per million.

(29) "Gas" means the gas obtained from gas or combination wells, regardless of its chemical analysis.

(30) "Gas" (cubic foot) means the volume of gas contained in one cubic foot of space at a standard pressure base and at a standard temperature base. The standard pressure base shall be 14.65 pounds per square inch absolute, and the standard temperature base shall be 60 degrees Fahrenheit. Whenever the conditions of pressure and temperature differ from the above standard, conversion of the volume from these conditions to the standard conditions shall be made in accordance with the ideal gas laws as corrected for deviation.

(31) "Gas-oil ratio" means the ratio of gas produced, in cubic feet, to one barrel of oil produced during the concurrent period.

(32) "Gas" (sour) means any natural gas containing more than 1½ grains of hydrogen sulphide per 100 cubic feet or more than 30 grains of total sulphur per 100 cubic feet, or gas which, in its natural state, is found by the commission to be unfit for use in generating electricity or fuel for domestic purposes.

(33) "Illegal production" means any production in violation of the statutes, rules, regulations or orders of the commission.

(34) "Minimum well" means any oil well which has a productivity of 25 barrels or less per day.

(35) "Mousehole" means a service hole drilled at a slight angle and normally about 30 feet deep on those wells drilled by rotary tools.

(36) "Mud-laden fluid," as the term is commonly used in the industry, means any commission-approved mixture of water and clay or other material, which will effectively seal a formation to which it is applied.

(37) "Oil" means crude oil or petroleum and shall include all waste oil which is removed from the lease.

(38) "Oil, (pipeline)" means oil free from water and basic sediment to the degree that it is acceptable for pipeline transportation and refinery use.

(39) "Oil well" means any well producing oil.

(40) "Open flow" means the volume of gas which a gas well is capable of producing at the wellhead during a period of 24 hours against atmospheric pressure, computed according to the standard procedure approved by the commission.

(41) "Operator" means any person who is in charge of the development of a lease, or the operation of a producing well.

(42) "Overage" or "overproduction" means the oil or gas produced in excess of the allowable.

(43) "Person" means any natural person, corporation, association, partnership, governmental or political subdivision, receiver, trustee, guardian, executor, administrator, fiduciary, or any other legal entity.

(44) "Pipeline" means any pipes above or below the ground used or to be used for the transportation of oil, gas, liquids, or gases.

(45) "Pool" means a common source of supply as officially named.

(46) "Producer" means any person who owns, in whole or in part, a well capable of producing oil or gas or both.

(47) "Production" means produced oil, gas, condensate, or casing-head gas.

(48) "Productivity of a well" means the daily capacity of a well to produce oil or gas.

(49) "Productivity of a pool" means the sum of the productivities of the wells completed in the pool.

(50) "Proration" means the regulation of the amount of allowed production to prevent waste, undue drainage between developed leases, unratable taking, or unreasonable discrimination between operators, producers and royalty owners who are within a common source of supply, that would favor any one pool as compared to any other pool in this state.

(51) "Purchaser" means any person who purchases production from a well, lease or common source of supply.

(52) "Rathole" means the service hole drilled at a slight angle and normally about 40 feet deep on those wells drilled by rotary tools.

(53) "Reasonable market demand" means the amount of crude petroleum or natural gas which must be produced to satisfy current rates of consumption.

(54) "Service well" means a well drilled for:

(A) The injection of fluids in enhanced recovery projects;

(continued)

(B) The supply of fluids for enhanced recovery projects; or

(C) The disposal of salt water.

(55) "Shortage" means the amount by which the oil or gas legally produced and sold or removed from the premise is less than the allowable.

(56) "Storage oil" means produced oil confined in tanks, reservoirs, or containers.

(57) "Storage oil-lease" means produced oil in tanks, reservoirs, or containers on the lease where it was produced.

(58) "Storage well" means a well used to inject or extract natural gas for storage purposes.

(59) "Stratigraphic hole" means a hole, normally of small diameter, drilled through subsurface strata for exploratory purposes, with no intent to produce hydrocarbons through the hole being drilled.

(60) "Undue drainage" means the uncompensated migration of either oil or gas between developed leases within the same common source of supply caused by the unratable production of some well or wells located there.

(61) "Usable water" means water containing not more than 10,000 milligrams of total dissolved solids per liter. This upper limit is approximately equivalent to 10,000 parts of salt per million or 5,000 parts of chlorides per million.

(62) "Waste oil" means any tank bottom, basic sediment, cut oil, reclaimed oil from pits, ponds or streams, dead oil, emulsions, or other types of oil not defined as pipeline oil.

(63) "Well completion, (oil)" occurs when the first new oil is produced through permanent wellhead equipment into lease tanks from the producing interval after the production casing has been run.

(64) "Well completion, (gas)" occurs when the well is capable of producing gas through permanent wellhead equipment from the producing zone after the production casing has been run.

(65) "Well completion, (dry hole)" occurs when all provisions of plugging are complied with as set out in these regulations.

(66) "Wellhead working pressure" means the static pressure in the annulus while flowing through the tubing, or static pressure in the tubing while flowing through the annulus, except in cases where the casinghead is not in open communication with the producing formation because of the presence of a packer or other obstruction in the annular space between casing and tubing. In these cases, the wellhead working pressure shall be determined by adjusting the observed tubing pressure for the effect of friction caused by flow through the tubing, or by using a bottom-hole pressure bomb and correcting back to wellhead conditions.

(67) "Well log" means the written record progressively describing the well's down-hole development.

(68) "Well history" means the chronological record of the development and completion of a well.

(b) All terms not defined in this definitional section shall be interpreted to be consistent with their common use in the industry. (Authorized by and implementing K.S.A. 55-152, 55-602, 55-604, 55-704, 55-901;

effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-84-19, July 26, 1983; amended May 1, 1984; amended, May 1, 1985.)

**82-3-103. Notice of intention to drill.** (a) (1) The owner, operator, or persons responsible for a drilling operation shall give written notice of the intention to drill to the conservation division before the commencement of drilling operations for:

(A) exploratory holes anticipated to penetrate a salt water formation;

(B) the discovery or production of oil, gas or other minerals, including reentry of a previously plugged and abandoned well; or

(C) drilling of a service well.

(2) The notice shall be received by the conservation division at least five days before any drilling is commenced.

(3) The notice shall contain:

(A) the operator's name, address, and commission license number;

(B) the contractor's name, address, and commission license number;

(C) the date on which drilling is anticipated to begin;

(D) the lease name, quarter section, section, range, township, county, and the distance from the section's East and South line of the proposed drilling location;

(E) distance to nearest lease line;

(F) the estimated total depth of the well;

(G) the type of drilling equipment to be used;

(H) the depth of the deepest freshwater at the drill site;

(I) the depth to the bottom of the deepest usable water formation at the drill site; and

(J) any other information which may be requested by the commission.

The notice shall be on a form prescribed by the commission which shall be filled in completely and signed by the operator or the operator's agent.

(b) Upon receipt of the notice of intent to drill, the commission shall notify the owner or operator of the amount of surface pipe necessary to protect all fresh and usable water. The owner or operator shall not commence the drilling operation until after commission approval has been received. A copy of the approved notice of intent to drill shall be posted on each drilling rig.

(c) Preliminary plugging instructions shall be given to the operator with the approved notice of the intention to drill.

(d) The approval of the notice of intent to drill shall expire six months from the date of approval. The commission may grant a six-month extension on the approval, if a written request for that extension is filed with the conservation division prior to the expiration date of the intent. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151, 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, May 1, 1985.)

**82-3-106. Cementing-in surface pipe.** (a) Surface pipe or casing. The depth of required surface pipe shall be determined in the following manner:



(1) The surface pipe shall be set to a depth not less than 20 feet below the bottom of all freshwater strata. In setting surface pipe, the surface hole diameter shall be sufficiently larger than the surface pipe to permit circulation of the cement.

(2) At all drill sites where tertiary and younger deposits are present, surface pipe shall be set to a depth of not less than 20 feet below the base of these deposits.

(3) The operator shall set not less than 50 feet of surface pipe in any well unless the operator is otherwise excluded from this requirement, or the commission grants an exception after a hearing and after receiving a favorable recommendation from the advisory committee. Drilling shall not commence until the operator has received, from the conservation division, notice of the amount of surface pipe that must be set.

(4) If no additional information, including well logs, formation tests, water quality data, or water well data, is made available by the operator, table I, dated September 15, 1984, shall be used by the commission and the department in determining the required depths of the surface pipe.

(b) Protection of usable water.

(1) Alternate 1. Surface pipe shall be set and cemented according to the requirements of the commission and the department under paragraph (a)(4).

(2) Alternate 2.

(A) If the depth of usable water, as specified by the commission and the department, are greater than the amount of surface pipe set under paragraph (a)(4), additional pipe or the production string shall be cemented in from the base of the usable water to the surface of the ground, when the well becomes capable of producing oil or gas. The cement shall be maintained at surface level. Cementing shall be completed within 120 days of the spud date of the well. Extensions may be granted with the approval of the commission and the department.

(B) Compliance with Alternate 2 may also be accomplished by placing an alternative cementing material that is acceptable to the commission behind that pipe or production string in a manner prescribed by the commission or its authorized representatives.

(C) At the time a producing well is abandoned, it shall be plugged in a manner prescribed by the commission so as to effectively prevent subsequent migration of oil, gas or water from or into strata that would be damaged by this migration.

(3) When fresh water and usable water can mix because of an existing artesian head, additional pipe or the production string shall be cemented-in from a point 50 feet below the usable water formation to the surface of the ground.

(c) Allowing cement to set around surface pipe. Unless otherwise provided by specific order of the commission, the cemented casing string shall stand under pressure until the cement has reached a compressive strength of 300 pounds per square inch. Further operations shall not be commenced until the cement has been in place for at least eight hours.

(d) Affidavit. Operators shall file an affidavit with the conservation division setting out the method of

cementing used on a well on the provided form. Depths which have usable and fresh water shall be protected by recommended methods, which are on file with the state corporation commission. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-151, 55-152, 55-156, 55-157, 55-159; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-1, Jan. 13, 1984; amended, T-85-51, Dec. 19, 1984; amended, May 1, 1985.)

**82-3-108. Well location.** (a) A well shall not be drilled nearer than 330 feet from any lease or unit boundary line. However, the commission may, after notice and hearing, grant exceptions to permit drilling within shorter distances, and to the acreage attributable and assigned allowables, when it determines such exceptions are necessary either to prevent waste or to protect correlative rights.

(b) When an exception to this rule is desired, an application shall be submitted to the conservation division. The application shall be accompanied by a plat that is drawn to the scale of one inch equalling 1,320 feet and that accurately shows the property on which the well is sought to be drilled, all other completed, partially drilled, or permitted wells on the property, and all adjoining surrounding properties and wells.

(c) The applicant shall provide notice of hearing not less than 10 days prior to the hearing date. The notice shall be sent to each offset operator, unleased mineral owner and the applicant's lessor, of the lease which will be situated less than 330 feet from the proposed location. The applicant shall also publish notice pursuant to K.A.R. 82-3-135.

(d) The commission may grant an exception to permit drilling within lesser distances, and to the acreage attributable and assigned allowable, for the purposes of drilling, deepening, or additional completion, re-completion, or reentry of a well. Such an exception may be issued by an administrative order under the following conditions:

(1) After 30 days notice has been given by the applicant to all offset operators, unleased mineral owners and the applicant's lessor, of the lease which will be situated less than 330 feet from the proposed location, and if a protest has not been made to the application; or

(2) When an application is accompanied by waivers of objection signed by all offsetting operators and unleased mineral owners, and the applicant's lessor, of the lease which will be situated less than 330 feet from the proposed location.

(3) Waivers of objection shall be on a form prescribed by the commission and shall show all:

(A) exceptions being sought including well location exceptions;

(B) acreage attributable;

(C) the allowable sought as compared to a full allowable; and

(D) bonus allowable sought as compared to a full bonus allowable.

(e) All well location exceptions issued by the commission shall expire six months from the granting of

(continued)

the exception, unless drilling operations are begun or an application for a six-month extension of the permit is approved by the commission. The application for a six-month extension shall be accompanied by a statement setting out the reasons the extension is necessary. Only one six-month extension shall be granted by the commission. If a well location exception permit expires, a renewal shall not be granted unless a new application is filed, notice given, a hearing held, and proof made as in an original well location exception application.

(f) Wells drilled nearer than 330 feet to any lease or unit boundary line without obtaining an exception from the commission shall be prohibited from producing either oil or gas until an appropriate allowable is determined.

(g) Whenever authority is granted to drill a well at a location other than specified by this rule, the allowable shall be determined by the commission for the protection of the correlative rights of all persons entitled to share in the common source of supply in accordance with K.A.R. 82-3-207(b) and (c).

(h) This rule shall not apply to any counties or specific areas that are exempted by the commission after notice and hearing. (Authorized by K.S.A. 55-152, 55-604, 55-704; implementing K.S.A. 1984 Supp. 55-605, 55-706; K.S.A. 55-152, 55-603, 55-703a; effective T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985.)

**82-3-109. Application for well spacing.** (a) Contents. Any interested party may file an application for well spacing and orderly development. The application shall include the following:

- (1) The location, depth, and producing formation of the existing productive well or wells in the area sought to be spaced;
- (2) a description of the area sought to be spaced, with an affirmation that all of the area is reasonably expected to be productive from the subject formation;
- (3) the proposed well location restriction;
- (4) the proposed configuration of producing units for acreage attribution purposes;
- (5) the names and addresses of all lessees of record in the area sought to be spaced;
- (6) the names and addresses of all owners of record of the minerals in unleased acreage within the area sought to be spaced;
- (7) the names and addresses, as shown by the applicant's books and records, of all persons owning the royalty or leasehold interest in acreage sought to be spaced and operated by the applicant, or on which the applicant has a lease or an interest in the lease;
- (8) if a proration formula is sought, the specific factors proposed to be utilized in the allocation of production;
- (9) the applicant's license number; and
- (10) such other information which may be required by the commission.

(b) Notice of hearing. An original and five copies of the application shall be filed with the secretary of the commission in Topeka, Kansas. An additional copy of

the application shall be sent to the conservation division. The commission shall set the application for hearing. The applicant shall provide notice of the hearing. The notice shall state the time, place, and nature of the hearing. The notice shall be provided at least 10 days prior to the hearing to all lease operators of record, and all owners of record of the minerals in unleased acreage, in the area sought to be spaced. The applicant shall also publish notice pursuant to K.A.R. 82-3-135. (Authorized by K.S.A. 55-604, 55-704; implementing K.S.A. 1984 Supp. 55-605, 55-706; K.S.A. 55-603, 55-703a, 55-704; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985.)

**82-3-111. Temporarily abandoned wells.** (a) After operations on any well drilled for the purpose of exploration, discovery, service or production of oil, gas or other minerals cease for a period of 90 days or more, the owner or operator of that well shall:

- (1) plug the well; or
- (2) give notice of the temporary abandonment to the conservation division on forms prescribed and furnished by the conservation division.

(b) If it is deemed necessary to prevent the pollution of any freshwater strata or supply, the conservation division shall cause the well to be plugged or repaired according to its direction and in accordance with the rules and regulations of the commission. If the operations on any such temporarily abandoned well or other inactive well are not resumed within a period of one year after the notice has been given, the well shall be deemed a permanently abandoned well, and the owner or operator of the well shall comply with rules and regulations of the commission relating to the abandonment of wells. However, upon application to the conservation division prior to the expiration of the one year period, and for good cause shown, the conservation division may extend the period for one year. Additional one year extensions may be granted by the conservation division in the same manner. (Authorized by and implementing K.S.A. 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, May 1, 1985.)

**82-3-113. Notice of intention to abandon well; supervision.** (a) Before any work is commenced to abandon any well drilled for the discovery of oil or gas, or disposal of salt water, or to abandon injection wells for enhanced recovery, including any well drilled below the fresh and usable water level, the owner or operator shall give written notice to the conservation division of the intention to abandon that well. The notice shall be upon forms prescribed and furnished by the conservation commission and shall contain all of the information requested thereon.

(b) Upon receipt of the notice, the conservation division shall acknowledge the notice by letter to the operator. The letter shall provide instructions to the operator, including the name of the district office which is to be notified, and a requirement that the operator submit a proposed plugging plan. The operator shall notify the appropriate district office no later than five days prior to the plugging.

