

KANSAS REGISTER

State of Kansas

BILL GRAVES
Secretary of State

Vol. 6, No. 50

December 10, 1987

Pages 1733-1754

IN THIS ISSUE	Page
Legislative Interim Committee Schedule	1734
Legislative Administrative Services	
Notice of 1988 Legislative Document Mailing Service	1735
Department of Health and Environment	
Notice Concerning Kansas Water Pollution Control Permit	1735
Notice to Bidders for State Purchases	1736
State Employees Health Care Commission	
Notice of Meeting	1737
Executive Appointments	1737
Division of Services for the Blind Advisory Committee	
Notice of Meeting	1737
Notice of Bond Redemption	
City of Oakley	1737
Kansas State University	
Notice to Bidders	1738
Social and Rehabilitation Services	
Notice Concerning Available Funding for Emergency Shelter Programs	1738
Employee Award Board	
Notice of Meeting	1739
Department of Transportation	
Notice to Contractors	1739
Notice to Cities and Counties	1739
Kansas Judicial Council	
Notice of Meeting	1740
Attorney General	
Opinion No. 87-155A and 87-171 through 87-177	1740
Secretary of State	
Notice of Corporations Forfeited	1741
Temporary Administrative Regulations	
Department of Education	1743
State Board of Mortuary Arts	1751

State of Kansas

LEGISLATURE

INTERIM COMMITTEE SCHEDULE

The following committee meetings have been scheduled during the period of December 14 through the beginning of the 1988 legislative session, January 11, 1988:

Date	Room	Time	Committee	Agenda
Dec. 14 Dec. 15	514-S 514-S	10:00 a.m. 9:00 a.m.	Joint Meeting of Standing Committees on Ways and Means and Appropriations	Equipment acquisition by state agencies.
Dec. 16 Dec. 17 Dec. 18	514-S 514-S 514-S	10:00 a.m. 8:00 a.m. 8:00 a.m.	Joint Committee on Rules and Regulations	Agenda unavailable.
Dec. 18	519-S	9:00 a.m.	Shawnee County Legislative Delegation	Local conferees.
Jan. 7 Jan. 8	123-S 123-S	10:00 a.m. 9:00 a.m.	Joint Committee on State Building Construction	Committee review, discussion and possible recommendations on selected state agencies' FY 1989 capital improvement requests.

WILLIAM R. BACHMAN
Director of Legislative
Administrative Services

Doc. No. 006033

The *Kansas Register* is an official publication of the State of Kansas, published by authority of K.S.A. 75-430. The *Kansas Register* is published weekly by the Kansas Secretary of State, State Capitol, Topeka, KS 66612-1594. One-year subscriptions are \$47.50; however, effective July 1, 1987, the subscription price will increase to \$55. Single copies may be purchased, if available, for \$2 each. Second class postage paid at Topeka, KS.

ISSN No. 0744-2254.

Postmaster. Send change of address form to Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594.

© Kansas Secretary of State 1987. Reproduction of this publication in its entirety or for commercial purposes is prohibited without prior permission. Official enactments of the Kansas Legislature and proposed and adopted administrative regulations of state agencies may be reproduced in any form without permission.

PUBLISHED BY
BILL GRAVES
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594



Phone: (913) 296-3489

**State of Kansas
LEGISLATIVE ADMINISTRATIVE SERVICES**

**NOTICE OF 1988 LEGISLATIVE
DOCUMENT MAILING SERVICE**

Legislative Administrative Services provides a document mailing service during the legislative session. The service includes the mailing of every bill, resolution, daily journal and calendar printed by order of either house, together with copies of the Senate and House Actions Report and Subject Index Report. Also included, at the end of the session, is a bound volume of Summary of Legislation. The mailings will be sent on a daily basis beginning January 12, 1988. The fees are as follows:

Kansas Residents		Out-of-State Residents	
First Class Mail	\$175	First Class Mail	\$175
Third Class Mail	\$ 95	Third Class Mail	\$140

Also available is a "partial service subscription," which includes calendars and journals of both houses, along with the Actions Report and Subject Index, for a fee of \$50.

For further information, contact Legislative Administrative Services, Room 511-S, State Capitol, Topeka 66612, (913) 296-2391.

WILLIAM R. BACHMAN
Director

Doc. No. 006033

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

**NOTICE CONCERNING KANSAS WATER
POLLUTION CONTROL PERMIT**

In accordance with state regulations 28-16-57 through 28-16-63 and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, tentative permits have been prepared for discharges to the waters of the United States and the state of Kansas for the applicants described below.

The tentative determinations for permit content are based on preliminary staff review applying the appropriate standards, regulations and effluent limitations of the state of Kansas and the EPA, and will, when issued, result in a state water pollution control permit and national pollutant discharge elimination system authorization to discharge subject to certain effluent limitations and special conditions.

Name and Address of Applicant	Waterway	Type of Discharge
B.S.W., Inc. Maple Ridge Park 1305 Marblecrest Drive Fort Scott, KS 66701 Bourbon County, Kansas	Marmaton River via unnamed tributary of Wolverine Creek	Secondary Wastewater Treatment Facility

Kansas Permit No. C-MC11-T001 Fed. Permit No. KS-0081094
Description of facility: This facility is designed for the treatment of domestic sewage. This is an existing facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Wyandotte County Main Sewer District No. 1 c/o Wyandotte County Commissioners Wyandotte County Courthouse Kansas City, KS 66101 Wyandotte County, KS	Missouri River via Island Creek	Secondary Wastewater Treatment Facility

Kansas Permit No. M-KS27-0023 Fed. Permit No. KS-0085731
Description of facility: This facility is designed for the treatment of domestic sewage. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Wyatt Foundry, Inc. P.O. Box 1276 Salina, KS 67402-1276 Saline County, KS	Smoky Hill River via Lakewood Lake via storm sewer. Smoky Hill River Basin	Non-contact cooling well water

Kansas Permit No. I-SH33-C001 Fed. Permit No. KS-0085812
Description of facility: This facility manufactures gray and ductile iron castings. Non-contact cooling well water is used to cool sand then discharged into a storm sewer and goes to Lakewood Lake. This is a new facility. Proposed effluent limitations are pursuant to Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f).

Written comments on the proposed determinations may be submitted to Bethel Spotts, Permit Clerk, Kansas Department of Health and Environment, Division of Environment, Bureau of Water Protection, Forbes Field, Topeka 66620. All comments received prior to January 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate application number (KS-87-123/125) and name of applicant as listed in preparing your comments.

If no objections are received, the Secretary of Health and Environment will issue the final determination. If response to this notice indicates significant public interest, a public hearing may be held in conformance with state regulation 28-16-61.

The application, proposed permit, including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received, and other information are on file and may be inspected at the Division of Environment offices, which are open from 8 a.m. to 4:30 p.m. Monday through Friday.

The documents are available upon request at the copying cost assessed by the department. Additional copies of this public notice may also be obtained at the Division of Environment.

STANLEY C. GRANT, Ph.D.
Secretary of Health
and Environment

Doc. No. 006028

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. C.S.T. on the date indicated, and then will be publicly opened. Interested bidders may call (913) 296-2377 for additional information.

MONDAY, DECEMBER 21, 1987

- #A-5858
Kansas State School for the Visually Handicapped—ROOF REPAIR, JOHNSON BUILDING
- #27176
Statewide—ASSORTED PLASTIC BAGS
- #27226
Kansas Correctional Industries—HANSA YELLOW, LEAD FREE, DRY PAINT GRANULES
- #27478
Kansas Correctional Industries—AMORPHOUS SILICA, CALCIUM CARBONATE FOR PAINT
- #27479
Kansas Correctional Industries—BLENDED TRAFFIC PAINT THINNER
- #27735
University of Kansas Medical Center—PATIENT CONTROLLED ANALGESIA SETS AND PUMPS
- #27738
Department of Transportation—MAINTENANCE OF HIGHWAY LIGHTING, various locations
- #27739
Department of Corrections—INTERSTATE TRANSPORTATION OF INMATES AND PAROLEES
- #27740
Emporia State University—MAINTENANCE CONTRACT FOR TELEPHONE SERVICE
- #27742
University of Kansas—CHLAMYDIA SCREENING
- #27743
Statewide—TWINAXIAL CABLE AND CONNECTORS
- #27744
Kansas Development Finance Authority—PROPERTY INSURANCE
- #72025
University of Kansas Medical Center—URETERAL STENTS
- #72030
Kansas Correctional Industries—IBM SYSTEM 36
- #72037
Department of Wildlife and Parks—FURNISH MATERIALS, PLANS, AND BLUEPRINTS TO CONSTRUCT BOATHOUSE
- #72046
Department of Transportation—WOOD AND STEEL POSTS
- #72061
Department of Transportation—FURNISH AND INSTALL OVERHEAD DOORS, various locations
- #72062
University of Kansas—METERS AND VALVES
- #72063
Kansas State Fair—BUILDING MATERIALS

