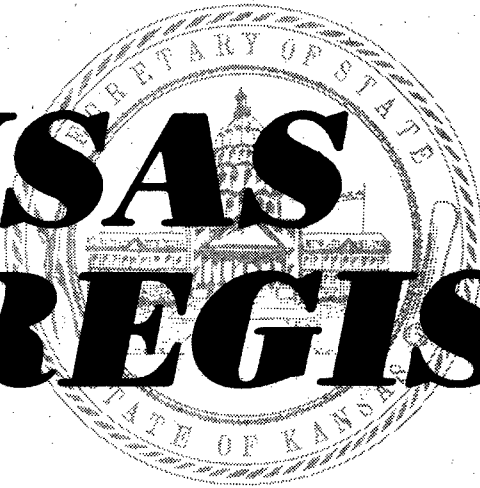


# KANSAS REGISTER



State of Kansas

**BILL GRAVES**  
Secretary of State

Vol. 6, No. 12

March 19, 1987

Pages 361-424

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## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENTBOARD OF ADULT CARE HOME  
ADMINISTRATORS

## NOTICE OF MEETING

The Board of Adult Care Home Administrators will meet at 1:30 p.m. Friday, March 27, in the Community Health conference room, tenth floor, Landon State Office Building, 900 S.W. Jackson, Topeka.

NORMAN DURMASKIN  
Chairman

Doc. No. 005160

## State of Kansas

## PARK AND RESOURCES AUTHORITY

KANSAS JOINT COUNCIL  
ON RECREATION

## NOTICE OF MEETING

A conference telephone call meeting of the Kansas Joint Council on Recreation has been scheduled for 10 a.m. Thursday, April 2, to discuss the action plan for 1987 and 1988 as it relates to the 1985 Kansas State Comprehensive Outdoor Recreation Plan.

Persons wishing to attend or participate may do so at the State Park and Resources Authority office, 900 Jackson, Room 502, Topeka.

LYNN BURRIS, JR.  
Director

Doc. No. 005135

## State of Kansas

## BOARD OF TECHNICAL PROFESSIONS

## NOTICE OF MEETING

The State Board of Technical Professions will meet at 8 a.m. Friday, March 27, in the board office, Room 507, Landon State Office Building, 900 Jackson, Topeka. The meeting is open to the public.

BETTY ROSE  
Executive Secretary

Doc. No. 005161

## State of Kansas

## KANSAS INSURANCE DEPARTMENT

## NOTICE OF HEARING

A formal hearing will be held at 10 a.m. Friday, March 27, in the offices of the Kansas Commissioner of Insurance, 420 S.W. 9th, Topeka, to determine whether the application for the proposed acquisition of control of Farm and Ranch Life Insurance Company, Topeka, by Scott Taylor, an individual residing in Bethany, Oklahoma, should be approved by the Commissioner of Insurance in accordance with the provisions of K.S.A. 40-3301 *et seq.*

All interested parties may attend and will be given the opportunity to hear the details of the proposed acquisition, to present either oral or written testimony in favor of or in opposition to the transaction, and to ask any questions relative to the transaction.

FLETCHER BELL  
Commissioner of Insurance

Doc. No. 005162

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Phone: (913) 296-3489

## State of Kansas

## ATTORNEY GENERAL

## Opinion No. 87-41

**Cities and Municipalities—Plumbing and Electrical Wiring; Plumbing and Plumbers in Cities and Counties; Electricians and Electrical Wiring—Competency and Licensure of Plumbers and Electricians.** Senator Ben E. Vidricksen, 24th District, Salina, March 5, 1987.

In implementing the competency and licensure statutes for plumbers and electricians found in K.S.A. 1986 Supp. 12-1508 *et seq.* and 12-1525 *et seq.*, the board of county commissioners of a county or the governing body of a city: (1) may refuse to issue a license because a city or county has a higher passing grade than the city or county that issued the certificate of because it is our opinion that the statutory scheme established by subsections (b) and (c) of K.S.A. 1986 Supp. 12-1509 for plumbers and 12-1526 for electricians is unconstitutional based on unauthorized delegation of legislative authority; (2) has the discretion to prescribe requirements for passage of examinations; (3) may require passage of the standard Block and Associates exam in order to practice outside of the jurisdiction that has granted a license based on an alternative exam; (4) has no statutory authority to require a contractor to buy an additional license unless the contractor was granted a license based upon the passage of an alternative exam; and (5) may impose their bonding and insurance requirements on a contractor from another city, provided the bonding and insurance requirements are part of the county's or city's plumbing codes, standards and regulations. The plumbing and electrician competency and licensing statutes are parallel and the above apply to both. Cited herein: K.S.A. 1986 Supp. 12-1508; 12-1509; 12-1510; 12-1525; 12-1526; 12-1527. GE

## Opinion No. 87-42

**Public Health—Healing Arts; Kansas Healing Arts Act—Doctors of Chiropractic; “Chiropractic Physicians.”** Representative Dale M. Sprague, 73rd District, McPherson, March 5, 1987.

Under the Kansas statutes the term “physician” means a person licensed to practice medicine and surgery unless it is defined otherwise. (*See, e.g.*, K.S.A. 65-2869.) In addition, when “physician” is used in conjunction with another word, the health care provider is deemed to be one licensed to practice medicine and surgery. (*See* 65-2870; 65-2897a.) Chiropractors are specifically prohibited by statute from practicing medicine and surgery (K.S.A. 65-2871). Thus, the term “chiropractic physician” is misleading to the public as it implies that a chiropractor is licensed to practice beyond the scope of the statutory definition of chiropractic. Therefore, it is our opinion that doctors of chiropractic cannot use the term “chiropractic physician.” Cited herein: K.S.A. 1986 Supp. 8-1001; 17-2707; K.S.A. 40-2101; 40-3103; 44-508; K.S.A. 1986 Supp. 59-2902; K.S.A. 60-427; 65-1,114; 65-448; 65-5a01; 65-6b01; 65-2401; 65-2801;

65-2802; 65-2803; 65-2869; 65-2870; 65-2871; 65-2892; 65-2892a; 65-2893; 65-28,102; 65-2897a; 65-2901; 65-3209; K.S.A. 1986 Supp. 65-4003; K.S.A. 65-4202; 65-4301; K.S.A. 1986 Supp. 65-5501; K.S.A. 72-5208; 74-4916; K.A.R. 28-34-1. RLN

## Opinion No. 87-43

**Public Health—Central Interstate Low-Level Radioactive Waste Compact—Definitions; Options; Consequences of Compact Membership.** Paul Feleciano, Jr., State Senator, 28th District, Wichita, March 5, 1987.

Low-level radioactive waste is specifically exempted from the definition of “hazardous waste” found in K.S.A. 65-3430(f) and, as such, is not precluded from underground burial pursuant to K.S.A. 65-3458. It is likely a ban on the disposal of low-level radioactive waste in Kansas would be found inconsistent with the terms of the Central Interstate Low-Level Radioactive Waste Compact (Compact), K.S.A. 65-34a01 *et seq.* Such a finding could expose Kansas to the membership revocation penalties of the Compact.

Withdrawing from the Compact this year may cost the state as much as \$25 million. Should Kansas delay beyond this year and then withdraw, these costs may increase. If Kansas remains in the Compact, costs have been estimated to be \$5 million. A decision to pull Kansas out of the Compact guarantees a waste management facility in the state. Any attempt to limit disposal in such a facility to Kansas generated waste must be in conformity with federal law, which requires “emergency access” by out-of-state generators, and waste from certain federal generators.

This opinion is intended to aid the legislature in making an informed decision regarding the Compact. Cited herein: K.S.A. 1986 Supp. 48-1622; K.S.A. 65-3430; K.S.A. 1986 Supp. 65-3458; 65-34a01 *et seq.*; 42 U.S.C. § 2011 *et seq.*; 42 U.S.C. § 2014; P.L. 99-240; 40-C.F.R. § 261.4 (7-1-86 Edition); U.S. Const., Art. I, Sec. 8, cl. 3; Art. VI; 126 Congr. Reg. 33, 966 (1980). JLM

## Opinion No. 87-44

**State Departments; Public Officers and Employees—State Historical Society—Deaccessions Policy.** Joseph Snell, Executive Director, Historical Society, Topeka, March 5, 1987.

K.S.A. 75-2701(a) does not restrict the type of party with whom the Kansas State Historical Society may arrange a sale or exchange of duplicate materials or materials outside its fields of collection. Therefore, the Historical Society may deal with private citizens in making these sales or exchanges.

Since K.S.A. 75-2701(a) speaks only in terms of sale or exchange, the Historical Society is prohibited from donating items which are duplicates or are outside its fields of collection to other institutions. Cited herein: K.S.A. 75-2701; 75-2703; 75-2704. BPA

ROBERT T. STEPHAN  
Attorney General

Doc. No. 005147

**State of Kansas**  
**SOCIAL AND REHABILITATION SERVICES**

**NOTICE OF MEETING**

The Department of Social and Rehabilitation Services will meet at 9 a.m. Tuesday, April 7, in the Staff Development Training Center, 2700 W. 6th, Topeka.

The scheduled agenda includes:

- Current status of legislation.
- Reminder concerning fiscal year 1989 budget discussions for all SRS programs and service areas.

The public is invited to this meeting. Telephone hook-ups are provided at the following locations of Social and Rehabilitation Services offices: Chanute, Emporia, Garden City, Hays, Hiawatha, Hutchinson, Junction City, Kansas City, Lawrence, Olathe, Osawatomie, Parsons, Pittsburg, Pratt, Salina, Topeka (area office and Docking State Office Building), Wichita and Winfield.

**ROBERT C. HARDER**  
 Secretary of Social and Rehabilitation Services

Doc. No. 005152

**State of Kansas**  
**DEPARTMENT OF HUMAN RESOURCES**  
**KANSAS COUNCIL ON EMPLOYMENT AND TRAINING**

**NOTICE OF MEETING**

The Kansas Council on Employment and Training will meet from 9 a.m. to noon Friday, March 20, in the Pozez Education Center, Stormont-Vail Regional Medical Center, 1500 S.W. 10th, Topeka.

The agenda includes:

1. Message from the Secretary.
2. Program year 1987 funding allocation levels.
3. Subcommittee reports:
  - a. Targeted groups
  - b. Youth
  - c. Dislocated Workers
  - d. Job Service
4. Kansas Department of Commerce/Economic Development activities.
5. Job Service Employer Committee activities.
6. Youth Task Force report.
7. Update of federal legislative issues.

The meeting is open to the public.

**DENNIS R. TAYLOR**  
 Secretary of Human Resources

Doc. No. 005148

**State of Kansas**  
**DEPARTMENT OF HEALTH AND ENVIRONMENT**

**NOTICE OF INTENT TO DENY HAZARDOUS WASTE PERMIT**

The Kansas Department of Health and Environment intends to deny an application for a Resource Conservation and Recovery Act (RCRA) permit for Thompson Hayward Chemical Company of Kansas City, Kansas.

Thompson Hayward Chemical Company has been operating a hazardous waste treatment facility at 5200 Speaker Road in Kansas City, Kansas, under interim status. The company is primarily a wholesale distributor of industrial chemicals and pest control chemicals and equipment. Secondly, the company manufactures industrial emulsifiers, wetting agents, antifoam agents and animal vitamins. Process wastewater from washing out vessels, drips, leaks and runoff contained within tank dikes, and other chemicals that cannot be sold are collected in an aerated surface impoundment. Some of the wastes discharged to the aerated surface impoundment are characteristic and listed hazardous waste. The aerated surface impoundment serves as an equalization and pretreatment system for these wastes, prior to discharge to the city of Kansas City, Kansas' sanitary sewer system in accordance with a local permit.

On April 11, 1983, KDHE requested that Thompson Hayward Chemical Company submit a Part B permit application. Upon review it was concluded by KDHE that the aerated surface impoundment could not meet or be retrofitted to meet design standards to obtain a RCRA permit.

Under Section 3005 of RCRA, interim status is terminated at such time as final administrative disposition, issuance or denial is made on a permit application or final disposition has not been made due to failure of the applicant to furnish the requested information. A final permit decision to deny the permit application will terminate interim status. The aerated surface impoundment must be closed in accordance with RCRA closure and post-closure regulations.

A notice of intent to deny a permit is a type of draft permit subject to procedures applicable to draft permits as set forth in 40 Code of Federal Regulations Part 124. The notice of intent to deny is based upon an administrative record, which consists of the notice of intent to deny, the statement of basis and fact sheet which describes the reasons supporting the decision, and all data submitted by Thompson Hayward Chemical Company. The administrative record is available for public review beginning March 19 between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the EPA Region VII Library, 726 Minnesota Ave., Kansas City, Kansas, and KDHE's Bureau of Waste Management, Building 321, Forbes Field, Topeka.

Comments or requests for additional information, including the fact sheet or statement of basis, should be directed in writing to Jack D. Walker, M.D., Secretary of Health and Environment, at the address above or by calling (913) 862-9360, ext. 359. Comments must be submitted by May 4.

KDHE has not scheduled a public hearing; however, if requests are received which indicate a significant degree of public interest in this notice of intent to deny, a public hearing will be scheduled. Requests for a public hearing must be in writing to KDHE and must state the nature of issues proposed to be raised in the hearing. Such requests must be submitted by May 4. The public notice and public hearing procedures may be found in 40 CFR Sections 124.11 and 124.12.

After consideration of all comments received, KDHE will make a final permit decision. If the determination is substantially unchanged from that announced by this notice, KDHE will notify all persons submitting written comments or requesting notice of final permit determination. If the determination is substantially changed, KDHE will issue a public notice indicating the revised determination.

JACK D. WALKER, M.D.  
Secretary of Health  
and Environment

Doc. No. 005146

## State of Kansas

### LEGISLATURE

#### LEGISLATIVE BILLS INTRODUCED

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

Copies of bills and resolutions are available free of charge from the Legislative Document Room, 145-N State Capitol, Topeka 66612, (913) 296-4096. There is a limit of 25 copies of any one item.

#### Bills introduced March 5-11:

##### House Bills

**HB 2552**, by Committee on Taxation: An act relating to taxation; imposing personal liability for certain excise taxes upon individuals responsible for collection, custody, control or payment thereof.

**HB 2553**, by Committee on Taxation: An act relating to civil procedure; concerning garnishment proceedings relating to debts of certain state taxes.

**HB 2554**, by Committee on Federal and State Affairs: An act amending and supplementing the Kansas code for care of children; amending K.S.A. 38-1502, 38-1524, 38-1527, 38-1528 and 38-1542 and repealing the existing sections.

**HB 2555**, by Committee on Appropriations: An act relating to income taxation; allowing credits therefrom for educational expenses incurred by certain taxpayers.

**HB 2556**, by Committee on Appropriations: An act concerning procurements by state agencies; authorizing negotiating committees; providing certain exemptions therefor.

**HB 2557**, by Committee on Appropriations: An act concerning the department of administration; relating to the repayment of a loan from the pooled money investment board; amending K.S.A. 75-3649 and repealing the existing section.

**HB 2558**, by Committee on Appropriations: An act relating to the financing of state capital improvements; prescribing powers, duties and functions for the secretary of administration relating thereto, subject to certain limitations.

**HB 2559**, by Committee on Appropriations: An act concerning petty cash and imprest funds of state agencies; relating to reimbursement for certain losses; limitations; amending K.S.A. 75-3055, 75-3073 and 75-3078 and repealing the existing sections.

**HB 2560**, by Committee on Appropriations: An act establishing a department of services for the blind; providing for a secretary thereof; prescribing powers, duties and functions of the secretary; establishing an executive board; prescribing powers, duties and functions for the executive board; amending K.S.A. 75-3317, 75-3337, 75-3338, 75-3339, 75-3339a, 75-3340, 75-3341 and 75-3343 and K.S.A. 1986 Supp. 75-3317, 75-3319, 75-3320, 75-3321 and 75-3322 and repealing the existing sections.

**HB 2561**, by Committee on Appropriations: An act making and concerning appropriations for the fiscal years ending June 30, 1987, June 30, 1988, June 30, 1989, and June 30, 1990, to initiate and complete certain capital improvement projects for Kansas state university, university of Kansas, university of Kansas medical center and Wichita state university; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing disbursements and acts incidental to the foregoing; amending sections 4 and 5 of chapter 15 of the 1986 Session Laws of Kansas and repealing the existing sections.

**HB 2562**, by Committee on Appropriations: An act concerning special education for exceptional children; affecting the computation of the amount of state aid entitlement of school districts for the provision thereof; amending K.S.A. 1986 Supp. 72-978 and repealing the existing section.

**HB 2563**, by Committee on Appropriations: An act concerning the Kansas age discrimination in employment act; extending coverage thereof; amending K.S.A. 44-1112, 44-1113 and 44-1118 and repealing the existing sections.

## Senate Bills

**SB 362**, by Committee on Federal and State Affairs: An act relating to property taxation; exempting certain religious property therefrom.

**SB 363**, by Committee on Federal and State Affairs: An act concerning alcoholic beverages; eliminating provisions for certain exclusive territorial franchises; amending K.S.A. 41-409, 41-701, 41-2705, 41-2713 and 41-2723 and repealing the existing sections; also repealing K.S.A. 41-410, 41-411, 41-412 and 41-1101.

**SB 364**, by Committee on Ways and Means: An act concerning the Kansas fish and game commission; concerning the authority to purchase and sell land; amending K.S.A. 74-3302 and repealing the existing section.

**SB 365**, by Committee on Ways and Means: An act concerning the Kansas department of wildlife and parks; amending section 5 of Executive Reorganization Order No. 22 and repealing the existing section.

**SB 366**, by Committee on Federal and State Affairs: An act concerning classes of felonies and terms of imprisonment; amending K.S.A. 1986 Supp. 21-4501 and repealing the existing section.

**SB 367**, by Committee on Federal and State Affairs: An act providing for the establishment of the Ellsworth correctional work facility; providing for management and control; amending K.S.A. 75-5202 and K.S.A. 1986 Supp. 21-4602 and 75-3058 and repealing the existing sections.

**SB 368**, by Committee on Federal and State Affairs: An act concerning the secretary of corrections; relating to the control of buildings and grounds owned by the state and used by correctional institutions.

**SB 369**, by Committee on Federal and State Affairs: An act concerning the criminal code; relating to contraband in penal institutions; amending K.S.A. 21-3826 and repealing the existing section.

**SB 370**, by Committee on Federal and State Affairs: An act concerning the secretary of corrections; power to issue warrants for the arrest of escapees.

**SB 371**, by Committee on Federal and State Affairs: An act concerning the disposition of unclaimed property act; transferring the administration of the act from the state treasurer to the secretary of administration; amending K.S.A. 58-3901, 58-3912, 58-3913, 58-3914, 58-3915, 58-3916, 58-3917, 58-3918, 58-3920, 58-3921, 58-3923, 58-3924, 58-3925, 58-3926 and 58-3927 and K.S.A. 1986 Supp. 58-3919 and 58-3922 and repealing the existing sections.

**SB 372**, by Committee on Ways and Means: An act relating to the Kansas parole board; concerning the membership and voting requirements thereof; amending K.S.A. 22-3709 and K.S.A. 1986 Supp. 22-3707 and repealing the existing sections.

**SB 373**, by Committee on Ways and Means: An act concerning the construction defects recovery fund; relating to certain expenditures therefrom; amending K.S.A. 75-3785 and repealing the existing section.

**SB 374**, by Committee on Ways and Means: An act concerning the food service inspection reimbursement fund; amending K.S.A. 36-512 and repealing the existing section.

**SB 375**, by Committee on Federal and State Affairs: An act concerning port authorities; relating to the application of the Kansas tort claims act; amending K.S.A. 12-3402 and repealing the existing section.

**SB 376**, by Committee on Ways and Means: An act authorizing state financial assistance for county extension councils; providing for the computation thereof; providing for administration of the act.

## Resolutions

**HCR 5021**, by Committee on Appropriations: A concurrent resolution requesting the Kansas Water Authority to prioritize all budget requests for implementation of the State Water Plan for fiscal year 1988.

**HR 6038**, by Representative K. Campbell: A resolution congratulating and commending the Concordia High School debate team for winning the Class 4A State Debate Tournament.

**HR 6039**, by Representative Justice: A resolution congratulating Grace R. Hinton on her 101st birthday.

**HR 6040**, by Representative Justice: A resolution commemorating the 114th birthday of the Reverend James E. Newman.

**HR 6041**, by Committee on Energy and Natural Resources: A resolution requesting notice be provided to the governing bodies of each city and county through which ethylene dibromide is transported or stored.

**HR 6042**, by Committee on Energy and Natural Resources: A resolution approving Executive Reorganization Order No. 22, relating to the establishment of a department of wildlife and parks.

**HR 6043**, by Representatives Sand and Knopp: A resolution honoring Dr. Fred Sobering on his retirement from the Kansas Cooperative Extension Service.

**HR 6044**, by Representative Sughrue: A resolution honoring teachers for their contributions to the citizens of the State of Kansas.

**HR 6045**, by Representative Roper: A resolution congratulating and commending William Beezley on being presented the 1986 Kansas Distinguished Dairyman Award.

**HR 6046**, by Representatives Knopp, Acheson, Adam, Amos, Apt, Aylward, Baker, Barkis, Barr, Beauchamp, Bideau, Blumenthal, Bowden, Braden, Brady, Branson, Brown, Bryant, Buehler, Buntin, C. Campbell, K. Campbell, Charlton, Chronister, Cribbs, Crowell, Crumbaker, Dillon, Douville, Duncan, Dyck, Eckert, Empson, Flottman, Foster, Fox, Francisco, Freeman, Fry, Fuller, Gatlin, Gjerstad, Goossen, Graeber, Green, Gross, Grotewiel, Guldner, Hamm, Harder, Harper, Hassler, Heinemann, Helgerson, Hensley, Holmes, Hoy, Jenkins, Johnson, Justice, Kennard, King, Kline, Lacey, Laird, Larkin, Leach, Littlejohn, Long, Love, Lowther, Maine, Mead, D. Miller, R. D. Miller, R. H. Miller, Mollenkamp, Moomaw, Neufeld, O'Neal, Ott, Patrick, Peterson, Pottorff, Ramirez, Reardon, Rezac, Roe, Roenbaugh, Rolfs, Roper, Rosenau, Roy, Russell, Sader, Sallee, Sand, Sawyer, Schauf, Sebelius, Shallenburger, Shore, Shriver, Sifers, Smith, Snowbarger, Solbach, Spaniol, Sprague, Sutter, Teagarden, Turnquist, Vancrum, Wagnon, Walker, Webb, Weimer, Wells, Wilbert, Williams, Wisdom and Wunsch: A resolution in memory of Dr. James McCain.

**SCR 1606**, by Committee on Federal and State Affairs: A proposition to amend article 15 of the constitution of the state of Kansas by adding a new section thereto authorizing the legislature to regulate lotteries operated by bona fide nonprofit organizations.

**SCR 1607**, by Senator Montgomery: A concurrent resolution congratulating the City of Bern on its Centennial Anniversary.

**SR 1829**, by Senators Hoferer, Parrish and Salisbury: A resolution congratulating and commending the Washburn University men's basketball team and its coach, Bob Chipman, on winning the 1987 NAIA District 10 Basketball Championship.

**SR 1830**, by Senator Allen: A resolution congratulating Parmelee Products on its 25th anniversary of being located in Ottawa.

**SR 1831**, by Senator Ehrlich: A resolution congratulating Tyler Huff of Bushton, Kansas, on winning the Third-Fourth-Grade Division of the 1987 State Department of Education Nutrition Poster Contest.

**SR 1832**, by Senator Karr: A resolution congratulating and commending the Emporia High School wrestling team and its coach, Pat Sands, on winning the 1987 Class 6A State Tournament in Kansas.

## State of Kansas

## DEPARTMENT OF TRANSPORTATION

## NOTICE TO CONTRACTORS

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, until 10 a.m. C.D.T., April 16, 1987, and then publicly opened:

## DISTRICT ONE—Northeast

**Brown**—36-7 K-2714-01—U.S. 36, Nemaha-Brown county line east to the east junction of U.S. 36 and U.S. 75, 2.9 miles, pavement reconstruction. (State Funds)

**Johnson**—7-46 K-3100-01—K-7, beginning 819 feet south of I-35, then north to the junction of U.S. 56, 1.0 mile, pavement patching and overlay. (State Funds)

**Johnson**—7-46 K-3101-01—K-7, beginning at the intersection of Parker Street in Olathe, then north to the K-10 and K-7 interchange, 3.4 miles, bituminous overlay. (State Funds)

**Riley**—18-81 K-2804-01—K-18, Kansas River bridge 31 in Manhattan, bridge repair. (State Funds)

**Riley**—81 U-1120-01—Fort Riley (K-18) and Richards Drive in Manhattan, traffic signal. (Federal Funds)

**Shawnee**—89 C-2168-01—County road, 2.0 miles north of Kiro, then north, 0.2 mile, bridge replacement. (Federal Funds)

**Wyandotte**—670-105 K-2888-03—I-670, bridges and approaches 241, 242 and 250 and approaches for bridges 243 and 244, grading, surfacing and bridge. (Federal Funds)

## DISTRICT TWO—Northcentral

**Clay**—14 C-1862-01—County road, 1.5 miles west and 0.1 mile north of Morganville, then north, 0.2 mile, bridge replacement. (Federal Funds)

**Ottawa**—72 U-1048-01—Minnesota Avenue at Table Rock Creek tributary in Tescott, bridge replacement. (Federal Funds)

## DISTRICT THREE—Northwest

**Norton**—69 C-2383-01—County road, 3 miles north and 1.3 miles east of Norton, then east, 0.3 mile, bridge. (Federal Funds)

**Thomas**—97 C-2244-01—County road, Rexford, then south, 5.8 miles, surfacing. (Federal Funds)

## DISTRICT FOUR—Southeast

**Bourbon**—31-6 X-0795-02—Crossing of K-31 and Burlington Northern Railroad in Fulton, grading and surfacing. (Federal Funds)

**Chautauqua**—166-10 K-0171-02—U.S. 166, Middle Caney Creek 10, 0.4 mile south of the south city limits of Sedan, 0.2 mile, bridge replacement. (Federal Funds)

**Cherokee**—26-11 K-2810-01—K-26, culvert 507, 3.1 miles north of U.S. 166, culvert. (State Funds)

**Cherokee**—69-11 K-0173-05—U.S. 69, detour at Little Shawnee Creek bridge 11, 0.3 mile, grading and surfacing. (Federal Funds)

**Crawford**—19 C-2178-01—County road, 1.0 mile

east of Girard, then east, 0.2 mile, bridge replacement. (Federal Funds)

**Labette**—50 C-2240-01—County road, 5.5 miles south of Altamont, then west, 0.2 mile, bridge replacement. (Federal Funds)

**Labette**—59-50 M-1471-01—U.S. 59, approximately 0.1 mile south of Missouri Kansas Texas Railroad bridge 13, south 0.1 mile at Parsons, 0.1 mile, slide repair. (State Funds)

**Miami**—169-61 M-1467-01—U.S. 169, Berm slope at Missouri Pacific Railroad bridge 34, 0.8 mile north of K-68, slide repair. (State Funds)

**Montgomery**—169-63 K-1797-01—U.S. 169, state line to the south city limits of Coffeyville, 0.6 mile, grading, surfacing and bridge. (Federal Funds)

## DISTRICT FIVE—Southcentral

**Cowley**—160-18 K-2900-01—U.S. 160, College northeast to Harris Road in Winfield, 0.8 mile, grading and surfacing. (State Funds)

**Cowley**—15-18 M-1473-01—K-15, bridge 50, 0.6 mile north and bridge 51, 1.8 miles north of U.S. 166, bridge repair. (State Funds)

**Harvey**—50-40 K-2594-01—U.S. 50, west Emma Creek bridge 51, 2.1 miles east of K-89, bridge replacement. (Federal Funds)

**Harvey**—196-40 K-2599-01—K-196, Jester Creek bridge 66, 0.4 mile east of the junction of I-135, bridge replacement. (Federal Funds)

**Sedgwick**—87 U-1047-01—Elmwood Drive over Dry Creek in Wichita, bridge replacement. (Federal Funds)

**Sedgwick**—87 M-1472-01—Parking and drive at KDOT sub-area office and shop building in Wichita, surfacing. (State Funds)

**Sedgwick**—2-87 M-1474-01—k-2, east of K-2 and Hoover Road intersection in Wichita, then west, 0.7 mile, overlay. (State Funds)

**Sedgwick**—135-87 M-1475-01—I-135, west slope repair at I-135 and south Hydraulic Street interchange in Wichita, slope repair. (State Funds)

**Sedgwick**—135-87 M-1477-01—I-135, 0.4 mile north of I-135 and KTA, then north, 3.0 miles, patching. (State Funds)

## DISTRICT SIX—Southwest

**Meade/Clark/Ford**—54-106 M-1476-01—U.S. 54, 5.3 miles east of Meade city limits, northeast 32.0 miles, 6.3 miles, grading. (State 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 because of race, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement,

participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the projects may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 005155

### State of Kansas

## DEPARTMENT OF TRANSPORTATION

### NOTICE TO CONTRACTORS

Sealed proposals for the construction of road and bridge work in the following Kansas county will be received at the office of the Chief of Construction and Maintenance, K.D.O.T., Topeka, until 10 a.m. C.S.T. April 19, 1987, and then publicly opened:

#### DISTRICT ONE—Northeast

Wyandotte—670-105 K-2888-03—I-670 over 7th Street and connection to I-70, grading, surfacing and bridges. (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, age, religion, color, sex, handicap or national origin in the award of contracts.