(c) Exceptions from the notice requirement on the plugging of wells may be granted by the district office when:

(1) a drilling rig already at work on location is ready to commence plugging operations on a dry and abandoned well; or

(2) an emergency situation exists. In such a case the operator shall orally notify and present the plugging proposal to the district office. (Authorized by K.S.A. 55-152; implementing K.S.A. 55-152, 55-159, 55-128c; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985.)

**82-3-123. Well bore; commingling.** (a) Commingling of production from more than one source of supply shall be permitted if the expected total production is less than the allowable for a single common source of supply for the immediate area and after application and approval by the commission. In such a case, the allowable for the deeper zone shall be applied. The commission may prohibit commingling if deemed advisable.

(b) The application for commingling, including the original and one copy, shall be filed with the conservation division office and shall include the following information:

(1) a description of the well with a plat showing the location of the subject well, location of other wells on the lease, and the location of offset wells and their operator's names;

(2) the names of the upper and lower limits of the sources of supply involved, with proposed perforations or open holes noted;

(3) a wireline log of the subject well;

(4) the expected production of oil, water, gas or a combination, for each source of supply, and the estimated total production for the formations sought to be commingled; and

(5) the applicant's license number.

The application shall be supported by an affidavit and shall contain a certificate showing service of a copy of the application upon the operators of all offset leases. The application may be accompanied by waivers of right to protest executed by operators of offset leases. If waivers are obtained from the operators of all offset leases, the application may be passed upon immediately; otherwise, it shall be held in abeyance for a period of 10 days from the date of filing. If a protest is not filed with the commission within this 10-day period, the application may be passed upon without hearing; otherwise, a hearing shall be held after due notice.

(c) A new commingling application shall be required if the operator desires to open an additional source of supply that was not included in the initial application. (Authorized by K.S.A. 55-602; implementing K.S.A. 55-603; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, May 1, 1985.)

**82-3-124. Dual or multiple-completed wells.** (a) Production from more than one common source of supply through the same well bore shall be permitted if separation of each source of supply is maintained and if commission approval has been obtained.

(b) Whenever an operator or producer desires to complete a well in more than one source of supply, an original and one copy of an application requesting approval of dual or multiple completion shall be filed with the conservation division. The application shall contain the following information:

(1) A description of the well and lease for which application is made, and a plat showing the location of the well and lease, the location of all other wells on the lease, and the location of all offset wells. Well depths and producing sources of supply shall be properly designated on the plat and lease ownership shall be indicated;

(2) the names and upper and lower limits of the sources of supply involved in the dual or multiple completion;

(3) a wireline log of the subject well;

(4) a complete description of the proposed installation including the size, weight, depth, and condition of all casing and tubing, the size of all drilled holes, the amount of cement used and the location of the tops of cement behind each casing string, the location or intended location of casing perforations, the type of packer to be used and the depth at which it is to be set. A diagram of the proposed installation shall be attached to the application;

(5) a description of the proposed plan for separately measuring and accounting for the production for each source of supply;

(6) a description of storage facilities and a description and diagram of the proposed wellhead to pipeline installation; and

(7) the applicant's license number.

(c) The application shall be supported by an affidavit and shall contain a certificate showing service of a copy of the application upon the operators of all offset leases. The application may be accompanied by waivers of right to protest executed by operators of offset leases. If waivers are obtained from the operators of all offset leases, the application may be passed upon immediately; otherwise, it shall be held in abeyance for a period of 10 days from the date of filing. If a protest is not filed with the commission within the 10 day period, the application may be passed upon without hearing; otherwise, a hearing, shall be held. The applicant shall provide notice of the hearing not less than 10 days prior to the hearing date to each offset operator within one-half mile of the lease upon which the subject well is located. The applicant shall also publish notice as is required by K.A.R. 82-3-135.

(d) All dual and multiple completions shall be made and operated under the direction of the commission. Packer installations made in connection with a dual or multiple completion, and removal, reinstallation, or replacement of the packer in such a well, shall not be made except upon notice to and with the approval of a representative of the commission. If one of the producing sources of supply is abandoned, the plugging of the abandoned source of supply shall be in accordance with the requirements of the commission.

(e) If any source of supply in an intended dual or multiple completion is found upon testing to be non-

(Continued)

productive, it shall immediately be plugged under the direction of a commission representative.

(f) Dual and multiple-completed wells shall at all times be operated and maintained so as to insure the complete segregation of all fluids from the producing sources of supply. In monitoring the installation of packers, and in inspecting dual and multiple-completed wells in the course of their operation, representatives of the commission shall make, or cause to be made, tests that may be necessary to determine whether packer leakage exists. These tests may include bottom hole pressure measurements, chemical analysis of oil, water, and gas, and any other tests which are found to be indicative of the effectiveness of the packer.

(g) Whenever evidence of leakage of the packer in any dual or multiple-completed well is discovered, this packer shall be immediately repaired, a new packer shall be installed, or the affected producing source of supply shall be plugged.

(h) A dual or multiple-completed well shall not be allowed to produce during one day, more than twice its average daily allowable for the current proration period for that source of supply.

(i) Operators shall notify the commission and the operators of offset producing leases at least 24 hours before the installation of a packer.

(j) An installation charge for each dual or multiple-completed well, and a charge for any inspection of such well, shall be made to defray necessary expenses of supervision by the commission.

(k) Failure of the operator of any dual or multiple-completed well to comply with any of the provisions of this rule shall constitute grounds for the revocation of the order granting the dual or multiple completion, or the suspension or cancellation of current or future allowables of that well. If the order granting the dual or multiple completion of any well is revoked, all but one of the producing sources of supply shall immediately be sealed off under the direction of the commission.

(l) The commission may grant tentative approval for dual or multiple-completed wells based on extenuating circumstances. Final approval may be granted after proper application. (Authorized by K.S.A. 55-602; implementing K.S.A. 1984 Supp. 55-605, 55-706, K.S.A. 55-603; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended, May 1, 1985.)

**82-3-135. Notice for certain administrative hearings.** (a) Scope. The notice requirements prescribed in this regulation apply to each administrative hearing which arises under any rule or regulation or statutory provision for the conservation of crude oil and natural gas, and which is heard by the commission or by any agent appointed by the commission.

(b) Hearings initiated by the attorney general or the commission.

(1) The commission shall publish notice of the hearing in the Wichita Eagle-Beacon. The commission shall also publish notice of the hearing in the official county newspaper of each county in which the lands affected by the hearing are located. If that county does

not have an official county newspaper, the commission may publish notice in any newspaper satisfying the requirements of K.S.A. 64-101 in a county in which the lands affected by the hearing are located.

(2) The commission shall mail, by second class mail, a copy of the notice of the hearing to each person who has filed for the purpose of receiving notice. The copy of the notice shall be mailed not less than 13 days prior to the hearing date.

(3) The commission shall provide any additional notice required by any rule, regulation or statute which applies to the hearing or which is necessary to provide due process to any person whose property may be affected by the hearing.

(c) Hearings initiated by any person other than the attorney general or commission.

(1) Each person who initiates a hearing shall publish notice of the hearing in the Wichita Eagle-Beacon. The person who initiated the hearing shall also publish notice of the hearing in the official county newspaper of each county in which the lands affected by the hearing are located; however, the person who initiated the hearing may publish notice in any newspaper satisfying the requirements of K.S.A. 64-101 in a county in which the lands affected by the hearing are located, if that county does not have an official newspaper.

(2) The commission shall mail, by second class mail, a copy of the notice of the hearing to each person who has filed for the purpose of receiving notice. The copy of the notice shall be mailed not less than 13 days prior to the hearing date.

(3) The person who initiated the proceeding shall provide any additional notice required by any rule, regulation or statute which applies to the hearing or is necessary to provide due process to any person whose property may be affected by the hearing.

(d) Proof of notice. Commission staff shall prove that notice has been properly published, if the commission is required to publish notice; the commission may accept as proof of notice an affidavit sworn by the commission staff that notice has been perfected. The person who initiated the hearing shall prove that notice has been properly published, if that person is required to publish notice. The commission may accept as proof of notice an affidavit sworn by the person who initiated the hearing that notice has been perfected. These affidavits shall have been filed with the commission on or before the hearing date.

(e) Filing for the purpose of receiving notice. Any person who desires to receive notice of any hearings shall file annually with the commission that person's name, address and other information as may be reasonably required by the commission. The filing shall be on a form prescribed by the commission. The filing shall be mailed or delivered to the State Corporation Commission, Conservation Division, Colorado Derby Building, 202 W. 1st St., Wichita, Kansas 67202, and shall be accompanied by an annual \$50 fee. (Authorized by K.S.A. 55-152, 55-602, 55-604, 55-704; implementing K.S.A. 1984 Supp. 55-605, 55-706; effective, T-85-51, Dec. 19, 1984; effective May 1, 1985.)

**82-3-136. Transfer of operator responsibility.** If

operator responsibility is transferred, the new operator shall report this transfer to the conservation division within 30 days of the change upon a form prescribed by the commission. (Authorized by and implementing K.S.A. 55-604, 55-704; effective, May 1, 1985.)

**82-3-137. Change in purchasers.** If a purchaser of production changes and if that production is subject to a proration order issued by the commission, the operator shall report this change to the conservation division within 30 days of the change in the purchaser. (Authorized by and implementing K.S.A. 55-604, 55-704; effective, May 1, 1985.)

**82-3-138. New pool applications.** Each new pool application for certification to the Kansas department of revenue shall be submitted to the commission on forms provided by the commission and shall be accompanied by:

- (1) an affidavit of the completion report;
- (2) the names and addresses of each operator or lessee of record and each unleased mineral owner within one-half mile of the lease upon which the subject well is located;
- (3) exhibits and evidence needed to substantiate the applicant's claim of a new pool; and
- (4) other information which may be required by the commission. (Authorized by K.S.A. 55-604, 55-704; implementing K.S.A. 79-4217; effective, May 1, 1985.)

**82-3-203. State and pool allowable and proration.**

(a) Oil market demand. The commission may hold a monthly hearing to determine the amount of crude petroleum that can be produced daily throughout the state during the next succeeding proration period without causing waste. The commission shall then fix the total state allowed production and shall allocate it among the prorated pools, leases, and wells. Any crude oil which is removed from a lease shall be charged against the allowable established for that lease, except in cases where permission is granted to use waste oil for oiling roads leading to the lease.

(b) Statewide allowable. The allowables for non-prorated pools shall be set by the following range depth schedule:

Pool Depth Range	Maximum allowable bbls/well/day
0-4,000	25
above 4,000-4,500	31
above 4,500-5,000	37
above 5,000-5,500	43
above 5,500-6,000	48
above 6,000-6,500	52
above 6,500-7,000	56
above 7,000-plus	60

Allowables shall be assigned on an individual well basis and the maximum lease allowable shall be the sum of the individual well productivities or allowables, whichever is less.

(c) Discovery oil allowable.

(1) An oil discovery allowable, equal to 1½ times the current daily allowable assigned to a similar well may be granted. The current daily allowable assigned

to a similar well shall be determined by using statewide allowables set by these rules or the regular allowable as established by a special pool basic proration order.

(2) A discovery allowable may be assigned to wells in a newly discovered pool:

(A) for a period of 18 months from the date upon which the initial state-supervised test is taken on the discovery well, or in the absence of a state-supervised test, the date of completion of the discovery well; or

(B) until development has connected the pool with another known common source of supply producing from the same geological formation (reservoir), whichever first occurs.

(3) The following additional provisions shall apply to discovery oil allowable amounts.

(A) Recognition of a newly discovered pool shall require the filing of an application and notice, a hearing before the commission, and approval by the commission. The applicant shall provide notice of the hearing not less than 10 days prior to the hearing date to each offset operator and lessee of record within one-half mile of the lease upon which the subject well is located. The applicant shall also publish notice as is required by K.A.R. 82-3-135. Information in support of the application shall include that required under subsection (d) of this regulation.

(B) Additional wells may be granted a discovery allowable, effective the date of the state supervised test, upon the filing of a request with the conservation division. A hearing before the commission shall be set and proper notice given if:

(i) the request for subsequently developed wells entitled to the discovery oil allowable does not clearly show to the satisfaction of the conservation division that the subject well is producing from the same common source of supply (reservoir) as the discovery well; or

(ii) a protest is filed with the commission by an interested party within 10 days from the date the affidavit is mailed.

(C) Overproduction and underproduction of the discovery oil allowable shall be subject to the same restrictions and procedures as followed for standard oil allowables.

(D) Each discovery allowable shall be subject to adjustment for the gas-oil ratio provisions in any combination pool.

(E) Each discovery allowable shall be subject to temporary reduction consistent with the market demand determination. If reduction is required, the commission may extend the time for production of the discovery allowable.

(F) Discovery allowables may be obtained for each newly discovered pool in the same well bore if the well is completed, as authorized by the commission, so that production from a newly discovered pool is not commingled with production from any other pool in the well bore.

(d) Affidavit for discovery allowable. Each operator seeking to obtain a discovery allowable shall file an affidavit and supporting information with the conservation division after the completion of the well. The affidavit shall show:

- (1) the exact location of the well (legal description);

(continued)

- (2) the lease name;
- (3) the geological name of the producing formation;
- (4) the top and bottom depths of the producing formation;
- (5) the results of a state supervised production test, showing volumes of oil, gas, and water;
- (6) any other pertinent data, such as bottom hole pressures and core data, which may help determine the validity of the request;
- (7) the date of the first production;
- (8) the date of first oil sales and the purchaser to whom delivered;
- (9) the names and addresses of each operator or lessee of record within one-half mile of the lease upon which the subject well is located, and a statement indicating the date a copy of the affidavit was mailed to each;
- (10) an electric log or logs of the well in question, if taken;
- (11) a geological log or report of the well in question giving full details of the formations penetrated, drill stem tests, casing and cementing, perforations if any, and well stimulation procedures;
- (12) a map of the area surrounding the subject well. The map shall show the location of all wells, whether producing or dry holes, the total depth of these wells, the name of the producing formation, and the top and bottom of the formation. The map shall cover an area sufficient to show that the producing formation in the subject well is not in communication with any other known common source of supply. The map shall cover an area with a radius of no less than 1½ miles with the subject well as the center of that area; and
- (13) a geological contour map on a geological marker that will reflect the expected altitude of the formation from which the well is producing.

The affidavit shall include the following statement: "It is the opinion of the operator that this well will not cause waste if it is granted a discovery allowable." (Authorized by K.S.A. 55-604; implementing K.S.A. 1984 Supp. 55-605, K.S.A. 55-604; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985.)

### **82-3-311. Drilling through gas storage formations.**

- (a) Every person, firm or corporation who, for any purpose, drills or causes the drilling of a well or test hole that will penetrate into or bore through any underground stratum or formation that a natural gas public utility has appropriated through the exercise of the right of eminent domain for the underground storage of natural gas pursuant to K.S.A. 55-1204 shall seal off the natural gas storage stratum or formation by:
- (1) The methods and materials recommended by the public utility and approved by the commission or its duly authorized representative; or
  - (2) by methods and materials that the commission determines to be fair, equitable and reasonable.
- (b) That person, firm or corporation shall maintain the well or test hole in a manner that will protect the stratum or formation at all times against pollution and the escape of natural gas.
- (c) Not less than 30 days before commencing such a well or test hole, or before plugging a well that has ceased to produce, the person, firm or corporation

desiring to commence drilling or plugging operations shall give the public utility and the commission notice in writing, by registered mail, of the date desired for commencement of operations.

(d) Within 10 days after receipt of notice, the public utility shall forward to the commission its recommendations as to the manner, methods and materials to be used in the sealing off or plugging operation. The public utility shall give notice of the recommendations by mailing or delivering a copy to the person, firm or corporation who seeks to drill or plug a well or test hole. The notice shall be mailed or delivered on or before the date the recommendations are mailed to or filed with the commission.

(e) Any objections or complaints stating why the recommendations, as proposed by the public utility, are not feasible, practical or reasonable shall be filed within five days after the recommendation is filed.