- #72068
University of Kansas—DISPLAY MONITOR
- #72069
Department of Transportation—AGGREGATE, various locations
- #72078
University of Kansas—HARD DISK DRIVES
- #72082
Kansas Correctional Institution at Lansing—BARBER/BEAUTY FURNITURE
- #72083
Department of Social and Rehabilitation Services—DATA GENERAL TERMINALS AND PRINTERS
- #72122
Osawatomie State Hospital—HEMATOLOGY ANALYZER
- TUESDAY, DECEMBER 22, 1987**
- #A-5917
Department of Transportation—AIR CONDITION CADD ROOM
- #27547
Kansas Correctional Industries—TRAFFIC ALKYD RESIN
- #72092
Department of Transportation—DRILL RIG
- WEDNESDAY, DECEMBER 23, 1987**
- #A-5901
Kansas State School for the Deaf—ROOF REPLACEMENT—Roth Building, Boys' and Girls' Dormitory
- #71843
University of Kansas Medical Center—SURGICAL TRAY AND CONTENTS (Adult)
- #71844
University of Kansas Medical Center—SURGICAL TRAY AND CONTENTS (Pediatric)
- #72103
Kansas State Library—READER, SOFTWARE, COMPUTER ACCESSORIES
- #72104
Department of Wildlife and Parks and Pittsburg State University—LAWN EQUIPMENT
- #72113
Department of Administration, Central Motor Pool—AUTOMOBILES
- #MONDAY, JANUARY 11, 1988**
- #27741

NON-DRILLING OIL AND GAS LEASE—The Kansas Department of Wildlife and Parks has available for a non-drilling/no surface occupancy lease approximately 160 acres in McPherson County, Kansas, described as follows: The NE ¼ of Section 18, Township 18S, Range 1W. For a bid prospectus, contact Barry Swanson, Department of Administration, Division of Purchases, Landon State Office Building, Topeka 66612.

NICHOLAS B. ROACH
Director of Purchases

Doc. No. 006035

State of Kansas

**DEPARTMENT OF ADMINISTRATION
KANSAS STATE EMPLOYEES
HEALTH CARE COMMISSION**

NOTICE OF MEETING

The Kansas State Employees Health Care Commission will meet at 3 p.m. Wednesday, December 16, in Room 106, Landon State Office Building, 900 S.W. Jackson, Topeka.

H. EDWARD FLENTJE
Chairman

Doc. No. 006040

State of Kansas

**SOCIAL AND REHABILITATION SERVICES
DIVISION OF SERVICES FOR THE BLIND
ADVISORY COMMITTEE**

NOTICE OF MEETING

The Division of Services for the Blind Advisory Committee will meet at 9:30 a.m. Friday, December 18, in the Rehabilitation Center for the Blind conference room, 2516 W. 6th, Topeka.

RICHARD A. SCHUTZ
Director, Division of
Services for the Blind

Doc. No. 006036

State of Kansas

SECRETARY OF STATE

EXECUTIVE APPOINTMENTS

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

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

The following appointments were filed November 26 through December 4:

Chase County Clerk

Sharon L. Cahoone, 120 Oak St., Cottonwood Falls 66845. Effective December 3, 1987. Term expires when a successor is elected and qualifies according to law. Succeeds Joseph A. Roth, resigned.

Commission on Access to Services for the Medically Indigent and the Homeless

Rep. Jessie Branson, 800 Broadview Drive, Lawrence 66044. Effective November 30, 1987. Appointed by the House Minority Leader.

State Board of Nursing

Elsie Flory, Route 1, Box 71, Ottawa 66067. Effective December 1, 1987. Term expires November 30, 1991. Succeeds Berniece Smith.

William Goss, 538 E. Stafford, Stafford 67578. Effective December 1, 1987. Term expires November 30, 1991. Reappointment.

Helen Rice, Route 3, Box 119, Parsons 67357. Effective December 1, 1987. Term expires November 30, 1991. Succeeds Elaine Harvey.

Doris Underwood, Route 1, Severence 66081. Effective December 1, 1987. Term expires November 30, 1991. Succeeds Patricia Diamond.

BILL GRAVES
Secretary of State

(Published in the KANSAS REGISTER, December 10, 1987.)

NOTICE OF REDEMPTION

**City of Oakley, Kansas
Industrial Revenue Bonds
Series 1981**

(Oakley Industries, Inc., "Medical Clinic")

Notice is hereby given that, pursuant to Section 3 of Ordinance No. 752 of the city of Oakley, Kansas, \$115,000 principal amount of the bonds are called for redemption February 1, 1988, at par plus accrued interest to said date with a premium of \$10 per each \$1,000 bond called.

The due dates and serial numbers of the bonds to be redeemed are as follows:

Due August 1, 1988: 66-80, both inclusive;
Due August 1, 1989: 81-95, both inclusive;
Due August 1, 1990: 96-110, both inclusive;
Due August 1, 1991: 111-125, both inclusive;
Due August 1, 1992: 126-140, both inclusive;
Due August 1, 1993: 141-150, both inclusive;
Due August 1, 1994: 151-160, both inclusive;
Due August 1, 1995: 161-170, both inclusive;
Due August 1, 1996: 171-180, both inclusive.

Payment of the redemption price of the bonds to be redeemed will be made at The Farmers State Bank of Oakley, 100 Center Ave., Oakley, KS 67748-0546.

Notice is hereby given that on and after February 1, 1988, interest on the bonds hereby called for redemption shall cease to accrue.

The Farmers State Bank of Oakley
Oakley, Kansas, Trustee

Doc. No. 006038

State of Kansas

KANSAS STATE UNIVERSITY**NOTICE TO BIDDERS**

Sealed bids for items listed below will be received by the Kansas State University Purchasing Office, Manhattan, until 2 p.m. C.S.T. on the date indicated and will then be publicly opened. Interested bidders may call (913) 532-6214 for additional information.

WEDNESDAY, DECEMBER 23, 1987
#80028

**SIGNAL CONDITIONER, FLOW CONTROLLER,
MANOMETER AND FLOW CONTROL VALVES**

WILLIAM H. SESLER
Director of Purchasing

Doc. No. 006039

State of Kansas

SOCIAL AND REHABILITATION SERVICES**NOTICE CONCERNING AVAILABLE FUNDING
FOR EMERGENCY SHELTER PROGRAMS**

A "Notice of Available Funding" for the Kansas Emergency Shelter Grant Program was published in the November 19, 1987 edition of the Kansas Register soliciting letters of interest from units of local government for the implementation of emergency shelter programs in the state. The United States Department of Housing and Urban Development (HUD) subsequently published a "final rule" for the program which will become effective December 2, 1987. This rule contains several changes from those previously published. Since the new rule will become effective prior to the final date for submitting letters of interest, the changes *must* be incorporated into all applications.

The new requirements and changes are as follows:

1. Not more than 15 percent of any grant provided to a unit of general local government, including grant amounts that the unit of general local government distributes to a nonprofit recipient, may be used for essential or support services. This limitation may be waived if the unit of government demonstrates that activities other than essential services are adequately provided from other public or private resources and that grant funds cannot practicably be used for eligible activities other than essential services. All requests for waiver must accompany letters of interest and be sent to the Department of Social and Rehabilitation Services, Division of Income Maintenance, Attn: Philip Dubach, Room 624-S, Docking State Office Building, Topeka 66612.

2. Grant amounts may not be used to renovate, rehabilitate, or convert buildings owned by primarily religious organizations or entities unless the following conditions are met:

a. The building (or portion thereof) that is to be improved with HUD assistance has been leased to an existing or newly established wholly secular entity

(which may be an entity established by the religious organization);

b. The HUD assistance is provided to the lessee (and not the lessor) to make the improvements;

c. The leased premises will be used exclusively for secular purposes available to all persons regardless of religion;

d. The lease payments do not exceed the fair market rent of the premises as they were before the improvements were made;

e. The portion of the cost of any improvements that also serve a nonleased part of the building will be allocated to and paid for by the lessor;

f. The lessor enters into a binding agreement that, unless the lessee, or a qualified successor lessee, retains the use of the leased premises for a wholly secular purpose for at least the useful life of the improvements, the lessor will pay to the lessee an amount equal to the residual value of the improvements;

g. The lessee must remit the amount referred to in the preceding paragraph to the original grantee from which the amounts used to renovate, rehabilitate or convert the building were derived, e.g. if the amounts initially were made available to a unit of general local government, the amount that the lessor provides to the lessee is remitted to the unit of general local government. The original grantee may use this amount to further the objectives of this part.

h. The lessee may also enter into a management contract authorizing the lessor religious organization to operate the facility, including the provision of essential services, in carrying out the secular purpose. In such case, the religious organization must agree in the management contract to carry out its contractual responsibilities in a manner free from religious influences, pursuant to conditions prescribed by HUD.