Each bidder shall file a sworn statement executed by or on behalf of the person, firm, association or corporation submitting the bid, certifying that such person, firm, association or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This sworn statement shall be in the form of an affidavit executed and sworn to by the bidder before a person who is authorized by the laws of the state to administer oaths. The required form of the affidavit will be provided by the state to each prospective bidder. Failure to submit the sworn statement as part of the bid-approval package will make the bid nonresponsive and not eligible for award consideration.

Plans and specifications for the project may be examined at the office of the respective county clerk or at the K.D.O.T. district office responsible for the work.

HORACE B. EDWARDS  
Secretary of Transportation

Doc. No. 005123

### State of Kansas

## DEPARTMENT OF REVENUE

### REQUEST FOR BIDS FOR AN OIL AND GAS LEASE

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

That portion of the Arkansas River as it meanders thru Section 13, Twp. 32 S., Range 2 E., and Section 24, Twp. 32 S., Range 2 E., Sumner County, Kansas; containing 138.30 acres, more or less.

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

Bids should be submitted upon forms obtained from the Director of Taxation, Sand and Oil Lease Section, 3rd Floor, Docking State Office Building, Topeka 66612.

Lease should be made on form 88—(Producers) Kansas, Oklahoma, Colorado, 1956 Rev. W. for a term of five years. The successful bidder pays publication costs.

Bids will be opened at the office of the Director of Taxation at 2 p.m. Monday, April 27. The Director of Taxation reserves the right to reject any and all bids and to readvertise.

CAROL B. BONEBRAKE  
Director of Taxation

Doc. No. 005136

(Published in the KANSAS REGISTER, March 19, 1987.)

### NOTICE OF BOND SALE GREENWOOD COUNTY, KANSAS

\$250,000

### GENERAL OBLIGATION BRIDGE BONDS SERIES 1987

Greenwood County, Kansas will receive sealed bids at the office of the County Clerk, Greenwood County Courthouse, Eureka, KS 67045, until 11 a.m. local time on April 2, 1987, for \$250,000 par value general obligation bridge bonds, series 1987, of the county, at which time and place such bids shall be publicly opened.

The bonds will be dated April 1, 1987 and will mature on October 1 in each of the years and in the amounts set forth below. The bonds will consist of fully registered certificated bonds, each in the denomination of \$5,000 or integral multiples thereof not exceeding the principal amount of bonds maturing in any year. Interest will be payable semiannually on April 1 and October 1 of each year, commencing April 1, 1988. The principal of the bonds will 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

(continued)

owners thereof upon presentation of the bonds for payment and cancellation. Interest on the bonds will 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 calendar month next preceding the interest payment dates (the record dates). The fees of the bond registrar for the registration and transfer of the bonds will be paid by the county.

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

Principal Amount	Maturity Date October 1
\$25,000	1988
40,000	1989
40,000	1990
45,000	1991
50,000	1992
50,000	1993

Proposals will be received on the bonds bearing such rate or rates of interest, not exceeding five different interest rates, as may be specified by the bidder. The repetition of a rate will not constitute a different rate. The same rate shall apply to all bonds of the same maturity. Each interest rate specified shall be in an even multiple of 1/8 or 1/20 of 1 percent. The difference between the highest and lowest interest rates specified in any bid shall not exceed 2 percent. No interest rate shall exceed the maximum interest rate allowed by Kansas law, said rate being 2 percent above the 20 bond index of tax exempt municipal bonds published by "Credit Markets" 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 plus accrued interest will 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 county, shall be addressed to the county clerk at the above address, and shall be marked "Bond Bid." All bids must state the total interest cost of the bid and the average annual interest rate, certified by the bidder to be correct, and the county will be entitled to rely on the certificate of correctness. Bids must be accompanied by a certified or cashier's check equal to 2 percent of the total amount of the bid, payable to Greenwood 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.

The bonds, duly printed, executed and registered, will be furnished and paid for by the county, and the bonds will be sold subject to the approving opinion of Cosgrove, Webb & Oman, bond counsel of Topeka, Kansas, as to the validity of the bonds, whose opinion will be paid for by the county. The opinion will state that it is counsel's opinion that, under existing law and assuming compliance by the county with the terms of the bond resolution, the interest on said bonds is exempt from present federal income taxation except as such interest may be included in the measure of in-

come for computing alternative minimum taxes imposed on corporations and that the bonds are exempt from Kansas intangible personal property taxes, which opinion is subject, however, to the following information.

The Internal Revenue Code of 1986 imposes requirements and restrictions which must be satisfied in order for interest on obligations issued on behalf of local governments to be exempt from federal income taxation. The county, acting through the Board of County Commissioners, will covenant in the bond resolution to take all action (within its ability to do so) necessary to comply with the 1986 code in order to preserve the tax exempt status of the bonds.

The number, denomination of bonds and names of the initial registered owners shall be submitted in writing by the successful bidder to the bond registrar not later than April 13, 1987.

The purchaser will be furnished with a complete transcript of proceedings evidencing 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 funds which are immediately available for use by the county. Delivery of the bonds will be made to the successful bidder on or about May 1, 1987, at any bank in the state of Kansas or Kansas City, Missouri, at the expense of the county; delivery elsewhere will be made at the expense of the purchaser.

The bonds will constitute general obligations of the county payable from ad valorem taxes which may be levied without limitation as to rate or amount upon all of the taxable, tangible property within the county. The bonds are being issued for the purpose of paying the costs of reconstructing and rebuilding a certain bridge in the county pursuant to K.S.A. 68-1103 *et seq.* and 10-101 *et seq.*, as amended and supplemented.

Sealed bids for the bonds shall be opened publicly and only at the time and place specified in this notice. The county reserves the right to reject any and 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 any amount of any premium paid from the aggregate amount of interest upon all of the bonds from their date until their respective maturities.

The equalized assessed valuation of taxable tangible property within the county for 1986 is \$50,064,136. The total general obligation bonded indebtedness of the county, including the bonds, will be \$885,000.

Additional copies of this notice of bond sale and further information may be received from John C. McArthur, Beecroft, Cole & Company, One Townsite Plaza, Topeka, KS 66603, (913) 234-5671.

MARILYN WILSON  
Greenwood County Clerk

Doc. No. 005145



State of Kansas

**OFFICE OF JUDICIAL ADMINISTRATION  
SUPREME COURT DOCKET**

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

Monday, March 23, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
59,603	State of Kansas, Appellee,  v. Billy Joe Derrett, Appellant.	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
59,576	State of Kansas, Appellee,  v. Michael L. O'Neil, Appellant.	Robert T. Stephan, Attorney General Geary N. Gorup, Assistant District Attorney	Sedgwick
59,129	Harry D. Bledsoe, Appellant,  v. Mary Louise Bledsoe, Appellee.	Benjamin C. Wood Donald D. Lambdin	Sedgwick
59,341	Resthaven Gardens of Memory Inc., Appellant,  v. Mary Louise Bledsoe, Appellee.	Edwin P. Carpenter Robert Howard	Sedgwick (On Petition for Review)
60,079	In the Matter of the Marriage of Warren Edward Smith and Jennifer Ann Smith.	James Armstrong Gail A. Jensen	
		1:30 p.m.	
60,079	Stanley C. Johnston and Mary A. Johnston, Appellants,  v. Robert L. Elkins, M.D., and Community Group Health Plans, Appellees.	James F. Davis Loren W. Moll  Bruce Keplinger Richard T. Merker	Johnson
59,860	In Re: The Petition of the City of Overland Park, to the County Commissioners of Johnson County, Kansas for the Annexation of Land Pursuant to K.S.A. 12-521.	L. Franklin Taylor  Robert J. Watson Neil R. Shortlidge Donald D. Jarrett Frank H. Jenkins, Jr.	Johnson
59,546	Earl A. Thompson, et al., Appellants,  v. Federal Deposit Insurance Corporation, Appellee.	John M. Cox  Frank D. Menghini David L. Skidgel	Johnson

(continued)

Tuesday, March 24, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
59,427	State of Kansas, Appellee,	Robert T. Stephan, Attorney General Steve Tatum, Assistant District Attorney	Johnson
	v. Earl Howard, Appellant.	Benjamin C. Wood	
58,967	Randy Morriss and Debra White, Appellants,	Stephen B. Plummer	Sedgwick
	v. Coleman Company, Inc., <i>et al.</i> , Appellees.	William H. Dye	(On Petition for Review)
59,376	Southwest National Bank of Wichita, Appellee,	Martin R. Ufford	Sedgwick
	v. ATG Construction Management Inc., <i>et al.</i> , Appellants.	Orlin L. Wagner Roger L. Falk Don McFerson Loren H. Houk	
59,598	Forum Insurance Company, Appellant,	Conklin & Adler, Ltd. David S. Wooding William L. Oliver, Jr.	Sedgwick
	v. Seitz Aviation, Inc., <i>et al.</i> , Appellees.	Michael R. Meacham Dennis L. Gillen James Walker John E. Cowles	

1:30 p.m.

59,447	Ruth Cooper, Appellant,	Rosie M. Quinn	Wyandotte
	v. Re-Max Wyandotte County Real Estate, Inc., <i>et al.</i> , Appellees.	Barry Warren Mary Beth Blake Michael P. Howe	
59,750	NC+ Hybrids, Appellee,	Michael K. Ramsey	Haskell
	v. Dale Blair, Appellant.	Dale Blair, <i>pro se</i>	
58,502	Loretta A. Tetuan, Appellee,	Bradley Post Arden J. Bradshaw Gene E. Schroer	Sedgwick
	v. A. H. Robins Company, Inc., Appellant.	Ronald D. Heck Mark A. Buck Darrell D. Kellogg Arthur E. Palmer	

Wednesday, March 25, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
59,533	First National Bank in Wichita, Appellant, v. Marion J. Fink, individually and formerly doing business as M & F Oil and Douglas Motors, <i>et al.</i> , Appellees.	Phillip L. Bowman Laura L. Ice  E. Lael Alkire Michael D. Pepon James Bartle Herbert H. Hopper Kenneth M. Clark	Sedgwick
59,878	Arnold L. Ruebke, Jr., Appellant, v. Globe Communications Corporation, dba Startling Detective Magazine, Appellee.	Richard J. Rome  Scott J. Gunderson	Reno
59,478	Earl W. Rosenbaum, <i>et al.</i> , Appellants, v. Texas Energies, Inc., v. Ruth S. Hillard, <i>et al.</i> , Appellees.	Clifford L. Malone Laura L. Ice  Robert Eisenhauer Kenneth Van Blaricum	Pratt
58,802	In the Matter of the Estate of E. F. Madden, Deceased.	Marvin E. Thompson  Thomas C. Boone Doris R. Burtscher	Ellis (On Petition for Review)

1:30 p.m.

59,317	State of Kansas, Appellant, v. Jerry R. Laurent, Appellee.	Robert T. Stephen, Attorney General Gene Porter, County Attorney  Robert Anderson	Barton
58,594	In the Matter of the Estate of Harriet K. Dale, aka Harriet Maude Kendall Dale, Deceased.	Randall K. Rathbun  Dennis J. Keenan Dale J. Paulsen	Stafford (On Petition for Review)

Thursday, March 26, 1987

9:30 a.m.

Case No.	Case Name	Attorneys	County
58,892	State of Kansas, Appellee, v. Athen D. Phifer, Appellant.	Robert T. Stephan, Attorney General Mickey Mosier, County Attorney  Benjamin C. Wood Steven R. Zinn	Saline  (On Petition for Review)
59,997	Dean Fasse, Appellee, v. Lower Heating & Air Conditioning, Inc., Appellant.	Thomas H. Marshall Michael T. Manley  Stewart L. Entz Jeffrey A. Chanay	Shawnee
59,707	Shields Adult Care Home, Inc., Appellant, v. State Department of Social and Rehabilitation Services, Appellee.	Justice B. King  Bruce A. Roby	Shawnee

(continued)

59,833 Atchison County Farmers Union Coop. Michael J. Grady Atchison  
 Association, Appellant, Lauren M. Lowry  
 v.  
 Raymond Turnbull, Appellee. John C. Tillotson

1:30 p.m.

59,958 Charles Dollison, Appellant, Jerry L. Harrison Osborne  
 v.  
 Osborne County, Kansas, Appellee. Vernon L. Steerman

59,313 Edward E. Leeper, Appellant, Robert E. Wonder Shawnee  
 v.  
 Schroer, Rice, Bryan, Lykins, et al., Stanley R. Parker  
 Appellees. Richard Harmon

Friday, March 27, 1987

9:30 a.m.

Consolidated on Reargument

Case No.	Case Name	Attorneys	County
60,049	In the Matter of the Application for Incorporation as a City of the Third Class, to be known as "The City of Sherwood," Shawnee County, Kansas.	John R. Hamilton Larry E. Gregg  Douglas F. Martin Richard E. Jones	Shawnee
59,314	Roger L. Farley, et al., Appellants, v. Susan Engelken, M.D., et al., Appellees.	Frank M. Rice  Wayne Stratton	Pottawatomie
59,338	Heather Ditto, et al., Appellees, v. Shawnee Mission Medical Center, et al., Appellants.	Donald W. Vasos  Frank Saunders, Jr. Michael P. Oliver Richard D. Simpson	Johnson
59,591	Charley Ridge, Appellee, v. Pat Barker, M.D., et al., Appellants.	Stanley R. Juhnke  Kenneth E. Peirce Darrell Kellogg	Barber
59,724	In the Matter of J. Richard Lake, Respondent.	Bruce Miller  J. Richard Lake, pro se John J. Ambrosio	Original

LEWIS C. CARTER  
Clerk of the Appellate Courts

## State of Kansas

DEPARTMENT OF ADMINISTRATION  
DIVISION OF PURCHASES

## NOTICE TO BIDDERS

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 Jackson, Room 102, Topeka, until 2 p.m. local time on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

**MONDAY, MARCH 30, 1987**

#27557

Kansas State University—APRIL/MAY (1987) MEAT PRODUCTS

#27607

University of Kansas Medical Center—DIAGNOSTIC RADIOPAQUE MATERIAL

#68526

University of Kansas Medical Center—MICROSCOPE

**TUESDAY, MARCH 31, 1987**

#27126

University of Kansas Medical Center—SMALL ANIMAL FEED

#27409 (Supplement)

Statewide—CATHETERS (CLASS 07)

#68531

Kansas State University—BLOOD BANK FREEZER

#68534

Kansas State University—LASER PRINTER

#68535

Pittsburg State University—VEHICLES

#68538

Kansas State Penitentiary—METAL DOORS, FRAMES, AND HARDWARE

#68539

Department of Transportation—PLANT MIX, COMMERCIAL GRADE—BITUMINOUS MIXTURE, various locations

#68540

Department of Transportation—AB-3 AGGREGATE, AS-1 ALTERNATE AGGREGATE, various locations

**WEDNESDAY, APRIL 1, 1987**

#A-5161(a)

Kansas State School for the Deaf—REPLACE HOT AND COLD DOMESTIC WATER RISERS, Stanley Roth Building

#27039

University of Kansas—REAL TIME WEATHER DATA SERVICES

#27155

University of Kansas Medical Center—WATER SOFTENER SALT

#27474

University of Kansas Medical Center—MAY (1987) MEAT PRODUCTS

#27516

Statewide—MAY (1987) MEAT PRODUCTS

#27524

University of Kansas—MAY (1987) MEAT PRODUCTS

#27608

Kansas State University—BULK LIQUID HELIUM

#68545

Larned State Hospital—MISCELLANEOUS GROCERIES

#68546

Pittsburg State University—FURNISH AND INSTALL CEILING TILE AND GRID

#68547

Department of Transportation—HYDRAULIC PRESS, various locations

#68548

Adjutant General's Department—COOKING RANGE—GAS, various locations

#68549

Kansas State Penitentiary—TOBACCO

#68550

Kansas State University—LINEAR SELF-PROPELLED IRRIGATION SYSTEM, St. John

#68551

Kansas State Penitentiary—ELECTRICAL SUPPLIES

#68552

Kansas State Penitentiary—STRUCTURAL STEEL

#68557

Pittsburg State University—WALK-IN COOLER/FREEZER

#68558

State Reception and Diagnostic Center—DISHWASHER

#68559

Department of Revenue—MICROFILM

**THURSDAY, APRIL 2, 1987**

#68560

Kansas State University—LAMINAR FLOW CABINET

#68561

Kansas State University—ELECTROPHORESIS EQUIPMENT

#68562

Department of Transportation—COLD MILLING, U.S. 81 and U.S. 24, Cloud County

#68566

Department of Transportation—LIGHT POLE SHEAR BASES, Kansas City

**FRIDAY, APRIL 3, 1987**

#67064-A

Kansas Soldiers' Home—PAINT WATER TOWER

#68568

Department of Transportation—FURNISH AND INSTALL CARD CONTROL FUEL SYSTEM, various locations

#68571

Department of Transportation—STREET LIGHTING POLES, Kansas City

#68572

Department of Transportation—INDIVIDUAL AGGREGATE, Lyon County

#68573

Department of Social and Rehabilitation Services—VENDING EQUIPMENT, various locations

#68575

Department of Transportation—CEMENT TYPE III

**MONDAY, APRIL 6, 1987**

#68542

Various state agencies—MOVING SERVICES

(continued)

WEDNESDAY, APRIL 8, 1987

#26893

University of Kansas Medical Center and other state agencies—PERFUSION SUPPLIES (CLASS 18)

FRIDAY, APRIL 10, 1987

#27605

Statewide—CONTINUOUS COMPUTER "STOCK" FORMS

THURSDAY, APRIL 16, 1987

#A-5455

University of Kansas—SNOW HALL  
RENOVATION—PHASE I

NICHOLAS B. ROACH  
Director of Purchases

Doc. No. 005153

State of Kansas

## STATE CORPORATION COMMISSION

### NOTICE OF MOTOR CARRIER HEARINGS

Applications set for hearing are to be heard at 9:30 a.m. before the State Corporation Commission, Docking State Office Building, fourth floor, Topeka, 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, Docking State Office Building, Topeka 66612, (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."

Applications set for March 31, 1987

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

Duane Birk Trucking, Inc. ) Docket No. 8,588 M  
Route 5, Box 11BB )  
Emporia, KS 66801 ) MC ID No. 116914  
TO:

Grain Express, Inc.  
2302 Mava Ave.  
Emporia, KS 66801

Applicant's Attorney: Stanley Ausemus, 418 Commercial, P.O. Box 1083, Emporia, KS 66801

*Unprocessed hay, feeds, seeds, processed mill feeds, farm machinery and implements, building materials, fencing materials, wire, hardware, fertilizer, coal,*

Between all points and places in Lyon, Coffey and Chase counties, Kansas.

Also,

That portion of Butler County east of K-177 and north of U.S. 54, that portion of Woodson county north of U.S. 54 and west of U.S. 75, that portion of Osage County north of I-35, west of U.S. 75 and south of U.S. 56, and that portion of Greenwood County north of U.S. 54.

Also,

Between all points and places within the state of Kansas, on the other hand.

*General commodities, except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and commodities requiring special equipment because of size and weight, and those injurious or contaminating to other lading,*

Between Hartford and Emporia, Kansas.

*Livestock and grain,*

Between all points and places east of U.S. 77, on the one hand, and all points and places within the state of Kansas, on the other hand.

\*\*\*\*\*

#### Application for Extension of Certificate of Convenience and Necessity to re-describe the authority:

Grain Express, Inc. ) Docket No. 8,588 M  
2302 Mava Ave. )  
Emporia, KS 66801 )

Applicant's Attorney: Stanley Ausemus, 418 Commercial, P.O. Box 1083, Emporia, KS 66801

*General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the commission, commodities in bulk, and those injurious or contaminating to other lading), livestock, grain, unprocessed hay, feeds, seeds, processed mill feeds, farm machinery and implements, building materials, fencing materials, wire, hardware, fertilizer and coal,*

Between all points and places east of U.S. 77, on the one hand, and all points and places within the state of Kansas, on the other hand.

\*\*\*\*\*

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

Carnaco Transport, Inc. ) Docket No. 147,584 M  
5045 Wilshire Blvd. )  
Los Angeles, CA 90036 ) MC ID No. 110929

Applicant's Attorney: John Jandera, 1610 S.W. Topeka Blvd., Topeka, KS 66612

*General commodities (except classes A and B explosives, household goods as defined by commission and commodities in bulk),*

Between points in Doniphan County, Kansas.

Also,

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

\*\*\*\*\*

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

Carroll Fabrizius ) Docket No. 142,507 M  
Route 2, Box 30 )  
WaKeeney, KS 67672 ) MC ID No. 115834

Applicant's Attorney: None

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

I-70 Auto Express & Sales, Inc. )  
 430 E. 13th ) Docket No. 154,478 M  
 Topeka, KS 66607 )

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Vehicles, boats, motorcycles, recreational vehicles, trailers, airplanes and wrecked and disabled vehicles, boats, recreational vehicles, motorcycles and trailers and airplanes,*

Between all points and places in Kansas.

\*\*\*\*\*

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

Nick A. Haffner, ) Docket No. 154,481 M  
 A. Brent Haffner and )  
 Rodney E. Haffner, dba )  
 Haffner and Sons )  
 Harvesting & Trucking )  
 Route 1, Box 10 )  
 Park, KS 67751 )

Applicant's Attorney: None

*Livestock and grain,*

Between all points and places in Sheridan, Gove, Graham, Trego, Logan, Thomas, Decatur and Norton counties, Kansas.

Also,

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

\*\*\*\*\*

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

Mercedes Trucking, Inc. ) Docket No. 154,484 M  
 608 W. 8th )  
 Box 837 )  
 Winfield, KS 67156 )

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

*Grain, feed, feed ingredients, salt, fertilizer and fertilizer ingredients,*

Between points in Chautauqua, Elk, Greenwood, Cowley, Butler, Sumner and Sedgwick counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

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

Jerry W. Lawson, dba ) Docket No. 154,465 M  
 United Courier Co. )  
 11552 Carter )  
 Overland Park, KS 66210 )

Applicant's Attorney: Donald Hoffman, 314 W. 7th, Topeka, KS 66603

*General commodities (except those of unusual value, classes A and B explosives, household goods, commodities in bulk, commodities requiring special equipment and commodities injurious to other lading),*

From, to and between all points and places within the state of Kansas, subject to the following restrictions:

1. No service shall be rendered in the transportation of any package or article weighing more than 75 pounds or exceeding 108 inches in length and girth combined, and each separate and distinct shipment.
2. No service shall be rendered in the transportation of packages or articles weighing in the aggregate more than 500 pounds from any one consignor on any one day.

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Applications set for April 2, 1987

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

C. Leon Jordan, dba ) Docket No. 154,483 M  
 Westhaven Mobile Home )  
 Transporting )  
 Route 1 )  
 Garden City, KS 67846 )

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

*Mobile, modular, and prefabricated homes and buildings, and materials and supplies used in the manufacture and distribution of mobile, modular, and prefabricated homes and buildings,*

Between points in Kansas.

\*\*\*\*\*

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

Don Schepmann, Jr., dba ) Docket No. 147,070 M  
 Schepmann Cattle Co. )  
 Box 363 )  
 Claflin, KS 67525 ) MC ID No. 122288

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

*Livestock, grain, dry feed, dry feed ingredients, dry fertilizer and dry fertilizer ingredients,*

Between points in Ford, Edwards, Kiowa, Stafford, Pratt, Rice, Reno, Kingman, Saline, McPherson and Sedgwick counties, Kansas, on the one hand, and on the other, all points and places in Kansas.

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(continued)

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

Raymond Wurtz, dba ) Docket No. 154,479 M  
Wurtz Trucking )  
Route 1, Box 109 )  
Clifton, KS 66937 )

Applicant's Attorney: None

*Grain, fertilizer and livestock,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Lambert Heiman, dba ) Docket No. 153,725 M  
Lambert Heiman Trucking )  
Route 3 )  
Seneca, KS 66538 ) MC ID No. 126,826

Applicant's Attorney: Micheal Ireland, P.O. Box 308,  
Holton, KS 66436

*Grain, livestock and farm products,*

Between points and places in the counties of Jack-  
son, Nemaha, Brown, Doniphan, Atchison, Jefferson,  
Douglas, Shawnee, Riley, Marshall, Pottawatomie,  
Wabaunsee and Leavenworth.

Also,

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

\*\*\*\*\*

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

James A. Gross, dba ) Docket No. 154,480 M  
Classics Body Shop and )  
Used Cars )  
649 Main )  
Osawatomie, KS 66064 )

Applicant's Attorney: None

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

Between all points and places in Bourbon, Linn,  
Anderson, Franklin, Miami, Johnson and Wyandotte  
counties, Kansas.

Also,

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

\*\*\*\*\*

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

Hermes Trucking, Inc. ) Docket No. 44,440 M  
Route 1, Box 195 ) Docket No. 29,971 M  
Mt. Hope, KS 67108 ) MC ID No. 100267

Applicant's Attorney: None

\*\*\*\*\*

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

Daniel Stecklein and ) Docket No. 57,683 M  
Duane Stecklein, dba )  
Stecklein Tank Service )  
HC-32, Box 384 )  
Hays, KS 67601 ) MC ID No. 100558

Applicant's Attorney: None

\*\*\*\*\*

Applications set for April 14, 1987

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

Lowry's Lease ) Docket No. 154,486  
Management, Inc., dba )  
Western Kansas Roustabout )  
P.O. box 1869 )  
Liberal, KS 67901 )

Applicant's Attorney: John Jandera, 1610 S.W. Topeka  
Blvd., Topeka, KS 66612

*Oilfield equipment and supplies, machinery, fresh  
water, salt water, crude oil and chemicals when used  
in the discovery and production of oil and gas,*

Between points and places lying on and west of U.S.  
281 and on the south of K-96.

Also,

Between points in above described area, on the one  
hand, and on the other, points and places in Kansas.

\*\*\*\*\*

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

Bittersweet Enterprises, ) Docket No. 154,485 M  
Inc. )  
6847 Anderson Ave. )  
Manhattan, KS 66502 )

Applicant's Attorney: Clyde Christey, Southwest  
Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS  
66614

*Houses, buildings and movable structures,*

Between points and places in the state of Kansas.

\*\*\*\*\*

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

Orvil Lee Vanhooose, dba ) Docket No. 154,487 M  
O & P Truck Service )  
108 N. Washington )  
Plainville, KS 67663 )

Applicant's Attorney: John Jandera, 1610 S.W. Topeka  
Blvd., Topeka, KS 66612

*Oilfield equipment and supplies, machinery, iron  
and steel articles,*

Between points and places in Kansas.

\*\*\*\*\*



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

William L. Murr, dba ) Docket No. 154,482 M  
 Murrfield Farms Supply )  
 Co. )  
 Route 1, Box 173 )  
 McLouth, KS 66054 )

Applicant's Attorney: None

*Grain, hay, livestock, soybean meal, fertilizer machinery and tanks,*

Between all points and places in Kansas.

\*\*\*\*\*

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

Miller Trucking, Ltd. ) Docket No. 29,258 M  
 P.O. Box 283 )  
 LaCrosse, KS 67548 ) MC ID No. 116622

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Grain, livestock, dry feed, dry feed ingredients, salt, dry fertilizer, seeds, machinery, iron and steel articles, construction and building materials, hay, drilling mud and fencing materials,*

Between points and places in Wyandotte, Shawnee, Lyon, Sedgwick, Wallace, Logan, Gove, Trego, Ellis, Russell, Ellsworth, Saline, Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Rice, Pawnee, Hamilton, Kearny, Finney, Hodgeman, Edwards, Stafford, Reno, Gray, Ford, Kiowa, Stanton, Grant, Haskell, Morton, Stevens, Seward, Meade, Clark and Comanche counties.

Also,

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

\*\*\*\*\*

**Applications set for April 16, 1987**

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

Mid-State Trucking, Inc. ) Docket No. 154,840 M  
 Route 1, Box 128 )  
 Scandia, KS 66966 )

Applicant's Attorney: Robert Tilton, 1324 Topeka Blvd., P.O. Box 1337, Topeka, KS 66601

*Livestock, grain, processed feed and feed supplements,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

AA Contract Carriers, Inc. ) Docket No. 154,488 M  
 1126 N. Cherry )  
 Ottawa, KS 66067 )

Applicant's Attorney: Shelley Hickman Clark, 121 W. 3rd, P.O. Box 787, Ottawa, KS 66067

*Manufactured housing units (mobile homes, house trailers and pre-fab homes), and materials and supplies used in the construction and furnishing of manufactured housing units,*

Between all points and places in the state of Kansas.

\*\*\*\*\*

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

Gary L. Holthaus ) Docket No. 154,844 M  
 503 Clifton )  
 Box 113 )  
 Onaga, KS 66521 )

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

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

Between points in that portion of Kansas on, north, and east of U.S. 81 and U.S. 50, on the one hand, and on the other, all points and places in Kansas.

\*\*\*\*\*

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

Kansas Feeds, Inc. ) Docket No. 154,843 M  
 1110 E. Trail St. )  
 Box 1524 )  
 Dodge City, KS 67801 )

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Grain, feed, feed ingredients and fertilizers (except anhydrous ammonia),*

Between points and places on and west of U.S. 81 and I-135.

Also,

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

\*\*\*\*\*

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

Barney Rogers Dirt ) Docket No. 147,565 M  
 Contractor, Inc. )  
 Route 3, Box 492 )  
 Ulysses, KS 67880 ) MC ID No. 122298

Applicant's Attorney: Clyde Christey, Southwest Plaza Building, Suite 202, 3601 W. 29th, Topeka, KS 66614

*Oilfield equipment, materials, machinery and supplies,*

Between points and places in Hamilton, Kearny, Finney, Stanton, Grant, Haskell, Morton, Stevens, Seward, Meade and Clark counties, Kansas.