(f) If any objections or complaints are filed, or if the commission deems that there should be a hearing on the recommendation of the public utility, a hearing shall be held. The person, firm, corporation or agency requesting the hearing shall provide notice of the hearing not less than 10 days prior to the hearing date to each person, firm or corporation seeking to drill or plug a test hole and to the public utility. Notice shall also be provided pursuant to K.A.R. 82-3-135.

(g) The commission shall prescribe the manner, methods and materials to be used in the sealing off or plugging operation. Operations shall not commence until the manner, methods and materials to be used have been prescribed by the commission.

(h) The public utility involved may have a representative present at all times during the drilling, completing or plugging of the well or test hole and shall have access to all records relating to the drilling, equipping, maintenance, operation or plugging of the well.

(i) The public utility, in conjunction with the commission or its representative and the operator of the well, shall have the right to inspect or test the well to discover any leaks or defects that may affect the underground natural gas storage stratum or formation.

(j) Any extra cost and expense necessarily incurred in sealing off the stratum or formation or in the plugging, maintaining, inspecting or testing the well, as recommended by the public utility and subsequently approved or independently determined by the commission or its representative, that is over and above the ordinary expense of operations using similar methods shall be paid upon completion by the public utility involved.

(k) Special rules, regulations and orders shall be issued when required and shall prevail over the general rules and regulations if a conflict occurs. (Authorized by K.S.A. 55-152, 55-604; implementing K.S.A. 1984 Supp. 55-605, 55-706, K.S.A. 55-1203; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985.)

**82-3-312. Gas Allowables.** In the absence of any orders which provide otherwise and are issued by the

commission, the following provisions shall apply to all gas wells.

(a) Acreage—attribution unit. Any gas well which is drilled to a depth of less than 2,000 feet and which is located nearer than 330 feet to any lease or unit boundary line shall have acreage attributed to it by the establishment of an acreage-attribution unit. This unit's width shall be defined as being twice the distance from the well to the nearest lease or unit boundary line and the length of the unit shall be defined to be the same as the width.

(b) Acreage attributable. When any gas well is drilled to a depth of less than 2,000 feet and is located nearer than 330 feet to any lease or unit boundary line, the standard daily allowable or minimum allowable shall be reduced in the same proportion that the acreage attributed to the well bears to 10 acres.

(c) The commission may grant exceptions and adjust the allowables to protect correlative rights and prevent waste and to give the full allowable where:

- (1) location exceptions have been granted for man-made structures, or topographic features;
- (2) no interference with drainage of adjacent wells can be shown by competent evidence; or
- (3) actual interference is less than the reduced allowable. (Authorized by K.S.A. 55-704; implementing K.S.A. 55-703; effective May 1, 1985.)

**82-3-401. Injection or disposal well; application, content, notice, objection, hearing and approval.** (a) Fluid shall not be injected into a well for enhanced recovery or disposal purposes until approved by the commission, following the required application and notice. The commission may grant an exception to this requirement for good cause.

(b) The application shall be verified and filed in triplicate with the commission and shall show:

- (1) The name, location, surface elevation, total depth, and plug back depth of each injection or disposal well;
- (2) the location of all oil and gas wells, including abandoned wells, drilling wells and dry holes within ½ mile of the injection or disposal well;
- (3) the name and address of each operator of a producing or drilling well within ½ mile of the injection or disposal well;
- (4) the name, description, and depth of each injection interval. The application shall indicate whether the interval is through any perforations or an open-hole or both;
- (5) the depths of the tops and bottoms of all casing and cement used or to be used in the injection or disposal well;
- (6) a plat showing all producing wells within a ½ mile radius and indicating producing formations and the subsea top of the producing formations;
- (7) the size of the casing and tubing and the depth of the tubing packer;
- (8) any information that is available in the log of the injection or disposal well, including an elevation reference;
- (9) a description of the fluid to be injected, the source of injected fluid, and the estimated maximum and average daily rate of injection, in barrels per day;

(10) the names and addresses of the operators shown in paragraph (b)(2) above, who were notified of the application, and evidence that the notice was given;

(11) information showing that injection or disposal into the proposed zone will be contained within the zone and will not initiate fractures through the overlying strata which could enable the fluid or formation fluid to enter fresh and usable water strata. Fracture gradients shall be computed and furnished to the commission by the applicant, if requested by the commission;

(12) the applicant's license number; and

(13) any other information that the commission requires.

(c) The commission, when issuing an order approving injection or disposal, shall consider the following:

- (1) maximum injection or disposal rate;
- (2) maximum surface pressure;
- (3) the type of injection or disposal fluid and the lithology and rock characteristics of the injection or disposal zone and the overlying strata; and
- (4) the adequacy and thickness of the confining zone or zones between the injection interval and the base of the lowest fresh or usable water.

(d) Applications may be filed to include the use of more than one injection or disposal well on the same lease or on more than one lease. The information requested of the applicant shall be provided for each well that is included in the application.

(e) Applications shall be executed by the operator of the proposed injection plan or disposal well.

(f) The applicant shall give notice of the application by mailing or delivering a copy of the application to the landowner on whose land the well is located, each operator of a producing or drilling well and each unleased mineral owner within a ½ mile radius of the proposed injection or disposal well. Notice shall be mailed or delivered on or before the date the application is mailed to or filed with the commission. Notice of the application shall be published in at least one issue of a newspaper with general circulation in the county or counties in which the lands involved are located.

(g) Objections or complaints shall be filed within 15 days after the notice is published. The complaint or objection shall state the reasons why the proposed plan, as contained in the application, may cause damage to oil, gas, or fresh and usable water resources.

(h) If the application is for disposal into a formation producing within ½ mile of the applicant's well, the disposal zone shall be below the water-oil contact or 50 feet below the top of the producing formation.

(i) If any objection or complaint is filed, or if the commission, on its own motion, deems that there should be a hearing on the application, a hearing shall be held. The person, firm, corporation or agency requesting the hearing shall provide notice of the hearing not less than 15 days prior to the hearing date. The notice shall be provided to each operator of a producing or drilling well and each unleased mineral owner within a one-half mile radius of the proposed injection or disposal well. Notice shall also be provided pursu-

(continued)

ant to K.A.R. 82-3-135. (Authorized by K.S.A. 55-901, 55-152; implementing K.S.A. 1984 Supp. 55-605, 55-706, K.S.A. 55-1003, 55-152; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-85-51, Dec. 19, 1984; amended May 1, 1985.)

**82-3-405. Operating requirements.** (a) Initial requirements.

(1) Each injection or disposal well shall be completed, equipped, operated, and maintained in a manner that will prevent pollution of fresh and usable water or damage to sources of oil or gas and that will confine fluids to the interval or intervals approved for injection or disposal.

(2) (A) Before operating a well newly drilled for injection or disposal, or a well newly converted for injection or disposal, the casing outside the tubing and above the packer shall be tested under the supervision of a representative of the applicant. The date for such a test shall be mutually agreed upon by the operator's representative and a representative of the commission or the department. The test results shall be verified by the operator's authorized representative, and may be witnessed by a representative of the commission or the department.

(B) Wells equipped with a packer shall be tested with the packer in place. For wells not equipped with a packer, a retrievable plug shall be required to be set in place of a packer. This test shall be conducted by setting the packer or the retrievable plug inside the injection casing immediately above the uppermost perforation or open-hole zone, and applying fluid pressure to 100 psi or the maximum allowable injection pressure, whichever is greater.

(C) In lieu of the above, the casing may be tested prior to perforating, upon approval of the commission. The well shall be shut in for at least 30 minutes. Maintenance of the shut-in pressure during the test shall provide assurance of the integrity of the injection casing.

(b) Mechanical integrity requirements. An injection or disposal well shall be considered to have mechanical integrity if there are no significant leaks in the tubing, casing or packer. Mechanical integrity shall be established periodically, on each well, by one of the following methods:

(1) Pressure test. The annulus above the packer, or the injection casing in wells not equipped with a packer, shall be tested at least once every five years under the supervision of a representative of the operator. Test results shall be verified by the same authorized representative. A minimum of 25 percent of the tests conducted each year shall be witnessed by a representative of the commission or the department. The test shall be conducted in accordance with paragraph (a)(2) of this rule except the maximum pressure may be limited to 100 psi. Injection or disposal wells without tubing shall be tested in accordance with K.A.R. 82-3-404.

(2) Alternative test. Alternative test methods which are approved by the commission, such as radioactive tracer or temperature surveys, may be used to establish mechanical integrity when conditions are appro-

priate. The surveys shall be run every five years under the supervision of a representative of the operator. The survey results shall be verified by the same authorized representative, and shall be interpreted as specified in commission-approved procedures. A minimum of 25 percent of the tests conducted each year shall be witnessed by a representative of the commission or the department.

(3) Monitoring. Once a month, the operator shall monitor and record, during actual injection, the pressure in the annulus under conditions approved by the commission. An annual report of pressures logged shall be made to the commission. (Authorized by K.S.A. 65-171d, 55-152, 55-901; implementing K.S.A. 1984 Supp. 65-171d, K.S.A. 55-1003, 55-152, 55-901; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended May 1, 1984; amended, May 1, 1985.)

**82-3-408. Transfer of authority to inject.** (a) Authority to operate an injection or disposal well shall not be transferred from one operator to another without the approval of the commission. The commission shall be notified in writing of the intent to transfer the ownership of an injection or disposal well from one operator to another. The written notice shall contain:

(1) the name and address of the present operator and the operator's license number;

(2) the name and location of the well being transferred;

(3) the order number and date of the order authorizing injection;

(4) the zone or zones of injection;

(5) the proposed effective date of transfer;

(6) the signature of the present operator and the date signed;

(7) the name and address of the new operator and the operator's license number; and

(8) the signature of the new operator and the date signed.

(b) The commission shall mail a letter to the former operator and to the new operator designating approval or denial of the transfer of authority. A copy of the amended order authorizing the injection or disposal shall be attached to the letter mailed to the new operator. The commission or the department may require the former operator to conduct a mechanical integrity test as a condition of the transfer. (Authorized by K.S.A. 1984 Supp. 65-171d, K.S.A. 55-152, 55-901; implementing K.S.A. 55-1003, 55-152, 55-901, K.S.A. 1984 Supp. 65-171d; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, May 1, 1985.)

**82-3-502. Notice; protest; hearing; administrative grant.** (a) The commission shall set the time and place for hearings on applications for natural gas well classification determinations under the Natural Gas Policy Act of 1978, Public Law 95-621. If commission staff determines that the application is complete, that it has been filed as provided in K.A.R. 82-3-501 and that it should be granted administratively, the applicant shall be advised accordingly. The applicant shall give notice, by publication to all interested parties, that the matter is intended to be granted administratively unless a written protest is filed and received within 10



days after the publication notice. In the event no protest is filed, the application shall be granted without further appearance or hearing.

(b) If the staff recommends that an application not be granted administratively, a hearing shall be held. The applicant shall give notice of the hearing not less than 10 days before the hearing.

(c) The notice required in subsections (a) and (b) shall be given to all purchasers of the applicant's gas. The applicant shall also publish notice pursuant to K.A.R. 82-3-135.

(d) Proof of publication of notice shall be furnished to the commission on or before the hearing date, or if no hearing is required, upon receipt of the notice from the publisher. The notice shall specify that, if a timely protest is filed, the hearing will be held at the next regularly scheduled hearings of NGPA matters that occurs at least 10 days subsequent to the filing of protest. If a timely protest is filed, protestants shall be notified immediately in writing of the time and place of the hearing. Notice provisions contained in this regulation shall pertain only to notices provided for hearing dates or to notices of the intent to administratively grant applications for natural gas well classification under the Natural Gas Policy Act of 1978, Public Law 95-621. (Authorized by K.S.A. 66-1,185; implementing K.S.A. 1984 Supp. 55-706, K.S.A. 66-1,185; effective, T-83-44, Dec. 8, 1982; effective May 1, 1983; amended, T-85-51, Dec. 19, 1984; amended, May 1, 1985.)

#### Article 4.—MOTOR CARRIERS OF PERSONS AND PROPERTY

**82-4-3. Motor carrier safety regulations.** (a) The following parts of the federal rules and regulations promulgated by the U.S. department of transportation, federal highway administration, and bureau of motor carrier safety, are hereby incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas. The incorporation by reference shall cover the parts as they exist on September 28, 1984: (1) Federal motor carrier safety regulations: General, 49 CFR Part 390, except sections 49 CFR 390.1, 390.15, 390.16.

(2) Qualifications of drivers: 49 CFR Part 391, except sections 49 CFR 391.2, 391.3, 391.5, 391.7, 391.11(b)(1), 391.41, 391.43, 391.45, 391.47, 391.49 and 391.69.

(3) Driving of motor vehicles: 49 CFR Part 392, except sections 49 CFR 392.1(c), (d), 392.2, 392.30, 392.31, 392.32, 392.40 and 392.41.

(4) Parts and accessories necessary for safe operation: 49 CFR Part 393, except section 49 CFR 393.81, 393.87 and 393.95 (a) and (b).

(5) Notification and reporting of accidents: 49 CFR Part 394.

(6) Hours of service of drivers: 49 CFR Part 395, except sections 49 CFR 395.3(c), 395.8(k)(2) and 395.8(1)(2).

(7) Inspection, repair and maintenance: 49 CFR Part 396.

(8) Transportation of hazardous materials; driving and parking rules: 49 CFR Part 397.

(9) Transportation of migrant workers: 49 CFR Part 398.

(10) Employee safety and health standards: 49 CFR Part 399.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a), those references shall not be applicable to this regulation.

(c) The following terms as used in this regulation and the identified sections of the regulations adopted by reference are defined as follows:

(1) The term "special agent of FHWA or special agent of the federal highway administration and authorized representatives of the federal highway administration," as used in 49 CFR 394.15(a), 395.13(a), 396.9(a), 398.8(a) and 399 appendix B, means authorized representatives of the state corporation commission of Kansas and troopers of the Kansas highway patrol.

(2) The term "authorized FHWA personnel," as used in 49 CFR 396.9(b), means troopers of the Kansas highway patrol or authorized representatives of the state corporation commission of Kansas.

(3) The term "associate regional administrator, motor carrier safety, federal highway administration," as used in 49 CFR 394.9(d), means superintendent, Kansas highway patrol.

(4) The term "director, regional motor carrier safety office of the federal highway administration," as used in 49 CFR 390.40, 391.51(g), 394.7(a), 394.9(a), 394.11(a) and 397.19(b) means, the superintendent, Kansas highway patrol and the administrator of the transportation division of the state corporation commission of Kansas.

(5) The term "regional federal highway administrator," as used in 49 CFR 391.51(b)(2), means director of transportation, state corporation commission of Kansas.

(6) The term "department of transportation act," as used in 49 CFR 394.3(a), means the department of transportation act and the motor carrier act of the state of Kansas.

(d) Copies of the motor carrier safety regulations promulgated by the U.S. department of transportation may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402. (Authorized by and implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g; and K.S.A. 66-1,129; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1984; amended May 1, 1985.)

**82-4-17.** (Authorized by and implementing K.S.A. 66-1,129; effective Jan. 1, 1971; amended May 1, 1981; revoked May 1, 1985.)

**82-4-19.** (Authorized by and implementing K.S.A. 66-1,129; effective Jan. 1, 1971; amended May 1, 1981; revoked May 1, 1985.)

**82-4-20. Transportation of hazardous materials by motor vehicles.** (a) The following parts of the federal

hazardous materials rules and regulations promulgated by the U.S. department of transportation are incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas: Title 49 CFR, Parts 107.103(b) and 107.105, 171, 172, 173, 177 and 178, except sections 49 CFR 171.7(d)(27), 177.825, 177.842, 177.843 and 177.861, as in effect on September 28, 1984.

(b) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (a), those references shall not be applicable to this regulation. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g and K.S.A. 66-1,129; implementing K.S.A. 1983 Supp. 66-1,112 and K.S.A. 66-1,129; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1984; amended May 1, 1985.)

**82-4-21. Requiring insurance.** Public motor carriers of property or passengers, or contract motor carriers of property or passengers, or private motor carriers of property, and local wreckers shall not operate a motor vehicle, trailer, or semitrailer for the transportation of persons or property within the provisions of the motor carrier law of this state until an insurance policy is filed in compliance with K.S.A. 66-1,128, amended, and in accordance with the regulations of the commission. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g and K.S.A. 1984 Supp. 66-1333; implementing K.S.A. 1984 Supp. 66-1331, K.S.A. 1983 Supp. 66-1,128; effective Jan. 1, 1971; amended May 1, 1981; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985.)