As a result of these changes in the program rules, the final date of submission for letters of interest has been extended from December 10 to December 22.

In all other respects, the notice of available funding as published in the November 19 Kansas Register remains in effect.

Questions or clarifications concerning the Emergency Shelter Grant Program should be directed to Philip Dubach, (913) 296-3349.

WINSTON BARTON
Secretary of Social and
Rehabilitation Services

Doc. No. 006037

State of Kansas
DEPARTMENT OF ADMINISTRATION
EMPLOYEE AWARD BOARD

NOTICE OF MEETING

The Employee Award Board will meet at 1 p.m. Monday, December 21, in the Division of Personnel Services, Room 951-S, Landon State Office Building, 900 S.W. Jackson, Topeka.

BEN BARRETT
 Chairperson

Doc. No. 006031

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. December 17, 1987, and then publicly opened:

DISTRICT FIVE—Southcentral

Kiowa—54-49 M-1507-01—U.S. 54, beginning at the east city limits of Greensburg, then east, 14.7 miles, cold milling. (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 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. 006016

State of Kansas
DEPARTMENT OF TRANSPORTATION

NOTICE TO CITIES AND COUNTIES

Residents of the state of Kansas and other interested persons are notified of the continuation of the Kansas Department of Transportation local partnership program with cities and counties. The program consists of three separate sections—**KLINK** (City Connecting Links Resurfacing Program), geometric improvements on city connecting links, and economic development projects for fiscal year 1990 (July 1, 1989 to June 30, 1990).

The **KLINK** program of resurfacing-type projects is intended to improve surfacing of city connecting links on the state highway system that are maintained by cities. All city connecting links on the system are eligible except those on the interstate system and fully controlled access sections on the freeway system. Projects are limited to resurfacing and maximum K.D.O.T. participation will be 50 percent of the cost of construction and construction engineering up to \$100,000 of state funds.

The geometric improvements of city connecting links is a program of highway construction intended to improve geometric deficiencies. Projects may include intersection improvements, curb and gutter and traffic signals. Projects do not include betterments such as sidewalks, street lighting or extra parking. Funding is based on the size of the city and includes criteria for city and state participation up to a maximum of \$300,000 for each city per year.

Economic development projects include a program of highway and bridge construction intended to enhance the economic development of the state. Projects should be on routes that are on the state highway system or the federal-aid system, which includes the secondary or urban system. Projects should have an economic significance to the community by creating or saving jobs, providing economic opportunity and increasing the tax base. Communities are required to fund at least 25 percent of the cost of the project.

Proposals for fiscal year 1990 funds for the three programs must be submitted to K.D.O.T. by January 25, 1988. Selected projects will be announced by the Secretary of Transportation in July 1988 and projects will be let in fiscal year 1990.

HORACE B. EDWARDS
 Secretary of Transportation

Doc. No. 006030

State of Kansas

KANSAS JUDICIAL COUNCIL**NOTICE OF MEETINGS**

The Kansas Judicial Council and its advisory committees will meet according to the following schedule at the Kansas Judicial Center, 301 W. 10th, Topeka.

Date	Committee	Time	Location
December 11	Pattern Jury Inst.	9:30 a.m.	Room 275
December 11	Probate Law	9:00 a.m.	Room 266
December 11	Civil Code	9:30 a.m.	Room 259

ROBERT MILLER
Chairman

Doc. No. 006032

State of Kansas

ATTORNEY GENERAL**Opinion No. 87-155A**

Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Rules of the Road; Special Stops Required—Vehicles Required to Stop at Railroad Crossings; Carriers of Hazardous Materials.

Public Utilities—Powers of State Corporation Commission; Regulation of Motor Carriers of Persons and Property—Types of Carriers Which Must Comply With Act and Other Applicable Laws. Marvin E. Smith, State Representative, 50th District, Topeka, and Don Sallee, State Representative, 49th District, Troy, December 1, 1987.

Carriers of hazardous materials, as defined by K.A.R. 36-26-1, must stop at railroad crossings. This requirement does not apply if the crossing is of the type designated in K.S.A. 8-1553(b), unless the carrier is subject to the controlling provisions of K.S.A. 66-1,112. To the extent Attorney General Opinion No. 87-155 is inconsistent with the requirements of Article 66, it is hereby modified. Cited herein: K.S.A. 8-1553, 66-1,108, 66-1,109, 66-1,111, 66-1,112; K.A.R. 36-26-1, K.A.R. 1986 Supp. 82-4-3; 49 C.F.R. § 392.10 (1986). MWS

Opinion No. 87-171

Crimes and Punishments—Code; Crimes Against the Public Morals—Pull-tab Games at Bingo Games. Senator Jeanne Hoferer, 18th District, Topeka, December 1, 1987.

Pull tab games are a form of lottery and may only be legalized by passing a constitutional amendment which would be subject to a public referendum. Cited herein: K.S.A. 1986 Supp. 21-4302; Kan. Const., Art. 15, § 3a; Kan. Const., Art. 15, §§ 3b, 3c (1986). BLB

Opinion No. 87-172

Public Health—Emergency Medical Services; Cities and Counties—Care Rendered Pursuant to Instructions; Liability of Training Personnel. Nancy Brown, Representative, 27th District, Stanley, December 1, 1987.

Hospitals, physicians and nurses involved in training medical intensive care technicians are not insulated from liability by K.S.A. 65-4307(a) for their wrongful acts. Cited herein: K.S.A. 1986 Supp. 65-2891; K.S.A. 65-4301, as amended by L. 1987, ch. 248, sec. 4; 65-4305; 65-4306; 65-4307; 65-4308; 75-6115. MWS

Opinion No. 87-173

Counties and County Officers—General Provisions—Powers Generally; Home Rule.

Automobiles and Other Vehicles—Uniform Act Regulating Traffic; Size, Weight and Load of Vehicles—Restricting Use of Highways. Philip E. Winter, Lyon County Counselor, Emporia, December 1, 1987.

Pursuant to Kansas law, counties may impose limitations as to the size and weight of vehicles on certain roads. Constitutional restrictions apply to such regulations and require that every classification be reasonable and rest upon a rational basis which serves a valid governmental purpose. The proposed regulation restricting weight on county roads should apply equally to all vehicles under the same circumstances and conditions. Cited herein: K.S.A. 19-101 *Fifth*; K.S.A. 1986 Supp. 19-101a; K.S.A. 8-1912; K.S.A. 8-2002(f); U.S. Const. 14th Amend. TMN

Opinion No. 87-174

Procedure, Civil—Immunity From Liability for Volunteers of Certain Nonprofit Organizations—Limitations; General Liability Insurance Requirements. Dennis W. Moore, Johnson County District Attorney, Olathe, and George R. Laughead, Chairman, Board of Commissioners, Housing Authority, Dodge City, December 1, 1987.

The intent of L. 1987, ch. 215 is to encourage individuals to serve as volunteers for certain nonprofit organizations by granting to the volunteer immunity from liability for negligent acts or omissions. There are limitations to this immunity. For the act to apply, the organization must carry general liability insurance which will pay on behalf of the insured when an individual suffers loss for which the insured is liable. The exact amount and type of insurance required is to be determined in light of the exposure to liability which arises out of the organization's activities. Cited herein: L. 1987, ch. 215, sec. 1 (to be codified at K.S.A. 1987 Supp. 60-3601). MWS

Opinion No. 87-175

State Departments; Public Officers and Employees—State Health Care Benefits Program—Kansas State Employees Health Care Commission. Senator Michael L. Johnston, 14th District, Parsons, December 1, 1987.

The statutes granting authority to the Kansas state employees health care commission to establish employee participation charges do not limit the commission's discretion in establishing such charges. Further, the distinctions drawn between higher and lower in-

come employees and smokers and nonsmokers do not rise to the level of Equal Protection violations.