(continued)

Also,

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

\*\*\*\*\*

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

Lester L. Heupel, dba ) Docket No. 154,842 M  
Les's Kerr-McGee )  
K-24 East at I-70 )  
Goodland, KS 67735 )

Applicant's Attorney: Jeffery Mason, 214 E. 10th, P.O.  
Box 767, Goodland, KS 67735-0767

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

Between all points and places in Cheyenne, Sherman, Wallace and Thomas counties, Kansas.

Also,

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

\*\*\*\*\*

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

Thomas L. Jacobs, dba ) Docket No. 154,841 M  
Santa Fe Trail Glass Co. )  
West Hwy. 50 )  
Dodge City, KS 67801 )

Applicant's Attorney: None

*Glass,*

Between all points and places in Greeley, Wichita, Scott, Lane, Ness, Rush, Barton, Hamilton, Kearny, Finney, Hodgeman, Pawnee, Stanton, Grant, Haskell, Gray, Ford, Edwards, Stafford, Kiowa, Pratt, Morton, Stevens, Seward, Meade, Clark, Comanche and Barber counties, Kansas.

\*\*\*\*\*

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

Stagecoach Charters, Inc. ) Docket No. 153,741 M  
H-3 Happy Homes )  
Dodge City, KS 67801 )

Applicant's Attorney: Larry Gregg, 3401 S.W.  
Harrison, Topeka, KS 66611

*Passengers and light hand baggage,*

Between all points and places in Kansas.

\*\*\*\*\*

Applications set for April 21, 1987

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

Turnbull Truckline, Inc. ) Docket No. 57,560 M  
Route 1 )  
Axtell, KS 66403 ) MC ID No. 100525

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

*General commodities (except classes A and B explosives, household goods, hazardous materials in bulk as defined in 49 CFR Section 172.101), farm products, processed and unprocessed feed, livestock, fertilizer, farm machinery, food and related products and building materials,*

Between points and places from the Nebraska line south on K-283 to K-24; east on K-24 to K-81, south on K-81 to K-56; east on K-56 to K-61; south on K-61 to K-50; east on K-50 to I-135; east on I-35 to the Kansas border.

Also,

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

\*\*\*\*\*

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

Murphy Trucking Co., Inc. ) Docket No. 29,857 M  
Route 5, Box 11BB )  
Emporia, KS 66801 ) MC ID No. 100249  
TO:

Golden Plains Trucking, Inc.  
Box 1056  
Hays, KS 67601

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

*Livestock,*

Between points and places within a 75-mile radius of Emporia, Kansas.

Also,

Between points and places within a 75-mile radius of Emporia, Kansas, on the one hand, and points and places in the state of Kansas, on the other hand.

\*\*\*\*\*

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

Golden Plains Trucking, ) Docket No. 75,897 M  
Inc. )  
P.O. Box 1056 )  
Hays, KS 67601 ) MC ID No. 116955

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

*Livestock,*

Between all points and places in the counties of Norton, Phillips, Lincoln, Barton, Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Sheridan, Graham, Rooks, Osborne, Mitchell, Cloud, Clay, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Gove, Trego, Ellis, Russell, Ellsworth, Ottawa, Saline, Geary, Riley, Shawnee, Douglas, Ness, Rush, Dickinson, Wabaunsee, Morris, Osage, Franklin, Miami, McPherson, Marion, Chase, Lyon, Coffey, Anderson, Linn, Sedgwick, Butler, Greenwood, Woodson, Allen, Bourbon, Elk, Wilson,

Neosho, Crawford, Sumner, Cowley, Chautauqua, Montgomery, Labette, Cherokee, Decatur, Scott, Lane, Finney, Hodgeman, Ford, Pawnee, Edwards, Stafford and Wyandotte.

Also,

Between all points and places in said counties and all points and places in the state of Kansas.

*Farm machinery and implements,*

Between all points and places in the counties of Phillips, Smith, Graham, Rooks, Osborne, Trego, Ellis, Russell, Barton, Thomas, Sedgwick, Saline and Wyandotte.

Also,

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

*Building materials and cement blocks,*

Between all points and places in the counties of Phillips, Smith, Graham, Rooks, Osborne, Trego, Ellis, Russell and Saline.

Also,

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

*Feeds, dry fertilizer, seeds, hay, grain and straw,*

Between all points and places in the counties of Norton, Phillips, Smith, Jewell, Sheridan, Graham, Rooks, Osborne, Trego, Mitchell, Gove, Ellis, Russell, Lincoln, Barton, Ness, Rush, Sedgwick and Wyandotte.

Also,

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

*Coal,*

Between all points and places in the counties of Phillips, Smith, Graham, Rooks, Osborne, Trego, Ellis and Russell.

Also,

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

*Salt,*

Between all points and places in the counties of Phillips, Smith, Graham, Rooks, Osborne, Trego, Ellis, Russell, Ellsworth and Reno.

Also,

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

\*\*\*\*\*

WILLIAM E. GREEN  
Administrator  
Transportation Division

(Published in the KANSAS REGISTER, March 19, 1987.)

HOUSE BILL No. 2043

AN ACT establishing a state lottery; providing for the administration and regulation thereof; amending K.S.A. 21-4302, 41-308, 74-2424, 74-5602, 75-4706, 79-3234 and 79-32,109 and K.S.A. 1986 Supp. 12-4516, 21-4619, 75-3732 and 79-3606 and repealing the existing sections.

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

New Section 1. Sections 1 through 21 shall be known as and may be cited as the Kansas lottery act.

New Sec. 2. As used in this act, unless the context otherwise requires:

- (a) "Commission" means the Kansas lottery commission.
- (b) "Executive director" means the executive director of the Kansas lottery.
- (c) "Kansas lottery" means the state agency created by this act to operate a lottery or lotteries pursuant to this act.
- (d) "Lottery retailer" means any person with whom the Kansas lottery has contracted to sell lottery tickets or shares, or both, to the public.
- (e) "Lottery" or "state lottery" means the lottery or lotteries operated pursuant to this act.
- (f) "Major procurement" means any gaming product or service, including but not limited to facilities, advertising and promotional services, annuity contracts, prize payment agreements, consulting services, equipment, tickets and other products and services unique to the Kansas lottery, but not including materials, supplies, equipment and services common to the ordinary operations of state agencies.
- (g) "Person" means any natural person, association, corporation or partnership.
- (h) "Share" means any intangible manifestation authorized by the Kansas lottery to prove participation in a lottery game.
- (i) "Ticket" means any tangible evidence issued by the Kansas lottery to prove participation in a lottery game.
- (j) "Vendor" means any person who has entered into a major procurement contract with the Kansas lottery.

New Sec. 3. (a) There is hereby established an independent state agency to be called the Kansas lottery, the head of which shall be the executive director of the Kansas lottery. Under the supervision of the executive director, the Kansas lottery shall administer the state lottery as provided in this act. The overall management of the state lottery and control over the operation of its games shall rest solely with the Kansas lottery.

(b) The executive director shall be appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto. The executive director shall be in the unclassified service and shall receive an annual salary fixed by the governor, subject to the limitations of appropriations therefor.

(c) The executive director shall appoint persons to the following positions to serve as full-time employees of the state in the unclassified service with compensation fixed by the executive director and approved by the governor, subject to the limitations of appropriations therefor:

- (1) A deputy executive director;
- (2) a director of security;
- (3) a director of administration;
- (4) a director of marketing and such professional marketing and sales related positions as may be necessary within the marketing division; and
- (5) one personal secretary and one special assistant to the executive director.

(d) Until such time as the Kansas lottery begins the operation of its games, temporary staffing, budgeting, purchasing and related management functions shall be provided by the Kansas department of revenue and other state agencies as directed by the governor to achieve maximum coordination in the planning and implementation of the Kansas lottery.

(e) For a period of 18 months after the effective date of this act, the state director of purchases, upon request of the executive director, shall make emergency purchases, other than purchases of major procurements, on behalf of the Kansas lottery pursuant to subsection (a)(5) of K.S.A. 75-3739 and amendments thereto

(continued)

when the timely implementation of the Kansas lottery requires the immediate delivery of supplies, materials or equipment or the immediate performance of services. The award of any contract for any such purchase shall be subject to the approval of the executive director.

New Sec. 4. The executive director shall have the power to:

(a) Supervise and administer the operation of the state lottery in accordance with the provisions of this act and such rules and regulations as adopted hereunder.

(b) Appoint, subject to the Kansas civil service act and within the limitations of appropriations therefor, all other employees of the Kansas lottery, which employees shall be in the classified service unless otherwise specifically provided by this act.

(c) Enter into contracts for such promotional services; annuities or other methods deemed appropriate for the payment of prizes; data processing and other technical products, equipment and services; and facilities as needed to operate the Kansas lottery, including but not limited to gaming equipment, tickets and other services involved in major procurement contracts, in accordance with section 5.

(d) Enter into contracts with persons for the sale of lottery tickets or shares to the public, as provided by this act and rules and regulations adopted pursuant to this act, which contracts shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(e) Require lottery retailers to furnish proof of financial stability or furnish surety in an amount based upon the expected volume of sales of lottery tickets or shares.

(f) Examine, or cause to be examined by any agent or representative designated by the executive director, any books, papers, records or memoranda of any lottery retailer for the purpose of ascertaining compliance with the provisions of this act or rules and regulations adopted hereunder.

(g) Issue subpoenas to compel access to or for the production of any books, papers, records or memoranda in the custody or control of any lottery retailer, or to compel the appearance of any lottery retailer or employee of any lottery retailer, for the purpose of ascertaining compliance with the provisions of this act or rules and regulations adopted hereunder. Subpoenas issued under the provisions of this subsection may be served upon natural persons and corporations in the manner provided in K.S.A. 60-304 and amendments thereto for the service of process by any officer authorized to serve subpoenas in civil actions or by the executive director or an agent or representative designated by the executive director. In the case of the refusal of any person to comply with any such subpoena, the executive director may make application to the district court of any county where such books, papers, records, memoranda or person is located for an order to comply.

(h) Administer oaths and take depositions to the same extent and subject to the same limitations as would apply if the deposition were in aid of a civil action in the district court.

(i) Require fingerprinting of employees and such other persons who work in sensitive areas within the lottery as deemed appropriate by the director. The director may submit such fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purposes of verifying the identity of such employees and persons and obtaining records of their criminal arrests and convictions.

New Sec. 5. (a) Major procurement contracts shall be awarded in accordance with K.S.A. 75-3738 through 75-3744, and amendments thereto, or subsection (b), as determined by the director, except that:

(1) The contract or contracts for the initial lease of facilities for the Kansas lottery shall be awarded upon the evaluation and approval of the director, the secretary of administration and the director of architectural services;

(2) The commission shall designate certain major procurement contracts or portions thereof to be awarded, in accordance with rules and regulations of the commission, solely to minority business enterprises.

(b) The director may award any major procurement contract by use of a procurement negotiating committee. Such committee shall be composed of: (1) The executive director or a Kansas

lottery employee designated by the executive director; (2) the chairperson of the commission or a commission member designated by the chairperson; and (3) the director of the division of purchases or an employee of such division designated by the director. Prior to negotiating a major procurement contract, the committee shall solicit bids or proposals thereon. The division of purchases shall provide staff support for the committee's solicitations. Upon receipt of bids or proposals, the committee may negotiate with one or more of the persons submitting such bids or proposals and select from among such persons the person to whom the contract is awarded. Such procurements shall be open and competitive and shall consider relevant factors, including security, competence, experience, timely performance and maximization of net revenues to the state. If a procurement negotiating committee is utilized, the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, shall not apply. Meetings conducted by the procurement negotiating committee shall be exempt from the provisions of the Kansas open meeting act, K.S.A. 75-4317 through 75-4320a, and amendments thereto.

(c) Before a major procurement contract is awarded, the executive director shall conduct a background investigation of: (1) The vendor to whom the contract is to be awarded; (2) all officers and directors of such vendor; (3) all persons who own a 5% or more interest in such vendor; (4) all persons who own a controlling interest in such vendor; and (5) any subsidiary or other business in which such vendor owns a controlling interest. The vendor shall submit appropriate investigation authorizations to facilitate such investigation. The executive director may require, in accordance with rules and regulations of the commission, that a vendor submit any additional information considered appropriate to preserve the integrity and security of the lottery. In addition, the executive director may conduct a background investigation of any person having a beneficial interest in a vendor. The secretary of revenue, securities commissioner, attorney general and director of the Kansas bureau of investigation shall assist in any investigation pursuant to this subsection upon request of the executive director. Whenever the secretary of revenue, securities commissioner, attorney general or director of the Kansas bureau of investigation assists in such an investigation and incurs costs in addition to those attributable to the operations of the office or bureau, such additional costs shall be paid by the Kansas lottery. The furnishing of assistance in such an investigation shall be a transaction between the Kansas lottery and the respective officer and shall be settled in accordance with K.S.A. 75-5516 and amendments thereto.

(d) All major procurement contracts shall be subject to approval of the commission.

New Sec. 6. The executive director shall have the duty to:

(a) Make and keep books and records which accurately and fairly reflect each day's transactions, including but not limited to: The distribution of tickets and shares to lottery retailers; receipt of funds, prize claims, prize disbursements or prizes liable to be paid; expenses and other financial transactions of the Kansas lottery necessary so as to permit daily accountability.

(b) Make quarterly and annual financial reports to the commission, the governor, the state treasurer and the legislature. Such reports shall be based upon generally accepted accounting principles and include a full and complete statement of lottery revenues, prize disbursements, expenses, net revenues and other financial transactions for the reporting period.

(c) Make available for inspection by the commission, upon request, all books, records, files and other information and documents of the Kansas lottery.

(d) Engage, in accordance with section 5, an independent firm experienced in security procedures, including but not limited to computer security and systems security, to periodically conduct a comprehensive study and evaluation of all aspects of security in the operation of the Kansas lottery.

(e) Engage, in accordance with section 5, an independent firm experienced in marketing research and analysis to periodically conduct an evaluation to determine the effectiveness of marketing, promotion and public information programs used by the Kansas lottery and make recommendations which will enhance such programs.

(f) Prepare and submit budgets and proposals for the operation of the Kansas lottery.

(g) Operate the Kansas lottery in such a manner that, after the initial state appropriation, it is self-sustaining and self-funded.

(h) Make available at the point of sale of any lottery tickets or shares a list of the odds of winning such game, based upon the number of tickets or shares projected to be sold.

(i) Make provision for the timely and efficient transfer of funds due from lottery retailers to the lottery operating fund, including the use of electronic funds transfers whenever possible.

New Sec. 7. The accounts and transactions of the Kansas lottery and the Kansas lottery commission shall be subject to an annual financial-compliance audit, and such other audits as directed by the legislative post audit committee, under the legislative post audit act. The annual audit shall be conducted as soon after the close of the fiscal year as practicable. The post auditor shall annually compute the reasonably anticipated cost of providing audits pursuant to this section, subject to review and approval by the contract audit committee established by K.S.A. 46-1120 and amendments thereto. Upon such approval, the Kansas lottery shall reimburse the division of post audit for the amount approved by the contract audit committee. The furnishing of audit services pursuant to this section shall be a transaction between the post auditor and the Kansas lottery and shall be settled in accordance with the provisions of K.S.A. 75-5516 and amendments thereto.

New Sec. 8. (a) The executive director shall select as lottery retailers such persons as deemed best able to serve the public convenience and promote the sale of tickets or shares in accordance with marketing plans developed by the Kansas lottery. In the selection of lottery retailers, the executive director shall consider factors such as financial responsibility, security of the applicant's place of business or activity, accessibility of the applicant's place of business or activity, integrity, reputation, volume of expected sales and such other factors as the executive director may deem appropriate. Persons lawfully engaged in nongovernmental business on state property may be selected as lottery retailers.

(b) The executive director may charge an application fee to persons applying to become lottery retailers.

(c) All lottery retailer contracts awarded by the Kansas lottery under this act shall be renewable annually after issuance unless sooner canceled or terminated.

(d) No lottery retailer contract awarded under this act shall be transferred or assignable.

(e) Each lottery retailer shall be issued a lottery retailer certificate which shall be conspicuously displayed at the place where the lottery retailer is authorized to sell lottery tickets or shares.

(f) Lottery tickets or shares shall only be sold by the lottery retailer at the location stated on the lottery retailer certificate.

(g) To be selected as a lottery retailer, a natural person acting as a sole proprietor must:

(1) Be at least 18 years of age;

(2) have sufficient financial resources to support the activities required to sell lottery tickets or shares;

(3) be current in payment of all taxes, interest and penalties owed to any taxing subdivision where the lottery retailer will sell lottery tickets or shares;

(4) be current in filing all applicable tax returns and in payment of all taxes, interest and penalties owed to the state of Kansas, excluding items under formal appeal pursuant to applicable statutes; and

(5) not be engaged exclusively in the sale of lottery tickets and shares.

(h) No natural person shall be selected as a lottery retailer who:

(1) Has been convicted of a felony in this or any other jurisdiction, unless at least 10 years have passed since satisfactory completion of the sentence or probation imposed by the court for each such felony;

(2) has been convicted of an illegal gambling activity in this or any other jurisdiction;

(3) has been found to have violated the provisions of this act or any rule and regulation adopted hereunder;

(4) is a vendor or an employee or agent of any vendor doing business with the Kansas lottery;

(5) resides in the same household of an employee of the Kansas lottery or of a member of the commission; or

(6) has made a statement of material fact to the Kansas lottery, knowing such statement to be false.

(i) For a partnership to be selected as a lottery retailer, the partnership must meet the requirements of subsections (g)(2), (g)(3), (g)(4) and (g)(5) and each partner must meet the requirements of subsections (g)(1), (g)(3), (g)(4) and (h)(1) through (h)(6).

(j) For a corporation to be selected as a lottery retailer, the corporation must meet the requirements of subsections (g)(2), (g)(3), (g)(4) and (g)(5) and each officer or director and each stockholder who owns 5% or more of the stock of such corporation must meet the requirements of subsections (g)(3), (g)(4) and (h)(1) through (h)(6).

(k) For an unincorporated association to be selected as a lottery retailer, the association must meet the requirements of subsections (g)(2), (g)(3), (g)(4) and (g)(5) and each officer or director must meet the requirements of subsections (g)(1), (g)(3), (g)(4) and (h)(1) through (h)(6).

(l) If a lottery retailer's rental payments for the business premises are contractually computed, in whole or in part, on the basis of a percentage of retail sales, and such computation of retail sales is not explicitly defined to include sale of tickets or shares in a state-operated lottery, the compensation received by the lottery retailer from the lottery shall be considered the amount of the retail sale for purposes of computing the rental payment.

New Sec. 9. (a) There is hereby created the Kansas lottery commission, which shall be composed of five members who shall be appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b and amendments thereto. All members of the commission shall be citizens of the United States and residents of this state. Not more than three of the five members shall be members of the same political party. A chairperson of the commission shall be designated by the governor from the membership of the commission.

(b) The members of the commission shall serve for terms of four years and until their successors are appointed and qualified, except that the members first appointed shall serve for terms designated by the governor as follows: One member shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years and two shall serve for terms of four years. Any vacancy occurring in the membership of the commission shall be filled in the same manner as the original appointment for the remainder of the unexpired term.

(c) The commission shall hold at least four regular meetings each year and such additional meetings as the chairperson deems desirable. Special meetings shall be called by the chairperson upon written request of the executive director or any three members of the commission. All meetings shall be held at a place and time fixed by the chairperson. A majority of the members of the commission shall constitute a quorum to transact its business.

(d) The commission shall consult with and advise the executive director relating to the operation of the state lottery, shall assist the director in the establishment of policies and shall review and approve the proposed annual budget for the Kansas lottery prepared by the executive director, subject to all state laws governing budget procedures for state agencies.

(e) The commission, in conjunction with the executive director, shall make an ongoing study of the operation and administration of lotteries in operation in other states or countries, of available literature on the subject, of federal laws and regulations which may affect the operation of the lottery and of the reaction of citizens of this state to existing or proposed features of lottery games, with a view toward implementing improvements that will tend to serve the purposes of this act.

(f) Major procurements recommended by the executive director shall be subject to the approval of the commission.

(g) The commission may enter into written agreements with

(continued)

one or more other states for the operation, marketing and promotion of a joint lottery or joint lottery games, conforming to the provisions of this act, which agreements shall not be subject to the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(h) Members of the commission attending meetings of the commission or subcommittee meetings thereof approved by the commission shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto.

New Sec. 10. The commission, upon the recommendation of the executive director, shall adopt rules and regulations governing the establishment and operation of a state lottery as necessary to carry out the purposes of this act. Temporary rules and regulations may be adopted by the commission without being subject to the provisions and requirements of K.S.A. 77-415 through 77-438, and amendments thereto, but shall be subject to approval by the attorney general as to legality and shall be filed with the revisor of statutes and published in the Kansas register. Temporary and permanent rules and regulations may include but shall not be limited to:

(a) The types of lottery games to be conducted, including but not limited to instant lottery, on-line and traditional games.

(b) The manner of selecting the winning tickets or shares, except that, if a lottery game utilizes a drawing of winning numbers, a drawing among entries or a drawing among finalists, such drawings shall always be open to the public and shall be recorded on both video and audio tape.

(c) The manner of payment of prizes to the holders of winning tickets or shares.

(d) The frequency of the drawings or selections of winning tickets or shares.

(e) The type or types of locations at which tickets or shares may be sold.

(f) The method or methods to be used in selling tickets or shares.

(g) Additional qualifications for the selection of lottery retailers and the amount of application fees to be paid by each.

(h) The amount and method of compensation to be paid to lottery retailers, including special bonuses and incentives.

(i) Deadlines for claims for prizes by winners of each lottery game.

(j) Provisions for confidentiality of information submitted by vendors pursuant to section 5.

(k) Information required to be submitted by vendors, in addition to that required by section 5.

(l) The major procurement contracts or portions thereof to be awarded to minority business enterprises pursuant to subsection (a) of section 5 and procedures for the award thereof.

New Sec. 11. (a) There is hereby established in the state treasury the lottery operating fund.

(b) The executive director shall remit at least weekly to the state treasurer all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery. Upon receipt of any such remittance, the state treasurer shall deposit the entire amount thereof in the state treasury and credit it to the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery; all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications, and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

(2) the payment of compensation to lottery retailers;

(3) transfers of moneys to the lottery prize payment fund pursuant to section 12;

(4) transfers to the state general fund pursuant to section 13;

(5) transfers to the state gaming revenues fund pursuant to subsection (d).

(d) The state treasurer shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 1986 Supp. 79-4801 and amendments thereto at least quarterly as follows:

(1) For the fiscal year commencing July 1, 1987, in an amount equal to the moneys in such fund in excess of those needed for the purposes described in subsections (c)(1) through (c)(4), as certified by the executive director; and

(2) for fiscal years commencing on or after July 1, 1988, in an amount equal to the amount specified by subsection (d)(1) or an amount equal to not less than 30% of total revenues from the sales of lottery tickets and shares during the fiscal year, whichever is greater.

New Sec. 12. (a) There is hereby established in the state treasury the lottery prize payment fund.

(b) The executive director shall certify periodically to the director of accounts and reports such amounts as the executive director determines necessary to pay prizes to the holders of valid winning lottery tickets or shares. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified from the lottery operating fund to the lottery prize payment fund. Moneys credited to the fund shall be expended only for the payment of prizes to the holders of valid winning lottery tickets or shares. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports, or a person designated by the director of accounts and reports pursuant to K.S.A. 75-3732 and amendments thereto, issued pursuant to vouchers approved by the executive director, or a person designated by the executive director.

New Sec. 13. (a) Any appropriation or transfer of state general fund moneys for the operation of the Kansas lottery and other expenses incurred in connection with the conduct of lotteries pursuant to this act shall be considered a loan and shall be repaid with interest to the state general fund in one payment not later than 24 months from the effective date of the appropriation or transfer of such general fund moneys. Such loan shall not be considered an indebtedness or debt of the state within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Such loan shall bear interest at a rate equal to the rate prescribed by K.S.A. 75-4210 and amendments thereto for inactive accounts of the state effective on the first day of the month during which the appropriation or transfer takes effect.

(b) At the time of repayment of a loan pursuant to subsection (a), the executive director shall certify to the director of accounts and reports the amount to be repaid and any interest due thereon. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified from the lottery operating fund to the state general fund.

(c) Except as provided by subsection (a), moneys credited to the state general fund shall not be used or obligated to pay the expenses of the Kansas lottery or prizes of the lottery and no claim for the payment of an expense of the lottery or the payment of a lottery prize shall be made against any moneys other than moneys credited to the lottery operation fund, moneys credited to the lottery prize payment fund or moneys collected from the sale of lottery tickets or shares.

New Sec. 14. (a) Employees of the Kansas lottery designated by the executive director are hereby vested with the power and authority of law enforcement officers in the execution of the duties imposed upon the executive director by this act and in enforcing the provisions of this act.

(b) Employees designated by the executive director pursuant to subsection (a) shall have the authority to:

(1) Make arrests, conduct searches and seizures and carry firearms while investigating violations of this act and during routine conduct of their duties as determined by the executive director or designee of the executive director;

(2) make arrests, conduct searches and seizures and generally

to enforce all the criminal laws of the state as violations of those laws are encountered by such employees during the routine performance of their duties; and

(3) issue notices to appear pursuant to K.S.A. 22-2408 and amendments thereto.

(c) No employee of the Kansas lottery shall be certified to carry firearms under the provisions of this section without having first successfully completed the firearm training course or courses prescribed for law enforcement officers under subsection (a) of K.S.A. 74-5604a and amendments thereto.

(d) The commission may adopt rules and regulations prescribing other training required for such employees.

New Sec. 15. The attorney general shall appoint, with the approval of the executive director, an assistant attorney general who shall be assigned exclusively to assist the Kansas lottery in the enforcement of the criminal and civil provisions of this act. Such attorney shall receive an annual salary fixed by the attorney general with the approval of the executive director. Such salary shall be paid by the Kansas lottery.

New Sec. 16. (a) It is unlawful for the executive director, a member of the commission or any employee of the Kansas lottery, or any person residing in the household thereof to:

(1) Have, either directly or indirectly, an interest in a business knowing that such business contracts with the Kansas lottery for a major procurement, whether such interest is as a natural person, partner, member of an association, stockholder or director or officer of a corporation; or

(2) accept or agree to accept any economic opportunity, gift, loan, gratuity, special discount, favor or service, or hospitality other than food and beverages, having an aggregate value of \$20 or more in any calendar year from a person knowing that such person (A) contracts or seeks to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery or (B) is a lottery retailer or an applicant for lottery retailer.

(b) It is unlawful for a lottery retailer, an applicant for lottery retailer or a person who contracts or seeks to contract with the state to supply gaming equipment, materials, tickets or consulting services for use in the lottery to offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor or service, or hospitality other than food and beverages, having an aggregate value of \$20 or more in any calendar year to a person, knowing such person is the executive director, a member of the commission or an employee of the Kansas lottery, or a person residing in the household thereof.

(c) Violation of this section is a class A misdemeanor.

(d) If the executive director, a member of the commission or an employee of the Kansas lottery, or any person residing in the household thereof, is convicted of an act described by this section, such executive director, member or employee shall be removed from office or employment with the Kansas lottery.

(e) In addition to the provisions of this section, all other provisions of law relating to conflicts of interest of state employees shall apply to the members of the commission and employees of the Kansas lottery.

New Sec. 17. (a) It is unlawful to falsely make, alter, forge, pass or counterfeit, with intent to defraud, a lottery ticket or share, or receipt for the purchase thereof, issued or purported to have been issued by the Kansas lottery under this act.

(b) Violation of this section is a class D felony.

New Sec. 18. (a) It is unlawful for:

(1) Any person to sell a lottery ticket or share at a price other than that fixed by the rules and regulations adopted pursuant to this act;

(2) any person other than a lottery retailer authorized by the Kansas lottery to sell or resell any lottery ticket or share; or

(3) any person to sell a lottery ticket or share to any person, knowing such person to be under 18 years of age.

(b) Violation of this section is a class A misdemeanor upon conviction of the first offense and a class D felony upon conviction of a second or subsequent offense.

New Sec. 19. (a) It is unlawful for any person to purchase a lottery ticket or share, or for another to pay a prize to such person, knowing that such person is:

(1) The executive director, a member of the commission or an employee of the Kansas lottery;

(2) an officer or employee of a business which is currently engaged in supplying equipment, supplies or services being used directly in the operation of any lottery conducted pursuant to this act;

(3) a spouse, child, stepchild, brother, stepbrother, sister, stepsister, parent or stepparent of a person described by subsection (a)(1) or (2); or

(4) a person who resides in the same household as any person described by subsection (a)(1) or (2).

(b) Violation of this section is a class A misdemeanor upon conviction of the first offense and a class D felony upon conviction of a second or subsequent offense.

(c) Notwithstanding subsection (a), the executive director may authorize in writing any employee of the Kansas lottery and any employee of a lottery vendor to purchase a lottery ticket for the purposes of verifying the proper operation of the state lottery with respect to security, systems operation and lottery retailer contract compliance. Any prize awarded as a result of such ticket purchase shall become the property of the Kansas lottery and be added to the prize pools of subsequent lottery games.

(d) Nothing in this section shall prohibit lottery retailers or their employees from purchasing lottery tickets and shares or from being paid a prize of a winning ticket or share.