**82-4-22. Insurance requirements.** (a) (1) Before a certificate, permit, or license is issued to a public motor carrier of property or passengers, a contract motor carrier of property or passengers, a private motor carrier of property, or a local wrecker, the applicant shall keep in force and file with the state corporation commission of Kansas a public liability and property damage insurance policy, or a certified copy of such a policy. This policy shall be issued by an insurance company or association meeting the requirements of K.S.A. 1983 Supp. 66-1,128.

(2) The insurance shall bind the obligors to pay compensation for:

(A) injuries or death to persons, except injury to the insured's employees while engaged in the course of their employment; and

(B) loss of, or damage to, property of others (not including property usually designated as cargo) resulting from the negligent operation of the carrier.

(3) The liability insurance policy shall have attached to it an endorsement as set out in K.A.R. 82-4-25a. The carriers shall file proof of insurance in amounts not less than those required set in K.S.A. 1983 Supp. 66-1,128. In special cases, and for good cause shown, the carriers may be required by order of the commission to file insurance in additional amounts.

(b) Public and contract motor carriers of property and local wreckers that conduct intrastate business shall keep in force and file with the state corporation

commission a cargo insurance policy or a certified copy of a policy. This policy shall be issued by a company authorized to write coverage in the state of Kansas, in a minimum amount of \$3,000. The cargo insurance policy shall have attached to it an endorsement as set out in K.A.R. 82-4-25a.

(c) A certificate written by an insurance company or association meeting the requirements of K.S.A. 1983 Supp. 66-1,128, and which certifies that the proper required insurance is in effect, may be filed in lieu of the actual insurance policy. The certificate shall be filed on a form approved by the commission.

(d) Before the expiration date or cancellation date of an insurance policy filed in compliance with the law, and the regulations of the commission, the motor carrier shall file with the commission a new policy for the vehicle, or the vehicle shall immediately be withdrawn from service and notification of the action shall be given the commission.

(e) Operation by a motor carrier without strict compliance with this regulation shall suspend the certificate, permit or license issued to the carrier and the commission shall proceed to cancel the certificate, permit or license. (Authorized by K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112, K.S.A. 1983 Supp. 66-1,112g; implementing K.S.A. 1983 Supp. 66-1,128; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1983; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985.)

**82-4-27b.** (Authorized by K.S.A. 1982 Supp. 66-1,112; implementing K.S.A. 66-1,117, K.S.A. 1982 Supp. 66-1,112, 66-1,114; effective May 1, 1983; revoked May 1, 1985.)

**82-4-27c. Applications for transfer for purposes of incorporation.** (a) Any application to transfer a certificate of convenience and necessity issued to a common motor carrier and any permit issued to a contract carrier shall be considered by the commission without a hearing pursuant to K.S.A. 66-1,115a when the purpose of the transfer is for the incorporation of the proprietorship or partnership holding the certificate or permit sought to be transferred.

(b) The application for transfer shall contain all applicable information required by K.A.R. 82-4-27a and a signed affidavit from the transferor stating that the transfer is for the incorporation of the present proprietorship or partnership and that the management, operations and equipment of the corporate transferee will be the same as that of the transferor. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,117; implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,114, K.S.A. 66-1,115, 66-1,115a, 66-1,117; effective May 1, 1985.)

**82-4-27d. Application for temporary operating authority.** (a) Each application for temporary authority to operate as a common or contract motor carrier shall meet the following requirements prior to consideration by the commission:

(1) Formal application for permanent authority shall be filed with the commission.

(2) Formal application for temporary authority shall be filed with the commission. The application for temporary authority shall include:

(A) The name and address of the principal office or place of business, and the address of the residence of the applicant;

(B) a complete balance sheet and income statement;

(C) a description of the commodities which the applicant intends to transport;

(D) a description of the territory proposed to be served;

(E) a tariff schedule;

(F) proof of sufficient liability and cargo insurance, as required by K.A.R. 84-4-21 through 84-4-25a;

(G) the name and mailing address of a resident agent, if the applicant is a non-resident; and

(H) a copy of the articles of incorporation or partnership agreement, if applicable to the applicant's business.

(b) Upon receipt of the completed application for temporary authority, the commission shall set the date, time and place of the hearing on the application.

(c) The rules of procedure at the hearing shall be those which govern all proceedings before the commission, as stated in the rules of practice and procedures of the commission.

(d) In order to be granted temporary authority, the applicant shall make a satisfactory showing that an immediate and urgent transportation need constituting an emergency exists and that there is no carrier within the requested territory which is capable of meeting that immediate need. The showing shall be demonstrated by sworn testimony of a person or persons other than the applicant.

(e) A written order either granting or denying temporary authority shall be issued and served upon the applicant as soon as practicable after the hearing. At the request of the applicant, the commission may issue a letter or telegraphic wire authorizing the commencement of the operation approved. No application for temporary authority shall be granted until after a hearing and until the applicant has filed with the commission all of the information required under paragraph (a)(2) of this regulation.

(f) The order granting temporary authority shall specify the length of time for which the authority is valid, subject to any extension or renewal which the commission may authorize. Temporary authority shall not exceed the date on which an order granting or denying permanent authority becomes final. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 66-1,117 implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,114 and K.S.A. 66-1,115; effective May 1, 1985.)

**82-4-30b. Application for local wrecker permit.** Each application for a local wrecker permit shall be typewritten on the form furnished by the commission. All applications shall contain:

(a) The principle office or place of business and the residence of the applicant;

(b) a description of the make, year and vehicle

identification number of each vehicle to be used by the applicant;

(c) proof of public liability and property damage and cargo insurance in the amounts required in K.A.R. 82-4-22 and K.S.A. 1983 Supp. 66-1,128. The proof shall be submitted in the form required in K.A.R. 82-4-22 and K.A.R. 82-4-24a. (Authorized by K.S.A. 1984 Supp. 66-1333; implementing K.S.A. 1984 Supp. 66-1329, 66-1330, 66-1331, 66-1332, 66-1334; effective, T-85-48, Dec. 19, 1984; effective May 1, 1985.)

**82-4-33. Service of process.** Each applicant for a certificate, permit or license who is not a resident of Kansas shall not be granted a certificate, permit or license until the applicant designates a person who is a resident of the state of Kansas to be a process agent for and on behalf of the applicant. This regulation shall not apply to private carrier or local wrecker applicants. This regulation shall not be construed to relieve motor carriers from the obligation to comply with K.S.A. 60-305a. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a; implementing K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112b; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1985.)

**82-4-38. Identification tags.** Identification tags shall be displayed at all times on the front of the vehicle for which the tag was issued. (a) Every vehicle operated by an intrastate common carrier shall be issued and shall display a tag which is white on a blue background.

(b) Every vehicle operated by an intrastate contract carrier vehicles shall be issued and shall display a tag which is white on a red background.

(c) Every vehicle operated by a private carrier shall be issued and shall display a tag which is black on a white background.

(d) Every local wrecker vehicle shall be issued and shall display a tag which is yellow on a green background. A decal printed with "local wrecker" shall be centered on the bottom of the local wrecker tag. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a, K.S.A. 1983 Supp. 66-1,112g, K.S.A. 1984 Supp. 66-1333; implementing K.S.A. 66-1,129, K.S.A. 1983 Supp. 66-1,139, K.S.A. 1984 Supp. 66-1329; effective Jan. 1, 1971; amended May 1, 1981; amended, T-85-48, Dec. 19, 1984; amended May 1, 1985.)

**82-4-65. Protestants.** Any protest against the granting of a permit, certificate, extension, abandonment, or transfer shall be considered under the following conditions:

(a) A protest may be filed by any carrier having a valid interest in the application or by the carrier's authorized agent, or attorney. If filed by the carrier's agent or attorney, the protest shall name the carrier in whose behalf the protest is filed. Petitions for protests shall be in writing, and shall clearly identify the name and address of the protestant, and the title and docket number, of the proceeding. The petition shall include a clear and concise statement of the direct and substantial interest of the protestant in the proceedings, including the manner in which the protestant may be

(continued)

affected, and the nature, extent, character and grounds of the protest.

(b) If the protest is directed in opposition to only a portion of the authority sought, the protestant shall:

- (1) set forth the portion objected to; and
- (2) state that, if the applicant advises the commission before the application is heard that the applicant has consented to delete that portion protested from the application, the commission may disregard the protest.

(c) Any interested party or interested person who believes himself or herself to be adversely affected by a proposed application may file a written protest. The protest shall be filed in triplicate and shall be received by the commission not less than five days prior to the date set for the hearing. Failure to file a timely protest shall preclude the interested person or interested party from appearing as a protestant. The interested person or interested party shall not appear in opposition to the application unless leave to intervene has been granted as provided by the rules of practice and procedure of this commission.

(d) Each protestant shall serve the protest upon the applicant at the same time or before the protestant files the protest with the state corporation commission. A protest shall not be served on the applicant by the commission.

(e) To secure consideration of a protest, the protestant, intervenor or a designated representative, as defined in K.A.R. 82-4-63, shall offer evidence or a statement or participate in the hearing. (Authorized by K.S.A. 1983 Supp. 66-1,112, K.S.A. 66-1,112a; implementing K.S.A. 1983 Supp. 66-1,114; effective Jan. 1, 1971; amended May 1, 1981; amended May 1, 1985.)

**82-4-86. Vehicle inspection stations.** (a) Each commission authorized inspection station shall be located in Kansas. Any carrier with vehicles that are registered with the commission may file an application to serve as an authorized inspection station.

(b) Each application shall be submitted in the form of a letter on company stationary or letterhead and shall be signed by the owner of the company or an authorized officer of the corporation. The letter shall include the following:

- (1) the carrier's name, address and telephone number;
- (2) geographic description, location or address of the proposed inspection station;
- (3) the current number of motor vehicles and trailers operated by the carrier;
- (4) the name of the proposed, company-authorized and certified mechanic or mechanics;
- (5) a non-refundable check, payable to the state corporation commission of Kansas, for \$100.

(c) An investigation of the application shall be conducted by a designated representative of the state corporation commission who shall report all findings. Upon approval by the commission, an order shall be issued designating the carrier and inspection station as an approved inspection location. The order or a copy shall be retained at the approved inspection station and shall be made available upon request to

any representative of the commission and any state or local law enforcement officer.

(d) Any relocation of approved inspection stations or any revision in the name or names of the company authorized and certified mechanic shall be approved by the commission.

(e) Each approved inspection station shall have:

- (1) a minimum of one authorized and certified mechanic on duty or on call.
- (2) an inspection area suitable for inspections; and
- (3) sufficient tools and equipment to inspect each type of vehicle. All tools and equipment shall be maintained in good operating condition.

(f) The company-authorized and certified mechanic shall inspect the motor vehicle or trailer in accordance with K.A.R. 82-4-3 and K.A.R. 82-4-20. Vehicles in compliance shall be issued a certificate which shows the date of the inspection. The certificate shall be signed by the company-authorized and certified mechanic performing the inspection.

(g) One copy of the certificate shall remain with the motor vehicle or trailer, one copy of the certificate shall be retained by the authorized inspection station for a period of one year from the date of issuance, and one copy shall be forwarded to the Kansas corporation commission within 30 days of the inspection. Each certificate issued shall be valid for 12 months from the date of issue.

(h) Certificates may be purchased from the commission by an approved inspection station for \$5.00 each. The motor carrier purchasing the certificates shall be accountable for the disposition of each certificate. Abuse of the authority to inspect or abuse of its accountability for the certificate shall be grounds for suspension or revocation of the carrier's authority by the Commission. (Authorized by K.S.A. 1983 Supp. 66-1,112 and K.S.A. 1984 Supp. 66-1313a; implementing K.S.A. 1984 Supp. 66-1313a; effective, T-85-48, Dec. 19, 1984; effective May 1, 1985.)

#### Article 5.—RAILROAD SAFETY

**82-5-11. Regulation relating to transportation of hazardous materials.** (a) When the track condition on any railroad makes the transportation of explosives and other dangerous articles hazardous, restriction of the movement over the track may be imposed by the state corporation commission until track conditions are corrected or a satisfactory alternate route is available.

(b) The following parts of the federal hazardous materials rules and regulations promulgated by the U.S. department of transportation are incorporated by reference as the rules and regulations of the state corporation commission of the state of Kansas: Title 49 CFR, Parts 171, 172, 173, 174, 177, 178, and 393.77, except sections 49 CFR 174.45, 174.104(c) and (d), 174.700, 177.825, 177.842, 177.843 and 177.861, as in effect on September 28, 1984.

(c) Whenever the incorporated federal regulations refer to portions of the federal regulations that are not included under subsection (b), that reference shall not be applicable to this regulation. (Authorized by K.S.A.

66-141; implementing K.S.A. 66-156; effective, E-71-15, March 5, 1971; amended, E-71-22, May 28, 1971; effective Jan. 1, 1972; amended May 1, 1985.)

#### Article 8.—SITING OF ELECTRIC GENERATION FACILITIES

**82-8-101.** Adoption by reference of the National Electrical Safety Code (N.E.S.C.), 1984 edition. The standard entitled the "National Electrical Safety Code" (N.E.S.C.), of the American National Standards Institute, Inc., 1984 edition, ANSI C2-1984, approved July 15, 1983, and published by the Institute of Electrical and Electronic Engineers, Inc., is adopted by reference except for the portion of rule 232.1, page 142 which provides standards for minimum vertical clearance of electric wires over railroad tracks. These standards are set out in K.S.A. 66-183 and K.S.A. 66-320. Copies of N.E.S.C. are available from the Institute of Electrical and Electronic Engineers, Inc., 345 East 47th St., New York, N.Y. 10017. (Authorized by and implementing K.S.A. 66-183; effective May 1, 1983; amended May 1, 1985.)

#### Article 9.—RAILROAD RATES

**82-9-1. Railroad tariff filing requirements.** (a) (1) Each railroad tariff for rates or provisions published in connection with a new service, and each railroad tariff change that would result in increased rates, shall be on file with the commission at least 20 days prior to its effective date.

(2) Each railroad tariff which would result in decreased rates or increased value of service shall be on file at least 10 days prior to its effective date.

(3) Each rate publication filed with the commission shall be on forms prescribed by the commission and shall contain such information as the commission may require, including, but not limited to:

(A) a tariff containing all relevant and material provisions relating to the rate and its application; and

(B) a statement as to whether the rate will increase, decrease, or produce no change in the carrier's revenue.

(4) Each railroad tariff which would result in a decrease in the value of service shall be on file at least 20 days prior to its effective date.

(5) Each railroad tariff which would result in neither increases or reductions of rate or services shall be filed at least 10 days prior to its effective date.

(b) The interstate commerce commission's decision in Ex Parte No. 355, Cost Standards for Railroad Rates 364 I.C.C. 898 (1981) is hereby adopted by reference in implementing minimum rate regulation.

(c) Rate Discrimination.

(1) Differences between rates, classifications, rules and practices of rail carriers providing transportation subject to the jurisdiction of this commission shall not constitute unlawful discrimination if such differences result from different services provided by rail carriers.

(2) The commission recognizes that the following matters are not unjust, unreasonably discriminating or unduly preferential:

(A) contracts approved by the commission except as provided in 49 U.S.C. 10713;

(B) surcharges or cancellations pursuant to 49 U.S.C. 10705a;

(C) separate rates for district rail services;

(D) rail rates applicable to different routes; and

(E) expenses authorized under 49 U.S.C. 10751. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-107, 66-110 and 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-2. Commencement of proceedings.** (a) To determine whether a new individual or joint rate, or an individual or joint classification, rule, or practice related to a rate filed with the commission by a rail carrier, is discriminatory, unreasonable or in any way violates the law, the commission may:

(1) on its own initiative, commence an investigation proceeding; or

(2) upon protest of an interested party, commence an investigation proceeding; or

(3) upon protest of an interested party, commence an investigation and suspension proceeding.

The provisions of this subsection shall not apply to general rate increases, inflation-based increases, or fuel adjustment surcharges filed under the provisions of 49 U.S.C. § 11051(b)(6), over which the commission has no jurisdiction.