Expenditures by the commission are subject to relevant appropriations acts. Promulgation of rules and regulations to provide for such expenditures would be appropriate and desirable. Alternatively, the legislature could establish statutory guidelines for the expenditure of this money. JLM

Opinion No. 87-176

Counties and County Officers—General Provisions; Home Rule Powers.

Cities and Municipalities—General Provisions—Corporate Powers; Home Rule of Local Affairs and Government.

State Boards, Commissions and Authorities—Kansas Water Office and Kansas Water Authority. Joseph F. Harkins, Director, Kansas Water Office, Topeka, December 1, 1987.

The Kansas Water Office possesses statutory authority to recommend the proposed name change of local health departments. The recommendation can be made to either the local authorities who govern such a department or to the state legislature or governor. When the health department is created pursuant to state authority, the state can legislatively mandate such a name change. Whether a local health department can individually effect such a change depends upon the extent and degree of local authority over each individual health department. Cited herein: K.S.A. 12-101 *et seq.*; K.S.A. 19-101 *et seq.*; K.S.A. 74-2616; K.S.A. 1986 Supp. 74-2622; K.S.A. 75-5601; K.S.A. 1986 Supp. 82a-906; 82a-927; 82a-928, as amended by L. 1987, ch. 402, sec. 3. TMN

Opinion No. 87-177

Counties and County Officers—County Commissioners—Powers and Duties.

Counties and County Officers—General Provisions—Home Rule Powers. David K. Markham, Labette County Counselor, Parsons, December 1, 1987.

Pursuant to general authority granted by K.S.A. 19-212 *Sixth* and K.S.A. 19-101a, a board of county commissioners may pass a resolution prohibiting certain elected officials from bidding upon and purchasing property at a tax foreclosure sale, as long as the resolution is passed according to statutory requirements and the elected official so prohibited occupies a position that makes his individual interests as a purchaser inconsistent with his official duties. Such a resolution would merely codify the already existing common law prohibitions against such an elected official bidding and purchasing at tax foreclosure sales.

ROBERT T. STEPHAN
Attorney General

Doc. No. 006034

State of Kansas

SECRETARY OF STATE

NOTICE OF FORFEITURE

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the state of Kansas and the authority of the following foreign corporations to do business in the state of Kansas were forfeited for failure to file an annual report and pay the annual franchise tax, as required by the Kansas general corporation code.

Domestic Corporations

Abell Ranch Corporation, Grinnell, KS.
Air Cap Motel, Inc., Wichita, KS.
Alan Bundy, Inc., Wichita, KS.
Allstate Roofing, Inc., Kansas City, MO.
American Publications, Inc., Topeka, KS.
American Real Estate Analysts, Inc., Wichita, KS.
American Style Interiors, Ltd., Kansas City, MO.
Armed Forces Finance Company of Kansas, Inc., Wichita, KS.
Audio Electronics, Inc., Overland Park, KS.
B/K, Inc., Ellinwood, KS.
Background Audio Systems, Inc., Wichita, KS.
Bar-3 Cattle Company, Inc., Oberlin, KS.
Beauty-Up Lawn & Tree Service, Inc., Houston, TX.
Belm Corporation, Overland Park, KS.
Blue River Saddle Shop, Inc., Mission, KS.
Bob Moews Baling, Inc., Yates Center, KS.
Bowers Electric Company, Inc., Emporia, KS.
The Buie Service Company, Inc., Wichita, KS.
Building Design Associates, Chartered, Wichita, KS.
C.L.S. Enterprises, Inc., Kansas City, KS.
C & R Investments, Inc., Salina, KS.
CVA of Kansas, Inc., Junction City, KS.
Cancer Diagnostics, Inc., Denver, CO.
The Canton Pilot Incorporated, Canton, KS.
Carrier Systems, Inc., Prairie Village, KS.
Carriers' Credit and Collection, Inc., Prairie Village, KS.
Cary Spraying Service, Inc., Leoti, KS.
Casterline Grain & Seed, Inc., Dodge City, KS.
Caylor Drilling and Blasting, Inc., Ottawa, KS.
Central Concrete Basement Builders Inc., Overland Park, KS.
Central Midland Development Corporation, Incorporated, Council Grove, KS.
Clarence Irsik, Inc., Ingalls, KS.
Coffeyville Janitor Supply, Inc., Coffeyville, KS.
Contrans, Inc., Kansas City, KS.
D & D Company, Inc., Wichita, KS.
Dale O'Connor Construction, Inc., Olathe, KS.
Darrah Farms, Ltd., Wichita, KS.
David Jones Mobile Homes, Inc., Galena, KS.
Decatur County Area Development Company, Inc., Oberlin, KS.
Deluxe Service Systems, Inc., Mission, KS.
Designer's Library, Inc., Overland Park, KS.
Dicks Enterprises, Inc., Hutchinson, KS.
Diversified Products, Inc., Minneapolis, KS.

(continued)

- Doll Oil Co., Inc., Wichita, KS.
 Don Roberts & Associates, Inc., Mission, KS.
 Doniphan County Cable T.V., Inc., Sikeston, MO.
 Energy Contacts, Inc., Wichita, KS.
 Equi Video III Corporation, Wichita, KS.
 Equi Video VI Corporation, Wichita, KS.
 Equi Video VII Corporation, Wichita, KS.
 Essentials, Limited, Topeka, KS.
 Farmers Market, Inc., Wichita, KS.
 Field Automotive, Inc., Wichita, KS.
 Ford Medical, Inc., Overland Park, KS.
 Fort Wayne Mobile Classrooms, Inc., Topeka, KS.
 Frontier Data Systems, Inc., Overland Park, KS.
 Fulton-Nickel Funeral Home, Inc., Houston, TX.
 The Great Midwest Voyagers Co., Inc.,
 Overland Park, KS.
 Greg Fisher Enterprises, Inc., Wichita, KS.
 Highland Acres, Inc., Topeka, KS.
 Hoover & Hoover, Inc., Burlington, KS.
 Hydrocarbon Inc., Wichita, KS.
 I.M.A. Corp., Paradise, KS.
 Investment Accounting Corporation, Inc., Pratt, KS.
 Iola Milling Co., Inc., Iola, KS.
 J. C. Lu, Inc., Olathe, KS.
 J. R.'s Oilfield Service, Inc., Chase, KS.
 JRP Enterprises, Inc., Derby, KS.
 J.W. Drilling Co., Inc., Wichita, KS.
 Jack's Auto Sales, Inc., Wichita, KS.
 Jean Lafitte Inc., Wichita, KS.
 Jerry's Tire Company, Parsons, KS.
 Kan-Sun Energy Control Products, Inc., Lenexa, KS.
 Kansas Society of Land Surveyors, Prairie
 Village, KS.
 Kenbobco, Inc., Lawrence, KS.
 Kimball Court Reporting, Inc., Ulysses, KS.
 Korean Mission Baptist Church, Junction City, KS.
 L & E Machine Co., Inc., Valley Center, KS.
 L & L Farm & Ranch, Inc., Grinnell, KS.
 Landmark Drilling Corporation, Wichita, KS.
 Landmark Energy Corporation, Wichita, KS.
 Larkland Beauty Salon, Inc., Hutchinson, KS.
 Lazy Acres, Inc., Kansas City, KS.
 Leawood Estates Homes Association, Prairie
 Village, KS.
 Leo Nussbaum Wholesale Jewelry Co.,
 Prairie Village, KS.
 Life Tabernacle, Incorporated, Liberal, KS.
 Lloyd Implement Company, Inc., Ellsworth, KS.
 M & S Enterprises, Inc., Salina, KS.
 Machine Products, Inc., Wellington, KS.
 Martin Heating & Air Conditioning, Inc.,
 Salina, KS.
 Martinek Executive Farm and Business Services
 Co., Rossville, KS.
 McGavran, Inc., Pittsburg, KS.
 McMichael Service Co., Inc., Lenexa, KS.
 Memorial Security and Trust Company, Topeka, KS.
 Miller-Sailors, Inc., Prairie Village, KS.
 Mill-Lawn, Inc., Bucyrus, KS.
 Mitchell Enterprises, Inc., Wichita, KS.
 Modern Management & Marketing, Inc.,
 Overland Park, KS.
 Moffett's Gym, Inc., Kansas City, KS.
 Mosby-Mack, Inc., Topeka, KS.
 New Homes, Inc., Topeka, KS.
 Overland Park Executive Concepts, Inc.,
 Overland Park, KS.
 The Oxhide Farms, Inc., Ellsworth, KS.
 Paramount Petroleum Company, Inc., Wichita, KS.
 Petro-Kan, Inc., Great Bend, KS.
 Pickle Creek Mfg., Inc., Larned, KS.
 Plastic Variform Company, Inc., Garden City, KS.
 Pop, Inc., Wichita, KS.
 Production, Inc., Great Bend, KS.
 Professional Builders Specialties, Inc., Topeka, KS.
 Q Motel, Inc., Quinter, KS.
 R F, Inc., Wichita, KS.
 R. M. Penrod, Inc., Tonganoxie, KS.
 R. W. High & Associates, Inc., Prairie Village, KS.
 Rhea Oil Company, Inc., Paola, KS.
 Rosey's, Inc., Fort Scott, KS.
 SYS, Link, Inc., Kansas City, KS.
 Saline Supply Co., Inc., Russell, KS.
 Schepmann Cattle Company, Inc., Claflin, KS.
 Shadow Wood Homeowners Association Number 1,
 Inc., Topeka, KS.
 Siler Construction Company, Inc., Kansas City, KS.
 Skillbuilders Fund, Shawnee Mission, KS.
 South Lawrence Investments, Inc., Lawrence, KS.
 South Wind Developers, Inc., Newton, KS.
 Steve's Trim and Remodeling, Inc., Topeka, KS.
 Stewart, Leuenberger, Miller, Williamson &
 Herron, P.A., Topeka, KS.
 Sturm Service, Inc., Kansas City, KS.
 Sunflower Cement Finishing, Inc., Lawrence, KS.
 T. M. T., Inc., Leawood, KS.
 T.J. Hudgens Construction, Inc., Kansas City, KS.
 Taxpayers Association of Montgomery County, KS,
 Independence, KS.
 Tempest Enterprises Corporation, Wichita, KS.
 Timberstone Homes, Inc., Emporia, KS.
 Tom's Auto Repair, Inc., Olathe, KS.
 Transamerica Oil Corporation, Hutchinson, KS.
 Tribune Lions Club, Tribune, KS.
 Vanderbilt No. 1, Inc., Warrego, KS.
 Westwood Gallery, Inc., Shawnee Mission, KS.
 Wharry Enterprises, Inc., Wichita, KS.
 Willow Creek Development Corp., Kansas City, KS.
- Foreign Corporations**
- American Directory Corporation, Wichita, KS.
 Astropolymer Laboratories, Inc., Wilmington, DE.
 Capital Construction Co., Inc., Jackson, MS.
 The Circle K Corporation, Phoenix, AZ.
 Compass Mortgage Company, Prairie Village, KS.
 Container Service Corporation, Dallas, TX.
 Country Parks, Inc., Halstead, KS.
 Creative Builders, Inc., Joplin, MO.
 Dave Lemon and Associates, Inc., Omaha, NE.
 DFL Realty Group, Inc., Dallas, TX.
 Donaldson Construction Co., Inc.,
 Dodge Center, MN.
 F. C. D. Oil Corporation, Enid, OK.
 Family Restaurants, Inc., Denver, CO.
 Food Market Equipment, Inc., Kansas City, MO.
 Fox Photo, Inc., San Antonio, TX.