(e) Each person who purchases a lottery ticket or share thereby agrees to be bound by rules and regulations adopted by the commission and by the provisions of this act.

New Sec. 20. (a) As nearly as practical, an amount equal to not less than 45% of the total sales of lottery tickets or shares, computed on an annual basis, shall be allocated for payment of lottery prizes.

(b) The prize to be paid or awarded for each winning ticket or share shall be paid to one natural person who is adjudged by the executive director or the director's designee to be the holder of such winning ticket or share, except that the prize of a deceased winner shall be paid to the duly appointed representative of the estate of such winner or to such other person or persons appearing to be legally entitled thereto.

(c) The executive director shall award the designated prize to the holder of the ticket or share upon the validation of a claim or confirmation of a winning share. The executive director shall have the authority to make payment for prizes by any means deemed appropriate upon the validation of winning tickets or shares.

(d) The right of a person to a prize drawn or awarded is not assignable.

(e) All prizes awarded shall be taxed as Kansas source income and shall be subject to all state and federal income tax laws and rules and regulations. State income taxes shall be withheld from prizes paid in accordance with the provisions of K.S.A. 79-3294 *et seq.*, and amendments thereto, whenever federal income taxes are required to be withheld under current federal law.

(f) Unclaimed prize money not payable directly by lottery retailers shall be retained for the period established by rules and regulations and if no claim is made within such period, then such unclaimed prize money shall be added to the prize pools of subsequent lottery games.

(g) The state of Kansas, members of the commission and employees of the Kansas lottery shall be discharged of all further liability upon payment of a prize pursuant to this section.

New Sec. 21. All sales of lottery tickets and shares shall be exempt from retailers' sales taxes imposed pursuant to K.S.A. 12-187 *et seq.*, and amendments thereto, and from the tax imposed by the Kansas retailers' sales tax act.

Sec. 22. K.S.A. 1986 Supp. 12-4516 is hereby amended to read as follows: 12-4516. (a) Except as provided in subsection (b), any person who has been convicted of a violation of a city ordinance of this state may petition the convicting court for the expungement of such conviction if three or more years have elapsed since the person:

(1) Satisfied the sentence imposed; or

(2) was discharged from probation, parole or a suspended sentence.

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(b) No person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of the violation of a city ordinance which would also constitute:

(1) Vehicular homicide, as defined by K.S.A. 21-3405 and amendments thereto;

(2) a violation of K.S.A. 8-1567 and amendments thereto;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been cancelled, suspended or revoked, as prohibited by K.S.A. 8-262 and amendments thereto;

(4) perjury resulting from a violation of K.S.A. 8-261a and amendments thereto;

(5) a violation of the provisions of the fifth clause of K.S.A. 8-142 and amendments thereto, relating to fraudulent applications;

(6) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604 and amendments thereto; or

(8) a violation of the provisions of K.S.A. 40-3104 and amendments thereto, relating to motor vehicle liability insurance coverage.

(c) When a petition for expungement is filed, the court shall set a date for a hearing thereon and shall give notice thereof to the prosecuting attorney. The petition shall state: (1) The defendant's full name; (2) the full name of the defendant at the time of arrest and conviction, if different than the defendant's current name; (3) the defendant's sex, race, and date of birth; (4) the crime for which the defendant was convicted; (5) the date of the defendant's conviction; and (6) the identity of the convicting court. A municipal court may prescribe a fee to be charged as costs for a person petitioning for an order of expungement pursuant to this section. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas adult authority.

(d) At the hearing on the petition, the court shall order the petitioner's conviction expunged if the court finds:

(1) That the petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) that the circumstances and behavior of the petitioner warrant the expungement; and

(3) that the expungement is consistent with the public welfare.

(e) When the court has ordered a conviction expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the federal bureau of investigation, the Kansas bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the conviction. After the order of expungement is entered, the petitioner shall be treated as not having been convicted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the conviction occurred if asked about previous convictions (A) in any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; with a criminal justice agency, as defined by K.S.A. 22-4701 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services; or (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state; or (C) to aid in determining the petitioner's qualifications for employment with

the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed; and

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged.

(f) Whenever a person is convicted of an ordinance violation, pleads guilty and pays a fine for such a violation or is placed on parole or probation or is given a suspended sentence for such a violation, the person shall be informed of the ability to expunge the conviction.

(g) Subject to the disclosures required pursuant to subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of an offense has been expunged under this statute may state that such person has never been convicted of such offense.

(h) Whenever the record of any conviction has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a criminal justice agency, private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense; or

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged; or

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery.

Sec. 23. K.S.A. 21-4302 is hereby amended to read as follows: 21-4302. (1) A "bet" is a bargain in which the parties agree that, dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

(a) Bona fide business transactions which are valid under the law of contracts including but not limited to contracts for the purchase or sale at a future date of securities or other commodities, and agreements to compensation for loss caused by the happening of the chance including, but not limited to contracts of indemnity or guaranty and life or health and accident insurance;

(b) offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, or endurance or to the bona fide owners of animals or vehicles entered in such a contest;

(c) a lottery as defined in this section;



(d) any bingo game by or for participants managed, operated or conducted in accordance with the laws of the state of Kansas by an organization licensed by the state of Kansas to manage, operate or conduct games of bingo; or

(e) a lottery operated by the state pursuant to the Kansas lottery act.

(2) A "lottery" is an enterprise wherein for a consideration the participants are given an opportunity to win a prize, the award of which is determined by chance. As used in this subsection, a lottery does not include a lottery operated by the state pursuant to the Kansas lottery act.

(3) "Consideration" as used in this section means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant.

Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration.

As used in this subsection, the term "consideration" shall does not include:

(a) Sums of money paid by or for participants in any bingo game managed, operated, or conducted in accordance with the laws of the state of Kansas by any bona fide nonprofit religious, charitable, fraternal, educational or veteran organization licensed to manage, operate, or conduct bingo games under the laws of the state of Kansas and it shall be conclusively presumed that such sums paid by or for said such participants were intended by said such participants to be for the benefit of the sponsoring organizations for the use of such sponsoring organizations, as set forth in the appropriate paragraphs of subsection (c) or in subsection (d) of section 501 of the internal revenue code of 1954, as amended, and as set forth in K.S.A. 79-4701 and amendments thereto; or

(b) sums of money paid by or for participants in any lottery operated by the state pursuant to the Kansas lottery act.

(4) A "gambling device" is a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device.

(5) A "gambling place" is any place, room, building, vehicle, tent or location which is used for any of the following: Making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.

Sec. 24. K.S.A. 1986 Supp. 21-4619 is hereby amended to read as follows: 21-4619. (a) Except as provided in subsections (b) and (c), any person convicted in this state of a traffic infraction, misdemeanor or a class D or E felony may petition the convicting court for the expungement of such conviction if three or more years have elapsed since the person: (1) Satisfied the sentence imposed; or (2) was discharged from probation, parole, conditional release or a suspended sentence.

(b) Except as provided in subsection (c), no person may petition for expungement until five or more years have elapsed since the person satisfied the sentence imposed or was discharged from probation, parole, conditional release or a suspended sentence, if such person was convicted of a class A, B or C felony or:

(1) Vehicular homicide, as defined by K.S.A. 21-3405 and amendments thereto or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) a violation of K.S.A. 8-1567 and amendments thereto, or a violation of any law of another state, which declares to be unlawful the acts prohibited by that statute;

(3) driving while the privilege to operate a motor vehicle on the public highways of this state has been cancelled, suspended or revoked, as prohibited by K.S.A. 8-262 and amendments thereto or as prohibited by any law of another state which is in substantial conformity with that statute;

(4) perjury resulting from a violation of K.S.A. 8-261a and amendments thereto or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(5) violating the provisions of the fifth clause of K.S.A. 8-142 and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which is in substantial conformity with that statute;

(6) any crime punishable as a felony wherein a motor vehicle was used in the perpetration of such crime;

(7) failing to stop at the scene of an accident and perform the duties required by K.S.A. 8-1602, 8-1603 or 8-1604, and amendments thereto, or required by a law of another state which is in substantial conformity with those statutes; or

(8) violating the provisions of K.S.A. 40-3104 and amendments thereto, relating to motor vehicle liability insurance coverage.

(c) There shall be no expungement of convictions for the following offenses: (1) Indecent liberties with a child as defined in K.S.A. 21-3503 and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504 and amendments thereto; (3) aggravated criminal sodomy as defined in K.S.A. 21-3506 and amendments thereto; (4) enticement of a child as defined in K.S.A. 21-3509 and amendments thereto; (5) indecent solicitation of a child as defined in K.S.A. 21-3510 and amendments thereto; (6) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511 and amendments thereto; (7) sexual exploitation of a child as defined in K.S.A. 21-3516 and amendments thereto; (8) aggravated incest as defined in K.S.A. 21-3603 and amendments thereto; (9) endangering a child as defined in K.S.A. 21-3608 and amendments thereto; or (10) abuse of a child as defined in K.S.A. 21-3609 and amendments thereto.

(d) When a petition for expungement is filed, the court shall set a date for a hearing thereon and shall give notice thereof to the prosecuting attorney. The petition shall state: (1) The defendant's full name; (2) the full name of the defendant at the time of arrest and conviction, if different than the defendant's current name; (3) the defendant's sex, race and date of birth; (4) the crime for which the defendant was convicted; (5) the date of the defendant's conviction; and (6) the identity of the convicting court. There shall be no docket fee for filing a petition pursuant to this section. All petitions for expungement shall be docketed in the original criminal action: Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the Kansas adult authority.

(e) At the hearing on the petition, the court shall order the petitioner's conviction expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(f) When the court has ordered a conviction expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the federal bureau of investigation, the Kansas bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the conviction. After the order of expungement is entered, the petitioner shall be treated as not having been convicted of the crime, except that:

(1) Upon conviction for any subsequent crime, the conviction that was expunged may be considered as a prior conviction in determining the sentence to be imposed;

(2) the petitioner shall disclose that the conviction occurred

(continued)

if asked about previous convictions (A) in any application for employment as a detective with a private detective agency, as defined by K.S.A. 75-7b01 and amendments thereto; as security personnel with a private patrol operator, as defined by K.S.A. 75-7b01 and amendments thereto; with a criminal justice agency, as defined by K.S.A. 22-4701 and amendments thereto; or with an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services; ~~or~~ (B) in any application for admission, or for an order of reinstatement, to the practice of law in this state; or (C) to aid in determining the petitioner's qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(g) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime or is placed on parole or probation or is given a suspended sentence or conditional release, the person shall be informed of the ability to expunge the conviction.

(h) Subject to the disclosures required pursuant to subsection (f), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose conviction of a crime has been expunged under this statute may state that such person has never been convicted of such crime, but the expungement of a felony conviction does not relieve an individual of complying with any state or federal law relating to the use or possession of firearms by persons convicted of a felony.

(i) Whenever the record of any conviction has been expunged under the provisions of this section or under the provisions of any other existing or former statute, the custodian of the records of arrest, conviction and incarceration relating to that crime shall not disclose the existence of such records, except when requested by:

(1) The person whose record was expunged;

(2) a criminal justice agency, private detective agency or a private patrol operator, and the request is accompanied by a statement that the request is being made in conjunction with an application for employment with such agency or operator by the person whose record has been expunged;

(3) a court, upon a showing of a subsequent conviction of the person whose record has been expunged;

(4) the secretary of social and rehabilitation services, or a designee of the secretary, for the purpose of obtaining information relating to employment in an institution, as defined in K.S.A. 76-12a01 and amendments thereto, of the department of social and rehabilitation services of any person whose record has been expunged;

(5) a person entitled to such information pursuant to the terms of the expungement order;

(6) a prosecuting attorney, and such request is accompanied by a statement that the request is being made in conjunction with a prosecution of an offense that requires a prior conviction as one of the elements of such offense; ~~or~~

(7) the supreme court, the clerk or disciplinary administrator thereof, the state board for admission of attorneys or the state board for discipline of attorneys, and the request is accompanied by a statement that the request is being made in conjunction with an application for admission, or for an order of reinstatement, to the practice of law in this state by the person whose record has been expunged; or

(8) the Kansas lottery, and the request is accompanied by a statement that the request is being made to aid in determining qualifications for employment with the Kansas lottery or for work in sensitive areas within the Kansas lottery as deemed appropriate by the executive director of the Kansas lottery.

Sec. 25. K.S.A. 41-308 is hereby amended to read as follows: 41-308. (a) A retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, only in the premises specified in such license, alcoholic liquor including beer containing more than ~~3.2 percent of~~ 3.2% alcohol by weight for use or consumption off of and away from the premises specified in such license, but not for resale in any form except to a club licensed pursuant to article 26 of chapter 41 of the Kansas Statutes Annotated. *Except as authorized by subsection (c)*, the holder of a retailer's license shall not sell, offer for sale, or give away or permit to be sold, offered for sale, or given away in or from the premises as specified in such license any service, or thing of value whatsoever except alcoholic liquor in the original package, nor shall ~~he or she~~ a holder of such license furnish any entertainment in such premises or permit any pinball machine or game of skill or chance to be located in or on such premises.

(b) A retailer's license shall allow the licensee to store wine in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such wine to consumers in a chilled condition.

(c) *A holder of a retailer's license who is selected as a lottery retailer may sell lottery tickets and shares to the public in accordance with the provisions of the Kansas lottery act.*

Sec. 26. K.S.A. 74-2424 is hereby amended to read as follows: 74-2424. (a) The secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, or the director of property valuation, information contained in tax reports, renditions or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the tax laws. Such information shall not be used for any other purpose than that of the administration of the tax laws of this or another state or of the United States, except that the post auditor shall have access to all such information in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106 and amendments thereto.

(b) *Notwithstanding the provisions of this section, the secretary of revenue may communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer.*

Sec. 27. K.S.A. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act, unless the context otherwise requires:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas law enforcement training commission, created by K.S.A. 74-5606 and amendments thereto.

(c) "Director" means the dean of the division of continuing education of the university of Kansas.

(d) "Associate director," as created in K.S.A. 74-5603, and amendments thereto, means the associate director of the division of continuing education of the university of Kansas who shall serve as the director of police training at the law enforcement training center.

(e) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; game protectors in the employ of the fish and game commission; park rangers under the jurisdiction of the park and resources authority; campus policemen at all state colleges and universities; law enforcement agents of the director of alcoholic

beverage control; law enforcement agents of the Kansas lottery; deputies and assistants of the state fire marshal having law enforcement authority; capitol area security guards, existing under the authority of K.S.A. 75-4503 and amendments thereto; and railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto. Such term shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the secretary of corrections or the secretary of social and rehabilitation services; any deputy game protector provided for in K.S.A. 74-3302 and amendments thereto; or any employee of a city or county who is employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(f) "Full-time" means employment requiring at least 1,000 hours of work per year.

(g) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of work per year.

Sec. 28. K.S.A. 1986 Supp. 75-3732 is hereby amended to read as follows: 75-3732. (a) Upon determining the amount legally due claimants in accordance with the provisions of K.S.A. 75-3731 and amendments thereto, the director of accounts and reports shall provide for the payment thereof by issuing warrants drawn on the state treasurer or as an alternative, permissive method, in the case of claims for salaries or wages, by utilizing procedures authorized by K.S.A. 75-3733 and amendments thereto. *Except as authorized by subsection (c)*, the director of accounts and reports shall sign and the state treasurer shall cosign all such warrants for money before their delivery by the director of accounts and reports to the persons entitled thereto. Forms for such warrants shall be prescribed by the director of accounts and reports. The director of accounts and reports shall transmit to the state treasurer a duplicate copy of the director's record of all warrants issued by the director.

(b) When the claim as shown to be due any individual payee on any voucher submitted by an agency is less than \$5, no warrant shall be issued by the director of accounts and reports. Claims for amounts less than \$5 shall be paid by an agency from the agency's imprest fund or petty cash fund under procedures prescribed by the director of accounts and reports or as otherwise prescribed by the director.

(c) *The director of accounts and reports may designate one or more persons to sign, on behalf of the director of accounts and reports, warrants which do not exceed \$5,000 for the payment of prizes to the holders of valid winning lottery tickets or shares pursuant to section 12.*

Sec. 29. K.S.A. 75-4706 is hereby amended to read as follows: 75-4706. (a) No state agency, as defined in K.S.A. 75-3701 and amendments thereto, shall lease or, cause to be leased, purchase, contract for, issue a letter of intent to contract for, or cause to be installed, any data processing equipment, including auxiliary equipment; or any data processing programs or systems, without the prior approval of the secretary of administration or specific legislative authorization. The director of accounts and reports shall not issue any warrant in payment for any lease or purchase contract for any data processing equipment, programs and systems acquired without such prior approval or authorization.

(b) All specifications for bids for acquisition of the data processing equipment, including auxiliary equipment and data processing programs and systems, shall be prepared by the director of information systems and communications, under the supervision

of the secretary of administration. This subsection shall not apply to universities under the jurisdiction and control of the state board of regents or to the Kansas lottery.

Sec. 30. K.S.A. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) ~~of this section~~, or in K.S.A. 17-7511, ~~and amendments thereto~~, or subsection (g) of K.S.A. 46-1106, ~~and amendments thereto~~, or K.S.A. 46-1114, and amendments thereto, it shall be unlawful for the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) Nothing herein shall be construed to prohibit the publication of statistics, so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection of returns by the attorney general or other legal representatives of the state. Nothing in this section shall prohibit the post auditor from access to all income tax reports or returns in accordance with and subject to the provisions of subsection (g) of K.S.A. 46-1106, ~~and amendments thereto~~, or K.S.A. 46-1114, and amendments thereto. Nothing in this section shall be construed to prohibit the disclosure of the taxpayer's name, social security number, last known address and total tax liability, including penalty and interest, from income tax returns to a debt collection agency contracting with the secretary of revenue pursuant to K.S.A. 75-5140 ~~to 75-5143, inclusive through 75-5143~~, ~~and amendments thereto~~. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) ~~of this section~~ and to the penalty provisions of subsection (d) ~~of this section~~.

(d) Any violation of ~~subsections subsection (b) or (c) of this section~~ shall be a class B misdemeanor; and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(e) Notwithstanding the provisions of this section, the secretary of revenue may permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States.

(f) *Notwithstanding the provisions of this section, the secretary of revenue may communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal,*

(continued)

for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer.

Sec. 31. K.S.A. 79-32,109 is hereby amended to read as follows: 79-32,109. As used in this act, unless the context otherwise requires:

(a) Any term used in this act shall have the same meaning as when used in a comparable context in the federal internal revenue code of 1954, and amendments thereto. Any reference in this act to the "internal revenue code" shall mean the provisions of the internal revenue code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as the same may be or become effective at any time, or from time to time, for the taxable year.

(b) "Resident individual" means a natural person who is domiciled in this state. A natural person who spends in the aggregate more than six months of the taxable year within this state shall be presumed to be a resident for purposes of this act in absence of proof to the contrary. A nonresident individual means an individual other than a resident individual.

(c) "Resident estate" means the estate of a deceased person whose domicile was in this state at the time of such person's death. "Nonresident estate" means an estate other than a resident estate.

(d) "Resident trust" means a trust which is administered in this state. A trust shall not be deemed to be administered in this state solely because it is subject to the jurisdiction of a district court within this state. "Nonresident trust" means a trust other than a resident trust.

(e) "Resident partner" means a partner who is a resident individual, a resident estate, or a resident trust. "Nonresident partner" means a partner other than a resident partner.

(f) "Resident beneficiary" means a beneficiary of an estate or trust which beneficiary is a resident individual, a resident estate, or a resident trust. "Nonresident beneficiary" means a beneficiary other than a resident beneficiary.

(g) "Director" means the director of taxation.

(h) "Modified Kansas source income" means that part of a nonresident individual's Kansas adjusted gross income, as set forth in K.S.A. 79-32,117, and amendments thereto; derived from sources in Kansas. Items of income, gain, loss or deduction reflected in Kansas adjusted gross income shall be considered derived from sources in Kansas to the extent that they are attributable to: (i) The ownership of any interest in real or tangible personal property in this state; (ii) a business, trade, profession or occupation carried on in this state; (iii) a business, trade, profession or occupation carried on partly within and partly without this state as determined by the uniform division of income for tax purposes act as set forth in K.S.A. 79-3271 through K.S.A. 79-3293, and amendments thereto; (iv) the distributive share of partnership income, gain, loss and deduction determined under this section as if the partnership were a nonresident individual; (v) the share of estate or trust income, gain, loss and deduction determined under K.S.A. 79-32,137; and amendments thereto; or (vi) prizes won from lottery games conducted by the Kansas lottery; or (vii) income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property to the extent that such income is from property employed in a trade, business, profession or occupation carried on in Kansas. A nonresident, other than a dealer holding property primarily for sale to customers in the ordinary course of such dealer's trade or business, shall not be deemed to carry on a business, trade, profession or occupation in Kansas solely by reason of the purchase and sale of property for such nonresident's own account.

"Modified Kansas source income" shall not include: (i) Compensation paid by the United States for service in the armed forces of the United States, performed during an induction period by an individual not domiciled in this state; or (ii) such individual's share of distributed or undistributed taxable income or net operating loss of a corporation which is an electing small business corporation unless an agreement is filed as provided in K.S.A. 79-32,139; and amendments thereto, in which event, the "modified Kansas source income" of such nonresident individual shall include such individual's share of such corporation's distributed and undistributed taxable income or net operating

loss as such share is determined under the internal revenue code only to the extent, however, that such income, gain or loss is at the corporate level, derived from sources within Kansas.

Sec. 32. K.S.A. 1986 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes as defined by K.S.A. 79-3301 and amendments thereto, cereal malt beverages and malt products as defined by K.S.A. 79-3817 and amendments thereto, including wort, liquid malt, malt syrup and malt extract, which is not subject to taxation under the provisions of K.S.A. 79-41a02 and amendments thereto, and motor vehicles as defined by K.S.A. 79-1017 and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or nonprofit blood bank and used exclusively for state, political subdivision, hospital or nonprofit blood bank purposes, except when: (1) Such state or hospital is engaged or proposes to engage in any business specifically taxable under the provisions of this act and such items of tangible personal property or service are used or proposed to be used in such business, or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, water, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital, public or private elementary or secondary school or a public or private nonprofit educational institution, which would be exempt from taxation under the provisions of this act if purchased directly by such hospital, school or educational institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state, the total cost of which is paid from funds of such political subdivision and which would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision. Nothing in this subsection or in the provisions of K.S.A. 12-3418 and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state. As used in this subsection, K.S.A. 12-3418 and amendments thereto, and K.S.A. 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities which are to be leased to the donor. When any political subdivision of the state, public or private nonprofit hospital, public or private elementary or secondary school or public or private nonprofit educational institution shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials

for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, hospital, school or educational institution concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, hospital, school or educational institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, which would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft, sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft sold to persons using such aircraft and aircraft repair, modification and replacement parts as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft, aircraft parts, replacement parts and services employed in the remanufacture, modification and repair of aircraft for use outside of the United States;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of subsection (o) of K.S.A. 79-3603, and amendments thereto;

(m) all sales of tangible personal property which become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property which is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, irrigation and in providing such services;

(o) all sales of animals, fowl and fish, the primary purpose of which is use in agriculture, the production of food for human consumption, the production of animal, dairy, poultry or fish products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) trade fixtures and equipment which are already installed and second-hand when sold by a person ceasing to do business where said fixtures or equipment is installed;

(q) all sales of prescription only drugs, as defined by K.S.A. 65-1626 and amendments thereto, dispensed pursuant to a prescription order, as defined by K.S.A. 65-1626 and amendments thereto, by a licensed practitioner;

(r) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the board of healing arts;

(s) all sales of prosthetic and orthopedic appliances prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry. For the purposes of this subsection, the term prosthetic and orthopedic appliances means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body; used to alleviate the malfunction of any part of the body; or used to assist any disabled person in leading a normal life by facilitating such person's mobility; but such term shall not include motor vehicles, accessories to be attached to motor vehicles or personal property which when installed becomes a fixture to real property;

(t) all sales of tangible personal property or services purchased directly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 *et seq.*, and amendments thereto, which property or services are used in the operation or maintenance of the district;

(u) all sales of used farm machinery and equipment, repair and replacement parts therefor and services performed in the

(continued)

repair and maintenance of such machinery and equipment. For the purposes of this subsection the term "farm machinery and equipment" shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126 and amendments thereto. For the purposes of this subsection "sales of used farm machinery and equipment" shall mean and include sales other than the original retail sale of such machinery and equipment. Each purchaser of farm machinery or equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that such purchaser is engaged in farming or ranching and that the farm machinery or equipment purchased will be used only in farming or ranching;

(v) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(w) all sales of food products to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization;

(x) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes to residential premises for noncommercial use by the occupant of such premises and all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes for agricultural use;

(y) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises;

(z) all sales of intrastate telephone and telegraph services for noncommercial use except noncommercial intrastate long distance telephone service;

(aa) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418 and amendments thereto;

(cc) all sales of materials and services applied to equipment which is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and which is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(dd) all sales of used mobile homes. As used in this subsection: (1) "Mobile homes" shall have the meaning ascribed thereto by K.S.A. 75-1226, and amendments thereto; and (2) "sales of used mobile homes" shall mean means sales other than the original retail sale of such mobile homes;

(ee) on and after January 1, 1987, all sales of tangible personal property or services purchased for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a qualified business facility located within an enterprise zone, which will qualify for an income tax credit under K.S.A. 79-32,153, and amendments thereto, and the sale and installation of machinery and equipment purchased and installed in conjunction with the original establishment of such a facility. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such facility, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon

completion of the project the contractor shall furnish to the owner of the qualified business facility a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto; and

(ff) on and after October 1, 1986, all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture; and

(gg) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas.

Sec. 33. K.S.A. 21-4302, 41-308, 74-2424, 74-5602, 75-4706, 79-3234 and 79-32,109 and K.S.A. 1986 Supp. 12-4516, 21-4619, 75-3732 and 79-3606 are hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body February 5, 1987.

HOUSE adopted Conference Committee report March 10, 1987.

JAMES D. BRADEN  
Speaker of the House.  
GENEVA SEWARD  
Chief Clerk of the House.

Passed the SENATE as amended March 5, 1987.

SENATE adopted Conference Committee report March 10, 1987.

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

APPROVED March 12, 1987.

MIKE HAYDEN  
Governor.

#### STATE OF KANSAS

Office of Secretary of State

I, BILL GRAVES, 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 12th day of March, 1987.

(SEAL) BILL GRAVES  
Secretary of State.

(Published in the KANSAS REGISTER, March 19, 1987.)

SENATE BILL No. 58

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.