(b) Rates based on limited carrier liability may be published and filed with the commission, without prior approval. However, those rates shall be subject to protest on grounds including unreasonableness or nonconformance with the tariff publication requirements found in 49 CFR 1300.4 (i) (11), as in effect on September 23, 1983, which are hereby adopted by reference.

(c) The commission shall give reasonable notice to each interested party before beginning a proceeding. However, the commission may begin the proceeding without allowing an interested party to file an answer.

(d) The commission recognizes that the interstate commerce commission has exclusive authority to prescribe an intrastate rate for transportation provided by a rail carrier, pursuant to 49 U.S.C. § 11051 (d) when:

(1) a rail files with the appropriate state authority a change in an intrastate rate, or a change in a classification, rule, or practice that has the effect of changing an intrastate rate, that adjusts the rate to the rate charged on similar traffic moving in interstate or foreign commerce; and

(2) the state authority does not act finally on the change by the 120th day after it was filed. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-5. Market dominance.** (a) When any new individual or joint rate is alleged to be unreasonably high, the commission, within 90 days after the start of a proceeding under these rules, shall determine whether or not the railroad proposing the rate has market dominance over the transportation to which the rate applies.

(b) If the commission finds that the railroad pro-

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posing the rate has market dominance over the transportation to which the rate applies, it shall determine whether or not the proposed rate exceeds a maximum reasonable level for that transportation.

(c) If the commission finds that the railroad proposing the rate does not have market dominance over the transportation to which the rate applies, it shall not make a determination on the issue of reasonableness.

(d) Any finding by the commission that the proposed rate has a revenue—variable cost percentage which is equal to or greater than the percentages found in 49 U.S.C. § 10709(d)(2) as in effect on September 23, 1983, which is hereby adopted by reference, shall not establish a presumption that:

(1) The railroad has or does not have market dominance over such transportation; or

(2) the proposed rate exceeds or does not exceed a reasonable maximum level.

(e) The interstate commerce commission's decision in Market Dominance Determinations 365 ICC 118, applying to the market dominance standards, is hereby adopted by reference. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-6. Reasonableness.** (a) Except for nonferrous recyclables, the commission shall evaluate the reasonableness of a rate only after market dominance has been established. In determining whether a rate is reasonable, the commission shall consider, among other factors, evidence of the following:

(1) the amount of traffic that is transported at revenues which do not contribute to going concern value and the efforts made to minimize that traffic;

(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which, if any, rates on the traffic can be changed to maximize the revenues from such traffic; and

(3) the carrier's mix of rail traffic, to determine whether one commodity is paying an unreasonable share of the carrier's overall revenues.

(b) Any rate on nonferrous recyclable material shall be presumed to be unreasonable when it is set at a revenue to variable cost ratio greater than 146%.

(c) The commission shall establish revenue adequacy from the following standards:

(1) The standard for revenue adequacy shall be a rate of return that is equal to the current cost of capital.

(2) The value of a railroad's rate base for the initial determination of revenue adequacy shall total the sum of the original cost of track assets, plus betterments to track, and the depreciated book value of all other assets. The investment base shall not be adjusted to reflect special tax provisions such as accelerated depreciation and investment tax credits. The cost of capital shall be calculated using the current cost of debt and equity, and a debt-equity ratio of 40:60.

(d) Intrastate rates in existence on October 1, 1980 shall be conclusively presumed reasonable unless a complaint that was filed under § 229 of the Staggers Rail Act of 1980 with the interstate commerce commission not later than March 31, 1981 was submitted to the commission for disposition.

(1) In determining the adjusted base rate, the commission will adopt the cost adjustment factor determined by the interstate commerce commission on a quarterly basis.

(2) The commission will not investigate, suspend or accept complaints on adjustments to the base rate which cover inflation.

(3) The commission will not suspend increases within the zone and will only investigate such increases if they produce ratios exceeding the year's market dominance threshold plus 20% or 190% whichever is less. In deciding whether to investigate, the commission will consider the following:

(A) The amount of traffic below going concern value and efforts to minimize it;

(B) Amount of traffic contributing marginally to fixed costs;

(C) Traffic impact on revenue adequacy and energy; and

(D) Cross subsidization of traffic.

(e) The protestant shall have the burden of justifying an investigation. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-7. Burden of proof.** (a) General. The burden shall be on the protestant to prove the matters described in K.A.R. 82-9-3 of these rules.

(b) Jurisdiction. The respondent railroad shall bear the burden of showing that the commission lacks jurisdiction to review the proposed rate because the rate produces a revenue—variable cost percentage that is less than the percentages found in 49 U.S.C. Sec. 10709(d)(2), which is hereby adopted by reference, as in effect on September 23, 1983. The railroad may meet its burden of proof by showing the revenue—variable cost percentage for that transportation to which the rate applies is less than the threshold percentage cited in 49 U.S.C. Sec. 10709(d)(2). The protestant may rebut the railroad's evidence with a showing that the revenue—variable cost percentage is equal to or greater than the threshold percentage in 49 U.S.C. Sec. 10709(d)(2).

(c) Intramodal and intermodal competition. The protestant shall bear the burden of demonstrating that there exists no effective intramodal or intermodal competition for the transportation to which the rate applies. The respondent railroad may rebut the protestant's showing with evidence that effective intramodal or intermodal competition exists.

(d) Product and geographic competition. The railroad shall also introduce evidence of product or geographic competition by identifying such competition. Once the railroad has made this identification, the party opposing the rate shall have the burden of proving that the product or geographic competition identified by the railroad is not effective.

(e) Reasonableness of rate increases. Each party protesting a rate increase shall bear the burden of demonstrating its unreasonableness if the rate:

(1) is authorized under 49 U.S.C. § 10707a, as in effect on September 23, 1983; and

(2) results in a revenue—variable cost percentage

for the transportation to which the rate applies that is less than the lesser of the percentages described in clauses (i) and (ii) of 49 U.S.C. § 10707a(e)(2)(A), as in effect on September 23, 1983.

(f) Respondents's burden of proof. The respondent railroad shall bear the burden of demonstrating the reasonableness of a rate increase if:

(A) The rate is greater than that authorized under paragraph (e)(i) of this regulation; or

(B) The rate results in a revenue—variable cost percentage, for the transportation to which the rate applies, that is equal to or greater than the lesser of the percentages described in clauses (i) and (ii) of 49 U.S.C. § 10707a(e)(2)(A), as in effect on September 23, 1983; and

(2) the commission initiates an investigation.

(g) Rate decreases. A party protesting a rate decrease shall bear the burden of demonstrating that the rate does not contribute to the going concern value of the railroad, and is therefore unreasonably low. A party may meet its burden by making a showing that the rate is less than the variable cost for the transportation to which the rate applies. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-8. Zone of rate flexibility.** (a) (1) Any rail carrier may raise any rate subject to the limitations described in 49 U.S.C. Sec. 10707a as in effect on September 23, 1983. Base rates increased by the quarterly rail cost adjustment factor shall not be investigated or suspended.

(2) In addition, any railroad may increase any rate by 6% per annum until October, 1984. Railroads not earning adequate revenues, as defined by the interstate commerce commission, after that period, may raise rates 4% per year. Neither the 6% or 4% increase shall be suspended. If either increase results in a revenue to variable cost ratio that equals or exceeds 190%, the commission may investigate the rate either on its own motion or on complaint of an interested party. The preceding standards regarding the regulation of intrastate rail rates are adopted by the commission to conform to the Staggers Rail Act of 1980.

(b) In determining whether or not to investigate the rate, the commission shall consider:

(1) the amount of traffic which the railroad transports at revenues which do not contribute to going concern value and efforts made to minimize that traffic;

(2) the amount of traffic which contributes only marginally to fixed costs and the extent to which rates on that traffic can be changed to maximize the revenues from that traffic;

(3) the impact of the challenged rate on national energy goals;

(4) state and national transportation policy; and

(5) the revenue adequacy goals incorporated in the interstate commerce act, as in effect on September 23, 1983. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-11. Refund or collection of freight charges**

based upon commission findings. (a) Except as otherwise provided, when the commission finds that a railroad must make refunds on freight charges collected, or that the railroad is entitled to collect additional freight charges, but the amount cannot be ascertained upon the record before it, the party entitled to the refund or the railroad entitled to collect additional monies shall immediately prepare a statement showing details of the shipments involved in the proceeding.

(b) The statement shall not include any shipment not covered by the commission's findings. If the shipments moved over more than one route, a separate statement shall be prepared for each route and each statement shall be separately numbered. However, shipments which, in each instance, have the same collecting carrier may be listed in a single statement if grouped according to routes.

(c) Each prepared, certified statement shall be filed with the commission and it shall then consider entry of an order awarding refunds or authorizing collection of additional freight charges.

(d) If a rail carrier wishes to waive the collection of amounts due when such amounts are more than \$2,000, a petition for appropriate authority shall be filed by the carrier on the special docket by submitting a letter of intent to waive insignificant amounts. These petitions shall contain the following information:

(1) The name and address of the customer for whom the carrier wishes to waive collection;

(2) The name and addresses of the carriers involved in the intended waiver and a statement certifying that all carriers concur in the action;

(3) The amount intended to be waived;

(4) The points of origin and destination of the shipments and the routes of movement; and

(5) A brief statement of justification for the intended waiver, including the anticipated costs of billing, collection and/or litigation if the waiver is not permitted.

(e) If the amount to be waived is \$2,000 or less, no petition need be filed prior to the waiver. A letter of disposition informing the commission of the action taken, the date of the action, and the amount waived shall be submitted to the commission within 30 days of the waiver.

(f) Petitions to waive the collection of undercharges or waive the collection of insignificant amounts shall be made available by the commission for public inspection five days after receipt, and shall remain available for 25 days. Any interested person may protest the granting of a petition by filing a letter of objection with the commission within 30 days of commission receipt of the petition. Letters of objection shall clearly state the reasons for the objection, and shall certify that a copy of the letter of objection has been served on all parties named in the petition. A period of 15 days shall be allowed for reply from the respondent.

(g) Any petition which is not contested within 30 days shall be considered an order of the commission authorizing the action contemplated in the petition. In such a case the order shall take effect 45 days after

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commission receipt of the petition. Within 30 days after the expiration of the 45-day period, the carrier filing the petition shall file a letter of disposition informing the commission of the date of the action and the amount paid or waived. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-16. Contracts.** (a) Definitions. (1) "Contract," as used in this regulation means a written agreement, entered into by one or more rail carriers with one or more purchasers of rail services, to provide specified services under specified rates, charges, and conditions.

(2) "Amendment" means written contract modifications signed by the parties.

(b) Filing and approval. Each rail carrier providing transportation subject to commission jurisdiction shall file, with the commission, an original and one copy of all contracts entered into with one or more purchasers of rail services. These contracts shall be accompanied by two copies of the contract tariff that contains a summary of the nonconfidential elements of the contract in the form specified in 49 CFR 1300.300-1300.315, as in effect on September 23, 1983, which is hereby adopted by reference. The following parts of the federal rules and regulations promulgated by the interstate commerce commission, as they existed on September 23 1984 are hereby incorporated by reference: 49 CFR 1300.300 through 1300.315.

(c) Each contract filed under the section shall specify that the contract is made pursuant to K.A.R. 82-9-16, and shall be signed by duly authorized parties.

(d) Each amendment shall be treated as a new contract. Each amendment shall be lawful only if it is filed and approved in the same manner as a contract. To the extent terms affecting the lawfulness of the underlying contract are changed, remedies shall be revived and review shall again be available.

(e) Grounds for review of contract. Within 30 days of the filing date of a contract, the commission may, on its own motion or on complaint, begin a proceeding to review it. Such a review shall be based only on an allegation of violations as described in K.A.R. 82-9-17. For purposes of this subsection, the definition of the term for "agricultural commodities," "forest products," and "paper" will be decided on a case-by-case basis.

(f) Enforcement. The exclusive remedy for an alleged breach of a contract approved by the commission shall be an action in an appropriate state district court, unless the parties otherwise agree in the contract. The commission shall not require a rail carrier to violate the terms of a contract, except to the extent necessary to comply with 49 U.S.C. § 11128.

(g) A rail carrier may enter into contracts for the transportation of agricultural commodities that involve the use of carrier-owned or leased equipment if the involved equipment does not exceed 40 percent of the total number of the carrier's owned or leased equipment, by major car type. Agricultural commodities shall include forest products, excluding wood pulp, wood chips, pulpwood or paper.

(h) Any transportation or service performed under a contract or amendment may begin, without specific commission authorization, on or after the date the contract and contract summary or contract amendment and supplement are filed and before commission approval. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-19. Commission decision upon review of contract.** (a) Within 30 days after the date a proceeding is begun to review a contract upon the grounds specified in 82-9-17(b), the commission shall decide whether the contract violates the provisions of 49 U.S.C. Sec. 10713, as in effect on September 23, 1983. If the commission finds that a violation exists, it shall:

(1) disapprove the contract;

(2) in the case of agricultural contracts where the commission finds unreasonable discrimination by a carrier, order the carrier to provide rates and services substantially similar to the contract at issue with any differences in terms and conditions that are justified by the evidence; or

(3) allow the carrier to cancel the contract.

(b) Approval date of contract. Each contract shall be approved on the 30th day after the filing date of that contract. If the commission does not institute a proceeding to review the contract, the contract shall be considered "expressly approved" by the commission.

(c) If the commission institutes a proceeding to review a contract, that contract shall be approved:

(1) on the date the commission approves the contract, if the date of approval is 30 or more days after the filing date of the contract;

(2) on the 30th day after the filing date of the contract, if the commission approves the contract prior to the 30th day after the filing date of the contract; or

(3) on the 60th day after the filing date of a contract, if the commission fails to disapprove the contract. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-23. Exempt transportation.** (a) The commission may exempt a person, class of person, transaction or service from further rail regulation by the commission when it finds that:

(1) further regulation is not necessary to carry out state and national transportation policy; and

(2) either the transaction or service is of limited scope, or further regulation is not needed to protect shippers from the abuse of market power.

(b) The commission may, on its own initiative, or on application by any interested party, begin a proceeding to exempt rail carrier transportation.

(c) The commission may specify the period of time during which the exemption granted is effective.

(d) The commission may revoke, in whole or in part, an exemption if it determines that a revocation is necessary to carry out state and national transportation policy.

(e) When the interstate commerce commission concludes that a particular category of interstate traffic is exempted, this commission will adopt it as a standard for intrastate traffic. (Authorized by K.S.A. 66-106;



implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

**82-9-24.** 49 U.S.C. 10705a, as it existed on September 15, 1984, is incorporated by reference. (Authorized by K.S.A. 66-106; implementing K.S.A. 66-146; effective May 1, 1984; amended May 1, 1985.)

MICHAEL LENNEN  
Chairman

Doc. No. 002968

State of Kansas

## BEHAVIORAL SCIENCES REGULATORY BOARD

### PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1985)

#### Article 1.—CERTIFICATION OF PSYCHOLOGISTS

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

- (1) A person who is actively enrolled in, or a graduate of, a program as defined in K.A.R. 102-1-12;
- (2) a person who is preparing for the profession under supervision;
- (3) a person who is in a training institution or facility recognized by the board;
- (4) a person to whom a fee is not paid directly; and
- (5) a person who is designated by a title which clearly indicates the person's training status.

(b) A "year of supervised experience" means a minimum of 1800 supervised clock hours pursuant to K.A.R. 102-1-5. The 1,800 hours shall not commence until all requirements for the doctoral degree have been completed.

(c) "Full-time employment" means at least 2,000 hours during a 12 month period.

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

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

(f) A "client or patient" means a person who is a direct recipient of psychological services. Such services may be either therapeutic or diagnostic in nature.

(g) A "therapeutic relationship" means a relationship between a psychologist and client or patient which is initiated by mutual consent or pursuant to law. The assessment of a client, or expert consultation regarding a client, by a psychologist for a third party, for purposes of diagnosis and assessment alone shall not be considered a therapeutic relationship.

(h) "Active therapeutic treatment" means the use of psychotherapy or other psychological remedial measures that are applied to persons individually or in groups with the intent of assisting the person or persons in modifying attitudes and behavior which are

intellectually, physically, socially, or emotionally maladaptive.