Greystone Constructors, Inc., Sugar Land, TX.
 Grinstead Swine Service, Inc., Cameron, MO.
 Hoffer Development & Construction, Inc.,
 Omaha, NE.
 The Hoyt Companies, Inc., Mission, KS.
 Hunter Midwest, Inc., Kansas City, MO.
 IFS Industries, Inc., San Diego, CA.
 IHSS, Inc., Barrinton, IL.
 Insurors Nationwide Service Agency, Inc.,
 Miami, OK.
 J.R.K. Construction Company, Incorporated,
 Kansas City, MO.
 Keyton, Inc., Independence, MO.
 Leeson Electric Corporation, Grafton, WI.
 Masters Inn, Inc., Kansas City, MO.
 MDS-Qantel, Inc., Herkimer, NY.
 Michelson Asset Management, Inc., Clayton, MO.
 Midwest Air Ag, Inc., Holyke, CO.
 Modern Exteriors, Inc., Des Moines, IA.
 Norstan Information Systems, Inc., Edina, MN.
 Norstar Drilling Company, Inc., Memphis, TN.
 Sea-3, Inc., Houston, TX.
 Skillers, Inc., Minneapolis, MN.
 Snyder Brothers Company, Joplin, MO.
 Starr Davis Company of S.C., Inc., Greensboro, NC.
 Triangle Brass & Specialties, Inc., Irving, TX.
 U.S. Care Corporation, Marion, IN.
 Whittaker Corporation, Los Angeles, CA.

BILL GRAVES
 Secretary of State

Doc. No. 006029

State of Kansas

DEPARTMENT OF EDUCATION

**TEMPORARY ADMINISTRATIVE
 REGULATIONS**

Article 12.—SPECIAL EDUCATION

91-12-22. Definitions. (a) "Adapted physical education" means a diversified program of developmental activities, games, sports, and rhythms suited to the interests, capabilities and limitations of children with disabilities who may not successfully engage in unrestricted participation in regular physical education.

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

(c) "Behavior disorder" means a condition with one or more behavioral characteristics that are:

- (1) exhibited at either a much higher or much lower rate than is appropriate for one's age;
- (2) documented as occurring over an extended period of time in different environmental settings within the school, and home or community; and
- (3) interfering consistently with the student's educational performance. This interference with educational performance shall not be a result of intellectual, sensory, cultural or health factors that have not received appropriate attention.

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

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

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

(g) "Developmental preschool" means a school, operated by a private nonprofit corporation or foundation, that serves handicapped children under school age.

(h) "Developmentally delayed" means children, from age birth to five years inclusive, who cannot be accurately diagnosed as having a specific handicapping condition but who have one or more diagnosed conditions which cannot be medically corrected and are associated with educationally handicapping conditions or who test 25% or more below chronological age on criterion or norm referenced, validated test instruments in one or more of the following areas: cognitive development, sensor motor development, fine motor skills, gross motor skills, receptive communication, expressive communication, social-affective skills, self-help skills, auditory, visual, or haptic sensory processing.

(i) "Early childhood education for handicapped" means an organized program of purposeful, sequential activities which are appropriate to the developmental age of the handicapped child from birth through age seven.

(j) "Exceptional children" means those children who are mentally retarded, specific learning disabled, gifted, hearing impaired, language impaired, speech impaired, behaviorally disordered, physically impaired, other health impaired, severely multiply handicapped/deaf-blind, or visually impaired.

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

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

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

(continued)

shall be used only in programs for preschool age handicapped children.

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

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

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

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

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

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

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

(u) "Language and speech impairments" means communication deviations or impairments which adversely affect educational performance. These deviations or impairments include the following:

(1) "Language or speech deviation or impairment," which means a basic communication system disorder, deviation, or general developmental need in language, speech, fluency, or voice quality, which hinders academic learning, social adjustment, self-help skills, or communication skills;

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

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

(4) "articulation deviation or impairment," which

means defective production of phonemes (speech sounds) that interferes with intelligibility of speech. Types of misarticulation include substitution of one phoneme for another, omission of phonemes in words, phonemic distortions, and inappropriate additions of phonemes.

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

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

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

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

(A) Mild retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1983; and

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

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

(A) Moderate retardation according to the mental deficiency classification, as prescribed in "Manual on Terminology and Classification in Mental Retardation," edited by H. J. Grossman, published by the American Association on Mental Deficiency, dated 1973, revised 1983; and

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

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

(z) "Parent," as used in these regulations, means lawful custodian and educational advocate as defined in K.S.A. 72-962 and any amendments to that statute.

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

(bb) "Preschool age" means birth to school age for exceptional children. Services for preschool children are authorized but not mandated, and nothing in these rules and regulations shall be construed to prevent the

use of local funds or state special educational categorical funds for preschool programs.

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

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

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

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

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

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

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

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

- (1) Assistance to schools, parents and exceptional children in understanding and modifying social and cultural factors influencing educational performance;
- (2) a liaison between a school and other community agencies to assist in the provision and coordination of services to individual children; and
- (3) a liaison between the home, school and community for the prevention of learning problems.

(kk) School term and school day.

(1) "School term" and "school day" for exceptional children of school age, means the period of time prescribed in K.S.A. 72-1106, and any amendments to that statute, except as otherwise prescribed in this subsection.