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

Section 1. For the fiscal year ending June 30, 1987, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, disbursements, procedures and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

Sec. 2. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458 and amendments thereto, to the following claimants:

Anderson, Thomas, Route 1, Box 21, Reading, KS 66868	\$ 51.00
Anschutz, Willis D., Route 1, Box 2, Dorrance, KS 67634	1.50
Armstrong, James D., Route 2, Box 86, Frankfort, KS 66427	46.60
Auld, Glenn, Route 1, Box 37, Eskridge, KS 66423	47.92
Bach, Lawrence L., Route 1, Box 21, Blue Rapids, KS 66411	26.03
Baffrey, C. R., Route 1, Lane, KS 66042	11.40
Baldock, Lamoine, Route 1, Box 30, Delphos, KS 67436	159.59
Bara, Fred, Jr., Route 1, Box 131, Cuba, KS 66940	1.61
Becker, Alfred, Natoma, KS 67651	32.85
Beckmann, Marvin, Bremen, KS 66412	372.93
Beeghley, Clifford J., Route 2, Box 52, Baldwin, KS 66006	2.05
Beltz, Michael, Route 1, Box 81, Ramona, KS 67475	21.74
Bishop Brick Sales, P.O. Box 185, Humboldt, KS 66748	809.42
Bliss, Cyril, 500 N. 3rd, Atwood, KS 67730	33.73
Blubaugh, Roger or Russell, 1824 E. 153 St., Olathe, KS 66062	901.21
Bohrer, Andrew, Route 3, Box 114, Harper, KS 67058	523.81
Boyd, Darrel E., Route 1, Beattie, KS 66406	86.75
Brack, Harry, Route 2, Box 138, Leoti, KS 67861	391.55
Bringham Flying Service, Inc., Drawer A., Meade, KS 67864	1,982.28
Busch, Robert A., Route 1, Box 30, Milan, KS 67105	16.79
Buser, Edwin & Ernest, Route 1, Whiting, KS 66552	252.94
Callahan, Dennis or Joyce, Route 1, Baldwin, KS 66006	16.35
Castlerock Ranch, c/o Russell Stewart, Quinter, KS 67752	670.23
Catlin, George, Sr., Route 1, Box 34, Medicine Lodge, KS 67104	329.27
Cederberg, John, Route 1, Box 62, Herndon, KS 67739	245.52
Central Feeders, Inc., Route 1, Box 123, Lyons, KS 67554	26.47
Claassen, R. C., Route 3, Newton, KS 67114	138.60
Clark, Daryl, 150 Fifth, Phillipsburg, KS 67661	417.69
Clark, Harry, Route 2, Box 85, Hill City, KS 67642	77.40
Clonch, James, Route 3, Phillipsburg, KS 67661	39.78
Corfman, Bryce D. & Catherine E., Route 1, Box 19, Whitewater, KS 67154	95.00
Corley, Ned, Route 2, Westphalia, KS 66093	50.56
Cotter, John & Francis, Route 4, Beloit, KS 67420	76.85
Council, Dewey, Box 273, Winona, KS 67764	131.52
Crain, Timothy C., Route 3, Box 202, Columbus, KS 66725	54.85
Crow, Calvin, Route 1, Osage City, KS 66523	73.81
Dahm, Dale, Route 1, Waterville, KS 66548	41.65
Dennis, Larry J., Route 1, Kensington, KS 66951	123.16
Denny, Charles, 11 LaHacienda, Colby, KS 67701	282.84
Denton, Edwin F., Denton, KS 66017	7.00
Deters, Ferdinand, Baileyville, KS 66404	73.00
Dick, Norman, Route 1, Buhler, KS 67522	7.00
Donohue, Joe, Route 1, Box 226, Fredonia, KS 66736	71.90
Durbin, Emera M., Route 1, Box 79A, Moline, KS 67353	204.04
Eck, John J., Route 1, Box 152, Cheney, KS 67025	18.00
Eck, Stephen J., Route 1, Sharon, KS 67138	41.10
Engelken, Virgil, Route 3, Seneca, KS 66538	51.00
Engle, Voiland, Route 3, Abilene, KS 67410	114.91
Enterprise Academy Farm, 701 S. Bridge, Enterprise, KS 67441	140.98
Fenske, Larry, Route 2, Mayetta, KS 66509	8.32
Ferguson ZY Farm, Kensington, KS 66951	422.93
Fitzpatrick, Theron, Route 1, Box 48, Neosho Falls, KS 66758	314.62
Flory, Wayne, Route 2, Baldwin, KS 66006	328.38
Foster & Foster, Doyle Foster, Box 76, Pawnee Rock, KS 67567	80.70
Fox, Robert L., Route 1, Olpe, KS 66865	15.03
Frederick, William, Route 1, Humboldt, KS 66748	15.03
Gammon, George W., Route 3, Box 321, Arkansas City, KS 67005	116.89
Gengler, Bob, Route 1, Beloit, KS 67420	267.10
Gerdes, William D., Route 1, Herkimer, KS 66433	246.59
Geske, George, Route 1, Box 81, Solomon, KS 67480	23.50
Goering, J. Randall, Route 1, Box 153, McPherson, KS 67460	16.90
Goodyear Tire & Rubber of KS, Box 1069, Acct. Pay., Topeka, KS 66601	157.90
Gould, C. W., Route 3, Harper, KS 67058	51.00
Green, J. C., Route 2, Box 103, Herndon, KS 67739	62.00
Griffin, Roger, Route 2, Box 68, Lyons, KS 67554	93.68
Guffey, Dennis L., Route 2, Box 36, Overbrook, KS 66524	44.95
Haddan, Elmer Wm., Route 1, Stark, KS 66775	51.00

Hagerman, Louis, Nekoma, KS 67559	39.34
Hamm, Marvin, Route 1, Wells, KS 67488	47.70
Hansch, Rick, Route 1, Box 78, Ramona, KS 67475	269.48
Hansen, John, Route 1, Box 82, Americus, KS 66835	17.45
Hansen, Kenneth C., Route 1, Dennis, KS 67341	80.26
Harding, Earl E., Route 1, Isabel, KS 67065	124.48
Harper, Timothy R., Box 60-A, Vermillion, KS 66544	119.64
Harrison, Robert E., Route 1, Saint John, KS 67576	91.26
Hayes, Byron, Route 3, Box 167, Lyons, KS 67554	67.50
Hebman, Clarence J., Buttermilk Lane, Admire, KS 66830	35.60
Heeb, James, 6400 N. Hwy. 61, Hutchinson, KS 67502	17.34
Hejny, Orval, Route 1, Box 11, Olmitz, KS 67564	49.79
Hendrix, Elmer, Route 2, Box 17, Oskaloosa, KS 66066	26.36
Herbel, Willis, Tampa, KS 67483	70.91
Herrmann, J. H., Route 1, Box 112, Scranton, KS 66537	33.95
Herynk, Rollin, Kincaid, KS 66039	17.45
Hinshaw, Doug, Route 2, Box 78, Ensign, KS 67841	92.25
Hulbert, Corwin, 3108 N. 56th St., Lincoln, NE 68504	17.12
Hultz, Dean L., Route 2, Box 84, Kincaid, KS 66039	12.50
Idol, Harrison, Box 70, White Cloud, KS 66094	42.97
Ikenberry, Merton, Route 1, Quinter, KS 67752	192.16
Jillie, John M., Inc., Route 1, Cimarron, KS 67835	577.47
Johnson, Gerald R., Route 1, Box 139, Mound Valley, KS 67354	281.95
Johnson, Patrick J., Route 1, Kirwin, KS 67644	39.01
Jones, James D., Route 1, Box 76A, Winchester, KS 66097	74.21
Jost, Clinton, Burdick, KS 66838	165.20
Kalb, Glenn & Kermit, Route 1, Wellsville, KS 66092	7.33
Kasper, Joe, Route 1, Jennings, KS 67643	33.62
Kasper, Louis, 209 South East, Oberlin, KS 67749	40.30
Keeten, Donald D., Route 3, Box 91, Glade, KS 67639	108.75
Kerwin, Kevin G., Route 1, Box 11, Delia, KS 66418	261.85
Klein, Larry, Route 1, Box 30, Garden Plain, KS 67050	24.27
Knapp, Loren, Route 1, Box 87A, Blue Rapids, KS 66411	16.24
Knowles, Frank L., Route 1, Box 87, Summerfield, KS 66541	304.70
Koch Fiberglass Products Co., 2501 South West St., Wichita, KS 67217	944.51
Kohler, Glen, Route 1, Box 139C, Cheney, KS 67025	17.78
Kolman, Donald L., Route 1, Cuba, KS 66940	6.45
Krasny, Rudolph, Route 1, Rossville, KS 66533	7.00
Krehbiel, Sam, Route 2, Pretty Prairie, KS 67570	198.00
Kuckelman, Herman J., Jr., Route 1, Axtell, KS 66403	62.44
Lacy, Glenn L., Miltonvale, KS 67466	14.70
Lambert, Harold T., Route 1, Kismet, KS 67901	82.79
Larson, Craig, Route 2, Box 61, Oberlin, KS 67749	268.78
Lawson, Mrs. R. H., Maple Hill, KS 66507	7.00
Leidig, Cecil M., Route 1, Morrowville, KS 66958	18.00
Leppke, Elmer H., Route 2, Box 117, Marion, KS 66861	18.00
Levendofsky Farms, Inc. - James, Route 1, Belleville, KS 66935	547.47
Lewellen, Joe, Route 1, Cassoday, KS 66842	426.07
Lewis Bros., c/o Dee P. Lewis, Route 1, Box 156, Winfield, KS 67156	40.00
Liberty Ranch, 308 W. Mill, Plainville, KS 67663	204.43
Lohmeyer, Leland, Route 1, Box 54, Linn, KS 66953	95.00
Loomis, Jack, Route 1, Box 36, Council Grove, KS 66846	40.00
Lothholz, William R., Route 2, Box 63, Eudora, KS 66025	39.45
Love, Glenn, Mankato, KS 66956	19.72
Lower, John W., Route 1, Humboldt, KS 66748	23.50
Malone, John I., Route 2, Blaine, KS 66410	293.09
Maneth, Leonard E., Sr., Route 1, Box 67, Olmitz, KS 67654	40.00
Marley Cooling Tower Co., 5800 Foxridge Dr., Mission, KS 66202	122.17
Marquis, Wayne, Route 1, LaCygne, KS 66040	18.00
Mathiesen, Verdel, 1203 26th St., Belleville, KS 66935	34.50
McClary, Lon J., Centralia, KS 66415	44.95
McDaniel, Terry, Route 3, Scott City, KS 67871	41.98
McGarity, Bob, Box 376, Route 1, Meriden, KS 66512	78.06
McKenna, Everett, Route 1, Box 66, Palco, KS 67657	387.68
Meyer, Richard L., 3700 S.W. Canterbury, Topeka, KS 66610	98.96
Miller, Glenn D., 2062 S. Estelle, Wichita, KS 67211	8.21
Milliken, Larry, Route 1, Williamsburg, KS 66095	51.11
Mines, Elwood & Don, Route 2, Oberlin, KS 67749	117.11
Minihan, Francis, Blaine, KS 66410	790.61
Monnich, Erwin, Route 3, Box 44, Herington, KS 67449	144.14
Montee, William C., Route 1, Arcadia, KS 66711	958.32
Morgan, Howard, Alta Vista, KS 66834	1.50
Moritz, Leo, Route 2, Box 215, Manhattan, KS 66502	29.00
Mounkes, E. W., Route 2, Box 63, Reading, KS 66868	23.50
Nelson, Delos, 328 E. Grand, Haysville, KS 67060	15.91
Nelson, Leon, Route 1, Burdick, KS 66838	157.90
Neywick Farms, Vernon Neywick, Falun, KS 67442	40.00
Niermeier, Herman, Rural Route, Hoxie, KS 67740	82.13
Otott, Roger, Route 2, Washington, KS 66968	40.55
P & D Enterprises, Don Dawes, Route 2, Box 94, Goodland, KS 67735	446.09
Perk Foods, 4141 Fairbanks, Kansas City, KS 66106	95.00
Phillips, Everett, Box 37, Waverly, KS 66871	17.01
Pic, Glenn G., Box 82, Pisek, ND 58273	140.28
Poland, George Ethan, Route 1, Box 19A, Junction City, KS 66441	372.98
Postier, Lynn C., Route 1, Inman, KS 67546	91.15
Raleigh, Leo, Box 86, Windom, KS 67491	90.60

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Reed, Reginald O. or Jacqueline, Route 1, Courtland, KS 66939	131.52
Reichenberger, David, Route 1, Andale, KS 67001	54.52
Rhea, Harold L., Route 2, Box 139, Oakley, KS 67748	127.67
Richmeier, Gerald L., Route 1, Garden City, KS 67846	93.02
Riedel, Eugene J., Route 1, Box 47, Studley, KS 67759	27.90
Rigdon & Bruen Oil, P.O. Box 386, Sedan, KS 67361	325.41
Rissen, Lloyd, Route 1, Lyndon, KS 66451	169.78
Robke, Al B., Route 1, Seneca, KS 66538	50.56
Robke, Joe, Route 3, Box 90, Seneca, KS 66538	62.00
Roepke, Dwayne L., Route 1, Waterville, KS 66548	127.89
Russell, Robert, Centerville, KS 66014	78.50
Sailors, Don R., Route 1, Box 170, Erie, KS 66733	78.50
Schaben Chemical & Fertilizer, Box 71, Bazine, KS 67516	147.81
Scheid, Howard, Route 1, Cummings, KS 66016	151.86
Scheid, Lloyd, Whiting, KS 66552	18.00
Schinstock, Kenneth J., P.O. Box 1743, Dodge City, KS 67801	60.46
Schlesener, Eldon, Route 1, Box 66, Hope, KS 67451	49.90
Schmedemann, Mrs. William G., Route 2, Box 36, Junction City, KS 66441	7.00
Schneider, Joseph F., Box 110, Olmitz, KS 67564	146.32
Schwerdtfeger, Mrs. C. & Walter, Jr., Route 1, Box 133, Ellsworth, KS 67439	86.42
Schwernan, John, Route 2, Jewell, KS 66949	125.36
Scott & Finkenbinder, HC-1, Box 58, Waldo, KS 67673	32.63
Settlemyer, Vernon, Route 1, Box 22, Neosho Falls, KS 66758	45.72
Shearer, Dale, HC 63, Box 07, Edmond, KS 67636	39.60
Simons, Arthur, Route 3, Kingman, KS 67068	40.33
Slusser Enterprise, Gene Slusser, 5131 S.W. Urish Rd., Topeka, KS 66610	79.71
Smith, Dean, Box 25, Burdett, KS 67523	93.68
Smith, Lewis H., 2452 Robin Rd., Salina, KS 67401	18.44
Smith & Lysinger, Dale A. Smith and John Lysinger, Route 2, Oakley, KS 67748	123.38
Spencer, Ralph W., Route 1, Lecompton, KS 66050	90.82
Stapleton & Weeks Ag. Air, 306 Derby, Box 162, Sublette, KS 67877	284.13
Stos, Leo A., Rural Route, Box 98, Otis, KS 67565	36.48
Strifler, David J., Route 1, Box 35, Westmoreland, KS 66549	11.62
Sutcliffe, Inc., P.O. Box 825, 119 S. Grant, Chanute, KS 66720	35.05
Swaim, Lola, Route 1, Admire, KS 66830	15.80
Sylvan Farms, by Herman H. Dohl, Route 2, Sylvan Grove, KS 67481	34.50
Thompson, Andy, Route 1, Courtland, KS 66939	240.57
Thompson, Orvis, Route 2, Box 221, Burlingame, KS 66413	9.97
Thurlow, R. C. or Pearl, Route 1, Wakefield, KS 67487	39.01
Thyfault, Ronald, Route 1, Damar, KS 67632	25.00
Triple-I Energy Corp., 6600 College Blvd, Suite 310, Overland Park, KS 66211	206.12
Umphenour, Karl, Route 2, Box 22, Fulton, KS 66738	98.88
Underwood, Jake H., Rural Route, Uniontown, KS 66779	5.35
Vacura, Bernie, Jennings, KS 67643	48.25
Valley Farm Supply, Box 218, 606 W. 7th St., Belle Plaine, KS 67013	140.08
Van Gundy, Myron, Route 2, Box 110, Reading, KS 66868	303.28
VanLeeuwen, Charles J., Route 1, St. Paul, KS 66771	51.00
Van Wey, Albert or Keith, Rural Route, Cawker City, KS 67430	169.29
Vande Reit, Carry R., Route 1, Downs, KS 67437	110.95
Wachter, Jean, Route 1, Wakarusa, KS 66546	44.40
Weixelman, Paul L., Sr., 653 Delaware, Ozawkie, KS 66070	67.50
Wendt, Francis L., Route 2, Box 60, Osawatomie, KS 66064	26.76
Wewe, Carl A., Jr., Route 2, Pretty Prairie, KS 67570	7.22
Wickstrum, G. Glenn, 630 Vattier, Manhattan, KS 66502	84.22
Wiley, Lloyd E., Route 2, Box 93, Fort Scott, KS 66701	72.35
Willits, Allan, Route 1, McLouth, KS 66054	134.94
Wilson, Dennis C., Route 1, Box 102, Breman, KS 66412	11.40
Woodbury Farms, 6th & Sunset Dr., Osage City, KS 66523	733.19
Yonning, Dale, Route 1, Box 101, Westmoreland, KS 66549	27.79
Zeit, Lewis R., Box 92, Bendena, KS 66008	16.35
Total	\$28,840.55

Sec. 3. (a) The Kansas state penitentiary is hereby authorized and directed to pay the following amounts from the operating expenditures account of the state general fund for reimbursement for loss of or damage to the claimants' personal property which was in the custody and control of personnel of Kansas state penitentiary, to the following claimants:

James E. Taylor, #38218, c/o Kansas state penitentiary	\$69.00
Roy W. Castleberry, #38019, c/o Kansas state penitentiary	100.00
Glen A. Rider, #19807, c/o Kansas state penitentiary	20.00
Elmer Iszler, #41638, c/o Kansas state penitentiary	65.00
Michael E. McIntosh, #31188, c/o Kansas state penitentiary	33.00
Robin Sanford, #40619, c/o Kansas state penitentiary	20.00
Willis P. Tyus, #19819, c/o Kansas state penitentiary	52.24
Jim C. Elliott, #38737, c/o Kansas state penitentiary	65.49
Larry K. Munyon, #41664, c/o Kansas state penitentiary	20.00
Michael M. Kircher, #8692, c/o Kansas state penitentiary	15.00
Joe W. Wilkinson, #38381, c/o Kansas state penitentiary	103.70
Jimmy E. Hamby, #6686, c/o Kansas state penitentiary	159.95
Sidney E. Bryant, #8229, c/o Kansas state penitentiary	30.00
Michael A. Miller, #40157, c/o Kansas state penitentiary	11.00

Leo Franklin, #41282, c/o Kansas state penitentiary	14.40
Total	\$778.78

(b) The Kansas state penitentiary is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for reimbursement of sales tax paid to the state of Missouri upon certain purchases made by the penitentiary, to the following claimant:

Stowe Hardware & Supply Co., 1300 W. 13th Street, Kansas City, MO 64101	\$26.13
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Sec. 4. (a) The state industrial reformatory is hereby authorized and directed to pay the following amounts from the operating expenditures account of the state general fund for reimbursement for loss of claimants' personal property which was in the custody and control of personnel of the state industrial reformatory, to the following claimants:

Donald L. Siebert, #33235, c/o Kansas state industrial reformatory	\$40.00
Vernon Phillippi, #41378, c/o Kansas state industrial reformatory	50.00
James H. Wooldridge, #36446, c/o Kansas state industrial reformatory	6.20
Gregory R. Smith, #40310, c/o Kansas state industrial reformatory	15.00
Total	\$111.20

(b) The state industrial reformatory is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for reimbursement for damage to five acetylene cylinders caused by a fire at the reformatory, to the following claimant:

The Jimmie Jones Company, c/o Gil Burch, 1360 N. Mosley, Wichita, KS 67214	\$910.00
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(c) The state industrial reformatory is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for personal injuries sustained while in the performance of a work detail while an inmate at the reformatory, to the following claimant:

Matthew Cook, c/o Caleb Boone, Attorney at Law, P.O. Box 711, Hays, KS 67601	\$838.30
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Sec. 5. The board of indigent's defense services is hereby authorized and directed to pay the following amounts from the state general fund for reimbursement for fees for services rendered and expenditures made on behalf of indigent defendants, to the following claimants:

Paul D. Hogan, 1333 N. Broadway, Suite C, Wichita, KS 67214	\$915.00
Williamson, McGee, Griggs and DeMoss, Chartered, 200 West Douglas, Wichita, KS 67202	1,222.50
Robert W. Reynolds, Petroleum Bldg, Suite 610, 221 S. Broadway, Wichita, KS 67202	250.00
Garry L. Howard, 1356 E. Emporia, Wichita, KS 67214	153.00
Donald G. McPerson, P.O. Box 48010, 1202 North Emporia, Wichita, KS 67201	189.00
W. Thomas Gilman, 331 East Douglas, Wichita, KS 67202	250.00
Steven C. Sherwood, 6700 West Central, #110, Wichita, KS 67212	258.29
Total	\$3,237.79

Sec. 6. (a) The department of revenue is hereby authorized and directed to pay the following amounts from the sales tax refund fund for sales tax paid for materials for tax exempt projects under K.S.A. 79-3606, and amendments thereto, to the following claimants:

Mid-West Chandelier Company, 100 Funston Road, Kansas City, KS 66115	\$716.64
Benedictine College, c/o Roger V. LaPlante, 801 S. 8th Street, Atchison, KS 66602	924.41
Total	\$1,641.05

(b) The department of revenue is hereby authorized and directed to pay the following amount from the mineral production tax refund fund for refund of severance tax paid upon exempt oil production, to the following claimant:

AR&R Ltd., Route 2, Box 73, Elk City, KS 67344	\$9,739.50
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Sec. 7. The Kansas fish and game commission is hereby authorized and directed to pay the following amounts from the nongame wildlife improvement fund for refund of donations made thereto due to an error in completing the Kansas income tax return, to the following claimants:



Charles W. and Alice M. Couchman, 1020 Murray Court, Wichita, KS 67212.....	\$161.00
Kent E. Wagner, 1500 N. Hedville Road, Salina, KS 67401.....	210.00
Total .....	\$371.00

Sec. 8. The state park and resources authority is hereby authorized and directed to pay the following amount from the state operations account of its general fee fund for reimbursement for the loss of a boat used by park rangers in a rescue operation, to the following claimant:

Toney L. Dowell, 3246 S. Fern, Wichita, KS 67217.....	\$500.00
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Sec. 9. (a) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the social services clearing fund for payment of medical expenses on the account of Dorothy Wallace, to the following claimant:

Halstead Hospital, 328 Poplar, Halstead, KS 67056.....	\$1,823.70
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(b) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the social services clearing fund for payment for office supplies for which vouchers were untimely submitted, to the following claimant:

ABM, Inc., c/o Lori Anderson, Accounts Receivable Representative, 770 Spirit of St. Louis Blvd., Chesterfield, MO 63017.....	\$235.00
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(c) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the special purpose community mental health assistance grants fund for payment of PACT Grant #84-250-17 the funds for which were disencumbered, to the following claimant:

Area Mental Health Center of Garden City, 1111 E. Spruce, Garden City, KS 67846.....	\$1,838.00
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(d) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the social services clearing fund for reimbursement for damage to clothing from a dog attack while participating in a practicum assigned by the school of social welfare at Kansas University, to the following claimant:

Lisa Ann Medlin, Route 1, Box 74, Hoyt, KS 66440.....	\$100.00
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(e) The department of social and rehabilitation services is hereby authorized and directed to pay the following amount from the social services clearing fund for reimbursement for services rendered in fiscal years 1984 and 1985 for which vouchers were untimely filed, to the following claimant:

Shawnee County Youth Center Services, c/o Jim Hagan, 2600 East 23rd Street, Topeka, KS 66605.....	\$16,824.07
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Sec. 10. The office of the Kansas attorney general is hereby authorized and directed to pay the following amount from the tort claims fund for payment of attorney fees resulting from the representation of the claimant for acts performed while a member of the Kansas adult authority, to the following claimant:

Alfredo Calvillo, 100 McAllister, #718, San Francisco, CA 94112, by Kenneth M. Carpenter, Attorney, Carpenter and Carpenter, P.O. Box 2543, Topeka, KS 66601.....	\$2,430.00
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Sec. 11. The Kansas highway patrol is hereby authorized and directed to pay the following amount from the other operating expenditures account of the state general fund for reimbursement of wages paid and training expenses incurred for a law enforcement officer subsequently employed by the state highway patrol, to the following claimant:

City of Shawnee-Police Department, c/o Joyce Bailey, Account Technician, 11110 Johnson Dr., Shawnee, KS 66203.....	\$6,269.82
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Sec. 12. The Kansas state historical society is hereby authorized and directed to pay the following amount from the administration account of the state general fund for payment of maintenance coverage fees on a Xerox machine incurred in fiscal year 1985 for which vouchers were untimely submitted, to the following claimant:

Xerox Corporation, c/o Sherryl Algair, Xerox Centre, 222 W. Los Colinas Blvd., Irving, TX 75266.....	\$547.33
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Sec. 13. The Wichita state university is hereby authorized and directed to pay the following amount from the other operating expenditures (including official hospitality) account of the

state general fund for reimbursement for damages to claimant's automobile caused by a rock thrown by equipment operated by a maintenance employee, to the following claimant:

Florine Andrews, 5400 E. 21st, #1321, Wichita, KS 67208.....	\$112.73
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Sec. 14. The department of health and environment is hereby authorized and directed to pay the following amount from the sponsored project overhead fund for payment of gas utility services incorrectly undercharged for fiscal years prior to 1986, to the following claimant:

Peoples Natural Gas, c/o H.D. Stark, 710 Third Ave., P.O. Box 640, Dodge City, KS 67801.....	\$1,014.82
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Sec. 15. The board of state fair managers is hereby authorized and directed to pay the following amount from the state fair fee fund for reimbursement for payment of medical expenses incurred as a result of an injury sustained on the Kansas state fairgrounds, to the following claimant:

Linda J. White, 1820 Fairchild, Wichita, KS 67219.....	\$135.09
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Sec. 16. The University of Kansas-Kansas City campus is hereby authorized and directed to pay the following amount from the hospital revenue fund for the payment of charges for the rental of certain equipment by the medical center which exceeded the encumbrance therefor in fiscal year 1986, to the following claimant:

Unimed of K.C., Incorporated, 1128 South Payne, Olathe, KS 66061.....	\$5,302.50
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Sec. 17. The Parsons state hospital and training center is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for reimbursement for payment for damages to claimant's automobile caused by a hospital resident, to the following claimant:

Earl H. Gannaway, Route 1, Box 19, Galesburg, KS 66740.....	\$2,705.35
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Sec. 18. The department of administration is hereby authorized and directed to pay the following amount from the motor pool service fund for the payment for goods and services invoices for which were submitted in an untimely manner and to incorrect agencies, to the following claimant:

Firestone Tire & Rubber Co., c/o D.W. Mimbs, Accounts Receivable, 1200 Firestone Parkway, Akron, Ohio 44317.....	\$1,795.00
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Sec. 19. The Norton state hospital is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund for the payment for hospital supplies the invoice for which was submitted in an untimely manner, to the following claimant:

Allied Fisher Scientific, Dept. 424202-01, P.O. Box 405, Pittsburg, PA 15230.....	\$50.74
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Sec. 20. The Kansas department of transportation is hereby authorized and directed to pay the following amount from the claims account of the state highway fund for reimbursement for the loss of tools stolen while claimant was in the performance of a work detail for the department, to the following claimant:

Clark N. Mace, 3216 N. 85th Place, Kansas City, KS 66109.....	\$3828.95
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Sec. 21. (a) The director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections or by the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 2 as motor-vehicle fuel tax refunds, a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claim.

Sec. 22. This act shall take effect and be in force from and after its publication in the Kansas register.

(continued)

I hereby certify that the above BILL originated in the SENATE, and passed that body February 10, 1987.

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

Passed the HOUSE March 4, 1987.

JAMES D. BRADEN
Speaker of the House.
GENEVA SEWARD
Chief Clerk of the House.

APPROVED March 12, 1987.

MIKE HAYDEN
Governor.

STATE OF KANSAS
Office of Secretary of State

I, BILL GRAVES, 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 12th day of March, 1987.

(SEAL) BILL GRAVES
Secretary of State.

State of Kansas
BOARD OF HEALING ARTS
PERMANENT ADMINISTRATIVE
REGULATIONS
(Effective May 1, 1987)

Article 2.—SECRETARY; DUTIES

100-2-5. Secretary; duties. It shall be the duty of the secretary to cause the minutes of each meeting to be recorded and maintained in a permanent record book and to present the same for approval at the next meeting of the board. Minutes approved by the board shall be signed by the secretary and countersigned by the president. The secretary shall be custodian of the common seal of the board and shall have custody and charge of all books, papers, and records of the board and shall have power to administer oaths pertaining to the business of the board and discharge all duties incident to the office of secretary.

It shall be the duty of the secretary to make a report of all of his or her official acts at each regular meeting of the board, including a detailed written report concerning the granting of licenses by the board. The report shall include the names of all applicants to whom a license was granted, as well as each application rejected. The report shall further show whether such licenses were issued upon examination or by endorsement.

The secretary shall further report concerning all legislation pending and enacted pertaining to the healing arts board and of pending negotiations with other states concerning endorsement relations and all matters of new information affecting the standing of healing arts schools and colleges which shall come to his or her notice. At each regular meeting, immediately following June 30 and December 31 of each year, the secretary shall give an itemized statement of all

monies received and disbursements made by the board since the previous report and the balance on hand in the state treasury to the credit of the board.

The secretary may employ professional and clerical assistance from time to time as the board shall authorize, to be compensated from the healing arts fund. The secretary may require all such employees to give bond in an amount not to exceed \$10,000.

In addition to the above, the secretary shall have such other powers and duties as are provided by the laws of Kansas. (Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2818; 65-2818; effective Jan. 1, 1966; amended Feb. 15, 1977; amended May 1, 1979; amended, T-87-42, Dec. 19, 1986; amended May 1, 1987.)

Article 11.—FEES

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

- (a) License based upon an examination given by the Board \$150.00
(b) License based upon endorsement \$150.00
(c) License based upon a certificate issued from the national boards \$150.00
(d) License based upon a certificate issued by the federation of state medical boards \$150.00
(e) (1) Annual renewal of a license \$100.00
(2) Second notice renewal \$150.00
(3) Reinstatement renewal \$150.00
(f) Temporary permit \$ 30.00
(g) Institutional license \$150.00
(h) Visiting professor license \$ 15.00
(i) Certification fee \$ 15.00
(j) Duplicate license \$ 15.00
(k) Examinations:
(1) Medical or osteopathic
(A) FLEX I and FLEX II \$460.00
(B) FLEX I \$250.00
(C) FLEX II \$300.00
(2) Chiropractic \$ 95.00
(l) Special permit (out-of-phase) \$ 15.00
(m) Postgraduate training temporary permit \$ 25.00

(Authorized by K.S.A. 65-2865; implementing K.S.A. 65-2809, as amended by L. 1986, Ch. 239, Sec. 1, 65-2833, as amended by L. 1986, Ch. 229, Sec. 40, 65-2852, 65-2811; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Feb. 15, 1977; amended May 1, 1979; amended May 1, 1980; amended May 1, 1981; amended, T-83-33, Nov. 10, 1982; amended May 1, 1983; amended, T-85-50, Dec. 19, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-42, Dec. 19, 1986; amended May 1, 1987.)

Article 24.—PATIENT RECORDS

100-24-1. Adequacy; minimal requirements. (a) Each licensee of the board shall maintain an adequate record for each patient justifying the course of treatment of the patient. Each patient record maintained shall be considered to be adequate and in compliance with this regulation if it conforms to the following minimal requirements:

- (1) It is legible;
(2) it contains only those terms and abbreviations which are comprehensible to similar licensees;
(3) it contains adequate identification of the patient;

(4) it indicates the dates any professional service was provided;

(5) it contains pertinent and significant information concerning the patient's condition;

(6) it reflects what examinations, vital signs and tests were obtained, performed or ordered and the findings and results of each;

(7) it indicates the initial diagnosis and the patient's initial reason for seeking the licensee's services;

(8) it indicates the medications prescribed, dispensed or administered and the quantity and strength of each;

(9) it reflects the treatment performed or recommended; and

(10) it documents the patient's progress during the course of treatment provided by the licensee.