(i) "Termination of a therapeutic relationship or active therapeutic treatment" means termination by either the mutual consent of both parties, the completion of treatment, dismissal of the psychologist or the transfer of the client to another professional for active treatment with belief that continuation of treatment will occur.

(j) "Psychological assessment" means the use, in any manner, of established psychological tests, procedures, and techniques with the intent of diagnosing adjustment, functional, mental, vocational, or emotional problems or establishing treatment methods for persons having such problems.

(k) A "psychologist supervisor," for training purposes or supervision of uncertified assistants, means an individual licensed, certified, or certifiable at the doctoral level in that person's state to engage in the practice of psychology, and who has or had, in full or in part, legal, administrative or professional authority over and responsibility for the professional functioning of the applicant.

(l) "Consultant" means an individual who provides professional guidance, information, or advice, but who has no legal, administrative, or professional authority over or responsibility for the professional functioning of the applicant.

(m) A "non-resident psychologist" means a psychologist duly licensed by another state which has licensing standards which guarantee substantial equivalence to those in the state of Kansas or with which the board has entered into a reciprocity agreement.

(n) A "pre-doctoral internship or residency" means an organized program of supervised practice of psychology which:

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

(2) accepts as interns or residents only applicants enrolled in a doctoral program as defined in K.A.R. 102-1-12;

(3) is directed by an individual who is certified, licensed, or certifiable at the doctoral level to engage in the practice of psychology;

(4) provides training and close supervision in a wide range of professional activity. That professional activity shall include diagnosis, remediation techniques, inter-disciplinary relationships, consultation and experience with a population of clients or patients presenting a diverse set of problems and backgrounds;

(5) is taken after completion of graduate courses and practica in the area of emphasis or after completion of university pre-internship training requirements;

(6) provides the intern or resident with a minimum of one hour of supervision for every 10 hours of training experience;

(7) provides supervision by certified, licensed, or certifiable psychologists at least 75 percent of that supervised time;

(8) stands as a distinct and organized program clearly recognizable within an institution or agency, as

(continued)

well as in pertinent public, official documents issued by the institution or agency, as a training program for psychologists;

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

(10) has an identifiable licensed, certified or certifiable psychology training staff; and

(11) is an integrated, conceptually-organized entity, not an after-the-fact tabulation of experience.

(o) "Continuing education" means programs or activities which are designed to enhance the psychologist's level of knowledge, skill, and ability to practice psychology. Such programs shall have content clearly related to the enhancement of psychology practice, values, and knowledge.

(1) One continuing education unit shall be defined as 10 clock hours of continuing education activity.

(2) Continuing education credits shall not be used as a substitute for basic professional educational preparation as defined in K.A.R. 102-1-12. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5302, K.S.A. 74-5310, K.S.A. 74-5314, K.S.A. 74-5316, K.S.A. 74-5344, K.S.A. 74-5345, and K.S.A. 74-7507; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

**102-1-3. Applications.** (a) An applicant shall not be given a tentative judgment on the applicant's eligibility for certification until all credentials are received and procedures are completed.

(b) An applicant's application may, for lack of qualifications, be held in active status for a period not to exceed one year. Beyond one year, the application expires, and a new application and new application fee shall be required of all such applicants.

(c) Transcripts from outside the United States. All applicants who are graduates of colleges and universities from outside the United States shall submit their official transcripts, an officially translated English copy of those transcripts, supporting documents, and if deemed necessary, the dissertation itself. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5314, and K.S.A. 74-5317; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

**102-1-4. Examinations.** (a) Each applicant for certification by the board shall take an examination. The pass criterion score shall be 75 percent correct and each applicant shall be notified of the results in writing.

(b) The usual and customary examination shall be a written examination. A written examination may be waived and an oral examination procedure substituted when:

(1) A certificate has been revoked or suspended and re-certification is requested; or

(2) an applicant is unable to take the written examination due to a physical handicap or handicaps of a nature that precludes completion of the written examination or that may severely and negatively affect the applicant's performance on the written examination.

(c) For purposes of conducting oral examinations, the board may contract either collectively or individ-

ually with a panel of certified psychologists to conduct the oral examination and make recommendations to the board, based on the evaluation of the applicant's performance on the examination.

(d) Oral examinations shall include assessment of the following:

(1) Effectiveness and clarity of expression;

(2) the applicant's knowledge and skills in the area in which the applicant intends to offer psychological services;

(3) the applicant's knowledge and awareness of ethical issues and problems in the applicant's professional area of emphasis and for psychologists in general; and

(4) the applicant's knowledge of general psychology.

(e) All oral examinations shall be recorded verbatim.

(f) The decision as to whether an applicant passed or failed an examination shall be based on a review of the recommendation of the oral examining panel and review of the verbatim recordings when necessary.

(g) Waiver of examination. Any applicant, other than an applicant for reinstatement of a revoked or suspended certificate, may be exempt from taking the written examination if:

(1) The applicant successfully passed the written portion of an examination taken in another state at a level equal to or greater than the criterion pass score; or

(2) the applicant: (A) has been continuously licensed or certified at the doctoral level beginning with the implementation of the certification or licensure law in the applicant's state;

(B) has been employed as a psychologist full-time at least for five years; and

(C) has never taken the examination.

(Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310, K.S.A. 1984 Supp. 74-5311, and K.S.A. 74-7507; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

**102-1-5. Professional endorsements and supervision.** (a) Endorsements: As a part of the application process, each applicant shall submit the names of four persons who are licensed, certified or certifiable at the doctoral level, in that person's state, to engage in the practice of psychology and who can attest to the applicant's previous supervised experience, previous and current professional work, and compliance with the ethical standards. The applicant shall submit the name of at least one psychologist who is able to attest to the applicant's post-doctoral experience. The board may request the submission of names of additional references. The attesting persons shall use forms supplied by the board. Members of the board shall not serve as endorsers unless they supervised the applicant.

(b) Supervision and professional experience requirements.

(1) The board shall recognize as supervised professional experience in psychology only professional

practice in an organized public or private setting, institution or organization which provided the applicant an opportunity for contact with other disciplines, and an opportunity to utilize a variety of theories and to work with a broad range of populations and techniques. Pre-doctoral internships or residencies, assistantships, associateships, personal therapy, or involvement in practicums shall not constitute "professional experience."

(2) The applicant shall have been directly supervised by and under the guidance of a person who is licensed, certified, or certifiable at the doctoral level in that person's state to engage in the practice of psychology and who has had two years experience beyond the supervisor's certification date or eligibility date in the emphasis area for which the supervision was given.

(3) The applicant's supervised experience in psychology shall have been consistent with the applicant's educational background and with the area of emphasis in which the applicant intends to offer services to the public. At least half of the applicant's supervised experience shall have been relevant to the applicant's emphasis area.

(4) The supervisor shall have provided a minimum of one hour of individual supervision for every 40 hours of professional experience of the applicant. In the applied emphasis areas of clinical, counseling, school, and industrial/organizational psychology, one hour of supervision shall have been provided for every 20 hours of direct patient or client contact provided by the applicant.

(5) The supervisor shall be available to the applicant at the points of decision-making regarding diagnosis and treatment of clients or patients. The supervisor's relationship with the applicant shall be clearly differentiated from that of consultant.

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

(c) The supervisor shall submit information which will enable the board to evaluate the extent and quality of the candidate's supervised practice and to assign credit for that practice.

(d) (1) The supervised practice time during which the applicant has received an unsatisfactory rating from the supervisor shall not be credited toward the required supervised practice hours as required by K.S.A. 74-5310.

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

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

(e) Professional experience required of the applicant between the time the applicant fulfilled all of the requirements for the applicant's terminal degree and the time of the actual conferral of the degree may be credited towards the experience requirements for licensing, if the date of completion of all degree re-

quirements is verified in writing by a responsible academic or administrative official, and if other requirements necessary for professional experience are met. (Authorized by K.S.A. 74-5314; implementing K.S.A. 74-5314 and K.S.A. 74-5317; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

#### **102-1-10. Wrongful actions and moral character.**

(a) If the board finds a certified psychologist guilty of a wrongful action or a lack of good moral character, the board may revoke or suspend the psychologist's certification.

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

(1) Knowingly engaging in fraudulent or misleading advertising;

(2) practicing psychology in an incompetent manner;

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

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

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

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

(7) taking credit for work not personally performed;

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

(9) failing to obtain written, informed consent from a client or patient, or the client's or patient's legal representative or representatives, before electronically recording sessions with that client or patient, or before releasing information to a third party concerning the client or patient, except as required by law;

(10) making sexual advances or engaging in sexual activities with clients, patients, or students of that psychologist;

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

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

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

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

(15) impersonating another person holding a certificate issued by this board;

(16) knowingly allowing another person to use one's certificate;

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

(18) failing to inform the client or patient that the client or patient is entitled to the same services from a public agency if the certified psychologist is employed by that public agency and also offers services privately;

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

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

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

(22) making claims of professional superiority which cannot be substantiated by the certified psychologist;

(23) abandoning or neglecting a client or patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of that care, or abandoning a group practice, hospital clinic or other health care facility without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients or patients;

(24) failing to maintain a record for each client or patient which accurately reflects the client or patient contact with the practitioner. Unless otherwise provided by law, all client or patient records shall be retained for at least two years after the date of termination of the contact or contacts;

(25) failing to exercise appropriate supervision over persons with whom the psychologist has a supervisory relationship;

(26) failing to notify the board within a reasonable time that a certified psychologist practicing or teaching psychology is, in the judgment of the certified psychologist, practicing or teaching psychology in violation of the laws or regulations regulating psychology;

(27) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(28) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client or patient; or

(29) claiming or using any secret or special method of treatment or diagnostic technique which the certified psychologist refuses to divulge to the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-7507, K.S.A. 74-5324; effective May 1, 1982;

amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

**102-1-12. Educational requirements.** In order for a doctoral degree to comply with the requirement that the person has received a doctoral degree pursuant to K.S.A. 74-5310(c), consideration shall be given to whether the program is approved by the American Psychological Association or, if the program is not so approved, whether the program meets the standards for approval of the American Psychological Association as of January 1, 1983, or: (a) Whether the training is in a doctoral program of studies offered by an institution of higher education which is regionally accredited by an accrediting agency that is substantially equivalent to those accrediting agencies which accredit the universities in Kansas;

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

(c) Whether the program stands as a recognized, coherent organizational entity within the university;

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

(e) Whether the program, wherever it is administratively housed, is an organized sequence of study which is planned, by those responsible for the training program, to provide an integrated educational experience;

(f) Whether there is an identifiable full-time faculty, and a person responsible for the program, whether those individuals are licensed, certified, or certifiable at the doctoral level to engage in the practice of psychology and whether the student's major advisor is a member of the psychology faculty;

(g) Whether the program has an identifiable body of students who are matriculated in that program for a degree, with residency requirements substantially equivalent to those requirements at the state universities in Kansas;

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

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

(j) Whether the program requires each student to demonstrate competency in some manner which indicates varying degrees of mastery in each of the following substantive content areas. The program shall require a minimum of three or more graduate semester hours or five or more graduate quarter hours in each of the following four core substantive areas:

(1) The biological bases of behavior, including such courses as physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology;

(2) the cognitive-affective bases of behavior, including such courses as learning, thinking, motivation, emotion;

(3) the social bases of behavior, including such courses as social psychology, group processes, organizational and systems theory; and

(4) the individual differences, including such courses as personality theory, human development, abnormal psychology;

(k) Whether the training program requires at least 90 hours of formal graduate study in the psychology program in which the applicant shows satisfactory achievement as demonstrated in some manner which indicates varying degrees of mastery on the transcript. At least 60 of those hours shall be distributed among the four core areas as set forth in subsection (j) and in the following five areas:

- (1) scientific and professional ethics and standards;
- (2) research design and methodology;
- (3) statistics;
- (4) psychometrics;
- (5) history and systems.

(l) Whether at least 60 semester hours of the course work for the doctoral program are clearly designated on the university transcript as graduate level courses in the program, exclusive of practica, internship and dissertation credits. The number of university extension credits shall not exceed 10 semester hours. The 60 semester hour credits shall be taken during the period in which the applicant is matriculated in the doctoral program;

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

(n) Whether the program requires, before internship training, completion of that program's internship training prerequisites and requires, for an emphasis area, prior training and course work in that area. If the program has an applied emphasis including, clinical psychology, counseling psychology, school psychology or industrial-organizational psychology, then the training shall also include a set of coordinated practica and internship training exercises which total at least two semesters in the practica setting in addition to the one year of internship. The supervised training in the application of skills related to areas of emphasis shall be performed in an organized setting necessary to qualify for professional experiences as required by K.A.R. 102-1-5;

(o) Whether the program includes principles of professional ethics in regard to both the use of assessment and intervention techniques and with regard to the confidentiality of interviews and records. The program shall also include ethical principles such as those pertaining to research with human subjects, and the obligations to the parents of clients or patients and to the institutions;

(p) Whether the program advertises in official documents, including course catalogues and announcements of program standards and descriptions, admission requirements that are in part or in full based on objective, standardized achievement tests and measures which are substantially equivalent to those of the state universities of Kansas;

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

(r) Whether the program includes an objective comprehensive examination in general psychology and the area of emphasis in psychology and whether the program requires that the applicant pass both examinations before the awarding of the doctoral degree;

(s) Whether each student is required to initiate, prepare, conduct, and report original research as part of the graduation requirements;

(t) Whether the institution offering the graduate program has equipment and resources available, including suitable scientific and practica facilities, and whether it maintains a library. The equipment, resources, and the library shall be adequate for the size of the student body and the scope of the program offered and shall be substantially equivalent to the state universities of Kansas; and

(u) Whether the doctoral program is housed in other than an academic setting. The board shall prepare and keep up to date a list of approved programs. No program shall be considered approved without the formal action of the board. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-5310; effective May 1, 1982; amended May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

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

(b) Renewal, 100 dollars;

(c) Examination, 120 dollars;

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

(e) Temporary, 15 dollars; or

(f) Reinstatement, 100 dollars. (Authorized by and implementing K.S.A. 74-5310, K.S.A. 1984 Supp. 74-5311, K.S.A. 74-5316, K.S.A. 1984 Supp. 74-5319, K.S.A. 74-5320 and K.S.A. 1984 Supp. 74-5339; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

**102-1-15. Continuing education.** (a) Applicants for renewal of certification shall have earned 10 continuing education units in the two years preceding application for renewal. The required number of continuing education units shall be pro-rated for periods of renewal which are less than the full two years, using the ratio of 2.5 continuing education units for each six months since the date of certification or most recent renewal.

(b) One academic semester credit hour is equivalent to 1.5 continuing education units.

(c) Continuing education credits counting toward the required 10 units shall be distributed over the following categories of activities so that at least three categories are represented, and with a maximum of five units in any one category. The categories shall be:

(1) Activities which are sponsored, accredited or conducted by educational institutions, by professional associations, or by private institutions which are nationally or regionally accredited for training;

(Continued)

(2) activities conducted by agencies and groups which do not meet the requirements of national or regional accreditation, if the content is clearly related to the enhancement of psychology skills and knowledge;

(3) presentation of courses, workshops, or other formal training activities, when the content is clearly related to the enhancement of psychology skills and knowledge. Continuing education credit shall be allowed only for the initial presentation. A maximum of two continuing education units shall be allowed for providing supervision. A maximum of two units shall be allowed for receiving supervision;

(4) publications and professional presentations. One and one-half units may be claimed for each publication or book chapter authored by the applicant and one unit may be claimed for each scientific or professional paper presented; and

(5) non-supervised, self-programmed activities. Such activities include the following:

(A) Self-instruction. The maximum number of units allowed shall be two units;

(B) preparation by the applicant for a specialty board examination. The maximum number of units allowed shall be two units and shall be allowed only for the applicant's initial preparation for such an examination;

(C) participation in quality care, client or patient diagnosis review conferences, treatment utilization reviews, peer review, case consultation with another certified psychologist, or other quality assurance committees or activities. The maximum number of units allowed in this sub-category shall be one unit;

(D) participation in professional organizations, if the organization's goals are clearly related to the enhancement of psychology values, skills, and knowledge. Such participation may include holding office or serving on committees of the organization. The maximum continuing education credit allowed shall be one unit; and,

(E) receiving personal psychotherapy which is provided by a licensed or certified mental health provider. A maximum of one continuing education unit shall be allowed for personal therapy.