Shorter periods of time may be prescribed for exceptional children six years of age or younger, and on an individual basis, for those children whose physical or emotional needs, or both, are such that a shorter period is advisable. Any period of time shorter than that prescribed by statute shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

(2) "School term," for handicapped children age five and under, means 450 hours for a center-based program or 215 hours for a home-based program, except as prescribed in this subsection. Any proportional combination of the two programs may be used. A lesser number of hours may be prescribed on an individual basis for those children whose physical or emotional needs, or both, are such that a lesser number of hours is advisable. Any number of hours less than those prescribed in this subsection shall be determined by the individualized education program conference team of the child and shall be included and certified in the individualized education program of the child.

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

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

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

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

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

- (1) Excluded, reassigned, or transferred from regular school classes upon the basis that the child is an exceptional child and cannot benefit from these classes;
- (2) placed in, transferred to or from, or denied placement in special education services.

Special education action includes:

- (A) Any initiation or refusal to initiate a comprehensive evaluation to determine eligibility for special education services; and
- (B) any change in programming which alters the type or intensity of special education services offered an exceptional child.

(pp) "Special purpose school" means any school for

(continued)

exceptional children which is operated by a private, nonprofit corporation or a public or private institution, within or without the state of Kansas, and at which special education services, meeting the requirements of these regulations and S.B.R. 91-33-1 *et seq.*, are provided.

(qq) "Special teacher" means:

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

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

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

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

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

(rr) "Specific learning disability" means a disorder in the ability to learn effectively with respect to one's own potential when presented with an appropriate regular instructional environment. The inability to learn effectively is manifested as a disorder in the ability to receive, organize, or express information relevant to school functioning, and is demonstrated by a significant discrepancy between aptitude and achievement in one or more of the following areas: Preacademic skills, oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematics calculation, and mathematics reasoning. This discrepancy shall not be primarily attributable to vision, hearing, or motor impairments; mental retardation; emotional disabilities; environmental, cultural, or economic disadvantage; or a history of an inconsistent education program.

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

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

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

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

(uu) "Vocational training" means instruction which

prepares handicapped individuals for paid or unpaid employment, or which provides additional preparation for a career requiring other than a baccalaureate or advanced degree. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987.)

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 certified 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. 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 day 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. 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; amended, T-88-40, Oct. 27, 1987.)

91-12-24. Approval of homebound and hospital instruction. (a) An individualized education program shall be developed for each student prior to the implementation of homebound or hospital instruction.

(b) The following requirements shall be met in order to receive approval of part-time homebound and hospital instruction:

(1) Local education agencies shall complete, properly sign and submit an application to the state department of education as soon as it is determined through the individualized education program conference that a child is in need of homebound or hospital services.

(2) All homebound and hospital instructional services shall be provided by individuals with a Kansas teaching certificate that is valid at the level of instruction to be provided. Part-time instruction may be provided by teachers certified in the content areas in which the child is enrolled, or by a teacher who

functions as a coordinator between the child and the child's subject area teachers.

(c) The following requirements shall be met in order to receive approval of full-time homebound and hospital instruction:

(1) Local education agencies shall complete and submit a state department of education end-of-month report which identifies specific information regarding individual students receiving homebound and hospital instruction.

(2) Each individual who is reimbursed as a full-time teacher in a homebound or hospital program shall have completed a program which qualifies the individual to be fully certified in at least one of the special education subject areas identified in S.B.R. 91-1-93a(a)(1), and any amendments to that rule and regulation.

(d) Reimbursement for the provision of instruction for any homebound or hospitalized child shall be provided only if the child has been appropriately identified as an exceptional child who is in need of special education services. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987.)

91-12-28. State education agency monitoring of compliance with state and federal requirements. (a) State education agency action based on a complaint of noncompliance.

(1) Any person may file a written, signed complaint alleging that a local education agency is not in compliance with a state or federal law or regulation. The complaint shall state the facts upon which it is based, and shall be filed with the state director of special education, Kansas state department of education. Upon receipt of a complaint, an investigation shall be initiated. At a minimum, this investigation shall include:

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

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

(C) a written report of findings and any corrective action or actions that are required and the time period within which each action is to be taken. This report shall be sent to the complainant and to the local education agency within 30 days of the receipt of the complaint. An on-site investigation may be conducted prior to issuing a report, if such an investigation is determined to be necessary.

(2) If a report requires corrective action by a local education agency, that agency, within 10 days of the date of the report, shall submit to the state director of special education one of the following:

(A) Documentation to verify completion of the corrective action or actions specified in the report;

(B) a written request for an extension of time within which to complete one or more of the corrective ac-

(continued)

tions specified in the report, together with justification for the request; or

(C) a written notice of appeal in regard to the matter. Any such appeal shall be in accordance with subsection (c) of this regulation.

(3) If a local education agency files a request for an extension of time within which to complete one or more corrective actions required in a report, a review committee, of at least three department of education members, shall be appointed by the commissioner to review the request and the offered justification for the extension of time. The review committee shall render a decision in regard to the request within 20 days of the date the request was received. The decision of the review committee shall be final.

(4) If a local education agency fails to respond to a report within the time allowed, the sanctions listed in paragraph (2) of subsection (c) may be invoked.

(5) If a report concludes that the local education agency is in compliance with legal requirements, the complainant may appeal the report in accordance with subsection (c) of this regulation.

(b) Scheduled on-site compliance reviews. The special education administration section periodically shall conduct on-site compliance reviews of each local education agency. If noncompliance is established, the local education agency shall be given a written report specifying the deficiencies found and prescribing a timeline for remedying the deficiencies. This report shall be sent to the local education agency by the special education administration section not more than six weeks after conclusion of the on-site review.

(c) Appeals.

(1) Any local education agency or complainant may appeal any compliance report prepared by the special education administration section by filing a written notice of appeal with the state commissioner of education. The notice shall be filed within 10 calendar days from the date the report was sent by the special education administration section. The notice shall specify, in detail, the basis for alleging that the report is incorrect. Upon receiving an appeal, an appeal committee, of at least three department of education members, shall be appointed by the commissioner to review the report and to consider the information provided by the local education agency, the complainant, or others. The appeal process, including any hearing conducted by the appeal committee, shall be completed within 20 calendar days from the date of receipt of the notice of appeal, and a decision shall be rendered within 10 calendar days after the appeal process is completed unless the appeal committee determines that exceptional circumstances exist with respect to the particular complaint. In such event, the decision shall be rendered as soon as possible.

(2) If an appeal committee affirms a compliance report that requires corrective action by a local education agency, that agency must initiate the required corrective action immediately. If, after 5 days, there has been failure to initiate the required corrective action, the state department of education shall determine, and notify the local education agency of, the

action that will be taken to assure compliance. Such action may include:

(A) The issuance of an accreditation deficiency advisement under S.B.R. 91-31-2;

(B) the withholding of state or federal funds otherwise available to the local education agency; or

(C) any combination of the above actions.

(2) Any local education agency or any complainant may appeal a final determination of the state department of education to the secretary of the U.S. department of education within 30 days of the department's final action. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-40, Oct. 27, 1987.)

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

(1) Procedures shall include:

(A) Mandatory hearing and vision screening;

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

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

(b) Screening; early childhood.

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

(2) At a minimum, early childhood screening procedures shall use developmental or age-appropriate instruments or measures for all of the following:

(A) Hearing screening, including testing of middle ear function and behavioral audiometry;

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

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

(i) communication skills;

(ii) gross and fine motor skills;

(iii) cognition;

(iv) social and emotional adjustment; and

(v) self-help skills.

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

(4) After each early childhood screening, each local education agency shall be responsible for:

(A) Recommending local and statewide resources to the parents and sending records to the recommended resources as appropriate;

(B) keeping records on each child screened; and

(C) sending summary data to the state department of education.

(c) No child enrolled in regular education shall be identified as exceptional until the multidisciplinary team has documented the following:

(1) That the child has been presented with learning experiences which are appropriate for the child's age and ability levels; and

(2) that the child's potential for learning has not been achieved in that regular education environment.

(d) Comprehensive evaluation. Each local education agency shall initiate a comprehensive evaluation whenever screening, referral, or lack of progress indicates that a child may be exceptional. No child shall be placed in special education prior to the completion of this evaluation. The following procedures shall be implemented:

(1) All evaluation procedures shall be nondiscriminatory as prescribed in K.S.A. 72-963.

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

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

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

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

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

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

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

ers, or both. If referral for an additional evaluation by other professionals is not indicated, the comprehensive examination may then be considered to be complete.

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

(8) Each comprehensive evaluation shall be completed within 40 school days following the referral. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1984; amended, T-88-40, Oct. 27.)