(b) Patient records shall be maintained by each licensee of the board or the licensee's designee for a minimum of 10 years from the date any professional service was provided. (Authorized by K.S.A. 65-2865; implementing L. 1986, Ch. 229, Sec. 42; effective, T-87-42, Dec. 19, 1986; effective May 1, 1987.)

#### Article 36.—TEMPORARY PERMITS

**100-36-1. Granting.** The board may issue a temporary permit to practice physical therapy, as defined in this act, to those persons coming into the state and making application for registration at an interim period between examinations given by the committee. Such persons shall have paid the prescribed fee and shall not have lost their registration in any other state. A temporary permit shall authorize the permittee to practice physical therapy until the date that results of the next examination are known and registrations based on such examination are issued. No more than two temporary permits shall be issued to any one person without the majority approval of the members of the board, and only for good cause shown. (Authorized by and implementing K.S.A. 65-2911; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1978; amended May 1, 1987.)

#### Article 40.—TEMPORARY PERMIT RENEWAL FEES

**100-40-2. Temporary permit renewal fees.** The fee for renewal of a temporary permit shall be paid as determined by the board for each renewal. (Authorized by and implementing K.S.A. 65-2911; effective Jan. 1, 1973; amended May 1, 1975; amended May 1, 1987.)

#### Article 46.—EXTENSION OF REGISTRATION; ASSISTANTS

**100-46-5. Lapsed registrations and certifications; revival and extension.** (a) Each person desiring to revive and extend a lapsed registration shall:

(1) Submit a completed written application on a form prescribed by the board;

(2) pay a fee of \$30 at the time of submission of the application, no part of which will be refunded; and

(3) submit proof of satisfactory completion of a program of continuing education as follows:

(A) If the time since the registration lapsed has been more than one year but less than three years, the applicant must complete a minimum of two CEUs for each year or portion of a year since the date the registration lapsed;

(B) if the time since the registration lapsed has been more than three years but less than seven years, the applicant must complete a program recommended by the state examining committee for physical therapy and approved by the board. The program may require college course instruction, clinical study, apprenticeship and successful completion of the examination required for registration as may be determined by the board; and

(C) if the time since the registration lapsed has been more than seven years, the applicant must successfully complete the examination required for registration and a minimum of 160 hours of apprenticeship or clinical study recommended by the state examining committee for physical therapy and approved by the board.

(b) Each person desiring to revive and extend a lapsed certification shall:

(1) Submit a completed written application on a form prescribed by the board; and

(2) pay a fee of \$30 at the time of submission of the application, no part of which will be refunded. (Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2910; effective May 1, 1987.)

#### Article 47.—REGISTRATION RENEWAL; CONTINUING EDUCATION

**100-47-1. Registration renewal; continuing education.** (a) Each registered physical therapist shall submit, with an application for renewal of registration, evidence of completing a minimum of four continuing education units during the two-year renewal period. Evidence of that attainment shall be submitted to the board by February 1 of each odd-numbered year.

(b) An extension that does not exceed six months may be granted by the board to any physical therapist who, during the 12-month period prior to the renewal registration date, suffered an illness or accident which made it impossible or extremely difficult for that physical therapist to reasonably obtain the required continuing education units.

(c) A physical therapist initially registered within two years of a renewal registration date, when evidence of continuing education must be submitted, shall complete a minimum of one CEU for every full or partial six-month from the date of registration to the renewal registration date. If three or less CEUs are required by this subsection, all shall be acquired from Class I, Class IV, or Class V.

(d) A CEU shall be equivalent to 10 contact hours approved by the state board of healing arts. A contact hour shall be 50 minutes of instruction or its equivalent. Meals and exhibit breaks shall not be included in the contact hour calculation. Two CEUs shall be awarded for passing the examination.

(continued)

(e) The content of the continuing education classes or literature shall be related to the field of physical therapy or similar areas.

(f) Continued education shall be acquired from the classes of education experiences defined in subsection (g). A minimum of three CEUs shall be acquired from Class I, Class IV or Class V. A maximum of 0.8 CEUs may be acquired from Class II. A maximum of 0.2 CEUs may be acquired from Class III. A maximum of three CEUs may be acquired from Class V.

(g) The five classes of continuing education experiences shall be:

(1) Class I—Attendance at an educational presentation. Class I continuing education experiences shall include:

(A) Lecture. Lecture means a discourse given before an audience for instruction;

(B) Panel. Panel means the presentation of a number of views by several professional individuals on a given subject with none of the views considered a final solution;

(C) Workshop. Workshop means a series of meetings designed for intensive study, work or discussion in a specific field of interest;

(D) Seminar. Seminar means directed advanced study, or discussion in a specific field of interest;

(E) Symposium. Symposium means a conference of more than a single session organized for the purpose of discussing a specific subject from various view points and by various speakers; and

(F) College or University Courses. One CEU shall be given for each college credit with a grade of at least C or a "pass" in a pass/fail course.

(2) Class II—In-Service Training. A maximum of 4 CEUs may be given for attending one in-service training session which relates to the enhancement of physical therapy practice, values, skills and knowledge for each two-year period. A maximum of .4 CEUs may be given for instructing the in-service training, but no additional CEUs can be acquired for attending that particular in-service training.

(3) Class III—Professional Reading. A maximum of 0.2 CEUs may be given for reading professional literature.

(4) Class IV—Professional Publication. The maximum CEUs that may be given for professional publication shall be as follows:

Type of Publication	Maximum Number of Credits
(A) Original Papers—	
(i) single author	(2.5) CEUs
(ii) co-author	(.8) CEUs
(iii) senior author	(1.5) CEUs
(B) Review Papers—	
(i) single author	(1.5) CEUs
(ii) co-author	(.8) CEUs
(C) Case Reports—	
(i) single author	(1.5) CEUs
(ii) co-author	(.8) CEUs
(D) Abstracts—	
single author	(.8) CEUs
(E) Book Reviews—	
single author	(.8) CEUs
(F) Publication of a Book—	
(i) single author	(6) CEUs
(ii) senior author	(5) CEUs
(iii) co-author	(4) CEUs
(iv) contributing author	(2.5) CEUs

(5) Class V—Instructor Preparation of Class I Pro-

grams. Any registered physical therapist who presents any Class I continuing education programs or its equivalent shall receive three contact hours for each hour of presentation. No credit shall be granted for any subsequent presentations or the same subject matter.

(h) Documented evidence of attendance at Class I and Class II continuing education activities shall be submitted. Personal verification shall be submitted for Class III activity. Copies of publications shall be submitted for verification of Class IV activities.

(i) Instructional staff shall be competent in the subject matter and in the methodology of instruction and learning processes as evidenced by experience, education or publication. (Authorized by K.S.A. 65-2911; implementing K.S.A. 65-2910; modified by L. 1978, Ch. 463, May 1, 1978; amended May 1, 1980; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

Article 49.—FEES

100-49-4. Fees. The following fees shall be collected by the Board:

- (a) License based on an examination given by the board \$150.00
- (b) License based on endorsement \$150.00
- (c) (1) Annual renewal of license \$ 50.00
- (2) Late renewal of a license \$ 50.00
- (3) Reinstatement of a license \$125.00
- (d) Temporary permit \$ 30.00
- (e) Temporary license \$ 25.00
- (f) Examination \$ 50.00
- (g) Certification fee \$ 15.00
- (h) Duplicate license \$ 15.00

(Authorized by K.S.A. 65-2013; implementing K.S.A. 65-2012; effective May 1, 1980; amended May 1, 1981; amended May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

CHARLENE K. ABBOTT  
Executive Secretary

Doc. No. 005140

State of Kansas

EMERGENCY MEDICAL SERVICES COUNCIL

PERMANENT ADMINISTRATIVE REGULATIONS

(Effective May 1, 1987)

Article 2.—AMBULANCE SERVICES; PERMITS AND REGULATIONS

109-2-6. Classes of ambulance service. Permits shall be issued for five classes of ambulance service. These classes shall be known as type I, type II, type III, type IV, and type V. (a) Each type I service shall:

(1) Provide advanced life support capability as described in K.S.A. 65-4306;

(2) Have at least one licensed vehicle which meets all requirements of K.A.R. 109-2-7 (a). Each type I service may also operate type II, III, and IV vehicles as described in K.A.R. 109-2-7 (b), (c), and (d);

(3) Maintain a staff of currently certified mobile intensive care technicians and emergency medical

technicians which is adequate to meet all requirements of K.A.R. 109-2-7 (a); and

(4) Have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(b) Each type II service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (b). Each type II service may also operate type III and type IV vehicles as described in K.A.R. 109-2-7 (c) and (d);

(3) Maintain a staff of currently certified emergency medical technicians which is adequate to meet all requirements of K.A.R. 109-2-7 (b); and

(4) Have a method of receiving calls and dispatching vehicles which ensures that a vehicle leaves the station within an average of five minutes of the time the call is received.

(c) Each type III service shall:

(1) Provide only pre-scheduled, non-emergency transportation to or from a place where medical treatment is provided. Each type III service shall be prohibited from responding to requests for emergency care or to requests which would require medical treatment during transport;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (c). Each type III service shall license only type III vehicles;

(3) Maintain a staff of persons with cardiopulmonary resuscitation and first aid training approved by the director; and

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed.

(d) Each type IV service shall:

(1) Provide the level of treatment that currently certified emergency medical technicians are authorized to perform as well as non-emergency transportation for the sick and injured. A type IV service shall be prohibited from responding to requests for emergency care;

(2) Have at least one vehicle licensed which meets all requirements of K.A.R. 109-2-7 (d) and 109-2-10. A type IV service shall license only type IV vehicles;

(3) Maintain a staff of currently certified emergency medical technicians adequate to meet all requirements of K.A.R. 109-2-7 (d); and

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is so informed.

(e) Each type V service shall:

(1) Provide advanced life support capability to critically ill or injured patients while under the care of a physician. Each type V service shall not be subject to public call as defined in K.A.R. 109-1-1(b).

(2) Have at least one vehicle licensed which meets

all requirements of K.A.R. 109-2-7 (e). Each type V service shall license only type V vehicles;

(3) Have a staff which is adequate to provide the level of care described in paragraph (1) of this subsection;

(4) Have a method of receiving and transferring calls which ensures that any emergency calls are immediately and properly relayed to the nearest emergency service and that the person making the call is informed; and

(5) Be operated only by a licensed hospital. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1985; amended May 1, 1987.)

**109-2-7. Classes of ambulance vehicles.** Licenses shall be issued for five classes of ambulance vehicles in the state. These classes shall be known as type I, type II, type III, type IV and type V. Each ambulance vehicle operated by a service that has been issued a permit shall be licensed in accordance with the provisions set forth in these regulations. (a) Each type I vehicle shall be:

(1) Equipped to provide emergency care as described in K.S.A. 65-4306;

(2) In compliance with all vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8 (a), (b), (c), (d), and (e); and

(3) Staffed with at least two attendants during patient transport, including at least one currently certified mobile intensive care technician. The second attendant may be either a currently certified emergency medical technician or currently certified mobile intensive care technician.

(b) Each type II vehicle shall be:

(1) In compliance with the vehicle specifications and equipment requirements set forth in K.A.R. 109-2-8 (a), (b), (c), and (d); and

(2) Staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. An emergency medical technician shall be in the patient compartment during patient transport.

(c) Each type III vehicle shall be:

(1) In compliance with specifications and equipment requirements set forth in K.A.R. 109-2-8 (c);

(2) Staffed at all times with at least two persons. A person trained in cardiopulmonary resuscitation and first aid care approved by the director shall be in the patient compartment during patient transport; and

(3) Restricted to the level of use described in K.A.R. 109-2-6 (c) of these regulations unless the emergency medical services council grants a waiver to an operator of a type I or type II service for a period of one year. Such a waiver shall allow the service to use a type III vehicle to provide a type II level of service if:

(A) The type III vehicle complies with all type II equipment requirements during the period the waiver is in effect;

(B) The type III vehicle is staffed in accordance with K.A.R. 109-2-7 (b) during the period the waiver is in effect; and

(C) The type III vehicle is not used as an emer-

(continued)

gency vehicle for more than 25 percent of the service's emergency runs.

(d) Each type IV vehicle shall be:

(1) In compliance with the provisions of K.A.R. 109-2-10; and

(2) Staffed with at least one currently certified emergency medical technician and one other person trained in cardiopulmonary resuscitation and first aid care approved by the director. The emergency medical technician shall be in the patient compartment during patient transport.

(e) Each type V vehicle shall be:

(1) Dedicated for ambulance use and in compliance with the provisions of K.A.R. 109-2-11 or 109-2-12; and

(2) Staffed with a driver or pilot and at least two attendants, one of whom shall be a licensed physician, a registered nurse or a certified mobile intensive care technician. The second attendant shall be a licensed physician, a registered nurse, a certified mobile intensive care technician or a registered respiratory therapist. All attendants shall be certified in advanced cardiac life support, or shall be eligible for board certification in their specialty. (Authorized by K.S.A. 65-4320, implementing K.S.A. 65-4326; effective May 1, 1985; amended May 1, 1987.)

**109-2-10. Standards for ambulance vehicles and equipment.** Each licensed vehicle shall meet the vehicle and equipment standards which are applicable to that class of vehicle. (a) Vehicle specifications for type IV vehicles.

(1) The overall size of the vehicle shall not exceed the following specifications:

- (A) Height: 110 inches;
- (B) Width: 96 inches; and
- (C) Length: 22 feet.

(2) The patient compartment size shall meet or exceed the following specifications:

- (A) Headroom: 51 inches; and
- (B) Length: 100 inches.

(3) The heating and cooling systems for the patient and the driver compartments shall be separate. The air conditioners for each compartment shall have separate evaporators.

(4) The ventilation systems of the driver and patient compartments shall provide a complete change of ambient air within each compartment every two minutes. Ventilation shall be separately controlled within each compartment. Fresh air intakes shall be located in the most practical, contaminant-free air space on the vehicle. The patient compartment shall be ventilated through the heating and cooling systems.

(5) The normal white illumination in all patient areas shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the doors open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the cots. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used in the patient compartment. A patient compartment light and step-well light shall be automatically activated by opening the

entrance doors. Interior light fixtures shall be recessed and shall protrude not more than 1½ inches.

(6) Each vehicle shall have an exterior patient loading light over the door which shall be activated both by an inside manual switch and automatically when the door is opened.

(b) Each type IV vehicle shall be equipped with direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CFR part 90, in effect as of October 1, 1986, and K.A.R. 109-2-5 (a).

(c) Each type IV vehicle shall be equipped with the following:

(1) An ABC fire extinguisher with a minimum of five pounds of dry chemical. The extinguisher shall be in the driver compartment, and shall be easily accessible from an outside door;

(2) A CO<sub>2</sub> or ABC fire extinguisher in the patient compartment, or an ABC fire extinguisher in an outside compartment. The fire extinguisher shall carry a minimum of five pounds of CO<sub>2</sub> or dry chemical. The fire extinguisher shall be easily accessible to an attendant;

(3) Three self-standing triangular reflectors;

(4) One battery-operated hand lantern with a power source of at least six volts;

(5) One four-wheeled elevating head cot with two or more levels;

(6) One urinal;

(7) One bedpan;

(8) One emesis basin;

(9) One complete change of linen;

(10) Two blankets;

(11) One waterproof cot cover;

(12) Two plastic bags; and

(13) A "No Smoking" sign posted in the patient compartment.

(d) Each licensed type IV vehicle shall be equipped with the following:

(1) Internal medical systems which include:

(A) An internal oxygen system with at least one duplex outlet at the head of the patient litter, with a humidifier, and with a minimum of 3,000 liters of storage capacity. The cylinder shall be in a compartment which is vented to the outside. The pressure gauge and regulator shall be visible from the patient compartment. The control valve shall be readily accessible to the attendant; and

(B) An electrically-powered suction aspirator system with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be equipped with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip.

(2) Medical equipment which includes:

(A) A portable oxygen unit of at least 300-liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible from an outside door;

(B) A portable, self-contained battery or manual suction aspirator with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of

mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(C) A hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(D) A hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) Oxygen masks in adult, pediatric and infant sizes;

(F) Nasal cannulas;

(G) Oropharyngeal airways in adult, pediatric and infant sizes. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1987.)

**109-2-11. Standards for ambulance vehicles and equipment.** Each licensed vehicle shall meet the vehicle and equipment standards which are applicable to that class of vehicle. (a) Vehicle specifications for type V ground vehicles.

(1) The patient compartment size shall meet the following minimum specifications:

(A) Headroom: 60 inches; and

(B) Length: 116 inches.

(2) The heating and cooling systems for the patient and the driver compartments shall be separate. The air conditioners for each compartment shall have separate evaporators.

(3) The ventilation systems of the driver and the patient compartments shall provide a complete change of ambient air within each compartment every two minutes. Ventilation shall be separately controlled within each compartment. Fresh air intakes shall be located in the most practical, contaminant-free air space on the vehicle. The patient compartment shall be ventilated through the heating and cooling systems.

(4) The normal white illumination in all patient areas shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the doors open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the cots. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used in the patient compartment. A patient compartment light and step-well light shall be automatically activated by opening the entrance doors. Interior light fixtures shall be recessed and shall protrude not more than 1½ inches.

(5) Each vehicle shall have dual 80-amp/hr batteries and a 105-amp alternator. All conversion equipment shall have individual fusing which is separate from the chassis fuse system. Each vehicle shall have a 110-volt power source adequate to power all equipment which may be carried.

(6) Each vehicle shall have lights and sirens as required by the Kansas department of transportation for authorized emergency vehicles.

(7) Each vehicle shall have an exterior patient loading light over the door which shall be activated

both by an inside manual switch and automatically when the door is opened.

(b) Each type V vehicle shall be equipped with direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CFR part 90, in effect as of October 1, 1986, and K.A.R. 109-2-5(a).

(c) Each licensed type V ground vehicle shall be equipped with the following:

(1) An ABC fire extinguisher with a minimum of five pounds of dry chemical. The extinguisher shall be in the driver compartment, and shall be easily accessible from an outside door;

(2) A CO<sub>2</sub> or ABC fire extinguisher in the patient compartment or an ABC fire extinguisher in an outside compartment. The fire extinguisher shall contain a minimum of five pounds of CO<sub>2</sub> or dry chemical. The fire extinguisher shall be easily accessible to an attendant;

(3) Three self-standing triangular reflectors;

(4) One battery-operated hand lantern with a power source of at least six volts;

(5) One four-wheeled elevating head cot with two or more levels or an isolette;

(6) One urinal;

(7) One bedpan;

(8) One emesis basin;

(9) One complete change of linen;

(10) Two blankets;

(11) One waterproof cot cover; and

(12) Two plastic bags.

(d) Each licensed type V ground vehicle shall be equipped with the following:

(1) Internal medical systems which include:

(A) An internal oxygen system with at least one duplex outlet at the head of the patient litter, with a humidifier, and with a minimum of 3,000 liters of storage capacity. The cylinder shall be in a compartment which is vented to the outside. The pressure gauge and regulator shall be visible when sitting in the attendant's seat. The control valve shall be readily accessible to the attendant; and

(B) An electrically-powered suction aspirator system with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be equipped with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip.

(2) Medical equipment which includes:

(A) A portable oxygen unit of at least 300-liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible from an outside door;

(B) A portable, self-contained battery or manual suction aspirator with an airflow of at least 30 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(C) A hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(continued)

(D) A hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) Oxygen masks in adult, pediatric and infant sizes;

(F) Nasal cannulas;

(G) Oropharyngeal airways in adult, pediatric and infant sizes;

(H) A blood pressure manometer, cuff and stethoscope;

(I) Sterile water;

(J) Sterile saline;

(K) Adult medical anti-shock trousers;

(L) Pediatric medical anti-shock trousers;

(M) A monitor/defibrillator;

(N) A drug supply as listed in service protocols;

(O) Macro-drip and micro-drip administration sets;

(P) D5W, normal saline, lactated ringers IV solutions in plastic bags or plastic bottles;

(Q) Assorted syringes and 14-22 gauge needles;

(R) Endotracheal tubes in adult, pediatric and infant sizes; and

(S) Laryngoscope with adult and pediatric blades.

If the service operator can demonstrate to the satisfaction of the director that the vehicle is used only for neonatal transports, the listed equipment for adult use need not be carried. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1987.)

**109-2-12. Standards for type V ambulance aircraft and equipment.** (a) Type V aircraft shall meet the following specifications:

(1) Fixed wing aircraft shall be multi-engined.

(2) Fixed wing aircraft shall be pressurized.

(3) The aircraft design shall not compromise patient stability in loading or unloading the patient, or during flight operations.

(4) The patient compartment shall be configured to provide the attendant adequate access to the patient.

(5) The aircraft heating and cooling systems shall be adequate to provide patient comfort.

(6) The patient litter shall be secured.

(7) All equipment shall be secured.

(8) The normal white illumination in the patient compartment shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the door open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the patient litter. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used.

(9) The aircraft shall have a power source adequate to power all equipment which may be carried.

(b) Any medical device which produces electromagnetic interference on aircraft navigation or communications equipment shall not be used. Medical equipment shall be tested prior to flight to ensure that it does not interfere with aircraft systems and works properly at all altitudes flown.

(c) Type V aircraft shall carry the following equipment:

(1) Direct, two-way radio communications capabil-

ity for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CFR part 90, in effect as of October 1, 1986, and K.A.R. 109-2-5(a).

(2) Safety equipment, including:

(A) one 2½# Halon 1211 fire extinguisher (5BC); and

(B) one battery-operated hand lantern with a power source of at least six volts;

(3) Patient comfort equipment, including:

(A) One elevating head cot with two or more levels. An isolette may replace the cot for neonatal transfers;

(B) one pillow;

(C) two complete sets of linen;

(D) two blankets;

(E) one waterproof cot cover;

(F) two plastic bags, with closures;

(G) one urinal;

(H) one bedpan;

(I) one emesis basin; and

(J) potable water;

(4) Medical equipment, including:

(A) A portable oxygen unit of at least 300-liter storage capacity complete with yoke, pressure gauge, flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible to the attendant and patient;

(B) two full 300-liter oxygen storage bottles;

(C) a portable, self-contained battery or manual suction aspirator with an airflow of at least 20 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(D) a hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) a hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(F) oxygen masks in adult, pediatric and infant sizes;

(G) nasal cannulas in adult and pediatric sizes;

(H) oropharyngeal airways in adult, pediatric and infant sizes;

(I) sterile water;

(J) a blood pressure manometer, adult and pediatric cuffs and stethoscope;

(K) adult medical anti-shock trousers;

(L) pediatric medical anti-shock trousers;

(M) a monitor/defibrillator;

(N) a drug supply as listed in service protocols;

(O) macro-drip and micro-drip administration sets;

(P) D5W, normal saline, lactated ringers IV solutions in plastic bags or plastic bottles;

(Q) assorted syringes and 14-22 gauge needles;

(R) endotracheal tubes in adult, pediatric and infant sizes; and

(S) laryngoscope with adult and pediatric blades.

When the aircraft is used for neonatal transports, the listed equipment for adult use need not be carried. (Authorized by and implementing K.S.A. 65-4320; effective May 1, 1987.)



#### Article 4.—AIR AMBULANCE SERVICE

**109-4-3. Standards for ambulance aircraft and equipment.** Each licensed aircraft shall meet the aircraft and equipment standards which are applicable to that class of aircraft.

(a) Type I-A and type IV-A aircraft shall meet the following specifications:

- (1) Fixed wing aircraft shall be multi-engined.
- (2) The aircraft design shall not compromise patient stability in loading or unloading the patient, or during flight operations.
- (3) The patient compartment shall be configured to provide the attendant adequate access to the patient.
- (4) The aircraft heating and cooling systems shall be adequate to provide patient comfort.
- (5) The patient litter shall be secured.
- (6) All equipment shall be secured.
- (7) The normal white illumination in the patient compartment shall be at least 15-foot candle intensity as measured all along the center line of the clear floor with the door open and all ambient light obliterated. The patient compartment lighting system shall also be capable of providing at least 40-foot candle intensity when measured at any point on top of the patient litter. A reduced lighting level shall also be provided. Blue lights or lenses shall not be used.

(b) Any type I-A aircraft that is a fixed wing aircraft shall be pressurized.

(c) Any medical device which produces electromagnetic interference on aircraft navigation or communications equipment shall not be used. Medical equipment shall be tested prior to flight to ensure that it does not interfere with aircraft systems and works properly at all altitudes flown.

(d) Type I-A and type IV-A aircraft shall carry the following equipment:

(1) Direct, two-way radio communications capability for dispatch and for patient condition reports to a hospital. This radio system shall conform to 47 CRF part 90, in effect as of July 1, 1985, and K.A.R. 109-2-5

- (a);
  - (2) Safety equipment, including:
    - (A) One 2½# Halon 1211 fire extinguisher (5BC); and
    - (B) one battery-operated hand lantern with a power source of at least six volts;
    - (3) Patient comfort equipment, including:
      - (A) One elevating head cot with two or more levels. An incubator may replace the cot for neonatal transfers;
        - (B) one pillow;
        - (C) two complete sets of linen;
        - (D) two blankets;
        - (E) one waterproof cot cover;
        - (F) two plastic bags, with closures;
        - (G) one urinal;
        - (H) one bedpan;
        - (I) one emesis basin; and
        - (J) potable water;
      - (4) Medical equipment, including:
        - (A) A portable oxygen unit of at least 300-liter storage capacity complete with yoke, pressure gauge,

flowmeter, delivery tube and adult oxygen mask. The unit shall be readily accessible to the attendant and patient;

(B) two full 300-liter oxygen storage bottles;

(C) a portable, self-contained battery or manual suction aspirator with an airflow of at least 20 liters per minute and a vacuum of at least 300 millimeters of mercury. The unit shall be fitted with large bore, non-kinking suction tubing and semi-rigid, non-metallic, oropharyngeal suction tip;

(D) a hand-operated, adult bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(E) a hand-operated, pediatric bag-mask ventilation unit. The unit shall be capable of use with the oxygen supply;

(F) oxygen masks in adult, pediatric and infant sizes;

(G) nasal cannulas in adult and pediatric sizes;

(H) oropharyngeal airways in adult, pediatric and infant sizes;

(I) sterile water; and

(J) a blood pressure manometer, adult and pediatric cuffs and stethoscope.

(e) In addition, type I-A aircraft shall carry the following equipment:

(1) Medical equipment, including:

(A) Adult medical anti-shock trousers;

(B) a monitor/defibrillator;

(C) a drug supply as listed in service protocols;

(D) macro-drip and micro-drip administration sets;

(E) D5W, normal saline, lactated ringers IV solutions in plastic bags or plastic bottles;

(F) assorted syringes and 14-22 gauge needles;

(G) endotracheal tubes in adult, pediatric and infant sizes; and

(H) laryngoscope with adult and pediatric blades.

(Authorized by and implementing K.S.A. 65-4320; effective May 1, 1986; amended, T-87-7, May 1, 1986, effective May 1, 1987.)

LYLE E. ECKHART  
Director

Doc. No. 005124

## State of Kansas

## REAL ESTATE COMMISSION

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1987)

Article 1.—EXAMINATION AND  
REGISTRATION

**86-1-3. Expiration of licenses.** The expiration date of each license shall be determined by the first letter of the licensee's last name, as established in the following chart:

First letter of last name:	Expiration Date:
(a) "B"	December 31 of each even-numbered year
(b) "C"	February 28 of each odd-numbered year
(c) "D" and "E"	April 30 of each odd-numbered year
(d) "F" and "G"	June 30 of each odd-numbered year
(e) "H"	August 31 of each odd-numbered year
(f) "I", "J", "K" and "L"	October 31 of each odd-numbered year
(g) "M"	December 31 of each odd-numbered year
(h) "N", "O" and "P"	February 28 of each even-numbered year
(i) "Q" and "R"	April 30 of each even-numbered year
(j) "S"	June 30 of each even-numbered year
(k) "T", "U" and "V"	August 31 of each even-numbered year
(l) "W", "X", "Y", "Z" and "A"	October 31 of each even-numbered year

(Authorized by K.S.A. 74-4202(b), implementing K.S.A. 1985 Supp. 58-3045(a), as amended by L. 1986, Ch. 209, Sec. 7, effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

**86-1-4. Renewal of license.** (a) All original licenses shall be issued for the period of time remaining until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(b) The effective date of each renewed license shall be the calendar day following the expiration date. The renewal date shall be the due date of the renewal application, which is 30 days prior to the license expiration date. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3045, as amended by L. 1986, Ch. 209, Sec. 7, effective January 1, 1966; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

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

(b) The commission shall collect the following fees:

(1) For an original salesperson's license, an amount, based on an annual amount of \$25.00, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(2) For an original broker's or associate broker's

license, an amount, based on an annual amount of \$40.00, prorated to the nearest whole month for the period of time from date of licensure until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(3) For renewal of a salesperson's license, an amount, based on an annual amount of \$25.00;

(4) For renewal of a broker's or associate broker's license, an amount, based on an annual amount of \$40.00;

(5) For reinstatement of a license which has been deactivated or which has been canceled pursuant to K.S.A. 58-3047(d), and amendments thereto, or by reason of termination of a salesperson or associate broker, an amount of \$15.00; and

(6) For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(e), and amendments thereto, an amount of \$15.00 for each license canceled or \$100.00 for all licenses canceled, whichever is less. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3063 and 58-3045(b), as amended by L. 1986, Ch. 209, Sec. 7; effective Jan. 1, 1966; amended, E-73-30, Sept. 28, 1973; amended Jan. 1, 1974; amended, E-74-50, Sept. 13, 1974; amended May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1982; amended May 1, 1983; amended, T-86-10, May 1, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

**86-1-10. Approval of courses of instruction; procedure.** (a) Definition of school. As used in this regulation, "school" means an institution, school, association, agency, or organization which offers courses of education approved by the commission to meet any requirement of K.S.A. 58-3046a and amendments thereto.