(d) If continuing education credits are claimed within paragraph (c)(1) of this regulation, at least one-fifth shall have been earned in activities sponsored by an agency or institution other than where the psychologist is employed.

(e) Each certified psychologist shall be responsible for maintaining personal continuing education records. The board may provide forms for the recording of continuing education activities. Personal records of participation in continuing education activities shall be submitted to the board at the time the 10 units are completed, or no later than 60 days prior to the date the current certification expires.

(f) In determining whether a claimed continuing education activity will be allowed, the board may require any psychologist to demonstrate that the content was clearly related to psychology, or to verify that psychologist's participation in any claimed or reported activity. If a psychologist fails to comply with this

requirement, the board may disallow the claimed credit.

(g) Applicants who submit continuing education documentation which fails to meet the required 10 units may request an extension from the board. The request shall include a plan for completion of the continuing education requirements. The board may grant an extension which shall not exceed six months.

(h) At least two and one-half units of the required 10 units shall be clearly related to the applicant's area of emphasis.

(i) The board may sign contractual agreements with sponsors of continuing education activities. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1984; amended, T-85-35, Dec. 19, 1984; amended May 1, 1985.)

**102-1-16. Use of computerized psychological tests.** (a) To utilize computers in any aspect of psychological testing, the certified psychologist shall:

(1) conform to the professional standards for testing, as adopted by the American Psychological Association in the Standards for Educational and Psychological Tests, 1974, which is hereby adopted by reference;

(2) specifically consider each of the following issues in testing each client:

(A) whether a particular test is appropriate for a particular client;

(B) whether the computerized version of a test is appropriate for use by a particular client;

(C) the evaluation, validity and reliability of the decision rules underlying interpretive statements and their supporting research;

(D) whether the integration of findings is correct; and

(E) whether the conclusions and recommendations are appropriate.

(3) not use the results of a computerized test in decision-making about clients or make such results part of official client records unless such results are signed by the certified psychologist utilizing the test;

(4) be involved in a direct, supervisory, or consultative relationship to the client or to those persons using test findings for decision-making regarding the client;

(5) assume the same degree of responsibility for the validity and reliability of interpretive statements and soundness of inferences, judgments, and recommendations based on computer-generated test results as would be assured if the psychologist had personally examined the client; and

(6) make an explicit statement on the report as to whether the psychologist has seen or examined the client in person. (Authorized by and implementing K.S.A. 74-7507; effective T-85-35, Dec. 19, 1984; effective May 1, 1985.)

## Article 2.—LICENSING OF SOCIAL WORKERS

**102-2-1.** (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; revoked, T-85-36, Dec. 19, 1984; revoked May 1, 1985.)

**102-2-1a. Definitions.** (a) "LBSW" means licensed baccalaureate social worker.

(b) "LMSW" means licensed master social worker.

(c) "LS—SW" means a licensed specialist (name of specialty) social worker.

(d) "Social work practice specialty" means a post-masters degree practice with emphasis upon a specific, identifiable field of practice and methods of helping. The minimum requirements for a license in a specialty shall be two years of post-masters experience under supervision in that practice specialty from one licensed in, or qualified for licensing in, that specialty as established by the board and successful completion of an examination approved by the board for this purpose.

(e) "Clinical specialist" means a person who has a masters or doctoral degree in social work, who meets the requirements for experience and supervision in K.A.R. 102-2-12, and who has passed an examination approved by the board.

(f) "Clinical social work" means a social work practice specialty which has as its goal the maintenance and enhancement of the psychosocial functioning of individuals, families, and groups by increasing the availability of intrapersonal, interpersonal, and societal resources. Psychotherapy is a part of, but not synonymous with, clinical social work.

(g) "Clinical social work supervision" means an educational function with the purpose of enabling the student to realize the following objectives:

(1) integration of theory and practice, including articulation of rationales for assessment and intervention;

(2) development and appropriate application of intervention skills and techniques;

(3) development of self-evaluation skills. Clinical social work supervision enables a gradual shift from critique by the supervisor to critique by the supervisee and includes self-assessment of personal growth issues; and

(4) continual acquisition of professional knowledge. Clinical social work supervision is a continuous learning process with an emphasis on learning skills and techniques related to the four objectives.

(h) "Social work supervision" means the actions and process of critically watching, directing, and overseeing the supervisee's total practice in which:

(1) the supervisor is located in close geographic proximity to the site of service so as to be physically available within a reasonable period of time;

(2) the supervisor assumes ultimate responsibility for social work services provided by the supervisee;

(3) the supervisor performs the administrative, educational, and supportive roles of supervision; and

(4) the supervisor is a licensed social worker or an individual who is eligible for licensing.

(i) "Social work consultation" means a time-limited contractual relationship in which:

(1) the primary function is a problem solving process related to the enhancement of specific knowledge or skills and lacks the four objectives of clinical social work supervision as defined in K.A.R. 102-2-1(g);

(2) the consultant has no legal, administrative, or professional authority over or responsibility for the professional functioning of the consultee. Social work consultation shall not meet the supervision requirements.

(j) "Private, independent practice of social work" means the provision of social work services by a self-employed person, member of a partnership, member of a professional corporation, or member of a group practice who is not accountable to a social work supervisor.

(k) "Practicum" means a supervised experience wherein a student applies classroom theory to actual practice situations.

(l) "Continuing education" means a formally organized learning experience which has education as its explicit, principal intent, and which is oriented towards the enhancement of social work practice, values, skills and knowledge.

(m) "Prior-approved continuing education" means: (1) single program material that has been submitted by a provider to the board, approved by the board, and assigned a continuing education number;

(2) any program offered by a provider with approved-provider status; or

(3) academic social work courses taken for credit or audited.

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

(o) "Providers of continuing education" means individuals, groups, professional associations, schools, institutions, organizations, or agencies approved by the board to offer continuing education programs on either approved-provider status or single program-provider status.

(1) Approved-provider status means that the provider has been approved by the board to provide any continuing education program. Approved-provider status may be granted for a one-year probationary period to new applicants. After completion of the probationary year, approved-providers may re-apply for approval biennially.

(2) Single program-provider status means that the provider has been granted approval to offer specific continuing education programs. (Authorized by K.S.A. 74-7507; implementing K.S.A. 74-7507; K.S.A. 75-5352; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-2.** (Authorized by K.S.A. 74-7507; effective May 1, 1982; revoked, T-85-36, Dec. 19, 1984; revoked May 1, 1985.)

**102-2-2a. Application for licensure.** (a) Each request for license application forms shall be forwarded to the board's executive secretary and should indicate the level of licensure desired. The application shall be returned to the board and shall include:

(1) The applicant's academic social work transcript or proof of receipt of degree and completion of a social work program; and

(continued)

(2) full payment of the appropriate fee. The fee shall be submitted prior to the deadlines established by the board.

(b) Three written references shall be required to provide proof that the applicant meets the requirements for professional conduct and competence as required under the social worker licensing act. Two of these references shall be from social workers licensed at or above the applicant's level of licensure or eligible for licensure at such a level. The reference shall be familiar with the applicant's work. One of the references shall be from the academic social work supervisor if the applicant is a student or a recent graduate. For all others, one reference shall be from the current or most recent work supervisor. Under extenuating circumstances, the board may accept references from individuals other than social workers.

(c) Each applicant shall not be given a tentative judgment on the applicant's eligibility for licensure until all credentials are received and procedures are completed.

(d) An applicant, who otherwise meets the educational requirements of K.S.A. 75-5351, and any amendments thereto, may be granted, under extenuating circumstances, a temporary permit.

(e) Applications shall be held through two examinations. If an applicant has not been licensed after the second examination offering through failure to pass the examination or to be seated for the examination, the application shall expire. Upon such an expiration, the application may be renewed when the applicant submits a new application, fee and all supporting documents.

(f) Any applicant's application may, for lack of qualifications, be suspended for a period not to exceed one year. If the applicant has not met the qualifications by the end of that year, the application shall expire. Upon such expiration, an application may be renewed when the applicant submits a new application, fee, and all supporting documents. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5351, 75-5354; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-4.** (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; revoked, T-85-36, Dec. 19, 1984; revoked May 1, 1985.)

**102-2-4a. Continuing education for licenses.** (a) Each licensee shall have earned 60 clock hours of documented and approved continuing education during each two-year renewal period.

(b) One clock hour shall be a minimum of 50 minutes of classroom instruction between instructor and participant.

(c) One academic credit hour shall be equivalent to 15 clock hours for the purpose of continuing education. Credit for auditing an academic course shall be for actual clock hours attended during which instruction was given and shall not exceed the academic credit allowed.

(d) Acceptable continuing education shall include:

(1) Academic social work courses taken for credit or audited;

(2) seminars institutes, workshops, or mini-courses oriented to enhancement of social work practice, values, skills, and knowledge;

(3) cross-disciplinary offerings from medicine, law, and the behavioral sciences, or other disciplines, if such offerings are clearly related to the enhancement of social work practices, values skills, and knowledge;

(4) self-directed learning projects approved by the board;

(5) supervision of undergraduate and graduate practicum students or specialty applicants;

(6) approved-provider programs;

(7) programs presented by approved single program-providers;

(8) first-time preparation and presentation of a social work course, seminar, institute, or workshop; or

(9) first-time publication of a social work article.

(e) The maximum number of clock hours for which continuing education credit in each of the following categories may be approved during any period shall be:

(1) 10 clock hours credit for each first-time preparation and presentation of a new course, seminar, institute, or workshop which is related to the enhancement of social work practice, values, skills, and knowledge. In addition to the preparation and presentation credit allowed, the number of clock hours approved for participants in the program may be given to the presenter, up to a maximum of 10 additional clock hours. If the presentation was presented by more than one social worker or other professional, the continuing education credit shall be prorated among the presenters;

(2) 10 clock hours credit for each preparation of a professional social work article published for the first time in a recognized professional journal, a book chapter published by a recognized publisher, or a written presentation given for the first time at a statewide or national professional meeting. If such material was authored by more than one social worker or other professional, the continuing education credit shall be prorated among the authors;

(3) 20 clock hours credit for self-directed learning projects approved by the board; and

(4) 20 clock hours credit for the supervision of undergraduate and graduate practicum students or specialty license applicants. Continuing education credit for such supervision shall not exceed five hours per semester.

(f) Approval shall not be granted for identical programs completed within the same license renewal period.

(g) Approval shall not be granted for job orientation or on-the-job training.

(h) The board may accept programs from out-of-state programs if the program is sponsored by one of the following;

(1) national association of social workers;

(2) council on social work education; or

(3) other national, non-profit professional organizations providing offerings with an explicit educational intent related to the enhancement of social work practice, values, skills, and knowledge.

(i) Each licensee shall maintain individual contin-



uing education records. Continuing education records shall document the licensee's attendance as defined by K.A.R. 102-2-5. These records may be required to be submitted to the board prior to the license renewal. (Authorized by and implementing K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-4b. Continuing education approval for sponsors.** (a) An application may be made to the board to become an approved provider or a single program provider as defined in K.A.R. 102-2-1a(o). Applications shall be on forms provided by the board.

(b) Approved providers.

(1) Each application for approved-provider status shall be submitted at least three months prior to the first scheduled program.

(2) Each applicant for approved-provider status shall submit an organizational plan which includes a written statement of purpose documenting that social work practice, values, skills, and knowledge are the basis for the provider's educational goals and objectives and administrative procedures.

(3) A licensed social worker or one eligible for licensing shall be designated to be responsible for the conduct and coordination of the program.

(4) Each approved provider shall develop:

(A) a system for maintaining records; and

(B) a system for selection and evaluation of instructors, participant performance requirements, and provision of accessible and adequate space.

(5) Each approved provider shall maintain a summary of each individual program offered which documents;

(A) the relationship of the program to the enhancement of social work practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and size and composition of the participant group;

(E) the competency of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the dates the program was given.

(6) Approved providers may be evaluated and monitored by the board by random contact of social work participants attending programs sponsored by the approved provider.

(7) Provider approval may be withdrawn by the board if the provider violates this rule and regulation, or if quality programs are not maintained to the board's satisfaction.

(c) Single program providers.

(1) Each application for single program-provider status shall be submitted at least 30 days prior to the schedule programs.

(2) Each application for single program-provider status shall include a description of the following:

(A) the relationship of the program to the enhancement of social work practice, values, skills, or knowledge;

(B) the learning objectives for the program and the relationship between the program content and the objectives;

(C) the licensing levels for which the program is designed and any program prerequisites;

(D) the relationship of the format and presentation methods to the learning objectives and the content, and size and composition of the participant group;

(E) the competency of the instructor in the subject matter;

(F) the means of program evaluation;

(G) the program agenda. The agenda shall clearly indicate all coffee and lunch breaks; and

(H) the date or dates the program is to be given.

(3) Any material not submitted in this format 30 days before the schedule date of presentation may not be processed or approved by the board prior to the date of the presentation.

(4) Single program-provider status may be withdrawn by the board if the provider violates this rule and regulation, or if quality programs are not maintained to the board's satisfaction.

(d) Each single program provider and approved provider shall maintain a record of individual social workers' attendance for a period of at least two years.

(e) Each single program provider and approved provider shall provide social work participants with verification of the participant's attendance. Such verification shall be on forms approved by the board. (Authorized by and implementing K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-5. Documentation for continuing education.** Any of the following forms of documentation shall be accepted as proof of completion of a continuing education program: (a) A course grade for an academic credit course;

(b) a signed statement of hours attended for an audited academic courses;

(c) a signed statement of attendance from the provider of the institute, symposium, workshop, or seminar;

(d) a copy of the article or book chapter, and verification of publication or written presentation at a professional meeting. These materials shall be submitted to the board for evaluation and certification of the number of hours of credit to be allowed;

(e) a copy of the academic course syllabus and verification that the course was presented;

(f) a letter from the board giving approval for retroactive continuing education credit;

(g) written verification from the university practicum instructor that the licensee provided supervision of undergraduate or graduate students;

(h) a copy of supervisory documents, pursuant to K.A.R. 102-1-12, for supervision of specialty license applicants; or

(i) a copy of the self-directed project. This copy

(continued)

shall be submitted to the board for evaluation and certification of the number of credit hours to be allowed. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; amended, T-85-36, Dec. 19, 1984; amended May 1, 1985.)

**102-2-7. Code of professional responsibility.** (a) Each social worker shall maintain the level of conduct herein or shall be subject to disciplinary action pursuant to K.S.A. 74-7507. The board may refuse to renew, may suspend, or may revoke the license of any social worker whom the board finds guilty of unprofessional conduct, negligence, or wrongful actions.