91-12-50. Cooperative agreements and interlocal agreements. (a) Each proposed special education cooperative agreement or interlocal agreement providing for special education services shall be approved, if it meets statutory requirements, includes designation of the special education service or services to be provided, and is in proper legal and grammatical form.

(b) Each proposed special education cooperative agreement or interlocal agreement shall be submitted to the state board of education at least 45 days prior to the proposed effective date of the agreement.

(c) Proposed revisions of any special education cooperative agreement or interlocal agreement shall be submitted to the state board of education for approval or disapproval.

(d) The partial or complete termination of any special education cooperative agreement or any interlocal agreement shall be accomplished as prescribed in K.S.A. 1987 Supp. 72-968 or 72-8230, and any amendments to those statutes. (Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended, T-88-40, Oct. 27, 1987.)

91-12-51. Early childhood education for handicapped. (a) Screening and identification. In addition to meeting the requirements of K.A.R. 91-12-40, each local education agency shall:

(1) Afford parents of children age five and under the right to information or training which assists them in participating in the comprehensive evaluation process. Assistance in observation techniques and information regarding the developmental stages of early childhood shall be offered to the parents; and

(2) assure that all personnel who participate in the comprehensive evaluation of any child age five and under have had training or experience in the evaluation of such children.

(continued)

(b) Instructional personnel.

(1) Each teacher of a multi-categorical early childhood handicapped program shall be endorsed for early childhood handicapped.

(2) Each teacher of a categorical early childhood handicapped program shall:

(A) Be endorsed for early childhood handicapped and be provided assistance from appropriately trained categorical teachers or related service personnel, as necessary; or

(B) be endorsed for the category being served and have experience, a practicum, or training with pre-school age children.

(c) Educational settings.

(1) Private center-based programs accepting placements of identified handicapped children age seven and under shall be approved by the state department of education.

(2) Private early childhood education programs or child day care centers that are designed primarily for nonhandicapped children and that accept placements of identified handicapped children age seven and under shall have teachers who are endorsed for early

childhood education. A teacher endorsed for early childhood handicapped education shall act as a consulting teacher to the program.

(d) School year for homebased programs. The school year of 215 hours of direct instruction for homebased or individual programs shall include a minimum of 54 hours of instruction by the professional staff and instructional paraprofessional. No fewer than 13 of the 54 hours shall be directly supervised or provided by the professional staff. Additional hours of individual instruction that are necessary to fulfill the required 215 hours shall be provided through documented implementation of the individualized education program, by a parent, caregiver, professional, or paraprofessional.

(e) Developmentally delayed children age five or under may be served in early childhood programs and may be reported as handicapped children.

(f) Class size and caseload limitations for early childhood handicapped programs are given in Table II. No class size or caseload shall exceed the program's ability to implement the individualized education programs of the children enrolled.

TABLE II
CLASS SIZE AND CASELOAD

CENTERBASED GROUP PROGRAMS

Teacher and Endorsement *	Number of Paraprofessionals	Additional Staff for Severely Handicapped or Children Ages Birth to Three	Maximum Number of Children Per Class	Maximum Caseload of Handicapped Children
Special Classroom				
1 ECH	0	1	4	8
1 ECH	1	1	8	12
1 ECH	1	2	8	16
1 ECH & 1 SE Team	1	1	12	24
Integrated Classroom				
1 ECH	1	1	12 (5 handicapped)	10
1 ECH	2	1	12 (8 handicapped)	16
2 ECH	2	**	18 (12 handicapped)	24
1 ECH & 1 SE Team	2	**	18 (12 handicapped)	24
Regular Classroom				
1 EC and 1 ECH Consultant or 1 SE Consultant	1	1	18 (3 handicapped)	16 16

* Approvable teacher endorsements include Early Childhood (EC), Early Childhood Handicapped (ECH), and other Special Education endorsements (SE). Other special education approvable professionals include FTE speech and language pathologists and therapists, occupational therapists, and physical therapists.

** Not approvable for severely handicapped children or children less than three years old.

HOME-BASED, INDIVIDUAL PROGRAMS:
MAXIMUM CASELOAD FOR EACH EARLY CHILDHOOD HANDICAPPED INSTRUCTIONAL TEAM

ECH Teacher	Additional FTE Related Service Professionals *	FTE Paraprofessionals Assigned to ECH Teacher	Caseload
1	0	0	16
1	0	1	20
1	0	2	24
1	0	3	28
1	1	0	28
1	1	1	32
1	1	2	34
1	1	3	36
1	2	0	38
1	2	1	40
1	2	2	42

* Approvable teacher endorsements include FTE speech and language pathologists and other special education categorical endorsements. Other special education approvable professionals include occupational therapists, physical therapists, and school nurses.

(Authorized by and implementing K.S.A. 72-963; effective May 1, 1983; amended May 1, 1985; amended May 1, 1986; amended, T-88-40, Oct. 27, 1987.)

91-12-72. Guidelines for appointment of educational advocates. (a) An educational advocate shall be appointed for a child who is in the custody of the secretary of social and rehabilitation services pursuant to K.S.A. 38-1501 *et seq.* and who appears to be exceptional if:

(1) The parental rights of the parents of the child have been terminated; or

(2) the child's lawful custodian is unknown or unavailable.

(b) The secretary of social and rehabilitation services, within two working days from the date of making a determination under subsection (a), shall notify the director of the special education administration section of the state department of education, and the school district in which the child is residing that the child is in need of an educational advocate.

(c) Each educational advocate shall meet the qualifications prescribed in K.A.R. 91-12-71. In appointing each educational advocate, the following rules shall be observed:

(1) If a child is in a state institution, the appointed educational advocate shall not be a social and rehabilitation services employee;

(2) if a child is in a permanent foster care placement, the educational advocate may be the foster care provider;

(3) if a child is in a constant foster care placement and is expected to remain in that placement for one year, the educational advocate may be the foster care provider; and

(4) if a child is not in a state institution, the educational advocate may be a social and rehabilitation services social worker. (Authorized by and implementing K.S.A. 72-963c, as amended by 1987 H.B. 2420, sec. 3; effective, T-86-41, Dec. 11, 1985; effective May 1, 1986; amended, T-88-40, Oct. 27, 1987.)

DR. LEE DROEGEMUELLER
Commissioner of Education

State of Kansas

BOARD OF MORTUARY ARTS

TEMPORARY ADMINISTRATIVE REGULATIONS

Article 1.—EMBALMING; CONTINUING EDUCATION OF EMBALMERS AND FUNERAL DIRECTORS

63-1-3. Registration and apprenticeship. (a) Each person desiring to enter the practice of embalming dead human bodies within the state of Kansas shall apply to the board for a "certificate of registration," no later than 30 days before the examination date. Application forms provided by the board shall be used. This application shall be accompanied by:

(1) official transcripts of accredited institutions of higher learning showing the applicant has met the educational requirements or the equivalent of K.S.A. 65-1701a; and

(2) statements that the school, institute, community college, or university where the applicant completed education meets the following qualifications:

(A) The school, institute, community college, college, or university is accredited by the north central association of the secondary schools, colleges, and universities or another such regional association; and

(B) the school, institute, community college, college, or university is accredited by the American board of funeral service education or by any agency recognized by the United States commissioner of education as the proper agency for the accrediting of these schools.

(b) When an applicant has successfully completed the educational requirements stated in K.S.A. 65-1701a, the applicant shall file the college or the university transcript and the prescribed fee with the board. Upon receiving a "certificate of completion" or the degree offered by the school, the applicant shall be eligible to apply to take the embalmer's examination given by this board.

(c) When the student enrolls in an approved school of mortuary science offering only mortuary science courses, the student shall complete 60 hours in an accredited college or university. The student shall obtain a minimum of 30 hours of mortuary science courses before being eligible to apply to take the embalmer's examination given by this board.

(d) Upon passing the examination, the applicant shall be registered under a Kansas licensed embalmer for an embalmer apprenticeship. The licensee under whom the apprentice is registered shall file quarterly reports of progress with the board. Upon successful completion of the apprenticeship, an embalmer's license shall be issued by the board upon payment of the pro-rated biennial fee.

(e) All transcripts and other records filed with the board shall become part of the board's permanent files and records.

(f) If the applicant does not take the examination within two years from the date of first registration, that

(continued)

registration shall automatically be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant desires to re-register, the applicant shall make a new application for registration and shall comply with the requirements of the board.

(g) If an apprentice embalmer fails to complete the apprenticeship within two years following the successful completion of the examination, the apprenticeship shall be canceled. Time served in the armed forces shall not be counted in computing this period. If the applicant later desires to complete the apprenticeship, the applicant shall first retake and pass the embalmer's examination.