(b) Request for course approval; notification of approval or disapproval; changes; correspondence courses. To request commission approval of a course of education required by K.S.A. 58-3046a, and amendments thereto, each school shall:

(1) Appoint a coordinator to supervise the course; and

(2) submit all information required by the commission for course and instructor approval at least 45 days prior to the first scheduled class session. The information shall include the following:

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

(B) an application for real estate instructor, completed in accordance with subsection (c) of this regulation;

(C) the procedure for keeping of attendance records; proposed dates and times of the course offering; total amount of attendance fee; total number of class sessions; time spent per session; total hours in the course; and

(D) a course syllabus, including a detailed course outline and course objectives.

Within 15 working days of receipt of request for approval, the commission shall notify the school, in writing, of its decision to approve or disapprove the

course. Each notice of approval of a course shall stipulate the number of hours of credit to be given for attending the course. If the commission requires additional time to reach a decision, the commission shall notify the school, in writing, that the course is under review. The notice shall state the date by which the commission expects to complete its review.

Each school shall notify the commission, in writing, at least 15 days prior to a significant change in a course approved by the commission. Such changes include changes in coordinator, instructor, name or location of school, dates and times the course is offered, and fees charged to students.

Nothing in this regulation shall preclude the commission from approving substitution of an instructor to teach an approved course, if the instructor meets the qualifications in subsection (c) of this regulation.

Each school offering a correspondence course shall, to the extent applicable, meet all other standards prescribed by the commission and shall require that at least 50 per cent of the passing grade of its corresponding students be based on scores obtained by proctored examinations.

(c) Request for instructor approval; notification of approval or disapproval. Each individual desiring to teach a course approved by the commission shall submit an application for instructor approval obtained from the commission. The application shall contain a resume, outlining the applicant's specialized preparation, training and experience which qualifies the applicant to instruct the course. Each instructor shall be required to show evidence both of knowledge of the curriculum and ability to effectively instruct.

(1) Knowledge of the subject matter shall be shown by meeting at least one of the following requirements:

(A) Holding a college degree in real estate or a college degree in law, business or another academic area directly related to the course which the applicant intends to instruct;

(B) having at least three years of experience in the professional area of real estate directly related to the course which the applicant intends to instruct; or

(C) passing an instructor's examination approved by the commission.

(2) Ability to effectively instruct shall be shown by meeting at least one of the following requirements:

(A) Completion, within the preceding two years, of a commission-approved course of study for instructors designed to develop ability to communicate;

(B) holding a current teaching certificate issued by a state department of education or an equivalent agency in another jurisdiction;

(C) holding a four-year college or university degree in the field of education; or

(D) having successfully demonstrated the ability to teach in schools, seminars or in an equivalent setting.

Within 15 working days of receipt of an application for instructor approval, the commission shall notify the school coordinator, in writing, of its decision to approve or disapprove the instructor. If the commission requires additional time to reach a decision, the commission shall notify the school coordinator, in writing, that the application is under review. The notice shall

state the date by which the commission expects to complete its review.

(d) Registration of approved courses; application for renewal. Registration of courses approved by the commission shall expire at the end of the calendar year. The commission shall notify each school by November 1 that an application for renewal of courses and instructors is due and send the necessary forms to the school.

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

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

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

(f) (1) Issuance of certificates; maintenance of records. Each school shall issue a certificate of completion to each student who successfully completes a course approved by the commission and shall give or mail the certificate to the student. Each school shall use certificate forms approved by the commission.

(2) A certificate shall not be issued to any student who was absent more than 10 per cent of the classroom hours scheduled for any course required under subsection (a), (b), (d)(1) or (d)(2) of K.S.A. 58-3046a and amendments thereto.

(3) A certificate shall not be issued to any student who was absent during any portion of the classroom hours scheduled for any course required under subsection (c) and (d)(3) of K.S.A. 58-3046a and amendments thereto.

(g) Each school shall maintain, at their business address, records of students successfully completing a course approved by the commission for a minimum of three years. Attendance records shall be kept current and available for inspection by commission representatives upon request.

(h) Advertising. Schools shall not advertise a course as meeting the educational requirements of the Kansas real estate brokers' and salespersons' license act prior to placing verification of commission approval on file at the school. Schools shall not advertise that an instructor will teach a course approved by the commission prior to placing verification of approval of the instructor for the course on file at the school. Schools, or agents of schools, shall not guarantee that successful completion of a course will result in the student's passing of a real estate licensing examination. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3046a, as amended by L. 1986, Ch. 209, Sec. 8; effective, T-83-32, Oct. 25, 1982; effective May 1, 1983; amended May 1, 1984; amended, T-86-31, Sept.

(continued)

24, 1985; amended May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

**86-1-11. Minimum curricula and standards for course.** (a) Each school offering a course approved by the commission under subsection (a) of K.S.A. 58-3046a, and amendments thereto, shall use a course syllabus provided by the commission and shall register such course under the title "Principles of Real Estate."

(b) Each school offering a course approved by the commission under subsection (b) of K.S.A. 58-3046a, and amendments thereto, shall use a course syllabus provided by the commission and shall register such course under the title "Broker Pre-License Course."

(c) Additional instruction required by subsection (c) of K.S.A. 58-3046a, and amendments thereto, shall be courses approved by the commission and may include instruction in real estate finance, real estate law, real estate appraisal, real estate investment, and real estate management. Courses dealing with other subject matters may be approved by the commission. Total instruction time of approved courses shall be not less than four hours.

(d) Instruction required by subsection (d) of K.S.A. 58-3046a, and amendments thereto, shall include 24 hours of instruction designated by the commission as required hours and 26 elective hours elected by the licensee from courses approved by the commission under subsection (c) of this regulation. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3046a, as amended by L. 1986, Ch. 209, Sec. 8; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

**86-1-14.** (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3046a, as amended by 1985 SB107; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; revoked, T-87-32, Nov. 19, 1986; revoked May 1, 1987.)

**86-1-15. Change of last name.** (a) Within 10 days of a change of last name of a licensee, the licensee shall notify the commission in writing of the change. With the notification, the supervising broker or branch broker shall return the license for cancellation and reinstatement for the period of time remaining until the expiration date determined by the schedule contained in K.A.R. 86-1-3.

(b) If the change in last name results in a later expiration date of the license, the licensee shall pay a fee, based on an annual amount of \$25 for a salesperson's license or \$40 for a broker's license, prorated for the number of months by which the expiration date is extended.

(c) If the change in last name results in an earlier expiration date of the license, the commission shall refund to the licensee an amount, based on an annual amount of \$25 for a salesperson's license or \$40 for a broker's license, prorated for the number of months by which the expiration date is shortened.

(d) The hours of instruction required by subsection (c) of K.S.A. 58-3046a, and amendments thereto, shall

not be required at the first renewal date of the new license if that date is less than 12 months after the last renewal date of the license that is canceled.

(e) The hours of instruction required by subparts (1), (2) and (3) of subsection (d) of K.S.A. 58-3046a, and amendments thereto, shall be determined by the commission on an individual basis for a licensee whose expiration date is changed during the period of time that such requirements are applicable to the licensee. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 58-3045, as amended by L. 1986, Ch. 209, Sec. 7, and 58-3046a, as amended by L. 1986, Ch. 209, Sec. 8; effective, T-87-32, Nov. 19, 1986; effective May 1, 1987.)

## Article 2.—AUTHORITY OF COMMISSION; PROCEDURE

**86-2-5. Summary adjudicative proceedings.** (a) Each summary adjudicative proceeding shall conform to the provisions of the Kansas administrative procedure act, K.S.A. 77-537 to 77-541, inclusive, and amendments thereto.

(b) A summary adjudicative proceeding may be used when an application for a license or renewal of a license has been filed with the proper form and fee and the commission refuses to issue or renew the license for one of the following reasons:

(1) The applicant failed to meet the education requirements of K.S.A. 58-3046a and amendments thereto;

(2) the applicant failed to submit the application within the time period prescribed by subsection (d) of K.S.A. 58-3039 and amendments thereto or subsection (b) of K.S.A. 58-3045 and amendments thereto;

(3) the applicant failed to meet the experience requirement for a broker's license as provided by subsection (c) of K.S.A. 58-3039 and amendments thereto;

(4) the applicant made a false statement of material fact on the application;

(5) the applicant failed to provide proof that the applicant's reputation is one of honesty, trustworthiness, integrity and competence to transact the business of broker or salesperson in a manner that safeguards the public interest; or

(6) other matters considered by the commission as provided by K.S.A. 58-3043 and amendments thereto.

(c) A summary adjudicative proceeding may be used to suspend or revoke a license when the fee for issuance, renewal or reinstatement of the license was paid by an insufficient fund check.

(d) A summary adjudicative proceeding may be used to suspend a license if a licensee does not pay an assessment as provided by subsection (b) of K.S.A. 58-3066, as amended by L. 1986, ch. 210, Sec. 1. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 1985 Supp. 77-513, as amended by L. 1986, Ch. 362, Sec. 3; effective, T-86-31, Sept. 24, 1985; effective May 1, 1986; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

### Article 3.—PERSONS HOLDING LICENSES; DUTIES

**86-3-6a. Offices.** (a) A primary office may be in the supervising broker's residence. A branch office may be in the branch broker's residence. An office shall not be maintained in the residence of a sales associate.

(b) Office space shall be sufficient to maintain the records relating to the broker's real estate business and to allow examination or inspection by the commission pursuant to K.S.A. 58-3061 and amendments thereto without interference by other users of the property. (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3060, as amended by L. 1986, ch. 209, Sec. 12; effective, E-81-18, July 16, 1980; effective May 1, 1981; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

**86-3-15. Reporting of information.** (a) Each licensee shall report any of the following circumstances to the commission, in writing and within 10 days of the date of occurrence:

(1) Any litigation involving the sale of real estate or payment of a commission in which the licensee or the licensee's real estate company is named as a plaintiff or defendant. The report shall include the nature of the allegations, or the licensee shall furnish a copy of the petition;

(2) disposition of litigation reported pursuant to this regulation;

(3) any tax lien, mechanic's lien or court judgment filed against the licensee or the licensee's real estate company;

(4) any voluntary or involuntary petition in bankruptcy filed by or against the licensee or the licensee's real estate company;

(5) any discharge of a bankrupt;

(6) any charge of, arrest or indictment for, plea of guilty or nolo contendere to, or conviction of:

(A) forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any similar offense;

(B) a crime involving moral turpitude; or

(C) any felony;

(7) any change in the licensee's name;

(8) any change in the licensee's residence address;

(9) any change relative to a trust account maintained by the licensee pursuant to subsection (b) of K.S.A. 58-3061 and amendments thereto;

(10) any rejection by another state of an application made by the licensee for a broker or salesperson license; or

(11) any suspension or revocation of a broker or salesperson license held by the licensee in another state.

(b) Each supervising broker for a partnership, association or corporation whose members or officers are licensed pursuant to subsection (b) of K.S.A. 58-3042 shall be responsible for reporting the information required by this regulation as it relates to the partnership, association or corporation.

(c) Each supervising broker and branch broker shall report to the commission any information pursuant to paragraph (a)(6) of this regulation, applicable to an

associated or employed salesperson or associate broker. This report shall be made in writing within 10 days of the date that knowledge of the information comes to the attention of the broker.

(d) Each supervising broker for a partnership or corporation whose members or officers are licensed pursuant to subsection (b) of K.S.A. 58-3042 shall notify the commission of the name and office of each officer of the corporation or the name of each partner, by completing a partnership or corporation report form obtained from the commission. The supervising broker shall notify the commission within 10 days of any change in the information, by completing a revised report. (Authorized by K.S.A. 74-4202(b), implementing K.S.A. 1985 Supp. 58-3041(a), K.S.A. 58-3042(b), K.S.A. 1985 Supp. 58-3050, as amended by L. 1986, ch. 209, Sec. 10; K.S.A. 58-3061(b), as amended by L. 1986, ch. 209, Sec. 13; effective Jan. 1, 1974; amended, E-81-18, July 16, 1980; amended May 1, 1981; amended May 1, 1984; amended, T-87-32, Nov. 19, 1986; amended May 1, 1987.)

**86-3-16, 86-3-17.** (Authorized by K.S.A. 74-4202(b); implementing K.S.A. 58-3061; effective May 1, 1975; amended, E-81-18, July 16, 1980; amended May 1, 1981; revoked, T-87-32, Nov. 19, 1986; revoked May 1, 1987.)

**86-3-21. Trust account exemption.** To request exemption from the requirement to maintain a trust account provided by subsection (f)(D) of K.S.A. 58-3061, and amendments thereto, a broker shall complete a request form, obtained from the commission. If the request is approved by the commission for the reason that the broker does not act as escrow agent for real estate transactions and receives no trust funds other than earnest money checks payable to the escrow agent named in the purchase contract, the broker shall:

(a) Unless otherwise specifically provided by written agreement of all parties to the purchase contract, deliver the purchase contract and earnest money deposit to the escrow agent named in the purchase contract within five business days after the purchase contract is signed by all parties; and

(b) Obtain and keep in the transaction file a receipt from the escrow agent showing date of delivery of the purchase contract and earnest money deposit. (Authorized by K.S.A. 74-4202(b), implementing K.S.A. 58-3061, as amended by L. 1986, ch. 209, Sec. 13, effective, T-87-32, Nov. 19, 1986; effective May 1, 1987.)

E. W. YOCKERS  
Director

Doc. No. 005120

## State of Kansas

## DEPARTMENT OF EDUCATION

PERMANENT ADMINISTRATIVE  
REGULATIONS

(Effective May 1, 1987)

Article 1.—CERTIFICATE  
REGULATIONS

**91-1-28. Special certificate.** (a) A special certificate shall be issued to the applicant, if each of the following conditions have been met: (1) Each applicant shall explore the possibility of certification through all other existing channels prior to applying for this certificate.

(2) The administrator of the accredited or approved educational agency wishing to employ the applicant shall present a written petition to the teaching and school administration professional standards advisory board describing the particular competencies needed to fill the position.

(3) The committee designated in subsection (b) of this regulation recommends that the special certificate be issued.

(b) The request for a special certificate shall be heard by a committee of three. The teaching and school administration professional standards advisory board shall appoint from its membership one chief school administrator and one chairperson of a department of education of a teacher education institution. The third member of the committee shall be designated by the commissioner of education.

(c) The committee's recommendation to grant or deny the application for a special certificate shall be based on the results of a personal interview with the applicant. The interview shall explore the applicant's:

(1) Knowledge of the learning process for students of the age level for which the applicant is requesting certification;

(2) ability to instruct and motivate students; and

(3) knowledge and skill in the subject area for which endorsement is sought.

(d) If the application is approved, a recommendation for certification shall be forwarded to the state board of education. If the application is not approved by the committee, the applicant may appeal to the certification review committee as provided in S.B.R. 91-1-27(g).

(e) Each special certificate shall be valid for only one school year. Two renewals, for one year each, shall be granted if renewal is recommended by the employing administrator and the committee designated in subsection (b) above. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

**91-1-29.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**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) Any secondary endorsement shall be extended to grades five and six, if the applicant's preparation:

(A) Includes course work in child and adolescent psychology, accredited experience in one of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement; or

(B) Meets the standards set forth in S.B.R. 91-1-144 and the appropriate middle-level subject and field requirements, and includes accredited teaching experience or student teaching in one or more of the grades five through nine, and 15 semester hours of education or training in each field or subject covered by the endorsement.

(3) 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)(2).

(4) Any applicant who is employed at an accredited teacher education institution, may meet recent credit or experience requirements with verification by the dean or head of the education department that the experiences the individual has acquired in the areas of research, curriculum development, staff development or inservice education are equivalent to the semester hour requirements for initial certification provided in S.B.R. 91-1-27(c).

(b) Renewal requirements.

(1) Credit other than upper-division or graduate level credit that is submitted as a basis for renewal of certification 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. Renewal credit shall be appropriate for 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 accredited, recent experience since the issuance of the most recent three-year Kansas certificate;

(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 as specified in S.B.R. 91-1-146a to 91-1-146d, if the applicant does not hold an advanced degree.

(9) Applicants for renewal of certification who are employed at an accredited teacher education institution may meet renewal requirements with verification by the dean or head of the education department that the experience the individual has acquired in the areas of research, curriculum development, staff development or inservice education are equivalent to the stated semester hour requirements for renewal of certification provided in state board regulations for the certificate the individual holds or has held.

(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)(2), (b)(3), or (b)(4)(B).

(11) The state board reserves the right to modify or

amend the regulations relating to renewal requirements for all certificates. (Authorized by and implementing 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, 1986; amended May 1, 1987.)

**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 current or past 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 current or past valid teaching certificate from another state. 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 and implementing 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; amended May 1, 1987.)

**91-1-81. Subjects and fields of specialization—general standards.** (a) Each individual program of teaching specialization shall:

(1) Be assigned to a designated unit of the teacher education institution; and

(2) be based upon a written statement of program objectives. The program objectives shall be prepared by the faculty and shall be based on an analysis of current practices and recommendations of professional organizations representing the field.

(b) Each program of study constituting an individual program of teaching specialization shall:

(1) Consist of a sequentially-planned curriculum

(continued)

available in printed publications such as catalogs and handbooks;

(2) be identified in course outlines, schedules, and syllabi kept on file in the appropriate departmental or administrative offices;

(3) be designed to produce the competencies needed to successfully teach at the appropriate grade levels;

(4) include a planned sequence of early field experience, including classroom observation, directed laboratory experiences, and teacher assistance. This planned sequence shall include a variety of classroom settings; and

(5) include systematic evaluation procedures which will serve as a basis for recommending teacher education students for teacher certification.

(c) Each individual program of teaching specialization shall be supported by:

(1) Faculty who have graduate-level preparation in that discipline;

(2) specialized methods of instruction taught by faculty who have experience in and knowledge of specific levels of instruction; and

(3) adequate facilities, including library resources, laboratory and other equipment, and instructional media. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1987.)

**91-1-83. Aerospace education.** (a) Each applicant for an aerospace education endorsement shall have completed a state-approved program in aerospace education and shall be recommended by a teacher education institution. The aerospace endorsement shall be granted only for the secondary level.

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

(1) Knowledge of aerospace, aeronautics and air transportation. The course of study shall allow students to acquire the ability to:

(A) Explain the methods and concepts of aerospace, aeronautics and air transportation; and

(B) identify contributions leading to present day technology and trends in aviation.

(2) Knowledge of meteorology and astronomy. The course of study shall allow students to acquire the ability to:

(A) Identify and apply the concepts of world weather patterns, storms and forecasting as related to aviation and aerospace; and

(B) describe the principles of astronomy and the manner in which astronomy relates to aviation and aerospace.

(3) Knowledge of aviation education. The course of study shall allow students to acquire the ability to:

(A) Develop and evaluate curriculum for aviation education; and

(B) develop and demonstrate the use of teaching materials, resources and techniques for aviation education. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective

(temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1986; amended May 1, 1987.)

**91-1-108b. General mathematics.** (a) Each applicant for a general mathematics endorsement shall have completed a state-approved program in 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 justifying 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) Prior to May 1, 1987, any institution may request that its general mathematics program be approved by the state board under the provisions of this regulation.

(d) On and after May 1, 1987, any institution desiring to have an approved general mathematics program shall meet the requirements of this regulation. (Authorized by and implementing Kansas Constitution, Article 6, Section 2(a); effective May 1, 1985; amended June 11, 1986; amended May 1, 1987.)

**91-1-112.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January

8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-113.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-114.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-115.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-116.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-117.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-118.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-119.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-124.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-126.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-132.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-135.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-137.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-138.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-139.** (Authorized by Article 6, Section 2(a) of

(continued)

the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-141. Innovative and experimental programs.**

(a) Any teacher education institution desiring to offer an innovative, experimental program designed to prepare educational personnel for new types of positions for which no program exists, or to develop a new approach or method for the preparation of education personnel in an existing program, shall make a written request to the state board for approval of the program. The request shall include the following:

(1) A written statement of the purpose and teaching objectives in the area, including a description of the type of public school program that would be needed to accomplish these objectives. This material shall be prepared cooperatively by the agencies concerned with teacher education, and shall be based on analyses of current practices and trends in the area.

(2) A written statement of the competencies needed by educational personnel in the public school program. These competencies shall include the attitudes, knowledge, and skills required for a beginning teacher. This statement of competencies shall be based upon the purpose and objectives of the program.

(b) The administrative structure of the innovative-experimental program shall be such that responsibility for the program is vested in the preparing institution.

An institution which accepts responsibility for the education of teachers shall establish and designate the appropriate division, school, college, or department within the institution to act within the framework of general institutional policies on all matters relating to such programs.

(c) Each innovative-experimental program shall include a description of the curricula under which educational personnel will be prepared and evaluated, and the educational personnel's progress in the program.

(d) An innovative-experimental program shall be supported by identified human and physical resources. The continuing availability of the resources shall be assured for the duration of the program. Any resources not under the control of the teacher education institution shall be outlined and confirmed by the controlling agency.

(e) An innovative-experimental program shall include a timetable which sets forth a starting and termination date for the program as follows:

- (1) The sequence of activities that will occur;
- (2) the anticipated schedule of evaluative check points;
- (3) identification of competencies to be completed by the students; and
- (4) provisions for program design changes at selected intervals in the program.

The timetable shall give the approximate dates on which periodic program reports are to be submitted to the appropriate institutional officials and to the state board.

(f) An innovative-experimental program shall provide for continuing evaluation with definite provi-

sions for performance criteria and for follow-up, at specified intervals. The evaluation plan shall include definition and specification of the kinds of evidence that will be gathered and reported. The evaluation shall provide information to identify areas in the programs that need strengthening and to suggest new directions for program development. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; amended May 1, 1987.)

**91-1-142.** (Authorized by Article 6, Section 2(a) of the Kansas Constitution; effective (temporary) January 8, 1982; (permanent) May 1, 1982; revoked May 1, 1987.)

**91-1-145. Evaluating credits from international institutions.** (a) To receive a valid teaching certificate for the state of Kansas, all persons who have graduated from accredited institutions outside of the United States of America shall:

(1) Contact a credentials evaluator for complete evaluation of academic credentials. Official copies of secondary education transcripts, certificates, and diplomas shall be provided. Material which is not written in English shall be translated into English by a translator, and the translator shall verify the accuracy of the translation. A list of credentials evaluators shall be maintained by the Kansas state department of education.

(2) Obtain a teacher education institution recommendation. The institution shall be 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. The definition of teacher education institution cited in S.B.R. 91-1-26(s)(1) and (2) shall not apply to the recommendation process described in this regulation.

(3) Provide evidence of the recent credit or recent, accredited experience specified in S.B.R. 91-1-27(c).

(4) Complete the Kansas application for certification. The application shall be accompanied by official documentation including official transcripts, certificates, and diplomas. The application also shall be accompanied by the certification fee established by the state board.

(5) Obtain a passing score on an English language proficiency examination designated by the Kansas state department of education for all applicants whose primary language is not English. The examination shall include competency in spoken English. The examination shall have been taken within the six-year period immediately preceding the date of application for certification.

(b) All applicants shall:

(1) Possess the equivalent of a four-year baccalaureate degree at an institution of higher education in the United States of America; and

(2) have a minimum cumulative grade point average of 2.5 on a 4-point grade scale, or its equivalent.

(c) If the applicant does not meet all of the above requirements, he or she shall be given information

regarding accredited teacher education programs at Kansas institutions of higher education. In addition, any applicant who does not meet all of the above requirements shall be notified of the appeal process prescribed in S.B.R. 91-1-27g. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1986.)

**91-1-146a. Inservice education definitions.**

(a) "Education agency" means a local school district, accredited non-public school, area professional development center, institution of postsecondary education which is authorized to award academic degrees, the Kansas state department of education and any other organization which serves school districts.

(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 Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987.)

**91-1-146c. Inservice education professional development council.** (a) Each professional development council shall:

(1) Be representative of the employed certified personnel; and

(2) include at least as many teachers as administrators and both shall be selected solely by the group they represent.

(b) The council shall:

(1) Develop operational procedures;

(2) develop a plan which shall be approved by the governing body of the education agency based upon criteria established by and available from the state board of education; and

(3) recommend to the governing body of the education agency approval or disapproval of individual plans for renewal of certification. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987.)

**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 institution of postsecondary education or another education agency which has a state-approved inservice education plan.

(c) Renewal of certification based upon inservice education shall require:

(1) Each individual whose highest degree is a baccalaureate degree to have experiences worth at least 160 inservice education points during a five-year period, half of which shall be college or university credit.

(2) Each individual having a master's degree or other advanced degree shall have experiences worth 120 inservice education points during a five-year period.

(3) Experiences worth at least 100 inservice education points during a five-year period for a renewal of a substitute teaching endorsement.

(A) A substitute teacher may earn all 100 points through inservice education.

(B) A substitute teacher employed for any period of time by an education agency having a state-approved inservice education plan may participate in that district's inservice education plan.

(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 implementing Article 6, Section 2(a) of the Kansas

(continued)

Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1987.)

### Article 12.—SPECIAL EDUCATION

**91-12-23. State approval of special education services.** (a) General criteria for state approval. State approval of any special education services to be offered shall require that the agency proposing to provide the services has made provision for:

- (1) The employment of personnel properly certificated and endorsed in their assigned categories of exceptionality and level of instruction;
- (2) compliance with pupil-teacher ratios;
- (3) the development and offering of curricula appropriate to student needs;
- (4) facilities comparable to those provided non-exceptional children;
- (5) compliance with identification, individualized education program, placement, and review procedures;
- (6) appropriate licensed or certificated support personnel;
- (7) other necessary related services; and
- (8) an approvable delivery model or models. The following plans for delivering special education services may be approved:
  - (A) Home-based instruction;
  - (B) regular education with support services only;
  - (C) consulting teacher plan;
  - (D) itinerant teacher plan;
  - (E) resource room plan;
  - (F) self-contained special class;
  - (G) special day school;
  - (H) residential school;
  - (I) hospital instruction; or
  - (J) homebound instruction.

With the exception of home-based and homebound instruction, these models may be implemented through either categorical or interrelated service units. Combinations of delivery models also may be approved.

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

- (1) The name by which the model may be identified;
  - (2) a statement of the specific purpose or special education need or needs to which this delivery model will respond;
  - (3) a description of the type of special education services to be provided and the projected length of time the services will be provided;
  - (4) the procedures for selecting students to be served;
  - (5) the number of children to be served; and
  - (6) the instructional level or levels to be included.
- (c) Requests for waiver.
- (1) Requests for a waiver of any requirement in regard to class size, caseload, age range, or personnel

provided in article 12 of these regulations may be granted or denied by the director of the special education administration section, subject to confirmation or rejection by the state board of education at its next meeting. Requests for a waiver shall be made, in writing, to the director of the special education administration section of the department of education. The local education agency shall show good cause for the granting of such a waiver and shall present an alternative to the requirement which will ensure that the objectives of these regulations will be achieved. Written notice of the director's decision to grant or deny the request shall be given to the local education agency requesting the waiver. If the request is denied, the notice shall specify the reason or reasons for the denial of the request and advise the local education agency of the appeal procedure provided for in paragraph two of this subsection.

(2) Any local education agency may appeal the director's denial of its request for a waiver to the state commissioner of education within 15 calendar days of the date written notice was sent to the local education agency. Upon receiving an appeal, an appeal committee of at least three department of education members, shall be appointed by the commissioner to review the denial of the request and to consider the information from the local education agency. The appeal process shall be completed within 30 calendar days of the appeal request from the local education agency and a recommendation shall be given to the state board of education within 15 days after the appeal process has been completed. The state board of education shall consider the recommendation at its next meeting.

(3) If the director grants the request for waiver, such action shall be subject to confirmation or rejection by the state board of education at its next meeting.

(4) Any waiver shall be granted for a period not exceeding 12 months. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987.)

**91-12-48. Procedural due process in state institutions.** (a) The admission or refusal of admission to a state institution for treatment and rehabilitation in and of itself is not a special education action.

(b) If any child is admitted to a state youth center the child shall be placed in an age appropriate education program until a determination is made as to the need for a comprehensive evaluation. If any child is evaluated and determined to be in need of special education services, an individualized education program conference shall be held no more than 30 days from the date the comprehensive evaluation is completed. Parental consent for a preplacement evaluation shall be required for any child placed in a state youth center. Because a comprehensive evaluation is part of the admission process for other state institutions, parental consent for preplacement evaluation shall not be required in those facilities.

(c) All other procedural safeguards of due process and confidentiality and evaluation procedures shall be extended to all school age exceptional children housed and maintained in state institutions. (Autho-

rized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987.)

**91-12-58. Specific learning disabilities.** (a) Identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall include the following in its 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) 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.

(4) In determining whether a significant discrepancy exists, the team shall employ procedures that use a standard score comparison in which current achievement and aptitude 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.

(A) The regression formula for predicting the discrepancy between aptitude and achievement, as prescribed in Appendix G of "Kansas Guidelines for Identifying Children and Youth with Specific Learning Disabilities," 1986, published by the Kansas department of education, is adopted by reference, and shall be used to determine whether a significant discrepancy exists.