(b) The following acts shall be evidence of unprofessional conduct, negligence, or wrongful actions:

(1) Making a materially false statement in, or failing to disclose a material fact requested in connection with application for licensure;

(2) failing to notify the board of having a license, certificate, permit, or registration granted by this or any other state for the practice of social work that has been limited, restricted, suspended or revoked, or of having been subject to other disciplinary action by a licensing or certifying authority or professional association;

(3) knowingly allowing another person to use one's license;

(4) impersonating another person holding a license issued by this board;

(5) conviction of a crime resulting from or relating to the licensee's professional practice of social work;

(6) furthering the application for social work licensure of another person who is known by that social worker to be unqualified in respect to character, education, or other relevant attributes;

(7) knowingly aiding or abetting a person who is not a licensed social worker in representations of that person as a social worker in this state;

(8) failing to notify the board of a social worker who, in the judgement of the social worker, is practicing or teaching social work in violation of the laws or regulations regulating social work;

(9) refusing, upon request, to cooperate in a timely manner with the board's investigation of complaints lodged against any applicant or social worker licensed by the board. Persons taking longer than 30 days to provide requested information shall have the burden of demonstrating excusable neglect;

(10) misrepresenting professional competency by performing, or offering to perform, services clearly inconsistent with training, education, and experience;

(11) practicing inhumane or discriminatory treatment toward any person or group of persons;

(12) engaging in professional activities, including advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(13) failing to advise and explain to each client the joint rights, responsibilities, and duties involved in the social work relationship;

(14) failing to provide each client with a description of what the client may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen, or schedule;

(15) failing to provide each client with a description of possible effects of proposed treatment when there are clear and established risks to the client;

(16) failing to inform each client of any financial interests that might accrue to the social worker for referral to any other service, or for the use of any tests, books, or apparatus;

(17) failing to inform each client that the client is entitled to the same services from the public agency, if the social worker is employed by that public agency, and also offers services privately;

(18) failing to inform each client of the limits of confidentiality, the purposes for which information is obtained, and how it may be used;

(19) revealing a confidence or secret of any client, except:

(A) as required by law;

(B) after full disclosure of the information to be revealed and the persons to whom the information will be revealed, and after obtaining consent of the client; and

(C) if necessary to defend the social worker or employees or associates against an accusation of wrongful conduct made by that client;

(20) using a confidence or secret of any client to the client's disadvantage;

(21) using a confidence or secret of any client for the advantage of the social worker or a third person, without obtaining the client's consent after full disclosure of the purpose;

(22) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before electronically recording sessions with that client, before permitting a third party observation of their activities, or before releasing information to a third party concerning a client;

(23) when providing any client with access to that client's records, failing to protect the confidences of other persons contained in that record;

(24) failing to exercise due diligence in protecting the confidences and secrets of the client from disclosure by employees, associates, and others whose services are utilized by the social worker;

(25) making sexual advances or engaging in physical intimacies, or sexual activities with any client, patient or student of that social worker;

(26) practicing social work while using alcohol or other drugs in an abusive manner;

(27) exercising undue influence on any client, patient, or student, including promotion of the sales of services, goods, appliances or drugs in a manner that will exploit the patient, client, or student for the financial gain or personal gratification of the practitioner or of a third party;

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

(29) permitting any person to share in the fees for professional services, other than a partner, employee, an associate in a professional firm, or a consultant authorized to practice social work;

(30) soliciting the clients of colleagues or assuming professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague;

(31) making claims of professional superiority which cannot be substantiated by the social worker;

(32) guaranteeing that satisfaction or a cure will result from the performance of professional services;

(33) claiming or using any secret or special method of treatment or techniques which the social worker refuses to divulge to the board;

(34) continuing or ordering tests, treatment, or use of treatment facilities not warranted by the condition of the client;

(35) failing to maintain the confidences shared by colleagues in the course of professional relationships and transactions with those colleagues;

(36) taking credit for work not personally performed whether by giving inaccurate information or failing to give accurate information;

(37) if engaged in research, failing to consider carefully the possible consequences for human beings participating in the research, failing to protect each participant from unwarranted physical and mental harm, failing to ascertain that the consent of the participant is voluntary and informed, and failing to treat information obtained as confidential;

(38) knowingly reporting distorted, erroneous, or misleading information;

(39) when termination or interruption of service of the client is anticipated, failing to notify the client promptly and failing to seek continuation of service in relation to the client's needs and preferences;

(40) abandoning or neglecting a client under and in need of immediate professional care, without making reasonable arrangements for continuation of that care, or abandoning an agency, organization, institutions, or a group practice without reasonable notice and under circumstances which seriously impair the delivery of professional care to clients;

(41) failing to terminate the social work relationship when it is apparent that the service no longer serves the client's needs;

(42) failing to maintain a record for each client which accurately reflects the client contact with the social worker. Unless otherwise provided by law, all client records shall be retained for at least two years after the date of termination of the contact or contacts;

(43) failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a social worker; or

(44) practicing social work in an incompetent manner. (Authorized by and implementing K.S.A. 74-7507; effective May 1, 1982; amended, T-85-36; Dec. 19, 1984; amended May 1, 1985.)

**102-2-8. Supervision.** (a) Licensed social workers.

(1) Social workers having less than the masters license and two years of post-masters, supervised experience in the method to be offered shall not engage in private, independent practice.

(2) Any person who provides clinical social work services as a self-employed person, member of a part-

nership, member of a professional corporation, or a member of a group practice and who is not licensed as a specialist social worker shall be supervised by a clinical specialist social worker.

(3) Social work consultation shall not meet the supervision requirements for the clinical social work service provider.

(4) A minimum of one hour of supervision shall be provided per 40 hours of service delivery.

(b) Non-licensed social work service providers.

(1) Social work consultation shall not meet the supervision requirements for the non-licensed social work service provider.

(2) Social workers utilizing non-licensed individuals in the delivery of social services shall specifically delineate the non-licensed individual's duties and provide a level of supervision which is consistent with the training and ability of the supervisee.

(3) A supervisory contract shall be developed between the supervisor and social service designee, consisting of specific goals/objectives the means to attain the goals, and the manner in which the goals relate to the overall objectives. Documentation of the supervisory contract shall include:

(A) a copy of the supervision contract;

(B) a summary of types of clients and situations dealt with at the supervisory session;

(C) a written explanation of the relationship of the goals and objectives of supervision to the supervisory session; and

(D) the length of time spent in the supervisory session.

(4) A minimum of one hour of supervision shall be provided per 40 hours of service delivery. No less than four hours of supervision per month shall be provided. (Authorized by and implementing K.S.A. 74-7507; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-9. Examinations.** (a) Each applicant for licensure by the board shall take an examination approved by the board. The pass criterion score shall be one standard deviation below the national norm for the test and each applicant shall be notified of the results in writing.

(b) The usual and customary examination shall be a written examination. Special arrangements shall be made for applicants with a physical handicap or handicaps when requested by the applicant.

(c) Waiver of examination. The written examination requirement may be waived for any applicant, other than an applicant for reinstatement of a revoked or suspended license, if the applicant successfully passed the written portion of an examination deemed by the board to be substantially equivalent to that used in Kansas at a level equal to or greater than the criterion pass score.

(d) Each applicant for licensure who fails the examination shall submit the fee required by K.A.R. 102-2-3 for each subsequent examination which the applicant attempts to pass. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5351; 75-5354; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

(continued)

**102-2-10. Certificates.** (a) Each applicant who meets the standards for licensing, shall receive a certificate appropriate for display.

(b) If a license is revoked, the licensee shall be informed of the board's action by certified mail, and the licensee shall return the certificate to the board within 30 days.

(c) If a licensee fails to renew the license, the licensee shall be informed in writing and the licensee shall return the certificate to the board within 30 days. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5351, 75-5357; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-11. Renewal.** (a) Each licensed social worker shall renew the license by submitting a renewal form to the executive secretary together with the renewal fee prescribed in K.A.R. 102-2-3.

(b) At or prior to the time of the renewal, each licensed social worker shall submit evidence of satisfactory completion of 60 hours of continuing education as defined in K.A.R. 102-2-4a and 102-2-5.

(c) If the licensee has not satisfactorily completed the continuing education, the licensee may request a temporary permit. A temporary permit may be granted for a period not to exceed six months from the date of expiration of the license provided the licensee submits the following materials at the time of the request:

- (1) Full payment of the license fee;
- (2) documentation of continuing education credit earned to date; and
- (3) a statement of intent to complete the continuing education requirement. This statement shall include the courses or seminars the licensee intends to take, and the time period in which the requirement will be met. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5358, 75-5359; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

**102-2-12. Specialist clinical social work licensure requirement.** (a) In order for an applicant to qualify for licensure at the specialist clinical level, the following requirements shall be met:

(1) completion of two years or 4,000 hours of post-graduate, supervised, clinical experience or the equivalent. The supervision shall be provided by a licensed specialist clinical social worker, or one eligible for licensure at that level if supervision occurred in a state other than Kansas;

(2) a minimum of one-hour supervisory session per week or a minimum total of 100 hours in supervisory sessions over the two-year period; and

(3) successful completion of an examination approved by the board for this level of licensure.

(b) Documentation attesting to the applicant's completion of the supervised clinical experience shall be submitted to the board at the time of application and shall include a statement by the supervisor that the overall objectives of clinical social work supervision have been met. The documentation shall include:

(1) a supervisory contract which has been developed between the supervisor and the applicant. The contract shall consist of specific goals/objectives, the means to attain the goals, and a description of the

manner in which the goals relate to the overall objectives. Under extenuating circumstances the board may waive the supervisory contract;

(2) a summary of the types of clients and situations dealt with at the supervisory sessions;

(3) a written explanation of the relationship of the goals and objectives of supervision to the supervisory session; and

(4) the length of time spent in the supervisory sessions over the two-year period.

(c) Out-of-state applicants who received supervision in a state other than Kansas shall also submit documentation from their supervisors attesting to the supervisor's eligibility to provide supervision. An out-of-state supervisor shall be considered eligible to provide supervision if the supervisor has met the requirements contained in K.A.R. 102-2-12(a).

(d) Out-of-state applicants who cannot provide the documentation required by subsection (b) of this regulation shall be supervised in Kansas for a minimum of 10 hours in order for the Kansas supervisor to ensure that requirements have been met.

(e) Social work consultation shall not meet the supervision requirements. (Authorized by K.S.A. 74-7507; implementing K.S.A. 75-5351, 75-5353; effective, T-85-36, Dec. 19, 1984; effective May 1, 1985.)

MARY ANN GABEL  
Executive Secretary

Doc. No. 002961

## State of Kansas

### BUREAU OF INVESTIGATION

#### TEMPORARY ADMINISTRATIVE REGULATIONS

(Effective January 9, 1985. Will expire May 1, 1986.)

#### Article 16.—COLLECTION AND REPORTING

**10-16-1 to 10-16-3.** (Authorized by L. 1983, Ch. 140, Sec. 36; effective May 1, 1984; revoked, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-16-4.** (Authorized by L. 1983, Ch. 140, Sec. 35; effective May 1, 1984; revoked, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

#### Article 17.—REPORTABLE EVENTS; DUPLICATION

**10-17-1.** (Authorized by L. 1983, Ch. 140, Sec. 35; effective May 1, 1984; revoked, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-17-2 to 10-17-3.** (Authorized by L. 1983, Ch. 140, Sec. 36; effective May 1, 1984; revoked, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

#### Article 18.—IMPLEMENTATION, ADMINISTRATION

**10-18-1 to 10-18-2.** (Authorized by L. 1983, Ch. 140, Sec. 36; effective May 1, 1984; revoked, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

## Article 19.—JUVENILE JUSTICE INFORMATION SYSTEM

**10-19-1. Definitions.** As used in these regulations, the following words and phrases shall have the meanings ascribed to them herein.

(a) "Juvenile" means any person under the legal age of majority.

(b) "Juvenile justice information system" means data initiated or collected by a juvenile justice agency on a person under the age of majority, including any juvenile offender, any child in need of care, and any person under the age of majority processed through adult court.

(c) "Missing child" means any person under the age of 18 whose location has not been determined, who has been reported missing, and for whom a verified report has been filed with local law enforcement.

(d) "Runaway" means any person under the age of 18 who has been reported to be a runaway and for whom a verified report has been filed with the local law enforcement agency. (Authorized by and implementing K.S.A. 1983 Supp. 38-1617, 38-1618, and L. 1984, Ch. 115, Sec. 1, Sec. 2; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-2. Additional reportable events.** Additional reportable events shall include: (a) clearance of an offense through the identification of an alleged perpetrator;

(b) the issuance of a summons;

(c) filing or non-filing of a complaint;

(d) diversion activities;

(e) an order of temporary custody;

(f) referral of a child in need of care to law enforcement;

(g) filing or non-filing of a petition;

(h) entry of a judgement of an appellate court; and

(i) reports of missing or runaway juveniles. (Authorized by and implementing K.S.A. 1983 Supp. 38-1617, and L. 1984, Ch. 115, Sec. 1; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-3. Obligation to report.** Each juvenile justice agency obligated to report to the juvenile justice information system shall do so within 14 days of the occurrence of the reportable event to which the information relates, unless otherwise specified by law.

Reports of missing or runaway juveniles shall be made immediately to the system upon receipt by the local agency with concurrent entry into the national crime information center system. (Authorized by and implementing K.S.A. 1983 Supp. 38-1618, and L. 1984, Ch. 115, Sec. 2; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-4. Accuracy and completeness.** Each juvenile justice agency shall make all necessary efforts to ensure the accuracy and completeness of data supplied to the juvenile justice information system. (Authorized by and implementing K.S.A. 1983 Supp. 38-1618, and L. 1984, Ch. 115, Sec. 2; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-5. Forms for reporting.** Data supplied to the

juvenile justice information system shall be on forms, or in a format, approved by the director of the KBI. (Authorized by and implementing K.S.A. 1983 Supp. 38-1618, and L. 1984, Ch. 115, Sec. 2; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-6. Duplication in reporting.** No juvenile justice agency shall knowingly provide a duplicate report of an event required by the juvenile justice information system. (Authorized by and implementing K.S.A. 1983 Supp. 38-1618, and L. 1984, Ch. 115, Sec. 2; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-7. Responsibility for reporting.** Events which shall be reported include the following. (a) Each law enforcement agency shall report:

(1) clearance of an offense through the identification of an alleged perpetrator;

(2) contacts pursuant to the child in need of care code;

(3) taking a juvenile into custody;

(4) release of the juvenile without referral to the county or district attorney;

(5) placement of a juvenile in a detention shelter or youth residential facility;

(6) release of a juvenile from a juvenile detention facility;

(7) fingerprinting of juveniles taken into custody for a felony-type offense;

(8) referral of a juvenile to the county or district attorney or the department of social and rehabilitation services; and

(9) reports of missing or runaway juveniles.

(b) Each detention, shelter or youth residential facility shall report:

(1) admissions;

(2) releases;

(3) escapes from custody; and

(4) issues relative to the state's compliance with the federal juvenile justice and delinquency prevention act.

(c) Each county or district attorney shall report:

(1) the filing or non-filing of a petition;

(2) the filing or non-filing of a complaint;

(3) issuance of an ex parte order to take a child into custody;

(4) issuance of an order of temporary custody for a child in need of care;

(5) detention hearings; and

(6) diversion activities.

(d) Each court shall report:

(1) issuance of a warrant or summons;

(2) probation;

(3) dismissals;

(4) adjudications;

(5) pleadings;

(6) dispositions;

(7) motions for waiver;

(8) appeals;

(9) termination of parental rights;

(10) hearings relative to placement; and

(11) release from jurisdiction or custody.

(continued)

(e) Each correctional agency and SRS agency shall report:

- (1) referrals to the county or district attorney for the filing of a petition or a complaint;
- (2) admissions;
- (3) releases from custody or jurisdiction;
- (4) escapes from commitment or placement; and
- (5) treatment during supervision.

(Authorized by and implementing K.S.A. 1983 Supp. 38-1618, and L. 1984, Ch. 115, Sec. 2; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-8.** Implementation, administration, enforcement. When any data on a juvenile offender of an identifiable nature is released to a party specifically authorized by law to receive that data, and when the accuracy of the identification cannot be determined due to the absence of fingerprint records for comparison, the data shall be accompanied by a statement attesting to the lack of positive identification of the subject of the data.

Release of any data on a child in need of care of an identifiable nature is strictly limited as defined by statute.

Juvenile justice agencies failing to report as required by these sections shall be referred to the attorney general for appropriate action. (Authorizing by and implementing K.S.A. 1983 Supp. 38-1618, and L. 1984, Ch. 115, Sec. 2(f); effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

**10-19-9.** Fingerprints and photographs. (a)(1) Fingerprints taken of any person under the age of majority for state and local purposes shall be taken on standardized juvenile fingerprint cards as provided by the central repository. Disposition forms shall not be required on these fingerprints.

(2) If any person is processed for an adult violation or if any person will be handled as an adult by the court, that persons' fingerprints shall also be taken on an FBI card. The FBI card shall indicate that the person will be handled as an adult. If the person is 16 or 17 years of age, an FBI card may be taken. Disposition sheets shall be completed for all FBI cards taken.

(b) All fingerprints taken on persons under the age of majority and the related disposition sheets shall be submitted to the central repository for processing within 14 days of the date they were taken.

The arresting agency or the agency serving summons shall have the responsibility for ensuring that required fingerprints are taken. (Authorized by and implementing L. 1984, Ch. 157, Sec. 3; effective, T-86-1, Jan. 9, 1985; expires Apr. 30, 1986.)

THOMAS E. KELLY  
Director

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