(h) Each applicant who passes the examination shall receive credit toward the apprenticeship for time spent in the armed forces if the applicant's primary duties were preparation of, and caring for, dead human bodies under the supervision of persons holding a valid embalmer's license in any state. The supervising licensee shall certify as to the duties of the applicant. (Authorized by K.S.A. 44-534, K.S.A. 44-573; implementing K.S.A. 65-1702, K.S.A. 65-1701a, 65-1727; effective Jan. 1, 1966; amended Jan. 1, 1967; amended Jan. 1, 1969; amended Jan. 1, 1974; amended, E-76-14, Feb. 28, 1975; amended May 1, 1976; amended May 1, 1978; amended May 1, 1982; amended May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Oct. 27, 1987.)

63-1-7. (Authorized by and implementing K.S.A. 65-1711a; effective Jan. 1, 1966; amended Jan. 1, 1974; modified, L. 1978, ch. 465, May 1, 1978; amended May 1, 1987; revoked, T-88-43, Oct. 27, 1987.)

Article 2.—FUNERAL DIRECTING

63-2-8. (Authorized by K.S.A. 74-1704; implementing K.S.A. 65-1722; effective Jan. 1, 1966; amended May 1, 1978; amended May 1, 1987; revoked, T-88-43, Oct. 27, 1987.)

Article 3.—PREPARATION AND TRANSPORTATION OF BODIES; BURIAL IN MAUSOLEUMS; FUNERAL ESTABLISHMENTS

63-3-13. Disinterred. The transportation of disinterred remains by common carrier or by private conveyance is subject to the same rules as for any dead human body. (Authorized by K.S.A. 74-1704; effective Jan. 1, 1969; amended May 1, 1978; amended, T-88-43, Oct. 27, 1987.)

Article 4.—FEES

63-4-1. Payment of fees. (a) The following fees shall be charged by the Kansas state board of mortuary arts:

Embalmer's examination fee	\$125.00
Embalmer's reciprocity application fee	\$200.00
Embalmer's biennial license & renewal fee	\$ 72.00
Apprentice embalmer's registration fee	\$ 50.00
Funeral director's examination fee	\$100.00
Funeral director's reciprocity application fee	\$200.00
Funeral director's biennial license & renewal fee	\$144.00
Assistant funeral director's application fee	\$ 50.00
Assistant funeral director's biennial license & renewal fee	\$ 96.00
Funeral establishment and branch establishment biennial license & renewal fee	\$300.00

(b) This regulation shall be effective on and after January 1, 1988. (Authorized by and implementing K.S.A. 65-1727; effective May 1, 1983; amended May 1, 1986; amended May 1, 1987; amended, T-88-43, Oct. 27, 1987.)

Article 5.—ADMINISTRATIVE HEARINGS AND DISCIPLINARY ACTIONS

63-5-1. Adverse license action; definitions. "Unprofessional or dishonorable" as used in section 1, subsection (2) of H.B. 2135 of the 1987 legislative session, is hereby defined to include the following:

(a) Misrepresentation or fraud in the conduct of the licensee's business;

(b) refusal or neglect to promptly obtain, complete and file death certificates or out of state transportation permits;

(c) refusal or neglect to file monthly reports of bodies prepared for burial;

(d) abuse or disrespect in the handling of a dead human body;

(e) interference with or obstructing the performance of the contractual duties or services between the licensee and the next of kin or a legal representative of any deceased person;

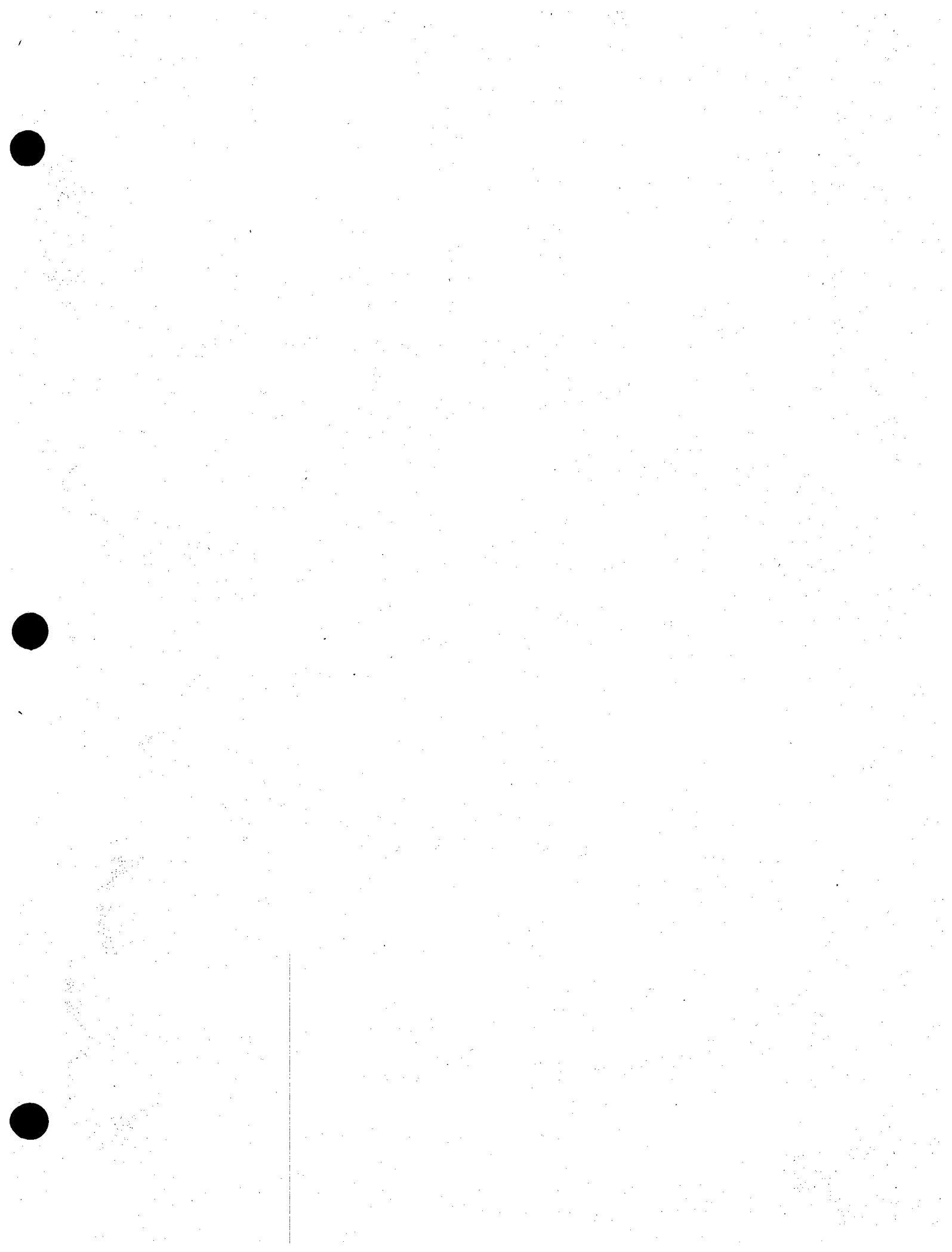
(f) requiring the purchase of a casket as a condition to providing funeral services when the dead body is cremated, unless otherwise required by law; and

(g) disclosure of the confidences and secrets of the domestic life of any family served.

The provisions above set forth shall be in addition to those contained in the laws and other rules and regulations of this board. (Authorized by K.S.A. 74-1704 and implementing 1987 HB 2135; effective, T-88-43, Oct. 27, 1987.)

DOUGLAS "MACK" SMITH
Executive Secretary

Doc. No. 006026



KANSAS REGISTER
Secretary of State
2nd Floor, State Capitol
Topeka, KS 66612-1594

Second Class
postage paid
at
Topeka, Kansas

**Use this form (or a copy of it) to enter a
SUBSCRIPTION**

_____ One-year subscriptions @ \$55 ea.

Total Enclosed _____
(Make checks payable to Kansas Register)

SEND TO: _____
(Please, no
more than
4 address
lines.) _____

Zip code must be included

This space for Register office
use only, please

Code _____	Rec. No. _____
Expires _____	Entered By _____

Mail order, with payment, to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594

**Use this form (or a copy of it) for
CHANGE OF ADDRESS**

Remove your mailing label (above) and affix it here:

Indicate change or correction of name or address
here:

Mail to: Kansas Register, Secretary of State, State Capitol, Topeka, KS 66612-1594