(B) The simple standard score difference between aptitude and achievement, as prescribed in Appendix G of "Kansas Guidelines for Identifying Children and Youth with Specified Learning Disabilities," 1986, published by the Kansas department of education, is adopted by reference, and shall be used to determine whether a significant discrepancy exists if the technical data necessary to apply the regression formula are not available.

(5) 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.

(6) 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 significant discrepancy between achievement and aptitude;

(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;

(F) any educationally-relevant medical findings;

(G) whether the child has a specific learning disability which is not correctable without special education or related services or both; and

(H) a written statement for each evaluation team member certifying that 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	No more than 1/3 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)
	Special Classroom	10
		Increase to 14 (2 per each paraprofessional up to 2 paraprofessionals)

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1985; amended May 1, 1986; amended, T-87-23, Oct. 1, 1986; amended May 1, 1987.)

**Article 31.—ACCREDITATION**

**91-31-1. Definition of terms.** (a) "Accredited-advised" means failure of the school to meet one or more state board accrediting regulations.

(continued)

(b) "Accredited-warned" means failure of the school to correct the previous year's deficiency, or failure to comply with Kansas statutes.

(c) "Board of education" means the board of education of any unified district or the governing body of any nonpublic school.

(d) "Class period" means a segment of the school day regularly scheduled for instruction in a designated subject. The length of time of the period may vary according to the type of subject and pattern of scheduling.

(e) "Daily program" means the schedule of classes taught by teachers during the school day.

(f) "Lawful custodian" means a parent, stepparent, foster parent, guardian or other person who has legal custody of a child or who is liable by law to maintain, care for or support the child.

(g) "Library media" means printed and audiovisual forms of communication and their accompanying technology.

(h) "Library media center" means the service area which houses both the library and the audiovisual services.

(i) "Library media program" means the complete instructional program and other services furnished to pupils and teachers by a library media specialist.

(j) "Library media specialist" means a person who holds a valid certificate with the appropriate endorsement for that person's level of assignment and who directs the library media program in its entirety or specializes in either the print or nonprint areas of the program.

(k) "Building administrator" means a person having the administrative and supervisory responsibilities for a school or schools.

(l) "Program of studies" means those courses of instruction offered in a school during the year.

(m) "School" means an attendance facility under the control of a board of education.

(n) "School year" means the 12-month period ending June 30.

(o) "Special education state plan" means the state plan for special education services authorized by K.S.A. 72-933 *et seq.*, as amended and supplemented.

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

(q) "District school administrator" means the chief administrative officer appointed by the board of education of the district who is responsible for administrative and supervisory duties for all units of organization within the district and who has charge and control of the schools and their personnel.

(r) "Teacher" means a person who holds a valid certificate with the appropriate endorsement or endorsements for that person's level of assignment.

(s) "Unified course" means a course that is organized and taught by one or more teachers and that includes content from two or more subject areas.

(t) "Unit of credit" means one unit of credit earned for satisfactory completion of any approved subject taught for a minimum of 40 minutes daily, five periods a week for 36 weeks, or 120 clock hours. One-half unit of credit is earned for approved subjects taught for a

minimum of 40 minutes daily, five periods a week for 18 weeks, or 60 clock hours. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

**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 building administrator's building report and other reports required by the state board. The building report shall be filed on or before 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 respective school applying for accreditation. The official reports shall include the district school administrator's report and the building administrator's building report, reports from 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 annually, the progress made to correct any deficiencies cited the previous year. 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 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 its 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) Any school with deficiencies shall be notified by the state board on or before March 15 of the school year. All official accreditation notices indicating deficiencies shall be mailed to the district school administrator. Deficiencies identified after March 15 as a result of investigating a complaint shall be entered into the accreditation file after notifying the district school administrator, and shall be included in the official June 30 accreditation or non-accreditation notice.

(f) Any school which is correcting deficiencies shall not be cited in the accreditation process for the semester the deficiency is corrected. Responses from schools regarding the correction of deficiencies shall be filed with the state board on or before 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 20 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) If a 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 20 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) If a 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 educa-

tion, any high school teaching less than 30 units of credit, as reported in the September 20 building administrator'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 20 of the current school year. Each elementary school may be accredited-exemplary if it meets the requirements of S.B.R. 91-31-2(h)(3). Any elementary school with an enrollment of less than 10 pupils on September 20, 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 district school administrator on or before 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 board of education and the district school administrator, 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; amended May 1, 1987.)

**91-31-4. Organization; special, exemplary or innovative programs; waiver of regulations.** Schools that have special, exemplary or innovative programs that do not meet all accreditation regulations may, prior to the beginning of the school term, request approval from the state board to conduct those programs. Approval shall be granted if the district school administrator has submitted the proposed program in writing, and the program includes:

(continued)

(a) A statement citing how the program would be curtailed or prohibited if regulations of the state board are applied to the program;

(b) evidence that the goals and objectives of the program fall within statewide education goals defined by the state board;

(c) evidence that the program adopted is in compliance with Kansas statutes;

(d) evidence that the evaluation procedures for the program are identified in advance and provide valid and objective data for assessing its success; and

(e) evidence that all teachers of such programs have met criteria established by the state board.

The state board shall notify the district school administrator in writing of approval or denial of the program. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985; (permanent) May 1, 1986; amended May 1, 1987.)

**91-31-5. Summer school programs.** Summer school programs shall be submitted for approval on forms provided by the state board and shall meet the following requirements: (a) Administration. Summer school programs shall be under the supervision of an administrator who holds a valid certificate with the appropriate endorsement for that level of assignment.

(b) Summer school notification. Districts planning to operate a summer school program shall notify the state board on or before May 1 of each year.

(c) Scholastic records. Permanent scholastic records shall be maintained for summer school sessions.

(d) Summer school report. Each district shall submit a report to the state accreditation unit, on forms furnished by the state board, no later than 10 days after the first day of summer school.

(e) Curriculum.

(1) Subjects may be offered for enrichment, makeup purposes, or to obtain credit for courses not available during the regular school term.

(2) Courses taught in the summer school program shall include the same content and achievement standard as similar courses taught in the regular school term.

(f) Enrollees.

(1) Permission. A pupil desiring to enroll in summer school for credit shall obtain permission from the building administrator of the pupil's parent school.

(2) Subject prerequisites. Admission to summer school courses shall be subject to the recognized prerequisites in the school subject areas.

(3) Correspondence courses. Pupils shall obtain prior approval from their parent school building administrator before enrolling in correspondence courses for credit.

(g) Summer school instructors. Each teacher in an approved summer school shall hold a valid certificate with the appropriate endorsement for the teacher's level of assignment.

(h) Requirements for credit. This subsection shall not apply to elementary schools.

(1) Time required for repeated subjects and new subjects.

(A) One unit of credit shall be earned for those courses which meet for a total of 120 clock hours.

(B) One-half unit of credit shall be earned for those courses which meet for a total of 60 clock hours.

(C) Time for makeup work for one unit of credit or one-half unit of credit shall be at least one-half the time requirement for a regular school term course.

(D) Instructional time for credit shall be exclusive of registration, holidays, and break time.

(2) Driver education. Any school may offer an approved course in driver education during the summer term, and the instruction shall be administered and supervised by the school as provided by Kansas statutes.

(i) Schools shall be accredited, or if any deficiencies exist, accredited advised, accredited warned, or dropped from the accredited list by the state board as provided by S.B.R. 91-31-2(d).

(j) Any school with deficiencies shall be notified by the state board on or before March 15. All official accreditation notices indicating deficiencies shall be mailed to the district school administrator. Deficiencies identified after March 15 as a result of investigating a complaint shall be entered into the accreditation file, after notifying the district school administrator, and shall be included in the official June 30 accreditation or non-accreditation notice.

(k) Responses from schools regarding the correction of deficiencies shall be filed with the state board on or before April 1 of the year following the year in which the reports were submitted, except for those deficiencies identified after this date as a result of investigating a complaint.

(l) The accreditation of a school shall be effective as of June 30 of the year following the year in which the forms are filed and shall remain in force for one year unless changed by action of the state board. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1984; amended May 1, 1987.)

**91-31-6. Administration.** (a) Admission. Any pupil transferring from or completing a course of study in an accredited school shall be eligible for admission to another accredited school. Schools shall accept pupils from unaccredited schools in accordance with the provisions of subsection (b).

(b) Placement. Placement of pupils in the education program shall be determined according to the policy of the board of education. The following criteria shall be used in determining placement:

(1) past education experience record;

(2) successful performance at the level of assignment; or

(3) examinations administered by the local district.

(c) Promotion. Promotion shall be determined according to the policy of the board of education.

(d) Pupil records. Accurate and complete records of scholarship, attendance and activities shall be kept in a safe or fire-resistant compartment. Except as provided by K.S.A. 72-5386, when a pupil transfers or is promoted to another school within or without the school district, academic records shall follow the pupil



on request. Pupil records shall be maintained and released in compliance with the right to privacy act as provided by K.S.A. 72-6214.

(e) Teacher records. An individual teacher record including a current college transcript or transcripts, certification, tenure, salary, retirement status and other personnel data shall be on file as directed by the board of education.

(f) Activity funds. A complete record of activity funds shall be maintained.

(g) Surety bonds. Each person responsible for the receipt and disbursement of money shall be bonded with a surety bond in an amount fixed by the board of education which shall be approved and paid by the board of education.

(h) Auditing. In addition to persons authorized to make audits under K.S.A. 75-1122 *et seq.*, as amended, accounts shall also be subject to audit by state board of education auditors.

(i) Sales tax. A permanent record shall be maintained showing sales and admissions for which sales tax is paid as required by Kansas statutes.

(j) Inventories. Inventories of all equipment, apparatuses, books, and supplies shall be on file.

(k) Activities program. The activities program shall be under the supervision of the building administrator.

(l) Display of flags. Each school shall fly the United States flag and a Kansas flag as provided by K.S.A. 73-701 and 73-706.

(m) Adherence to health laws. Each school shall adhere to the provisions of Kansas school health statutes, K.S.A. 72-1204 *et seq.*, as amended, and K.S.A. 72-5201 *et seq.*, as amended.

(n) Observance of fire, safety and tornado laws. Fire and safety provisions of K.S.A. 31-132 *et seq.*, as amended, shall be observed. Schools shall establish tornado procedures and conduct tornado drills as provided by regulations promulgated by the state fire marshal under K.S.A. 31-133.

(o) School transportation. Transportation of pupils shall comply with Kansas statutes and the rules and regulations published by the Kansas department of transportation.

(p) Length of school year. The length of the school year shall be at least 180 days taught or 1080 hours taught as provided by K.S.A. 72-1106(a)(2).

(q) Length of school day. The length of the school day shall be at least six hours except as provided by K.S.A. 72-1106. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987.)

**91-31-7. Staff.** (a) District school administrator.

(1) All schools in a district shall be under the supervision of a district school administrator who holds a valid certificate with the appropriate endorsement for that assignment. The district school administrator shall be assigned at least one-half time to administration and supervision of the schools in the district.

(2) A school district with an enrollment of less than 300 students may also assign the district school administrator as elementary and high school building administrator.

(b) Building administrators. Building administrators shall be employed by the board of education under a written contract and shall hold valid certificates with the appropriate endorsements for their levels of assignment.

(c) Assistant building administrator. In schools where the building administrator requires assistance because of administrative responsibilities, staffing patterns shall include the services of an assistant building administrator.

(d) Alternative administrative plan; management by objectives. As an alternative to S.B.R. 91-31-12a(b) and 91-31-14a(d), the board of education may develop and disseminate an administrative plan based upon management by objectives. The plan shall be in writing and set out the goals, objectives and expected outcomes for the administrative assignment and be in agreement with statewide educational goals adopted by the state board, as well as with recognized educational concepts and practices. There shall be broad-based community involvement in the plan. The plan shall provide for the services of a building administrator who shall be assigned the necessary time to perform administrative responsibilities, and shall indicate the amount and kinds of supportive services available to supplement particular administrative responsibilities. The plan shall be approved by and filed with the state board.

(e) Teachers. Teachers shall be employed and compensated according to the provisions of Kansas statutes.

(f) Aides. Non-certified personnel may be employed to supervise pupils in noninstructional activities, provided by K.S.A. 72-1106, and shall work under the supervision of certified personnel. Instructional paraprofessionals hired as special teachers in special education services shall be authorized to assist certified personnel in the instruction of exceptional children as provided by K.S.A. 72-962 and the state plan for special education. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987.)

**91-31-12a. Accreditation regulations applicable to high schools.** (a) Organization. (1) Each high school shall be organized to include at least grades 10, 11 and 12 and may include grades seven through 12 in its organization. Any closing or change in the use of a school building shall be in compliance with the provisions of K.S.A. 72-8213.

(2) Each high school shall organize its program on the basis of units of credit as defined in S.B.R. 91-31-1.

(b) Staff.

(1) Building administrator. Except as provided in S.B.R. 91-31-7(a)(2), each high school enrolling 200 or more pupils shall have a building administrator who spends at least five clock hours each day in administrative and supervisory responsibilities. Each high school enrolling fewer than 200 pupils shall have a building administrator who spends at least three clock hours each day in administrative and supervisory responsibilities.

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(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985; (permanent) May 1, 1986; amended May 1, 1987.)

**91-31-12b. Granting credit.** (a) Determination of course credit shall be made according to the certification status of the teacher. Student credit shall be granted for:

- (1) Successfully completing class work;
- (2) passing examinations administered by the district; and
- (3) participation in the programs outlined by S.B.R. 91-31-12c through 91-31-12g, inclusive.

(b) Athletic practices. Athletic practice for competition shall not be counted for physical education credit.

(c) Correspondence credit. Correspondence credit, except in those courses required by K.S.A. 72-1103, and any amendments to that statute, may be earned from any school or institution with the approval of the school building administrator within guidelines established by the board of education. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended May 1, 1987.)

**91-31-12c. Adult education.** High school credit shall be granted for adult courses of study if the requirements of this regulation are met.

(a) Credit shall be granted to the student based on achievement tests, the judgment of the instructor, and with the approval of the building administrator. The amount of credit granted for achievement tests shall be equal to that given to high school students in the regular school program.

(b) Any participant in an adult class may qualify for credit if the participant:

- (1) is 17 years of age or over;
- (2) has not completed the twelfth grade;
- (3) has been out of school at least one semester; and
- (4) is unable to participate in a regular high school program.

(c) Credit earned may be counted toward meeting the requirements for a high school diploma. If the credit is to be applied toward a diploma to be granted by a school other than the one in which the credit is offered, the building administrator of each school involved shall approve the enrollment.

(d) Each instructor shall hold a valid certificate with the appropriate endorsement for that level of assignment. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987.)

**91-31-12g. Military credits.** Kansas high schools may grant credit toward graduation for the following types of education experiences received while in the military services:

- (a) Secondary courses offered by the United States armed forces institute (U.S.A.F.I.);
- (b) courses in the marine corps institute;

(c) courses in the coast guard institute;

(d) one unit of physical education for basic or recruit training;

(e) correspondence courses, except in those courses required by K.S.A. 72-1103, and any amendments to that statute. Correspondence credit may be earned from any school or institution with the approval of the school building administrator within guidelines established by the board of education; or

(f) vocational courses offered by armed forces schools. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987.)

**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 building administrator, a pupil can profit more by taking another subject, the building administrator 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, 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; amended May 1, 1987.)

**91-31-13. Accreditation regulations applicable to junior high schools.** (a) Organization.

(1) Each junior high school shall be organized to include at least two consecutive grades and may include grades six through nine. Any closing or change in the use of a school building shall be conducted in compliance with the provisions of K.S.A. 2-8213.

(2) Each junior high school shall organize its ninth grade program on the basis of units of credit as defined in S.B.R. 91-31-1.

(b) Staff.

(1) Building administrator. Except as provided in S.B.R. 91-31-7(a)(2), each junior high school enrolling fewer than 200 pupils shall have a building administrator who spends at least three clock hours each day in administrative and supervisory responsibilities. Each junior high school enrolling 200 or more pupils shall have a building administrator who spends at least five clock hours each day in administrative and supervisory responsibilities.

(2) Teachers. All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983, amended (temporary) July 12, 1985, (permanent) May 1, 1986; amended May 1, 1987.)

**91-31-14a. Accreditation regulations applicable to elementary schools.** (a) Each elementary school shall conform to the provisions of K.S.A. 72-1107, regarding age of entrance.

(b) Each accredited elementary school shall be organized to include any combination of grades kindergarten through nine. The middle school concept of organization shall be recognized as a consecutive combination of any grades five through nine. Kindergarten classes shall be organized separately from other grades and shall be organized on a basis of not less than two and one-half clock hours each day when in

session. Any closing or changing the use of a school building shall be conducted in compliance with the provisions of K.S.A. 72-8213.

(c) Each accredited elementary school shall count no more than two 15-minute supervised recess periods per day, one during the mid-morning and one during the mid-afternoon, as part of the school term.

(d) Building administrator. Except as provided in S.B.R. 91-31-7(a)(2), each elementary school shall have the services of a building administrator and shall meet the following requirements:

(1) In school buildings having more than 16 teachers, excluding the building administrator, the building administrator shall spend at least 80% of the school day on administrative duties.

(2) In school buildings having six to 16 teachers, excluding the building administrator, the building administrator shall spend at least one-half of the school day on administrative duties.

(3) In school buildings having fewer than six teachers, excluding the building administrator, time during the school week shall be reserved for the building administrator's administrative duties.

(4) For the purpose of determining the number of teachers in paragraphs (c) (1), (2), and (3), part-time teachers shall be counted on a fractional basis according to the amount of time spent by the teacher in the building.

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

(e) All teachers shall hold valid certificates with the appropriate endorsements for their level of assignment.

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

(g) The curriculum of each elementary school shall meet the provisions of K.S.A. 72-1101 and 72-1103 and requirements of the state board. Each elementary school shall have an organized physical education program. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended (temporary) July 12, 1985; (permanent) May 1, 1986; amended May 1, 1987.)

**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.

(2) For any pupil to be eligible to participate in

(continued)

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 building administrator.

(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: Any race or relay leg, except hurdles, of 400 meters or less; long jump, high jump, shot put (4 kg. shot), discus (1 kg.), and baseball, softball, basketball, and football throw. A sixth grader may not run more than a total of 600 meters in races, including relays, in one day. Sixth graders shall participate in no more than four track meets, only one of which may be where preliminary events are necessary. All jumps 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; amended May 1, 1987.)

**91-31-15. District accreditation regulations for unified school districts.** (a) Requirements. Each school district desiring to be accredited on a district-wide basis pursuant to K.S.A. 72-1114, *et seq.*, shall:

(1) Request and receive permission from the state board to conduct a district-wide evaluation program;

(2) follow prescribed state board evaluation procedures; and

(3) report annually on forms provided by the state board.

(b) Procedure.

(1) School districts shall be designated as accredited on a five-year cycle if they conduct district-wide evaluation programs encompassing all segments of education in the district.

(2) School districts shall develop and implement education programs according to identified district goals and needs. Reference shall be made to statewide educational goals when developing district-wide goals.

(3) Following identification of goals and needs, the district shall develop a master plan of education which shall include:

(A) Formulated district-wide educational goals, statements of need, curricular and instructional objectives;

(B) procedures for implementation; and

(C) evaluation procedures.

(4) The plan shall be implemented according to identified priorities. Particular emphasis shall be placed on program scope, sequence, and integration in the district's educational program for grades kindergarten through 12.

(5) The plan shall have the approval of the board of education. Each school district shall submit its master plan of education and a time-frame for its implementation to the state board for approval.

(6) The state board shall grant initial district-wide accreditation status for a five-year cycle as of June 30. Continued accreditation within the five-year cycle shall be dependent on the district's compliance with statutes and the provisions of the plan as approved by the state board. District-wide accreditation may be withdrawn by the state board any time during the five-year cycle for violation of statutes and failure to follow the approved plan. Any action taken by the state board shall be effective the following June 30. The state board may approve renewal of district-wide accreditation at the end of the five-year cycle following submission of a revised master plan by the district. The revised plan shall include updates and projections for the succeeding five years.

(7) Each district shall make an annual report to the

state board indicating progress made toward achievement of the goals and objectives of the plan.

(8) A district shall be accredited, or if deficiencies exist, accredited warned, or dropped from the accredited list by the state board.

(9) Any district with accreditation deficiencies shall be notified of the deficiencies by the commissioner of education on or before March 15. Notices shall be mailed to the district school administrator.

(10) Reports regarding correction of deficiencies shall be filed on or before April 1.

(11) At the regular June meeting of the state board, the commissioner of education shall recommend to the state board action to be taken regarding the accreditation of a school district. If the commissioner of education recommends nonaccreditation of any district, the commissioner shall notify the president and the clerk of the board of education, and the district school administrator on or before May 15. The board of education involved shall be given an opportunity at the June meeting to present any reasons why the district should not be denied accreditation. When a district has been denied accreditation, the state board shall have five days after the June meeting in which to send a notice of nonaccreditation. The notice shall be sent by the commissioner of education by restricted mail to the president, clerk, and district school administrator with return receipt requested.

(12) Any district denied accreditation effective June 30 may, upon the application of the board of education, be given tentative accreditation status by the state board to be effective the following August 15, if the deficiencies for denying accreditation have been corrected. The application shall be signed by the president and clerk indicating 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. All necessary forms for reinstatement shall be provided by the commissioner of education upon request for the forms. (Authorized by and implementing Article 6, Section 2(a) of the Kansas Constitution; effective May 1, 1983; amended May 1, 1987.)

DR. HAROLD L. BLACKBURN  
Commissioner of Education

Doc. No. 005139

## State of Kansas

DEPARTMENT OF HEALTH  
AND ENVIRONMENTTEMPORARY ADMINISTRATIVE  
REGULATIONSArticle 19.—AMBIENT AIR QUALITY  
STANDARDS AND AIR POLLUTION CONTROL

**28-19-18. Stack heights.** (a) The degree of emission limitation required of any source for control of any air pollutant must not be affected by the portion of any source's stack height that exceeds good engineering practice or any other dispersion technique. The provision of these regulations shall not apply to stack heights in existence or dispersion techniques implemented on or before December 31, 1970, except where pollutants are being emitted from those stacks or using those dispersion techniques by sources as defined in these regulations, which were constructed or reconstructed or for which major modifications, as defined in the Kansas state implementation plan, were carried out after December 31, 1970.

(b) Good engineering practice for a stack height shall be determined in accordance with the provisions of K.A.R. 28-19-18a through 28-19-18f. (Authorized by and implementing K.S.A. 65-3005, 65-3010; effective May 1, 1983; amended May 1, 1986; amended, T-88-3, Jan. 23, 1987.)

**28-19-18b. Definitions.** The following words and terms when used in K.A.R. 28-19-18 through 28-19-18f, shall have the following meanings:

(a) "Stack" means any point in a source designed to emit solids, liquids or gases into the air, including a pipe or duct but not including flares.

(b) "Stack height" is the distance from the ground level elevation at the base of the stack to the elevation of the stack outlet.

(c) "Stack in existence" means that, before the date specified in K.A.R. 28-19-18a(b) and 28-19-18c(b)(1)(A), the owner or operator had begun or caused to begin a continuous program of physical on-site construction of the stack, to be completed within a reasonable time, or had entered into binding agreements or contractual obligations, which could not be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the stack to be completed within a reasonable time.

(d) "Nearby" is the distance up to five times the lesser of the height or the width dimension of a structure but not greater than 0.8 km for the purpose of applying the formulae in K.A.R. 28-19-18c(b)(1)(A). For conducting demonstrations under K.A.R. 28-19-18d, nearby is a distance not greater than 0.8 km. However, a portion of a terrain feature may be considered to be nearby when it falls within a distance of up to 10 times the maximum height (HT) of the feature, not to exceed 3.2 km, if such feature achieves a height (Ht), within 0.8 km from the stack, that is at least 40 percent of the good engineering practice stack height determined by the formulae provided in K.A.R.

28-19-18c(b)(1)(B) or 26 meters, whichever is greater. The height of the structure or terrain feature shall be measured from the ground level elevation at the base of the stack.

(e) "Dispersion technique" means any technique which attempts to affect the concentration of a pollutant in the ambient air by:

(1) using that portion of a stack which exceeds good engineering practice stack height;

(2) varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(3) increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams to increase the exhaust gas plume rise. This shall not include:

(A) the reheating of a gas stream, following use of a pollution control system for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(B) the merging of exhaust gas streams where:

(i) the source owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; or

(ii) after July 8, 1985, such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. The exclusion from the definition of "dispersion techniques" shall apply only to the emission limitation for the pollutant affected by such change in operation; or

(iii) before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, merging shall be presumed to be motivated by an intent to gain emissions credit for greater dispersion. The department shall deny credit for the effects of such merging in calculating the allowable emissions for the source in absence of an appropriate demonstration by the source owner or operator;

(C) smoke management in agricultural or silvicultural prescribed burning programs;

(D) episodic restrictions on residential wood burning and open burning; or

(E) techniques under K.A.R. 28-19-18b(e)(3) which increase final exhaust gas plume rise and which result in an allowable emission of sulfur dioxide from the facility that does not exceed 5,000 tons per year.

(f) "Excessive concentration" is defined for the purpose of determining good engineering practice stack height under K.A.R. 28-19-18c(c) and means (1) for sources seeking credit for a stack height exceeding the stack height established under K.A.R. 28-19-18c(b)(1), a maximum ground-level concentration due

to emissions from a stack due in whole or part to downwash, wakes and eddy effects produced by nearby structures or nearby terrain features which individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard or greater than a prevention of significant deterioration increment, for sources subject to K.A.R. 28-19-17. The allowable emission rate to be used in making demonstrations under this part shall be prescribed by K.A.R. 28-19-83 *et seq.* unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the department, an alternative emission rate shall be established in consultation with the source owner or operator.

(2) for sources seeking credit after October 11, 1983 for increases in an existing stack heights up to the heights established under K.A.R. 28-19-18c(b)(1), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects produced by nearby structures or nearby terrain features which is individually is at least 40 percent in excess of the maximum concentration experienced in the absence of such effects and which contributes to a total concentration due to emissions from all sources that is greater than an ambient air quality standard or greater than a prevention of significant deterioration increment, for sources subject to K.A.R. 28-19-17. The emission rate to be used in making demonstration under this part shall be either (A) an emission rate specified by applicable SIP (or, in the absence of such a limit, the actual emission rate); or (B) the actual presence of a local nuisance caused by the existing stack, as determined by the department; and

(3) for sources seeking credit after January 12, 1979 for a stack height determined under K.A.R. 28-19-18c(b)(1) the department will require the use of a field study or fluid modeling to verify good engineering practice stack height;

(A) for sources seeking stack height credit after November 9, 1984 based on the aerodynamic influence of cooling towers; and

(B) for sources seeking stack height credit after December 31, 1970 based on the aerodynamic influences of structures not represented adequately by K.A.R. 28-19-18c(b)(1), a maximum ground-level concentration due in whole or part to downwash, wakes or eddy effects that is at 40 percent in excess of the maximum concentration experienced in the absence of such effects. (Authorized by and implementing K.S.A. 65-3005, 65-3010; effective May 1, 1983; amended May 1, 1986; amended, T-88-3, Jan. 23, 1987.)

**28-19-18c. Methods for determining good engineering practice stack height.** (a) The minimum good engineering practice stack height value allowable for any source, regardless of size or location of any structures or terrain features, shall be 65 meters.

(b)(1) Except as provided in subsection (c) of this regulation, the maximum good engineering practice stack height value allowable for any source shall be

determined using one of the following mathematical formulas:

(A) for stacks that were in existence on January 12, 1979 and provided that the owner or operator presents evidence that this equation was relied upon when establishing an emission limit:

$$\text{Hg} = 2.5H$$

(B) for stacks constructed after January 12, 1979 and provided that the owner or operator, at the department's request, presents evidence through a field study or fluid modeling to verify that the height arrived at by the following formula is valid:

$$\text{Hg} = H + 1.5L$$

(2) When using formula (A) or (B), the terms and values used shall be as follows:

(A) Hg = good engineering practice stack height, measured from the ground level elevation at the base of the stack;

(B) H = height of any nearby structures measured from the ground level at the base of the stack; and

(C) L = lesser dimension of the height or projected width of any nearby structures.

(c) A source may obtain good engineering practice stack height credit in excess of that calculated by K.A.R. 28-19-18c(b)(1)(A) or K.A.R. 28-19-18c(b)(1)(B) provided that it demonstrates by fluid modeling or a field study approved by the department that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features. (Authorized by and implementing K.S.A. 65-3005, 65-3010; effective May 1, 1983; amended, T-88-3, Jan. 23, 1987.)

**28-19-18f. Notification requirements.** A source shall not obtain credit for a good engineering practice stack height determined by a fluid modeling or field study or based on allowances for plume impaction, as provided for by K.A.R. 28-19-18c(c) unless:

(a) A public notice that indicates the nature of the proposal, the availability of the demonstration study, and that the public may either request a hearing or submit written comments directly to the secretary concerning the proposal is published in a newspaper, having general circulation in the area in which the source is, or will be, located;

(b) a copy of the public notice that is provided for by subsection (a) is sent to the applicant, state and local officials, and the regional administrator of U.S. environmental protection agency; and

(c) a public hearing is held on the matter upon the written request of any person affected by the proposed action. This request shall be made within 30 days of the date of notice being provided in the manner prescribed by subsections (a) and (b) of this regulation. (Authorized by and implementing K.S.A. 65-3005, 65-3010; effective May 1, 1983; amended, T-88-3, Jan. 23, 1987.)

JACK D. WALKER, M.D.  
Secretary of Health  
and Environment

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